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Bears Ears National Monument
Monument Management Plan
Scoping Comments
October 2022

These comments are submitted on behalf of Grand Canyon Trust, Southern Utah Wilderness Alliance, The Wilderness Society, Western Watersheds Project, National Parks Conservation Association, Center for Biological Diversity, Conservation Lands Foundation, WildEarth Guardians, The Coalition to Protect America’s National Parks, and the Natural Resources Defense Council. We appreciate the opportunity to provide input for the Bears Ears National Monument Management Plan.

At the end of each of our narrative comments on categories from the Analysis of the Management Situation (AMS) we have included proposed alternative components for that category. We submit these components, which are in addition to the components in the Bears Ears Inter-Tribal Coalition: Collaborative Land Management Plan for the Bears Ears National Monument, to be considered in BLM’s analysis of alternatives. These recommendations are legal, reasonable, and fall within the scope of the Monument Management Plan.

The Grand Canyon Trust is a 501(c)(3) regional non-profit conservation organization whose mission is to safeguard the wonders of the Grand Canyon and the Colorado Plateau, while supporting the rights of its Native peoples. We envision a Colorado Plateau where wildness, a diversity of native plants and animals, clean air, and flowing rivers abound; where sovereign Tribal nations thrive; where a livable climate endures; and where people passionately work to protect the region they love for future generations.

The Southern Utah Wilderness Alliance (SUWA) is a non-profit environmental membership organization with members in all fifty states and offices in Washington, D.C. and Utah. SUWA is dedicated to the sensible management of all federal public lands within the State of Utah, including the preservation and protection of plant and animal species, the protection of clean air and water, the preservation and protection of cultural and archaeological resources, and the permanent preservation of Utah’s remaining wilderness quality lands. SUWA staff and
members actively supported both President Obama’s and President Biden’s exercise of their authority under the Antiquities Act to designate the Bears Ears National Monument and preserve the objects and values identified in both Proclamations. SUWA staff and members have worked for decades to obtain permanent, heightened protection for the Bears Ears area.

The mission of the National Parks Conservation Association 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 field office in Salt Lake City, Utah. NPCA represents over 1.6 million members and supporters who care deeply about America’s shared natural and cultural heritage preserved by the National Park System.

The Wilderness Society is dedicated to uniting people to protect America’s wild places. We see a future where people and wild nature flourish together, meeting the challenges of a rapidly changing planet. To accomplish that vision, we work to ensure that public lands are a solution to the climate and extinction crises and that all people benefit equitably from public lands. We focus our work in landscapes across the country that we have identified as the most biologically rich, large-scale landscapes to protect and connect, working in partnership with communities, tribes, state and federal agencies, conservation organizations, and many others to advance habitat conservation, connectivity, ecological resilience, and equitable access to nature.

Western Watershed Project is a west-wide non-profit 501(c)(3) membership organization dedicated to protecting and conserving the public lands and natural resources of watersheds in the American West. WWP has over 11,000 members and supporters, including members who live in Utah. WWP is active in seeking to protect and improve the riparian areas, water quality, fisheries, wildlife, and other natural resources and ecological values of western watersheds. To do so, WWP actively participates in agency decision-making concerning Forest Service and BLM lands throughout the West, and the Forest Service and BLM’s management of livestock grazing in Idaho, Nevada, Utah, Colorado, Arizona, Montana, California, Oregon, and Wyoming.

The Conservation Lands Foundation (CLF) is a 501(c)(3) non-profit organization that promotes environmental conservancy through support of the National Conservation Lands and preservation of the outstanding historic, cultural, and natural resources of those public lands. CLF works to protect, restore, and expand the National Conservation Lands through education, advocacy, and partnerships. CLF achieves its mission by working with and supporting the Friends Grassroots Network (FGN). The FGN consists of over 80 organizations located in 13 states, including Utah, to foster and implement a national strategy to promote the protection of the National Conservation Lands.

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.7 million members and online activists dedicated to the protection of endangered species and wild places.
The **Coalition to Protect America’s National Parks** represents over 2,200 current, former, and retired employees and volunteers of the National Park Service, with over 45,000 collective years of stewardship of America’s most precious natural and cultural resources. Our membership includes former National Park Service directors, deputy directors, regional directors, and park superintendents. Recognized as the Voices of Experience, the Coalition educates, speaks, and acts for the preservation and protection of the National Park System, and mission-related programs of the National Park Service.

**WildEarth Guardians** is a registered 501(c)(3) non-profit organization, incorporated in New Mexico, dedicated to protecting and restoring the wildlife, wild places, wild rivers, and health of the American West. The organization regularly participates in federal public lands management agencies’ decision-making to advance its mission. WildEarth Guardians has more than 168,000 members and supporters, including many who visit public lands in Utah for recreational and professional pursuits.

The **Natural Resources Defense Council, Inc.** (NRDC) is a non-profit environmental membership organization with hundreds of thousands of members nationwide. Part of NRDC’s core mission is to preserve the earth’s wild places and wildlife, to safeguard the integrity of undeveloped lands, and to prevent the destructive impacts of extractive industry exploration and development on public lands. NRDC uses the power of law, science and people to further its mission. NRDC has a longstanding commitment to the protection of federal public lands in Utah and was actively involved in advocating for the designation of the Bears Ears National Monument.

### I. HISTORY

In 2015, the sovereign governments of the Hopi, Zuni, Ute, Ute Mountain Ute, and Navajo nations formed the Bears Ears Inter-Tribal Coalition (BEITC). Together, the Inter-Tribal Coalition sought added protection for the already public lands of the Bears Ears region by requesting a Bears Ears National Monument. For the first time in the 110-year history of the Antiquities Act, the act was used to honor a request from Tribal nations to protect their sacred sites and cultural heritage, preserving a cultural landscape and legacy matched almost nowhere else in America.

On December 28, 2016, President Barack Obama signed Presidential Proclamation 9558 after the Hopi Tribe, Navajo Nation, Ute Indian Tribe of the Uintah and Ouray Reservation, Ute Mountain Ute Tribe, and the Zuni Tribe united in a common vision to protect these sacred lands and requested permanent protection of the area. Presidential Proclamation 9558 established the Bears Ears National Monument (BENM or Bears Ears) and emphasized the compelling need to protect one of the most extraordinary cultural landscapes in the United States. The Proclamation describes the landscape’s unique density of significant cultural, historical, and archaeological artifacts that reflect human history spanning thousands of years as well as its unique geology, biology, ecology, paleontology, and topography. On December 4, 2017,
President Donald Trump signed Presidential Proclamation 9681\(^1\), which reduced the Monument boundaries by more than 1.1 million acres. In doing so, this Proclamation removed protection from objects of historic and scientific interest across the Bears Ears landscape, including some objects that Presidential Proclamation 9558 specifically identified by name for protection. Multiple parties challenged Presidential Proclamation 9681 in federal court, asserting that it exceeds the president’s authority under the Antiquities Act. On October 8, 2021, President Joseph Biden signed Presidential Proclamation 10285, which restored the Monument boundaries and conditions that existed prior to December 4, 2017, and retained approximately 11,200 acres that were added to the Monument by Proclamation 9681 (AMS, p. 2-1).

II. **“MONUMENT MANAGEMENT PLAN” vs. “RESOURCE MANAGEMENT PLAN”**

The Bears Ears’ new Monument Management Plan (MMP) should not be referred to as a “Resource Management Plan” (RMP). The two terms are not interchangeable, and using the correct term is important because it helps ensure that Monument lands are not treated or viewed as multiple-use lands and avoids confusion amongst stakeholders and the general public. As discussed below, the National Landscape Conservation System (NLCS), which includes all national monuments, was established to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations. 16 U.S.C. § 7202(a). BLM’s National Landscape Conservation System Manual states in its objectives that: “As required under the Omnibus Act of 2009, the BLM will manage NLCS units to ‘conserve, protect, and restore nationally significant landscapes M- 6100, 1.6(A)(2012). BLM is required to manage the NLCS in a manner that protects the values for which the components of the system were designated.

Numerous documents already released refer to a “monument management plan” for Bears Ears, not a “resource management plan.” The 2020 management plans for the unlawfully reduced Indian Creek and Shash Jáa [sic] units were called “monument management plans.”\(^2\) Guidance on the Interim Management of the Bears Ears National Monument issued on

\(^1\) As a preliminary matter, the undersigned groups are not acquiescing to Proclamation No. 9681, which we maintain is illegal. We make no admissions with regard to this proclamation, waive no litigation rights, nor otherwise waive any rights or privileges. Discussing this proclamation and the practical effect it had on management of Bears Ears National Monument is critical to exercising our right to participate in the public planning process.

December 16, 2021 makes 22 references to a “monument management plan” for Bears Ears, most explicitly directing BLM “to begin preparing a monument management plan...”

The June 18, 2022, inter-governmental cooperative agreement signed by the BLM, USDA Forest Service, and the five Tribal Nations of the Bears Ears Commission makes five references to a “monument management plan.” Even the Federal Register notice for this planning project references a “monument management plan” rather than a “resource management plan.”

The problem with using the terms MMP and RMP interchangeably is demonstrated by the following statement on the BLM Utah Bears Ears National Monument webpage, “Bears Ears National Monument truly embodies the Bureau of Land Management’s multiple-use mission.” The linked page on BLM’s multiple-use mission lists “energy development,” and “maximiz[ing] opportunities for commercial ... activities...” as components of multiple-use. The statement characterizing Bears Ears as an embodiment of BLM’s multiple-use mission fundamentally misstates Proclamation 10285, and the vision and intent of BENM.

Finally, the plan for BENM is not about managing “resources” as the name “Resource Management Plan” implies. “Resources” and “uses” are subservient to the protection of Monument objects and values in this Monument and on all NLCS lands. Bears Ears requires a Monument Management Plan, not a Resource Management Plan.

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III. LEGAL AND POLICY FRAMEWORK FOR MONUMENT PLANNING

Summary: Proclamations 10285 and 9558, the National Lands System Conservation Act, the Bears Ears Inter-Tribal Coalition Plan, FLPMA, and BLM and Forest Service Guidance all direct that Monument lands are not subject to multiple-use mandates, and that MMPs must prioritize protection of Monument objects and values and allow discretionary uses only if and to the extent that they are compatible with their protection.

A. Proclamation 10285 and Proclamation 9558

In accordance with Proclamation 10285, BLM and Forest Service must manage the Monument for the protection and preservation of Monument objects and values, and only allow uses other than those needed to protect Monument objects and values when those uses do not conflict with the directives of the Proclamations. “For purposes of protecting and restoring the objects identified above and in Proclamation 9558, the Secretaries shall jointly prepare and maintain a new management plan for the entire monument and shall promulgate such regulations for its management as they deem appropriate.” Proclamation 10285. Accordingly, the standard approach of multiple-use management does not apply, and any effort to adopt such a management approach to the detriment of the objects and values for which the Monument was designated violates Proclamation 10285.

The Antiquities Act mandates prioritizing the protection of Monument objects and values over discretionary uses, such as rights-of-way development and vegetation management. Monument proclamations have the force of law and, accordingly, the relevant agencies must manage these lands for the protection of Monument objects. In regard to the Upper Missouri River Breaks National Monument in Montana, the U.S. Ninth Circuit Court of Appeals found “[t]he national monument designation changed the status quo for the Upper Missouri River Breaks area, elevating protection of the ‘biological, geological, and historical objects of interest.’” Montana Wilderness Association v. Connell, 725 F.3d 988, 1011 (9th Cir. 2013). In another case involving the same Monument, the Ninth Circuit held that “[t]he Proclamation changed the legal landscape [for the Monument] and BLM must consider this change in determining the reasonable range of alternatives that should be carefully analyzed . . .. BLM must consider both the terms of the Proclamation and the objects of the Proclamation to be preserved before taking actions that can affect Monument objects.” Western Watersheds Project v. Abbey, 719 F.3d 1035, 1053 (9th Cir. 2013).

B. Federal Land Policy and Management Act

The Federal Land Policy and Management Act (FLPMA) requires BLM to manage public lands under multiple-use principles unless an area has been designated by law for specific uses, in which case BLM must manage the land for those specific uses. 43 U.S.C. § 1732(a). In other words, BLM must manage national monuments not under the baseline FLPMA multiple-use
mandate, but rather under the more protective and more specific language of the Proclamation establishing the monument. This is expressly provided for in FLPMA itself:

The Secretary shall manage the public lands under the principles of multiple-use and sustained yield, in accordance with the land use plans developed by him under section 1712 of this title when they are available, except that where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law. FLPMA, 43 U.S.C. § 1732(a).

The Monument was designated with the explicit purpose of protecting and preserving the historic, prehistoric, and scientific resources throughout the landscape. Accordingly, the standard approach to multiple-use management does not apply to the Monument, and any effort to adopt such a management approach to the detriment of the objects for which it was designated would be in violation of the Proclamations and the mandates of FLPMA and the Omnibus Public Lands Management Act of 2009.

C. National Landscape Conservation System

The Monument is also part of the National Landscape Conservation System (NLCS), which was established by Congress in the Omnibus Public Land Management Act of 2009. 16 U.S.C. § 7202(b). Proclamation 10285 specifically provides that the portion of the Monument managed by BLM is to be managed as a unit of the National Landscape Conservation System. The NLCS was established “to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.” 16 U.S.C. § 7202. BLM’s guidance documents reaffirm that BLM shall manage the components of the NLCS to protect the values for which they were designated, including, where appropriate, prohibiting uses that conflict with those values. BLM National Landscape Conservation System Management Manual, M-6100 (2012); BLM National Monuments, National Conservation Areas, and Similar Designations Manual, M-6220 (2017).

Any activity within the Monument needs to be designed to ensure that Monument objects are not harmed, degraded, or impaired by such activity. The National Monuments, National Conservation Areas, and Similar Designations Compatibility Analysis Framework provides a framework to assess uses within monuments and determine if a use is compatible with providing protection of the Monument values and objects. Such assessments should be incorporated into the NEPA analysis for BENM, and discretionary uses (uses not required by law) should only be allowed if compatible. “Through the NEPA process, the manager with decision-making authority for a Monument or NCA will evaluate discretionary uses and will analyze whether the impacts of the proposed use in the Monument or NCA or similarly designated area are consistent with the protection of the area’s objects and values.” BLM National Monuments, National Conservation Areas, and Similar Designations, M-6220, 1.6 (2017). Accordingly, in developing alternatives BLM must assess if discretionary activities that would be permitted under each alternative would harm Monument objects or values.
D. Land Management Planning Guidance

1. BLM Guidance

BLM National Monuments, National Conservation Areas, and Similar Designations Manual, M-6220, 1.6(D), specifically provides that upon the designation of a new monument, BLM must, in pertinent part:

- Review policies and governing RMPs for consistency with the designating legislation or proclamation.
- Subject to valid existing rights, and in accordance with applicable law and regulation, consider suspending or modifying discretionary uses and activities incompatible with the designating legislation or proclamation pending completion or amendment of a land use plan; and
- Initiate inventories of the objects and values for which the Monument or National Conservation Area (NCA) was designated.

Additionally, BLM Manual 6220 states that BLM monument management plans must:

- Clearly identify Monument and NCA objects and values as described in the designating proclamation or legislation; where objects and values are described in the designating legislation or proclamation only in broad categories (e.g., scenic, ecological, etc.), identify the specific resources within the designating area that fall into those categories.
- Identify specific and measurable goals and objectives for each object and value, as well as generally for the Monument or NCA.
- Identify management actions, allowable uses, restrictions, management actions regarding any valid existing rights, and mitigation measures to ensure that the objects and values are protected.
- Provide, to the extent possible, a thorough quantitative analysis of the effects of all plan alternatives on the objects and values.
- Where a thorough quantitative analysis is not possible, provide a detailed qualitative analysis of the effects of all plan alternatives on the objects and values; and
- Consider designating Monuments and NCAs as right-of-way (ROW) exclusion or avoidance areas.

In short, MMPs must analyze and consider measures to ensure that objects and values are conserved, protected, and restored and include specific and measurable goals and objectives for each object and value and generally for the Monument or NCA, as well as management actions. BLM National Monuments, National Conservation Areas, and Similar Designations, M-6220 (2017); BLM Land Use Planning Handbook, H-1601-1 (2005).
2. Forest Service Guidance

The Forest Service guidance also directs that management of national monuments be done in accordance with the Antiquities Act and the monument proclamation and that discretionary uses inconsistent with the purposes for which a monument was designated are prohibited. “The Responsible Official shall include plan components that will provide for appropriate management of designated areas based on the applicable authorities and the specific purposes for which each area was designated or recommended for designation. Uses and management activities are allowed in designated areas to the extent that they are in harmony with the purpose for which the area was designated.” Forest Service Land Management Planning Handbook, FSH 1909.12, 24.2(1)(b)(2015).

IV. TRIBAL COLLABORATIVE MANAGEMENT AND BEARS EARS INTER-TRIBAL COALITION LAND MANAGEMENT PLAN

Summary: Proclamations 10285 and 9558 specifically recognize the important historical and ongoing connection between Tribal communities and the landscapes of Bears Ears. The Proclamations, SO 3403, the Inter-Governmental Cooperative Agreement, and Permanent Instruction Memorandum No. 2022-011 all require the Agencies to collaborate with tribes in development of the management plan and incorporate Tribal management recommendations.

A. Bears Ears Inter-Tribal Coalition Management Plan

Both law and policy require the Agencies to utilize and integrate Tribal feedback, including the Bears Ears Inter-Tribal Coalition Land Management Plan (BEITC Plan)\(^8\) in developing the final Monument management plan. Proclamation 10285 provides that, “a Bears Ears Commission (Commission) is reestablished in accordance with the terms, conditions, and obligations set forth in Proclamation 9558.” Proclamation 9558 provides that:

In developing or revising the management plan, the Secretaries shall carefully and fully consider integrating the traditional and historical knowledge and special expertise of the Commission or comparable entity. If the Secretaries decide not to incorporate specific recommendations submitted to them in writing by the Commission or comparable entity, they will provide the Commission or comparable entity with a written explanation of their reasoning. The management plan shall also set forth parameters for

continued meaningful engagement with the Commission or comparable entity in implementation of the management plan.

The BEITC Plan was officially released on August 31, 2022. The product of over two years of labor by Indigenous knowledge holders, archaeologists, elected leaders, Tribal Historic Preservation Office staff, and other subject-matter experts from each of the five tribes, the plan synthesizes Tribal perspectives on how Bears Ears should be managed. Employing an Earth-to-Sky concept (recognizing the Bears Ears cultural landscape as a holistic and interconnected ecosystem), the plan ensures that everything in the landscape is protected—sacred cultural sites, ancestral objects, plants, animals, streams, springs and rivers, diverse living landscapes, cryptobiotic soils, and the clear sky.

The BEITC Plan breaks new ground for public lands management, “emphasiz[ing] a holistic approach to all resources that gives primacy to Indigenous Knowledge and perspectives on the stewardship of the Bears Ears landscape.” Encompassing planning, implementation and ongoing management, the plan speaks to “Collaboration between Tribal Nations and Federal agencies is seen as the foundation for both planning and implementation of day-to-day management decisions with the common goal of long-term, sustainable management of the Bears Ears landscape.” Rather than being static, “[the] plan is intended to be a living document that will be added to and evolve as different needs on the landscape arise.”

Speaking to a holistic approach that is reflected in both President Obama’s and President Biden’s proclamations, Bears Ears is much more than just Monument “objects” and natural “resources.” According to the BEITC Plan, “Cultural resources and natural resources are not two different categories in Native life” (p. 1). The Agencies’ plan for Bears Ears must reflect this understanding—the Agencies are not just managing people and uses and land and resources and objects, but how all these elements within and throughout the Bears Ears cultural landscape interact. Fundamentally, the BEITC Plan (and by extension, the Bears Ears MMP) is about a perspective shift, envisioning the potential to honor not just the land and ecological knowledge, but myriad forms of Indigenous Traditional Knowledge. This Monument Management Planning process represents a long-overdue opportunity for better shared governance on federal public lands - and an opportunity to demonstrate true and active cooperation between Agencies and tribes in novel, exciting, and groundbreaking ways.

Finally, the BEITC Plan must be incorporated into all alternatives. Failure to consider the BEITC Plan in development of all alternatives violates both the spirit and the requirements of the Proclamations 9558 and 10285 as well as the Cooperative Agreement. If the Agencies reject any of the BEITC management prescriptions or other recommendations in the BEITC Plan, it must provide a written explanation of their reasoning.
B. Joint Secretarial Order 3403

Joint Secretarial Order 3403 requires that the Agencies “make agreements with Indian Tribes to collaborate in the co-stewardship of Federal lands and waters…”\(^9\) The SO also requires that when considering management actions, land managers must engage tribes “at the earliest phases of planning.” The SO seems to speak directly to Bears Ears, saying “for landscape- or watershed-scale restoration and conservation planning, [federal land managers] will ... incorporate Tribal ... land management plans into Federal land management planning efforts.”\(^10\)

Through this document, the Agencies have set policy requiring that the BEITC Plan be incorporated in planning and adopted to the extent possible in the Bears Ears MMP.

C. The Cooperative Agreement

The June 18, 2022, Inter-Governmental Cooperative Agreement between the Tribal Nations and the Agencies represents a true step forward for shared governance at Bears Ears.

This landmark agreement means that tribes will provide input, Indigenous science, and traditional knowledge from the very beginning of the planning process. In addition to outlining how tribes and federal officials will jointly manage the Monument, the agreement lays out a plan for ongoing dialogue, knowledge-sharing, and learning. It makes space to engage Tribal youth in culture and traditions, repatriate cultural resources removed from Bears Ears, and raise issues identified by other tribes with interests in the cultural landscape that are not a part of the Bears Ears Commission.

Interior Secretary Deb Haaland tweeted, "I am so proud we have the opportunity to co-manage this monument together. This agreement is what true Tribal co-management should look like: sharing in the decisions and management plan with federal investments to supplement efforts. This is one step in how we honor our nation-to-nation relationships with tribes."\(^11\)

The agreement builds on not only the original collaborative vision for Bears Ears outlined in President Obama’s proclamation, but on President Biden’s new proclamation and policies (like Joint SO 3403) meant to enhance Tribal engagement in the stewardship of public lands. The Agencies must do their best to honor the spirit and the terms of this agreement in planning and management which will require dedication of resources, time, and continuing collaboration.

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\(^10\) Id.

D. Permanent Instruction Memorandum No. 2022-011

Released on September 13, 2022, the Permanent Instruction Memorandum No. 2022-011 on Co-Stewardship with Federally Recognized Indian and Alaska Native Tribes provides direction for implementing Joint SO 3403. In Land Use Planning, “BLM can incorporate Tribal priorities into the designation and management of resource management areas. BLM can also commit in a land use plan to prioritize agency actions (such as habitat restoration projects) that are proposed by tribes, and to make decisions related to such actions through co-stewardship arrangements.”12 In implementation decisions, “Tribes can participate in activity-level implementation decisions, which provide guidance for subsequent decisions within a particular resource or geographic area, and in project-specific implementation decisions, such as whether or not to undertake discrete projects,” and “project approvals may be made contingent on Tribal consent as long as there is a reasonable connection between the Tribe’s jurisdiction and the BLM’s decision...”13 In the case of Bears Ears, PIM 2022-011 gives the tribes an important role when it comes to plan implementation, and the Agencies must honor this principle.

V. PRELIMINARY ALTERNATIVES

Summary: All alternatives must protect Monument objects and values and be developed based on Tribal input and collaboration to be viable. We have significant concerns that alternatives relying on earlier management plans do not meet these requirements.

We recognize that the AMS merely identifies “Preliminary Alternative Concepts,” and that they are likely to change significantly based on Tribal input and scoping comments. While there are components of the proposed action alternatives B and C that may be incorporated into alternatives in the Draft EIS, there are significant components that must be removed or changed.

In particular we have concerns with Alternatives B and C’s reliance on previous management plans (2020 BENM MMPs, 2008 Monticello RMP, 2008 Moab RMP, and the 1986 Manti La Sal LRMP). These previous management plans do not prioritize protecting the Monument objects and values identified in Proclamations 10285 and 9558, and the BEITC Plan. Indeed, management of the Bears Ears landscape pursuant to these previous management plans has resulted in a proliferation of incongruent uses resulting in unacceptable impacts to Monument objects and values.

The BEITC Coalition opposed the 2017 reduction of the Monument and did not advise the Agencies on the 2020 MMPs. Further, these plans were developed prior to the release of the

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13 Id.
BEITC Plan and did not involve collaboration with the tribes as required by Proclamations 10285 and 9558. Before components of the earlier plans may be incorporated into the new MMP, the Agencies must determine that they comply with the Proclamations and the BEITC Plan.

For example, “Alternative B would apply more prescriptive management direction for recreational uses in the Monument, while managing other uses in a manner more similar to the 2020 BENM MMPs [emphasis added]” (AMS, p. 7-4). The management directions in the 2020 BENM MMPs were developed pursuant to Proclamation 9681 and prior to release of the BEITC Plan. Further, the 2020 BENM MMPs were based on a reduced Monument roughly half of the current Monument’s size, and therefore were not designed to protect all the objects and values put forth in Proclamations 10285 and 9558. Finally, the management direction in Proclamation 9681 is significantly different from the management direction in Proclamations 10285.

In Alternative C, we are concerned with BLM’s proposal to rely on the management zones in the 2020 BENM MMPs, 2008 Monticello RMP, 2008 Moab RMP, and the 1986 Manti La Sal LRMP (AMS, p. 7-4). The management zones established in these plans were developed prior to Proclamations 10285 and 9558 and the release of the BEITC Plan, were not designed to protect all the objects and values put forth in those Proclamations, and their management directions may not comply with management direction in the Proclamations and the BEITC Plan. Further, those plans are focused on managing the area for multiple uses including recreation, grazing, mineral extraction, and other discretionary uses, rather than protection of Monument objects and values.

VI. TERRESTRIAL HABITAT, VEGETATION RESILIENCE & CONSERVATION

Summary: Vegetation is an actual Monument object as well as a support to other objects and values such as wildlife and ecological processes. There are numerous rare and endemic species that are important and need protection. The plants of this region hold great significance to Indigenous peoples who have used them for millennia and continue to rely on them. The beauty and tenacity of the plants, whether majestic ponderosa, gnarled junipers or delicate wildflowers, is inspiring. There are ongoing threats to the native vegetation of the region including overgrazing, motorized vehicles, climate change, invasive species, recreation and vegetation alteration projects. These threats have led to declines in native species and increases in non-native species. Good management will include a greater focus on conservation, and appreciation and recovery of the rich botanical diversity of the area.

A. Rare, ESA-listed, and Special Status Plants

Proclamation 10285 notes that there are “rare and important plant and animal species” and a “variety of threatened, endangered, sensitive, endemic, or otherwise rare species of wildlife, fish, and plants” in the Monument. Proclamation 9558 mentions three federally listed (threatened) rare plants: Navajo sedge (also listed in Proclamation 10285), Jones Cycladenia,
and Ute ladies’-tresses. Those three species and 14 others are listed in the AMS (Table 6.1-8) as Special Status Species that occur or have the potential to occur in the Monument. We are concerned about an additional 68 plant species that are rare or endemic to the Bears Ears region based on a report by the Utah Native Plant Society.\textsuperscript{14} All of those rare plants discussed in this section are listed in Appendix A, Table 1.

Proclamation 9558 describes some of the rare and endemic plants:

A few populations of the rare Kachina daisy, endemic to the Colorado Plateau, hide in shaded seeps and alcoves of the area’s canyons. A genetically distinct population of Kachina daisy was also found on Elk Ridge. The alcove columbine and cave primrose, also regionally endemic, grow in seeps and hanging gardens in the Bears Ears landscape.

There are also particular habitats that support a number of rare plants such as hanging gardens, riparian areas, and mesa tops with difficult access and unusual geology and soil types. It is important to identify those areas, conduct plant surveys, and minimize human disturbance.

\textbf{B. Cultural Importance of Plants}

Plants of the Bears Ears region are very important to Indigenous people and have been used for millennia. Proclamation 10285 lists certain species as objects, plants probably cultivated by Ancestral Puebloans including Four Corners potato, goosefoot, wolfberry, and sumac. There are many other culturally important plants for tribes that should be recognized, appreciated and protected. Proclamation 10285 describes the cultural importance of “gathering roots, berries, firewood, piñon nuts, weaving materials, and medicines.” These are activities that continue to be done by Indigenous communities. Beyond their utility as food, medicine, shelter, dyes, fibers, oils, resins, gums, soaps, waxes, latex, tannins, plants serve other important spiritual and cultural functions.

Hence, it is critical to consider plants not just as resources to be managed, but as a critical component of the natural, cultural, and spiritual landscape. Most, if not all, of these concepts about Indigenous botanical knowledge are presented in the BEITC Plan. p. 14.

\textbf{C. Vegetation Treatment Projects}

Vegetation treatments are intended to address resource problems, but too often this objective is achieved only temporarily or not at all. Most projects focus on removing native pinyon, juniper, and sagebrush followed by seeding at least in part with non-native forage species such as crested wheatgrass and Russian wildrye. Treated sites are often overused by livestock and other grazing animals, leading to soil loss and compaction, vegetation degradation, water

\textsuperscript{14} Utah Native Plant Society, 2016. The Utah Native Plant Society Rare Plant List: Version 2. Calochortiana February 2016 Number 3, by Jason Alexander, Chair, Rare Plant Committee.
erosion, and other ecosystem disruption. Selective grazing causes shifts in plant species composition. Increased bare ground promotes invasion of non-native species like cheatgrass. Non-native forage grasses outcompete native plants. Eventually the herbaceous layer disappears, and a new treatment is proposed.

Not surprisingly, studies of treatments spanning 40 years in southern Utah found that while treated areas had increased plant diversity, much of that increase was non-native species like crested wheatgrass and cheatgrass that had expanded due to surface disturbance.\textsuperscript{15} Even decades later, there was more bare ground in the treated areas than in the untreated control. A meta-analysis of 32 thinning and burning treatments also found that the most consistent effect overall was the increase in non-native species, which they ascribed to the ground disturbance associated with the vegetation removal activities.\textsuperscript{16}

Tens of thousands of acres of native pinyon and juniper trees have been removed from BENM to revegetate understory plants and reduce fuels. But there is an ecological difference between younger stands and older, later phases.\textsuperscript{17} Older relict stands are often at a natural, stable ecological state and provide useful, and often unacknowledged, support for ecosystem components. A lack of understory vascular plants is not indicative of poor condition in these communities, especially if biological soil crust is well-developed.

Younger (<150 years) phases of pinyon-juniper woodlands with smaller trees may be indicative of expansion of pinyon and juniper into sagebrush ecological sites. These may legitimately be a focus for tree removal to improve sagebrush ecosystem functioning. However, as the climate warms and dries, pinyon trees are showing lower rates of establishment. A study of older pinyon-juniper treatments found that young trees were expanding into the treatment sites again over time, but most were juniper. The authors caution that treatments removing both pinyon and juniper indiscriminately may risk loss of pinyon pine over time, facilitating a type conversion from pinyon-juniper to juniper. They recommended more selective tree removal focusing only on juniper.\textsuperscript{18}

For projects done to restore native vegetation, post-treatment management is critical to maintain the vegetation and to prevent the resource damage that caused the need for the


treatment in the first place. The cause for failure is often anecdotally ascribed to drought but Miller (2008) suggests that it may be due to concentrated cattle and wildlife in seedings after treatment. Grazers are attracted to the increased forage and overutilize forage species, reduce vegetative biodiversity, trample biological soil crust, compact soils, and increase soil erosion. Land health assessments have found a correlation between vegetation treatments and poor rangeland health scores. But the only way to definitively determine the causes of a treatment’s success or failure and study the efficacy of different treatment methods is to establish a system of exclosures in all vegetation treatments. It is essential to evaluate these projects over the long term to avoid making the same mistakes. BENM, as a science-based unit of the NLCS, is uniquely suited to research successful vegetation restoration techniques.

The BEITC Plan says that a fundamental shift in perspective is necessary, and we agree. The Monument has been established to restore and protect native ecosystem processes with native plant species. Vegetation restoration projects should reflect that goal and prioritize restoration not just of native plants but of entire ecosystems, followed by science-based management designed for long-term sustainability. Functioning vegetation communities are more resilient and resistant to disturbances including climate fluctuations, and therefore better able to provide ecosystem services in the rapidly changing BENM environment of the future.

D. Climate Change

Climate change is an important consideration in managing vegetation restoration projects. Treatments remove tons of above and below-ground biomass that would otherwise sequester carbon. Terrestrial ecosystems on federal lands in Utah sequestered an average of 8.6 million metric tons of CO\textsuperscript{2} per year. Given the exigencies of a warming climate, carbon storage is a critical ecosystem service that is not always considered in vegetation treatment analysis. The Agencies should consider the release of carbon into the atmosphere when developing management prescriptions for vegetative treatments.

E. Non-native Seedings

Studies have suggested that the non-native plants in seed mixes, especially crested wheatgrass, can outcompete native plants over time and result in long-term vegetation shifts away from

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native assemblages of species.\textsuperscript{21, 22} Native plants are more drought-tolerant and adapted to local conditions, and generally superior choices for local pollinators and other wildlife. To this end, BENM should collect seeds from local native species and create a reserve of locally adapted seeds for restoration and research.

Non-native plants should only be used in limited, emergency situations to protect Monument resources by stabilizing soils, displacing noxious weeds, and safeguarding site productivity, and only if native species are inadequate to respond to this situation. An emergency is a condition in which negative impacts to natural resources would result in the immediate, catastrophic degradation of soil, hydrology, or biotic conditions (e.g., drought or fire). These impacts would hinder re-establishment of native communities, and remedial action must be taken as soon as possible to prevent further resource degradation. Degraded sites with an extreme degree of departure from expected conditions are not emergencies qualifying for the use of non-native seed.

\textbf{F. Reference Areas}

There is an urgent management need for objective data and independent research and analysis of the effects of restoration activities on BENM. We propose the establishment of a formal system of reference areas across the Monument that represent reference communities for as many vegetation types and successional phases as possible. If undisturbed reference areas cannot be located, large exclosures should be installed in the best examples of those systems. These areas would not have livestock grazing or any other activities that alter vegetation (including significant recreation impacts). Such a system would serve two primary purposes: (1) provide information that would inform grazing management elsewhere on the Monument, including baseline information on site potential, which is not available in many areas on the Monument, and (2) provide a system of potential research sites for interested scientists. Examples of areas that could serve as reference sites are identified in the Proclamations as ungrazed relict sites, including Mancos Mesa, Bridger Jack and Lavender Mesas, and Cliff Dwellers Pasture Research Natural Area.

\textbf{G. Riparian Vegetation}

Riparian areas have abundant water and are pathways for dispersal, so they are vulnerable to invasion by non-natives as stated in the BEITC Plan:

\begin{itemize}
\end{itemize}
Tamarisk and other non-native plants cause damage to the natural environment. Tamarisk draws the water table down, chokes out other species, and takes over natural riparian areas. These trees also alter natural water courses, thereby altering ecosystems. In addition to tamarisk, Tribal members are concerned about tumbleweeds, Russian olives, Chinese elm, and other invasive species. These plants consume a lot of moisture and they compete with native plants. There should be plans for replanting and revegetation of cottonwoods, and revival of water tables. (p. 38)

Riparian vegetation is discussed in more detail in the “Hydrology” section below.

**Preliminary Alternatives Discussion**

The BENM proclamation, NLCS direction, FLPMA, and NEPA all clearly state that maintenance and restoration of natural processes is a priority. This mandate is reflected in specific language in Alternatives B and D. Using chaining and other mechanical means to remove vegetation as in Alternative C has not been shown empirically to protect or restore native vegetation and ecological processes in the long term. This is especially true if levels of disturbance from human activities, which are often the reason for the decline in vegetation function, are not decreased post-treatment.

**Proposed Alternative Components**

**Goal 1**

Maintain or increase populations of rare plants in the Monument.

**Objectives**

- Conduct surveys for rare plants based on models that predict the possible locations of each species.
- Monitor the status of rare plants over time and determine if any rare plants are declining and identify and remedy the causes if possible.
- Collaborate with researchers, including Indigenous botanists, inside and outside federal Agencies to conduct surveys and monitoring of rare plants.

**Goal 2**

Collaborate with tribes about management of culturally relevant plants and manage vegetation to support medicinal plants and other culturally relevant vegetative resources. Vegetation restoration projects will take a holistic approach to managing vegetation. Tribes should play a role in restoration projects.
Objectives

● Compile a list, in consultation with tribes, of culturally important plants that should be prioritized for protection or recovery during management activities.
● Incorporate Traditional Indigenous Knowledge in the identification and management of culturally relevant plants.
● Work with local communities and tribes to advertise contracting and employment opportunities related to vegetative management.
● Partner with non-profits and other groups to complete vegetative management projects where feasible.
● Engage with the tribes on the restoration, management, and protection of vegetation types and ensure access to culturally important plant communities. Formalize a process for adopting parts of BENM as wholly Indigenous-managed places to incorporate additional land management and restoration perspectives, if tribes so desire.

Goal 3

Vegetation treatments will prioritize the restoration of native species and ecosystem processes.

Objectives

● Pinyon-juniper woodlands are an integral part of BENM landscape and are managed for sustainability. Woodland treatments will emphasize early phases with younger trees on soils that could support sagebrush grasslands. Stable pinyon-juniper systems greater than 150 years old will not be treated.
● Firewood harvesting will be used as a technique to thin trees where appropriate, such as areas of high fuel load.
● In emergencies, if non-native plants are used, they will be short-lived nurse crop species that are not competitive with native plants, will not persist longer than a few years, and are unlikely to spread from the project site. In addition, they will be combined with native species to facilitate the ultimate establishment of native communities.

Goal 4

Vegetation treatments will be managed for long-term resistance and resilience.

Objectives

● In keeping with the overall vegetation objectives and Proclamation 10285, native plants will be used for all reclamation, revegetation, restoration, and similar surface-disturbing projects in the Monument.
• Non-native plants may not be used in routine vegetation management since their benefits have yet to be independently verified as better than the use of native species since it may hinder the restoration of native vegetation communities.
• Vegetation treatments will be managed conservatively post-treatment so that retreatment will not be necessary.
• The effect of management activities on carbon sequestration will be considered for all vegetation treatments projects. NEPA will include an analysis of the amount of carbon released under each alternative.
• Develop and utilize an objective decision-making procedure based on science to determine whether and where to conduct treatments.

Management Actions
• VEG-1: Monitor the known populations of rare plants. This could be done in collaboration with tribes, universities, and/or other researchers.
• VEG-2: Write a conservation strategy for each rare species.
• VEG-3: Use models to conduct targeted field surveys to look for rare plants. This could be done in collaboration with tribes, universities, and/or other researchers.
• VEG-4: Develop models to predict which rare plants, especially those restricted to exceedingly rare or mesic habitats, might be most impacted by climate change under various drying and warming scenarios.
• VEG-5: The entire Monument or certain localities may be closed to seed gathering as necessary to provide for sustainable annual seed production of native plants. An exception to this will be made to allow for private seed gathering and plant collection for Tribal members for traditional, medicinal, and ceremonial purposes.
• VEG-6: All surface disturbing projects proposed in the Monument should contain a restoration or revegetation component and should budget for the cost of seeding with native species. All planning for projects, in all except limited, emergency situations, should use native species, and the use of non-native species should not be analyzed as an alternative. Collaborate with tribes, regional Seeds of Success teams, and the BLM Colorado Plateau Native Plant Program to collect seed for restoration projects.
• VEG-7: Non-native plants will not be used to increase forage for livestock and wildlife.
• VEG-8: Utilize passive restoration as a tool for restoration where a seed bank exists. This technique relies on removing the disruptive anthropogenic agents, particularly soil disrupting activities, and allowing time to restore soils, vegetation, and hydrologic function.
• VEG-9: Where biological soil crust is abundant within a vegetation project area, locate, map, and avoid these locations. Where crust destruction is unavoidable, it should be harvested before treatment and replaced as part of the post-treatment rehabilitation.
• VEG-10: Manual methods of vegetation restoration will be prioritized. Chaining and harrowing methods will be avoided. Mastication may be used only after consultation with tribes, and only after a full NEPA process with public involvement (no Categorical Exclusions or Determinations of NEPA Adequacy).
VEG-11: Prior to implementation of a restoration project, a sample of pinyon and juniper stands will be aged to avoid treating relict communities. Old-growth trees (150+ years old) will not be the target of treatment projects.

VEG-12: Prescribed burns should be used when fire has been documented to historically occur in an area. Management ignited fires should simulate natural fire intensity and timing. Specific objectives for all management ignited fires should be developed prior to its use in the Monument.

VEG-13: To ensure that native plants are well established, vegetation restoration project areas will be rested from cattle grazing for at least two consecutive non-drought years. Plots will be established to collect data on recovery. A formal, transparent, public decision apparatus will be created for determining when vegetation treatments show enough success that livestock are allowed to resume grazing. In addition, a clip-and-weigh analysis should be undertaken prior to the return of grazing to provide an objective, accurate measure of AUMs. All vegetation treatment EAs will clearly describe the grazing decision that will be in place in each allotment post-treatment to ensure long-term project success.

VEG-14: Locate and protect reference communities for as many vegetation types and successional phases as possible to provide research controls and baseline information. If undisturbed reference areas cannot be located, large exclosures should be installed in the best examples of those systems.

VEG-15: All vegetation treatment projects will include a monitoring component that includes data on species frequency, density, and distribution. Determine treatment effects in grazed vs. ungrazed portions of the treatment area, to determine whether treatments have achieved management objectives. This data should be part of the overall adaptive management framework.

VEG-16: BLM and USFS will work with the Tribal Conservation Crews to remove invasive species and transplant native vegetation.

VEG-17: Create a plan to remove tamarisk and Russian olive and transplant willows and other native riparian vegetation.

VEG-18: Chemical methods should be restricted to the control of noxious weed species and aggressive colonizers such as cheatgrass.

VEG-19: Establish a local native plant seed collection and nursery program for research and restoration efforts.

VII. NOXIOUS WEEDS AND INVASIVE NON-NATIVE PLANTS

Summary: Reducing the colonization and spread of non-native invasive plants is an important part of conserving native vegetation and ecosystem function in BENM. Maintaining and restoring healthy native vegetation communities is the best way to meet the challenge of climate change and provide for the survival of as many plant and animal species as possible. The most effective means of addressing invasive non-natives is prevention. BENM should minimize activities that result in increased levels of ground disturbance and facilitate invasive...
non-native populations such as vegetation treatments, recreation, livestock grazing, and OHVs, and roads.

The BEITC Plan (pp. 37-38) mentions concerns about invasive species in BENM, some of which have had range shifts due to climate change that threaten the native vegetation in the Monument. Weed populations in the planning area will likely continue to expand, and new weed species will colonize due to natural and anthropogenic introductions. The Colorado Plateau Rapid Ecoregional Assessment predicted an 85% increase in invasive species’ distribution within the region by 2025.23 Other researchers caution that sites invaded by several non-native annual species pose a particularly grave threat to local populations of native species. Cheatgrass is a particular concern because it has the highest negative impact on ecosystem function on a landscape scale.24

BENM fortunately has not yet been infested with annuals like cheatgrass to the degree other areas have. The annual herbaceous species layer shows that cover of herbaceous annual vegetation on most Monument rangelands is 0-10%, which the authors characterize as “low.”25 As such, BENM may have the opportunity to use less invasive methods of control. Chief among these is prevention of surface-disturbing management activities and uses. Managers need to carefully assess whether a proposed vegetation manipulation project will reduce or increase non-native annuals. Research indicates that if cheatgrass is present before a treatment it will return afterwards, especially on warm, dry sites.26 Implementing a treatment for forage production or fuels reduction that facilitates expansion of cheatgrass would be a disastrous outcome that would compromise treatment objectives. According to a BLM report on nearby Buckskin Mountain, seeding native species can be an effective method for controlling the spread of emergent weed seedlings.27 That report cites another study showing that aerial seeding of native species reduced post-fire musk thistle invasion in pinyon-juniper sites in Mesa Verde National Park.28 Seeding native grasses, especially squirreltail, in the late fall to early

28 M. Lisa Floyd, David Hanna, William H. Romme, and Timothy E. Crews. 2006. Predicting and mitigating weed invasions to restore natural post-fire succession in Mesa Verde National Park, Colorado, USA
winter has been successful in reducing cheatgrass infestation, because native grasses grow more rapidly at low temperatures and can compete with cheatgrass seedlings when they emerge early the following spring. These are the kinds of tools BLM should be utilizing instead of expensive risky treatments prone to failure.

We applaud the strategies listed in the AMS to minimize the spread of exotic invasives, including requiring prompt reclamation of disturbed areas, reducing traffic through infested areas, requiring power washing of equipment, implementing integrated invasive plant management strategies, and using fire suppression tactics. Research continues to develop new herbicide formulations and test the effectiveness of biological agents, including pathogens, as tools to control weed species. Unfortunately, these methods still have not prevented the increase in exotics.

More information is needed about the degree to which large-scale surface disturbance management actions, such as vegetation treatment projects, facilitate spread of exotic species. Once established, invasive non-native weeds can even invade previously undisturbed habitats. Multiple studies found that all forms of surface-disturbing treatments, including chainings, lop and scatter/pile burn, and mastication, increase annual grasses.

Methods that allow for more targeted treatments and less disturbance, such as hand thinning, should be used instead. Although agencies dismiss this method for all but the smallest areas, the Monument has a higher bar for protecting resources from damage. Herbicides disrupt the soil surface less than chainings or mechanical treatments, and some species such as tamarisk and Russian olive are very difficult to control without them. However, they also can have negative effects on non-target plants and wildlife and waterways if used inappropriately. To

lessen this risk, herbicides should be applied by hand only. Aerial applications of herbicides should not be used.

The Monument might take advantage of the information learned by the Escalante River Watershed Partnership (ERWP), a collaboration of government agencies, non-profit organizations, private landowners, and local businesses in the Escalante region. The ERWP Woody Invasive Control Plan\textsuperscript{36} describes the objectives and methods used to conduct this work. This work has been extremely successful in restoring natural hydrologic regimes and habitat for fish and wildlife. The Agencies should prioritize the hiring of Tribal members in restoration efforts, such as Ancestral Lands Conservation Corps.

**Preliminary Alternative Discussion**

Control of invasive species is directly related to minimizing surface disturbance, especially in areas where invasives have already taken hold. Management under Alternative D would likely be the most effective for controlling exotics. It minimizes soil disturbance by restricting vegetation treatment methods to those that cause the least disturbance. It also has the most acreage closed to OHVs, including areas of wilderness and special designations. Alternative D also limits the intensity and density of recreational uses across BENM. Management of these areas would be less complicated if invasive populations were controlled.

**Proposed Alternative Components**

**Goal 1**

BLM will place a priority on control of noxious and invasive non-native plants to achieve overall vegetation objectives.

**Objectives**

- Prioritize control of invasive exotics based on the extent of invasion and aggressiveness of the species (i.e., cheatgrass). Areas with smaller infestations are important to control first while they are manageable. Use targeted early detection, rapid response, and native species restoration to pre-empt or contain the target species.
- Prioritize vulnerable and important habitats, such as those with high levels of native species richness, rare species, rare and important vegetation types, areas with fertile soils, riparian areas and wetlands.
- Conduct research on exotic species locations and control measures. Identify vectors of noxious and non-native invasive species spread (e.g., recreation, vehicle traffic, livestock grazing) to reduce introduction and expansion of exotic plant populations.

• Limit vegetation treatment methods to those that create the least amount of surface disturbance. Chaining should be prohibited because it creates high levels of bare ground and can facilitate spread of exotic species.
• Protect areas that have not been grazed. Identify areas where non-natives are currently low and restrict cattle from those areas. Do not install infrastructure for “distributing cattle use” especially into areas with low or no exotic species cover.

Management Actions

• NI-1: Inventory and map locations of invasive species, beginning with those with the greatest effect on ecosystem functioning such as cheatgrass.
• NI-2: Ensure that all projects in the Monument that include ground disturbance contain restoration protocols to minimize re-colonization of treated areas by noxious weed species. Monitoring in these areas should be part of adaptive management, with results feeding into and informing future exotic control treatments.
• NI-3: Develop a Russian olive and tamarisk removal program modeled on the Escalante River Watershed Partnership (described above).
• NI-4: Sites with greater than 1% cheatgrass cover will not be treated with surface-disturbing methods unless there are at least three established perennial native grasses or forbs per square foot in the project area.
• NI-5: All control treatments will establish exclosures to study their effectiveness.

VIII. SOILS AND BIOLOGICAL SOILS CRUSTS

Summary: Soils and biological soil crusts are part of the “landscape’s intact ecosystem” described in the Proclamation. The amount of unimpacted biological soil crust in the region is declining as mechanical disturbance, livestock grazing, vegetation treatments, globally increasing temperatures, and increased UV radiation take a toll. Destabilized crust leads to increased soil loss from wind and water erosion, as well as a decrease in soil organic N and

C.\textsuperscript{38,39} Even small soil losses can cause enough damage to dramatically reduce site fertility, soil surface stability,\textsuperscript{40,41,42,43} and carbon sequestration.

Biological soil crusts are susceptible to the long-term soil disturbance of vegetation treatments. An evaluation of over 500 land health sites on the nearby Grand Staircase-Escalante National Monument showed that treatments in sagebrush vegetation types received the lowest ratings. Grazing intensity by livestock and wildlife is disproportionately high in this vegetation type. Biocrust cover at these sites was low or absent, as a consequence of trampling and soil compaction. In another study on the Grand Staircase-Escalante National Monument, average biological soil crust cover across 367 research plots was only 24\% compared to crust cover on relict sites of 38\% - 100\%.\textsuperscript{44} Grazing not only consumes forage directly, but also damages (through trampling) organic residues and disrupts the photosynthetic biocrust on the soil surface (which is also high in C).\textsuperscript{45} Havrilla et al. (2020) compared biocrust distribution and cover between pinyon-juniper and sagebrush communities in Beef Basin on the Monument. They found that biocrust patches in pinyon-juniper plots were larger, more aggregated, and had more species than in sagebrush plots. The authors suggest this is because the pinyon-juniper lots had less forage, and therefore less disturbance by domestic livestock or other ungulates in the area.\textsuperscript{46} Since pinyon and juniper woodlands constitute a majority of the Monument’s vegetation, these older communities that support a higher cover of biological soil crusts are

\begin{itemize}
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important for maintaining soil and vegetation and excluding invasive annuals over much of the Monument.

It is difficult to manage biological soil crust and sensitive soils on public lands in the context of multiple use. They are simply not compatible with the surface disturbance associated with many discretionary activities on the Monument, chiefly recreation, motorized vehicles and livestock. Livestock trampling can have greater effects than other sources of disturbance simply due to its ubiquity. Motorized vehicles and recreation can be restricted to certain areas, but livestock grazing is widespread.

BENM can be a refuge for remaining examples of undisturbed biological soil crust species and habitats. The MMP should provide protection for the sensitive soils on the Monument that are easily damaged by mechanical disturbance. For example, gypsum soils on the Monument have a very high biodiversity conservation value because they support a large number of different crust species, including endemics. Gypsum soils themselves are unusual, and undisturbed examples on the Colorado Plateau are rarer still. Many of them are degraded to some extent by off-road vehicle use and other forms of recreation, vegetation treatments, and grazing activity.

The AMS speaks to trends in the state of biological soil crust and soils on the Monument, acknowledging that impacts from grazing, recreation, and climate are predicted to persist or increase (p. 6-22). As part of the NLCS, however, the Monument has a different mandate. Discretionary uses may only occur if consistent with Monument objects, and management must give preference to protection of objects like biological soil crust. There are no best management practices that sufficiently protect soils from these uses. We offer the recommendations below as a way to advance the objectives of the Proclamation.

**Proposed Alternative Components**

**Goal 1**

Prevent damage to and degradation of soil resources and ensure that soil health is maintained and improved.

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Objectives

- Ensure soils exhibit infiltration, permeability, and erosion rates appropriate for the soil type, climate, and landform. Avoid activities that impact function, health, and distribution of soil resources.
- Maintain, improve, and restore areas of biological soil crust appropriate for the soil type, climate, and landform.
- Areas where biological soil crust is abundant within vegetation project boundaries should be located, mapped, and avoided. Where crust destruction is unavoidable, it should be harvested before treatment and replaced as part of the post-treatment rehabilitation.

Goal 2

Increase understanding of biological soil crust management through research and Traditional Ecological Knowledge.

Objectives

- Facilitate basic and applied research on biological soil crusts and their restoration.

Goal 3

Identify and protect important soil and biological soil crust locations of high resource value or fragility.

Objectives

- Safeguard locations of minerals with important ceremonial uses.
- Preserve areas of biological soil crust with high biodiversity, exceptional extent and condition, or relict status.
- Identify and protect areas of sensitive soils that are susceptible to disturbance and easily damaged (e.g., gypsum soils).
- Provide a control of intact, healthy biological soil crust for research.

Management Actions

The following parameters should be used to ensure proper consideration of biological soil crusts in project-level planning.
• **SOIL-1:** Protect soils from ground-disturbing management activities. BLM and USGS research has identified practices that are useful in rehabilitating biological soil crust and minimizing impacts from Agency activities, including: 48,49
  - Reducing unnaturally frequent and intense fires, such as those resulting from annual grass invasions.
  - Concentrating recreational use by hikers and OHVs to reduce trampling and prevent disturbance.
  - Reducing grazing impacts to biological soil crust. Grazing strategies that minimize the frequency of surface disturbance during dry seasons and maximize periods between disturbances will reduce impacts to biological soil. For recovering areas, rest from grazing (conservation use) is recommended. As the BEITC Plan recommends, light grazing in the early- to mid-wet season for short periods of time may be appropriate when biological soil crust has fully recovered. This is usually < 30% utilization.
  - Collecting data on the distribution of biological soil crusts, particularly rare species and high species diversity, to define habitat characteristics and identify threats. Include a moss and lichen species component to plant monitoring and inventory projects. Collect specimens of biological soil crust to identify species.

• **SOIL-2:** Prepare a map of biological soil crust cover and distribution across the Monument to use in planning all surface-disturbing projects where biological soil crust occurs.

• **SOIL-3:** Evaluate biological soil crust condition throughout the Monument to locate areas that are impaired. Use available research on biological soil crust potential to identify areas of unimpaired conditions.50

• **SOIL-4:** When planning road and trail construction, areas with high percentage cover of biological soil crust or high biodiversity conservation value will be avoided. Enforcement of off-road vehicle regulations will be prioritized in these areas.

• **SOIL-5:** Because several soil crust species and some vascular plant species are rare gypsum endemics, these soils will be prioritized for increased protection.

• **SOIL-6:** The Agencies will not conduct soil surface disturbing projects or allow grazing in habitats of rare biological soil crust species, where biological soil crust diversity is high, or where removal of biological soil crust will degrade soil, hydrology, or biology ecosystem functions.

• **SOIL-7:** Ensure that management actions, such as vegetation treatments and grazing, do not lead to increases in soil erosion, decreases in biological soil crust cover, structure,

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and function, and degraded subsurface biotic communities. This will require a long-term investment in monitoring to track changes over decades.

- **SOIL-8**: Conduct or facilitate research including:
  - Basic research on biological soil crust (types, distribution, etc.) in the Monument.
  - Research on restoration of soils and biocrusts to mitigate and reverse erosion, increase soil stability, and facilitate plant re-establishment.

- **SOIL-9**: Close sensitive areas such as riparian zones, concentrations of biological soil crust, and highly erodible soils to hiking, and perhaps installing barriers and prohibiting off-trail hiking.

- **SOIL-10**: Restore and maintain biological soil crust cover at 80% of a relevant (e.g., similar soil, vegetation type, precipitation) ungrazed reference site to protect the soil surface from excessive water and wind erosion, promote infiltration, detain surface flow, retard soil moisture loss by evaporation, and provide appropriate biological soil crust ecosystem functions (hydrology and nutrient cycling).

### IX. RANGELAND HEALTH AND LIVESTOCK GRAZING MANAGEMENT

#### A. Legal Background

Proclamation 10285 states:

“The Secretaries shall manage livestock grazing as authorized under existing permits or leases, and subject to appropriate terms and conditions in accordance with existing laws and regulations, consistent with the care and management of the objects identified above and in Proclamation 9558.” The NLCS focus on science directs BLM to develop a grazing management program that protects natural and cultural resources. Cattle grazing should not adversely affect the objects for which the Monument was designated. Grazing must be clearly and carefully evaluated, monitored, and annually adjusted in range operating plans. Monument livestock grazing and ecosystem range management must strive towards landscape health and sustainability first. 43 C.F.R. §§ 4100.0-2, 4180.1.

#### B. Availability for Grazing

The following areas were allocated as unavailable (BLM)/not suitable (USFS) for grazing in the 2020 MMP [Indian Creek Unit GRA-6, Shash Jaa Unit GRA-6]. We propose that these areas remain unavailable in the MMP under consideration.

- Bridger Jack Mesa
- Lavender Mesa
- Developed recreation sites
- Nine side canyons of Butler Wash
- Comb Wash side canyons (Mule Canyon south of SR-95 and Arch, Fish, and Owl Canyons)
Arch Canyon, including Texas and Butts Canyons (USFS)

Bridger Jack and Lavender Mesas, as well as Mule, Arch, and Fish Canyons, are each listed as a Monument object in Proclamation 10285. In addition to Bridger Jack and Lavender Mesas, Proclamation 10285 also identifies relict plant communities on Mancos Mesa as a Monument object. These relict plant communities should be preserved, and incursion by cattle should be prevented. Thus, in addition to Bridger Jack and Lavender Mesas, we propose that relict plant communities on Mancos Mesa also be allocated as unavailable for grazing (see below).

The following areas were limited to trailing only in the 2020 MMP [Indian Creek Unit GRA-7]. We propose that these areas remain limited to trailing only in the MMP.

- Shay Canyon
- Indian Creek, from Kelly Ranch to departure from Highway 211

The following areas were allocated as unavailable for grazing prior to the 2020 MMP in the 2008 Monticello Field Office RMP [GRA-17]. We propose that these areas be allocated as unavailable in the MMP under consideration.

- Road Canyon
- Grand Gulch area (within the canyon) of Cedar Mesa (including Kane Gulch)
- Five identified mesa tops (White Canyon area)
- Slickhorn Canyon (within Perkins Brother’s Allotment)
- Dark Canyon Area (including Lost, Black Steer, Youngs, Lean-To, Bowdie, and Gypsum canyons, as well as other areas).

The following areas were restricted to trailing only, no grazing prior to the 2020 MMP in the 2008 Monticello Field Office RMP [GRA-19]. We propose that these areas remain restricted to trailing only in the MMP under consideration.

- Harts Canyon
- Shay Canyon ACEC

The AMS states that the Chippean allotment is closed to grazing (6-24). It is also our understanding that the Cliff Dwellers Pasture RNA is closed to grazing. We propose that these areas on Forest Service lands remain closed to grazing in the MMP under consideration.

Proclamations 9558 and 10285 identify canyon bottom riparian communities and the wildlife dependent upon them as Monument objects. Riparian vegetation in Dark, Arch, Fish, and Mike’s canyons, as well as in Kane Gulch, is also specifically called out as a Monument object, as is North Cottonwood Canyon’s perennial creek. Butler Wash, Fable Valley, Ruin Canyon, Tuerto Canyon, Trough Canyon, and Moqui Canyon are also specifically called out as Monument objects. We believe that proper protection of these canyons, riparian vegetation, and wildlife communities, as Monument objects, calls for management modifications in specific
circumstances. In particular, we are concerned with concentrated grazing in riparian canyon bottoms where little or no upland vegetation is present to reduce grazing pressure in the riparian canyon bottoms. We do not think that concentrated grazing in such sites is consistent with the proper protection of these Monument objects. This is consistent with the BEITC Plan, which includes the following as a Management Action for Livestock Grazing: “Exclude livestock from springs and riparian areas” (Appendix C, p. 7). We recognize that some of these areas provide important water sources for cattle. Water access could still be provided through short water gaps where needed. While there would be some ecological damage in the water gaps, these limited areas of disturbance would be somewhat comparable to the scale of natural disturbance (native ungulates, uprooted trees, beaver activity, etc.) and would not jeopardize the broader stream/riparian ecosystem. We propose that the following riparian canyon bottoms be allocated as unavailable for grazing, while potentially allowing for water gap access:

- Mikes Canyon area, including the East and West Forks of Mikes Canyon and Mikes Mesa
- unnamed canyon between Slickhorn Canyon and Point Lookout, from the head of the canyon to the San Juan River
- Johns Canyon
- Butler Wash from approximately (37.290302, -109.635362) down to the San Juan River
- Indian Creek from Highway 211 to USFS boundary (BLM)
- Indian Creek from USFS boundary south to Monument boundary (USFS)
- North Cottonwood Creek south from Kelly Ranch and tributaries, including Hop Creek, Blue Creek, and Tuerto and Trough Canyons (BLM & USFS)
- Beef Basin area canyons: South, Sweet Alice, Ruin, and Bull canyons
- Fable Valley
- Dark Canyon area, including Peavine, Woodenshoe, and Poison Canyons (USFS)
- Mancos Mesa area canyons: Moki, North Gulch, Crystal Springs, Forgotten, Knowles, Cedar, and Trail canyons

In addition to providing protection for important riparian vegetation and wildlife, other specific Monument objects would be protected through these proposed allocations. The 2008 Monticello Field Office RMP permitted trailing and grazing use under emergency conditions in Fable Valley [GRA-17, 19] but the impacts to the stream and riparian area from cattle have been significant.\textsuperscript{51} Proclamation 10285 specifically calls out Fable Valley as a Monument object for its surface sites. This is an additional reason why grazing is not appropriate here, including trailing and emergency use. Proclamation 10285 also identifies Ancestral Pueblo sites in the area that encompasses Tuerto, Trough, Ruin, and North Cottonwood Canyons as Monument objects, with special significance to the Pueblos of New Mexico.

In addition, the Dark Canyon area contains known populations of Mexican spotted owls, as mentioned in Proclamation 10285. Proclamations 9558 and 10285 identify Mexican spotted owl

critical habitat as a Monument object. Grazing has the potential to significantly degrade Mexican spotted owl habitat (see Special Status Species section below for more detail). The AMS identifies overgrazing as a threat to Mexican spotted owls (p. 6-112). We propose that all Mexican spotted owl Protected Activity Centers be allocated as unavailable for grazing. This aligns with the BEITC Plan which recommends protecting eagle and other raptor habitats and maintaining healthy vegetation to support raptor prey base (Appendix C, p. 14). Allocating Mexican spotted owl Protected Activity Centers as unavailable for grazing could also benefit other raptors by increasing the prey base through habitat improvement.

Proclamation 10285 identifies habitat for southwestern willow flycatcher along the San Juan River as a Monument object, and Proclamation 9558 specifically mentions the species. We believe that this habitat should be preserved, and degradation of this habitat by cattle should be prevented. Thus, we propose that southwestern willow flycatcher habitat along the San Juan River be allocated as unavailable for grazing to protect this habitat (see Wildlife and Fisheries section below for more detail).

The BEITC Plan also states “Livestock grazing should be limited or restricted in the southern portion of BENM.” BEITC Plan, Appendix C, p. 6. We agree. Some areas in the southern portion of BENM are severely degraded, dominated by invasive weeds like Russian thistle with very few native grasses and forbs. In addition to limiting or restricting grazing in this part of the Monument, we also propose attempting to restore these areas, perhaps by seeding native species in conjunction with rest from grazing.

C. Capability for Grazing

In addition to determining which lands are available for grazing, BLM must determine which lands are capable of supporting grazing. Capability is mostly focused on the area being able to provide enough forage capable of supporting grazing of a specified number of AUMs within the ecological limits of the area.

In order to determine capability, BLM must assess existing forage available (expressed in animal unit months) for specific allotments that can support grazing “while maintaining a thriving natural ecological balance.”

Under these requirements, each grazing permit must include terms and conditions specifying the “kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months . . . .” 43 C.F.R. § 4130.3-1(a). Importantly, “[t]he authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.” BLM defines “livestock carrying capacity” as “the maximum stocking rate possible without inducing damage to vegetation or related resources.” 43 C.F.R. § 4100.0-5.

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52 BLM Land Use Planning Handbook, H-1601-1 (2005); 43 C.F.R. § 4130.3-1.
In the planning process, “The BLM will develop a range of alternatives for an RMP/EIS by varying which lands in the planning area are available for grazing, by varying the amount of forage available for livestock grazing, or both”. 53

Any earlier analyses along these lines would not have considered the need to protect Monument objects listed in Proclamation 10285. In addition, conditions relevant to a capacity analysis have been rapidly changing. Temperatures have risen, precipitation patterns have changed, and drought has intensified. These trends are expected to continue into the future. Thus, an analysis done even somewhat recently is likely to not be appropriate for current conditions or for conditions extending a decade or two into the future. To be consistent with today’s conditions and policies, and to be appropriate into the future, a new capability analysis is called for.

The Forest Service should undertake a similar process to that outlined above to determine appropriate grazing numbers on Forest Service lands.

D. Grazing in Glen Canyon National Recreation Area

Decisions about grazing in the management plan will influence grazing in Glen Canyon National Recreation Area, since multiple BLM allotments include parts of Glen Canyon NRA.

The National Recreation Area must “protect, conserve, and preserve these designated values”.54,55,56,57 NRA managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adverse impacts on park resources and values. Particular attention must be given to wetland and riparian areas, sensitive species and their habitats, water quality, and cultural resources. Park managers must regulate grazing so that ecosystem dynamics and the composition, condition, and distribution of native plants and animal communities are not significantly altered or otherwise threatened, and cultural values are protected.

BLM management does not fully incorporate the Glen Canyon NRA obligations to protect its values and purposes. For this reason, BLM, in coordination with Glen Canyon NRA staff, should develop alternatives regarding grazing management of all allotments overlapping the NRA for the Draft EIS that will properly protect the values and purposes for which the NRA was

established. Grazing management in the NRA should be approved by the National Park Service and consistent with their recommendations.

E. Grazing Permit Relinquishment

The AMS states the following as one of the Rangeland Health and Livestock Grazing Management issues that will be addressed in the planning effort: “How will the BLM and USDA Forest Service manage retirement of permits and leases, as provided for under Proclamation 10285?” (p. 5-3). We’re grateful that BLM is poised to answer this question, and we’ve set out below our thinking on this subject in the hope that it may prove helpful to the Agency in its planning efforts.

1. The Text of Proclamation 10285

As an initial matter, we believe it’s important to recognize that the voluntary-retirement language in Proclamation 10285 is mandatory in nature, for it says that the Secretaries “shall” retire from livestock grazing the lands covered by permits that are voluntarily relinquished. By divesting the Agencies of the discretion they would typically have, this language renders a voluntary relinquishment of a valid grazing permit immediately effective, without the usual discretionary planning and project-level process that would apply. Thus, for example, to be legally effective, a retirement need not await a plan amendment designating the covered lands as unavailable for grazing. Rather, to ensure consistency with the Proclamation, the logical course would be to amend or maintain the management plan in whatever manner is most expedient to reflect the retirement by designating the lands in question as unavailable for livestock grazing. And because discretion is lacking, there is no legal basis for completing a project-level analysis under the National Environmental Policy Act to authorize the retirement, nor would a retirement qualify as a decision subject to protest, objection, or appeal under 43 C.F.R. Subpart 4160 or 36 C.F.R. Part 219.

Because these conclusions follow directly from Proclamation 10285 and are not a matter of policy choice during the planning process, we do not believe they are a proper subject of analysis when evaluating planning alternatives for the Monument. But we acknowledge that it may be helpful if BLM describes—perhaps, in the background sections of its planning documents or as a management action common to all alternatives—the basic legal conclusions that flow from Proclamation 10285’s mandatory provisions authorizing voluntary-permit relinquishments.

2. Common and Partial Allotments and Range Infrastructure

There are at least two additional questions about voluntary retirements that it would be helpful to address in the MMP. One is about how to handle voluntary relinquishments on allotments that are run in common by multiple permittees or, similarly, on allotments that are only
partially within the Monument boundaries. The other is about how to manage range infrastructure following a voluntary relinquishment.

A. Common and Partial Allotments

When relinquishments are made on common or partial allotments, the task facing the Agencies will be to effectuate the directive in Proclamation 10285 to “retire from livestock grazing the lands covered by such permits....” We submit that the approach that best comports with that instruction would be to retire from grazing entire pastures or other discrete areas of an allotment whenever possible. We believe that this would be the most beneficial approach for the proper protection of Monument objects, such as sensitive or culturally important plants. The Agencies should engage with the Inter-Tribal Coalition about which specific areas should be retired to best protect Monument objects and values. We recognize, however, that permit relinquishments on allotments grazed in common may implicate the interests of permittees on the allotment who have not chosen to relinquish their grazing privileges. Under Proclamation 10285, grazing retirements are intended to be voluntary, and as such, we believe it is important to establish direction to ensure that relinquishments are accomplished in a way that guards against involuntary impairment of another permittee’s authorized operations.

To that end, we encourage BLM to establish directives along the following lines:

Common Allotments

- If all permittees on an allotment grazed in common consent, a voluntary relinquishment may be effectuated by retiring from grazing agreed-upon pastures or lands supplying forage in an amount that is commensurate to the preference relinquished. The intent of this option would be to allow permittees to voluntarily reach agreement on how to accomplish a relinquishment in a manner that is most effective for their operations.
- If all permittees on an allotment grazed in common have not otherwise reached agreement, when a grazing preference is relinquished by a permittee whose use of one or more pastures is exclusive, the pastures corresponding to the relinquished preference should be retired from grazing, provided that existing or new range infrastructure allows for the pastures’ closure without impairing other permittees’ operations.
- If all permittees on an allotment grazed in common have not otherwise reached agreement, when a grazing preference is relinquished by a permittee whose use of one or more pastures is not exclusive, the relinquishment should result in a reduction of the active and permitted number of AUMs on the allotment as a whole in an amount equivalent to the preference relinquished.
Partial Allotments

- When a grazing preference is relinquished by a permittee on an allotment that is only partially within the Monument, the Monument lands corresponding to the relinquished preference should be retired from grazing if existing or new range infrastructure allows for the closure without impairing any other permittees’ operations.

- In all other circumstances on allotments that are only partially within the Monument, relinquishment of a preference by one permittee should result in a reduction of the active and permitted number of AUMs on the allotment as a whole in an amount equivalent to the preference relinquished.

Under all of these scenarios for common and partial allotments, forage should not be reallocated on the allotment in a manner that impairs the relinquishment absent a finding under Proclamation 10285 “that such reallocation will advance the purposes of this proclamation and Proclamation 9558.”

B. Range Infrastructure

Voluntary relinquishments will inevitably raise a question about managing infrastructure on the relinquished lands, and we believe the MMP is a proper venue to provide direction on that question.

To carry out Proclamation 10285, we believe the Agencies should establish planning direction that calls for removal of infrastructure on relinquished lands unless the infrastructure serves an active grazing operation (like a boundary fence between allotments) or that the infrastructure will protect or restore Monument objects, as Proclamation 10285 directs.

Establishing this presumption in favor of removing infrastructure, especially dysfunctional infrastructure, would align not only with Proclamation 10285, but with BLM’s regulations, which provide that “[r]ange improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.” 43 C.F.R. § 4120.3–1(a). It is only logical that infrastructure that was built to serve grazing as a multiple-use should be removed when that use of the public lands is discontinued, absent a valid reason for maintaining the infrastructure consistent with the law governing the lands in question, viz. Proclamation 10285. BLM’s Grazing Management Handbook, H-4120-1, likewise recognizes that “[r]ange improvements ... which are no longer helping to achieve land-use plans or allotment goals and objectives should be removed from the public lands.”58 This particular policy in favor of removing disused range improvements also comports with FLPMA and a widespread goal by BLM to rehabilitate surface disturbance after a particular use of the public lands (like oil-and-gas leasing or rights-of-way or mining) cease. Furthermore, we believe that removing obsolete infrastructure is likely to further the purposes of Proclamations 9558 and 10285 by benefiting Monument objects on lands administered both

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by BLM and Forest Service. For instance, removal of old fencing would benefit wildlife in the Monument.

F. Protection of Monument Objects

Proclamations 9558 and 10285 list many objects with the potential to be negatively impacted by grazing, including: canyon bottom riparian communities; springs; wildlife dependent on riparian habitat; culturally important, sensitive, threatened, and endangered wildlife species; culturally important, sensitive, rare, and threatened plant species; and cultural resources. BLM should undertake a systematic review of the consistency of authorized grazing with the proper protection of Monument objects. Proclamation 10285 provides that “the Secretaries shall manage livestock grazing as authorized under existing permits or leases, and subject to appropriate terms and conditions in accordance with existing laws and regulations, consistent with the care and management of the objects identified above and in Proclamation 9558.” Proclamation 10285 contains many new objects that were not included in previous proclamations. Further, the language directing grazing be managed consistent with the care and management of objects is new. It was not contained in either Proclamation 9558 or Proclamation 9681, and requires the Agencies to conduct an assessment of grazing compatibility with the proper care and management of Monument objects. The Agencies have not previously assessed whether individual grazing permits are consistent with the proper care and management of the objects identified in both Proclamation 9558 and Proclamation 10285. Many of the Monument allotments have one or more sites that have objects and values that are impaired due to grazing. In many places, current grazing management is inconsistent with protection of Monument objects, which should take precedence over grazing as a discretionary use.

Proclamation 10285 identifies new objects to be protected, as well objects not specifically listed and to be identified in consultation with the tribes. In light of this, along with the fact that Proclamation 10285 requires the Agencies to “manage livestock grazing...consistent with the care and management of the objects identified above and in Proclamation 9558”, status quo grazing, including renewal of grazing permits, should not continue without an in-depth analysis to determine whether the authorized grazing is compatible and consistent with the proper care and management of Monument objects. This consistency analysis should be made available for public comment.

Tribes should be consulted regarding grazing management, and areas where they may want to see modifications to grazing management. Many landscape components, including objects specified in the Proclamations, are culturally significant to associated tribes. These culturally significant landscape components should be identified, and the Agencies should consult with tribes about grazing activities that may affect these components.
G. Drought Management

Drought is a perennial management concern and will only become more so as precipitation and temperature patterns change. Predicting drought and implementing livestock management policies before impacts become severe and permanent requires that the Agencies develop a formal drought management plan. Without one, it is difficult to make and enforce necessary livestock management protocols; often, livestock decisions about turning out or early removal are delayed for too long. The MMP should include a drought management plan with specific, defined decision thresholds prescribing management actions. For example, the Agencies should continually monitor drought conditions and assess appropriate management actions in a timely fashion.

The following is our proposal for simple and clear management direction during drought based on the U.S. Drought Monitor:

- **Extreme (D3) and Exceptional Drought (D4)**
  - If an allotment has been mapped as D3 or D4 for one month prior to the beginning of the grazing season, livestock will not enter the allotment.
  - Livestock on an allotment will exit if the allotment is mapped as D3 or D4 for two successive weeks.
  - If drought intensity decreases for two successive weeks to D2, criteria for D2 will be applied.

- **Severe Drought (D2)**
  - If an allotment has been mapped as D2 for at least one month prior to the beginning of the grazing season, the overall time period of authorized grazing will be reduced by 50%, accompanied by a corresponding reduction in AUMs.
  - If the drought intensity in an allotment increases from D0 or D1 to D2 for at least one month during the grazing season, the remaining period of use will be reduced by 50%, accompanied by a corresponding reduction in AUMs.
  - Livestock on an allotment will exit if the allotment is mapped as D3 or D4 for two successive weeks during the grazing season.

- **Abnormally Dry (D0) and Moderate Drought (D1)**
  - During D0 and D1, requests for non-use or reduced use due to drought shall be approved. Where non-use due to drought has been approved, applications from others to utilize the forage shall be denied.

H. Allotment Management

We propose that the Agencies should utilize Annual Operating Instructions for grazing management. This would provide both for documentation of yearly plans for an allotment and increased public transparency regarding management of the Monument, which would hopefully result in improved conditions on the ground.
1. **Utilization**

Utilization in the context of grazing is the total percent of annual plant herbage consumed or destroyed by herbivores. It is our understanding that within the Monument utilization levels are currently set at 50-60% for most allotments. The best available science indicates that 30% utilization is ecologically superior to higher utilization levels (particularly in dryland ecosystems like the Monument), and also economically superior.\(^5\)

30% utilization may allow grazing operations to occur during a drought without destroying important components of the landscape. The Agencies should analyze a 30% utilization limit for upland herbaceous species (native grasses and forbs) to be applied to grazing across the Monument. A 30% utilization limit is a reasonable proposal, and thus should be included in the Draft EIS. BLM’s Land Use Planning Handbook H-1601-1 provides that the land use plan needs to identify guidelines and criteria for future allotment adjustments in the amount of forage available for livestock, season of use, or other grazing management practices. The MMP should include a provision that any allotment over 30% utilization will trigger review of the allotment management plan, and that the Agency must review whether reduction in AUMs or other management actions are necessary to conform with rangeland health standards and to ensure grazing is consistent with the proper care and management of Monument objects.

2. **Infrastructure**

We propose that range infrastructure be required to be maintained, and fences up and functional, before yearly turnout is permitted. In addition, we propose that any new fencing utilize the most up-to-date wildlife friendly specifications.

As we observed above in the section concerning voluntary relinquishments of grazing permits, dysfunctional range infrastructure should not remain on Monument lands, for infrastructure that is dysfunctional cannot serve grazing operations as a use of the Monument (see 43 C.F.R. § 4120.3–1(a)), nor can it serve to protect or restore Monument objects. Removal of obsolete infrastructure is likely to benefit Monument objects. This is as true on lands for which grazing permits have not been relinquished as on lands covered by a permit relinquishment. As a result, we propose that the Agencies establish a general directive in the Monument plan calling for removal of range infrastructure that is dysfunctional and not scheduled to be returned to use.

3. **Season of Use**

The AMS does not specify the season of use for allotments in the Monument. Year-round grazing of the same pasture (or of an entire allotment) is likely to result in significant

degradation, particularly in the dryland ecosystems of the Monument, and has the potential to degrade Monument objects. If any pastures or allotments are grazed year-round, a consistency analysis should be undertaken to determine whether the authorized grazing is compatible and consistent with the proper care and management of Monument objects.

The 2008 Monticello Field Office RMP included the following as GRA-23:

Grazing in the riparian area of the San Juan River SRMA will be restricted to October 1–May 31 and must meet or exceed PFC, and incorporate rest-rotation and/or deferment systems. This will include Perkins Brothers, East League, and McCracken Wash Allotments.

We propose that this direction be included in the MMP under consideration.

4. **Use Type**

As displayed in Figure 6.10-2, the Monument contains 423,886 acres of year-long desert bighorn sheep habitat (AMS, pp. 6-90, 6-92). We propose that no allotments will be converted from cows and horses to domestic sheep within at least a 9 mile buffer (a distance recommended by BLM in other locations) of bighorn sheep habitat, except where topographic features or other barriers prevent physical contact. This is in order to prevent the spread of disease from domestic sheep to desert bighorn sheep. This is consistent with BLM’s Management of Domestic Sheep and Goats to Sustain Wild Sheep Manual, M-1730 (2016), which provides the BLM’s policy to achieve effective separation of BLM authorized domestic sheep or goats from wild sheep on BLM lands. We propose that this guidance be considered for inclusion in the new MMP. We have included this guidance as a management action in the Proposed Alternative Components section below.

5. **Permit Renewal**

Since Congress amended section 402(c)(2) of the Federal Lands Policy and Management Act, all of the BLM allotments in the Monument have been renewed without NEPA, many more than once. The FLPMA rider, as it is known, was intended to be a temporary reprieve to allow BLM to catch up on expiring permits. Using the FLPMA rider to renew permits indefinitely without rangeland health assessments or public involvement contravenes the intent of the legislation. Permit renewal should be included in collaborative management and based on engagement with tribes. We urge BLM to discontinue this practice of renewing permits via the FLPMA rider and instead develop a schedule of permit renewals for which an analysis under NEPA will be completed. If the Agency continues to use the FLPMA rider to renew permits tribes should be involved in the decision-making process for each permit.
I. Climate Change

Grazing can have significant climate impacts. Cattle consume carbon through herbaceous and woody vegetation, trample biological soil crusts, reduce carbon storage on the land, and emit methane, a much more potent greenhouse gas than carbon dioxide, as a result of their digestive processes. The Draft EIS should provide an analysis of the respective climate contribution of authorized grazing under each alternative considered. The Council on Environmental Quality’s current guidance on the consideration of greenhouse gas (GHG) emissions and the effects of climate change (which is under revision) specifically addresses the need to assess biogenic GHG emissions from land management activities such as grazing.

In addressing biogenic GHG emissions, resource management agencies should include a comparison of estimated net GHG emissions and carbon stock changes that are projected to occur with and without implementation of proposed land or resource management actions. This analysis should take into account the GHG emissions, carbon sequestration potential, and the changes in carbon stocks that are relevant to decision making in light of the proposed actions and timeframes under consideration.

Secretarial Order 3399 further emphasizes the need for BLM to analyze GHG emissions resulting from grazing permits. “When quantifying GHG emissions is not possible because tools, methodologies, or data inputs are not reasonably available, Bureaus/Offices will provide a qualitative analysis and the rationale for determining that a quantitative analysis is not warranted.” Finally, NEPA requires the Agency to take a “hard look” at the greenhouse gas emissions from grazing. Wild Earth Guardians v. Jewell, 738 F.3d 298, 309 (D.C. Cir. 2013) (estimated level of [greenhouse-gas] emissions can serve as a reasonable proxy for assessing potential climate change impacts and provide decision makers and the public with useful information for a reasoned choice among alternatives). Accordingly, both federal policy and NEPA require the Agency to assess greenhouse gas emissions and the impacts to climate resulting from grazing on the Monument.

Proposed Alternative Components

Goal 1

Restore and maintain soils, hydrology, and native vegetation to promote long-term ecosystem sustainability.

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Objectives

- Analyze the effects of livestock management (e.g., percent utilization, stocking rate, season of use) on Monument soils, hydrology, and biotic resources.
- Over the next 20 years, all grazing permits will gradually be renewed in accordance with NEPA. The Agencies will conduct an assessment on each allotment using an interdisciplinary team and provide for public input in the permit renewal process.
- Determine effectiveness and impacts of range infrastructure.

Goal 2

Grazing management will be based on objective, justifiable, scientific principles and will protect culturally significant resources to tribes including archaeological resources, springs, and culturally significant plants.

Management Actions

- GRAZ-1: Allocate the following areas as unavailable (BLM)/not suitable (USFS) for grazing [from the 2020 MMP, GRA-6 in the Indian Creek Unit and GRA-6 in the Shash Jaa Unit]:
  - Bridger Jack Mesa
  - Lavender Mesa
  - Developed recreation sites
  - Nine side canyons of Butler Wash
  - Comb Wash side canyons (Mule Canyon south of SR-95 and Arch, Fish, and Owl Canyons)
  - Arch Canyon, including Texas and Butts Canyons (USFS)
- GRAZ-2: Allocate the following areas as unavailable for grazing [from the 2008 Monticello Field Office RMP, GRA-17]:
  - Road Canyon
  - Grand Gulch area (within the canyon) of Cedar Mesa (including Kane Gulch)
  - Five identified mesa tops (White Canyon area)
  - Slickhorn Canyon (within Perkins Brother’s Allotment)
  - Dark Canyon Area (including Lost, Black Steer, Youngs, Lean-To, Bowdie, and Gypsum canyons, as well as other areas).
- GRAZ-3: Limit the following areas to trailing only [from the 2020 MMP, GRA-7 in the Indian Creek Unit]:
  - Shay Canyon
  - Indian Creek, from Kelly Ranch to departure from Highway 211
- GRAZ-4: Limit the following areas to trailing only [from the 2008 Monticello Field Office RMP, GRA-19 in the Indian Creek Unit]:
  - Harts Canyon
  - Shay Canyon ACEC
- **GRAZ-5**: Allocate the following areas on Forest Service lands as not suitable for/closed to grazing:
  - Chippean Allotment
  - Cliff Dwellers Pasture RNA

- **GRAZ-6**: Allocate the following areas as unavailable (BLM)/not suitable (USFS) for grazing:
  - Mancos Mesa relict plant communities
  - Mikes Canyon area, including the East and West Forks of Mikes Canyon and Mikes Mesa
  - canyon between Slickhorn Canyon and Point Lookout, from the head of the canyon to the San Juan River
  - Johns Canyon
  - Butler Wash from approximately (37.290302, -109.635362) down to the San Juan River
  - Indian Creek from Highway 211 to USFS boundary (BLM)
  - Indian Creek from USFS boundary south to Monument boundary (USFS)
  - North Cottonwood Creek south from Kelly Ranch and tributaries, including Hop Creek, Blue Creek, and Tuerto and Trough Canyons (BLM & USFS)
  - Beef Basin area canyons: South, Sweet Alice, Ruin, and Bull canyons
  - Fable Valley
  - Dark Canyon area, including Peavine, Woodenshoe, and Poison Canyons (USFS)
  - Mancos Mesa area canyons: Moki, North Gulch, Crystal Springs, Forgotten, Knowles, Cedar, and Trail canyons
  - All Mexican spotted owl Protected Activity Centers
  - Southwestern willow flycatcher designated critical habitat along the San Juan River

- **GRAZ-7**: Grazing permit renewals will include a site-specific compatibility analysis that is made available for public comment.

- **GRAZ-8**: Utilize Annual Operating Instructions (AOIs) for grazing management on each allotment. Development of AOIs should be part of the collaborative management framework. Such annual instructions should summarize the results of recent monitoring, describe evidence of changes relative to rangeland health standards, describe past grazing use, list problems and challenges, and describe grazing practices proposed for the next season. These should be public by way of the web.

- **GRAZ-9**: Grazing utilization will be limited to 30% of upland herbaceous species (native grasses and forbs) across the Monument. Allotments well below ecological potential may need utilization levels below 30%.

- **GRAZ-10**: Range infrastructure must be maintained, and fences up and functional, before yearly turnout will be permitted. Infrastructure essential to the proper management of an allotment that is not in working order may be grounds for removal of animals from the allotment.
● GRAZ-11: All new fencing will utilize the most up-to-date wildlife-friendly specifications.
● GRAZ-12: Dysfunctional range infrastructure that is not scheduled to be returned to use will be removed.
● GRAZ-13: Establish a system of ungrazed reference areas across the Monument, including unavailable areas and exclosures.
● GRAZ-14: Develop a formal drought management plan.
● GRAZ-15: No allotments will be converted from cows and horses to domestic sheep or goats within at least a 9 mile buffer of bighorn sheep habitat, except where topographic features or other barriers prevent physical contact. This is in order to prevent the spread of disease from domestic sheep to desert bighorn sheep and is consistent with BLM Manual for Management of Domestic Sheep and Goats to Sustain Wild Sheep, M-1730 (2016).
● GRAZ-16: Develop a schedule of permit renewals that will be processed according to NEPA requirements (e.g., rangeland health assessments and public comment periods). At least three permit renewals per year will comply with NEPA regulations.
● GRAZ-17: At a minimum, when the permit is renewed, conduct a forage capacity analysis on each allotment based on habitat condition, degree of recovery where needed, recently measured forage production, and grazing use to determine accurate forage capacity and adjust AUMs if necessary.
● GRAZ-18: Conduct studies comparing resource conditions before and after installation of range infrastructure.
● GRAZ-19: For lands inside the Glen Canyon National Recreation Area, livestock grazing practices will be approved by the National Park Service and consistent with their management requirements. Any grazing permit in the NRA should be co-signed by the National Park Service.
● GRAZ-20: Give priority in the Monument’s monitoring program to validate Agency monitoring and analysis practices to ensure that these practices assess the impairment of Monument objects and values.
● GRAZ-21: Grazing in the riparian area of the San Juan River SRMA will be restricted to October 1–May 31 and must meet or exceed PFC, and incorporate rest-rotation and/or deferment systems. This will include Perkins Brothers, East League, and McCracken Wash Allotments. [from the 2008 Monticello Field Office RMP, GRA-23].
● GRAZ-22: Permittees should be present to keep cattle in their designated areas and should not use motorized vehicles off established roads (See, BEITC Plan, p. 35).62

X. RECREATION USE AND VISITOR SERVICES

Summary: BENM is not a recreation area. The Agencies, in full collaboration with the tribes, must manage BENM first and foremost for the protection and enhancement of Monument

62 This reads like a Management Action, but is not included in Appendix C of the BEITC Plan. We include it here as a proposal to include in the alternatives analysis in the Draft EIS.
objects and values. Recreation is a discretionary use to be allowed and managed to prevent impairment of those objects and values. Here, we recommend a zoned management approach that prioritizes the protection and enhancement of Monument objects and values while allowing for a spectrum of high-quality recreation experiences—from backcountry solitude to frontcountry interpretive site opportunities and trails, so long as they do not adversely impact objects and values.

A. Background

As the BEITC Plan states:

Unmanaged and unregulated recreation and tourism is a major threat to the values held by the Tribal Nations of the BEITC. Visitation by Natives and non-Natives alike is one way to educate the public on the cultural heritage of the Tribes that have ancestral ties to the Bears Ears region. However, there should be consideration of sharing appropriate (or culturally sensitive) ways for thinking about and visiting BENM. (p. 35)

The past decade has seen a rapid expansion of non-motorized recreation on Utah’s public lands, and the COVID-19 pandemic has resulted in record numbers of visitors to Utah’s unique landscapes, including to BENM. This increased use has resulted in a correlated increase in adverse impacts to wilderness values, visitor experiences, natural and cultural resources, and wildlife. The BEITC and Agencies recognize and are concerned about these impacts.

A recently released literature review and report on recreation ecology in the Colorado Plateau, Outdoor Recreation and Ecological Disturbance, A Review of Research and Implications for Management of the Colorado Plateau Province (Recreation Report) synthesizes over 60-years of published scientific research to identify the environmental impacts of non-motorized recreation and provides a variety of effective management strategies to accommodate growing recreation demands while maintaining ecological integrity.

The overarching conclusion of the Recreation Report is for land management agencies such as BLM and Forest Service to focus growth and expansion of recreation use in frontcountry areas where trails and facilities are already developed, while protecting and minimizing development of less-used, backcountry areas. This is because, in most cases, the majority of impacts occur as a consequence of initial use, with additional use, even at high levels, resulting in minimal additional impacts. The report states, “unused locations are the most precious and fragile, and thus should be intensively protected and managed to avoid the proliferation of impacts.”

Some key findings and management recommendations in the Recreation Report include:

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“Future management of public lands will have to be proactive in order to accommodate a likely continued increase in demand while also protecting the natural landscapes visitors seek.”

“Frontcountry and backcountry areas present different management challenges due to the sensitivity of the landscape and visitor expectations. With this in mind, land managers should distinguish between frontcountry and backcountry areas and manage those areas accordingly.”

“Activity types and behaviors that result in expanding recreation use from concentrated, high-use areas to new, less visited and undisturbed locations are perhaps the most serious consideration.”

“Concentrating visitor use in previously impacted or hardened sites and trails will likely be a successful management strategy, while dispersal strategies may result in a proliferation of recreation disturbance.”

Although recreation is not a specifically-identified Monument object or value, it is a major and important planning consideration for the future of the Monument, not only because the Monument is a high-value location for a diversity of outstanding recreation experiences, but because these visitor uses have a high potential to result in damage to Monument objects and values if left unmanaged or left to proliferate without specific direction in the future. We appreciate that the AMS recognizes that

[c]ontinual and substantial increases in recreational use, mostly related to travel tourism throughout southern Utah (including across the Monument, and proximate USDA Forest Service and the national parks in southern Utah), pose challenges that cannot be addressed by simple dispersal of visitors. (p. 5-3)

The AMS (p. 6-32 to 6-36) discusses increasing visitation to the Monument on both Forest Service and BLM lands, and the associated increasing public expectations for additional dispersed and developed recreational opportunities. It also recognizes how advancing technology is fueling new and more impactful recreational activities, for example:

Since the adoption of the 1986 LRMP, recreation activities on the forest have changed, especially in regard to motorized recreation. OHV use and availability, coupled with technological advances, have allowed visitors to travel to places within the Planning Area that had previously been difficult to access. Providing for non-motorized activities separated from motorized uses has become increasingly difficult. (p. 6-35)

In addition, related to increasing dispersed camping, “BLM has noted increased impacts to soil and vegetation, human waste and litter, multiple access points and increasing size of disturbed areas, and in some cases damage to archaeological resources in such areas” (AMS, p. 6-34). Further, “[s]ocial media and other web-based applications have highlighted and provided directions to sensitive areas and cultural sites on the forest that in the past were protected by their anonymity. Strategies for dealing with increased use to these areas is [sic.] needed” (AMS
p. 6-35). Unfortunately, other than these few general statements, the AMS provides minimal analysis or details of the impacts that recreation has had, and is having, on the cultural and ecological landscape of BENM.

The BEITC Plan (p. 35-36) addresses recreational impacts, stating that “[u]nmanaged and unregulated recreation and tourism is a major threat to the values held by the Tribal Nations of the BEITC,” and provides an overview of past, ongoing, and potential future impacts of recreation and visitation on the land, ancestral sites, plants, sensitive soils, water resources, wildlife habitat, and riparian areas. For example, the BEITC Plan indicates:

- “Some Tribal members believe that several negative impacts have already occurred as a result of uncontrolled recreation, including damage to ancestral sites, vandalism, and pollution to the environment by trash and human waste. People may harvest live wood for campfires, which harms the animals that still live within BENM” (p. 35).
- “Recreationalists are creating new roads and trails, causing damage to the land, ancestral sites, plants, and to sensitive soils. Recreationalists sometimes overuse and misuse springs and other water sources. Erosion may occur as a result of trail use by ATVs, mountain bikes, and horses. Music, talking, yelling, driving, and human presence will have impacts on the soundscape and viewshed. Boats and rafts, especially motorized boats, if used in waterways in or near the BENM, will bring in noise pollution, gas pollution, and they may introduce non-native species to the environment” (p. 36).
- “The results of increased human visitation include development of numerous new trails, and in the process has destroyed fragile, irreparable cryptobiotic, cryptogamic soils. Numerous hard-to-see forbs are also damaged by recreational pursuits” (p. 36).

To prevent further impacts the BEITC Plan recommends generally:

[T]hat recreation should be restricted to designated areas and signs should be posted to keep people within those designated areas. Signage upon entering BENM would be an important management tool. The “leave no trace” philosophy should be enforced. Campfires should only be made in designated campsites, and other fires should only be made for religious and spiritual purposes by Native Americans. Designated campgrounds should include restrooms .... Monitoring and policing should be enforced. Backcountry camping could be allowed through permits. (p. 36)

In addition, as discussed below, the Plan (Appendix C) identifies a number of goals, objectives, and management actions to reduce threats.

**B. Management Zones**

Based on the findings and recommendations of the Recreation Report, the AMS, and the BEITC Plan, we recommend the development of a proactive, holistic, zoned management approach to recreation. This zoned approach should focus growth and expansion of recreation use in frontcountry areas where trails and facilities are already developed and cultural sites are
appropriate for high-volume visitation, while protecting and minimizing development of less-used, backcountry areas. Frontcountry areas may also include areas near communities on the border of or outside the boundaries of the Monument. The MMP should also identify other management zones as necessary.

It's important to note that a zoned management approach is different from designating recreation management zones (RMZ), such as what occurred in the 2008 RMP. The Agencies are not managing BENM as a recreation area. Instead, the Agencies are managing BENM for the protection and enhancement of Monument objects and values, and therefore must manage recreation as a discretionary use to prevent impairment. Here, a zoned management approach must prioritize the protection and enhancement of Monument objects and values while allowing for a spectrum of high-quality recreation experiences—from backcountry solitude to frontcountry interpretive site opportunities and trails.

There is currently no standard way to create management zones for a planning area; they are often based on the needs and uses of that particular area. However, once designated, zones can provide guidance for not only recreation and travel and transportation management decisions, but also for management of other resources and management prescriptions, such as visual and auditory resource management classifications. The new MMP should make clear that future designations and actions would be based on the goals and objectives for each zone.

While a zoned approach was used in the 2020 BENM MMPs, they prioritized recreation and other uses over protection of Monument objects and values. A different zoned approach can be seen in the original Grand Staircase-Escalante National Monument (GSENM) Management Plan (2000). In that plan, BLM described four zones to "provide guidance to help define permitted or excluded activities and any stipulations pertaining to them" (p. 8). These zones included Frontcountry, Passage, Outback, and Primitive Zones. We believe the 2000 GSENM Management Plan provides helpful guidance in developing a zoned management framework for BENM.

C. Special Recreation Permits

The Agencies must evaluate the existing Special Recreation Permit (SRP) process and all existing SRPs to determine whether they conflict with the mandates of the Proclamations. If so, the Agencies must work with the tribes to develop an SRP program within the Monument. This may include reducing the number of available SRPs, reducing group size limits, prohibiting commercial recreational use in some areas, and other actions. We support eliminating SRPs for motorized recreation - commercial and non-commercial - throughout the Monument.

Further, competitive events should not be permitted in BENM. As discussed in detail, above, BLM manages national monuments not under the FLPMA multiple-use mandate, but rather under the Presidential Proclamations. There are millions of acres of public land in Utah
managed under BLM’s multiple-use mandate that may provide appropriate areas for competitive events, and BENM is not the place for them.

**Preliminary Alternative Discussion**

As discussed above, we have concerns with Alternatives B and C’s reliance on previous management plans (2020 BENM MMPs, 2008 Monticello RMP, 2008 Moab RMP, and the 1986 Manti La Sal LRMP). Accordingly, while we support Alternative B’s proposal to “apply more prescriptive management direction for recreational uses in the Monument,” BLM should not be managing other uses similar to the 2020 BENM MMPs (AMS, p. 7-4). We agree that BLM should use prescriptive management direction for recreation uses in the Monument, including focusing high-intensity/high-density uses in a limited set of areas, and using prescriptive controls (i.e., group size limits and permits where appropriate) as a tool to limit/manage recreational uses outside of those areas. We also support the development of recreation area management plans, although not just for high-use recreational areas.

In Alternative C, we support emphasizing “the protection of resilient and intact landscapes in BENM while allowing for discretionary uses in identified management zones” (AMS, p. 7-4). However, instead of relying on management zones established in earlier management plans, BLM should develop, collaboratively with the tribes, management zones that identify frontcountry areas where developed forms of recreation may be focused and recreation facilities and trails may be improved or developed, and other zones necessary to protect and restore the Monument’s objects and values, protect resilient and intact landscapes, and where more primitive forms of recreation may occur. SRPs may be allowed in certain management zones so long as they preserve, protect and enhance BENM objects and values.

In Alternative D, we support emphasizing natural conditions, and limiting or discontinuing discretionary uses to allow for the continuation of natural processes (AMS, p. 7-6). It’s unclear how this is different from “emphasizing the protection of resilient and intact landscapes” in Alternative C. Similar to Alternative B, we support limiting the intensity and density of recreational uses through prescriptive controls, such as group size limits, to protect, restore and/or increase resiliency of Monument objects and values (AMS, p. 7-6). In addition, we support the use of permits for recreational activities in specific situations and locations, and to eliminate (rather than merely reduce) recreational use conflicts with BENM objects and values.

Based on existing conditions and as recommended in the BEITC Plan, maintenance and improvement of existing recreation facilities and trails may be needed to increase resiliency of BENM objects and values, minimize user conflicts, protect human health and safety, and to provide for visitor services, including interpretation, information, and education. The BLM and Forest Service must work collaboratively with the tribes to determine what existing facilities and trails need maintenance and improvement, and what new facilities and trails, if any, may be developed.
A zoned management approach that incorporates the BEITC Plan’s goals, objectives and management actions, along with some additional ones, would effectively manage discretionary uses such as recreation in a way that will ensure the protection and enhancement of the objects and values throughout the Bears Ears landscape.

**Proposed Alternative Components**

We support the BEITC Plan’s Recreation and Visitor Services goals, objectives, and management actions for collaborative Monument planning and management (Appendix C, p. 8-9). In addition, we support the addition of recreation-related goals, objectives, and management actions for other resources/uses including Cultural Resources, Lands and Realty, Livestock Grazing, Riparian and Wetland Resources, Soil and Water Resources, Travel and Transportation Management, Visual Resource Management, Wildlife and Fisheries Resources, Woodlands and Forestry, and Auditory Environment (BEITC Plan, Appendix C, pp. 1-4, 5-6, 9-10, 11, 12, 15, 16).

In addition to the Goals, Objectives, and Management Actions proposed in the BEITC Plan, we propose the following:

**Goal 1**

Recreation will be managed to ensure the protection and enhancement of Monument objects and values while facilitating specific recreational experiences that do not adversely affect them.

**Objectives**

- Establish management zones to prioritize the protection and enhancement of Monument objects and values while providing for a spectrum of high-quality recreation experiences.
- Management zones should identify areas where recreation trails, infrastructure, and facilities may be improved, expanded or developed to meet current and future recreational needs.
- Major visitor facilities, including developed campgrounds, should be located in or near surrounding communities in order to protect resources and promote economic development in the communities.
- Manage recreation in a manner that maintains the natural quiet, dark skies, and naturalness which are Monument objects that enhance recreational experiences.
- Manage dispersed camping to ensure protection of Monument objects and values. This may require using a “designated dispersed” system in some places, and active removal and restoration of user-created campsites.
Management Actions

- **REC-1:** Recreation allowances, developments, trails, parking, and concentrated use areas will be determined by BENM’s management zone system—BLM will work collaboratively with Tribal Nations to develop appropriate recreation plans for BENM.
- **REC-2:** Special events may be approved, under permit, if the event meets zone requirements and Plan provisions.
- **REC-3:** Special events will be permitted in accordance with the requirements of the most restrictive zone that the event encounters.
- **REC-4:** No competitive events will be allowed.
- **REC-5:** All recreation facilities and parking areas will be designed to be unobtrusive and to meet the visual resource objectives.
- **REC-6:** Outside of developed campgrounds, dispersed camping may be managed as “designated dispersed” sites only, which will be chosen and marked based on their lack of impact to Monument objects and values.
- **REC-7:** Require use of portable toilet systems and fire pans at designated dispersed campsites.
- **REC-8:** Group size will be limited to 25 people in frontcountry zones.
- **REC-9:** In backcountry and more primitive zones, group size will be limited to 12 people and 12 pack animals.
- **REC-10:** All motorized and mechanized travel within the Monument will be limited to routes designated for motor vehicle use.
- **REC-11:** Maintain visitor use areas and boundaries at existing public-use cultural sites to prevent social-trailing and damage to cultural resources.
- **REC-12:** Actively remove and restore user-created dispersed campsites that impact Monument objects and values.

XI. TRAVEL, TRANSPORTATION, AND ACCESS MANAGEMENT

**Summary:** OHV use in BENM has caused and continues to cause adverse impacts to Monument objects and values. The Monument management plan should expand existing OHV closure areas and establish guidelines for future implementation-level travel planning that ensure the protection of Monument objects and values. BLM and USFS must ensure that travel management decisions protect and enhance the values for which the Monument was created and minimize damage to natural and cultural resources.

As an initial matter, all travel and transportation management decisions must first and foremost conform with Proclamation 10285 and conserve, protect and restore BENM’s objects and values. See 16 U.S.C. § 7202; BLM Travel and Transportation Handbook, H-8342, IV.D (2012); AMS at 3-3.

The Bears Ears Interim Guidance issued in December 2021 directed BLM to determine whether the impacts from existing route designations in the 2008 Monticello RMP “may” be having an
adverse impact on Monument objects and whether such use is “consistent with the protection of the monument objects and values.” Based on information and belief, BLM has failed to comply with this directive. BLM must complete this analysis, immediately take whatever corrective action (e.g., route or areas closures) is warranted, and disclose the findings from its review in an outward facing document.

Executive Order 11644, as amended by Executive Order 11989, imposes a substantive obligation on BLM and the USFS to locate designated Off-Highway Vehicle (OHV) areas and trails in order to minimize damage to natural and cultural resources and conflicts with other existing or proposed recreational uses. See 43 C.F.R. § 8342.1; 36 C.F.R. § 212.55(b).

Federal courts have repeatedly made clear that federal agencies must meaningfully apply and implement—not just identify or consider—the minimization criteria when designating each area (as open, closed or limited), system of designated trails, or individual trail, and to demonstrate in the administrative record how they did so. See, e.g., *WildEarth Guardians v. U.S. Forest Serv.*, 790 F.3d 920, 929-32 (9th Cir. 2015); *Ctr. for Biological Diversity v. Bureau of Land Mgmt.*, 746 F. Supp. 2d 1055, 1071-81 (N.D. Cal. 2009).

Under the minimization criteria, all OHV area and route designations “shall be based on the protection of the resources of the public lands, the promotion of the safety of all the users of the public lands, and the minimization of conflicts among various uses of the public lands.” 43 C.F.R. § 8342.1. In meeting these goals, BLM must comply with the following criteria:

(a) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, air, or other resources of the public lands, and to prevent impairment of wilderness suitability.

(b) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats.

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

(d) Areas and trails shall not be located in officially designated wilderness areas or primitive areas. Areas and trails shall be located in natural areas only if the authorized officer determines that off-road vehicle use in such

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locations will not adversely affect their natural, esthetic, scenic, or other values for which such areas are established.

43 C.F.R. § 8342.1(a)-(d). USFS’s regulations similarly require the Agency to designate motorized vehicle areas and trails “with the objective of minimizing” the effects on the above resources. 36 C.F.R. § 212.55(b).

Impacts from OHV use is a particular issue within BENM. As discussed in the BEITC Plan, OHVs “can churn up soil leading to the development of ruts, damaged root systems of natural trees and plants, compacted soil, increased erosion, increased frequency of dust storms and increased sedimentation of waterways and springs” (pp. 35-36). OHVs can also spread non-native vegetation, destroy natural wildlife habitat, drive wildlife out of established habitat as a result of engine noise, and impact cultural sites by driving directly over them and increasing erosion (BEITC Plan, p. 36). OHV routes also provide access to remote sites, increasing the potential for vandalism and pothunting (BEITC Plan, p. 36).

Currently, 390,260 acres of BLM-managed lands within BENM are closed to OHV use and 682,480 acres are limited to designated routes. Throughout the Monument, there are 1,834 miles of designated BLM or USFS OHV routes. AMS at 6-37. The current OHV area and route designations do not adequately protect Monument objects and values and must be revised. BLM itself has acknowledged that its current travel network is not adequately protecting cultural and paleontological resources.65

As this planning process moves forward, BLM should retain all existing OHV closure areas, consider expanding existing OHV closure area designations, and consider adding a new, stand-alone closure area to protect Monument objects and values (See AMS, p. 5-4). “Where should BLM now apply closed motorized use area designations across the planning area?” The detailed boundaries of the proposed expansions and additions are provided in Appendix B (Fig. 3) and separately submitted shapefiles. We recommend expanding the following existing OHV closure areas:

- Mule Canyon/Arch Canyon – the existing closure area should be expanded to include lands to the east, including Arch Canyon, Little Baulie Mesa, and the northern area of Comb Ridge.66 While the motorized route in Arch Canyon was re-routed in 2014, OHV use continues to impact riparian and cultural resource values within the canyon, as well as soundscapes and user experiences. The Arch Canyon route is closed at the Forest Service boundary, resulting in incongruous management and forcing OHV users to drive

66 BLM and USFS have acknowledged that OHV use within Arch Canyon is a particular problem that must be considered as part of the area designation process in the Monument management plan. AMS at 6-41.
out and back through the canyon’s rare riparian system. Expanding the closure area would provide high-quality, non-motorized recreation experiences with Arch Canyon and the surrounding area, protecting and enhancing Monument objects and values.

- **Mancos Mesa** - the existing closure area should be expanded to include Moqui Canyon, with boundaries adjusted to accommodate a parking and trailhead area at the top of the Sand Slide. Illegal OHV route proliferation is impacting natural and cultural resources as well as wildlife. Because of the area’s remote location, adequate management of OHV impacts is difficult and not effective. Terminating OHV use at the rim of the canyon system and establishing a parking area and associated hiking trailhead will provide for non-motorized access into the area and facilitate easier management of OHV compliance. The closure area expansion will enhance the protection of BENM resource values and provide the public with additional non-motorized recreation opportunities.

- **San Juan River** – the existing closure area should be expanded around River House Ruin and San Juan Hill to protect those sites from proliferating motorized use. A hiking trailhead should be developed for the River House Ruin site and for other destinations in the immediate area. OHV use near the San Juan River causes adverse impacts to wildlife, cultural and historic resources, soundscapes and riparian values. It also causes conflicts between motorized and non-motorized users. Floating the San Juan River is permitted and highly regulated; it is a unique recreational experience within BENM. River users typically seek out a short stop at both the Butler Wash petroglyph panel and River House Ruin; the quality of this experience is disrupted by motorized use. Motorized use in this area has not been effectively managed, resulting in extensive illegal route development and travel off trail. BLM must establish end points that will allow for reasonable access and create a quiet, non-motorized experience when visiting cultural and historic sites, including River House Ruin, the Butler Wash petroglyph panel and San Juan Hill. Establishing a parking area and associated non-motorized trailhead location just to the west of the proposed closure will minimize conflicts while providing a short and rewarding hike to the sites for both motorized and non-motorized recreationists.

- **Grand Gulch** – the existing closure area should be expanded to include the area around Johns Canyon. Continued and increasing OHV use in this area threatens natural and cultural resources and is not consistent with the management of adjacent NPS lands. The NPS unit to the south of the proposed expansion does not permit motorized use entering from the north (from the John’s Canyon area), resulting in a BLM-designated route that ends at the NPS boundary and associated noncompliant off-trail OHV use. Expanding the OHV closure would provide for exceptional non-motorized recreation opportunities, including hiking and backpacking.

- **Dark Canyon** – the existing closure area should be expanded in two locations, one at the Sundance Trail trailhead and the other in Beef Basin and the Bull and Imperial Valley areas. OHV use is impacting natural resources, wildlife and soundscapes. Because of the remote location of this area and lack of enforcement, there is OHV route proliferation
and off-trail travel. Expanding the OHV closure area will protect and enhance Monument objects and values.

- **Bridger Jack Mesa** – the existing closure area should be expanded to the north to encompass many important areas including Lavender and Davis Canyons and the South Six Shooter. BLM should consider developing a climbing-access trailhead for the South Six Shooter with a defined trail to the base of the butte. OHV use within the proposed closure area expansion, which includes Lavender and Davis Canyons, is unmanageable due to the nature of the “routes” in those canyons. The routes are wide, sandy, wash bottoms with no defined track, which has led to extensive route proliferation, motorized users treating the canyons as a racetrack, and impacts to Monument values. OHV use on routes in this area has also resulted in motorized compliance issues within Canyonlands National Park. Due to the popularity of climbing on South Six Shooter Peak, one of the most iconic landforms in southern Utah, BLM, in consultation with the tribes, should consider adding a hardened parking area and trailhead with a zoned management approach that provides for a non-motorized backcountry experience.

- **Indian Creek** – the existing closure area should be slightly expanded in the north and to the southeast to include more of Indian Creek and the surrounding hoodoo areas. OHV use in the proposed closure area expansion adversely impacts riparian systems, cultural resources, soils and native vegetation. It also results in conflicts between resource users. Several OHV “play” areas have been created by illegal OHV use in this remote location. Expanding the closure area will protect and enhance Monument values and objects, will enhance non-motorized recreation opportunities, and will bring management of the area in line with current wilderness management of adjacent NPS lands.

- **Fish and Owl Creeks** – the existing closure area should be slightly expanded to include a small mesa above Dry Wash. OHV use along (and off) existing routes is impacting soils, vegetation, cultural resources and wildlife. Expanding the OHV closure area will reduce motorized route proliferation while facilitating the possible development of new parking area and trailhead locations that will protect Monument objects and enhance non-motorized recreation opportunities.

- **Cheese Box Canyon** – the existing closure area should be slightly expanded to encompass the lands around Lone Butte and Pinon Point. OHV use in this remote area is impacting wildlife and natural soundscapes. The expansion of the OHV closure area is warranted, will allow for better management of the area, and is necessary to protect wildlife habitat and other Monument values. The expanded closure area will also provide for additional and enhanced opportunities for non-motorized recreation.

We recommend the addition of new closure area for the following location:

- **Beef Basin** – this OHV closure area includes Ruin Canyon, Calf Canyon, and areas to the north of Beef Basin Wash. OHV use in this proposed closure area is impacting cultural resources, wildlife, soil and native vegetation, and is resulting in illegal off-trail motorized use. The area has numerous redundant routes at an unreasonably high density. Establishing the closure area will protect and enhance Monument objects and
values and will allow for the possible development of manageable parking areas/trailheads, which will facilitate short, high-quality hikes to cultural sites.

In addition, BLM and USFS should consider specific route closures to be made as part of the BENM planning process, as certain routes are impacting Monument objects to such a significant degree that the Agencies cannot delay action until a future travel management plan revision. These routes include, but are not limited, to: Arch Canyon, Hotel Rock, Moqui Canyon, Lavender Canyon, Davis Canyon and the Peavine Corridor (Forest Service). See Appendix B, Figures 4-7, Proposed Route Closures.

Notably, these proposed route and area closures are preliminary. Based on additional information such as the analysis required by the Interim Guidance, we may supplement these recommendations in the future. Further, we also support the BEITC Plan’s proposal to “[r]estrict vehicular access to the rims of Cedar Mesa. Encourage access by foot” (Appendix C, p. 9) and to “[p]rohibit use of All Terrain Vehicles (ATV) and Off Highway Vehicles (OHV) in and around riparian areas,” which are identified in the Proclamation as Monument objects (Appendix C, p. 10).

In addition to OHV area and specific route closures, BLM must identify and describe sidebars in the forthcoming MMP to ensure effective future route-specific travel planning (See AMS, p. 5-4). Specifically, the routes designated in the 2008 Monticello RMP and the 1991 Manti-La Sal Travel Plan (e.g., the no-action alternative) should represent maximum miles of OHV routes that could be designated in implementation-level planning. All action alternatives in implementation-level planning must reduce the number and mileage of routes available for public motorized use, regardless of motorized zone. The MMP should also make clear that implementation-level travel planning will reduce route density throughout the Monument and will not designate routes that may adversely affect Monument objects and values, including but not limited to cultural resources, wildlife, wildlife habitat and riparian resources. In addition, implementation-level travel planning should reduce user conflicts, reduce route duplication, provide sustainable routes, and enhance the conservation values of large, undisturbed landscapes. Implementation-level travel planning must also explicitly consider BLM and USFS’ ability to monitor and enforce its travel plan and minimize the potential for unauthorized OHV use.

Preliminary Alternative D, as modified by the proposed OHV closure expansions described herein, represents the best option moving forward. Alternative D would expand OHV closure areas to protect BENM objects and value. It also would direct future implementation-level planning to reduce route density in the Monument and include siting criteria to ensure the protection, restoration, and/or increased resiliency of BENM objects and values. AMS at 7-5. Neither Alternative B nor C would meaningfully change OHV area designations, leaving Monument objects vulnerable to destruction. Alternatives B and C would also allow designation of new OHV routes and would not include siting criteria that ensures the preservation of Monument objects and values (AMS, pp. 7-4 to 7-5).
XII. CULTURAL RESOURCE MANAGEMENT AND TRIBAL USE

Summary: Agencies should follow the leadership of Bears Ears Commission and the management recommendations from the BEITC Plan.

Proclamation 10285 is a testament of tribes’ deep historic and current-day connections to BENM. There is recognition that the entirety of BENM is a cultural landscape, from the landforms and viewsheds, the flora, fauna, and springs, and the remnants of previous inhabitants. As such, the consideration of cultural resource management applies to the entirety of the Monument management planning process and should be woven throughout every management area. The BEITC Plan provides extensive guidance on how this can be done and the Agency should give particular deference to the BEITC Plan in the context of cultural resources. We note that following the guidance of the BEITC Plan we distinguish between cultural and archaeological resources with the understanding that cultural resources can and should be defined more broadly.

We specifically recommend that the Agencies address the knowledge gaps addressed in the BEITC Plan, including the need for archaeological site survey data, ethnographies, ethnobotanical survey data, acquisition of data from water monitoring stations, need for raptor studies and nest mapping (including survey of eagles and hawks, and inventory of prey base). Additionally, we recommend that the Agencies pursue a greater understanding of the hydrology of BENM, including increased springs surveys (including ethnographies).

In developing management prescriptions and consultation plans we encourage the Agencies to review and incorporate the following documents:

- Tribal comments received during Council on Environmental Quality consultations on the President’s America the Beautiful Initiative September 27th - November 23rd, 2021, at www.whitehouse.gov/wp-content/uploads/2022/03/Atb-tribal-Consultation-Summary.pdf
- Memorandum of Understanding (MOU) regarding Interagency coordination and collaboration for the Protection of Indigenous Sacred Sites
- Tribal Treaty rights MOU and related to co-management of federal lands with Tribes and DOI
- Direction for implementing provisions of Joint Secretary’s Order 3403 (SO 3403), Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters. BLM guidance (Permanent Instruction Memorandum 2022-011)
- National Cultural Resources Procedures Handbook
Proposed Alternative Components

We recommend that the Agencies adopt the management recommendation set forth in the BEITC Plan.

XIII. ARCHAEOLOGICAL RESOURCES

Summary: Agencies should follow the leadership of the Bears Ears Commission and the management recommendations from the BEITC Plan.

BENM is a place of deep cultural significance to the Tribal Nations of the BEITC and other Pueblos. These ancestral ties are alive and evident in a myriad of ways, but most relevant here is the ancestral places recognized as archaeological sites, the physical remnants of where people lived, hunted, and traveled. These archaeological sites include artifact scatters, rock markings (petroglyphs/pictographs), trails, shrines, wooden structures, pit house villages, and cliff dwellings with standing masonry architecture. Extrapolating from existing survey data to areas not yet inventoried for archaeological sites, there are likely upwards of 260,000 archaeological sites in the 1.3 million acres of BENM as it was established in 2016 (BEITC Plan, p. 30).

Proposed Alternative Components

We recommend that the Agencies adopt the management actions set forth in the BEITC Plan.

XIV. WILDFIRE & FUELS MANAGEMENT

Summary: Wildfire is a natural and important part of the BENM landscape and plays an important role in maintaining native vegetation and habitat for wildlife. Natural fires should be allowed to burn as much as possible. Prescribed fire, particularly using Indigenous knowledge and expertise, should be utilized to bring fire back to places it has been suppressed. Where scientific analysis determines there are excessive fuels, managers may cautiously consider fuel treatments, with the primary objective of restoring native plant communities and rehabilitating ecosystems.

Proclamation 9558 states: “Wildfires, both natural and human-set, have shaped and maintained forests and grasslands of this area for millennia.”

The BEITC Plan proposes that wildland fire “be allowed to function in its natural ecological role”, when possible, and that the Agencies will explore traditional uses of fire in collaboration with Tribal Nations (Appendix C, pp. 4-5). Amongst its Relevant Data and Information to Be Used, the AMS includes: “Integrating concepts and practices of Indigenous fire and fuels management to achieve a more holistic and culturally sound approach to landscape-scale
wildfire management, including management suggested in the Fire Management section of the BEITC LMP" (p. 5-36). We appreciate this inclusion in the AMS and support the further exploration of traditional uses of fire in collaboration with Tribal Nations.

The AMS states that there are areas with high fuel loads due to past management such as fire suppression (p. 5-4). It would be useful for the DEIS to discuss what fire suppression efforts have been enacted by the Agencies in the Planning Area, both before and since the original Monument designation. Summarizing the fire suppression efforts that have taken place in which fire regime groups would help determine the extent to which lack of fire in BENM is attributable to past suppression efforts. The AMS also states that drought, fire suppression, and climate change have increased forest and rangeland vulnerability to fire (p. 6-83). The established role of grazing in increasing woody species cover and altering historic fire regimes should also be included in this list and discussed in the Draft EIS. The AMS also mentions the spread of non-native species, particularly cheatgrass, in the context of fire (p. 6-83). The established role of grazing in the increased distribution and abundance of non-native species, and particularly of cheatgrass, should also be discussed in the Draft EIS.

Where appropriate, fire should be allowed to play its historic role in the ecosystem. We propose that BLM allow naturally caused ignitions to burn when appropriate, namely if they would contribute to natural ecological processes and not threaten the integrity of Monument objects. Prescribed fire could be employed in a similar manner and should seek to mimic historical fire regimes. Utilizing fire in this way could help to make up for the lack of fire on much of the landscape since Euro-American settlement. Of course, the potential for post-fire cheatgrass proliferation is a significant concern. We recommend that fire be suppressed, and prescribed fire not used, where cheatgrass is known to be present and would be expected to proliferate post-fire.

Regarding Fuels Management and Emergency Stabilization and Rehabilitation projects, any projects undertaken should be aimed at restoring ecological function while also making the landscape resilient in the face of climate change. Specific management actions for these activities are listed in the Proposed Alternative Components section below.

The Draft EIS should acknowledge that there are grave risks inherent in mechanical vegetation manipulation. Vegetation, soils, biological soil crust, and hydrology are impacted at the project site, sometimes permanently depending on subsequent management. The surface disturbance increases the chances that cheatgrass and other non-native species will invade, which is one of the most disruptive and often irreversible outcomes in public lands management. Therefore, BLM should be careful to weigh the risks of wildfire on the Monument against the risks of fuels treatments, especially if fire is not a frequent occurrence on the Monument.
Proposed Alternative Components

Goal 1

Allow fire to play its historic role in the ecosystem, where appropriate.

Management Actions

- **FIRE-1**: For any naturally caused ignition, consider allowing the fire to burn if it would contribute to natural ecological processes and not threaten the integrity of Monument objects or public safety.
- **FIRE-2**: Permit the use of prescribed fire in a manner that mimics historical fire regimes where it would contribute to natural ecological processes and not threaten the integrity of Monument objects.
- **FIRE-3**: A designated fire resource advisor familiar with WSA issues will be consulted on all fires within the Monument that involve WSAs.
- **FIRE-4**: All fuels management and emergency stabilization and restoration projects outside the Wildland-Urban Interface (WUI) will be aimed at restoring ecological function based on the best available science while also making the landscape resilient in the face of climate change.
- **FIRE-5**: Seeding as part of all fuels management projects will only use native seeds.
- **FIRE-6**: Seeding as part of emergency stabilization and restoration projects will prioritize the use of native seeds. Non-native species that are either sterile or ephemeral and expected to disappear from the vegetation community within three years of seed establishment may be used where use of only native seeds is not possible. Any areas seeded with ephemeral non-native species will be monitored for three years following seed establishment. Any ephemeral non-native species found to persist longer than three years will not be utilized in future projects.
- **FIRE-7**: Projects using non-native seed will include a research component designed to evaluate species in the context of soil stabilization, water retention, and rate of recovery of native species. An annual report will be prepared for the Monument Advisory Council on project success.
- **FIRE-8**: Reseeding or surface disturbing restoration after fires will not be allowed in areas with special status plant species. Natural diversity and vegetation structure will provide adequate regeneration. Management ignited fires will also not be allowed in these areas unless consultation with the USFWS indicates that fire is necessary for the protection and/or recovery of listed species.

XV. WILDLIFE & FISHERIES

Summary: Many wildlife species are listed as Monument objects in Proclamations 9558 and 10285. These animals have been and are important to Indigenous people as well as for other communities. Maintaining and restoring habitat for wildlife is critical for them to survive and
thrive. We are particularly concerned about BENM-area bird species listed under the Endangered Species Act, particularly the southwestern willow flycatcher and Mexican spotted owl. Pinyon jay is also a species of concern because it has experienced significant population declines in recent decades resulting in the need to protect its habitat and has recently been the subject of a petition for ESA-listing. Numerous mammals are found in BENM, including the spectacular bighorn sheep, although its habitat is threatened by various human activities and needs management actions to help sustain it. Tribes and others who are knowledgeable about wildlife should be engaged in studying and protecting these animals in BENM.

A. Pinyon Jay

Proclamation 9558 specifically mentions pinyon jays. Pinyon jay populations are currently undergoing significant decline. An estimated 85% of the pinyon jay population was lost between 1967 and 2015, and the population is anticipated to decline by another 50% in 19 years. In April 2022 conservation groups petitioned to have the pinyon jay listed under the Endangered Species Act. Pinyon jay is listed in the AMS as a USFWS Bird of Conservation Concern and Utah Division of Wildlife Resources Species of Greatest Conservation Need and is mentioned as dependent on pinyon-juniper woodland (AMS pp. 6-108, 6-89). For all these reasons, the pinyon jay merits substantive discussion in the Draft EIS.

Care should be taken to not adversely impact local pinyon jay populations. Pinyon-juniper removal can have detrimental effects on pinyon jays including removal of traditional nesting sites and elimination of important nut-producing pinyon pines. Many planning efforts use a standard nesting season for analyzing impacts to migratory birds, generally April or May 1 to July 31. However, this window is not appropriate for pinyon jays (which may nest as early as February), and standard surveys for other birds, such as point-counts, are likely inadequate for pinyon jays due to their unique flocking behavior. In addition, pinyon jays appear to prefer nesting in small trees at the woodland-shrubland interface, which many pinyon-juniper removal projects target. Pinyon jays can have very high nest site fidelity. Marzluff and Balda (1992) documented a flock that bred at the same site each of the 14 years that this flock was observed, and for another flock documented 5 different nesting sites that were each used 9 times. The following measures based on the best available science should be utilized for any activities with the potential to impact pinyon jays, particularly for pinyon-juniper removal projects:

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• Survey all areas where trees will be removed or habitat disturbance will occur, with surveys conducted during pinyon jay nesting season (generally February through May). Areas should be surveyed even if the tree removal or disturbance will take place outside the nesting season, as pinyon jays can have very high nest site fidelity and may use the same nesting sites across years.
• To establish pinyon jay absence, three surveys should be conducted during the nesting season, with each survey separated by at least two weeks.
• If pinyon jay nests are found, the breeding colony should be buffered by a 500 meter no-treatment/disturbance zone as recommended by the Conservation Strategy for the Pinyon Jay led by the U.S. Fish & Wildlife Service.\(^{70}\)

We propose that these measures be incorporated as overarching guidance for management of pinyon jays on the Monument, and have categorized them in accordance with the goals, objectives, and management actions framework and included them in the Proposed Alternative Components section below.

**B. Southwestern Willow Flycatcher**

Proclamation 10285 identifies habitat for southwestern willow flycatcher along the San Juan River as a Monument object, and Proclamation 9558 specifically mentions the species. This habitat should be preserved, and degradation of this habitat by cattle should be prevented. Thus, we proposed above that southwestern willow flycatcher designated critical habitat along the San Juan River be allocated as unavailable for grazing to protect this habitat.

The Southwestern Willow Flycatcher Final Recovery Plan lists livestock grazing as a primary cause of destruction and modification of riparian habitats for southwestern willow flycatchers. The AMS fails to mention grazing as a factor in population levels (p. 6-112). The Recovery Plan states:

> The primary mechanism of effect is by livestock feeding in and on riparian habitats. Overutilization of riparian vegetation by livestock also can reduce the overall density of vegetation, which is a primary attribute of southwestern willow flycatcher breeding habitat. Palatable broadleaf plants like willows and cottonwood saplings may also be preferred by livestock, as are grasses and forbs comprising the understory, depending on season and the availability of upland forage. Livestock may also physically contact and destroy nests.... Livestock also physically degrade nesting habitat by trampling and seeking shade and by creating trails that nest predators and people may use.\(^{71}\)


The fact that southwestern willow flycatchers may not have been observed throughout their designated critical habitat within the Monument should not be a reason to fail to provide adequate protection for these areas. It could be that lack of use by southwestern willow flycatchers is due to degradation of habitat resulting from existing land uses.

The designated critical habitat for southwestern willow flycatcher along the San Juan River, which is also a Monument object, should be preserved, and degradation of this habitat by cattle should be prevented. As part of determining whether to keep an area available for grazing the Agency is to consider other uses for the land and the presence of other resources that may require special management or protection, such as special status species, special recreation management areas (SRMAs), or ACECs. BLM Land Use Planning Handbook, H-1601-1, Appendix C-14 (2005). We believe that this designated critical habitat should be preserved, and degradation of this habitat by cattle should be prevented. Thus, we propose that southwestern willow flycatcher designated critical habitat along the San Juan River be allocated as unavailable for grazing to protect this habitat.

C. Mexican Spotted Owl

Both Proclamations 10285 and 9558 identify critical habitat for Mexican spotted owl (MSO) as a Monument object. This habitat should be preserved in a healthy state capable of supporting thriving Mexican spotted owl populations, and degradation of this habitat by cattle should be prevented. Regarding Mexican spotted owls, the AMS states that the Planning Area includes 595,211 acres of designated critical habitat (AMS 6-104).

The Mexican Spotted Owl Recovery Plan states:

In summary, we view grazing by domestic and wild ungulates as a potential threat to spotted owls when managed insufficiently as to its effects on prey species habitat (e.g., reducing herbaceous ground cover), nest/roost habitat (e.g., limiting regeneration of important tree species, especially in riparian areas), and the capacity for resource managers to restore and maintain conditions supporting natural fire regimes within an array of habitat types. Grazing by domestic and wild ungulates is prevalent and recurring within most Mexican spotted owl habitat types. Thus, this potential threat occurs throughout the owl’s range and often during periods of its reproductive cycle when prey availability is most critical.\(^72\)

The Recovery Plan also states: “The potential for recreation-related impacts to the owl is relatively high.”\(^73\) It provides guidelines related to recreation that apply to PACs during the breeding season (1 Mar - 31 Aug). These include the following:


\(^{73}\) Id., p 47.
● “Limit human activities during the breeding season in areas occupied by owls.... Disturbance here is defined as the presence of 1-12 people”
● “Where nest and roost sites are known, disturbance should be limited to ≤2 disturbances per hour (averaged over a 24-hour period) within line of sight of the nest/roost sites.”
● Seasonal closures of specifically designated recreational activities (e.g., OHV use, rock climbing, or biking) should be considered where disturbance to breeding owls seems likely. 74

The fact that Mexican spotted owls may not have been observed throughout their designated critical habitat within the Monument should not be a reason to fail to provide adequate protection for these areas. It could be that lack of use by spotted owls is due to degradation of habitat resulting from existing land uses.

The degradation of Mexican spotted owl designated critical habitat by cattle and recreation should be prevented. Regarding grazing, we are not aware of any differential grazing management within Mexican spotted owl designated critical habitat to ensure understory cover consistent with healthy foraging habitat for spotted owls. This should include upland areas within designated critical habitat, even if these do not occur in a PAC.

We believe that the Agencies should undertake an analysis of discretionary uses that includes how such uses impact special status species. Specifically in regard to Mexican spotted owls, this should include an analysis of all grazing allotments that include designated critical habitat, and a detailed look at specific grazing management provisions (e.g., utilization levels) that are consistent with healthy foraging habitat for spotted owls. In developing the alternatives and preparing the Draft EIS the Agency should also review the guidelines for grazing management included in the Mexican Spotted Owl Recovery Plan. NEPA requires the Agency to discuss means to mitigate adverse environmental impacts, and to include such mitigation measures in the development of alternatives. 40 C.F.R. §§ 1502.16(a)(9), 1502.14(e). To fulfill this requirement, when developing the management plan and Draft EIS the Agency should fully consider approaches to managing livestock that will prevent further harm to Mexican spotted owl critical habitat and foster stable or increasing populations of Mexican spotted owls within the Monument.

D. Bighorn Sheep

Proclamations 9558 and 10285 both note populations of bighorn sheep in BENM including in the Cedar Mesa and Indian Creek areas. Proclamation 9558 also notes the depiction of bighorn sheep in rock art, underscoring the long-standing cultural importance of this animal to Indigenous people. The AMS describes the populations of bighorn sheep and efforts to augment populations in the Bears Ears region. The AMS also notes some challenges for bighorn

74 Id., p. 294.
sheep including habitat loss due to OHVs and diminishing water and forage. Recreation, both motorized and non-motorized, can negatively impact bighorn sheep, and the impacts of recreation on bighorn sheep must be analyzed in the DEIS. Maintaining these populations in BENM should be an important management effort.

E. Culturally Significant Species and their Habitats

The BEITC Plan states "Over the millennia, wildlife has become inextricably tied to all aspects of traditional Native beliefs and practices." (p. 27). We urge the agencies to incorporate the values and guidance of Indigenous people described in the BEITC Plan.

F. Migration Corridors

As Proclamation 10285 acknowledges, the Monument and surrounding areas provide important habitat for big game, including important migration corridors for mule deer.

Studies conducted by the Utah Wildlife Migration Initiative, a program of the Utah Division of Wildlife Resources, indicate that there is one confirmed mule deer herd that migrates seasonally into and across the Monument—the San Juan herd. See Appendix B, Figure 1.

The study and understanding of migration corridors are ongoing, with researchers identifying additional routes and gaining a better appreciation of the importance to wildlife of movement across a landscape. As we are continuing to learn how activity, development and disturbance affect the behavior of migrating big game, the Monument plan should contain enough flexibility to incorporate additional findings and subsequent management actions as they are developed.  

We urge BLM and Forest Service to include in the MMP measures to protect these and other corridors that may be identified in the future. Such measures could include those similar to management actions identified in the BEITC Plan, such as protecting fish and wildlife, engaging all BENM stakeholders to address management issues and minimizing or avoiding impacts to fish and wildlife species and their habitats across jurisdictional boundaries, and protect and maintain wildlife habitat connectivity (Appendix C, pp. 14-15).

75 Hall, Sawyer, Nicole M. Korfanta, Ryan M. Nielson, Kevin L. Monteith, and Dale Strickland. 2017. Mule deer and energy development—Long-term trends of habituation and abundance. Global Change Biology 23 (11): 4521-4529. (See also studies cited within this article)

Proposed Alternative Components

Goal 1

Maintain, protect, enhance, and recover habitats and populations of federally listed threatened, endangered, or candidate animal or fish species, and actively promote recovery to the point that provisions of the ESA are no longer required. Maintain, protect, enhance, and recover habitats of the latest Utah BLM State Director’s sensitive animal species list to ensure that Agency-authorized or approved actions are consistent with the conservation needs of the species and do not contribute to the need to list any species under the ESA.

Objectives

- Conserve habitat for migratory birds and emphasize management of migratory birds listed on the USFWS’s current list of Birds of Conservation Concern and the Partners-in-Flight priority species.
- Consult and coordinate with USFWS on an ongoing basis throughout implementation of this plan for activities potentially affecting threatened and endangered species and their habitats.

Goal 2

Maintain a viable, visible, and healthy population of bighorn sheep as part of a meta-population that includes BENM and the broader landscape of southeast Utah.

Objectives

- Maintain a buffer between bighorn sheep and domestic sheep populations to prevent the potential for disease transmission.
- Collaborate with Utah Division of Wildlife Resources on reintroduction efforts that include the BENM region in order to maintain a healthy mate-population across a wide area.

Goal 3

Manage the biological integrity and resiliency of terrestrial and aquatic ecosystems to maintain and/or improve habitat and fish and wildlife populations, with emphasis on climate change resiliency and overall biodiversity.

Objectives

- Protect and maintain fish and wildlife habitat connectivity.
• Engage all stakeholders to address management issues and minimize or avoid impacts to fish and wildlife species and their habitats, including migration corridors, across jurisdictional boundaries.

Management Actions

• WILD-1: The following measures will be utilized for any activities with the potential to impact pinyon jays:
  ○ Survey all areas where trees will be removed or habitat disturbance will occur, with surveys conducted during pinyon jay nesting season (generally February through May). Areas should be surveyed even if the tree removal or disturbance will take place outside the nesting season, as pinyon jays can have very high nest site fidelity and may use the same nesting sites across years.
  ○ To establish pinyon jay absence, three surveys should be conducted during the nesting season, with each survey separated by at least two weeks.
  ○ If pinyon jay nests are found, the breeding colony should be buffered by a 500 meter no-treatment/disturbance zone as recommended by the Conservation Strategy for the Pinyon Jay led by the U.S. Fish & Wildlife Service.\(^{77}\)

• WILD-2: BLM will continue to ensure that authorized actions do not jeopardize the continued existence of any special status animal species or result in the destruction or adverse modification of critical habitats.

• WILD-3: Surface disturbing research activities will generally not be allowed in threatened or endangered species habitat. Projects which provide new information and understanding of listed species, their populations, and/or their habitat, may be allowed after approval by BLM and the review and issuance of permits by the USFWS.

• WILD-4: Vegetation restoration methods will not be allowed in areas where special status species roost or nest (unless consultation with USFWS indicates no effect or a beneficial effect to species).

• WILD-5: If recreation activities (e.g., hiking, camping, biking, OHV use) are determined to impact known Mexican spotted owl nest sites, allocations, group size restrictions, closures, or other measures will be implemented to reduce or eliminate disturbance.

• WILD-6: In areas with known Mexican spotted owl nest sites, climbing closures will be established to assure that disturbance of nesting activities does not occur.

• WILD-7: For all grazing allotments that include Mexican spotted owl designated critical habitat, implement specific grazing management provisions (e.g., utilization levels) that are consistent with healthy foraging habitat for spotted owls.

• WILD-8: Wildlife habitat objectives will be considered in all reclamation activity to achieve desired conditions for rangelands.

• WILD-9: Ground disturbing actions that adversely impact fish and wildlife species and habitats will be avoided.
• WILD-10: In areas lacking proper water distribution or natural water sources, consider allowing for installation of precipitation catchments (guzzlers).
• WILD-11: Maintain or provide habitat requirements for deer and elk, including forage areas, hiding cover, and migration routes when detected. Manage crucial deer and elk habitat to minimize disturbance.
• WILD-12: Remove fencing that is non-functional or not necessary. This will benefit wildlife.
• WILD-13: Maintain a buffer between bighorn sheep and domestic sheep populations of at least 9 miles (a distance recommended by BLM in other locations) to prevent disease transmission, except where topographic features or other barriers prevent physical contact.
• WILD-14: If recreation activities (e.g., hiking, camping, biking, OHV use) are determined to impact bighorn sheep, allocations, group size restrictions, closures, or other measures will be implemented to reduce or eliminate disturbance.

XVI. HYDROLOGY (groundwater, surface water, wetland, riparian, floodplain, water quality)

Summary: The hydrology of BENM is critical to the ecology as well as the societies of the region. Wet areas such as streams and springs provide habitat and life to plants, animals and people. Many of the wet areas of BENM have been altered or damaged due to diversion, livestock grazing, invasive species and climate change. Better management needs to be implemented to protect and restore these wet areas for wildlife as well as for people who like to see and experience these amazing oases in the desert.

In the dry setting of BENM water is an essential resource to sustain life for people, plants and wildlife. Water is of particular significance and concern to tribes as stated in the BEITC Plan:

Water is fundamental to all life. In the arid west, water is of central importance to Native religion and identity. Water is respected as a living entity that is essential to life, which must be protected in all of its forms for the benefit of all living creatures. (p. 25)

Proclamation 9558 states:

Communities have depended on the resources of the region for hundreds of generations. Understanding the important role of the green highlands in providing habitat for subsistence plants and animals, as well as capturing and filtering water from passing storms, the Navajo refer to such places as "Nahodishgish," or places to be left alone. Local communities seeking to protect the mountains for their watershed values have long recognized the importance of the Bears Ears' headwaters.
Tribes in the BEITC, and other tribes with a historical connection to the BENM landscape, should be consulted and the cultural significance of water sources and associated ecosystems should be considered in all planning level and project level decisions.

Areas with water are particularly important for wildlife. Proclamation 9558 states that

> Consistent sources of water in a dry landscape draw diverse wildlife species to the area's riparian habitats, including an array of amphibian species such as tiger salamander, red-spotted toad, Woodhouse's toad, canyon tree frog, Great Basin spadefoot, and northern leopard frog.

### A. Surface Water

Proclamation 10285 lists streams, seeps, springs and hanging gardens as Monument objects. Those surface water ecosystems sustain numerous uncommon, endemic or rare plants and animals in the Monument. Wildlife, including neotropical birds and amphibians (as noted in the AMS) are dependent on streams and riparian areas within the Monument.

Proclamation 10285 explicitly mentions the San Juan and Colorado rivers that border BENM as well as streams in Fish Canyon, Arch Canyon and Indian Creek as some of the few perennial streams in BENM. These flowing streams are critical to aquatic biota (including leopard frogs) and terrestrial wildlife (such as the endangered southwest willow flycatcher) in addition to riparian plant communities.

Indian Creek is listed in Proclamation 10285 as potential habitat for endangered fish and threatened plant species. But a significant amount of water is diverted from Indian Creek, reducing its ecological value. There is great potential to increase fish and wildlife habitat in and along Indian Creek. Efforts should be made to reduce diversions and increase instream flows for fish and other aquatic biota, especially where it meets and flows along Highway 211 in the northern part of BENM. In that area there is significant downcutting, probably from excessive livestock grazing. Stream and riparian restoration could be accomplished along Indian Creek where it flows along Highway 211 and beyond for many miles through BENM before it reaches Canyonlands National Park and the Colorado River.

We have also observed streambed and bank damage from vehicles in Dark Canyon Creek below the Scorup Cabin\(^{78}\) and in Arch Canyon. We are aware of reports of significant numbers of leopard frogs in Arch Canyon, but those populations are vulnerable to impacts from vehicles that drive in the stream and riparian area. It is critical to minimize the level of damage to streams so that hydrologic and ecological processes can function and vegetation and wildlife can thrive.

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Springs are a small but important part of the landscape in the arid lowlands of BENM. Hanging gardens are a type of spring with unique and beautiful plants in a spectacular rock or cliff setting. There are numerous plants that are only found at springs in the Colorado Plateau, and some only at hanging gardens, such as cavedwelling primrose, Mancos columbine and alcove bog-orchid and alcove rockdaisy.

Springs have been important to Native American cultures and socio-economics of residents in both the distant past and the present. Springs are vulnerable to disturbance from human activities, particularly livestock grazing, geomorphic alteration and groundwater pumping and diversion. The BEITC Plan describes in multiple places concerns about the condition and protection of springs, including: ‘Erosion can harm springs and waterways and would likely threaten archaeological sites in BENM. Livestock may also pollute springs and waterways with their waste. Cattle and livestock may threaten medicinal and ceremonial plants (BEITC Plan, p. 35).

We have observed disturbances at springs from water diversion (capture, piping and storage of water), trampling by livestock, trails by animals and people, and excavation (for water livestock water supply), all of which can accelerate ecological damage related to decreased discharge; water pollution; loss of aquatic, wetland and riparian vegetation and habitat; and non-native weed invasion.

Grand Canyon Trust surveyed 59 springs in 2017 and 2018 and over half the springs showed moderate to severe degradation and more than 40% were heavily impacted, primarily by livestock grazing and water diversion (two reports are included with our submission of comments). A few springs were dry for unknown reasons, perhaps due to diversion, groundwater depletion, and/or prolonged drought. Most of the springs deemed to be in excellent condition were sites that were difficult for animals and people to access, such as hanging gardens and sites in narrow, less accessible canyons. More mapping and monitoring need to be done to protect and restore springs.

Other springs where damage has been reported are Ruin Springs and others north, west and south of the White Mesa Uranium Mill. We are also concerned about the poor condition of springs in the region north of Bluff where livestock grazing and diversions have reduced ecological functions.

Monitoring and rehabilitation of springs is essential to identify and rectify degradation. Monitoring can inform management of springs and lead to protection or restoration of ecological functions and to protect the cultural values. Ecological rehabilitation should include

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small-scale exclusion of livestock by fencing of spring sources, or reduction of livestock numbers at the allotment scale. In particular, sites that are highly degraded should be prioritized for protection or reduced livestock use to foster recovery of vegetation, natural flow and ecological processes.

We are aware that the Springs Stewardship Institute has collected considerable data on springs of BENM. The AMS did not utilize any of those data, although SSI is mentioned as a dataset to be used in the Fisheries and Wildlife section. This data should be included and utilized in development of the draft environmental impact statement.

**B. Wild and Scenic Rivers**

The AMS poses a question about whether wild and scenic river designations should be considered in the MMP (p. 5-8). Streams on Forest Service land that were previously found Eligible that retain Wild and Scenic eligibility due to their outstandingly remarkable values (ORVs) are:

- **North Fork of Whiskers, including Whiskers Draw, 8 miles,**
  - ORVs: Scenery (towering, sandstone walls, alcoves) and Wildlife (including important elk habitat in the headwaters region); Cultural and Archeological.

- **Hammond Canyon, 10.4 miles**
  - ORVs: Geology (unique sandstone spires and escarpments, deep gorges); Scenery (forests and lush vegetation, expansive views of sandstone spires, arches, escarpments and gorges); Cultural and Archeological; Recreation (backpacking); and Wildlife (including threatened Mexican spotted owl population and habitat).

- **Notch Canyon, 4.8 miles**
  - ORVs: Scenery (unique steep-walled canyon emanating from The Notch on Elk Ridge; Geology (sandstone spires, escarpments and erosional sinuosity); Cultural and Archeological.

- **Posey Canyon, 3 miles**
  - ORVs: Scenic (expansive views); Geologic (large erosional features, alcoves, sandstone outcrops and narrow gorges); Cultural and Archeological.

- **Chippean and Allen Canyons, 21.3 miles**
  - ORVs: Recreation (exemplary solitude, backpacking, night sky); Cultural and Archeological.

- **Butts Canyon, Arch Canyon, and Texas Canyon, 28 miles**
  - ORVs: Recreation (solitude, backpacking, night sky); Cultural and Archeological.

- **Upper Dark, including Drift Canyon, Horse Pasture Canyon, Rig Canyon, and Peavine and Kigalia Canyon, 26.2 miles**
  - ORVs: Geologic (expansive views, cliffs, arches, spires and other unique landscapes from rim to stream bed); Cultural and Archeological; Recreation (renowned backpacking, big game hunting); Ecological and Climate Adaptation...
sensitive, perennial springs and seeps are key desert water sources for flora and fauna; Wildlife (habitat in California condor management plan, an ESA-listed species and uncommon “alpine island” habitat for black bears, elk, mule deer, mountain lion, and other animals).

- Lower Dark Canyon, including Poison Canyon, Deadman Canyon, Trail Canyon, Warren Canyon, and Woodenshoe and Cherry Canyons, 41.4 miles
  - ORVs: Recreation (backpacking, horseback riding and hunting); Scenic (expansive views, cliffs and arches); Geologic (steep narrow canyons cut through the primary rock formations in the region, descending to alluvial deposits); Ecological and Climate Adaptation (perennial streams critical for desert fish, amphibians, birds and wildlife); Wildlife (habitat in California condor management plan, an ESA-listed species and uncommon “alpine island” habitat for black bears, elk, mule deer, mountain lion, and other species); Cultural and Archeological.

Additional streams that we conclude are Wild and Scenic Eligible due to the abundant ORVs are Beef Basin Wash (headwaters to Forest Boundary, 3.25 miles), Cottonwood Creek (Abajos headwaters to Forest Boundary, 2.8 miles), Dry Wash (headwaters to Forest Boundary, 3.8 miles), North Cottonwood Creek (Elk Ridge headwaters to Forest Boundary, 8.0 miles) and Ruin Canyon (headwaters to Forest Boundary, 3.56 miles).

C. Groundwater

Excessive pumping of groundwater is a concern, particularly with climate change and reduced rainfall. Groundwater pumping threatens Monument objects and values, some of which may not yet have been surveyed or cataloged. The AMS acknowledges that “current drought conditions will continue” and that “current trends in demand for water use will continue” which means that water extraction will need to be carefully managed to protect Monument objects and values (p. 5-43).

Groundwater pumping for livestock has the potential to reduce spring flows and negatively impact hanging gardens and wetlands associated with springs, which are Monument objects. The impacts of groundwater pumping on springs, streams and wetlands needs to be studied and no further groundwater pumping should be allowed without such analysis. Where groundwater pumping is found to harm Monument objects, the Agencies should seek to reduce or halt groundwater extraction.

D. Wetlands & Riparian Areas

Wetlands with standing water are few and far between in the Monument and therefore should be valued. Many of the wetlands in BENM are highly disturbed by livestock and water diversions, and in need of protection to allow them to recover. Wetlands that could benefit
from protection from livestock include Birch Spring (Forest Service)\textsuperscript{81} and Collins Spring (BLM)\textsuperscript{82} among others. Some wetlands have previously been fenced to foster recovery, a practice that should be expanded to protect and restore Monument objects.

Wetlands in areas without active livestock grazing are generally in better condition, such as Dog Tanks Spring (BLM)\textsuperscript{83} and U.S. Forest Service Spring 5094.\textsuperscript{84} It is important to maintain the good condition of these springs, specifically by preventing excessive livestock impacts.

Proclamation 10285 lists the ephemeral Duck Lake as a Monument object. However, Duck Lake experiences significant pressure from native ungulates and trespass cattle, which impact vegetation and soil, in addition to birds and other wildlife. Nearly all the willows in and around Duck Lake have been heavily browsed\textsuperscript{85} such that they do not grow above the height of the browsers (lack of recruitment) except in a few small exclosures. With such heavy pressure from ungulates, exclosures are critical to maintain some recruitment of willows, cottonwoods and aspen in BENM.

Riparian areas, along streams, are mentioned in Proclamation 9558 and Proclamation 10285 as Monument objects. These areas can support lush vegetation that is valuable to wildlife in this dry region. Proclamation 9558 specifically mentions the “vibrant riparian communities characterized by Fremont cottonwood, western sandbar willow, yellow willow, and box elder.” Riparian vegetation stabilizes streambanks, traps sediment, shades the stream and provides habitat for many animal species.

The AMS acknowledges the pressure on riparian areas:

\begin{quote}
There is a direct competition for forage and water resources between livestock and wildlife. This is found throughout the Monument but is most prevalent in the riparian areas where water and forage are present or of higher quality than in uplands. (p. 6-26)
\end{quote}

Examples of damage from livestock to riparian areas can be seen at Fable Valley\textsuperscript{86} and Lime Creek, among many others.

The damage from vehicles to streams noted above also causes damage to riparian areas in Dark Canyon Creek below the Scorup Cabin,\textsuperscript{87} and Arch Canyon. That damage causes declines in riparian vegetation and the associated benefits it provides in stabilizing streambanks, shading

\textsuperscript{81} Id., 10.
\textsuperscript{82} Id., 16.
\textsuperscript{83} Id., 19.
\textsuperscript{84} Id., 24.
\textsuperscript{85} Id., 22.
\textsuperscript{86} Coles-Ritchie, M. 2018. Livestock Impacts in Fable Valley, Southeast Utah. Grand Canyon Trust.
the stream, providing wildlife habitat and trapping or slowing water and sediment during high flows.

The AMS describes the Forest Service Watershed Condition Framework as an assessment tool, and notes (Table 6.11-3) that the two watersheds (Johnson Canyon and Peavine Canyon) are “functioning at risk” which indicates that more needs to be done to improve the condition of those watersheds (pp. 6-119-6-120). Not all the watersheds in BENM were included in the AMS. We urge the FS to assess and track the condition of all the watersheds in BENM using the Watershed Condition Framework.

The AMS mentions potential riparian data sources such as SWReGAP and Proper Functioning Condition assessments but does not present any data from those methods. Monitoring of riparian areas is essential to determine if Monument objects and values are being harmed, so that harms can be detected and addressed.

In the Planning Criteria section, the AMS poses a question about “What hydrologic functional parameters and metrics should be used to ensure proper conservation of hydrologic functions, processes, and resilience of features” (p. 5-5). Metrics that should be used include the abundance of wetland plants, abundance of non-native plants, and streambank damage and soil disturbance. We are aware of the work of riparian (greenline) monitoring done on Forest Service land by Mark Madsen and commend that type of monitoring. It is noteworthy that those 2020 monitoring data showed two streams in BENM that did not meet desired conditions (of Dixie National Forest, since desired conditions were apparently not available for Manti-La Sal National Forest): Indian Creek headwaters and Johnson Creek (just above the Blanding Municipal Water diversion) where “[c]onstant trailing of cows up and down the drainage was evident” (p. 8). Those data showed the Horse Pasture Canyon riparian site, which is not grazed by cattle, to be meeting desired conditions (of Dixie National Forest) and to be in “excellent” condition (p. 5).

We encourage BLM to increase their monitoring of riparian areas. Both BLM and Forest Service should include Traditional Indigenous Knowledge (TIK) in their monitoring of riparian areas. The Proper Functioning Condition protocol can be a good starting point to assess conditions but, as a merely basic qualitative assessment, it should be supplemented by quantitative monitoring.

In general, disturbance needs to be minimized, particularly disturbance caused by human activities, so that hydrologic processes can be maintained and sites can recover. Livestock grazing is one of the most significant impacts to riparian areas and wetlands. Reducing or eliminating livestock grazing in those areas is one of the most effective ways to improve ecological conditions and to better protect Monument objects and values. Recreation also impacts these areas and needs to be managed to minimize impacts to hydrologic functions.

E. Water Quality

The AMS indicates in numerous places the importance of maintaining good water quality. Impaired water quality has negative implications for fish and other aquatic organisms as well as for recreationists who come in contact with contaminated water. Efforts need to be continued and enhanced to identify the causes of water quality impairment and resolve them where possible. This will require cooperation and coordination between state water authorities as well as tribes, communities, government and special interest groups.

The White Mesa Uranium Mill, just outside BENM, is of particular concern for water quality due to the waste materials at that site. The AMS notes that “UDWQ operates and maintains several monitoring wells on BLM and has documented groundwater contamination adjacent to the mill” (p. 6-117). BLM should continue to work with UDWQ to ensure that radioactive waste and associated contaminants do not flow into BENM.

F. Water Rights

Water rights and use affect riparian, stream, spring and wetland ecosystems. Withdrawals of water affect aquatic biota as well as riparian vegetation and the terrestrial wildlife that depend on those ecosystems.

BLM could seek to acquire water rights at streams, springs, and wetlands where there has been significant dewatering or damage to wetland ecosystems from a variety of sources. If more instream flow can be provided for these systems, then they can begin to recover and better support riparian vegetation, aquatic organisms and other wildlife.

Proposed Alternative Components

Goal 1

Ensure that surface water ecosystems, including springs, streams and wetlands, are functioning and supporting the native flora and fauna of the region.

Objectives

● Assess the condition of surface water ecosystems on a regular basis.
● Facilitate recovery of degraded springs, riparian areas and wetlands through fencing or other management actions.
● Maintain springs, riparian areas and wetlands that are in good condition through fencing or other management actions.
Goal 2

Ensure that groundwater pumping is not damaging Monument objects including aquatic, wetland and terrestrial organisms.

Objectives

- Assess the impacts of groundwater pumping on springs, streams and wetland ecosystems.

Goal 3

Manage spring health for cultural significance in addition to ecological significance.

Objectives

- Conduct spring restoration or revitalization for at least one spring per year.
- Allow use of springs by tribes for cultural and religious purposes.
- “Identify water resources values to Tribal Nations’ culture and history, including risks of their absence as present-day cultural and historical resources of Tribal Nations” (AMS p. 5-43).

Goal 4

Manage riparian areas to maintain or restore them to properly functioning conditions and to ensure that stream channel morphology and functions are appropriate to the local soil type, climate, and landform.

Objectives

- Assess the condition of all springs on the Monument at least every five years, and for any springs in areas where NEPA is being done.

Goal 5

Maintain good water quality or remedy conditions that are creating impaired water quality.

Objectives

- Conduct assessments to identify places where water quality is impaired.
- Remedy sources of water contamination.
Goal 6

Ensure that water uses are not degrading Monument objects.

Objectives

- Study the impacts of water uses on Monument objects including springs, riparian ecosystems and streams.
- Determine minimum in-stream flows necessary to sustain Monument objects.

Management Actions

- HYDRO-1: Assess conditions at springs, streams, riparian areas and wetlands at least every five years.
- HYDRO-2: Employ the Watershed Condition Framework to identify and remedy areas that are not functioning or functioning at risk.
- HYDRO-3: No new water developments will be authorized in hanging garden areas. Maintenance activities will only be allowed if the hanging garden functionality can be maintained.
- HYDRO-4: No surface disturbing activities will be allowed in hanging garden areas.
- HYDRO-5: Eliminate vehicle use of streambeds as travel routes, such as in Dark Canyon, Peavine Canyon and Arch Canyon. Also seek to reduce stream crossings as travel routes.
- HYDRO-6: Determine and maintain minimum in-stream flows necessary to sustain aquatic and riparian ecosystems. For streams that have been significantly dewatered, find ways to reduce diversions and keep more water in the stream for ecological benefits, such as at Indian Creek.
- HYDRO-7: Create a spring and stream rehabilitation program in collaboration with tribes.
- HYDRO-8: Protect springs that have been degraded, by utilizing the BLM’s categorical exclusion for "construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas." DOI M-516, 11.9(K)(9)
- HYDRO-9: No new water extraction wells will be drilled.
- HYDRO-10: Assess the impacts of groundwater pumping on Monument objects and where harms are detected, reduce or halt groundwater extraction.
- HYDRO-11: Seek ways to reduce groundwater extraction within the Monument.
- HYDRO-12: Assess key riparian areas in active grazing allotments using PFC by a range conservation specialist at least every two years and by an interdisciplinary team that includes Traditional Indigenous Knowledge at least every 5 years; adjust livestock grazing as needed to ensure that riparian areas are in, or moving toward, healthy and functioning riparian conditions.

• HYDRO-13: Vegetation restoration methods in riparian areas will only be allowed for removal of noxious weed species or restoration of disturbed sites.
• HYDRO-14: Continue to reduce tamarisk and Russian olive where possible. Herbicide use will only be allowed to support restoration of native plants and animals.
• HYDRO-15: Limit recreational use where riparian areas are being damaged.
• HYDRO-16: Identify and remedy causes of water quality impairment.

XVII. PALEONTOLOGICAL RESOURCES

Summary: Paleontological resources are both scientifically and culturally significant and warrant protection. Collaboration with tribes and researchers is critical to developing a Paleontological Resource Management Plan, including inventory and monitoring protocols and interpretation for the public. Fossils, including petrified wood, need to be protected and tribes require permitted access for collection in small quantities for continued ceremonial and traditional purposes.

The BENM Proclamation designates paleontological resources that range in age from the Carboniferous Period to the Holocene and geographically from the southernmost to the northernmost boundaries as objects of scientific interest to be protected, studied, and enhanced. Paleontological resources hold cultural significance to tribes and should be considered in this context as well. The Paleontological Resources Preservation Act of 2009 (PRPA) defines a “paleontological resource” as any fossilized remains, traces, or imprints of organisms, preserved in or on the earth’s crust, that are of paleontological interest and that provide information about the history of life on Earth. 16 U.S.C. § 470aaa(4). Among paleontologists, fossils are generally considered to be scientifically significant if they are unique, unusual, rare, diagnostically or stratigraphically important, or add to the existing body of knowledge in a specific area of science. Tribes have many traditional stories about ancient creatures that are no longer on the earth today, as evidenced by fossils (BEITC Plan, p. 29). These creatures are to be respected and protected (BEITC Plan, p. 29). Petrified wood is one of the paleontological resources that remains important for ceremonies and other activities (BEITC Plan, p. 29). Preserving paleontological resources for scientific and cultural uses as well as public enjoyment is an important management goal for the Monument.

Proposed Alternative Components

Goal 1

Incorporate perspectives of the Tribal Nations of the BEITC in the management and interpretation of paleontological resources.
Objectives

- Honor knowledge sovereignty and Tribal perspectives by making Tribal management recommendations manifest.
- Ensure continued access to paleontological resources of cultural and ceremonial importance.

Goal 2

Manage paleontological resources in order to protect them and make them accessible to appropriate research and public enjoyment.

Objectives

- Inventory for paleontological resources and evaluate their significance for protection, conservation, research, or interpretation.
- Protect known paleontological resources from destruction or degradation. This also applies to materials from public lands located in museum collections.
- Manage uses to prevent unnecessary damage to paleontological resources.
- Facilitate appropriate paleontological research to improve understanding of fossil resources.
- Increase public education and appreciation of paleontological resources through interpretation and dissemination of research.
- Facilitate interactions between paleontologists, tribes, Agencies, and the public to develop and promote mutual understanding of the significance of paleontological resources.

Goal 3

Develop a Paleontological Resource Management Plan for BENM for areas with unique but rare paleontological resources and for all areas with high potential for scientifically or culturally significant fossils (i.e., PFYC 3, 4 & 5).

Objectives

- Outline the basic structure and organization of the paleontological resource program, including scientifically and culturally relevant protocols for inventory, collection, protection, and management of paleontological resources.
- Coordinate with tribes, counties, and municipalities on appropriate exhibits.
Management Actions

- PR-1: All research, inventories, and monitoring of paleontological resources will be conducted in accordance with applicable laws, regulations, and policy, and will integrate applicable Tribal policies and protocols.
- PR-2: No casual fossil collecting will be allowed within the Monument, except in small quantities for traditional and ceremonial uses by members of federally recognized Native American tribes. Special permits should be granted for collection by Tribal members, particularly for petrified wood.
- PR-3: Establish paleontological managerial staff positions and recruit qualified paleontologists.
- PR-4: Conduct proactive (non-compliance-driven) inventory of BENM for paleontological resources and evaluate their potential for protection, conservation, research, or interpretation. Areas with Potential Fossil Yield Classification (PFYC) ratings of 4 or 5 or with potential conflicts with other resources or threats from other uses will be given priority over those areas with lower PFYC ratings or no known user conflicts/threats.
- PR-5: If areas are identified that hold high potential for culturally significant paleontological resources, including petrified wood, these areas will receive higher levels of protection.
- PR-6: Establish a paleontological monitoring program to assess management needs of sensitive sites and areas. Pursue collaborative partnerships with tribes, volunteers, universities, and other research institutions to document, preserve, monitor or interpret sites consistent with the overall objective of protecting paleontological resources.
- PR-7: Require a paleontological site inventory for all proposed projects, consult with tribes, and use appropriate strategies to avoid sensitive sites, restrict access to the sensitive resource (i.e., construct barriers), or as a last resort, excavate and curate the resource. No excavation should occur without explicit approval from the Tribal nations of the BEITC.
- PR-8: Emphasize public education and interpretation to improve visitor understanding of paleontological resources and to prevent damage. Pursue collaborative partnerships with tribes, universities, and other research institutions to interpret sites consistent with the overall objective of protecting paleontological resources.
- PR-9: Involve qualified paleontologists and cultural specialists in the Monument staff, the state of Utah, professional societies, universities and other research institutions, and tribes to develop scientifically and culturally sound protocols and best practices.
- PR-10: Coordinate with tribes, other government agencies at Federal and state levels, and with professional societies to ensure consistency of PFYC designations, collection standards, and standards for education and outreach.
- PR-11: Coordinate with tribes and Monument archaeologists to ensure that protocols and inventory strategies are compatible with preservation of and respect for places and landscapes sacred to tribes.
XVIII. LANDS & REALTY

Summary: Drones, recreational air travel (scenic overflights, backcountry air strips), and commercial filming threaten BENM’s cultural resources, including natural quiet and soundscapes, species, and ecosystem health. The Agencies must act proactively and protectively, and in accordance with the BEITC Plan, to protect the cultural resources of BENM by prohibiting these uses throughout the Monument, subject to permission on a case-by-case basis.

We address soundscapes and natural quiet in detail, below. As the AMS states, “[t]he demand for scenic overflights on nearby national parks suggests that the demand for that use could occur at BENM, resulting in less quietness. The demand for use of drones for recreational and scientific purposes is forecast to continue” (p. 6-209).

In addition to disrupting natural soundscapes, scenic overflights, commercial filming, and the use of drones also threaten cultural resources by exposing their locations, whether purposefully or inadvertently. Such exposure could lead to significant negative impacts from increased visitation, vandalism, and theft.

Accordingly, we support Alternatives B and D’s proposals that “Takeoff and landing of drones and aircraft would be prohibited in BENM (except for authorized and official use)” (AMS, pp. 7-4, 7-6). We further support Alternative D: “Except for existing ROWs, the entirety of BENM would be ROW exclusion” (AMS, p. 7-6). However, we acknowledge that exceptions may be made after consultation with, and approval by, the tribes.

The proposed alternative concepts in the AMS do not address the disposition of BENM lands. Pursuant to Proclamation 9558, “All Federal lands and interests in lands within the boundaries of the Monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws or laws applicable to the USDA Forest Service… other than by exchange that furthers the protective purposes of the monument” (See, AMS, p. 6-185). Accordingly, we support the BEITC Plan’s goal to “Acquire and maintain access to public lands to improve management efficiency, facilitate Tribal use, and promote education, preservation, and cultural traditions among the Tribal Nations of the BEITC and other tribes associated with BENM” (Appendix C, p. 5).

We also support the BEITC Plan’s proposed Management Actions for Lands and Realty (Appendix C, pp. 5-6).

XIX. VISUAL RESOURCE MANAGEMENT

Summary: The entire Bears Ears landscape encompasses visual and scenic values that must be protected. The MMP should not consider any alternatives that manage areas within the Monument as VRM Class III or Class IV for BLM land and Moderate, Low, or Very Low SIO for
FS land. Viewsheds and all elements of the natural world are culturally relevant to tribes and should be managed in coordination and consultation with them.

The BEITC Plan states:

Viewsheds are [the] visible portion of the landscape seen from any particular vantage point. Everything in the natural world – rocks, plants, animals, water, and other natural elements – have meaning and character. All these elements are interconnected and viewsheds are important beyond that of simply being ‘scenery’ in the sense of a view from a rock or overlook... Any disruption to the natural world would negatively affect the viewshed, and by extension Native people whose spiritual power resides in that natural world. (p. 23)

Proclamation 10285 further emphasizes that the entire landscape encompasses visual and scenic resources of the Monument that must be protected, stating “The Bears Ears landscape... is not just a series of isolated objects, but is, itself, an object of historic and scientific interest requiring protection under the Antiquities Act.”

The AMS states “[t]he large remote, isolated, and rugged/primitive character of the Monument landscape is foundational to the Monument’s designation and the associated Monument objects and values” (p. 5-7). BLM recognizes that Tribal Nations, visitors, and residents all highly value the extremely scenic, minimally developed, and highly intact scenic quality within the Monument (AMS, pp. 5-68, 6-195).

Visual resources and scenic quality are Monument objects requiring protection and are important features of the Monument that are necessary to the protection of other Monument objects. It is critical for the Agencies to remember that for many, the entire Monument landscape is considered sacred and requires the highest level of visual protection. The AMS identifies recreation, livestock grazing, and community-scale utility infrastructure treatments and vegetation management as projects that could affect visual resources within the Monument (pp. 5-68, 6-195). As such, it is vital that the landscape’s natural and undeveloped scenic values are prioritized and for BLM to acknowledge that while singular projects may not have a seemingly significant impact on visual resources, multiple projects together could cumulatively result in degradation of visual values.

It is imperative that BLM also recognize the cultural value of visual resources. Tribes should be consulted on all planning or project level decisions that may have an impact on visual resources. It is critical for BLM to work closely with the BEITC to ensure Indigenous knowledge and information are incorporated into the Agencies’ analysis, with a specific emphasis on how the Forest Service completes its analysis. This analysis must incorporate the best available data (including updated information from the Manti-La Sal Land and Resource Management Plan when it is available), in addition to Traditional Indigenous Knowledge and considerations emphasized throughout the BEITC Plan.
Visual Resource Management (VRM) classes are established during the land use planning process. VRM Class I is most protective of visual resources, as it preserves the existing landscape character, while Class IV is least protective of the area’s scenic resources, allowing significant change to the existing landscape. The objective of BLM’s VRM policy is to “manage public lands in a manner which will protect the quality of the scenic (visual) values of these lands.” BLM must prepare and maintain on a continuing basis an inventory of visual values for each planning effort.

As a national monument, there should be no alternative analyzed in the DEIS that considers managing the planning area as Visual Resource Management (VRM) Class III or IV for BLM-managed lands and Moderate, Low, or Very Low Scenic Integrity Objectives (SIOs) for Forest Service-managed lands. Current BLM VRM identifies 212,452 acres as being Class III and 143,864 acres as being Class IV. AMS, p. 6-202.

BLM and FS should ensure that scenic values are conserved and must establish clear management direction that limits surface disturbance within important viewsheds. NEPA requires that measures be taken to “assure for all Americans ... esthetically pleasing surroundings.” Once established, VRM objectives are as binding as any other resource objectives, and no action may be taken unless the VRM objectives can be met. The MMP must make clear that compliance with VRM classes is not discretionary.

### Proposed Alternative Components

**Goal 1**

Manage Monument lands as VRM I and II for BLM lands and Very High and High SIO for Forest Service lands with mandatory prescriptions to protect scenic values, especially areas with high cultural and conservation values such as lands with wilderness characteristics, areas identified by the BEITC, backcountry recreation areas, scenic byway and backway corridors, WSAs, and ACECs.

**Goal 2**

Explicitly include management direction in the VRM portion of the MMP provisions to protect and improve night skies to ensure that only natural sources of light are visible to the human eye throughout the Monument.

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https://www.oha.doi.gov/IBLA/ibladecisions/144IBLA/144IBLA070.pdf
Goal 3

Protect viewsheds and visual resources in a manner consistent with Tribal values and the BEITC Plan.

Objectives

- Manage public lands in a manner that will protect the quality of the scenic (visual) values of these lands for present and future generations.
- Ensure the opportunity for Tribal coordination and consultation when making implementation-level decisions that have the potential to impact visual resources.
- Promote Best Management Practices for reclamation of landscapes, restoration of native habitats, and rehabilitation of waterways and riparian areas to enhance natural and historical scenic values that have been negatively altered.

Management Actions

- VRM-1: With limited exceptions for necessary facilities and temporary research projects that are managed consistent with the proper care and management of the Monument objects and values, bring Monument lands into conformance with VRM I and II classification standards.
- VRM-2: Manage lands that are classified for the preservation of their natural values (such as primitive recreation areas, WSAs and lands with wilderness characteristics) to VRM I standards to “preserve the existing character of the landscape” with stipulations specifically addressing and managing human development impacts.
- VRM-3: Coordinate with the tribes about the interpretive value of different vantage points and viewsheds in the Monument.
- VRM-4: Identify important viewsheds in coordination with tribes.
- VRM-5: Restrict camping and parking at important viewsheds and overlooks as identified by tribes.
- VRM-6: Create interpretive materials in coordination with tribes that highlight Tribal connections to distant areas visible from vantage points within the Monument.
- VRM-7: Manage all acquired former SITLA inholdings to the VRM class of surrounding lands.
- VRM-8: Conduct an updated lighting inventory.
- VRM-9: Develop and include in the MMP a lightscape management plan based on a robust set of dark night sky best management practices.
- VRM-10: Meet or exceed the standards for accreditation as an International Dark-Sky Association (IDA) International Dark Sky Sanctuary.
- VRM-11: Limit the use of lights at Monument buildings and infrastructure in order to minimize impacts to night skies.
- VRM-12: Build Monument buildings and infrastructure to blend into the landscape while retaining functionality.
VRM-13: Manage and design campgrounds to avoid negatively impacting the viewshed.

XX. DARK NIGHT SKIES

Summary: The Agencies should prohibit uses that would conflict with accreditation as an International Dark-Sky Association (IDA) International Dark Sky Sanctuary, should conduct an updated lighting inventory, and should include in the management plan a comprehensive lightscape management plan (including an outreach program that includes a visitor education plan and collaborative program for adjacent lands), and a robust set of dark night sky best management practices and direction informed by Traditional Indigenous Knowledge, including for temporary sources of night sky light pollution. Finally, dark night skies are culturally relevant to tribes and should be managed in consultation and coordination with them.

Proclamation 9558 explicitly recognizes dark skies as an important natural feature of the Monument. The star-filled nights and natural quiet of the Bears Ears area are truly unique and inspiring. Against an absolutely black night sky, our galaxy and others more distant leap into view. As one of the most intact and least roaded areas in the contiguous United States, Bears Ears has that “rare and arresting quality of deafening silence.” Proclamation 9558. As noted in the AMS “[t]his inclusion in the original Proclamation, which Proclamation 10285 confirms, restores, and supplements, establishes the requirement to manage lands within BENM to protect dark night sky resources” (p. 6-204). The BEITC also noted that all five of the tribes view night skies as an important cultural resource: “There is consensus that the night sky in open spaces should be protected in order to preserve these ancestral connections. Light and dust pollution are factors that affect the quality of the night sky” (p. 25).

In addition to being a critical natural feature of the Bears Ears landscape, which is identified in Proclamation 10285, and an object in its own right, dark night skies also are a critical resource for protecting various ecological processes on which many of the Monument’s biological objects depend. Night skies unimpaired by light pollution also are important for the role they play in visitor perception and experience, and BLM has projected that public concerns for protecting dark night sky resources on public lands will continue and increase (pp. 6-204, 6-206).

In accordance with Proclamation 10285, Proclamation 9558, and applicable BLM policies, BLM should actively manage BLM-administered lands in the Monument to protect and improve the value of the dark night sky resources they provide. It also should adopt collaborative management practices to encourage dark sky preservation on adjacent lands.

Beyond the mandates of the Proclamations, BLM and Forest Service have been given an explicit, obligatory mandate to manage the lands under its jurisdiction for their scenic and atmospheric values, which includes night skies. See FLPMA, 43 U.S.C. § 1701(a)(8) (stating that “. . . the public lands be managed in a manner that will protect the quality of the . . . scenic . . . [and] air and atmospheric . . . values . . .”); NEPA, 43 U.S.C. § 4331(b)(2) (requiring measures to be taken to “. . . assure for all Americans . . . esthetically pleasing surroundings . . .”); NHPA, 36 C.F.R. § 800.1(a) (requiring federal agencies to consider measures to avoid impacts on historic properties, including their “settings”). A dark night sky is undoubtedly a scenic and atmospheric value within that term’s meaning as defined in FLPMA.

Other federal land-use management agencies, such as the National Park Service, have already recognized the importance of this fading resource. See Managing Lightscapes, National Park Service. While the NPS operates under a different set of legal obligations than BLM, NPS’s Organic Act mandate to "conserve the scenery and natural and historic objects and the wildlife therein to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations," Organic Act of 1916 § 1 (emphasis added), clearly has parallels to BLM's multiple-use mandate in FLPMA to “take into account the long-term needs of future generations... including natural scenic...resources," 43 U.S.C. § 1702(c) (emphasis added).

Since 1984, BLM has interpreted its mandate as a “stewardship responsibility" to “protect visual values on public lands" by managing all BLM-administered lands "in a manner which will protect the quality of scenic (visual) values.” BLM Visual Resources Manual, M-8400 (.02), (.06)(A). Night sky management is an inherent component of this responsibility. VRM is not restricted to land-based resources.

The Agencies should strive to protect BENM’s renowned dark night skies by adopting strong management decisions that protect the important night sky resources. Utah has 24 dark sky designations, and the Monument is surrounded by several designations protecting night skies at a variety of scales, such as the recent designation of Goosenecks State Park as well as Natural Bridges National Monument, Rainbow Bridge National Monument, Canyonlands National Park, Dead Horse Point State Park, and others (AMS, p. 6-206). The State of Utah actively promotes protected areas in the state that have achieved such status as part of its tourism strategy and Utah State Parks has adopted a Lightscape Management Plan for its parks that are seeking or have obtained such status. As part of the Monument management plan and revived effort to be accredited as a dark sky sanctuary, the Agencies should prohibit uses that would conflict with accreditation as an International Dark-Sky Association (IDA) International Dark Sky Sanctuary, should conduct an updated lighting inventory, and should include in the

management plan a comprehensive lightscape management plan (including an outreach program that includes a visitor education plan and collaborative program for adjacent lands), and a robust set of dark night sky best management practices and direction, including for temporary sources of night sky light pollution.

Dark night skies are culturally relevant to tribes and should be managed in consultation and coordination with them.

Proposed Alternative Components

Goal 1

Include mandatory management direction to protect and improve night skies to ensure that only natural sources of light are visible to the human eye throughout the Monument.

Objectives

- Manage public lands in a manner that will protect the quality and extent of dark night skies within the Monument for present and future generations.
- Ensure the opportunity for Tribal coordination when making implementation-level decisions that have the potential to impact dark night skies.

Management Actions

- DNS-1: Conduct an updated lighting inventory.
- DNS-2: Develop and include in the MMP a lightscape management plan based on a robust set of dark night sky best management practices.
- DNS-3: Meet or exceed the standards for accreditation as an International Dark-Sky Association (IDA) International Dark Sky Sanctuary.
- DNS-4: Limit the use of lights at Monument buildings and infrastructure in order to minimize impacts to night skies.
- DNS-5: Coordinate with the tribes regarding interpretive and educational programming regarding night skies.

XXI. NATURAL SOUNDCAPES

Summary: Natural quiet is a Monument object and value, and protection of natural soundscapes must guide plan direction. Alternatives must be designed to limit human-caused noise from allowed uses and actions, and the EIS must fully analyze foreseeable acoustic impacts associated with that direction across a range of alternatives. Finally, natural soundscapes are culturally relevant to tribes and should be managed in consultation and coordination with them.
The natural soundscape of BENM is not specifically described in Proclamation 10285, but under Proclamation 9558, the Monument’s original designation proclamation, it was described this way: “The star-filled nights and natural quiet of the Bears Ears area transport visitors to an earlier eon. . . . As one of the most intact and least roaded areas in the contiguous United States, Bears Ears has that rare and arresting quality of deafening silence” (Proclamation 9558). “This inclusion in the original Proclamation, which Proclamation 10285 confirms, restores, and supplements, establishes [sic] the requirement to manage lands within BENM to protect natural soundscapes” (AMS, p. 6-207). It is anticipated the soundscapes in BENM are some of the quietest in the lower 48 states (AMS, p. 6-207). The BEITC has also recognized the importance of natural soundscapes: “Tribal Nations of the BEITC consider BENM to be a spiritual place and thus value the need for peace and quiet. Hopi people believe that the spirits of their ancestors still reside at BENM, and any disruption of peace will disturb them” (p. 23).

Protection of natural quiet, a Monument object and value, must guide plan direction designed to limit human-caused noise from allowed uses and actions, and the EIS must fully analyze foreseeable acoustic impacts associated with that direction across a range of alternatives. The AMS specifically notes that qualities such as soundscapes and air quality and the “star-filled... black night sky” are an integral part of the Monument objects and values. (p. 5-7). As the soundscape management plan for Zion National Park recognizes, “Natural sounds are inherent components of the scenery and the natural and historic objects and the wildlife. They are vital to the visitor experience of many parks and provide valuable indicators of the health of various ecosystems.”

Areas of natural quiet have rapidly disappeared, with only a few remaining patches of quiet in the West. This makes National Parks and Monuments even more important as one of the last places where we can preserve this important value. Even in these protected places, noise pollution has occurred. Roughly 63% of US protected areas have undergone a doubling of background sound levels due to noise, and 21% of these areas have experienced a tenfold increase. Non-natural noise can affect the physiology, behavior, and spatial distribution of wildlife. While impacts vary by species and habitat, studies have shown that anthropogenic noise can impact species in ways crucial to survival and reproductive success. Anthropogenic noise also has significant impacts on recreationists who visit natural areas like the Monument to escape non-natural noises and attain a sense of solitude and tranquility. Studies have found that anthropogenic noise interferes with the quality of the visitor

experience and even impacts the perceived visual and aesthetic qualities of the landscape. Indeed, anthropogenic noise 3-10 dB above natural sound levels is known to annoy some visitors, reducing enjoyment of parks and interfering with natural quiet. Non-natural noise degrades wilderness characteristics as well, including apparent naturalness and opportunities for solitude. See 16 U.S.C. § 1131(c).

BLM must take a hard look at these and other reasonably foreseeable acoustic impacts on the natural soundscape of the Monument and develop management plan direction to avoid, minimize, and mitigate those impacts. Indeed, BLM’s Air Resource Management Manual requires the Agency to consider noise and its potential impacts on public lands during planning and project authorizations:

When BLM programs, projects, and/or use authorizations have the potential to affect existing resources that may be sensitive to noise such as public health and safety, wildlife, heritage resources, wilderness, wildland/urban interface areas, and other special value areas . . . , BLM will consider noise and its potential impacts on the public and the environment, as well as any appropriate mitigation measures, during the planning and authorization review process. M-7300, 06(D).

Courts have affirmed the responsibility of federal land management agencies to evaluate noise impacts on the natural soundscape, including in the context of authorizing oil and gas development or other noise-producing activities that could impact wildlife, wilderness, or recreation. See, e.g., S. Utah Wilderness Alliance v. U.S. Department of Interior, No. 2:13-cv-01060-EJF, 2016 U.S. Dist. LEXIS 140624, *20–*24 (D. Utah, Oct. 3, 2016); Izaak Walton League of Am. v. Kimbell, 516 F. Supp. 2d 982, 995–97 (D. Minn. 2007). This responsibility is heightened where, as here, natural soundscapes are a defined Monument object.

We are pleased to see that BLM has identified natural soundscapes as an important resource within the Monument and done some preliminary assessment of soundscapes, which indicate that “it is anticipated the soundscapes in BENM are also some of the quietest in the lower 48 states” (AMS, p. 6-207). BLM also notes that, “increases in noise are anticipated to continue as recreational visitation and air travel increase. Scenic overflights in places like nearby Grand Canyon National Park, and the use of drones for recreational and scientific purposes have increased in recent years” (AMS, p. 6-209).

To the extent that BLM analyzes alternatives that could have reasonably foreseeable acoustic impacts (e.g., prioritizing more intensive recreational use, permitting scenic overflights, and allowing increased use of drones for recreational and scientific purposes), it should utilize

acoustic modeling to fully analyze those impacts to Monument objects and values, and then design plan direction to avoid, minimize, and mitigate those impacts and ensure compliance with the Proclamation.

Various models and methodologies that constitute best available scientific information are available for purposes of conducting soundscape modeling.\textsuperscript{102} Zion National Park has developed a soundscape management plan that could serve as a model.\textsuperscript{103} We encourage BLM to consider adopting elements of that plan, including potential soundscape zoning of the Monument with associated objectives and management actions, as well as ongoing monitoring and, as necessary, adaptive management designed to ensure maintenance of the natural soundscape and compliance with the Proclamation. At a minimum, the plan should require soundscape modeling and analysis for project-level decision-making that could alter baseline conditions and set protective standards for modeled and actual/monitored sound levels, particularly near noise-sensitive receptors (e.g., important wildlife habitat, WSAs, Lands with Wilderness Characteristics, and developed and primitive recreation locations).

**Proposed Alternative Components**

**Goal 1**

Manage uses to protect and maintain the natural soundscape.

**Objectives**

- Design management actions to minimize artificial noise and avoid increases in background noise levels.

**Goal 2**

Protect wildlife species known to be sensitive to the effects of human caused noise.

**Objectives**

- Preserve animal and riparian habitats so that natural sounds prevail.

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Goal 3

Protect visitor experience of natural quiet and solitude.

Management Actions

- NS-1: Post signage indicating the need for low-voices and low-volumes, especially in backcountry areas.
- NS-2: Prohibit the use of drones.
- NS-3: Prohibit the use of amplified music devices in back-country areas.
- NS-4: Prohibit motorized vehicle use causing noise levels exceeding 55 db, including through installation of speed bumps or other speed barriers in areas of high-velocity OHV traffic to help preserve soundscapes.
- NS-5: Work with FAA to designate the Monument as protected airspace and prohibit commercial air tours.
- NS-6: Recommend to the FAA that civilian aircraft be prohibited from flying lower than 1,500 feet above the ground, with exceptions for search and rescue or other actions required to protect Monument objects.
- NS-7: Secure cooperation from Department of Defense to avoid low-elevation military flights to the maximum extent possible.
- NS-8: Conduct soundscapes modeling for management actions with the potential to alter baseline soundscapes conditions.
- NS-9: Develop a soundscape management and monitoring plan, in consultation with tribes, that:
  - Identifies noise-sensitive receptors (e.g., important wildlife habitat, WSAs, Lands with Wilderness Characteristics, developed and primitive recreation locations, other areas where anthropogenic noise is impairing visitors or wildlife), as well as front-country and back-country sound zones;
  - Sets noise thresholds that modeled and actual/monitored sound levels cannot increase near noise-sensitive receptors and in back-country sound zones and designs management actions accordingly;
  - Sets objectives of reducing background noise in front-country areas where natural soundscapes is impaired and impacting visitor experience and designs management actions accordingly;
  - Includes a monitoring plan.

XXII. LANDS WITH WILDERNESS CHARACTERISTICS

Summary: To proactively prevent further loss of naturalness, quiet, solitude, and remote backcountry recreation opportunities, BLM should protectively manage all lands with wilderness characteristics (LWC) in the Monument. Even more important than the recreation opportunities, LWC provide much needed landscape level protections for cultural and historical resources and values, important wildlife and bird habitat, riparian areas, native
vegetation, sensitive cryptobiotic soils, and other Monument objects and values. This is why we support managing all the lands in BENM that have been inventoried as having wilderness characteristics to maintain and protect those characteristics (AMS, p. 7-6).

FLPMA requires BLM to inventory and consider lands with wilderness characteristics (LWC) during the land use planning process. 43 U.S.C. § 1711(a). BLM Conducting Wilderness Characteristics Inventory on BLM Lands Manual, M-6310 reiterates that, “[r]egardless of past inventory, the BLM must maintain and update as necessary, its inventory of wilderness resources on public lands” M- 6310.06(A). BLM Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process Manual, M-6320, requires BLM to consider LWC in land use planning, both in evaluating the impacts of management alternatives on LWC and in evaluating alternatives that would protect those values. Wilderness inventories are to be done on a continuing basis and relevant citizen-submitted data is to be evaluated. M-6310, 6310.04(C)(1).

According to the AMS, “[o]f approximately 539,296 acres inventoried for wilderness characteristics, 389,936 acres were found to possess those characteristics in the Monument... The majority of inventory was completed in 1999 and confirmed in 2007 with some additional units inventoried based on subsequent public recommendations” (AMS, p. 6-210). It would be helpful for Figure 6.19-1 to also show Wilderness Study Areas (WSAs) and natural areas.

It does not appear that any LWC inventories were conducted for the 2020 MMPs, and the existing inventories may be outdated. Therefore, we appreciate that, as part of this planning process, “[t]he BLM is currently working on verification and re-inventorying to further identify which areas in the Monument contain lands with wilderness characteristics; this updated inventory is expected to be complete in the fall of 2022” (AMS, p. 6-210). Because this inventory information was not provided during the public scoping process, we request the opportunity and reserve the right to submit additional comments based on this inventory data.

XXIII. WILDERNESS STUDY AREAS

Summary: We urge BLM to consider, analyze and ultimately designate new Wilderness Study Areas (WSAs) as a key tool for protecting Agency-identified lands with wilderness character through this collaborative land use planning process. Specifically, the Agency should consider designating BLM-identified lands with wilderness character as WSAs in every action alternative. Designating wilderness character lands as WSAs is wholly consistent with Proclamation 10285.

A. New Wilderness Study Areas

WSAs are BLM’s most durable and important administrative designation to maintain wilderness character on certain high value public lands. These wild and undisturbed BLM-managed lands harbor important wildlife habitat, enhance species connectivity between other protected lands,
and serve as climate refugia for species adapting to a changing planet. These lands also sequester significant amounts of carbon, help conserve scarce water resources and safeguard cultural landscapes and artifacts.

We call your attention to a 2021 Resolution of the Navajo Utah Commission of the Navajo Nation Council – Supporting Wilderness Study Area Designations Pursuant to Federal Land Policy and Management Act § 202 to Comply with President Biden’s Climate Crisis Executive Order (NUCMAY-849-21) (attached). In pertinent part, this Resolution

2. [C]alls upon the U.S. Department of the Interior to use of the most effective tools it has to conserve undeveloped public lands by designating as FLPMA § 202 Wilderness Study Areas all qualifying lands in southern and eastern Utah to help address the climate crisis as set forth in President Biden’s Executive Order.

... 

4. [S]upports FLPMA § 202 Wilderness Study Areas designations in southern and eastern Utah to provide time and places for plants and wildlife to adapt to the changing climate, and to better protect our scarce water resources.

In the Resolution, the Navajo Utah Commission “recognizes that conserving undeveloped lands and resources now managed by the federal government in southern and eastern Utah will help in President Biden’s effort to address climate change as well as protect and preserve the cultural, prehistoric and historic records and legacy of Dine` and other Native Peoples, and also the cultural traditions and practices of Native Peoples that continue today.”

BLM has the authority and obligation to inventory and protect wilderness-quality lands in land use planning processes such as this one. Under the Federal Land Policy and Management Act (FLPMA) section 201, the Interior Department is directed to maintain current inventories of the resources it manages—including areas that qualify for wilderness designation. Under section 202 of FLPMA, once such inventories have been completed, the Department can and should designate lands as WSAs to ensure their durable conservation management.

Importantly, Wilderness Study Areas are designated administratively through land use planning processes subject to the National Environmental Policy Act (NEPA). These NEPA processes offer ample opportunities for public input, collaboration with local communities, and transparent decision-making. The BENM management plan is one of these processes.

In the past, BLM has taken the policy position that it may no longer designate new Wilderness Study Areas. This position is contrary to the plain language of FLPMA sections 201, 202 and 603 and should be rejected. Nothing in the text of Section 603 limits BLM’s authority under section 201 to undertake wilderness inventories on an ongoing basis, nor does it limit BLM’s authority under section 202 to establish new WSAs. Every prior administration from 1976-2000 created
WSAs under section 202\textsuperscript{104} and plainly had authority to do so. This administration has such authority as well, making this a reasonable alternative requiring consideration in this NEPA and Monument management planning process. \textit{See, e.g., New Mexico ex rel. Richardson v. Bureau of Land Management}, 565 F.3d 683, 712 n.34 (10th Cir. 2009) (noting that BLM did not defend the Norton-Leavitt settlement and based on that silence the court stated “[w]e assume arguendo that wilderness study area designation under [section 202] is a lawful land management option.”).

Moreover, shortly after the original agreement was signed between the state of Utah and the Interior Department under Secretary Gale Norton (the so-called “Norton-Leavitt agreement”) those same parties clarified that they never intended their agreement to be interpreted as an enforceable consent decree. The federal district court agreed that neither it nor the parties could bind future administration to this policy and the court expressly stated that it never intended to do so. \textit{See Utah v. U.S. Department of the Interior}, 535 F.3d 1184, 1191 (10th Cir. 2008) (explaining that Utah and Interior withdrew the original Norton-Leavitt agreement and filed a new agreement that “purported to be a private settlement that did not require the district court to maintain jurisdiction or enforce its terms.”). \textit{See also Utah v. Norton}, 2006 WL 2711798 at ** 10-17 (D. Utah) (Sept. 20, 2006) (granting motion to vacate original settlement and noting revised version was unenforceable).

In light of these facts, we emphasize that BLM can and should continue to designate new WSAs, including all BLM-identified lands with wilderness character.

\textbf{B. LWC, Wilderness, and Acquired Lands}

Subsequent to completion of the MMP BLM may acquire through exchange or otherwise lands within the boundary of FLPMA Section 202 or 603 wilderness study areas. Pursuant to BLM's Manual for Management of Wilderness Study Areas, M-6330 (2012), any such lands are required to be managed as WSA:

\textit{Acquisition of land by exchange within WSAs.} Under the authority of 43 C.F.R.§ 2200.0-6(f) and (g), upon acceptance of title to non-Federal land within the boundary of a WSA that has been exchanged with BLM, that land is automatically added to the WSA and from that time on is subject to the WSA Management Manual. This provision applies only to inholdings, not

As a policy matter and for consistency BLM should apply this Manual section to inholdings and edgeholdings.

In addition, BLM should manage any acquired lands within LWC or Natural Areas as automatically added to those areas and managed for preservation of their wilderness characteristics.

XXIV. WILDERNESS, FOREST SERVICE LANDS

Summary: To comply with the spirit of the Bears Ears’ Proclamations, potential wilderness units on Forest Service lands within the Monument must be identified, evaluated, and recommended for Congressional designation as Wilderness Areas as a part of this planning process. We include in these comments descriptive narratives and a GIS shapefile for nine proposed wilderness units that we recommend in the Abajo Mountains and on Elk Ridge. Until such time as Congress can act, we strongly recommend that these potential Forest Service wilderness areas be managed as outlined in Alternative D: “All the lands in BENM that have been inventoried as having wilderness characteristics would be managed to maintain and protect those characteristics.”

The Forest Service is required to “[i]dentify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation.” 36 C.F.R. § 219.7(c)(2)(v).

According to the AMS,

As part of the Manti-La Sal National Forest LMP revision process, the forest is undertaking a recommended wilderness evaluation process of all lands that may be suitable for inclusion in the National Wilderness Preservation System. Evaluation of wilderness characteristics is guided by the Wilderness Act of 1964 and Forest Service Handbook 1909.12 (USDA Forest Service 2015). Determinations about recommended wilderness lands will be made in the LRMP revision and recommended wilderness evaluation and are not covered here; this RMP will tier to those documents for recommended areas that fall within the BENM boundary once the decision is finalized. (See Figure 6.20-2, p. 6-226).

We strongly object to the position taken in the AMS to defer decisions over recommending wilderness on National Forest lands to the Land and Resources Management Planning process

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106 BENM_FS_ProposedWilderness_10__27_2022.shp (included with comment submission).
(LRMP) for the Manti-La Sal National Forest. Begun in 2016, the Manti-La Sal’s wilderness inventory and evaluation process has been subject to multiple rounds of public comment, and decisions have been made by the Forest Service that were not informed by the presence of a monument proclamation for Bears Ears. Now that a proclamation for Bears Ears is in place, an original wilderness evaluation should be undertaken during this planning process that considers the protection of monument objects and values over all other land uses.

The Forest Service Land Management Planning Handbook specifically provides that in making an evaluation of wilderness the Agency should consider the degree to which the area may be managed to preserve its wilderness characteristics, including management of adjacent lands. Forest Service Land Management Planning Handbook, FSH 1909.12, 72.1. The designation of the Bears Ears National Monument significantly alters the management framework making it much easier to manage for wilderness characteristics on both BLM and Forest Service lands within the Monument, and a wilderness evaluation must be done taking this change into consideration. Timing is also important. The Manti-La Sal LRMP revision process has an uncertain decision date, and the new LRMP may not be complete by the time the ROD is signed on the Bears Ears management plan. Analysis of Forest Service lands that results in a wilderness recommendation should be conducted concurrently with this planning process, not subject to the timeline of another process. Finally, the Forest Plan is a plan for the Manti-La Sal National Forest, not for Bears Ears National Monument. Lands subject to this Monument designation are covered by a Monument Management Plan, not a Forest Plan. While we appreciate the Agencies’ attempt to save labor on Forest Service wilderness, it is inappropriate to “tier” or consign decisions about wilderness to a separate and non-parallel Forest Plan.

### A. Recommended Forest Service Wilderness Areas in BENM

The following recommended wilderness areas were submitted to the Manti-La Sal National Forest as a part of a comprehensive Conservation Alternative\(^\text{107}\) for the Manti-La Sal’s Forest Planning process. A GIS shapefile of this proposal is included with this document’s attachments. Consistent with Alternative D, we recommend that these nine areas totaling approximately 185,896 acres be managed to maintain and protect their wilderness character.

<table>
<thead>
<tr>
<th>Unit Name</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arch Canyon</td>
<td>19,203</td>
</tr>
<tr>
<td>Butler Wash</td>
<td>2,145</td>
</tr>
<tr>
<td>Chippean Ridge</td>
<td>34,326</td>
</tr>
</tbody>
</table>

Dark Canyon Extensions | 33,326
---|---
Dark Canyon Plateau | 12,285
Hammond Canyon | 25,744
Milk Ranch Point | 7,929
Seven Sisters Buttes | 7,662
The Wilderness | 43,276

**B. Management of Forest Service Lands with Wilderness Character**

The USFS should manage identified lands with wilderness character, including both areas recommended for wilderness designation by the Conservation Alternative and Forest Service inventoried wilderness evaluation areas documented in the 2018 draft wilderness evaluation conducted pursuant to FSH 1909.12, chapter 70 for the Manti-La Sal National Forest plan revision, for protection of wilderness values.

Consistent with the 2001 Roadless Rule (36 C.F.R. Part 294), the USDA Forest Service would manage Inventoried Roadless Areas (IRA) to not impair the roadless characteristics associated with each specific IRA.

**C. Management of the Congressionally Designated Dark Canyon Wilderness Area**

For Dark Canyon Wilderness, the analysis methodology would follow a similar approach. The location of designated wilderness within the Planning Area would be mapped. Next, special management needed to protect all components of wilderness character would be defined by alternatives. Activities must preserve the qualities of untrammeled, undeveloped, natural, and outstanding opportunities for solitude or a primitive and unconfined type of recreation, and other features of value, such as ecological, geological, scientific, scenic, or historic values unique to the wilderness area. Finally, the Forest Service would determine whether proposed management direction, or the lack of management action or direction, would affect the components of wilderness character for Dark Canyon Wilderness (AMS, p. 5-79).

According to the AMS, “[t]here are eight IRAs covering approximately 90,479 acres of the Decision Area.” Also, “[w]ith visitation numbers increasing, threats to IRAs include improper OHV use; illegal incursions into IRAs; and degradation of natural and cultural resources” (AMS, p. 6-231). The Forest Service must manage these IRAs to eliminate the improper OHV use and illegal incursions.

The Peavine Corridor is a narrow, motorized corridor with routes #0089 (Peavine Canyon) and
#5378 (Dark Canyon) that are cherry-stemmed into the Dark Canyon Wilderness (AMS, p. 6-225). In the Dark Canyon section, motorized vehicles are driving in the stream causing damage to aquatic and riparian habitat. Though this corridor is excluded from the wilderness boundary, in some places vehicles actually drive out of the authorized route and into the adjacent designated wilderness to avoid the stream. This needs to be remedied which can be done by closing the entire Peavine Corridor route (as recommended in the Travel, Transportation and Access Management section), or if that is not possible then closing at least the last mile where the stream and riparian damage is significant.

**XXV. SPECIAL LAND DESIGNATIONS FOR CONSERVATION & PROTECTION**

Summary: ACECs have unique and important features, and efforts should be made to reduce human disturbance that could impair the Monument objects and values of those areas. Tribes should be consulted about managing existing ACECs and the potential for designating additional ACECs. The only existing Research Natural Area (RNA) in the Monument is Cliff Dwellers Pasture on the slopes of the Abajo Mountains. This area needs to continue to be protected from human disturbance.

**A. Areas of Critical Environmental Concern**

Areas of Critical Environmental Concern (ACECs) that have been designated in BENM are Indian Creek, Lavender Mesa, Shay Canyon and Valley of the Gods. These areas have unique and important features they were designated to protect; efforts should be made to reduce human disturbance that could impair the Monument objects and values of those areas. Tribes should be consulted about managing those ACECs as well as about other possible ACECs.

**B. Research Natural Areas**

The only existing Research Natural Area (RNA) in the Monument is Cliff Dwellers Pasture on the slopes of the Abajo Mountains. This box canyon is a valuable site ecologically due to its healthy condition and thriving plant communities (grassland, conifer forest, and riparian shrubland) supported by a shallow water table. This area needs to continue to be protected from human disturbance.

Bridger Jack and Lavender Mesas, as well as relict plant communities on Mancos Mesa, are identified as Monument objects in Proclamation 10285. We believe that these areas, along with Mikes Mesa (which is not specifically listed in the proclamations), would likely qualify for designation as RNAs, and potentially other designations. The Agencies should consult with the tribes regarding any potential special designations. Novel and creative approaches might be considered, such as Research Natural Area designation designed to facilitate ethnobotanical research or to inform native vegetation community restoration elsewhere in the Monument.
Whether or not these areas receive a special designation, we propose that they be allocated as unavailable for grazing and closed to motor vehicle use.

**XXVI. COMPATIBLE MANAGEMENT OF BEARS EARS NATIONAL MONUMENT & NATIONAL PARKS**

Summary: Protection for national monuments and national parks can only be assured when their adjacent lands are carefully and compatibly managed. The MMP is an opportunity to manage the Monument and the parks in an interconnected manner such that each unit serves as protection for its neighboring unit. This will require management consistent with the BEITC Plan and the development of management zones compatible with management goals and objects for adjacent national park-managed land where consistent with protecting Monument objects and values.

BENM as originally established under Proclamation 9558 provided greater security for the management of Southeastern Utah’s public lands. The original BENM boundaries enhanced protection for Canyonlands and other national park units both inside and adjacent to the Monument, including Natural Bridges National Monument and Glen Canyon National Recreation Area.

Proclamation 10285 clearly intended to restore the connection between BENM and the national parks in the broader landscape by enumerating the objects and values to be protected in lands adjacent to the parks including but not limited to: Beef Basin and Fable Valley “nestled between the Needles District of Canyonlands National Park, the Dark Canyon Wilderness area, and the Glen Canyon National Recreation Area.”

### A. Planning Criteria

We request that the Agencies consider the following additional planning criterion in development of the draft MMP:

- BLM and USFS will strive for consistency of management decisions with other adjoining federal planning jurisdictions, particularly the National Park Service (NPS), where compatible with protecting Monument objects and values.

This criterion directly aligns with Proclamation 10285, which states, “The Secretaries, through the USFS and BLM, shall consult with other Federal land management agencies or agency components in the local area, including NPS, in developing the management plan.”

Given their proximity to and connection with NPS sites, it is our hope that under this criterion USFS and BLM managers will utilize the expertise of NPS officials to help shape the management of the adjacent landscape. Such collaboration will help prevent impacts from
incompatible uses, while also sharing and adapting NPS expertise in management and interpretation.

NPS has strong authority to protect its resources from harmful impacts on nearby lands. The significance of park resources, including scenic values, at national parks and the responsibility of NPS to protect them was clearly articulated in the Organic Act of 1916: “... to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life 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.”

Further, because national parks are not islands of protection, and their scenery and fundamental resources are more often at risk from adverse impacts originating outside national park boundaries, NPS Management Policies outline well the responsibility of NPS to engage with other agencies and decision-makers:

> the Service will seek the cooperation of others in minimizing the impacts of influences originating outside parks by controlling noise and artificial lighting, maintaining water quality and quantity, eliminating toxic substances, preserving scenic views, improving air quality, preserving wetlands, protecting threatened or endangered species, eliminating exotic species, managing the use of pesticides, protecting shoreline processes, managing fires, managing boundary influences, and using other means of preserving and protecting natural resources.\(^{108}\)

In addition to select issues outlined below, we emphasize the importance of ensuring management of the Monument lands that are adjacent to the national parks complement and are consistent with park management. Canyonlands National Park has identified “Remote Wildness and Solitude” as a Fundamental Resource and Value in its Foundational Document. “The wilderness character, natural acoustical environment, and dark night skies enhance opportunities to experience the remoteness in solitude.”\(^{109}\)

Similarly, Natural Bridges National Monument’s Foundation Document identifies the resources and values that make Natural Bridges nationally significant and worthy of designation as a unit of the NPS. Significant resources and values that could be affected by decisions on park-adjacent lands, including those under consideration by the Agencies in the current scoping process, include the park’s viewshed, clean air, dark night skies, and natural soundscapes. Natural Bridges National Monument has identified the remote and undeveloped setting and the park’s cultural resources as Fundamental Resources and Values of the park.

\(^{109}\) [Canyonlands National Park Foundation Document](https://www.nps.gov/cany/plany/found.html)
[The] monument exists away from significant development, allowing for night skies, soundscapes, and air quality to be maintained in their natural condition... [and] the entire monument has been listed on the National Register of Historic Places as the Natural Bridges Archeological District, which includes 507 contributing resources. These resources contribute to the broader knowledge of the full range of prehistoric occupation on Cedar Mesa and include both simple lithic scatters as well as multi-room pueblos with stratified deposits.\textsuperscript{110}

Management decisions for BENM could also have substantial impacts on Glen Canyon National Recreation Area (GCNRA) given the significant stretches of Monument land adjacent to its boundaries. Management decisions made on land near GCNRA should be consistent with the park’s purpose and protect its recommended wilderness as identified in the GCNRA Foundation Document:

Glen Canyon National Recreation Area, located at the center of the Colorado Plateau, provides for public enjoyment through diverse land- and water-based recreational opportunities, and protects scenic, scientific, natural, and cultural resources on Lake Powell, the Colorado River, its tributaries, and surrounding lands. Glen Canyon National Recreation Area includes 588,855 acres of proposed wilderness and 48,955 acres of potential wilderness. Together this represents 51% of the total land area of Glen Canyon National Recreation Area, containing a variety of culturally and ecologically unique landscapes where visitors can experience the character and solitude of wilderness within a recreation area.\textsuperscript{111}

\section*{B. Select Monument and National Park Resources of Concern}

While these resources and associated management prescriptions are discussed in detail above, this section is focused on the need to coordinate management between BLM, USFS and NPS.

\textbf{Dark Night Skies}

BENM, Canyonlands National Park, Natural Bridges and Hovenweep National Monuments, and Goosenecks and Dead Horse Point State Parks are all designated International Dark Sky Parks, a designation reserved for parks with “exceptional” and well-preserved night sky resources. Designated in 2007, Natural Bridges National Monument was the first ever International Dark Sky Park. Rainbow Bridge National Monument, adjacent to GCNRA, is a designated International Dark Sky Sanctuary, “the first of its kind in the National Park Service and distinguishes Rainbow

\textsuperscript{110} Natural Bridges National Monument Foundation Document \url{Foundation Document - Natural Bridges National Monument (U.S. National Park Service)}.

\textsuperscript{111} Glen Canyon National Recreation Area Foundation Document \url{Foundation Document Overview, Glen Canyon National Recreation Area and Rainbow Bridge National Monument, Arizona-Utah}.  

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Bridge National Monument for the quality of its naturally dark night skies and the site’s cultural heritage.” Activities in monument areas have the potential to impact the dark skies in NPS areas, and NPS, BLM, and FS should coordinate to protect the dark night sky resource.

**Natural Soundscapes**

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.” To protect the natural quiet in the planning area and adjacent Parks, the Agencies 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.

**Unmanned Aerial Vehicles (“UAV” or Drone)**

All of the Southeast Utah Group National Parks (Canyonlands and Arches national parks and Hovenweep and Natural Bridges national monuments) prohibit the “Launching, landing, or operating unmanned aircraft within” their boundaries. This is because the use of UAVs in parks brings noise and visual intrusions where visitors expect quiet and natural vistas. Their use creates a safety concern for visitors, disturbs wildlife, and otherwise conflicts with the mission of national parks to preserve and protect natural and cultural resources and their associated values.

The use of drones particularly near the boundaries of Canyonlands National Park and Natural Bridges National Monument may lead to intrusions into the park and would create an incompatible use difficult to monitor and enforce within a backcountry environment. Accordingly, as discussed in detail, above, and in the BEITC Plan, the Agencies should prohibit the use of drones throughout BENM.

**Visual Resource Management and Viewsheds**

In Canyonlands National Park “clean air and undeveloped natural viewsheds afford expansive vistas of geologic landscapes and iconic Colorado Plateau features such as the La Sal, Abajo, Henry, and Navajo mountains.” These unspoiled views have been preserved because the

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114 Superintendent’s Compendium or Designations, Closures, Permit Requirements and Other Restrictions Imposed Under Discretionary Authority - 36 C.F.R. § 1.7(b), November, 2017; [Superintendent’s Compendium - Canyonlands National Park (U.S. National Park Service)](https://www.nps.gov/subjects/sound/soundscape-management-policy_4-9.htm).
BENM landscape has long been under federal protection and because there was little development in this remote area prior to Proclamation 9558.

To best coordinate management of BENM viewsheds with those of adjacent NPS lands, the Agencies should consider managing the planning area as VRM Class I. We urge the Agencies to do their utmost to ensure that high quality conditions are preserved in areas visible from Canyonlands, Natural Bridges and Glen Canyon, as well as viewpoints in the Monument.

Additionally, we urge the Agencies to safeguard the high quality, unspoiled scenic byways and backways that connect the planning area with the parks. Regarding visual impacts to Natural Bridges National Monument and Canyonlands National Park, we recommend that at a minimum, the viewsheds and entrance roads from both NPS units, including the SR-275 corridor, be designated VRM Class I with no exceptions. These routes are gateways to the adjacent national parks and their quality affects the overall visitor experience in the region.

**Air Quality**

Canyonlands National Park has been designated as mandatory Class I areas under the Clean Air Act.\(^ {117}\) 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 whose impairment results from manmade air pollution.”\(^ {118}\) Glen Canyon is a Class II area for air pollutants.\(^ {119}\) 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.

Visitors to national parks and wilderness areas consistently rate visibility and clear scenic vistas as one of the most important aspects of the experience.\(^ {120}\) “Clean air enhances the color and contrast of landscape features, allows visitors to see great distances, and safeguards ecosystem, visitor, and staff health.”\(^ {121}\) Haze-causing pollutants would obscure scenic vistas in adjacent national parks by impairing a viewer’s ability to see long distances, color and geologic

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\(^ {117}\) 42 U.S.C. § 7472; 40 C.F.R. § 81.430. 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).

\(^ {118}\) 42 U.S.C. § 7491(a)(1). 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).


\(^ {120}\) Clean Air Task Force, *Out of Sight: Haze in our National Parks* at 1 (Sept. 2000).

\(^ {121}\) *Canyonlands National Park Foundation Document* Foundation Document - Canyonlands National Park (U.S. National Park Service).
formation. They also contribute to unhealthy National Ambient Air Quality Standard pollutants, ozone, and particulate matter.

Water Resources

At Canyonlands National Park, protecting the confluence of the Green and Colorado Rivers contributes to the park’s significance and is a stated priority for NPS management: “Canyonlands National Park protects the confluence, significant reaches, and associated ecosystems of two major western rivers, the Green and Colorado, which have shaped the complex natural and human histories of the park and surrounding region.”

In addition, the two rivers are considered a fundamental resource that are essential to achieving the purpose of the park and maintaining its significance: “The Green and Colorado rivers are the lifeblood of the park, and fundamental to their integrity are clean water, native biotic communities, characteristic landforms, and the natural hydrologic, geomorphic, and biotic processes necessary for sustaining them.”

While the NPS places a high priority on managing the fundamental water resources inside park boundaries, they are obviously part of a much larger system. All watersheds in the Monument planning area eventually flow into the Colorado River inside either Canyonlands National Park or GCNNRA. Indian Creek, which flows through BENM, and its tributaries flow into the Colorado River just inside Canyonlands National Park. Portions of Comb Wash, Butler Wash, and their tributaries flow into the San Juan River, which then flows into the Colorado River and Lake Powell within GCNRA. Therefore, when developing the MMP the Agencies must consider how water resource management within BENM will affect downstream NPS water resources as well as those on the larger shared landscape.

Wildlife Habitat

Canyonlands National Park is home to rare desert bighorn sheep, Mexican spotted owls, peregrine falcons, and other raptors. Along with being important components of the park’s ecosystem, these animals are also observed and enjoyed by park visitors. Therefore, they have been recognized by the NPS as a resource and value that are important to consider in management and planning decisions within the park. CNP Foundation Doc. In addition, Canyonlands National Park is home to two threatened or endangered bird species, three endangered fish species, and numerous species of special concern. Glen Canyon hosts bighorn sheep, bald eagles, golden eagles, and California condors, and these species ranges are not confined to the Parks. Accordingly, when developing the MMP the Agencies must work

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122 Id., p. 9.
123 Id., p. 12.
125 Animals - Glen Canyon National Recreation Area (U.S. National Park Service), viewed November 15, 2018.
together to ensure that their habitats are not fragmented on either side of the management boundary.

**Recreational Use, Visitor Services, and Travel, Transportation and Access Management**

Overcrowding is one of the most pressing and complex challenges facing national parks in their second century – degrading park resources (e.g., increased instances of graffiti, litter and improperly disposed-of human waste; soil erosion and plant loss; wildlife disturbance and habitat degradation) and diminishing the visitor experience (e.g., traffic congestion, long lines, crowding at keystone sites, increased search and rescue).

It is critical for BLM, USFS, and NPS to work across their jurisdictions to manage visitor access and recreation to ensure that “recreation spillover” is managed in a coordinated, thoughtful and sustainable way. As discussed above, recreation dispersal strategies do not work to address this spillover, and the Agencies should work together to identify compatible management zones that prioritize the protection of Monument objects and values and park resources.

**Off-Highway Vehicle Access**

OHV use outside park boundaries that cross illegally into national parks can intrude on natural quiet, negatively impact wildlife, crush fragile desert soils and plant life, and increase wind and water erosion. OHVs, including street legal ATVs, are not allowed on any roads inside Canyonlands NP and Natural Bridges NM and only on designated routes and areas inside GCNRA. Therefore, we urge the Agencies to identify appropriate levels of OHV use both within BENM and adjacent to national park units, particularly roads that cross jurisdictions or are near park boundaries.

In addition to the recommended closures discussed in the travel management section, above, to respect the shared acoustical environment and prevent illegal incursions into the parks, we recommend closing the entire shared boundary with Canyonlands National Park from existing and future OHV use with the possible exception of open routes that continue into the national park. This would ensure consistent and compatible management across boundaries and help prevent incursions into the park along with impacts to park resources and visitor experiences.

**Lands with Wilderness Characteristics Adjacent to National Parks**

With so few places left in the United States that truly qualify as wilderness, it is important to preserve those places that do. For example, nearly all of the Canyonlands National Park landscape adjacent to the Indian Creek unit of BENM is NPS recommended Wilderness and is managed as such. Attached to these comments is a map identifying NPS recommended wilderness surrounding and adjacent to BENM. Consistent management across the boundary would ensure that the wilderness characteristics of both the Monument and national parks remain eligible for Congressional designation and continue to provide solitude and opportunities for primitive recreation.
Coordination with Cross-Jurisdictional Land Managers

Because national parks and monuments share both boundaries and resources, it is important for land managers to engage with sister agencies. It is also critical that managers work in close collaborative stewardship with the five sovereign nations of the BEITC. We urge the Agencies to maintain ongoing communication and strong coordination with NPS managers of adjacent parks as well as Tribal leaders. Shared expertise and cross-boundary management experience can help shape management of BENM that protects Monument objects and values.
### APPENDIX A. VEGETATION INFORMATION

Table 1. Rare plants known or possible in Bears Ears National Monument.

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Agency Designation</th>
<th>Information Sources*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adoxa moschatellina</td>
<td>muskroot</td>
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<td>Aliciella haydenii</td>
<td>San Juan gilia</td>
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<td>Aliciella latifolia ssp. imperialis</td>
<td>Cataract gilia</td>
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<td>Chatterley’s onion</td>
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<td>Amaranthus acanthochiton</td>
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<td>Andropogon glomeratus</td>
<td>bushy bluestem</td>
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<td>Aquilegia micrantha</td>
<td>Mancos columbine</td>
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<td>Arida parviflora</td>
<td>Small-flower aster</td>
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<td>forked spleenwort</td>
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<td>Astragalus monumentalis</td>
<td>Monument Valley milkvetch</td>
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<td>Astragalus naturitensis</td>
<td>Naturita milkvetch</td>
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<td>Astragalus piscator</td>
<td>Fisher milkvetch</td>
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<td>mound saltbush</td>
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<td>Atwood's seep willow</td>
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<td>Carex curatorum</td>
<td>Kaibab sedge</td>
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<td>Carex specuicola</td>
<td>Navajo sedge</td>
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<td>Species</td>
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<td><em>Cladium californicum</em></td>
<td>saw-grass</td>
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<td>Jones Cycladenia</td>
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<td><em>Cymopterus beckii</em></td>
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<td><em>Dalea flavescens</em> var. <em>epica</em></td>
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<td>Zion shooting star</td>
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<td><em>Erigeron abajoensis</em></td>
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<td>Obama, Biden, AMS</td>
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<td><em>Eriogonum racemosum</em> var. <em>nobilis</em></td>
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<td><em>Eriogonum scabrellum</em></td>
<td>Westwater buckwheat</td>
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<td>var. <em>oblongifolia</em></td>
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<td>ssp. <em>hartwegii</em></td>
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<td>Ute lady's tresses</td>
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<td>Agency Designation</td>
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*Information sources cited in Table 1

- Biden: Proclamation 10285.
- Obama: Proclamation 9558.
- UNPS 2016: The Utah Native Plant Society Rare Plant List: Version 2. Calochortiana February 2016 Number 3, by Jason Alexander, Chair, Rare Plant Committee.

**Vegetation Mentioned in Proclamations**

Proclamation 10285 lists the following vegetation types as objects:

- sagebrush islands
- pinyon-juniper woodlands
- Gambel oak forests
- ponderosa pine forests including rare stands of old-growth
- aspen forests
- ancient Engelmann spruce
- mixed conifer forest (including aspen and subalpine fir)
- seeps and springs, riparian areas, wetlands and hanging gardens
  - Proclamation 9558 lists “vibrant riparian communities characterized by Fremont cottonwood, western sandbar willow, yellow willow, and box elder.” It also describes “Numerous seeps provide year-round water and support delicate hanging gardens, moisture-loving plants.”

Proclamation 9558 lists tree species as Monument objects such as Engelmann spruce (including “ancient” individuals), ponderosa pine, aspen, subalpine fir, hackberry, Douglas-fir, Gambel’s oak birch, and mountain mahogany.

Proclamation 9558 lists shrub species as Monument objects such as big sagebrush, low sage, blackbrush, rabbitbrush, bitterbrush, four-wing saltbush, shadscale, winterfat, Utah
serviceberry, western chokecherry, barberry, cliffrose, greasewood, yucca, cacti (such as prickly pear, claret cup, hedgehog and Whipple's fishhook), alder, and dogwood.

Proclamation 9558 lists grasses such as bluegrass, bluestem, giant ryegrass, ricegrass, and needle and thread.

Proclamation 9558 lists herbaceous plants (including wildflowers) such as yarrow, common mallow, balsamroot, low larkspur, horsetail, peppergrass, pinnate spring parsley, Navajo penstemon and other beardtongues, Canyonlands lomatium, Abajo daisy, evening primrose, aster, Indian paintbrush, yellow and purple beeflower, straight bladderpod, Durango tumble mustard, scarlet gilia, globe mallow, sand verbena, sego lily, cliffrose, sacred datura, monkey flower, sunflower, prince's plume, and columbine.

Places mentioned in Proclamation 10285 as important for plants are:

- Abajo Mountains are rich in wildlife and home to several rare and sensitive plant species
- Manco Mesa relict plant community that supports Native perennial grasses, shrubs, and some cacti
- Bridger Jack and Lavender Mesas are home to largely unaltered relict plant communities
- Cliff Dwellers Pasture Research Natural Area, an ungrazed box canyon with a unique vegetation community
- Lush green foliage of canyons east of Elk Ridge
APPENDIX B. MAPS

Figure 1. San Juan mule deer migration corridor and stopover areas of BENM region.
Figure 2. NPS Recommended Wilderness Surrounding BENM
Figure 3. Proposed OHV Closure Areas
Figure 4. Proposed Route Closure - Arch Canyon.
Figure 5. Proposed Route Closures - Lavender and Davis Canyons.
Figure 6. Proposed Route Closure - Moqui Canyon.
Figure 7. Proposed Route Closure - Peavine Canyon.
APPENDIX C. COMPILED MANAGEMENT RECOMMENDATIONS

VI. TERRESTRIAL HABITAT, VEGETATION RESILIENCE & CONSERVATION

Goal 1

Maintain or increase populations of rare plants in the Monument.

Objectives

- Conduct surveys for rare plants based on models that predict the possible locations of each species.
- Monitor the status of rare plants over time and determine if any rare plants are declining and identify and remedy the causes if possible.
- Collaborate with researchers, including Indigenous botanists, inside and outside federal Agencies to conduct surveys and monitoring of rare plants.

Goal 2

Collaborate with tribes about management of culturally relevant plants and manage vegetation to support medicinal plants and other culturally relevant vegetative resources. Vegetation restoration projects will take a holistic approach to managing vegetation. Tribes should play a role in restoration projects.

Objectives

- Compile a list, in consultation with tribes, of culturally important plants that should be prioritized for protection or recovery during management activities.
- Incorporate Traditional Indigenous Knowledge in the identification and management of culturally relevant plants.
- Work with local communities and tribes to advertise contracting and employment opportunities related to vegetative management.
- Partner with non-profits and other groups to complete vegetative management projects where feasible.
- Engage with the tribes on the restoration, management, and protection of vegetation types and ensure access to culturally important plant communities. Formalize a process for adopting parts of BENM as wholly Indigenous-managed places to incorporate additional land management and restoration perspectives, if tribes so desire.
Goal 3

Vegetation treatments will prioritize the restoration of native species and ecosystem processes.

Objectives

- Pinyon-juniper woodlands are an integral part of BENM landscape and are managed for sustainability. Woodland treatments will emphasize early phases with younger trees on soils that could support sagebrush grasslands. Stable pinyon-juniper systems greater than 150 years old will not be treated.
- Firewood harvesting will be used as a technique to thin trees where appropriate, such as areas of high fuel load.
- In emergencies, if non-native plants are used, they will be short-lived nurse crop species that are not competitive with native plants, will not persist longer than a few years, and are unlikely to spread from the project site. In addition, they will be combined with native species to facilitate the ultimate establishment of native communities.

Goal 4

Vegetation treatments will be managed for long-term resistance and resilience.

Objectives

- In keeping with the overall vegetation objectives and Proclamation 10285, native plants will be used for all reclamation, revegetation, restoration, and similar surface-disturbing projects in the Monument.
- Non-native plants may not be used in routine vegetation management since their benefits have yet to be independently verified as better than the use of native species since it may hinder the restoration of native vegetation communities.
- Vegetation treatments will be managed conservatively post-treatment so that retreatment will not be necessary.
- The effect of management activities on carbon sequestration will be considered for all vegetation treatments projects. NEPA will include an analysis of the amount of carbon released under each alternative.
- Develop and utilize an objective decision-making procedure based on science to determine whether and where to conduct treatments.

Management Actions

- VEG-1: Monitor the known populations of rare plants. This could be done in collaboration with tribes, universities, and/or other researchers.
- VEG-2: Write a conservation strategy for each rare species.
• VEG-3: Use models to conduct targeted field surveys to look for rare plants. This could be done in collaboration with tribes, universities, and/or other researchers.
• VEG-4: Develop models to predict which rare plants, especially those restricted to very rare or mesic habitats, might be most impacted by climate change under various drying and warming scenarios.
• VEG-5: The entire Monument or certain localities may be closed to seed gathering as necessary to provide for sustainable annual seed production of native plants. An exception to this will be made to allow for private seed gathering and plant collection for Tribal members for traditional, medicinal, and ceremonial purposes.
• VEG-6: All surface disturbing projects proposed in the Monument should contain a restoration or revegetation component and should budget for the cost of seeding with native species. All planning for projects, in all except limited, emergency situations, should use native species, and the use of non-native species should not be analyzed as an alternative. Collaborate with tribes, regional Seeds of Success teams, and the BLM Colorado Plateau Native Plant Program to collect seed for restoration projects.
• VEG-7: Non-native plants will not be used to increase forage for livestock and wildlife.
• VEG-8: Utilize passive restoration as a tool for restoration where a seed bank exists. This technique relies on removing the disruptive anthropogenic agents, particularly soil disrupting activities, and allowing time to restore soils, vegetation, and hydrologic function.
• VEG-9: Where biological soil crust is abundant within a vegetation project area, locate, map, and avoid these locations. Where crust destruction is unavoidable, it should be harvested before treatment and replaced as part of the post-treatment rehabilitation.
• VEG-10: Manual methods of vegetation restoration will be prioritized. Chaining and harrowing methods will be avoided. Mastication may be used only after consultation with tribes, and only after a full NEPA process with public involvement (no Categorical Exclusions or Determinations of NEPA Adequacy).
• VEG-11: Prior to implementation of a restoration project, a sample of pinyon and juniper stands will be aged to avoid treating relict communities. Old-growth trees (150+ years old) will not be the target of treatment projects.
• VEG-12: Prescribed burns should be used when fire has been documented to historically occur in an area. Management ignited fires should simulate natural fire intensity and timing. Specific objectives for all management ignited fires should be developed prior to its use in the Monument.
• VEG-13: To ensure that native plants are well established, vegetation restoration project areas will be rested from cattle grazing for at least two consecutive non-drought years. Plots will be established to collect data on recovery. A formal, transparent, public decision apparatus will be created for determining when vegetation treatments show enough success that livestock are allowed to resume grazing. In addition, a clip-and-weigh analysis should be undertaken prior to the return of grazing to provide an objective, accurate measure of AUMs. All vegetation treatment EAs will clearly describe
the grazing decision that will be in place in each allotment post-treatment to ensure long-term project success.

- VEG-14: Locate and protect reference communities for as many vegetation types and successional phases as possible to provide research controls and baseline information. If undisturbed reference areas cannot be located, large exclosures should be installed in the best examples of those systems.
- VEG-15: All vegetation treatment projects will include a monitoring component that includes data on species frequency, density, and distribution. Determine treatment effects in grazed vs. ungrazed portions of the treatment area, to determine whether treatments have achieved management objectives. This data should be part of the overall adaptive management framework.
- VEG-16: BLM and USFS will work with the Tribal Conservation Crews to remove invasive species and transplant native vegetation.
- VEG-17: Create a plan to remove tamarisk and Russian olive and transplant willows and other native riparian vegetation.
- VEG-18: Chemical methods should be restricted to the control of noxious weed species and aggressive colonizers such as cheatgrass.
- VEG-19: Establish a local native plant seed collection and nursery program for research and restoration efforts.

VII. NOXIOUS WEEDS AND INVASIVE NON-NATIVE PLANTS

Goal 1

BLM will place a priority on control of noxious and invasive non-native plants to achieve overall vegetation objectives.

Objectives

- Prioritize control of invasive exotics based on the extent of invasion and aggressiveness of the species (i.e., cheatgrass). Areas with smaller infestations are important to control first while they are manageable. Use targeted early detection, rapid response, and native species restoration to pre-empt or contain the target species.
- Prioritize vulnerable and important habitats, such as those with high levels of native species richness, rare species, rare and important vegetation types, areas with fertile soils, riparian areas and wetlands.
- Conduct research on exotic species locations and control measures. Identify vectors of noxious and non-native invasive species spread (e.g., recreation, vehicle traffic, livestock grazing) to reduce introduction and expansion of exotic plant populations.
Limit vegetation treatment methods to those that create the least amount of surface disturbance. Chaining should be prohibited because it creates high levels of bare ground and can facilitate spread of exotic species.

Protect areas that have not been grazed. Identify areas where non-natives are currently low and restrict cattle from those areas. Do not install infrastructure for “distributing cattle use” especially into areas with low or no exotic species cover.

Management Actions

• NI-1: Inventory and map locations of invasive species, beginning with those with the greatest effect on ecosystem functioning such as cheatgrass.
• NI-2: Ensure that all projects in the Monument that include ground disturbance contain restoration protocols to minimize re-colonization of treated areas by noxious weed species. Monitoring in these areas should be part of adaptive management, with results feeding into and informing future exotic control treatments.
• NI-3: Develop a Russian olive and tamarisk removal program modeled on the Escalante River Watershed Partnership (described above).
• NI-4: Sites with greater than 1% cheatgrass cover will not be treated with surface-disturbing methods unless there are at least three established perennial native grasses or forbs per square foot in the project area.
• NI-5: All control treatments will establish exclosures to study their effectiveness.

VIII. SOILS AND BIOLOGICAL SOIL CRUSTS

Goal 1

Prevent damage to and degradation of soil resources and ensure that soil health is maintained and improved.

Objectives

• Ensure soils exhibit infiltration, permeability, and erosion rates appropriate for the soil type, climate, and landform. Avoid activities that impact function, health, and distribution of soil resources.
• Maintain, improve, and restore areas of biological soil crust appropriate for the soil type, climate, and landform.
• Areas where biological soil crust is abundant within vegetation project boundaries should be located, mapped, and avoided. Where crust destruction is unavoidable, it should be harvested before treatment and replaced as part of the post-treatment rehabilitation.
Goal 2

Increase understanding of biological soil crust management through research and Traditional Ecological Knowledge.

Objectives

- Facilitate basic and applied research on biological soil crusts and their restoration.

Goal 3

Identify and protect important soil and biological soil crust locations of high resource value or fragility.

Objectives

- Safeguard locations of minerals with important ceremonial uses.
- Preserve areas of biological soil crust with high biodiversity, exceptional extent and condition, or relict status.
- Identify and protect areas of sensitive soils that are susceptible to disturbance and easily damaged (e.g., gypsum soils).
- Provide a control of intact, healthy biological soil crust for research.

Management Actions

The following parameters should be used to ensure proper consideration of biological soil crusts in project-level planning.

- SOIL-1: Protect soils from ground-disturbing management activities. BLM and USGS research has identified practices that are useful in rehabilitating biological soil crust and minimizing impacts from Agency activities, including:
  - Reducing unnaturally frequent and intense fires, such as those resulting from annual grass invasions.
  - Concentrating recreational use by hikers and OHVs to reduce trampling and prevent disturbance.
  - Reducing grazing impacts to biological soil crust. Grazing strategies that minimize the frequency of surface disturbance during dry seasons and maximize periods between disturbances will reduce impacts to biological soil. For recovering areas, rest from grazing (conservation use) is recommended. As the BEITC Plan recommends, light grazing in the early- to mid-wet season for short periods of time may be appropriate when biological soil crust has fully recovered. This is usually < 30% utilization.
Collecting data on the distribution of biological soil crusts, particularly rare species and high species diversity, to define habitat characteristics and identify threats. Include a moss and lichen species component to plant monitoring and inventory projects. Collect specimens of biological soil crust to identify species.

- **SOIL-2**: Prepare a map of biological soil crust cover and distribution across the Monument to use in planning all surface-disturbing projects where biological soil crust occurs.
- **SOIL-3**: Evaluate biological soil crust condition throughout the Monument to locate areas that are impaired. Use available research on biological soil crust potential to identify areas of unimpaired conditions.
- **SOIL-4**: When planning road and trail construction, areas with high percentage cover of biological soil crust or high biodiversity conservation value will be avoided. Enforcement of off-road vehicle regulations will be prioritized in these areas.
- **SOIL-5**: Because several soil crust species and some vascular plant species are rare gypsum endemics, these soils will be prioritized for increased protection.
- **SOIL-6**: The Agencies will not conduct soil surface disturbing projects or allow grazing in habitats of rare biological soil crust species, where biological soil crust diversity is high, or where removal of biological soil crust will degrade soil, hydrology, or biology ecosystem functions.
- **SOIL-7**: Ensure that management actions, such as vegetation treatments and grazing, do not lead to increases in soil erosion, decreases in biological soil crust cover, structure, and function, and degraded subsurface biotic communities. This will require a long-term investment in monitoring to track changes over decades.
- **SOIL-8**: Conduct or facilitate research including:
  - Basic research on biological soil crust (types, distribution, etc.) in the Monument.
  - Research on restoration of soils and biocrusts to mitigate and reverse erosion, increase soil stability, and facilitate plant re-establishment.
- **SOIL-9**: Close sensitive areas such as riparian zones, concentrations of biological soil crust, and highly erodible soils to hiking, and perhaps installing barriers and prohibiting off-trail hiking.
- **SOIL-10**: Restore and maintain biological soil crust cover at 80% of a relevant (e.g., similar soil, vegetation type, precipitation) ungrazed reference site to protect the soil surface from excessive water and wind erosion, promote infiltration, detain surface flow, retard soil moisture loss by evaporation, and provide appropriate biological soil crust ecosystem functions (hydrology and nutrient cycling).

**IX. RANGELAND HEALTH AND LIVESTOCK GRAZING MANAGEMENT**

**Goal 1**

Restore and maintain soils, hydrology, and native vegetation to promote long-term ecosystem sustainability.
Objectives

- Analyze the effects of livestock management (e.g., percent utilization, stocking rate, season of use) on Monument soils, hydrology, and biotic resources.
- Over the next 20 years, all grazing permits will gradually be renewed in accordance with NEPA. The Agencies will conduct an assessment on each allotment using an interdisciplinary team and provide for public input in the permit renewal process.
- Determine effectiveness and impacts of range infrastructure.

Goal 2

Grazing management will be based on objective, justifiable, scientific principles and will protect culturally significant resources to tribes including archaeological resources, springs, and culturally significant plants.

Management Actions

- GRAZ-1: Allocate the following areas as unavailable (BLM)/not suitable (USFS) for grazing [from the 2020 MMP, GRA-6 in the Indian Creek Unit and GRA-6 in the Shash Jaa Unit]:
  - Bridger Jack Mesa
  - Lavender Mesa
  - Developed recreation sites
  - Nine side canyons of Butler Wash
  - Comb Wash side canyons (Mule Canyon south of SR-95 and Arch, Fish, and Owl Canyons)
  - Arch Canyon, including Texas and Butts Canyons (USFS)
- GRAZ-2: Allocate the following areas as unavailable for grazing [from the 2008 Monticello Field Office RMP, GRA-17]:
  - Road Canyon
  - Grand Gulch area (within the canyon) of Cedar Mesa (including Kane Gulch)
  - Five identified mesa tops (White Canyon area)
  - Slickhorn Canyon (within Perkins Brother’s Allotment)
  - Dark Canyon Area (including Lost, Black Steer, Youngs, Lean-To, Bowdie, and Gypsum canyons, as well as other areas).
- GRAZ-3: Limit the following areas to trailing only [from the 2020 MMP, GRA-7 in the Indian Creek Unit]:
  - Shay Canyon
  - Indian Creek, from Kelly Ranch to departure from Highway 211
- GRAZ-4: Limit the following areas to trailing only [from the 2008 Monticello Field Office RMP, GRA-19 in the Indian Creek Unit]:
  - Harts Canyon
  - Shay Canyon ACEC
- GRAZ-5: Allocate the following areas on Forest Service lands as not suitable for/closed to grazing:
  - Chippean Allotment
  - Cliff Dwellers Pasture RNA
- GRAZ-6: Allocate the following areas as unavailable (BLM)/not suitable (USFS) for grazing:
  - Mancos Mesa relict plant communities
  - Mikes Canyon area, including the East and West Forks of Mikes Canyon and Mikes Mesa
  - canyon between Slickhorn Canyon and Point Lookout, from the head of the canyon to the San Juan River
  - Johns Canyon
  - Butler Wash from approximately (37.290302, -109.635362) down to the San Juan River
  - Indian Creek from Highway 211 to USFS boundary (BLM)
  - Indian Creek from USFS boundary south to Monument boundary (USFS)
  - North Cottonwood Creek south from Kelly Ranch and tributaries, including Hop Creek, Blue Creek, and Tuerto and Trough Canyons (BLM & USFS)
  - Beef Basin area canyons: South, Sweet Alice, Ruin, and Bull canyons
  - Fable Valley
  - Dark Canyon area, including Peavine, Woodenshoe, and Poison Canyons (USFS)
  - Mancos Mesa area canyons: Moki, North Gulch, Crystal Springs, Forgotten, Knowles, Cedar, and Trail canyons
  - All Mexican spotted owl Protected Activity Centers
  - Southwestern willow flycatcher designated critical habitat along the San Juan River
- GRAZ-7: Grazing permit renewals will include a site-specific compatibility analysis that is made available for public comment.
- GRAZ-8: Utilize Annual Operating Instructions (AOIs) for grazing management on each allotment. Development of AOIs should be part of the collaborative management framework. Such annual instructions should summarize the results of recent monitoring, describe evidence of changes relative to rangeland health standards, describe past grazing use, list problems and challenges, and describe grazing practices proposed for the next season. These should be public by way of the web.
- GRAZ-9: Grazing utilization will be limited to 30% of upland herbaceous species (native grasses and forbs) across the Monument. Allotments well below ecological potential may need utilization levels below 30%.
- GRAZ-10: Range infrastructure must be maintained, and fences up and functional, before yearly turnout will be permitted. Infrastructure essential to the proper management of an allotment that is not in working order may be grounds for removal of animals from the allotment.
- GRAZ-11: All new fencing will utilize the most up-to-date wildlife-friendly specifications.
• GRAZ-12: Dysfunctional range infrastructure that is not scheduled to be returned to use will be removed.
• GRAZ-13: Establish a system of ungrazed reference areas across the Monument, including unavailable areas and exclosures.
• GRAZ-14: Develop a formal drought management plan.
• GRAZ-15: No allotments will be converted from cows and horses to domestic sheep or goats within at least a 9 mile buffer of bighorn sheep habitat, except where topographic features or other barriers prevent physical contact. This is in order to prevent the spread of disease from domestic sheep to desert bighorn sheep and is consistent with BLM Manual for Management of Domestic Sheep and Goats to Sustain Wild Sheep, M-1730 (2016).
• GRAZ-16: Develop a schedule of permit renewals that will be processed according to NEPA requirements (e.g., rangeland health assessments and public comment periods). At least three permit renewals per year will comply with NEPA regulations.
• GRAZ-17: At a minimum, when the permit is renewed, conduct a forage capacity analysis on each allotment based on habitat condition, degree of recovery where needed, recently measured forage production, and grazing use to determine accurate forage capacity and adjust AUMs if necessary.
• GRAZ-18: Conduct studies comparing resource conditions before and after installation of range infrastructure.
• GRAZ-19: For lands inside the Glen Canyon National Recreation Area, livestock grazing practices will be approved by the National Park Service and consistent with their management requirements. Any grazing permit in the NRA should be co-signed by the National Park Service.
• GRAZ-20: Give priority in the Monument’s monitoring program to validate Agency monitoring and analysis practices to ensure that these practices adequately assess the impairment of Monument objects and values.
• GRAZ-21: Grazing in the riparian area of the San Juan River SRMA will be restricted to October 1–May 31 and must meet or exceed PFC, and incorporate rest-rotation and/or deferment systems. This will include Perkins Brothers, East League, and McCracken Wash Allotments. [from the 2008 Monticello Field Office RMP, GRA-23].
• GRAZ-22: Permittees should be present to keep cattle in their designated areas and should not use motorized vehicles off established roads (See, BEITC Plan, p. 35).

X. RECREATION USE AND VISITOR SERVICES

We support the BEITC Plan’s Recreation and Visitor Services goals, objectives, and management actions for collaborative Monument planning and management (Appendix C, p. 8-9). In addition, we support the addition of recreation-related goals, objectives, and management actions for other resources/uses including Cultural Resources, Lands and Realty, Livestock Grazing, Riparian and Wetland Resources, Soil and Water Resources, Travel and Transportation Management, Visual Resource Management, Wildlife and Fisheries Resources, Woodlands and Forestry, and Auditory Environment (BEITC Plan, Appendix C, pp. 1-4, 5-6, 9-10, 11, 12, 15, 16).
In addition to the Goals, Objectives, and Management Actions proposed in the BEITC Plan, we propose the following:

**Goal 1**

Recreation will be managed to ensure the protection and enhancement of Monument objects and values while facilitating specific recreational experiences that do not adversely affect them.

**Objectives**

- Establish management zones to prioritize the protection and enhancement of Monument objects and values while providing for a spectrum of high-quality recreation experiences.
- Management zones should identify areas where recreation trails, infrastructure, and facilities may be improved, expanded or developed to meet current and future recreational needs.
- Major visitor facilities, including developed campgrounds, should be located in or near surrounding communities in order to protect resources and promote economic development in the communities.
- Manage recreation in a manner that maintains the natural quiet, dark skies, and naturalness which are Monument objects that enhance recreational experiences.
- Manage dispersed camping to ensure protection of Monument objects and values. This may require using a “designated dispersed” system in some places, and active removal and restoration of user-created campsites.

**Management Actions**

- REC-1: Recreation allowances, developments, trails, parking, and concentrated use areas will be determined by BENM’s management zone system—BLM will work collaboratively with Tribal Nations to develop appropriate recreation plans for BENM.
- REC-2: Special events may be approved, under permit, if the event meets zone requirements and Plan provisions.
- REC-3: Special events will be permitted in accordance with the requirements of the most restrictive zone that the event encounters.
- REC-4: No competitive events will be allowed.
- REC-5: All recreation facilities and parking areas will be designed to be unobtrusive and to meet the visual resource objectives.
- REC-6: Outside of developed campgrounds, dispersed camping may be managed as “designated dispersed” sites only, which will be chosen and marked based on their lack of impact to Monument objects and values.
- REC-7: Require use of portable toilet systems and fire pans at designated dispersed campsites.
- REC-8: Group size will be limited to 25 people in frontcountry zones.
• REC-9: In backcountry and more primitive zones, group size will be limited to 12 people and 12 pack animals.
• REC-10: All motorized and mechanized travel within the Monument will be limited to routes designated for motor vehicle use.
• REC-11: Maintain visitor use areas and boundaries at existing public-use cultural sites to prevent social-trailing and damage to cultural resources.
• REC-12: Actively remove and restore user-created dispersed campsites that impact Monument objects and values.

XI. TRAVEL, TRANSPORTATION, AND ACCESS MANAGEMENT

OHV use in BENM has caused and continues to cause adverse impacts to Monument objects and values. The Monument management plan should expand existing OHV closure areas and establish guidelines for future implementation-level travel planning that ensure the protection of Monument objects and values. BLM and USFS must ensure that travel management decisions protect and enhance the values for which the Monument was created and also minimize damage to natural and cultural resources.

XII. CULTURAL RESOURCE MANAGEMENT AND TRIBAL USE

We recommend that the Agencies adopt the management recommendation set forth in the BEITC Plan.

XIII. ARCHAEOLOGICAL RESOURCES

We recommend that the Agencies adopt the management actions set forth in the BEITC Plan.

XIV. WILDFIRE & FUELS MANAGEMENT

Goal 1

Allow fire to play its historic role in the ecosystem, where appropriate.

Management Actions

• FIRE-1: For any naturally caused ignition, consider allowing the fire to burn if it would contribute to natural ecological processes and not threaten the integrity of Monument objects or public safety.
• FIRE-2: Permit the use of prescribed fire in a manner that mimics historical fire regimes where it would contribute to natural ecological processes and not threaten the integrity of Monument objects.
• FIRE-3: A designated fire resource advisor familiar with WSA issues will be consulted on all fires within the Monument that involve WSAs.
• FIRE-4: All fuels management and emergency stabilization and restoration projects outside the Wildland-Urban Interface (WUI) will be aimed at restoring ecological function based on the best available science while also making the landscape resilient in the face of climate change.
• FIRE-5: Seeding as part of all fuels management projects will only use native seeds.
• FIRE-6: Seeding as part of emergency stabilization and restoration projects will prioritize the use of native seeds. Non-native species that are either sterile or ephemeral and expected to disappear from the vegetation community within three years of seed establishment may be used where use of only native seeds is not possible. Any areas seeded with ephemeral non-native species will be monitored for three years following seed establishment. Any ephemeral non-native species found to persist longer than three years will not be utilized in future projects.
• FIRE-7: Projects using non-native seed will include a research component designed to evaluate species in the context of soil stabilization, water retention, and rate of recovery of native species. An annual report will be prepared for the Monument Advisory Council on project success.
• FIRE-8: Reseeding or surface disturbing restoration after fires will not be allowed in areas with special status plant species. Natural diversity and vegetation structure will provide adequate regeneration. Management ignited fires will also not be allowed in these areas unless consultation with the USFWS indicates that fire is necessary for the protection and/or recovery of listed species.

XV. WILDLIFE & FISHERIES

Goal 1

Maintain, protect, enhance, and recover habitats and populations of federally listed threatened, endangered, or candidate animal or fish species, and actively promote recovery to the point that provisions of the ESA are no longer required. Maintain, protect, enhance, and recover habitats of the latest Utah BLM State Director’s sensitive animal species list to ensure that Agency-authorized or approved actions are consistent with the conservation needs of the species and do not contribute to the need to list any species under the ESA.

Objectives

• Conserve habitat for migratory birds and emphasize management of migratory birds listed on the USFWS’s current list of Birds of Conservation Concern and the Partners-in-Flight priority species.
Consult and coordinate with USFWS on an ongoing basis throughout implementation of this plan for activities potentially affecting threatened and endangered species and their habitats.

Goal 2

Maintain a viable, visible, and healthy population of bighorn sheep as part of a meta-population that includes BENM and the broader landscape of southeast Utah.

Objectives

- Maintain a buffer between bighorn sheep and domestic sheep populations to prevent the potential for disease transmission.
- Collaborate with Utah Division of Wildlife Resources on reintroduction efforts that include the BENM region in order to maintain a healthy mate-population across a wide area.

Goal 3

Manage the biological integrity and resiliency of terrestrial and aquatic ecosystems to maintain and/or improve habitat and fish and wildlife populations, with emphasis on climate change resiliency and overall biodiversity.

Objectives

- Protect and maintain fish and wildlife habitat connectivity.
- Engage all stakeholders to address management issues and minimize or avoid impacts to fish and wildlife species and their habitats, including migration corridors, across jurisdictional boundaries.

Management Actions

- WILD-1: The following measures will be utilized for any activities with the potential to impact pinyon jays:
  - Survey all areas where trees will be removed or habitat disturbance will occur, with surveys conducted during pinyon jay nesting season (generally February through May). Areas should be surveyed even if the tree removal or disturbance will take place outside the nesting season, as pinyon jays can have very high nest site fidelity and may use the same nesting sites across years.
  - To establish pinyon jay absence, three surveys should be conducted during the nesting season, with each survey separated by at least two weeks.
o If pinyon jay nests are found, the breeding colony should be buffered by a 500 meter no-treatment/disturbance zone as recommended by the Conservation Strategy for the Pinyon Jay led by the U.S. Fish & Wildlife Service.

- WILD-2: BLM will continue to ensure that authorized actions do not jeopardize the continued existence of any special status animal species or result in the destruction or adverse modification of critical habitats.
- WILD-3: Surface disturbing research activities will generally not be allowed in threatened or endangered species habitat. Projects which provide new information and understanding of listed species, their populations, and/or their habitat, may be allowed after approval by BLM and the review and issuance of permits by the USFWS.
- WILD-4: Vegetation restoration methods will not be allowed in areas where special status species roost or nest (unless consultation with USFWS indicates no effect or a beneficial effect to species).
- WILD-5: If recreation activities (e.g., hiking, camping, biking, OHV use) are determined to impact known Mexican spotted owl nest sites, allocations, group size restrictions, closures, or other measures will be implemented to reduce or eliminate disturbance.
- WILD-6: In areas with known Mexican spotted owl nest sites, climbing closures will be established to assure that disturbance of nesting activities does not occur.
- WILD-7: For all grazing allotments that include Mexican spotted owl designated critical habitat, implement specific grazing management provisions (e.g., utilization levels) that are consistent with healthy foraging habitat for spotted owls.
- WILD-8: Wildlife habitat objectives will be considered in all reclamation activity to achieve desired conditions for rangelands.
- WILD-9: Ground disturbing actions that adversely impact fish and wildlife species and habitats will be avoided.
- WILD-10: In areas lacking proper water distribution or natural water sources, consider allowing for installation of precipitation catchments (guzzlers).
- WILD-11: Maintain or provide habitat requirements for deer and elk, including forage areas, hiding cover, and migration routes when detected. Manage crucial deer and elk habitat to minimize disturbance.
- WILD-12: Remove fencing that is non-functional or not necessary. This will benefit wildlife.
- WILD-13: Maintain a buffer between bighorn sheep and domestic sheep populations of at least 9 miles (a distance recommended by BLM in other locations) to prevent disease transmission, except where topographic features or other barriers prevent physical contact.
- WILD-14: If recreation activities (e.g., hiking, camping, biking, OHV use) are determined to impact bighorn sheep, allocations, group size restrictions, closures, or other measures will be implemented to reduce or eliminate disturbance.
XVI. HYDROLOGY (groundwater, surface water, wetlands, riparian areas, floodplains, water quality)

Goal 1

Ensure that surface water ecosystems, including springs, streams and wetlands, are functioning and supporting the native flora and fauna of the region.

Objectives

• Assess the condition of surface water ecosystems on a regular basis.
• Facilitate recovery of degraded springs, riparian areas and wetlands through fencing or other management actions.
• Maintain springs, riparian areas and wetlands that are in good condition through fencing or other management actions.

Goal 2

Ensure that groundwater pumping is not damaging Monument objects including aquatic, wetland and terrestrial organisms.

Objectives

• Assess the impacts of groundwater pumping on springs, streams and wetland ecosystems.

Goal 3

Manage spring health for cultural significance in addition to ecological significance.

Objectives

• Conduct spring restoration or revitalization for at least one spring per year.
• Allow use of springs by tribes for cultural and religious purposes.
• “Identify water resources values to Tribal Nations’ culture and history, including risks of their absence as present-day cultural and historical resources of Tribal Nations” (AMS p. 5-43).
Goal 4

Manage riparian areas to maintain or restore them to properly functioning conditions and to ensure that stream channel morphology and functions are appropriate to the local soil type, climate, and landform.

Objectives

• Assess the condition of all springs on the Monument at least every five years, and for any springs in areas where NEPA is being done.

Goal 5

Maintain good water quality or remedy conditions that are creating impaired water quality.

Objectives

• Conduct assessments to identify places where water quality is impaired.
• Remedy sources of water contamination.

Goal 6

Ensure that water uses are not degrading Monument objects.

Objectives

• Study the impacts of water uses on Monument objects including springs, riparian ecosystems and streams.
• Determine minimum in-stream flows necessary to sustain Monument objects.

Management Actions

• HYDRO-1: Assess conditions at springs, streams, riparian areas and wetlands at least every five years.
• HYDRO-2: Employ the Watershed Condition Framework to identify and remedy areas that are not functioning or functioning at risk.
• HYDRO-3: No new water developments will be authorized in hanging garden areas. Maintenance activities will only be allowed if the hanging garden functionality can be maintained.
• HYDRO-4: No surface disturbing activities will be allowed in hanging garden areas.
• HYDRO-5 Reduce or eliminate vehicle use of streambeds as travel routes, such as in Dark Canyon, Peavine Canyon and Arch Canyon. Also seek to reduce stream crossings as travel routes.
HYDRO-6: Determine and maintain minimum in-stream flows necessary to sustain aquatic and riparian ecosystems. For streams that have been significantly dewatered, find ways to reduce diversions and keep more water in the stream for ecological benefits, such as at Indian Creek.

HYDRO-7: Create a spring and stream rehabilitation program in collaboration with tribes.

HYDRO-8: Protect springs that have been degraded, by utilizing the BLM’s categorical exclusion for "construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas." DOI M-516, 11.9(K)(9)

HYDRO-9: No new water extraction wells will be drilled.

HYDRO-10: Assess the impacts of groundwater pumping on Monument objects and where harms are detected, reduce or halt groundwater extraction.

HYDRO-11: Seek ways to reduce groundwater extraction within the Monument.

HYDRO-12: Assess key riparian areas in active grazing allotments using PFC by a range conservation specialist at least every two years and by an interdisciplinary team that includes Traditional Indigenous Knowledge at least every 5 years; adjust livestock grazing as needed to ensure that riparian areas are in, or moving toward, healthy and functioning riparian conditions.

HYDRO-13: Vegetation restoration methods in riparian areas will only be allowed for removal of noxious weed species or restoration of disturbed sites.

HYDRO-14: Continue to reduce tamarisk and Russian olive where possible. Herbicide use will only be allowed to support restoration of native plants and animals

HYDRO-15: Limit recreational use where riparian areas are being damaged.

HYDRO-16: Identify and remedy causes of water quality impairment.

XVII. PALEONTOLOGICAL RESOURCES

Goal 1

Incorporate perspectives of the Tribal Nations of the BEITC in the management and interpretation of paleontological resources.

Objectives

- Honor knowledge sovereignty and Tribal perspectives by making Tribal management recommendations manifest.
- Ensure continued access to paleontological resources of cultural and ceremonial importance.
Goal 2

Manage paleontological resources in order to protect them and make them accessible to appropriate research and public enjoyment.

Objectives

- Inventory for paleontological resources and evaluate their significance for protection, conservation, research, or interpretation.
- Protect known paleontological resources from destruction or degradation. This also applies to materials from public lands located in museum collections.
- Manage uses to prevent unnecessary damage to paleontological resources.
- Facilitate appropriate paleontological research to improve understanding of fossil resources.
- Increase public education and appreciation of paleontological resources through interpretation and dissemination of research.
- Facilitate interactions between paleontologists, tribes, Agencies, and the public to develop and promote mutual understanding of the significance of paleontological resources.

Goal 3

Develop a Paleontological Resource Management Plan for BENM for areas with unique but rare paleontological resources and for all areas with high potential for scientifically or culturally significant fossils (i.e., PFYD 3, 4 & 5).

Objectives

- Outline the basic structure and organization of the paleontological resource program, including scientifically and culturally relevant protocols for inventory, collection, protection, and management of paleontological resources.
- Coordinate with tribes, counties, and municipalities on appropriate exhibits.

Management Actions

- PR-1: All research, inventories, and monitoring of paleontological resources will be conducted in accordance with applicable laws, regulations, and policy, and will integrate applicable Tribal policies and protocols.
- PR-2: No casual fossil collecting will be allowed within the Monument, except in small quantities for traditional and ceremonial uses by members of federally recognized Native American tribes. Special permits should be granted for collection by Tribal members, particularly for petrified wood.
• PR-3: Establish paleontological managerial staff positions and recruit qualified paleontologists.
• PR-4: Conduct proactive (non-compliance-driven) inventory of BENM for paleontological resources and evaluate their potential for protection, conservation, research, or interpretation. Areas with Potential Fossil Yield Classification (PFYC) ratings of 4 or 5 or with potential conflicts with other resources or threats from other uses will be given priority over those areas with lower PFYC ratings or no known user conflicts/threats.
• PR-5: If areas are identified that hold high potential for culturally significant paleontological resources, including petrified wood, these areas will receive higher levels of protection.
• PR-6: Establish a paleontological monitoring program to assess management needs of sensitive sites and areas. Pursue collaborative partnerships with tribes, volunteers, universities, and other research institutions to document, preserve, monitor or interpret sites consistent with the overall objective of protecting paleontological resources.
• PR-7: Require a paleontological site inventory for all proposed projects, consult with tribes, and use appropriate strategies to avoid sensitive sites, restrict access to the sensitive resource (i.e., construct barriers), or as a last resort, excavate and curate the resource. No excavation should occur without explicit approval from the Tribal nations of the BEITC.
• PR-8: Emphasize public education and interpretation to improve visitor understanding of paleontological resources and to prevent damage. Pursue collaborative partnerships with tribes, universities, and other research institutions to interpret sites consistent with the overall objective of protecting paleontological resources.
• PR-9: Involve qualified paleontologists and cultural specialists in the Monument staff, the state of Utah, professional societies, universities and other research institutions, and tribes to develop scientifically and culturally sound protocols and best practices.
• PR-10: Coordinate with tribes, other government agencies at Federal and state levels, and with professional societies to ensure consistency of PFYC designations, collection standards, and standards for education and outreach.
• PR-11: Coordinate with tribes and Monument archaeologists to ensure that protocols and inventory strategies are compatible with preservation of and respect for places and landscapes sacred to tribes.

XVIII. LANDS & REALTY

Drones, recreational air travel (scenic overflights, backcountry air strips), and commercial filming threaten BENM’s cultural resources, including natural quiet and soundscapes, species, and ecosystem health. The Agencies must act proactively and protectively, and in accordance with the BEITC Plan, to protect the cultural resources of BENM by prohibiting these uses throughout the Monument, subject to permission on a case-by-case basis.
We support the BEITC Plan’s goal to “Acquire and maintain access to public lands to improve management efficiency, facilitate Tribal use, and promote education, preservation, and cultural traditions among the Tribal Nations of the BEITC and other tribes associated with BENM” (Appendix C, p. 5).

We also support the BEITC Plan’s proposed Management Actions for Lands and Realty (Appendix C, pp. 5-6).

XIX. VISUAL RESOURCE MANAGEMENT

Goal 1

Manage Monument lands as VRM I and II for BLM lands and Very High and High SIO for Forest Service lands with mandatory prescriptions to protect scenic values, especially areas with high cultural and conservation values such as lands with wilderness characteristics, areas identified by the BEITC, backcountry recreation areas, scenic byway and backway corridors, WSAs, and ACECs.

Goal 2

Explicitly include management direction in the VRM portion of the MMP provisions to protect and improve night skies to ensure that only natural sources of light are visible to the human eye throughout the Monument.

Goal 3

Protect viewsheds and visual resources in a manner consistent with Tribal values and the BEITC Plan.

Objectives

- Manage public lands in a manner that will protect the quality of the scenic (visual) values of these lands for present and future generations.
- Ensure the opportunity for Tribal coordination and consultation when making implementation-level decisions that have the potential to impact visual resources.
- Promote Best Management Practices for reclamation of landscapes, restoration of native habitats, and rehabilitation of waterways and riparian areas to enhance natural and historical scenic values that have been negatively altered.
Management Actions

- **VRM-1**: With limited exceptions for necessary facilities and temporary research projects that are managed consistent with the proper care and management of the Monument objects and values, bring Monument lands into conformance with VRM I and II classification standards.
- **VRM-2**: Manage lands that are classified for the preservation of their natural values (such as primitive recreation areas, WSAs and lands with wilderness characteristics) to VRM I standards to “preserve the existing character of the landscape” with stipulations specifically addressing and managing human development impacts.
- **VRM-3**: Coordinate with the tribes about the interpretive value of different vantage points and viewsheds in the Monument.
- **VRM-4**: Identify important viewsheds in coordination with tribes.
- **VRM-5**: Restrict camping and parking at important viewsheds and overlooks as identified by tribes.
- **VRM-6**: Create interpretive materials in coordination with tribes that highlight Tribal connections to distant areas visible from vantage points within the Monument.
- **VRM-7**: Manage all acquired former SITLA inholdings to the VRM class of surrounding lands.
- **VRM-8**: Conduct an updated lighting inventory.
- **VRM-9**: Develop and include in the MMP a lightscape management plan based on a robust set of dark night sky best management practices.
- **VRM-10**: Meet or exceed the standards for accreditation as an International Dark-Sky Association (IDA) International Dark Sky Sanctuary.
- **VRM-11**: Limit the use of lights at Monument buildings and infrastructure in order to minimize impacts to night skies.
- **VRM-12**: Build Monument buildings and infrastructure to blend into the landscape while retaining functionality.
- **VRM-13**: Manage and design campgrounds to avoid negatively impacting the viewshed.

**XX. DARK NIGHT SKIES**

**Goal 1**

Include mandatory management direction to protect and improve night skies to ensure that only natural sources of light are visible to the human eye throughout the Monument.

**Objectives**

- Manage public lands in a manner that will protect the quality and extent of dark night skies within the Monument for present and future generations.
• Ensure the opportunity for Tribal coordination when making implementation-level decisions that have the potential to impact dark night skies.

Management Actions

• DNS-1: Conduct an updated lighting inventory.
• DNS-2: Develop and include in the MMP a lightscape management plan based on a robust set of dark night sky best management practices.
• DNS-3: Meet or exceed the standards for accreditation as an International Dark-Sky Association (IDA) International Dark Sky Sanctuary.
• DNS-4: Limit the use of lights at Monument buildings and infrastructure in order to minimize impacts to night skies.
• DNS-5: Coordinate with the tribes regarding interpretive and educational programming regarding night skies.

XXI. NATURAL SOUNDSCAPES

Goal 1
Manage uses to protect and maintain the natural soundscape.

Objectives

• Design management actions to minimize artificial noise and avoid increases in background noise levels.

Goal 2
Protect wildlife species known to be sensitive to the effects of human caused noise.

Objectives

• Preserve animal and riparian habitats so that natural sounds prevail.

Goal 3
Protect visitor experience of natural quiet and solitude.

Management Actions

• NS-1: Post signage indicating the need for low-voices and low-volumes, especially in backcountry areas.
• NS-2: Prohibit the use of drones.
- NS-3: Prohibit the use of amplified music devices in back-country areas.
- NS-4: Prohibit motorized vehicle use causing noise levels exceeding 55 db, including through installation of speed bumps or other speed barriers in areas of high-velocity OHV traffic to help preserve soundscapes.
- NS-5: Work with FAA to designate the Monument as protected airspace and prohibit commercial air tours.
- NS-6: Recommend to the FAA that civilian aircraft be prohibited from flying lower than 1,500 feet above the ground, with exceptions for search and rescue or other actions required to protect Monument objects.
- NS-7: Secure cooperation from Department of Defense to avoid low-elevation military flights to the maximum extent possible.
- NS-8: Conduct soundscape modeling for management actions with the potential to alter baseline soundscape conditions.
- NS-9: Develop a soundscape management and monitoring plan, in consultation with tribes, that:
  - Identifies noise-sensitive receptors (e.g., important wildlife habitat, WSAs, Lands with Wilderness Characteristics, developed and primitive recreation locations, other areas where anthropogenic noise is impairing visitors or wildlife), as well as front-country and back-country sound zones.
  - Sets noise thresholds that modeled and actual/monitored sound levels cannot increase near noise-sensitive receptors and in back-country sound zones and designs management actions accordingly.
  - Sets objectives of reducing background noise in front-country areas where natural soundscape is impaired and impacting visitor experience and designs management actions accordingly.
  - Includes a monitoring plan.

XXII. LANDS WITH WILDERNESS CHARACTERISTICS

To proactively prevent further loss of naturalness, quiet, solitude, and remote backcountry recreation opportunities, BLM should protectively manage all lands with wilderness characteristics (LWC) in the Monument. Even more important than the recreation opportunities, LWC provide much needed landscape level protections for cultural and historical resources and values, important wildlife and bird habitat, riparian areas, native vegetation, sensitive cryptobiotic soils, and other Monument objects and values. This is why we support managing all the lands in BENM that have been inventoried as having wilderness characteristics to maintain and protect those characteristics.

XXIII. WILDERNESS STUDY AREAS

We urge BLM to consider, analyze and ultimately designate new Wilderness Study Areas (WSAs) as a key tool for protecting Agency-identified lands with wilderness character through this
collaborative land use planning process. Specifically, the Agency should consider designating BLM-identified lands with wilderness character as WSAs in every action alternative. Designating wilderness character lands as WSAs is wholly consistent with Proclamation 10285.

**XXIV. WILDERNESS, FOREST SERVICE LANDS**

To comply with the spirit of the Bears Ears’ Proclamations, potential wilderness units on Forest Service lands within the Monument must be identified, evaluated, and recommended for Congressional designation as Wilderness Areas as a part of this planning process. We include in these comments descriptive narratives and a GIS shapefile for nine proposed wilderness units that we recommend in the Abajo Mountains and on Elk Ridge. Until such time as Congress can act, we strongly recommend that these potential Forest Service wilderness areas be managed as outlined in Alternative D: “All the lands in BENM that have been inventoried as having wilderness characteristics would be managed to maintain and protect those characteristics.”

**XXV. SPECIAL LAND DESIGNATIONS FOR CONSERVATION & PROTECTION**

ACECs have unique and important features and efforts should be made to reduce human disturbance that could impair the Monument objects and values of those areas. Tribes should be consulted about managing existing ACECs and potential for additional AECs. The only existing Research Natural Area (RNA) in the Monument is Cliff Dwellers Pasture on the slopes of the Abajo Mountains. This area needs to continue to be protected from human disturbance.

**XXVI. COMPATIBLE MANAGEMENT OF BEARS EARS NATIONAL MONUMENT AND NATIONAL PARKS**

Protection for national monuments and national parks can only be assured when their adjacent lands are carefully and compatibly managed. The MMP is an opportunity to manage the Monument and the parks in an interconnected manner such that each unit serves as protection for its neighboring unit. This will require management consistent with the BEITC Plan and the development of management zones compatible with management goals and objects for adjacent national park-managed land where consistent with protecting Monument objects and values.