



WILDERNESS WATCH

Keeping Wilderness Wild

Board of Directors

Louise Lasley, NM
President

Mark Peterson, WI
Vice President

Gary Macfarlane, ID
Secretary

René Voss, CA
Treasurer

Talasi Brooks, ID

Mark Pearson, CO

Cyndi Tuell, AZ

Howie Wolke, MT

Executive Director
George Nickas

Advisory Council
Magalen Bryant
Dr. Derek Craighead
Dr. M. Rupert Cutler
Dr. Roderick Nash

Minnesota Office
2833 43rd Ave. South
Minneapolis, MN
55406

Idaho Office
P.O. Box 9765
Moscow, ID 83843

January 7, 2022

BLM Green River District

Attn: Amber Koski
170 South 500 East
Vernal, Utah 84078

RE: RMP Amendments, Price, Moab and Vernal Field Offices to update the RMPs

Sent Via Email to: blm_ut_vernal_comments@blm.gov

Dear Ms. Koski:

These are Wilderness Watch's comments on the Resource Management Plan (RMP) Amendments that appeared in the Federal Register for the Price, Moab, and Vernal Field Offices. Wilderness Watch is a national nonprofit wilderness conservation organization dedicated to the protection and proper administration of the National Wilderness Preservation System.

Our comments focus almost exclusively on the Wilderness and the Wild and Scenic River potential amendments. We do recognize, however, that adjacent area management can have positive or negative influences on the quality of the Wilderness and Wild Rivers.

Many of our staff and members are intimately familiar with the region. The Desolation Canyon and Turtle Canyon Wildernesses are part of the largest stretch of unroaded wildlands in Utah. These Wildernesses and contiguous wildlands in other counties have a tremendous diversity, from desert riparian environments along the Green and Price Rivers to montane habitat on the plateaus above. This region is arguably the best wildlife habitat in Utah, harboring black bear, Rocky Mountain bighorn, mountain lion, elk, bison, and endangered fish populations. Within these two Wildernesses can be found both summer and winter habitat for large ungulates.

The San Rafael Swell has been proposed as a National Park. The 14 Wildernesses display spectacular canyon systems and the San Rafael Reef, an even more spectacular extension of Capitol Reef National Park's namesake, dominates the skyline. The San Rafael River and Muddy Creek

carve amazing canyons in these formations. Desert bighorns ply the canyons. The unique geological formations foster the evolution of endemic plant species.

East of the San Rafael and south of Desolation and Gray Canyons flows the Green River through Labyrinth Canyon. In contrast to Desolation Canyon, it is a smooth easily canoeable stretch. The Labyrinth Canyon Wilderness, with its deep incised canyons, borders the Green River.

Introduction

Before delving into the details of the public scoping documents, there are some key points regarding the scope and number/kinds of analyses that ought to be addressed.

The Desolation/Turtle/Labyrinth Canyon scoping letter claims further plans will be developed after the RMP amendments. It states:

The BLM policy and regulations provide for two different types of plans: resource management plans and implementation or activity plans. Resource management plans contain overall goals, resource objectives, allowable uses, and management actions for an area. In short, they set the rules for how an *area* is to be managed. Implementation or activity plans make site-specific decisions for specific *projects*, and they must conform to the rules set by the governing resource management plan.

Plans, be they RMPs or WSPs, are rarely site-specific project level documents. They set direction, but even so-called WSPs don't make decisions on specific projects. An example is a request for motorized use in Wilderness for grazing purposes for a specific year and a specific purpose. Indeed, a WSP can't do that because the BLM Manual at 6340 1.6D3 requires site-specific NEPA on such proposals and public notice must include "enough information for the recipient to understand the purpose, location, nature, size, and expected implementation date of the proposed action." That can't be pre-determined.

To complicate the issue further, the San Rafael scoping letter states in a footnote on page 6, "RMP Allowable Uses decisions identify areas where certain uses are allowed, restricted (allowed subject to specific conditions), or restricted (e.g., OHV are open, limited, or closed designations). These uses are designed to achieve goals and objectives." Yet, pages 8 and 9, which go into some detail about the history of the travel management plan (TMP) and settlement agreement, indicate that specific decisions won't be made in the RMP amendment. However, RMP amendments that close areas are specific decisions. In addition, the scoping letter indicates the TMP might occur *before* the RMP amendment. That seems inverse of the order the BLM presents elsewhere in the scoping letter.

That said, the BLM's news release about the proposed plan amendments, Lance Porter, the BLM Green River District Manager said, "This is a great opportunity for the public to help the BLM identify what issues should be analyzed during the planning process, and to play an active role in

the future management of the remarkable areas designated by Congress in the Dingell Act.”¹ The specific scoping documents indicate, “The BLM proposes to amend their RMPs to include the new designations and update the management guidance for those areas and other areas affected by the new designations.”

Does this suggest that this public involvement process could serve for both the amendment process and that of wilderness stewardship plans² (WSPs) or Comprehensive River Management Plans (CRMPs)?³ BLM’s Handbook direction for land use plans includes sections on Wilderness. See BLM Handbook 1601-1.

Thus, it would be more effective for BLM to prepare Wilderness Stewardship Plan(s) as part of or at the same time as these RMP amendment processes to ensure cumulative impacts to Wilderness are analyzed.⁴ These plans should also incorporate some ongoing analyses. For example, the BLM is being both premature and unduly fragmenting Wilderness planning by considering commercial recreation in a separate EA. Wilderness Watch submitted comments on that EA this past fall. The amount of allowable recreation use allocated to commercial interests must be informed by issues such as carrying capacity in any RMP and/or WSP. As we noted in our comments on the commercial use proposal EA, the Needs Assessment was inadequate. Without a more comprehensive analysis, commercial use in Wilderness can’t be properly administered. Given the exploding recreation use in this area, questions of whether commercial recreation use, how much commercial recreation use, and what kinds of commercial recreation use in Wilderness are truly necessary and proper must be addressed before making decisions about specific outfitters and their applications.

Doing the planning processes concurrently and together—for example, one scoping announcement for RMP amendments and WSP/CRMP preparation—will also likely be less confusing to the public just as these amendments were proposed in one process and notice. Asking for amendments to an RMP to set direction for Wilderness and then asking the public for comments at a later date on a WSP will almost certainly seem redundant and confusing to citizens who choose to participate and provide input. Doing the public involvement together even though BLM may end up with two types of plans may be a better path forward.

¹ The Dingell Act specifically prescribes a comprehensive management plan for the long-term protection and management of the [San Rafael] Recreation Area.”

² The provisions for wilderness stewardship plans in BLM Manual 8561 is not available on BLM’s website at <https://www.blm.gov/policy/manuals>. It may no longer be extant because its associated section 8560 has been superseded by BLM Manual 6340. However, BLM Manual 6340 still refers to BLM Manual 8561 for wilderness management or stewardship plans.

³ Unlike the provisions for wilderness stewardship plans, the Manual provision for comprehensive river management plans is in BLM Manual 6400.

⁴ For example, the Forest Service has broader goals all the way to more explicit standards and guidelines when preparing Forest Plans. BLM does something similar with RMPs and it also often combines the plan EIS with the plan itself, so it would not be unusual to prepare broader goals and more explicit plan direction simultaneously, even if they are eventually separated into products like a RMP and a WSP. Indeed, a more explicit plan may be considered an amendment to a more general one.

In light of the above, we suggest the following:

- Commercial recreation use must be combined with the WSPs and/or RMP amendment process(es) to make comprehensive decisions. If commercial use allocation precedes those plans, then the already decided commercial use will predetermine any discussion of party size limits or carrying capacity. This is the cart before the horse as the need for commercial use and any definition of whether/how it is proper can't be determined without a comprehensive plan to protect the Wilderness and wilderness character as is legally mandated.
- Ideally, the plan amendments could be made concurrently with the WSPs and CRMPs. In any case, the law already effectively amended the Price River RMP in designating the various places as Wilderness. BLM can't violate the Wilderness Act just because an old RMP allowed certain incompatible activities prior to designation.
- It may also make sense to fold the San Rafael Travel Management Plan (TMP) and the Recreation Plan for the San Rafael into this process. At the very least, these two plans should be done together.
- Other ways to combine plans and/or amendments together may make sense. Here are some ideas:
 - Combine Turtle Canyon and Desolation Canyon Wildernesses and the wild and recreational rivers segments contiguous with the Desolation Canyon Wilderness into one Wilderness/River plan. Further, anything that happens in the river corridor has direct impacts on the Wilderness because both of those designated river segments overlap with the Desolation Canyon Wilderness. Turtle Canyon is only divided from Desolation Canyon Wilderness by a narrow dirt route, the last few miles of which are sometimes impassable due to the route being in the Turtle Canyon wash bottom that can have flash floods which effectively closes the route.
 - Combine Labyrinth Canyon Wilderness and the Green River Scenic segment into one plan. The river corridor overlaps the Wilderness and anything in the river corridor directly affects the Wilderness.
 - The San Rafael Wildernesses could be combined in various ways. The BLM is proposing a single amendment document for them and the adjacent San Rafael Recreation Area. It may make sense for the WSP(s), Recreation Plan, and TMP to be produced and analyzed together. At the very least, Sids Mountain, Cold Wash, and Eagle Canyon Wildernesses must be combined into a single WSP plan. They are part of one former WSA and one contiguous area. The Wildernesses in the southern part of the Swell south of I-70 are divided mainly by narrow dirt tracks or barely existent trails. However, the landscape between some of these areas is different. There are various ways these areas could be combined. Another idea would be to put all the areas, except the San Rafael Reef and Devils Canyon Wildernesses into one plan. Other ways to divide the plans would be to combine Muddy Creek, Little Wild Horse Canyon, Little Ocean Draw, Horse Valley, and Red's Canyon into one plan.

In sum, we hope BLM realizes that there may be a better way than to prepare a plethora of plans--separate RMP amendments, separate WSPs, the San Rafael Recreation Area Plan, the TMP, and separate CRMPs, all in separate processes. A good goal would be to avoid overwhelming the public with seemingly redundant requests for comments. Rather, an efficient and transparent planning process could provide needed direction sooner and also consider cumulative impacts of plan direction.

With that in mind, we provide the following comments that are applicable to RMP amendments as well as more specific WSP or CRMP direction.

General Comments

Wilderness—The Wilderness Act is a substantive piece of legislation that requires the agency to protect the wilderness character of areas within the National Wilderness Preservation System. Direction that keeps the Wilderness untrammled and wild is key. The Wilderness Act’s author, Howard Zahniser, summed it up best when he said “the essence of wilderness is its wildness” and implored managers to recognize they should be guardians not gardeners.

Grazing—The scoping letters seem to suggest that the RMP needs to be amended because of the so-called Congressional Grazing Guidelines. Those guidelines can’t be interpreted, as the BLM appears to be doing, to suggest the BLM has less authority to regulate grazing in Wilderness than elsewhere. The provision allowing grazing in the Wilderness Act is an exception to the general mandate of the Act, which requires agencies to manage wilderness areas to preserve their wilderness character and natural conditions. The Wilderness Act is a substantive law not a procedural statute. The language concerning livestock grazing in wilderness is a mere forty words long: “Within wilderness areas in the national forests designated by this Act...the grazing of livestock, where established prior to September 3, 1964, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.” Thus, grazing which existed in wilderness areas when the Wilderness Act was enacted may continue.⁵

In other words, grazing is an exception to normal wilderness protections. It is a use that, by definition and practice, degrades Wilderness. The Wilderness Act and the Congressional Grazing Guidelines do not grant special privileges to those that graze their cattle or sheep in Wilderness that are not available on other public lands. The agency can, and should take action when grazing is affecting values such as wildlife, vegetation, recreation, or watersheds. In fact, the Congressional Grazing Guidelines put some constraints on grazing activities in Wilderness versus outside of Wilderness.

There appears to be no need to allow for motorized use in any of the Wildernesses. The rugged nature of the areas that are designated make most motorized use impractical anyway.

Unneeded grazing infrastructure should be removed. There are grazing allotments that have been vacant for some time and removal should be prioritized in these areas. Lastly, any vacant

⁵ It should be noted that no “reasonable regulations” specifically applicable to grazing in Wilderness have ever been developed by the BLM explicitly for wilderness grazing.

allotments in Wilderness should be permanently closed to be consistent with the Wilderness Act.

Climbing—While climbing is allowed in Wilderness, it should be done in a manner compatible with Wilderness. That would be clean climbing with no permanent fixed anchors. The Dingell Act may allow fixed anchors, but it does not mandate them. Further, the Dingell Act’s climbing section also mandates that climbing be “in accordance with the Wilderness Act.” The Wilderness Act in section 4(c) prohibits installations and structures unless the minimum necessary for preservation of the area as Wilderness. Many climbers use clean climbing techniques with removable protection and pride themselves on their conscientiousness. That should be the standard for these Wildernesses to differentiate wilderness climbing from more intensively developed climbing.

Recreation Use/Carrying Capacity—Any plans for Wilderness and Wild and Scenic Rivers need to come up with protective standards since the San Rafael, in particular, seems to be becoming more and more popular. Research suggests party sizes below 10 people are best. Limits on pack stock use also need to be analyzed and implemented. Given the small size and/or configuration of some of the Wildernesses, day use limits will likely be needed. Protecting fragile soils and ensuring wildlife are protected and not displaced or harassed are important factors in coming up with standards. While permit systems have downsides, they may need to be implemented. As previously noted, commercial use decisions need to come in conjunction with or after preparation of the WSPs and CRMPs, as noted in our introduction.

Boundaries and Cherrystems—The scoping notices include language like, “Exact acreages and boundaries are not known at this time as the BLM is still preparing the map and legal description for the Wilderness Areas required by the Dingell Act. However, maps are included below to illustrate the locations and natures of this acreage.” The scoping letters provide maps with boundaries that show deletions from former WSAs. The yellow lines on portions of the boundaries of some of the Wildernesses are confusing in that they are not necessarily setbacks from roads as per BLM Manual 6340. Given the small scale of the legislative maps and the problems with GIS registration at different scales, it would seem that drawing the boundary in the most logical identifiable place would fit the intent of Congress. For example, whether the boundary is at the top of a sheer cliff or at the bottom may make little if any difference from a mapping perspective, but one or the other may make much more sense from an administration perspective. Similarly, BLM admits, “The need to conserve and enhance the wilderness character or values of the wilderness areas may limit or restrict resource mineral development in the adjacent cherry-stemmed roads and/or released WSA lands.” We recommend that certain cherrystemmed routes (or areas, if that fits better with the RMP process) be closed except for necessary administrative use or valid existing rights in the site-specific discussions below.

Airstrips—Airstrips that were used for mineral exploration in the 1900s were abandoned by the time FLPMA was passed and WSAs created. There have been efforts in recent years to open these spots, many of which are overgrown. This is yet another negative impact to the wilderness character of these areas. Safety and liability issues should also preclude the use and development of these places.

Wildlife—The areas designated in the Dingell Act contain some of the very best habitat in Utah.

Wildlife and their habitat need to be protected from expanding and growing recreation use. The RMP amendments and any associated plans need to incorporate provisions that reduce impacts from recreation use. These could include limiting numbers, timing restrictions, activity restrictions, and the like.

Site-Specific Concerns

Desolation Canyon and Turtle Canyon Wildernesses and the Green River Wild and Recreational Segments—These areas are arguably the most important wildland complex in Utah. Any plans need to set limits on recreation use to protect wildlife. Surrounding public lands need to be carefully managed to protect the wildlife that moves in and out of Wilderness.

The BLM should phase out motors on the Green River along the Desolation Canyon Wilderness so that the Wilderness can be protected. This would be from Sand Wash to Swasey Rapids. In any case, motor use on this stretch is not particularly common. This is one of the premier wilderness floats in all of the country and should be administered as such. The current limits on use should remain in effect until or if it is modified by the WSP/CRMP. The Wild and Recreational River corridors should be withdrawn from mineral entry and location to protect the outstandingly remarkable river values.

The fence built to impede wildlife (bison) movement in the Desolation Canyon Wilderness needs to be removed by non-motorized means. The entire purpose of that fence is contrary to the Wilderness Act. Vacant allotments in these Wildernesses should be permanently closed to livestock grazing in the RMP.

The vehicle routes “cherrystemmed” in the Desolation and Turtle Canyon Wildernesses should be closed. These Wildernesses make up part of one of the largest Wilderness/roadless regions in the country, but is unfortunately fragmented by these cherrystems. All of these routes were created to serve a tiny handful of people (mineral exploration or grazing) and none currently serve or have served those purposes in recent times. The use of these routes for motorized or mechanized recreation pales in value to the opportunity to protect and preserve this region as the world-class Wilderness region that it ought to be for generations to come. Specifically, the following routes should be closed in the plan(s):

The route accessing Beckwith Plateau should be closed where it meets the Price River. Put another way in terms of an RMP, the entire Beckwith Plateau should be a closed area.

The Range Creek jeep trail downstream of its confluence with Turtle Canyon should be closed to vehicles and also put in a closed area. If access is needed to the private inholding in lower Range Creek it can be addressed on a site-specific basis.

The Turtle Canyon route below the beyond the Big Horn Benches should be closed. While this route was once used to access private land in lower Range Creek that is now managed by the Utah Museum of Natural History, the museum only permits public access from the north, hence leaving lower Turtle Canyon open to vehicles only serves to fragment the wilderness.

It will be very difficult for BLM to restrict vehicle use to the current cherrystems on the Beckwith Plateau, or along Range Creek or Turtle Canyon. The recommendations above offer

much more reasonably enforceable closures, that also protect the incredible wilderness resource that is the Desolation-Grey Canyon area.

Further, the Lila Point/Turtle Canyon/Little Park Road between the Bighorn Benches and Horse Canyon should be kept in its current state--a low-standard, high-clearance route. Vehicle ways that go from these should be limited to administrative or permitted uses for mechanized/motorized use to protect wildlife habitat. To protect the important wildlife resources in the released portion of the Turtle Canyon and Desolation Canyon WSAs around Little Park, these areas should be withdrawn from mineral entry and location.⁶ The road up the Green River to Nefertiti Rock should also be kept in its current condition and not expanded or improved.

The released Turtle Canyon and Desolation Canyon WSA portion in Range Creek bordering the Utah Museum of Natural History's Archaeological Site should be withdrawn from mineral entry and location to protect the archaeological resources. There is no legal motorized or mechanized access to this small portion of Range Creek, so this should not be an issue. Allowing any mineral leasing or location here would conflict with the current management of the archaeological site.

Sids Mountain— BLM needs to carefully administer the use in the area, especially in the Little Grand Canyon of the San Rafael. Public use along Buckhorn Wash and the Wedge is exploding. One way to administer use would be to keep the access roads in their existing condition and not further improve them. BLM may need to go to a permit system in the Wilderness if conditions warrant, including for day use. Bighorn sheep are sensitive to human disturbance.

The cherrystems in North and South Coal Wash should be closed to motorized and mechanized vehicles in any WSP/TMP process. In terms of the RMP process, the former Sids Mountain WSA should be a closed area. They were never constructed routes and were barely noticeable at the time of WSA designation. The wilderness character and values of this area will be severely compromised if these routes are open to mechanized or motorized use.

Mexican Mountain—Like Sids Mountain, this area receives a lot of use from the Buckhorn Wash road. BLM should not further improve access roads to the area. BLM may need to go to a permit system in the Wilderness if conditions warrant. Bighorn sheep are sensitive to human disturbance. The landing strip at Mexican Mountain should be closed. It was overgrown and not in use at the time the WSA was designated. Airplane use and its attendant racket will significantly degrade other visitors' wilderness experience.

The three cherrystems in the southern part of the Wilderness should be in a closed area for the RMP amendment.

The Reef—Recreation use, especially climbing, needs to be carefully managed. As noted earlier, fixed anchors should not be allowed in Wilderness. There are other cliffs outside of Wilderness in the San Rafael where climbing occurs in the recreation area. There may need to be limits put on day use as well. The former WSA should be designated a closed area for ORVs as per the RMP process.

⁶ The proposed land exchange between BLM and SITLA should be adjusted for this area in order to retain this important wildlife habitat in public ownership.

Muddy Creek/Red's Canyon, Little Ocean Draw, little Wild Horse Canyon, Horse Valley, Middle Wild Horse Mesa, Big Wild Horse Mesa, and Lower Last Chance—These areas pose administrative challenges that should be honestly addressed. The explosion of recreation use at Goblin Valley State Park and the conveyance of land to the State of Utah for Park expansion will put untold pressures on the canyons in this part of the Reef. It may even affect previously little used areas. Even Lower Last Chance may not be immune to the increase in recreation use. Day use needs to be regulated to ensure that the popular canyons are not overrun, destroying wilderness qualities.

The cherrystems north of the Reef ought to be closed or restricted. Some are not even formal trails and don't show up on the travel plan as routes. They are currently closed and should remain so.

The dirt landing strip at Hidden Splendor, which borders the Wilderness, ought to be closed for safety reasons and to preserve a modicum of silence in the Wilderness.

Labyrinth Canyon Wilderness and the Green River Scenic segment--The BLM should phase out motors on the Green River along the Labyrinth Canyon Wilderness so that the Wilderness can be protected. This is one of the premier easy wilderness canoe floats in all of the country and should be administered as such. A new permit process may be needed in the WSP/CRMP. The Scenic River corridor should be withdrawn from mineral entry and location to protect the outstandingly remarkable river values.

Some of the cherrystems are not even recognized routes in the current travel plan. They are currently closed and should remain so to both mechanized and motorized use.

No old abandoned airstrips should be opened up in the Wilderness or adjacent to it.

Please keep us updated on this process and others that affect the Wilderness in the San Rafael, Labyrinth Canyon, and the Desolation/Book Cliffs region.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Macfarlane".

Gary Macfarlane
Board Member