

# Congress of the United States

Washington, DC 20510

August 24, 2007

Secretary Dirk Kempthorne  
Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

Dear Secretary Kempthorne:

We are concerned about the use of off-road vehicles (ORVs) such as all-terrain vehicles and off-road motorcycles on Utah's public lands -- specifically those lands that are included in the America's Red Rock Wilderness Act (S. 1170 and H.R. 1919). ORV use has increased dramatically on Utah's public lands. Reducing the level of damage caused by ORV use is a management issue that must be treated as a priority by the Bureau of Land Management (BLM). A number of former BLM officials have publicly called for increased efforts to manage ORV use to better protect these precious natural resources.

To help preserve these lands, we support the designation of specific routes for ORV use and the restriction of ORVs to those routes. We are pleased that BLM is examining this issue, but we have serious reservations about BLM's revised Resource Management Plans (RMPs) and the agency's related ORV Travel Plans and maps.

In particular, we are troubled by draft plans that allow ORV use in Utah's roadless areas. Many of these areas have been found to have wilderness character in BLM's own inventory. Any roadless areas that BLM has found to have wilderness character should be automatically excluded from consideration for ORV routes. These lands should instead be protected, as they would be by wilderness legislation such as the America's Red Rock Wilderness Act.

In light of these concerns, we would appreciate your response to the following questions.

1. BLM's Draft Travel Plans/ORV Route Designation Plans released for public review in eastern Utah propose ORV routes in roadless areas. Many of these roadless areas have been determined by BLM to have wilderness character, and ORV use could degrade these lands to such a degree that they might no longer be considered worthy of wilderness designation. This would constitute a tragic failure of resource management by BLM. What is BLM's rationale for designating ORV routes in areas it found to be roadless areas and therefore would qualify for wilderness designation?

2. Immediately after the April 11, 2003, agreement between DOI and the State of Utah, which precluded BLM's consideration of additional wilderness study area designations, Secretary Norton assured us that BLM would use other tools to protect wilderness quality lands. (<http://www.blm.gov/nhp/efoia/wo/fy03/im2003-275ch1.htm>) What specifically is BLM doing to protect the wilderness character of BLM lands in Utah? Isn't the designation of thousands of miles of routes for ORV use in roadless areas likely to damage or destroy the wilderness values of these areas?
3. Are you aware that BLM officials in Utah are proposing ORV routes in areas known to be rich in cultural resources, without conducting comprehensive cultural surveys or inventories in these areas to determine the extent and type of cultural resources that exist and the potential impacts to such resources from ORV use? How can BLM conduct the required meaningful consultation with Tribal entities, as required by the National Historic Preservation Act (NHPA) and *Pueblo of Sandia v. U.S.*, 50 F.3d 856 (10<sup>th</sup> Cir. 1995), in the absence of comprehensive cultural surveys and inventories?
4. What site-specific environmental analyses has BLM completed for the ORV routes proposed in the Utah Field Offices' draft travel plans? How are these analyses being used to support a conclusion that the resource impacts are "minimized" as required by federal regulations (43 C.F.R. 8342.1)? In addition, do these analyses show that conflicts with other uses have been minimized?
5. When BLM receives requests for routes or particular maps of suggested routes from outside groups, does BLM visit each trail to assess whether it meets the requirements for minimizing natural resource impacts and other standards? If not, how does BLM verify the appropriateness of suggested routes and determine the likely impact of their designation? From whom specifically does BLM receive information in support of these trails?

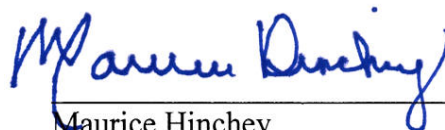
Thank you for your prompt attention to this pressing matter. We look forward to your response.

Sincerely,



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Richard J. Durbin  
United States Senator



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Maurice Hinchey  
United States Representative

copy:  
Selma Sierra, Utah BLM State Director