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alliance

June 24, 2005

Planning Coordinator
RMP Comments
Vernal F.O.
Bureau of Land Management
170 South 500 East
Vernal, UT 84078

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BLM VERNAL, UTAH

**RE: COMMENTS SUBMITTED BY SOUTHERN UTAH WILDERNESS
ALLIANCE, et al. FOR THE VERNAL DRAFT RESOURCE MANAGEMENT
PLAN**

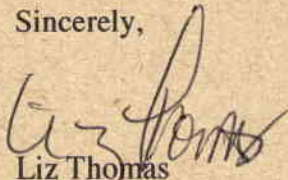
Greetings:

Thank you for the opportunity to provide comments for the Vernal Field Office Draft Resource Management Plan and Environmental Impact Statement – January 2005. (DRMP). These comments are provided to you by the Southern Utah Wilderness Alliance (SUWA), along with Natural Resources Defense Council, The Wilderness Society and Redrock Forests. SUWA hereby incorporates, by reference, the separate comments on the DRMP submitted by The Wilderness Society. SUWA et al. are deeply concerned about the wilderness values and other natural resources contained in the lands managed by the BLM's Vernal Field Office.

Although this planning process is a tremendous opportunity, thus far the DRMP fails to take any significant positive steps to protect the wilderness values, wildlife habitat, water resources, scenic values, cultural resources, and other natural resources that make much of the area managed by the Vernal Field Office a place of remote and spectacular beauty.

We look forward to playing an active role in the planning process, and encourage you to contact us at any time.

Sincerely,


Liz Thomas
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**COMMENTS SUBMITTED BY SOUTHERN UTAH WILDERNESS ALLIANCE,
et al. FOR THE VERNAL DRAFT RESOURCE MANAGEMENT PLAN**

I. Introduction

In Vernal, as in much of Utah, large expanses of wilderness hinge on the BLM's decision of whether these magnificent places will be protected from two significant threats: oil and gas drilling, and damage from off-road vehicle (ORV) use. Unfortunately, the two fatal flaws of the Vernal Draft Resource Management Plan (Draft RMP) are: 1) its failure to protect 98 percent of wilderness-quality lands outside of existing WSAs from oil and gas development; and 2) the lack of any meaningful ORV management or intelligent route designations.

An integral part of the BLM's charge of serving the public's interests involves giving full and fair consideration to conservation of our public lands, in addition to recreational and commercial uses. Under the Federal Land Policy and Management Act (FLPMA), the BLM is required to "prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values...." *See*, FLPMA §201(a); 43 U.S.C. § 1711(a). Further, FLPMA's multiple-use mandate requires the agency to consider the relative scarcity of the values involved and the availability of alternative sites for those values. *See*, FLPMA §202(c); 43 U.S.C. § 1712(c). This involves not only establishing principles for managing our public lands, but also a duty to recognize current and emerging values of the landscape. As part of that continuing inventory, the BLM is required to review wilderness characteristics and *account for those values* as it plans for the use of our public lands.

While the Draft RMP recognizes the wilderness characteristics of far more acreage than is protected in Wilderness Study Areas (WSAs), it neglects to consider any alternative that would provide meaningful protection of these identified wilderness characteristics. This is in direct violation of the National Environmental Policy Act's (NEPA) requirement to fully consider a reasonable range of alternatives, and agency internal direction to consider alternative management options to protect these lands.

Because the BLM has failed to offer adequate draft alternatives for the Vernal Resource Management Plan, the Southern Utah Wilderness Alliance (SUWA) supports the Greater Dinosaur-Bookcliffs Heritage Plan (Heritage Plan).¹ *See* Attachment A. The aim of this proposal is to provide special attention to these remarkable wilderness landscapes by creating a balanced, sustainable recreation plan and by restricting extractive developments to proven areas. The Heritage Plan solves user conflicts and ensures that environmental protections are appropriately applied, protecting wilderness quality lands while providing a balanced approach for ORVs and oil and gas development. SUWA expects the BLM to consider fully and to analyze the Heritage Plan, in addition to the

¹ In addition to supplying this information again within these comments, SUWA submitted the substantive information that forms the Heritage Plan, including maps, throughout the scoping period and prior to the release of the Draft RMP.

comments below, as part of the RMP revision process, and prior to release of the final RMP.

II. The Draft RMP Fails to Consider and Fully Analyze Alternatives that Adequately Address Wilderness, Oil and Gas Development, ORV Management, and Other Resources

In scoping comments submitted December 17, 2001, SUWA provided comments concerning a broad spectrum of resource values that were, and remain, of deep concern -- since the Draft RMP has not adequately addressed such issues. SUWA reiterates and incorporates such comments herein. SUWA also takes this opportunity to emphasize the flaws apparent in the Draft RMP specific to wilderness, oil and gas development, ORV management, and other issues of concern.

A. Wilderness

The Vernal Field Office encompasses a variety of wilderness lands deserving of official protection. Indeed, of the roughly 1.9 million acres of public lands managed by the BLM Vernal FO, approximately 491,000² acres are proposed for wilderness designation in America's Redrock Wilderness Act (S. 639/H.R. 1796 in the 109th Congress). Of these, to date BLM itself has determined that roughly 362,000 acres, or about 74% of citizen-proposed wilderness lands have, or are likely to have, wilderness characteristics.³ Unfortunately, the Draft Plan fails to provide any meaningful protection for the wilderness-quality lands that do not currently fall within the boundaries of existing WSAs. In other words, outside the existing WSAs, the BLM's preferred alternative leaves approximately 96% of nearly 440,000 of wilderness-quality lands open to oil and gas leasing and development and other harmful activities. The new Vernal RMP must provide real protection for these important and sensitive wild lands -- not continue to expose them to undue and unnecessary degradation and the permanent impairment caused by oil and gas mismanagement and arbitrary ORV travel designations.

During the RMP scoping process and other public comment opportunities, SUWA submitted comments specific to the BLM wilderness inventory areas (WIAs)⁴, and provided the BLM with supplemental and new information regarding other tracts of wilderness-quality land for the BLM to consider within the RMP⁵ planning process. Unfortunately, the Draft RMP fails to incorporate adequately and to address the new information that SUWA has provided, and fails to provide meaningful protection for these lands. SUWA now incorporates its earlier comments, and provides additional supplemental and new information for the BLM to analyze fully and to consider during the RMP revision process and prior to the release of the Final RMP. See Supplemental and New Information for: Dragon Canyon, White River, Sunday School Canyon and Bitter Creek, Attachment B; Dinosaur National Monument - Adjacent wilderness units,

² Numbers used herein are typically rounded approximations.

³ Since the initial, flawed wilderness inventory that resulted in a paltry 52,978 acres of WSAs and ISAs in the BLM Vernal FO, according to its FLPMA mandates, BLM released the results of its 1999 Wilderness Inventory and Revisions to this document, finding an additional 131,000 acres of lands with wilderness characteristics (known as "wilderness inventory areas" or "WIAs"). Then, as part of this planning process, BLM has found that another 179,000 acres of lands within the Vernal FO are likely to contain wilderness characteristics (known as "reasonable probability determination areas" or "RPDs").

⁴ In Appendix A of our December 17, 2001 scoping comments, we provided the BLM with supplemental and new information concerning the following FLPMA §202/Wilderness Inventory Areas (WIAs): Bull Canyon WIA, Cold Spring Mountain WIA (UWC's O-Wi-Yu-Kuts unit), Cripple Cowboy WIA (UWC's Bitter Creek unit), Desolation Canyon WIA, Diamond Breaks WIA, Moonshine Draw WIA, White River WIA, and Wild Mountain WIA.

⁵ In Appendices B-M of our December 17, 2001 scoping comments, SUWA then provided supplemental and new information regarding UWC's proposed Bitter Creek, Bitter Creek/Rat Hole Ridge, Bourdette Draw, Diamond Mountain, Dragon Canyon, Goslin Mountain, Hells Hole, Lower Bitter Creek, Lower Flaming Gorge, Red Creek Badlands, Sweet Water Canyon, and White River units. In addition to its initial *evaluation*, the agency must also perform an intensive on-the-ground *inventory* of each of these units as part of the RMP revision process, and fully consider and analyze management options to protect the identified wilderness characteristics. See BLM IM-2003-274 and IM-2003-275.

Attachment C; Crouse Canyon, Attachment D; Home Mountain, Attachment E; Vernal BLM/Forest Service Adjacent wilderness units, map at Attachment F; Articles from the Environmental Working Group, Attachment G; ACEC-specific comments, Attachment H; Route-specific comments and analysis, Attachment I.

The Draft RMP fails to consider fully and to analyze the full spectrum of available management options that could provide protection of wilderness characteristics, as provided for by FLPMA and BLM instruction memoranda IM 2003-274 and IM 2003-275—Change 1. In order to comply with its multiple-use mandate and instruction memoranda, it is incumbent on the BLM to ensure protection of these identified wilderness resource values. With the increase in the number and type of outdoor recreationists that use public lands in Utah, and the huge increase in oil and gas activity in the Vernal Resource Area, it is increasingly difficult to find places where one can truly experience the natural environment and be unaffected by development and other recreationists. This is especially true for the Vernal Resource Area because of the substantial amount of oil and gas drilling taking place in and around the Uinta Basin and Bookcliffs as well as the growing number of off-road vehicles using public lands. Many public land users from across the nation and the world seek out non-motorized, primitive recreation experiences in the lands managed by the Vernal Field Office. However, the Draft RMP fails to include an alternative that provides protection for wilderness-quality lands consistent with the recognized resource values and public desires. Rather, every alternative allows some degree of leasing, development, and motorized recreation within these areas, and real protection from certain damaging actions essentially only exists within the existing WSAs . . . even under the “conservation” alternative C.⁶

Providing for balanced recreational opportunities is certainly one way of helping to ensure that naturalness, solitude, and primitive recreation are preserved on qualifying lands, and that the multiple-use mandate is respected. Unfortunately, the Draft RMP fails to even make use of the Recreation Opportunity Spectrum. By refusing to designate non-WSA lands with wilderness character as “primitive” or “semi-primitive non-motorized,” BLM has discarded an important management tool by which these lands can enjoy some protection without designating them WSAs. Under the BLM preferred alternative, the large majority of these lands are open to oil and gas leasing, in addition to numerous ORV routes. Given that these destructive activities are allowed to take place in areas with wilderness characteristics, the areas could still benefit from good ROS designations, which could influence future BLM decision-making and ensure that an area is at least protected from some damage until the mineral leases on the area expire. Given that BLM has seen fit to provide for the contingency of WSA release in the RMP by stripping future protection from wild lands, it is reasonable to expect BLM to plan for mineral lease expiration as well.

The Greater Dinosaur-Book Cliffs Heritage Plan provides a reasonable alternative that would ensure protection for the identified wilderness characteristics, while providing for

⁶ Compare map 20 with Oil and Gas Leases maps 11 - 13; Minerals and Energy Resources Maps 15 - 17; Visual Resource Management Areas maps 29 - 31; Special Designations maps 22 - 24; Travel/OHV Areas maps 25 - 27.

a full spectrum of multiple uses on the public lands managed by the BLM Vernal FO. See Heritage Plan, Attachment A. SUWA supports this alternative and encourages the BLM to consider fully and to analyze it during the RMP revision process and prior to release of the final RMP.

B. Travel Plan Route Designations/Recreation and ORV Management

Recreation

The recreation resource on public lands is becoming increasingly valuable: more people want to recreate on a finite amount of public land. The Vernal Field Office (VFO) area is no exception: "Recreation management is of significant concern within the planning area because it contains world-class recreational resources. Use has grown rapidly and is expected to continue to grow." Draft RMP at 1-7.

The majority of recreationists that come from outside the VFO area to recreate on public lands in northeastern Utah are seeking opportunities to escape the city, with its engine noise and smell, its mobs of people, and sprawling development. They desire solitude, clean air, clean water, vast undeveloped landscapes, and a place to witness healthy natural systems thriving with native plants and wildlife. The public lands in the VFO area are also an important asset for local residents. The Draft RMP acknowledges "[r]ecreation is an important component in the quality of life for Uintah Basin residents. In addition to providing recreation opportunity in close proximity to their homes, these residents enjoy a healthy tax base drawn from tourism." DRMP at 3-53. Indeed, tourism spending has been increasing for each of the three counties in the VFO area. DRMP at 3-53.

In order to ensure the continued viability of these recreational experiences, BLM must, during the RMP process, consider a recreation spectrum, one that will provide high-quality recreation opportunities for various user groups. Changing trends and increasing recreation pressure dictate the need to include more lands within undeveloped and primitive recreational areas that protect the land's wild character, i.e. primitive and semi-primitive non-motorized, or "far from a road" areas (*see, e.g.* USU survey results, DRMP at 3-50). The "far from a road" areas can provide opportunities for multiple activities: camping, hiking, climbing, enjoying scenery or natural features, nature study, photography, spelunking, hunting (big game, small game, upland birds, waterfowl), ski touring and snowshoeing, swimming, fishing, canoeing, sailing, and river running (non-motorized craft), etc. The "nearer to a road" areas can provide numerous opportunities for motorized recreation pursuits.

ORV Management

Of foremost importance to sustainable and successful recreation management is the management of off-road vehicle use. ORV use on public lands managed by the VFO has greatly increased over the past 10-15 years, as noted in the DRMP at 3-51.

Unfortunately, BLM's land management plans did not anticipate such use. These plans failed to provide adequate management for the dramatically increasing level of use (i.e. the sheer numbers) and the vast diversity in type of ORV use (i.e. dirt bikes, all-terrain vehicles, 4x4s, and rock-crawlers) on public lands. The explosion of ORV use coupled

with inadequate management plans have resulted in the current situation in which the public lands managed by the VFO have become a free-for-all for motorized recreation.

Not only did BLM fail to plan adequately for ORV use on public lands when drafting the existing management plans, the agency failed to adequately take into account the values that Americans place on wild, remote, undisturbed areas – areas they can go to escape the sights and sounds of everyday life – and the increased demand for such areas. ***This increased demand for unspoiled quiet places is due, in part, to the increase in ORV use in general and the pioneering of ORV routes and the establishment of ORV use in places that were formerly free of motorized vehicle use.***

There is every reason to believe ORV use levels will continue to increase and that the makers of these machines will continue to expand their products' capabilities in order to allow them to navigate increasingly rugged and diverse terrain. As ORV use increases and continues to encroach on previously non-motorized recreation areas, the places available for other users to escape the sights and sounds of ORV's, by default, continue to be eroded. In order to effectively manage this progression, it is imperative that BLM take a forward-looking approach to ORV management and route designation.

The new RMP, including the recreation and ORV travel management plan, must comply with the Federal Regulations (43 C.F.R. 8342.1 and 8342.2), codifying Executive Orders 11644 and E.O. 11989, that instruct BLM on ORV management. Specifically, VFO must take into account not only the increase in ORV use, but also the damages caused to natural resources by such use, and the heightened conflict between user groups as heretofore non-motorized areas are being transformed into motorized areas.

Pursuant to 43 C.F.R. 8342.2, "the designation . . . of trails is accomplished through the resource management planning process described in part 1600 of this title. Current and potential impacts of specific vehicle types on all resources and uses in the planning area shall be considered in the process of preparing [RMPs]"

The critical "minimization" criteria are found at 43 C.F.R. 8342.1. In particular, "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; . . . to minimize harassment of wildlife or significant disruption of wildlife habitats . . . to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses . . . and shall not be located in official designated wilderness areas or primitive areas."

It is encouraging that the VFO has recently recognized the resource damages and the conflicts between uses and user groups that often result from ORV use on public lands: "Growth of OHV use has become a significant issue within the planning area due to the increased conflicts between OHV users and other recreationists, as well as the potential for increased soil erosion." Draft RMP at 1-7. "Throughout the VPA, unmanaged OHV use is visually evident which, although localized, is long-term. New roads and trails are being created by OHVs are cutting trails across and over highly visible ridgelines." Draft

RMP at 3-118. The Draft RMP, however, fails to adequately address these and other resource damages and user conflicts.

Specific Comments

1. The Draft RMP fails to comply with NEPA's requirement to provide an adequate range of alternatives. Although the Draft RMP includes several alternatives for ORV route designations, it fails to include an alternative that would preclude ORV use in WSAs, proposed wilderness areas, areas that the VFO has found have wilderness character and/or a reasonable probability of wilderness character, and other sensitive areas. The U.S. Environmental Protection Agency has supported just such an alternative for the Price Field Office (*see*, EPA's Nov. 30, 2004 DRMP comment letter on file at the Price FO).

In addition to failing to include a reasonable alternative that would protect the sensitive areas discussed above, the alternatives included in the DRMP are so similar to each other that they are nearly interchangeable. In particular, the "development" alternative, Alternative B, proposes 4861 miles of motor vehicle routes, whereas the "conservation" alternative, Alternative C, proposes 4704 miles of routes, for a difference of only 154 miles of motorized routes. All of the alternatives include hundreds (if not thousands) of miles of redundant motor vehicle routes.

Although the number of miles of motorized route is not the preferred way to look at whether an alternative provides a balanced recreation management scenario, it is a way to compare the alternatives in order to determine if a reasonable range were analyzed. In this DRMP, *with nearly 5000 miles of motorized route proposed to be designated under each alternative, there can be no argument that BLM failed to analyze a reasonable range of alternatives for the ORV route designations.*

All of the alternatives in the DRMP include a 600-foot corridor for camping along all motor vehicle routes. DRMP at 2-23. The environmental impacts of this corridor do not appear to be analyzed anywhere in the DRMP. BLM must consider alternatives to this 600-foot corridor, such as designating the corridor along a subset of routes and areas in which the resource damages will be minimized.

1.a. SUWA supports the Greater Dinosaur-Bookcliffs Heritage Plan. SUWA has previously submitted information to the VFO, including a proposed recreation and ORV travel plan maps that are the basis for the Greater Dinosaur-Bookcliffs Heritage Plan. We include final versions of these proposal maps with these comments (these maps have been edited and slightly modified since the time SUWA submitted these maps with our scoping comments in order to correct minor mapping errors). (See Attachment A for Route Designation and Recreation Management Area maps, and interpretive pie charts).

The Greater Dinosaur-Bookcliffs Heritage Plan's travel and recreation management area proposal was drafted in accordance with the federal regulations and is a reasonable alternative that must be analyzed in the RMP revision process.

The GDB Heritage Plan presents a reasonable recreation and travel plan that create a workable balance between motorized and non-motorized uses and minimizes potential damages to sensitive resources by appropriate route designations. BLM must consider and analyze this reasonable alternative as part of the RMP revision process. It should be noted that the GDB Heritage Plan is consistent with the proposal submitted by the EPA in its comments on the Price DRMP (EPA comments on file at the Price FO).

The GDB Heritage Plan is a sensible, evenhanded ORV route and recreation plan based on the following principles:

- Vehicles should be restricted to designated roads and trails throughout the entire resource area – there should be no "open" ORV play areas. In order to facilitate enforcement, there should be a "closed unless signed open" policy.
- All routes should serve some reasonable and identifiable purpose. If there is no compelling reason for a route to stay open, then it should be closed. (For example, old mining routes leading to nowhere should be closed.)
- Redundant routes should be eliminated.
- The BLM is required by federal regulation to minimize conflicts between ORV users and non-motorized visitors to the area. Trail designations must take this mandate into account.
- Motorized routes that do the greatest damage to non-motorized recreational opportunities should not be designated open (e.g. routes which penetrate into otherwise roadless areas, or routes which interfere with popular hiking/biking areas).
- Routes should not be designated in critical and sensitive wildlife habitats, riparian areas, or in sensitive soils.
- The presence of roads and ORV trails exacerbates vandalism and looting of world-class cultural resources found in eastern Utah. Protection of archaeological sites must be a high priority.
- Combining non-motorized and motorized users on the same trail system is a bad idea. No one likes hiking, mountain biking or riding horses on a trail crowded with motorcycles and ATVs. There needs to be a fair allocation between motorized and non-motorized users.

SUWA makes the following recommendation to VFO regarding the reasonable range of alternatives:

- Adopt an alternative that precludes motor vehicle travel within WSAs, proposed wilderness areas, areas that BLM has found to have wilderness character and/or a reasonable probability of wilderness character, and other sensitive areas.

- Adopt the Greater Dinosaur/Bookcliffs Heritage Plan recreation and ORV route designation proposal.
- Include an explanation in the FEIS as to why an alternative, such as the Greater Dinosaur/Bookcliffs Heritage Plan was not analyzed and approved by BLM.
- Over 55,000 comments were received by BLM from citizens around the country supporting the Greater Dinosaur/Bookcliffs Heritage Plan, and BLM must consider this strong support for a fair and balanced recreation and ORV management plan.
- Adopt an alternative that does not allow for a 600-foot corridor along all motor vehicle routes for ORV use and camping.
- Consider designating particular routes “administrative” routes, so that the permittee, lessee or BLM can access areas by motor vehicle if deemed necessary.

2. The Draft RMP fails to comply with NEPA’s requirement to take a hard look at the potential environmental effects of designating particular routes. There is little doubt that motorized routes in sensitive areas including riparian areas, fragile soils, wildlife habitat, cultural resource areas, roadless, and scenic areas can have adverse impacts on those natural resources (*see, e.g.* BLM, USFS, USGS reports on effects of ORVs). The federal regulations (43 C.F.R. 8342.1) require BLM to “minimize damage” to these natural resources, and “minimize conflict” with other users, yet there is no indication in the Draft RMP that the VFO has considered and analyzed the site-specific environmental consequences and impacts to natural resources, wilderness character, or other users of designating particular motorized routes proposed in the Draft RMP.

The RMP, including the recreation and ORV travel management portion of the plan, must demonstrate how it will comply with the national goal to minimize damage as defined in Executive Orders 11644 and 11989 and federal regulations. The broad direction to managers under these Executive Orders and regulations is to locate ORV areas and trails to minimize damage to soil, watershed, vegetation, air, or other resources of the public lands, minimize harassment of wildlife, and minimize conflicts between ORV use and other existing or proposed recreational uses. In addition to the resource values and user conflicts, we also request that the Final EIS and RMP examine the role ORV recreation plays in dispersing non-native and exotic plants and contributes to fire risks.

SUWA recognizes that finishing the analysis and trail system designation is likely to require additional time beyond the schedule of this RMP EIS. ***Thus, SUWA requests that BLM temporarily close all inventoried routes that have not yet undergone environmental review, analysis, and formal use designation in compliance with the E.O.’s and federal regulations*** (this request is identical to EPA’s request in its comments on the Price DRMP). Because many routes in the VFO are user-created, or related to energy exploration and development, impacts are generally unknown and may be more costly to remedy in the future. Although the assumption is that the major impacts occurred when the ground was originally scarred, this may not be the case in areas where sensitive habitat, soils, cultural resources, riparian ecosystems exist. In addition, conflict

among uses has never been analyzed for many, if not most of these routes, and must be addressed before officially designating the routes as open.

SUWA makes the following recommendation to VFO regarding analysis required for ORV route designation:

- The FEIS and RMP must demonstrate how it complies with the national goal of minimizing damages from ORVs, as required by the E.O.'s and federal regulations
- BLM must temporarily close all inventoried routes that have not yet undergone the required environmental review and analysis
- The DRMP fails to incorporate the information and data gathered during the BLM's 1999 wilderness inventory. BLM must incorporate this information into the analysis and decision making process for the ORV route designations.

3. The Draft RMP fails to provide a fair allocation of recreational opportunities.

The Draft RMP does not make use of BLM's recreational opportunity spectrum classifications or a recreation zone strategy. It is, therefore, nearly impossible to discern exactly what recreational uses BLM expects to promote in various areas. Based on a review of the maps that depict other resource management alternatives (DRMP Figures 1-37), however, it is clear that the alternatives fail to provide adequately for quality, non-motorized recreational opportunities.

Increasing levels of motorized recreation have greatly reduced the opportunities for quiet, non-motorized recreation on BLM lands managed by the VFO. Allowing all uses (both motorized and non-motorized) on almost all routes and in all areas might work if use levels are low. However, as ORV use levels increase, motorized recreation tends to displace non-motorized recreation. This is exactly what has happened on the public lands managed by the Vernal FO over the past 10-15 years.

The DRMP's preferred alternative proposes to designate 4,860 miles of motorized routes. Can there be any doubt that with nearly 5000 miles of motor vehicle route designated that there are few, if any, areas that can easily be considered as "far from a road" in order to provide adequate recreation opportunities for non-motorized users?

Although all of the alternatives have nearly 5000 miles of motor vehicle routes, and have very few designated non-motorized trails, comparing miles of motorized trail to miles of non-motorized trail is likely not the best way to determine if the recreation opportunities are fair and balanced. For example, a hiking or horse trail in close proximity to a motorcycle trail is of little value, as the noise and visual impacts from the motorcycles would destroy any feeling of quiet, remoteness, and natural beauty that hikers or horse riders want to experience. ***In order to remedy this situation and achieve a balance of recreational opportunities, the current road/trail system must be segregated into motorized and non-motorized portions.***

This approach essentially measures the percentage of the field office area that is within various distances of the nearest motorized trail. Currently, 89% of the VFO area (BLM and SITLA lands) is within one mile of a motorized route, and none of the VFO is greater than 3 miles from a motorized route (see Recreation and Route Designation maps, and Pie Charts at Attachment A). There are few, if any, places a non-motorized user can go to be sure to escape the sights or sounds of motor vehicles. The BLM's preferred alternative (Alternative A) does little, if anything, to correct this imbalance. None of the alternatives provide equal recreational opportunities for non-motorized uses.

SUWA supports the Greater Dinosaur/Bookcliffs Heritage Plan. In short, the GDB Heritage Plan proposes a road/trail system that does an efficient job of creating quiet areas that are a comfortable distance from the noise of motorized routes. By "efficient" we mean that it closes as few routes as possible to achieve the level of balance that it does. The GDB Heritage Plan also advocates closure of particular motorized routes that negatively impact popular non-motorized areas. SUWA is providing, with these comments, detailed discussions of specific areas and routes. See Attachment I.

In short, to provide a balanced range of recreational experiences, clearly some routes must not be designated "open" to motorized vehicles. If someone objects to a closure of any of the routes listed in SUWA's Attachment I (and in more detail in the GIS data we have submitted to BLM), they should propose an alternate plan that would achieve the same degree of balance (i.e. at least 17% of the FO more than a mile from a motorized route and 2% more than two miles from a motorized route).

It is important to note that the GDB Heritage Plan proposal leaves a large majority of the field office relatively close to a motorized route. In particular, nearly 60% of the field office area would be within one-half (1/2) mile of a motorized route and 83% of the field office area would be within a mile of a motorized route. (See Attachment A).

The approach incorporated by the GDB Heritage Plan is supported by the Federal Regulations governing ORV use on BLM lands. The ORV regulations require BLM to take quiet and balanced recreational opportunities into account when designating ORV routes, trails, and open areas:

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.

43 C.F.R. 8342.1.

SUWA makes the following recommendations to VFO regarding balancing the recreational opportunities:

- Do not designate motorized routes that do the greatest damage to non-motorized recreational opportunities (e.g. routes which penetrate into otherwise roadless areas, or routes which interfere with popular hiking/biking areas).
- Consider the advantages of resource protection afforded by precluding ORV use in special management areas, or zones, and address non-motorized recreational areas and trails in detail, with accompanying maps.
- Ensure that a reasonable percentage—at least 17%—of the VFO area is one mile or more from a motorized route. This allocation will help achieve a balanced spectrum of recreational opportunities as motorized use continues to increase.
- Fairly allocate the existing network of dual use routes (i.e. motorized and non-motorized use on the same route). Of existing popular dual use routes, roughly half should be designated as non-motorized.

C. Oil, Gas, and Other Leasables

The Draft RMP is flawed; SUWA supports the Great Dinosaur-Bookcliffs Heritage Plan: The Draft RMP's consideration of oil and gas development and its impact on other resource values is contradictory, inadequate and myopic. While the document recognizes that "surface disturbances caused by mineral exploration and development, such as the construction of oil and natural gas wells, access roads, pipelines, cross-country seismic exploration, noise, night lighting, and locatable minerals prospects and mines, have the potential to affect vegetation, wildlife and scenic quality within the VPA" (Draft RMP at 4-142), every alternative, including the BLM's preferred alternative A, sacrifices world-class scenery, recreation and wilderness in order to develop oil and gas deposits -- the presence of which is often speculative at best. In order to comply with FLPMA, NEPA and other laws and regulations, the Vernal RMP must provide for a balanced approach to oil and gas leasing and development that provides for economically feasible extraction in areas where other important resource values are not dominant. Therefore, SUWA supports the citizen-proposed Greater Dinosaur-Bookcliffs Heritage Plan for oil and gas leasing and development as an alternative that the BLM must fully analyze and consider in the RMP revision process and prior to release of the final RMP. See Attachment A.

The oil and gas policy proposed in the Heritage Plan is quite simple: Oil and gas development can continue in and near productive areas such as the central part of the Uinta Basin. Oil and gas leasing, exploration and development will not be allowed in areas where recreational, scenic, wilderness and/or wildlife values outweigh marginal oil and gas resources. In places with competing sensitive resources, like upper Desolation Canyon, the White River area, Bitter Creek area, and lands surrounding Dinosaur National Monument, alternatives should be considered prior to drilling on existing oil and gas leases. Certainly, these and other special places should be off-limits to new leasing. See Heritage Plan, Attachment A. This policy is consistent with the findings that resulted from a study conducted by the Environmental Working Group. See www.ewg.org, relevant pages included at Attachment G (incorporated herein).

Draft RMP not a significant step toward balance: The Draft RMP fails to consider fully and adequately a balanced approach to oil and gas development that would fulfill the recognized need to accommodate the public's increasing sensitivity to development within currently natural landscapes, especially those of wilderness quality. Indeed, the Draft RMP doesn't even represent a step forward, let alone a significant advancement in the protection of such lands. As the DRMP points out on page 4-147, "Compared to Alternative D-No Action, Alternative A would allow 314,638 more acres or 11% more BLM land potentially open to minerals development." Many large tracts currently designated NSO, most notably those on the border of Dinosaur National Monument, around the lower Green River, and along Nine Mile Canyon, would be lowered to Category 1 or 2 under the preferred alternative. The DRMP plays an elusive game, shuffling tracts of land from one pro-development category to another, and tacking on labels that are nothing more than euphemisms for protection: the "protective" language is often entirely discretionary, the avoidance of which does not allow for public review.

Further, the cumulative impact of oil and gas related developments, added to impacts caused by other public lands uses, are not adequately analyzed in the Draft RMP.

As mentioned above, the Draft RMP almost entirely fails to protect any lands from oil and gas development that were not already protected under the current, outdated management plans. Despite the fact BLM-recognized wilderness character lands have nearly tripled in acreage from the existing WSAs, the Draft RMP fails to reflect these changes in acres closed to leasing and development. In other words, the BLM fails to protect over 98% of wilderness quality lands, outside of already-protected WSAs, from oil and gas leasing, seismic exploration, and drilling. The 1.9 million acre Vernal Planning Area harbors nearly 500,000 acres of rugged and breath-taking proposed wilderness. Yet the BLM plan proposes to allow industrial oil and gas development on nearly 1.8 million acres.¹

The Draft RMP encourages harmful development in areas of conflicting resource values: As mandated by FLPMA, the relative scarcity of the values involved and the availability of alternative sites for those values must be considered. See, FLPMA §202(c). Although much opportunity for oil and gas drilling continues to exist within known and operating fields throughout lands managed by the BLM, the dwindling wildlife, scenic, wilderness and other resource values within the VRA are irreplaceable. At a minimum, oil and gas inventory, exploration, drilling and other development activities are not appropriate in proposed wilderness areas, ACECs, and important wildlife habitat. This RMP must reflect the changing resource values in this area, emphasizing the increasing importance of unfragmented wildlife habitat,² clean water sources, clean air, and primitive recreation opportunities. Oil and gas development often directly conflicts with these values.

For example, the preferred alternative does not have any blanket prohibition on surface-disturbing activities near sage grouse leks. There is a directive to “avoid human disturbances within .6 mile of a lek during the breeding season (March 1-May 31) from 1 hour before sunrise to 3 hours after sunrise” and to “avoid developing roads, fences, poles, and utility lines within 1,000 feet of a lek,” but these precautions are absolutely inadequate to protect sage grouse habitat and activities.³

¹ Acreage figures are both rounded and approximated in the above statement.

² See also comments submitted by Dr. Frederick H. Wagner, aspects incorporated herein by reference.

³ Furthermore, the limitations on some activities within 1300 feet of sage grouse leks are insufficient. Experts, including those recognized by the BLM, have concluded that sage grouse will be affected by activities within 3 miles of their leks. Both the NSO and the evaluation of potential impacts to sage grouse from oil and gas activities should be based on this distance. In a recent Environmental Assessment, the Colorado BLM (CO-130-2004-083-EA, issued 7/13/04 by the Grand Junction Field Office), stated:

There is evidence that an operating gas well-drilling rig within 3 miles of a sage grouse strutting ground, or lek, can affect the number of males and female birds that will come to the lek (Holleran & Anderson. 2004. *Sage-grouse response to natural gas field development in northwestern*

Discretionary language does not adequately protect sensitive lands: BLM's preferred alternative closes 70,734 acres to oil and gas leasing and development, and leaves 982,904 acres open with no special protections. In addition to the fact that the BLM plan would leave far too many acres of lands open, because of discretionary language the public has no assurance that certain resources would be protected on the remaining 860,361 (793,878 subject to minor constraints; 66,483 open with no surface occupancy (NSO)) acres of public lands. Furthermore, the "mitigation" measures presented in the document are inadequate.

For example, oil and gas surface stipulations (set out in Appendix K of the Draft RMP) are subject to exception (one-time exemption) and modification (temporary or permanent change to restrictions), with many stipulations also subject to complete waiver (permanent exemption), based on very subjective criteria. For example:

- Exceptions may be granted to NSO buffers for riparian floodplains and public water reserves if BLM deems that there are "no practical alternatives" for a project.
- The planning area-wide NSO for slopes greater than 40% is subject to exception if, after an environmental analysis, BLM determines that it would cause undue or unnecessary degradation to place the development elsewhere.
- The timing limitations to protect antelope fawning areas are subject to exemption if BLM determines that "impacts could be mitigated through other management actions." What management actions or types/levels of mitigation is not specified.
- The timing limitations to protect deer migration corridors "may be waived if either the resource values change or the lessee/operator demonstrates to BLM's satisfaction that adverse impact can be mitigated." Not only is this sentence in the "exception" category though it says "waived," but the directive is exceedingly vague and must be clarified in the final RMP. What exactly constitutes and change in resource values? What must the lessee/operator do to mitigate the impact of development?
- The timing limitation to protect crucial deer and elk winter range is subject to exception, modification or waiver if BLM determines in coordination with UDWR that impacts could be mitigated, or that the timing limitation is unnecessary.

Wyoming. In: Proceedings of the 24th meeting of Western Assoc. of Fish & Wildlife Agencies' Sage and Columbian Sharp-tailed Grouse Technical Committee, Wenatchee, WA). Since there are no leks within 3 miles of the South Shale Ridge Area and very little evidence of any sage grouse presence, the predicted oil and gas development activity would have almost no chance of affecting sage grouse.

- For special status raptor species other than threatened or endangered species, spatial and seasonal buffers can be waived by the authorized officer if no nesting activity is initiated during the breeding season. The presence of breeding raptors may be difficult to identify in certain areas, and will in any case be strongly discouraged by the presence of drilling or processing equipment.
- Light and sound stipulations for areas adjacent to Dinosaur National Monument are not adequate to protect this sensitive area, and are subject to exception.
- The 1.5:1 off-site sagebrush habitat enhancement is not necessarily an effective mitigation strategy since it allows for the destruction of naturally productive habitats in exchange for sometimes unsustainable human-created habitats.

Besides being adequate—which the preferred alternative’s stipulations and mitigation measures are not—in order for stipulations and mitigation measures to ensure any meaningful protection they must be non-discretionary – not open to the subjective interpretation of the management team in place at any given time, and without the opportunity for public review.

Similar to the problems invited by discretionary stipulations, the concept of “Best Management Practices” (BMP), although phrased nicely, fails to provide any certainty of protection and is again open to the dynamic will of the current management without any public review. Indeed, BMPs are generally “negotiable” and actually negotiated with the operator. Therefore, rather than committing to BMPs (See e.g. Appendix A, DEIS), the document must disclose to the public specific standards as part of the stipulations that include a vehicle for public involvement.

BLM’s preferred alternative opens the door to less restrictive development on more lands within the Vernal field office: Although on its face, the titles of the particular oil and gas categories and the number of acres placed within a category may *appear* to have accommodated the expressed need to protect more sensitive lands from various development actions, in actuality the BLM preferred alternative exposes more lands to development. Of the nearly 1.8 million *not* closed under BLM’s preferred alternative, more of these lands are open to unrestricted leasing and development. Specifically, approximately 918,315 acres are currently open with standard lease terms; the Draft RMP’s preferred alternative would increase that figure to 982,904 acres. Further, of the areas now subject to minor constraints, the majority are already leased. Therefore, under the BLM’s preferred alternative, the oil and gas industry will have the maximum opportunity for unrestrained development on lands that have never been (or are not currently) leased.

BLM needs to consider options to protect currently leased areas of conflicting resource values: Simply because an area is currently leased should not prevent consideration of

designations that conflict with oil and gas development. Indeed, that would exclude many outstanding lands within the Vernal resource area from uses other than mineral extraction, and result in an unbalanced RMP. Rather, when considering whether to remove an area from future leasing, the BLM need not rule out any particular area for removal simply because it is currently leased. The existing leases may either simply expire without incident and not be reissued, or, should the leaseholder file an APD, the BLM could suspend such leases pending further consideration of the area's resource values. In addition, the national interest in certain lands, the importance of their preservation, and their unique beauty and wildlife habitat all justify the purchase or exchange of overlapping lease parcels.

Concerns expressed above with regard to oil and gas development also apply to other leasables, including but not limited to, coalbed methane, tar sands, oil shales, potash, phosphate, and gilsonite. (See comments submitted by Walter R. Mersch and The Wilderness Society regarding CBM, tar sands and oil shale, incorporated herein by reference). Leasing and development of such resources should not be permitted on lands of conflicting resource values, especially wilderness-quality lands.

D. Areas of Critical Environmental Concern

The Draft RMP fails to comply with its FLMPA and NEPA responsibilities in its consideration and analysis of areas of critical environmental concern (ACECs). According to FLPMA, “[w]here special management is needed to protect and prevent irreparable damage to important historic, cultural, or scenic values,” the planning process allows the BLM to take protective actions by designating Areas of Critical Environmental Concern. FLPMA 202(b)(3). SUWA submitted ACEC nominations during the scoping process, and has included a map of such proposed ACECs herein. See Heritage Plan, Attachment A. Unfortunately, BLM’s consideration of SUWA’s ACEC nominations was flawed, as are its proposed protective stipulations for ACECs that were accepted.

BLM’s consideration of ACECs was inadequate: In the Draft RMP, BLM’s only significant treatment of ACEC nominations is in Appendix G. Furthermore, SUWA was not notified of the decisions regarding our ACEC nominations

BLM must comply with specific responsibilities when it drops ACECs from further consideration. According to BLM manual section 1613. 21D:

Areas Dropped From Further Consideration for ACEC Designation. When an area is found not to meet the relevance and importance criteria, ***the analysis supporting that conclusion must be incorporated into the plan and associated environmental document...*** If an area is being evaluated as the result of a public nomination and it is determined that the area should not be considered further, ***the nominator should be notified that the area does not meet the required criteria. [emphasis added]***

BLM never notified SUWA of the agency’s determination that its ACEC nominations would not be considered further.⁴ Furthermore, the explanations given in Appendix G for rejecting some of SUWA’s ACEC nominations are extremely short, all using the stock phrase “does not qualify under the importance criteria because it does not have substantial significance.” None of the rejected nominations are treated in any detail. The half sentence does not meet the BLM Handbook’s requirement of “analysis supporting that conclusion.” Mr. Jerry Kenczka stated in a telephone conversation that these were the only written records of BLM’s rationale for dropping certain ACECs.

This lack of written record and rationale is in direct violation of BLM’s manual, §1613. 33:

RMP or Plan Amendment. ...For each proposed ACEC, ***the plan or plan amendment shall contain:***

⁴ SUWA provides specific comments on BLM’s ACEC determinations at Attachment H, and expects the BLM to fully consider and adequately address this information as well as SUWA’s previous ACEC nominations during the RMP revision process.

E. Rationale for Designating or Not Designating. The rationale for ACEC designations in the preferred alternative must be discussed. *The rationale for not proposing designation of a potential ACEC in the preferred alternative must also be provided.* In other words, if the proposed plan does not call for special management attention of a potential ACEC in the preferred alternative (and therefore, it is not proposed for designation), the reasons for the decision not to provide special management attention must be clearly set forth...

F. Areas Dropped From Consideration For ACEC Designation. Areas which were nominated or recommended for consideration as an ACEC but which did not qualify as relevant and important must be identified and *the rationale for not considering them described.* [emphasis added]

BLM's failure to provide notice of, and rationale for, its decision to drop several nominated ACECs from consideration is in clear violation of the law. BLM must provide a detailed written rationale for its rejection of each nominated ACEC for review and comment during the RMP revision process, prior to release of the final RMP.

The Draft RMP fails to propose designation of ACECs necessary to protect important resource values: The Federal Land Policy and Management Act (FLPMA) §202, 43 USC §171(c)(3), requires that BLM give priority to the designation and protection of Areas of Critical Environmental Concern in the development and revision of land use plans. BLM regulations define an ACEC as an area "within the public lands where special management is required . . . to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards." 43 CFR §1610.7-2.

Although BLM has the clear obligation and authority to designate ACECs in order to protect special environmental values throughout the Vernal Resource Area, the Draft RMP fails to designate ACECs over many lands that are in need of such protection, and fails to provide adequate special management protections for those ACECs that it does propose to designate. Thus, the Draft RMP falls far short of offering any meaningful protection for the values the ACEC designations are intended to protect.

ACECs that were rejected are not otherwise adequately protected: The resource values present in SUWA's nominated ACEC units are not adequately protected by existing laws or policies. Information presented in BLM's alternative discloses that conflicting resource uses are permitted within these areas.

BLM's plan fails to protect several areas outside of existing WSAs that are in need of ACEC protection: As discussed above, BLM has identified nearly one million additional acres of lands that have or that are likely to have wilderness characteristics, but has not provided adequate protection of these resource values within the Draft RMP. The

Interior Department has assured the public that there are several other ways in which these areas can be protected from damage. In a statement entitled "Wilderness Settlement Proposal Summary," the Department of Interior explains its position:

Interior can protect areas in their natural state using other tools besides the wilderness designation process. Interior plans to consider wilderness inventories and recommendations from wilderness advocates in its planning process, and fully anticipates that many areas will be managed in their natural state to preserve wilderness characteristics....There are a wide range of mechanisms for land protection.

Chief among these mechanisms, of course, is the protection afforded by ACEC designation and its attendant management prescriptions. Unfortunately, the BLM plan does not propose ACEC designation for the majority of wilderness character lands.

The Draft RMP fails to give priority to ACEC designation: FLPMA mandates that BLM shall give priority to the designation of ACECs. However, although BLM agreed that several of the nominated ACECs met the required criteria, the agency did not propose their designation. Also, it is apparent that the BLM gave priority to conflicting resource uses over the designation of ACECs. In the preferred alternative, there are 345,850 acres of ACECs — 335,460 fewer acres than in the conservation alternative. Unfortunately, given the figures above, it is plain that BLM management concluded that another land use consideration took priority over the designation of ACECs. This is contrary to one of FLPMA's first dictates on ACEC designation. BLM must reconsider its rejection of numerous nominated ACECs in light of FLPMA's direction to prioritize ACEC designation. Regardless, the BLM must fully consider and adequately address the ACECs nominated by SUWA and presented in the Heritage Plan. See Heritage Plan, Attachment A; see also Attachment H.

E. Wild and Scenic Rivers

The Draft RMP's consideration and analysis of Wild and Scenic Rivers is not adequate under the law. SUWA incorporates by reference the comments submitted by the Utah Rivers Council concerning these critical issues.

F. Air Quality

The Draft RMP's consideration and analysis of air quality is not adequate under the law. SUWA incorporates by reference the comments submitted by Vicki Stamper of Laramie, Wyoming, concerning these critical issues.

G. Cultural Resources

The Draft RMP's consideration and analysis of cultural resources is not adequate under the law. SUWA incorporates by reference the comments submitted by James R. Allison, Ph.D. concerning these critical issues.

H. Socio-economic

Inappropriate oil and gas leasing and development also conflicts with socioeconomic concerns. The Draft RMP's socioeconomic analysis is inadequate under the law. SUWA incorporates by reference the comments submitted by Thomas Michael Power, titled "The Economic Impacts of Expanded Oil and Gas Development In Utah's Uinta Basin." These comments are applicable to all types of oil and gas leasing and development, and the issues and information raised must be fully considered and adequately addressed during the RMP revision process.

I. Wildlife Resources

The Draft RMP's consideration and analysis of wildlife resources is not adequate under the law. SUWA incorporates by reference the comments submitted by The Wilderness Society, Wild Utah Project and Center for Native Ecosystems on May 19, 2005 pertaining to wildlife and other important issues.

III. Conclusion

As described above, the Vernal Draft RMP contains serious flaws and lacks full consideration and adequate analysis of several important resource values and concerns. SUWA has provided the BLM with comments, maps, and other sources of information throughout the RMP revision process, including the information that forms the Greater Dinosaur-Bookcliffs Heritage Proposal – a balanced approach to multiple resource management in the Vernal FO. SUWA expects the BLM to consider fully and to analyze the Heritage Plan, in addition to the comments below, as part of the RMP revision process, and prior to release of the final RMP. Thank you for your consideration of these

comments, attachments, exhibits, and references. We look forward to working with your office to complete the RMP revision process in a manner that ensures the protection of resource values and uses for future generations.