

# BLM Off-Road Vehicle Plans Quietly Undercutting Wilderness, Endangering Natural and Cultural Resources in Utah

## Problems and Fixes



# BLM Off-Road Vehicle Plans Quietly Undercutting Wilderness, Endangering Natural and Cultural Resources in Utah: Problems and Fixes

The Bureau of Land Management (BLM) is drafting ORV plans for 11 of the 23 million acres of public lands in Utah it is entrusted to manage—continuing to cement the Bush administration’s anti-wilderness legacy for decades to come. **Existing law requires BLM to protect public lands and manage off-road vehicle (ORV) use to minimize impacts to natural and cultural resources and minimize conflicts with other uses** (43 C.F.R. § 8342.1). However, BLM is proposing to designate tens of thousands of miles of ORV routes across Utah’s public lands with no consideration of the impacts to archaeological resources, the loss of scarce wilderness values, or the conflict between ORV use and other uses of Utah’s iconic redrock landscape. BLM is aiming to finalize six new plans—for the Moab, Monticello, Price, Richfield, Vernal, and Kanab BLM Field Offices—by the middle of next year.

## PROBLEMS

### 1. Public Lands Lack Protection from ORVs, Causing Conflicts Between Motorized and Non-Motorized Use

Roughly seventy-five percent, or 17 million acres out of 23 million acres of BLM lands in Utah lack any real protection—such as designated routes, maps, and trail signs—from ORV damage. While ORV use in the United States has increased by 700 percent over the past 30 years, BLM has done little to manage ORV use on Utah’s public lands. As a result, 78% of Utahns polled stated that ORV use should be more closely managed on public lands, 90% stated that ORV use should be confined to designated routes, and 87% stated that there are some public lands where ORV use should not be permitted (2005, Dan Jones & Associates, Salt Lake City). Unfortunately, BLM’s proposed ORV plans ignore traditional, non-motorized uses that are being displaced by the explosive proliferation of ORVs into remote areas.



### 2. Excess of Roads/R.S. 2477 Right-of-Way Claims in New ORV Plans



There are over 100,000 miles of dirt roads, jeep trails, and old mining tracks in Utah. Driving all of these trails would be the equivalent of driving four times the circumference of the Earth. Many of these old tracks have naturally revegetated and reclaimed, and some are in sensitive cultural and riparian areas, as well as in BLM-inventoried “roadless” areas, yet BLM is now proposing to designate these old tracks as ORV routes. The basis for the overly extensive system of routes in BLM’s proposed ORV plans comes from excessive, unproven, and often bogus right-of-way claims by counties under an antiquated mining law, referred to as R.S. 2477. While the evidence to adequately validate these right-of-way claims has not been provided to the BLM, the agency is prematurely “validating” the claims by including them as official routes in proposed ORV plans.

**Example – Vernal BLM:** Responsible for the management of 1.9 million acres of some of the most remote areas in Utah, including the famous Book Cliffs, the sinuous White River, scenic lands around Dinosaur National Monument, and the upper portion of Desolation Canyon, the Vernal BLM field office is proposing approximately 5000 miles of ORV routes to appease the county. That is approximately the number of miles for a round trip from Vernal, Utah, to Anchorage, Alaska.

### 3. BLM’s ORV Plans Lack Required Survey of Cultural Resources and Informed Consultation with Tribes, and Will Damage Cultural and Natural Resources

**Cultural Resources:** Less than 6% of BLM lands have been surveyed for archaeological resources. Although BLM is bound by law to minimize impacts to these resources and to initiate meaningful and informative consultations with Native American tribes and groups, BLM is ignoring the law and proposing to designate ORV trails in areas known to have unrecorded cultural resources putting these irreplaceable resources in harms way.

**Riparian Resources:** Riparian areas (streams, creeks, springs, and wetlands) make up less than 1% of Utah’s BLM lands, yet these areas support approximately 80% of all wildlife species. Rather than protect these rare and valuable desert lifelines, BLM is proposing to designate ORV routes in streams and floodplains—even though scientific research has determined that such routes have very predictable and significant negative effects.

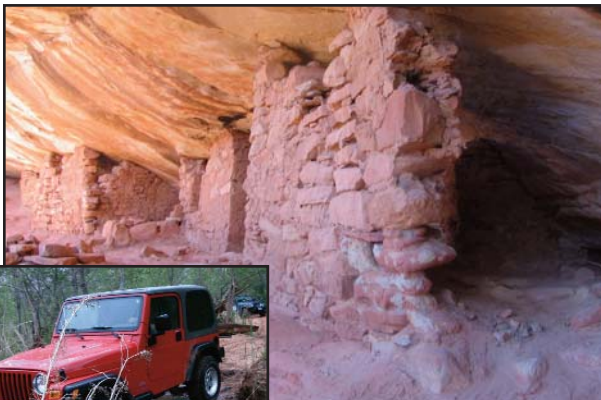
**Example – Moab BLM:** One of the “routes” in Moab BLM’s ORV plan is **Tenmile Canyon**, a 16-mile canyon that cuts its way through Navajo Sandstone to the Green River. Tenmile’s spring-fed stream was attractive to mammoth hunters and other civilizations that left behind haunting rock art and artifacts. Although BLM has not conducted comprehensively archaeological surveys of the canyon, it is estimated that 300 archaeological sites are in the canyon. BLM has recently placed dozens of route signs directing ORVs in and out of the stream numerous times and up on the benches where cultural resources abound.



*Above and right: Tenmile Canyon. Photos by Liz Thomas.*



**Example – Monticello BLM:** Monticello BLM has drafted its proposed ORV route plan and although it has not published the map yet, the writing is on the wall. One likely proposed route is in **Recapture Canyon**, located high on the Colorado Plateau in southeastern Utah, with spectacular views that stretch to Sleeping Ute and the San Juan Mountains to the east, and to the Shiprock on the Navajo Nation to the south. While this canyon has a long and rich cultural history due to the perennial stream, an illegal 30-mile long ORV route was recently constructed in the canyon bottom. A subsequent archaeological survey, completed on a portion of the illegal trail, documented 14 new sites and revisited 17 previously recorded sites within the trail corridor—all recommended as eligible for listing on the National Register of Historic Places. Although the archaeological report noted that the ORV trail is damaging artifacts, BLM is proposing to legitimize this trail and issue a right-of-way to San Juan County for this ORV trail.



*Above and left: Arch Canyon. Photos by Liz Thomas.*

Another ORV route that will almost certainly be included in Monticello BLM’s ORV plan is **Arch Canyon**, nestled at the base of the Abajo Mountains on the northern edge of the archaeologically-rich Cedar Mesa. BLM has not conducted comprehensive archaeological surveys of Arch Canyon, but a professional archaeologist estimates there are likely 100 cultural sites, with less than one-fourth recorded. Native Americans have requested that BLM restrict motor vehicle use in Arch Canyon to protect its ancient artifacts. Arch Canyon’s winding stream provides a rare and valuable natural resource in the arid desert, and three native fish species, including one state sensitive species, are found there, yet vehicles cross the stream 120 times during the 16-mile roundtrip. BLM has legitimized this route by posting dozens of ORV signs and approving ORV events in Arch Canyon.

#### 4. BLM is using a contested settlement with the State of Utah to put ORV routes in wilderness lands

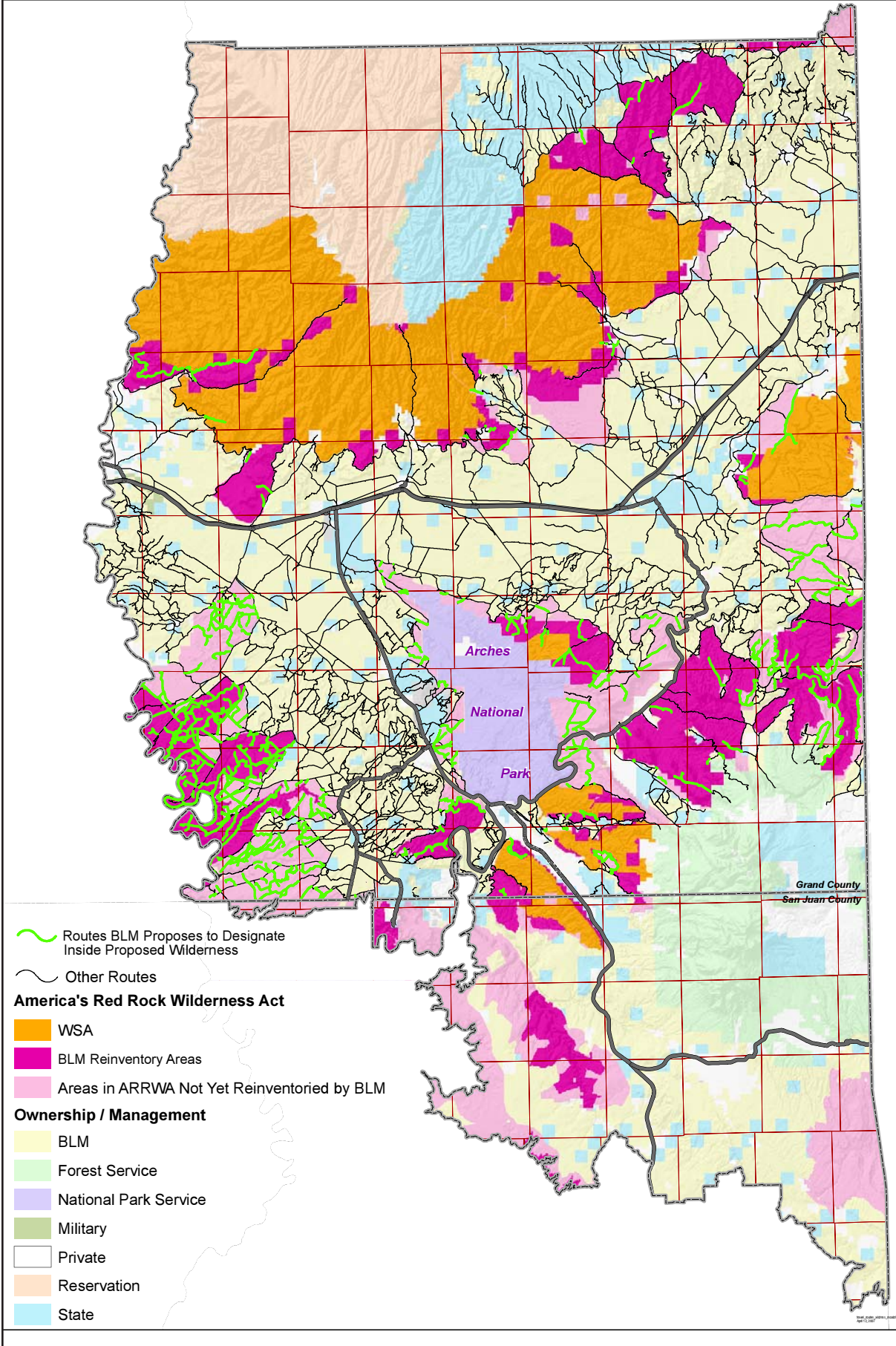
In Utah and other western states, BLM is relying on a private settlement agreement between Department of the Interior and the State of Utah as the basis for the agency’s refusal to consider designating new wilderness study areas in the updated Resource Management Plans (RMP). Concurrent with revising the RMPs, BLM is drafting ORV route plans that will include thousands of miles of ORV routes in areas the BLM itself determined to be roadless, wilderness quality lands. In 2003, just after signing the settlement, then-Secretary Norton claimed that BLM would use other tools in the agency’s tool belt to protect these wilderness-quality lands. This promise is not being honored. (BLM Instruction Memorandum 2003-275 (Change 1) (Oct. 23, 2003) available on-line at <http://www.blm.gov/nhp/efoia/wo/fy03/im2003-275ch1.htm>.) Millions of acres of wilderness quality lands that even BLM recognizes as having wilderness character will soon be criss-crossed with a spaghetti bowl of ORV routes.

**Example – Moab BLM:** The Moab BLM manages 1.85 million acres of world-famous, public lands. Many of these well-known places have been identified by BLM as having wilderness character—roadless areas that offer outstanding opportunities for solitude and primitive recreation. Yet the Moab BLM’s proposed ORV plan would legitimize hundreds of miles of old, reclaimed mining trails, seismic exploration tracks, and user-created ORV trails throughout the very areas that BLM determined to be roadless and have wilderness character, such as Labyrinth Canyon, Fisher Towers, and Goldbar Canyon. See Moab Field Office Travel Plan Map, next page.



*Jeeps in the Moab backcountry. Photo by Liz Thomas.*

# Moab Field Office Travel Plan



**Statewide:** There is no doubt that other BLM offices in Utah are following in the steps of Moab, Vernal, and Monticello, and proposing ORV routes in: 1) areas that have not been surveyed for cultural resources; and 2) roadless areas that BLM has determined have wilderness character and other wilderness-quality lands. Lands with wilderness values and those rich in archaeological resources—Cedar Mesa, Red Rock Plateau, White Canyon, Hell Roaring Canyon, Dome Plateau, Porcupine Rim, Upper Desolation Canyon, Bitter Creek, White River, Beaver Creek, and more—will be significantly impacted by BLM’s ORV plans.

## Existing Law

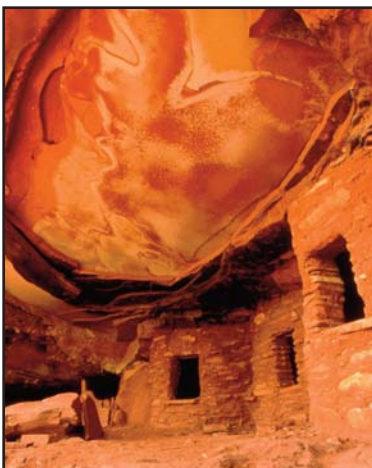
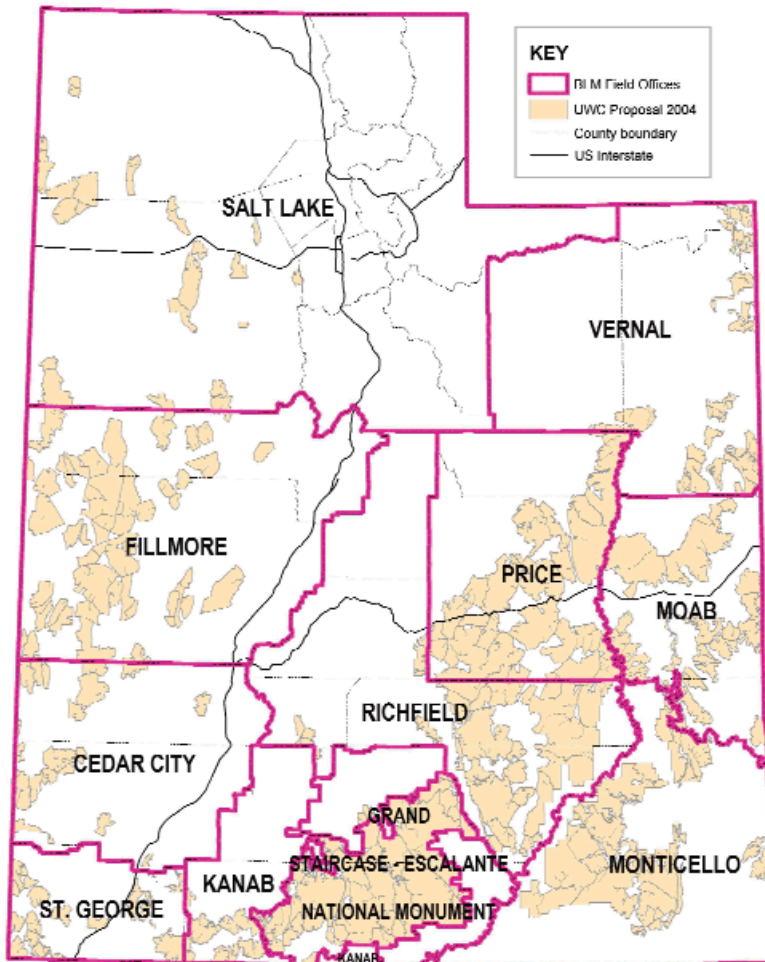
**National Environmental Policy Act (NEPA)**, 42 U.S.C. §§ 4321 *et seq.*. NEPA, enacted in 1969, is the basic national charter for protection of the environment. NEPA prescribes the necessary process by which federal agencies must take a “hard look” at the environmental consequences of proposed courses of action. A fundamental objective of NEPA is to ensure that that an agency will not act on incomplete information.

**National Historic Preservation Act (NHPA)**, 16 U.S.C. §§ 470 *et seq.*. Congress enacted the NHPA in 1966 to implement a broad national policy encouraging the preservation and protection of America’s historic and cultural resources. The NHPA prohibits federal agencies from approving any federal “undertaking,” including ORV route designations, unless the agency takes into account the effects of the undertaking on historic properties that are included in or eligible for inclusion in the National Register. The NHPA requires that federal agencies consult with Native American tribes and entities to resolve any adverse effects before approving an action that could affect historical and cultural resources.

**Federal Lands Policy and Management Act (FLPMA)**, 43 U.S.C. §§ 1701 *et seq.*. Congress enacted FLPMA in 1976 in order to establish a mission for the public lands administered by the Secretary of Interior through the BLM. FLPMA directs BLM to manage public lands according to the principles of “multiple use” (the combination of uses that will best meet the present and future needs of the American people); to protect the quality of scientific, scenic, historical, ecological, environmental, water, and archaeological resources and values; and to preserve and protect certain public lands in their natural condition.

**Federal Regulations for Designation of ORV routes**, 43 C.F.R. §§ 8340 *et seq.*. Federal Regulations require that BLM designate ORV use areas and routes in the resource management planning process. ORV route designations shall be based on the protection of resources, promotion of safety, and minimization of conflicts among uses. In particular, ORV routes shall be located to (1) minimize damage to natural resources including wilderness quality lands, and to cultural and historical resources, and (2) minimize conflicts between ORV use and other recreational uses.

Bureau of Land Management Utah State Field Offices and the Utah Wilderness Coalition's Citizens' BLM Wilderness Proposal



Cedar Mesa. © James Kay



Labyrinth Canyon. © Jeremy Christensen.

## FIXES

There is no disagreement that the no-holds barred, ORV free-for-all on Utah's public lands is bad management; ORV route designations are long overdue. BLM must designate ORV routes that minimize impacts to natural resources and minimize conflict with other users pursuant to the Federal Land Policy and Management Act and ORV regulations codified at 43 C.F.R. § 8342.1. BLM's ORV route designation plans must comply with the National Historic Preservation Act, including consultation with Native Americans (16 U.S.C. §§ 470 *et seq.*), and the National Environmental Policy Act's requirements to assess and disclose the effects of the proposed ORV routes on wilderness-quality lands and on cultural resources (42 U.S.C. §§ 4321 *et seq.*).

**BLM's Draft ORV plans that have been released for public review do not meet these requirements.** Since 2000, Congress has appropriated over 300 million dollars in funding to BLM to update Resource Management Plans. The agency has spent millions of those dollars in drafting proposed ORV route plans.

There is a better way to approach ORV management on BLM public lands, one that is not only likely to protect ecologically fragile desert landscapes over the long run, but gives better protection to Native American cultural heritage, helps ensure fairness to all users, and complies fully with federal law. Specifically –

- ♦ Recognizing the public interest in ensuring that some places remain free of the impacts of ATVs and dirt bikes, BLM should not designate trails, at a minimum, in roadless areas it found to have wilderness character. BLM made such findings in its 1999 Wilderness Inventory (<http://www.gpo.gov/blm/utah/index.html>), and has made subsequent findings during the planning process;
- ♦ BLM should not designate ORV trails until it has conducted surveys of the archaeological sites in the areas affected and consulted with the Native Americans with ties to those sites;
- ♦ BLM should not designate ORV trails in riparian areas which are so critical to water quality and wildlife habitat, and which are often the site of cultural artifacts and remains;
- ♦ BLM must ensure that ORV trail designations “minimize” harm to natural and cultural resources, and minimize conflicts with other users as required by federal regulation and executive orders;
- ♦ While the BLM is in the process of completing its plans, it should immediately protect areas from all motorized vehicle impacts when it learns that there is potential for adverse affects from motorized use – existing regulations give the BLM this authority;
- ♦ ORV trails should only be designated where a full environmental impact study of the effects of such use and reasonable alternatives are explored. The National Environmental Policy Act requires this step;
- ♦ BLM should not designated trails in areas where there is no realistic ability to monitor or enforce existing rules. In other words, put the trails in places where they can be managed.



Labyrinth Canyon. © Tom Till

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