

Director's Protest Resolution Report

**Proposed Resource
Management Plans for the
Red Cliffs & Beaver Dam
Wash National Conservation
Areas / Proposed Plan
Amendment for the St.
George Field Office / Final
Environmental Impact
Statement**

December 21, 2016



Contents

Reader’s Guide..... 3
List of Commonly Used Acronyms 4
Protesting Party Index..... 5
Issue Topics and Responses..... 7
NEPA – General 7
NEPA – Range of Alternatives 11
NEPA – Public Comments..... 13
NEPA – Impacts Analysis – Livestock Grazing..... 16
NEPA – Impacts Analysis – Wildlife 20
NEPA – Impacts Analysis – Socioeconomics 24
FLPMA 27
Omnibus Public Land Management Act..... 29
Special Status Species..... 46
Water and Water Rights..... 50
Administrative Procedures Act..... 53
Lands and Realty..... 55
ACECs 58
Habitat Conservation Plan 61
National Historic Trails..... 65
Cooperating Agencies and Management Actions..... 67

Reader's Guide

How do I read the Report?

The Director's Protest Resolution Report is divided into sections, each with a topic heading, excerpts from individual protest letters, a summary statement (as necessary), and the Bureau of Land Management's (BLM) response to the summary statement.

Report Snapshot

Issue Topics and Responses
NEPA

Topic heading

Submission number

Issue Number: PP-UT-STGEORGE-16-20-10
Protest issue number

Organization: The Forest Initiative
Protesting organization

Protester: John Smith
Protester's name

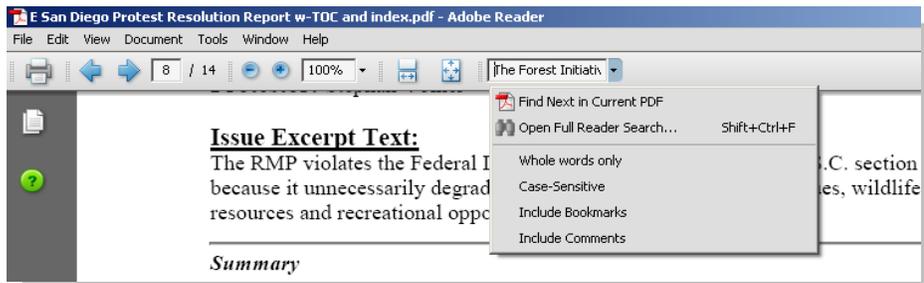
Issue Excerpt Text:
Rather than analyze these potential impacts, as required by NEPA, BLM postpones analysis of renewable energy development projects to a future case-by-case analysis.
Direct quote taken from the submission

Summary
General statement summarizing the issue excerpts.
There is inadequate NEPA analysis in the PRMP/FEIS for renewable energy projects.

Response
The BLM's response to the summary statement and issues.
Specific renewable energy projects are implementation-level decisions rather than RMP-level decisions. Upon receipt of an application for a renewable energy project, the BLM would require a site-specific NEPA analysis of the proposal before actions could be approved (FEIS Section 2.5.2, p. 2-137). Project specific impacts would be analyzed at that time (including impacts to surrounding properties), along with the identification of possible alternatives and mitigation measures.

How do I find my Protest Issues and Responses?

1. Find your submission number on the protesting party index which is organized numerically by case number.
2. In Adobe Reader do a "find" and search the report for your name, organization or submission number. Key word or topic searches may also be useful.



List of Commonly Used Acronyms

ACEC	Area of Critical Environmental Concern	MLA	Mineral Leasing Act
BA	Biological Assessment	MLP	Master Leasing Plan
BLM	Bureau of Land Management	MOU	Memorandum of Understanding
BMP	Best Management Practice	NCA	National Conservation Area
BO	Biological Opinion	NEPA	National Environmental Policy Act of 1969
CAA	Clean Air Act	NHPA	National Historic Preservation Act of 1966, as amended
CEQ	Council on Environmental Quality	NOA	Notice of Availability
CFR	Code of Federal Regulations	NOI	Notice of Intent
COA	Condition of Approval	NRHP	National Register of Historic Places
CSP	Concentrated Solar Power	NSO	No Surface Occupancy
CSU	Controlled Surface Use	OHV	Off-Highway Vehicle
CWA	Clean Water Act	OPLMA	Omnibus Public Land Management Act of 2009
DEIS	Draft Environmental Impact Statement	OST	Old Spanish National Historic Trail
DM	Departmental Manual (Department of the Interior)	PA	Plan Amendment
DRMPs	Draft Resource Management Plans	PLA	Potash Leasing Area
DOI	Department of the Interior	PPA	Proposed Plan Amendment
EA	Environmental Assessment	PRMP	Proposed Resource Management Plan
EIR	Environmental Impact Report	RFD	Reasonably Foreseeable Development
EIS	Environmental Impact Statement	RMP	Resource Management Plan
EO	Executive Order	RMZ	Recreation Management Zone
EPA	Environmental Protection Agency	ROD	Record of Decision
ESA	Endangered Species Act	ROW	Right-of-Way
FEIS	Final Environmental Impact Statement	SO	State Office (BLM)
FLPMA	Federal Land Policy and Management Act of 1976	T&E	Threatened and Endangered
FO	Field Office (BLM)	TMP	Travel Management Plan
FWS	U.S. Fish and Wildlife Service	UDP	Utility Development Protocol
GIS	Geographic Information Systems	USC	United States Code
HCP	Habitat Conservation Plan	USGS	U.S. Geological Survey
IB	Information Bulletin	VRM	Visual Resource Management
IM	Instruction Memorandum	WA	Wilderness Area
KOP	Key Observation Points	WSA	Wilderness Study Area
		WSR	Wild and Scenic River(s)

Protesting Party Index

Protester	Organization	Submission Number	Determination
Mike & Lea Anderson	Individuals	PP-UT-StGeorge-16-02	Denied – Issues and Comments
Wendy Warren	Individuals	PP-UT-StGeorge-16-03	Denied – Issues and Comments
Thomas Brown	Individual	PP-UT-StGeorge-16-04	Denied – Issues and Comments
Paul and Cheryl Sampson	Individuals	PP-UT-StGeorge-16-07	Denied – Issues and Comments
Glenn Bingham	Individual	PP-UT-StGeorge-16-13	Dismissed – Comments Only
Terry and Betty Adamson	Individuals	PP-UT-StGeorge-16-14	Dismissed – Comments Only
Doug and Donna Irwin	Individuals	PP-UT-StGeorge-16-16	Dismissed – Comments Only
Allen Holland	Broker, Red Rock Companies	PP-UT-StGeorge-16-20	Denied – Issues and Comments
Toni Newcomb	Individual	PP-UT-StGeorge-16-24	Dismissed – Comments Only
Chris Hart	Dixie Metropolitan Planning Organization	PP-UT-StGeorge-16-26	Denied – Issues and Comments
Bryan Thiroit	Individual	PP-UT-StGeorge-16-27	Dismissed – Comments Only
Jodi Borgeson	Washington County Water Conservancy District	PP-UT-StGeorge-16-28	Denied – Issues and Comments
Phil Hanceford	The Wilderness Society	PP-UT-StGeorge-16-29	Denied – Issues and Comments
Jonathan Pike	Mayor, City of St. George	PP-UT-StGeorge-16-30	Denied – Issues and Comments

Kathleen Clarke	State of Utah, Public Lands Policy Coordinating Office	PP-UT-StGeorge-16-31	Denied – Issues and Comments
Celeste Maloy	Washington County	PP-UT-StGeorge-16-32	Denied – Issues and Comments
Kirk Willey	Individual	PP-UT-StGeorge-16-33	Denied – Issues and Comments
Slade Hughes	Individual	PP-UT-StGeorge-16-34	Denied – Issues and Comments
Slade Hughes	Veyo Culinary Water Association	PP-UT-StGeorge-16-35	Denied – Issues and Comments
Chris Hart	Mayor, City of Ivins	PP-UT-StGeorge-16-36	Denied – Issues and Comments
Jeffrey N. Starkey	Attorney, City of Washington	PP-UT-StGeorge-16-37	Denied – Issues and Comments
Laura Welp	Western Watersheds Project	PP-UT-StGeorge-16-38	Denied – Issues and Comments
Stuart Bowler	Dixie Conservation District	PP-UT-StGeorge-16-39	Denied – Issues and Comments
Stuart & Kristy Bowler	Individuals	PP-UT-StGeorge-16-40	Denied – Issues and Comments
Katie Fite	Wildlands Defense	PP-UT-StGeorge-16-41	Denied – Issues and Comments

Issue Topics and Responses

NEPA – General

Issue Number: PP-UT-STGEORGE-16-29-7

Organization: The Wilderness Society

Protestor: Phil Hanceford

Issue Excerpt Text:

The BLM’s decision omitting the Bull Valley Mountains Multi-Species Management Area in the PRMP/FEIS violates the agency’s obligations under the National Environmental Policy Act.

Issue Number: PP-UT-STGEORGE-16-38-10

Organization: Western Watersheds Project

Protestor: Laura Welp

Issue Excerpt Text:

The PRMP/EIS fails to provide a full and fair discussion of significant environmental impacts for some of the proposed actions. NEPA requires that an EIS must “provide full and fair discussion of significant environmental impacts of the proposed actions and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the

Summary:

The BLM violated NEPA because it failed to:

- take a “hard look” at the impacts of dewatering and degradation on the Virgin River chub and woundfin minnow;
- identify the Bull Valley Mountains Multi-Species Management Area as a priority biological conservation area; and
- provide a full and fair discussion of significant environmental impacts.

Response:

NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The level of detail of the NEPA analysis must be sufficient to support reasoned

quality of the human environment” (See 40 CFR § 1502.1). We protest that the PRMP/EIS does not provide a full and fair discussion of reliable information to help the public and decision-makers adequately assess the impacts of the proposed action.

Issue Number: PP-UT-STGEORGE-16-41-16

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

The BLM must take a “hard look” at the dewatering and degradation of water quality in this reach and its impact on the fish. How great is the water scarcity problem? Or losses in ground and surface waters? This is not addressed, and must be in a SEIS.

Issue Number: PP-UT-STGEORGE-16-41-17

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

The BLM must take a “hard look” at the dewatering and degradation of water quality in this reach and its impact on the fish. We Protest these deficiencies.

conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM is required to take a “hard look” at potential environmental impacts of adopting the Proposed Resource Management Plans (PRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), a Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS).

A land use planning-level decision is broad in scope. For this reason, analysis of land use plan alternatives is typically broad and qualitative rather than quantitative or focused on site-specific actions. The baseline data provides the necessary basis to make informed land use plan-level decisions.

Virgin River chub and woundfin minnow

The BLM analyzed all relevant and significant issues regarding the Virgin River chub and the woundfin minnow, which are listed as endangered species (DRMPs/PA/DEIS, p. 506).

The BLM described the current condition of the Virgin River in the DRMPs/PA/DEIS. As stated in Chapter 3 (p. 472), various reaches are impaired by natural occurring high levels of total dissolved solids, the sources of which are primarily geologic.

The BLM described the reasons for the population declines for the two species, which include diversion projects, proliferation of nonnative fish, temperature, and sediment regimes (DRMPs/PA/DEIS, p. 1028). The BLM identified specific management actions to support the goal of stabilizing or increasing the population of the Virgin River chub and the woundfin minnow (DRMPs/PA/DEIS, pp. 217-218 and PRMP/PPA/FEIS, p. 123). There are some issues with water quality in the Red Cliffs NCA that were described in Chapter 3 of the DRMPs/PA/DEIS (see pp. 469-472) and the BLM conducted a thorough analysis of the direct and cumulative impacts in the DRMPs/PA/DEIS. However, the BLM has no control over water rights, nor how water flows are regulated over the area of concern. Because the BLM has no control in the area, the water regulatory prescriptions are beyond the scope of the BLM’s authority and such analysis would not provide additional information outside the range of effects already discussed in the PRMPs/PPA/FEIS.

Bull Valley Mountains Multi-Species Management Area

The protester objects to the BLM’s decision to not carry forward the Bull Valley Mountains Multi-Species Management area as a priority biological conservation area in the PRMPs/PPA/FEIS. NEPA does not require the BLM to select any particular alternative.

Following a review of the public comments on the DRMPs/PA/DEIS, further coordination with the Cooperating Agencies, and further review of the potential threats to the biological values identified in the Draft, the BLM determined that no new goals, objectives, or management actions are needed to protect migration corridors for mule deer, predators, and other wildlife on the public lands in this area. In the PRMPs/PPA/FEIS, the Bull Valley Mountains Multi-Species Management Area has not been identified as a priority biological conservation area for special management (PRMPs/PPA/FEIS, p. 49). In the DRMPs/PA/DEIS, the BLM considered and analyzed a range of alternatives to manage an approximately 87,031 acre area of public lands,

identified as the Bull Valley Mountains Multi-Species Management Area (refer to Table 2-71 of the DRMPs/PA/DEIS), as a priority biological conservation area, as described by Section 1979 of OPLMA. Under the PRMPs/PPA/FEIS, a change in OHV designation from “open” to “limited to designated routes” provides protection to big game and predator species identified for protection under the Bull Valley Mountains Multi-Species Management Area (see the Comprehensive Travel and Transportation Management section below). Other restrictions (described in detail in Table 2-71 of the DRMPs/PA/DEIS under Alternative A) would protect these species including no change to site-specific restrictions for mineral material sales, which would remain in place on 19,457 acres of crucial mule deer winter habitat (DRMPs/PA/DEIS, p. 315), as well as special stipulations applied to fluid mineral leasing within 24,375 acres (DRMPs/DEIS, p. 315). Following review of the public comments on the DRMPs/PA/DEIS, further coordination with Cooperating Agencies and additional review of the potential threats to the biological values, the BLM has determined that no new goals, objectives, or management actions are needed to protect migration corridors for mule deer, predators, and other wildlife on the public lands in this area.

In the Proposed Amendment and Final EIS and Approved RMP Amendment, the Bull Valley Mountains Multi-Species Management Area will not be identified as a priority biological conservation area for special management.

The protester cites the Frequently Asked Questions (FAQ) document that the BLM issued with the PRMPs/PPA/FEIS, objecting to the BLM’s description of “sufficient protections.” The BLM satisfies the requirement of NEPA in the PRMPs/PPA/FEIS by providing specific information on the protections that will be in place to accomplish the landscape-level goals of the area. One such protection is the change in OHV designation from “open” to “limited to existing routes” in order to protect crucial mule deer ranges (PRMPs/PPA/FEIS FAQ, p. 3). Other restrictions are described in detail in Table 2-71 of the DRMPs/PA/DEIS.

The BLM has appropriately determined that existing St. George Field Office RMP (1999) decisions, including stipulations, protect migration corridors for mule deer, predators and other wildlife in this area, and therefore has appropriately determined these areas do not need to be identified as priority biological areas. The BLM has acted consistent with the provisions of OPLMA regarding biological conservation. Specifically, stipulations are sufficient to protect crucial habitat and migration corridors for mule deer and other wildlife species. Additionally, the BLM used the ACEC process to identify other priority biological areas as directed by OPLMA, and the PRMPs/PPA/FEIS has identified three new areas as ACECs.

The PRMPs/PPA/FEIS is not a decision document (PRMPs/PPA/FEIS FAQ, p. 1), and the BLM has not yet issued a Record of Decision (ROD) for the PRMPs/PPA/FEIS, which would be the BLM’s final agency decision.

The BLM has complied with NEPA’s requirement to take a “hard look” at environmental impacts in the PRMPs/PPA/FEIS.

NEPA – Range of Alternatives

Issue Number: PP-UT-STGEORGE-16-41-19

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the lack of a reasonable range of alternatives, including that WLD submitted to you. The RMP Amendment must develop a reasonable range of alternatives and analyze the alternatives in terms of cumulative impacts to the NCA objects and from the

roads and trails.

Issue Number: PP-UT-STGEORGE-16-41-9

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the failure of BLM to evaluate an alternative to phase out livestock grazing across the RMP lands.

Summary:

The Proposed Resource Management Plans (PRMP) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS) fails to analyze a reasonable range of alternatives as required by NEPA by not analyzing in detail:

- an alternative suggested by the public; and
- an alternative that phases out livestock grazing.

Response:

When preparing an EIS, NEPA requires an agency to rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, to briefly discuss the reasons for their having been eliminated (40 CFR 1502.14(a)). When there are potentially a very large number of alternatives, the BLM may only analyze a reasonable number to cover the full spectrum of alternatives (BLM Handbook H-1790-1, Section 6.6.1, quoting Question 1b, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981).

Agencies are allowed to dismiss an alternative from detailed analysis (40 CFR 1502.14). An alternative may be eliminated from detailed study if it is determined not to meet the proposed action's purpose and need; determined to be unreasonable given the BLM mandates, policies, and programs; it is substantially similar in design to an alternative that is analyzed; its implementation is speculative or remote; or it is technically or economically infeasible (BLM Handbook H-1790-1, Section 6.6.3). The agency must also briefly discuss the reasons for having dismissed the alternative from detailed analysis (40 CFR 1502.14).

The BLM developed a reasonable range of alternatives that meet the purpose and need of the PRMPs for Red Cliffs and Beaver Dam Wash NCAs and the St. George PRMPA and FEIS, and that address resource issues identified during the scoping period. The PRMPs/PPA/FEIS analyzed four alternatives, which are described in detail in Chapter 2 of the DRMPs/PA/DEIS

and summarized in the executive Summary of the PRMPs/PPA/FEIS (PRMPs/PPA/FEIS, pp. xii-xiv). The alternatives analyzed in the PRMPs/PPA/FEIS cover the full spectrum by varying in: 1) degrees of protection for each resource and use; 2) approaches to management for each resource and use; 3) mixes of allowable, conditional, and prohibited uses in various geographic areas; and 4) levels and methods for restoration.

The BLM appropriately considered public input on alternative development early in the planning process. The BLM used public input received during the scoping process in the development of the alternatives and their management options (DRMPs/PA/FEIS, p. 42). The protester asserts that the BLM failed to consider alternatives submitted by the public; however, no alternatives were submitted by the public for the BLM to consider. The protester refers to a recommendation they provided to the BLM to select a modified version of Alternative C which included increased environmental protections (PRMPs/PPA/FEIS, Appendix J, Responses 320 and 321). The BLM did not view these suggestions as a “new” alternative as they were virtually identical to Alternative C.

In Alternative C of the PRMPs/PPA/FEIS, the BLM excluded livestock grazing from lands within the Beaver Dam Wash NCA (PRMPs/PPA/FEIS, Executive Summary, p. xiii). The BLM did not consider a standalone alternative that eliminated livestock grazing across the entire planning area. Consideration of such an alternative would have been beyond the narrow scope of the RMP amendment, which was limited to two planning issues regarding ACECs and travel and transportation management (PRMPs/PPA/FEIS, pp. 151-154). The BLM described the criteria to which the alternatives would be held in the DRMPs/PA/DEIS. Each action alternative must meet the purpose and need for the plans, be viable and reasonable, be responsive to issues identified in scoping, and consistent with the established planning criteria (DRMPs/PA/DEIS, p. 42). Alternatives beyond the scope of the planning effort or that do not meet the purpose and need are considered unreasonable; thus, the BLM is not required to consider them.

The BLM considered but eliminated from detailed study an alternative that designated new ACECs within the Beaver Dam Wash NCA and Red Cliffs NCA. The BLM documented the reason for dismissing the alternative in Section 2.2.6.1 of the DRMPs/PA/DEIS. The administrative designation of new ACECs (and the retention of existing ACEC designations) within the NCAs would be duplicative and provide no higher standard of resource protection than what is currently afforded by Congressional designation (DRMPs/PA/DEIS, p. 48). The BLM did not identify any other alternatives as “considered but eliminated from detailed study.”

Consistent with 40 CFR 1502.14, the BLM properly excluded an alternative that would eliminate livestock grazing across the entire planning area from detailed analysis in the PRMPs/PPA/FEIS. Making changes to livestock grazing outside of the two NCAs is outside the scope of the Proposed RMP amendment. The BLM considered a reasonable range of alternatives in the PRMPs/PPA/FEIS in full compliance with NEPA. Because the range of alternatives represents the full spectrum of reasonable alternatives to accomplishing the purpose and need for this RMP revision, the range of alternatives is appropriate.

NEPA – Public Comments

Issue Number: PP-UT-STGEORGE-16-26-16

Organization: Dixie Metropolitan Planning Organization

Protestor: Chris Hart

Issue Excerpt Text:

This lack of transparent, public, decision making process is not consistent with the spirit of the RMP process, NEPA, and regulatory guidance. The Field Hearing held in St. George established that the BLM did not coordinate with the City of St. George, the DMPO, and even failed to formally respond to Washington County’s formal comments on the administrative draft Purpose and Need and Alternatives Sections of the EIS, a violation of the agency’s standard practice.

Issue Number: PP-UT-STGEORGE-16-26-4

Organization: Dixie Metropolitan Planning Organization

Protestor: Chris Hart

Issue Excerpt Text:

On November 13, 2015, the DMPO provided a comment letter on the Draft RMP/EIS (attached). Myron Lee and Bryan Thiriot, representing the DMPO, also attended the open houses both in St. George and Salt Lake

Summary:

The BLM failed to adequately respond to public comments from the Draft Resource Management Plans (DRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Plan Amendment (PA) to the St. George RMP and Draft Environmental Impact Statement (DEIS). Specifically, the BLM:

- improperly responded to comments regarding the Northern Transportation Route;
- failed to respond to all substantive comments on the DRMPs/PA/DEIS; and
- failed to formally respond to comments from Washington County on the draft Purpose and Need and Alternatives section of the DRMPs/PA/DEIS.

City. We are disappointed that most of our comments were grouped under Proposed RMP Response: to Comment #407, and Responses to a number of substantive issues were not provided. We maintain that the BLM has substantially misstated the impacts associated with construction of a Northern Transportation Route (which was more or less acknowledged in responses 331 and 332, which defers the evaluation of impacts associated with a Northern Transportation Route to a future NEPA evaluation).

Issue Number: PP-UT-STGEORGE-16-32-8

Organization: Washington County

Protestor: Celeste Maloy

Issue Excerpt Text:

Rather than responding directly to technical comments, [the] BLM lumped technical comments into broad categories with other comments and made general responses. Not only did this mean that very specific comments did not get specific answers, but it resulted in roughly one third of the technical comments being completely ignored.

Response:

The BLM is required to assess, consider, and respond to all substantive comments received on Draft Land Use Plans during the public comment period (40 CFR 1503.4). Substantive comments are those that reveal new information, missing information, or flawed analysis that would substantially change conclusions (BLM Handbook H-1601-1, pp. 23-24).

In compliance with NEPA, the BLM considered all public comments submitted on the Draft Resource Management Plans (DRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Draft Plan Amendment (PA) to the St. George RMP and Draft Environmental Impact Statement (DEIS). The BLM complied with 40 CFR 1503.4 by performing a detailed comment analysis that assessed and considered all substantive comments received. The BLM retains the discretion on how to respond to comments and disclosed the process by which comments were sorted, grouped, and summarized. Appendix J of the Proposed Resource Management Plans (PRMPs), Proposed Plan Amendment (PPA) and Final Environmental Impact Statement (FEIS) presents the BLM's responses to all substantive comments and describes in detail the BLM's content analysis process. The content analysis process ensured that every comment was read, analyzed, and considered (PRMPs/PPA/FEIS, Appendix J, pp. 325, 334).

The BLM received 6,494 letters during the public comment period (PRMPs/PPA/FEIS, Appendix J, p. 325). It is important for the public to understand that BLM's comment response process does not treat public comments as if they were a vote for a particular action. The comment response process ensures that every comment is considered at some point when preparing the PRMPs/PPA/FEIS. The BLM summarized the issues raised by each comment letter and provided a meaningful response in Appendix J of the PRMPs/PPA/FEIS. The BLM's response identifies any modifications to the alternatives, improvements to the impacts analysis, or factual corrections made as a result of public comment. The BLM's response also explains why certain public comments did not warrant further agency response.

As a cooperating agency, Washington County had multiple opportunities to review and provide comments on administrative drafts of the EIS (PRMPs/PPA/FEIS, Appendix J, Responses 126 and 128). The BLM did not identify substantive comments submitted by Washington County on its final review of the administrative draft's Purpose and Need and Alternatives sections, and did not issue a formal response. Neither NEPA, nor agency policy, require the BLM to issue a formal response to comments that were determined to be non-substantive.

As similar comments were found, including those submitted by Washington County during the 120-day public comment period, those comments were grouped together into a concern area (PRMPs/PPA/FEIS, Appendix J, p. 325). The BLM addressed comments from Washington County in the following concern areas: Recreation, Socio-Economics, Soundscape, Special Recreation Permits, Target Shooting, Vegetation, Visual Resource Management, Water, Wildlife, Plan, Comprehensive Travel & Transportation Management, Areas of Critical Environmental Concern, and Northern Transportation Route (PRMPs/PPA/FEIS, Appendix J, p. 327). A formal, stand-alone response separate from this process is not a requirement in accordance with NEPA or agency direction.

For the Northern Transportation Route, the BLM derived nine distinct questions from comments received on the DEIS (PRMPs/PPA/FEIS, Appendix J, pp. 530-561). The BLM considered the substantive comments and provided an adequate response to these comments, which raised issues regarding impacts and potential mitigation associated with a future Northern Transportation Route (PRMPs/PPA/FEIS, Appendix J Response 407). In Alternative D of the DRMPs/PA/DEIS, the BLM proposed to designate a new utility and transportation corridor through the Red Cliffs NCA that would accommodate any of the route suggestions for a “northern transportation route” submitted by Washington County and the DMPO, including the County’s preferred alignment. These are shown as a black line on Map 2-46 of the DRMPs/PA/DEIS. As discussed, implementation would be part of the NEPA process for the Northern Transportation Route. The identification of mitigation in the PRMPs/PPA/FEIS is impractical (PRMPs/PPA/FEIS, Appendix J, p. 506) and future decision-making is subject to Federal laws, including NEPA and its applicable public involvement requirement.

The BLM has met and fully complied with its responsibilities under 40 CFR 1503.4 by considering all comments and responding in the DRMPs/PA/DEIS.

NEPA – Impacts Analysis – Livestock Grazing

Issue Number: PP-UT-STGEORGE-16-39-1
Organization: Dixie Conservation District
Protestor: Stuart Bowler

Issue Excerpt Text:

It is the belief of the Dixie Conservation District Board of Supervisors that proposed final language stated on p. 63 of the Proposed Resource Management Plan will provide an opportunity to eliminate grazing permits with no justification.

The ability of the BLM to determine that “the public lands within a grazing allotment are better used for other purposes” will give grazing permit holders no recourse in sustaining their ranching business.

Issue Number: PP-UT-STGEORGE-16-40-1
Organization: Individuals
Protestor: Stuart and Kristy Bowler

Issue Excerpt Text:

It is our belief that proposed final language stated on p.63 Proposed Resource Management Plan will provide an opportunity to eliminate grazing permits with little, or no scientific justification. The ability of the BLM to determine “that the public lands within a grazing allotment are better used for other purposes” will give grazing permit holders no recourse in sustaining their ranching business should the BLM deem the allotment more suitable for other uses.

Issue Number: PP-UT-STGEORGE-16-41-15
Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

Throughout the EIS analyses addressing grazed lands, BLM fails to take a candid and hard look at the adverse effects of grazing on soils, micro-biotic crusts, native vegetation, and habitats and populations of important biota. BLM did not take a hard look, and failed to critically evaluate if grazing in these arid weed-prone lands is sustainable, or if its adverse impacts cannot be effectively mitigated.

Issue Number: PP-UT-STGEORGE-16-41-2
Organization: Wildlands Defense
Protestor: Katie Fite

Issue Excerpt Text:

We Protest that [the] BLM fails to address livestock grazing trespass and a host of other livestock - related problems especially the profound ecological damage being caused to such fragile arid weed -vulnerable lands, the degree to which livestock grazing increases predation risk for desert tortoise and other vulnerable species, and the high degree of competition of livestock with native animals for food, cover and space in this landscape.

Issue Number: PP-UT-STGEORGE-16-41-21
Organization: Wildlands Defense
Protestor: Katie Fite

Issue Excerpt Text:

We Protest the RMP’s failure to adequately protect water quality and quantity. The RMP must provide that designated uses be fully

achieved, and if they are not, require prompt management changes even if numeric standards are otherwise being met. The DEIS fails to adequately assess the impacts of grazing and OHV use and other activities on water quality and quantity.

Issue Number: PP-UT-STGEORGE-16-41-4

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

[The] BLM failed to adopt Alternative C with increased environmental protections - especially much greater livestock grazing controls and additional closures and reductions in livestock numbers and land areas grazed, and reductions in reading and other serious ecological disturbances. [The] BLM ignored full and candid assessment of alternative and mitigation actions proposed by WLD and other environmental groups.

Summary:

The BLM fails to adequately analyze impacts to livestock grazing in the Proposed Resource Management Plans (PRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS) with regard to:

- the elimination of grazing permits; and
- the reduction in livestock grazing.

The BLM also fails to address the effects of livestock grazing on the following:

- the desert tortoise;
- the protection of water quality and quantity; and
- facility and water hauling effects.

Response:

NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a “hard look” at potential environmental impacts of adopting the Proposed Resource Management Plans (PRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS).

The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action. A land use planning-level decision is broad in scope. For this reason, analysis of land use plan alternatives is typically broad and qualitative rather than quantitative or focused on site-specific actions. The baseline data provides the necessary basis to make informed land use plan-level decisions.

As the decisions under consideration by the BLM are programmatic in nature and would not result in on-the-ground planning decision or actions, the scope of the analysis was conducted at a regional, programmatic level. The analysis focuses on the direct, indirect, and cumulative impacts that could potentially result from land use plan decisions. This analysis identifies impacts that may result in some level of change to the resources, regardless of whether that change is beneficial or adverse.

Livestock grazing on BLM lands in Utah is guided by the Taylor Grazing Act, FLPMA, the Public Rangelands Improvement Act, the grazing regulations codified in 43 CFR part 4100, Utah Standards for Rangeland Health and Guidelines for Grazing Management (Appendix D of the DEIS), and in the case of the Beaver Dam Wash NCA OPLMA section 1975 (e) (4) which states that; “GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—(A) subject to—(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and (ii) applicable law (including regulations); and (B) in a manner consistent with the purpose described in subsection (a).” Subsection (a) states that; “PURPOSE: The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash National Conservation Area.” OPLMA specifically provides for continued livestock grazing, in accordance with applicable laws and regulations “...and in a manner that conserves, protects, and enhances the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the NCA (PRMPs/PPA/FEIS, Chapter 2, Section 2.8.9, p. 63).

Livestock Grazing Permits:

The PRMPs/PPA/FEIS has been developed to be consistent with OPLMA’s direction regarding the continuation of livestock grazing in the NCA. Livestock grazing will continue to be authorized through federal grazing permits and managed in compliance with Allotment Management Plans. Land health assessments will continue to be conducted on a regular basis to ensure that Utah Standards and Guides are being met and that livestock grazing is conducted in a manner that is consistent with the purpose of the NCA. Grazing permit renewals will be subject to a NEPA process that includes public involvement. Any needed adjustments to grazing will be made in accordance with 43 CFR 4100. This includes the provision under FLPMA section 402(g) (as reflected in BLM grazing regulation, 43 CFR 4110.4-2(b)) that requires the BLM to give a permittee/lessee two years’ advance notice except in cases of emergency before cancelling a grazing permit or lease.

Reduction of Livestock Grazing:

The BLM analyzed total closure of the allotments in the Beaver Dam Wash NCA to livestock grazing and reduced AUMs under Alternative C. The reduced grazing analyzed in the preferred alternative (Alternative B) would also be a reasonable alternative for analysis. Based on OPLMA, current available data, and Section 7 consultation with the U.S. Fish and Wildlife Service, no changes to the grazing levels have been proposed to move forward into the PRMPs/PPA/FEIS (PRMPs/PPA/FEIS, Appendix J, Response 97). The “[p]rotection of habitats and populations of special status species could require modification to livestock grazing levels

and management strategies” (DRMPs/PA/DEIS, Chapter 4, Table 4-6, p. 646), and management actions “may impact livestock grazing operations through the loss of forage, increased difficulty of access, increased costs, or reduction in livestock numbers” (DRMPs/PA/DEIS, Chapter 4, Section 4.8.2.6, p. 649).

Desert Tortoise:

Grazing use season for the NCA is fall to early winter in designated critical habitat for desert tortoise, which is the inactive season for the species. During this season, they hibernate and rarely emerge from their burrows or winter dens during the period when the cattle are inside the allotments. During the season of use, native vegetation is dormant; therefore, grazing does not damage the plants and cattle do not compete with tortoise for new spring growth because cattle are removed from the allotments in spring. Additionally, pasture areas in the Beaver Dam Wash NCA are fenced and operators respond immediately to remove cattle in the event that fences are cut and/or gates are left open. This has resulted in no issues with livestock trespass within the NCA, particularly with impacts to the tortoise population, as indicated in the St. George Field Office Livestock grazing files.

The BLM’s livestock grazing analysis was thorough and detailed, mainly due to desert tortoise habitat. Because of this, the BLM requested and received comments on the DRMPs/PA/DEIS from the U.S. Fish and Wildlife Service. The Service indicated they had no evidence that this grazing activity was adversely impacting the tortoise at current levels and under current season of grazing use. They recommended that the BLM conduct scientific studies of the effects of livestock grazing on juvenile tortoise behavior, growth and survival. Such studies were identified under Scientific Research opportunities in the PRMPs/PPA/FEIS (Chapter 2, Section 2.8.9, p. 65). These will be undertaken by the field as priorities and funding allow.

Water Facilities and Water Hauling:

Facilities and water hauling do not occur in the Beaver Dam Wash NCA, as the NCA already contains an extensive system of water pipelines and troughs. Because of this, the DRMPs/PA/DEIS was not required to analyze water hauling, nor was it reasonable to analyze water hauling since it was not an issue. Should water hauling ever be required in an emergency, the BLM would do a site specific analysis.

The BLM fully complied with NEPA’s requirement to adequately analyze the impacts to livestock grazing on biological resources, grazing permit elimination, grazing trespass, desert tortoise, and water resources on the Beaver Dam Wash NCA.

NEPA – Impacts Analysis – Wildlife

Issue Number: PP-UT-STGEORGE-16-29-11

Organization: The Wilderness Society

Protestor: Phil Hanceford

Issue Excerpt Text:

BLM is in violation of the National Environmental Policy Act for failing to show how it will mitigate impacts to the Bull Valley Mountains Multi-Species Management Area.

Issue Number: PP-UT-STGEORGE-16-29-12

Organization: The Wilderness Society

Protestor: Phil Hanceford

Issue Excerpt Text:

The BLM does not describe what these “sufficient protections” are in the PRMP/FEIS or analyze the effectiveness of the mitigation measures in violation of NEPA.

Issue Number: PP-UT-STGEORGE-16-38-12

Organization: Western Watersheds Project

Protestor: Laura Welp

Issue Excerpt Text:

We are concerned about the lack of analysis on the impacts of grazing in critical desert tortoise habitat and the lack of response to our comments on this issue in the Draft.

Issue Number: PP-UT-STGEORGE-16-38-5

Organization: Western Watersheds Project

Protestor: Laura Welp

Issue Excerpt Text:

The Proposed Plan for a transportation corridor through critical desert tortoise habitat is contrary to the goals and objectives outlined for desert tortoise in Chapter 2 Section 2.8.11 page 66: “Ecologically intact core areas of designated critical habitat are conserved and protected from fragmentation and loss of native vegetation communities...” and “Land use and authorized activities are managed...to provide...connectivity to create genetic resilience...”. BLM’s own analysis in the Draft plan discusses the environmental impacts of allowing a multi-lane road in the tortoise preserve. The same document authorizing a transportation corridor through Mojave Desert Tortoise critical habitat argues throughout the text that it would be contrary to the purpose and mission of the NCA to do so.

Issue Number: PP-UT-STGEORGE-16-38-6

Organization: Western Watersheds Project

Protestor: Laura Welp

Issue Excerpt Text:

As habitats for BLM Sensitive Species are managed to help prevent the need for listing under the ESA, the management of 6,534 acres as designated utility and transportation corridors would result in short and long-term direct and indirect impacts that could contribute to observed declines in Gila monster and other Mojave Desert native reptile species. Should populations decline below viability levels, the Gila monster in Utah could require listing under the ESA.

Summary:

The BLM violated NEPA for failing to adequately address impacts to wildlife in the following ways:

- The PRMPs/PPA/FEIS fails to demonstrate how the BLM will mitigate impacts to the Bull Valley Mountains Multi-Species Management Area;
- The PRMPs/PPA/FEIS lacks adequate analysis on the impacts of grazing in critical desert tortoise habitat and fails to respond to comments on this issue from the DRMPs/PA/Draft EIS;
- The management of 6,534 acres as designated utility and transportation corridors would result in short and long-term direct and indirect impacts that could contribute to observed declines in Gila monster and other Mojave Desert native reptile species, resulting in possible listings under the Endangered Species Act if populations falls below viable levels; and
- Authorizing a transportation corridor through Mojave Desert Tortoise critical habitat would be contrary to the purpose and mission of the National Conservation Area (NCA).

Response:

NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a “hard look” at potential environmental impacts of the PRMP/PPA/FEIS.

The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.

The FEIS provides a programmatic-level analysis of impacts on the human environment such as biological, cultural, social, scenic, and other environmental resources. The BLM will complete a project-level environmental review of site-specific impacts on resources as a necessary part of the subsequent approval process, consistent with NEPA.

The BLM is required to assess, consider, and respond to all substantive comments received (40 CFR 1503.4). Substantive comments are those that reveal new information, missing information, or flawed analysis that would substantially change conclusions (BLM Handbook H-1601-1, p. 23-24).

Under the Endangered Species Act (ESA), Federal agencies are required to use their authorities to conserve endangered and threatened species and to consult with the U.S. Fish and Wildlife Service about actions they carry out, fund, or authorize to ensure that they will not destroy or adversely modify critical habitat. The prohibition against destruction and adverse modification of critical habitat protects such areas in the interest of conservation. Specifically, Section 7(a)(2) of the ESA requires Federal agencies to ensure that their proposed action will not be “likely to jeopardize the continued existence of any [listed] species or result in the destruction or adverse

modification of the critical habitat of such species” (16 USC 1336(a)(2)).

Additionally, a primary objective of the Bureau of Land Management (BLM) Special Status Species policy is to initiate proactive conservation measures that reduce or eliminate threats to Bureau sensitive species to minimize the likelihood of and need for listing of the species under the ESA (BLM Manual Section 6840.02.B). However, the BLM does not have the authority to determine if listing under the ESA is warranted for a particular species.

Bull Valley Mountains Multi-Species Management Area.

In the DRMPs/PA/DEIS, the BLM considered and analyzed a range of alternatives to manage an approximately 87,031 acre area of public lands, identified as the Bull Valley Mountains Multi-Species Management Area (refer to Table 2-71 of the DRMPs/PA/DEIS), as a priority biological conservation area, as described by OPLMA at Section 1979. Following a review of the public comments on the DEIS, further coordination with the Cooperating Agencies, and further review of the potential threats to the biological values, the BLM has determined that no new goals, objectives, or management actions are needed to protect migration corridors for mule deer, predators, and other wildlife on the public lands in this area. In the PRMPs/PPA/FEIS the Bull Valley Mountains Multi-Species Management Area will not be identified as a priority biological conservation area for special management (see Chapter 2, Section 2.7 of the PRMPs/PPA/FEIS).

Grazing

Under the three action alternatives presented in the DEIS, the goals are to protect, conserve, and restore desired plant communities, particularly those that provide critical habitat for special status species like the Mojave desert tortoise. Chapter 4 of the DEIS discusses potential impacts of grazing on special status species in Section 4.10.2.4. As stated in Table E-1 of the PRMPs/PPA/FEIS, targeted grazing in critical habitat for the Mojave Desert tortoise would be experimental and require consultations with the U. S. Fish and Wildlife Service (Service) under Section 7 of the ESA. Additional analysis based on this change was not needed in the PRMPs/PPA/FEIS, as explained in Table E-1. The BLM has adequately considered the potential effects of grazing in the PRMPs/PPA/FEIS.

Utility Corridors

In the DEIS, the BLM analyzed a reasonable range of alternatives, consistent with Council on Environmental Quality regulations (40 CFR 1502.1), to address rights of way (ROW) corridors avoidance, and exclusion areas in the Red Cliffs NCA. The range of alternatives was developed using input from the public, other Federal and State agencies, Tribes, the Cooperating Agencies, and other local governmental entities.

The BLM also acted consistent with the policy guidance from BLM Manual 6220 - National Monuments, National Conservation Areas, and Similar Designations. This Manual addresses specific land use allocations, such as rights-of-way (ROWs), designated transportation and utility corridors, and discretionary uses proposed for NCAs, national monuments (NMs), and similar designations. Through land use planning, this Manual directs that, to the extent possible, the BLM should avoid granting new ROWs in these units and should evaluate the relocation of existing ROWs that are not consistent with the purposes of designation. It also directs that (subject to applicable law), through land use planning and project-specific decisions, the BLM

should designate NCAs and NMs as ROW Exclusion or Avoidance areas. As noted in Section 1.6.1.7 (Chapter 1, page 32), OPLMA addresses future development of utilities with the NCA: “(h) EFFECT.—Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—(1) each utility development protocol described in the habitat conservation plan; and (2) any other applicable law (including regulations)” (OPLMA Section 1974 (h)).” This language from OPLMA has been added to the management actions under Lands and Realty in the PRMPs/PPA/FEIS.

The PRMPs/PPA/FEIS has been developed to be consistent with the direction in OPLMA to allow for the future development of utilities and the congressionally defined purposes of the NCA: “To conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and To protect each species that is located in the National Conservation Area; and listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under the Endangered Species Act of 1973” (OPLMA Section 1974 (a))

The BLM has adequately addressed impacts to wildlife in the PRMP/PPA/FEIS, and has not violated NEPA or the ESA.

See also the response to Special Status Species.

NEPA – Impacts Analysis – Socioeconomics

Issue Number: PP-UT-STGEORGE-16-07-1

Organization: Individuals

Protestor: Paul and Cheryl Sampson

Issue Excerpt Text:

There are NO redeeming factors or advantages for the wildlife - or residents of this area. The highway would allow those outside our community a shortcut from other cities, i.e., St. George, Ivins, Santa Clara, etc. to access Costco, Walmart, and other major shopping destinations now accessed via 1-15 at exit 10. The highway would drive all their traffic through the open space and down Green Springs Drive from the north.

In addition, it is my understanding that there are no representatives from the Green Spring area or from Washington City on the planning committee. We are the ones that it will impact the most! This is a clear conflict of interest.

Issue Number: PP-UT-STGEORGE-16-20-1

Organization: Red Rock Companies

Protestor: Allen Holland

Issue Excerpt Text:

If you allow this Northern Corridor to proceed, it will have a devastating effect on not only the environment but also all aspects of real estate and construction, from the contractors to landscapers, realtors to the current owners. It will affect all parties including the city because it will receive less tax revenue.

Issue Number: PP-UT-STGEORGE-16-28-11

Organization: Washington County Water Conservancy District

Protestor: Jodi Borgeson

Issue Excerpt Text:

The RMP fails to address the concerns raised by WCWCD regarding the lack of analysis on the socioeconomic impacts of water in Washington County.

Issue Number: PP-UT-STGEORGE-16-28-12

Organization: Washington County Water Conservancy District

Protestor: Jodi Borgeson

Issue Excerpt Text:

Under NEPA, the economic analysis should address the real impacts of the RMP on the economic activities of local communities, both inside and outside the designated BLM management areas, and the likely benefits from further development that would be precluded by prescriptions in the RMP.

Failure to address these impacts invalidates the DEIS in this respect, which in turn invalidates the RMP. This jeopardizes BLM's critical role in WCWCD's mission to provide a safe and sustainable water supply.

Issue Number: PP-UT-STGEORGE-16-34-2

Organization: Individual

Protestor: Slade Hughes

Issue Excerpt Text:

The RMP fails to address real impact of the RMP on the economic activities of local communities, both inside and outside the designated BLM Management areas, and the likely benefits from further development that would be precluded by prescriptions in the RMP.

In issuing RMP, the BLM ignores the requirement in the OPLMA that within three years of the enactment of the Act, it must develop a comprehensive travel management plan.

Issue Number: PP-UT-STGEORGE-16-35-2

Organization: Veyo Culinary Water Association

Protestor: Slade Hughes

Issue Excerpt Text:

The RMP fails to address real impact of the RMP on the economic activities of local communities, both inside and outside the designated BLM Management areas, and the likely benefits from further development that would be precluded by prescriptions in the RMP.

Summary:

The Proposed Resource Management Plans (PRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS) violates NEPA because it fails to address the economic impacts of a northern route to local economies.

Response:

NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action. The BLM is required to take a “hard look” at potential environmental impacts of adopting the Proposed Resource Management Plans (PRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), a Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS).

A land use planning-level decision is broad in scope. For this reason, analysis of land use plan alternatives is typically broad and qualitative rather than quantitative or focused on site-specific actions. The baseline data provides the necessary basis to make informed land use plan-level decisions.

As the decisions under consideration by the BLM are programmatic in nature and would not result in on-the-ground planning decision or actions, the scope of the analysis was conducted at a regional, programmatic level. The analysis focuses on the direct, indirect, and cumulative impacts that could potentially result from land use plan decisions. This analysis identifies impacts that may result in some level of change to the resources, regardless of whether that change is beneficial or adverse.

The BLM based the Summary of Socioeconomic Conditions of the planning area on the Socioeconomic Baseline Summary (Pinkham 2012) (DRMPs/PA/DEIS, p. 459). The data generally reflect conditions and values for all public lands and uses managed by the St. George Field Office in Washington County, although separate summaries were provided for the Beaver Dam Wash and Red Cliffs NCAs where relevant data were available (DRMPs/PA/DEIS, p. 459). This baseline data was appropriate for a planning effort of this scale and scope. The report describes the resource use (or planning category), its scope within and outside the NCAs, and to what degree it would be considered in the planning documents (Socioeconomic Baseline Report,

p. ix).

Section 4.45 of the DRMPs/PA/DEIS (pp. 839-862) provided the framework, including methods of analysis and assumptions that was applied to the analysis of socioeconomic conditions in the planning area. The DRMPs/PA/DEIS describes the market and nonmarket values that public lands and resources in the planning area provide (DRMPs/PA/DEIS, p. 463). Alternative D designated a new, 6,350 acre utility and transportation corridor in which the northern transportation route could be constructed. The BLM acknowledged that this corridor could have significant negative impacts on many nonmarket values (DRMPs/DEIS, p. 293). The BLM described in detail the uncertainties the development of a northern transportation route would have on both market and nonmarket values in the DRMPs/PA/DEIS. Notably, the designation of the corridor creates significant uncertainty regarding future recreation levels in the NCA (DRMPs/PA/DEIS, p. 857).

The development of a multi-lane highway would likely have beneficial effects (increased economic output, labor income, and jobs) on the local economy (DRMPs/PA/DEIS, p. 857). Such a project would also provide non-market values, such as reductions in distress from traffic delays and accidents, or improvements in air quality (DRMPs/PA/DEIS, p. 858). However, development of a northern transportation route would negatively impact a majority of the unique resources that the NCA was created to protect and their nonmarket values (DRMPs/PA/DEIS, p. 859).

As stated above, the socioeconomic report was conducted at the county level to support the land use planning effort. The level of analysis was appropriate for the land use plan level decisions made in this planning effort. It is beyond the scope of this planning effort to provide a detailed socioeconomic analysis regarding a northern transportation route. Socioeconomic issues regarding such a route will be addressed in greater detail in a future, site-specific NEPA documents. The BLM disclosed the following statement in the DRMPs/PA/DEIS (p. 857): “Estimation of the specific and net impacts of development of the corridor is beyond the scope of this planning-level EIS, and would require specification of exact alignments and design features.”

For the reasons stated above, the BLM took the requisite hard look at socioeconomic impacts for this land use planning effort. The BLM complied with NEPA’s requirement to analyze the environmental consequences/impacts to socioeconomics in the PRMPs/PPA/FEIS. BLM did the appropriate level of NEPA analysis for this action and will do new NEPA, including detailed analysis of the route, in the future as needed for any new federal action.

FLPMA

Issue Number: PP-UT-STGEORGE-16-38-1
Organization: Western Watersheds Project
Protestor: Laura Welp

amended, Public Law No. 94-579, Title III, Sec. 302).

Issue Excerpt Text:

We protest the Failure to comply with Federal Lands Protection and Management Act (FLPMA), 43 U.S.C. § 1701 et seq.

Issue Number: PP-UT-STGEORGE-16-38-3
Organization: Western Watersheds Project
Protestor: Laura Welp

Issue Excerpt Text:

The BLM in this instance did not extend this interpretation to its planning document. Instead, the BLM maintains its focus on deleterious multiple uses, justifying the impacts that livestock and highways have on monument objects under the wrong statutory basis. The failures of the PRMP/EIS under NEPA (as outlined below) also constitute violations of FLPMA's mandate to consider management on lands identified for their special resource values.

Issue Number: PP-UT-STGEORGE-16-38-2
Organization: Western Watersheds Project
Protestor: Laura Welp

Issue Excerpt Text:

FLPMA contains an exception to this overarching prescription for BLM lands: Multiple-use management applies, except "...where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law" (FLPMA, as

Summary:

The Proposed Resource Management Plans (PRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS) fails to comply with FLPMA because:

- it does not consider FLPMA's exception that allows for elevated conservation over development or production in some places if law identifies conservation as the primary use; and
- it improperly applies multiple use management by justifying the impacts that livestock and highways have on monument objects under improper statutory basis in the PRMP/PPA/FEIS.

Response:

Section 102(a)(7) of FLPMA declares that it is the policy of the United States that management of the public lands be on the basis of multiple use and sustained yield. In accordance with Section 202(c)(1) of FLPMA the development and revision of land use plans shall use and observe the principles of multiple use and sustained yield set forth in this and other applicable law . Section 302(a) of FLPMA provides the Secretary shall manage the public lands under the principles of multiple use and sustained yield, in accordance with the land use plans developed under Section 202 of FLPMA, except where the area of public land has been dedicated to specific uses according to any other provision of law.

FLPMA's multiple use mandate does not require that all uses must be allowed on all areas of the public lands. Through the land use planning process, the BLM evaluates and chooses an appropriate balance of resource uses which involves tradeoffs between competing uses, as described in the definitions of multiple use and sustained yield in FLPMA. The BLM has also acted with the direction in FLPMA, including section 302(a), and direction in OPLMA for the specific management of some of the lands at issue in this planning effort.

All alternatives considered in the Proposed Resource Management Plans (PRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS), as described in Chapter 2 provide an appropriate balance of uses on the public lands in a manner that is consistent with the applicable statutes, regulations and BLM policy; however, the BLM's preferred alternative (Alternative B), specifically, would provide for a balance of resource protection and human uses of the public lands within the Red Cliffs and Beaver Dam Wash NCAs. For these NCAs, "...each alternative was evaluated to ensure that it complied with OPLMA, as well as FLPMA, and other relevant laws, regulations, and policies and the purpose, significance, and mission statements of each NCA" (Chapter 2, Section 2.1, "Development of the Alternatives"). This alternative would satisfy OPLMA's direction for areas of the public lands where biological conservation is designated a high priority. This includes the designation of three new ACECs as well as the implementation of special management prescriptions for a new 87,000 acre area of public lands labeled by the BLM as the Bull Valley Mountain Multi-Species Management Area, with the purpose to protect critical habitat and wildlife migration corridors. Similarly, the alternatives for the St. George PPA/FEIS were evaluated to ensure their compliance with FLPMA, as well as other relevant federal laws, regulations, and BLM policies (Chapter 2, Section 2.1).

The PRMPs/PPA/FEIS provides for priority biological conservation, as well as for the balance of compatible public uses and the appropriate application of multiple use management. The vast majority of the wilderness-quality lands within the Red Cliffs NCA are protected as designated wilderness. The remainder of public lands within the NCA is protected by OPLMA (PRMPs/PPA/FEIS, Appendix J, p. 362). The PRMPs/PPA/FEIS is consistent with OPLMA's direction for monument objects and special resource values and is consistent with direction in FLPMA.

Omnibus Public Land Management Act

Issue Number: PP-UT-STGEORGE-16-02-1

Organization: Individuals

Protestor: Mike and Lea Anderson

Issue Excerpt Text:

The BLM...did not include Washington City, where the land in question is located, on this committee. [The City of] St. George was included.

Issue Number: PP-UT-STGEORGE-16-03-1

Organization: Individual

Protestor: Wendy Warren

Issue Excerpt Text:

There may be reasonable objections to it but I would like to hear why the Cottonwood Springs Road is not being considered as the link road. It cuts to the side of the Reserve and is in an unpopulated area.

Issue Number: PP-UT-STGEORGE-16-04-2

Organization: Individual

Protestor: Thomas Brown

Issue Excerpt Text:

[F]ind a connecting route without compromising the Red Cliffs Reserve or the existing residential Green Springs area. Why aren't those in charge of protecting these areas seeking alternatives to the current proposed Northern Corridor? I hope the BLM will spearhead a re-examination to move the corridor.

Issue Number: PP-UT-STGEORGE-16-07-2

Organization: Individuals

Protestor: Paul and Cheryl Sampson

Issue Excerpt Text:

There are other more viable alternative routes for other communities to access 1-15 and shopping

that would not encroach upon the BLM open space.

Issue Number: PP-UT-STGEORGE-16-26-1

Organization: Dixie Metropolitan Planning Organization

Protestor: Chris Hart

Issue Excerpt Text:

Since March of 2010, DMPO has attempted to communicate Washington County transportation needs and interests so that the St. George Field Office of the BLM could accurately represent those needs in the development of a Northern Transportation Route for the RMP and Transportation Management Plan (TMP), as required and stipulated by Congress in the Omnibus Public Land Management Act (OPLMA) Section 1977.

Issue Number: PP-UT-STGEORGE-16-26-11

Organization: Dixie Metropolitan Planning Organization

Protestor: Chris Hart

Issue Excerpt Text:

The Proposed RMP purpose and need and the project alternatives in the EIS have been developed in the spirit of precluding future consideration of a Northern Transportation Route and not in compliance with the congressional intent of the OPLMA (Public Law 111-11 Section 1977) that requires identification of 1 or more alternatives for a Northern Transportation Route. "The congressional intent of this provision was for the development of a reasonable alternative, not an alternative that would be immediately precluded by other provisions of the RMP..."

Issue Number: PP-UT-STGEORGE-16-26-12

Organization: Dixie Metropolitan Planning Organization

Protestor: Chris Hart

Issue Excerpt Text:

In 2010 and again in 2011, the DMPO, as a local government agency, requested cooperating agency status because the agency can provide special expertise with respect to transportation, regional growth forecasting, and air quality conformity. The request was denied -a denial in conflict with the OPLMA Section 1977 requirement to work “in consultation with local governmental entities.” Additionally, this denial is in conflict with the BLM’s internal guidance (A Desk Guide to Cooperating Agency Relationships and Coordination with Intergovernmental Partners, 2012).

Issue Number: PP-UT-STGEORGE-16-26-14

Organization: Dixie Metropolitan Planning Organization

Protestor: Chris Hart

Issue Excerpt Text:

The purpose and need conveys denial or lack of a desire on the BLM’s part to move forward with reasonable stipulations for road construction. This is contrary to Public Law 111-11, which calls for identification of 1 or more mapped alternatives for a Northern Transportation Route in Washington County, through the planning and NEPA process. The language in the bill was intended to meet the transportation need of the Washington County population in balance with RCNCA preservation.

Issue Number: PP-UT-STGEORGE-16-26-2

Organization: Dixie Metropolitan Planning Organization

Protestor: Chris Hart

Issue Excerpt Text:

In 2010 and again in 2011, the DMPO, as a local government agency, requested cooperating agency

status. The request was immediately and arbitrarily denied - a denial in conflict with the OPLMA Section 1977 requirement to work “in consultation with...local governmental entities.”

Issue Number: PP-UT-STGEORGE-16-26-5

Organization: Dixie Metropolitan Planning Organization

Protestor: Chris Hart

Issue Excerpt Text:

The Proposed Alternative includes Management Actions and land use designations that preclude the consideration of a viable Northern Transportation Route in violation of OPLMA Section 1977.

Issue Number: PP-UT-STGEORGE-16-26-8

Organization: Dixie Metropolitan Planning Organization

Protestor: Chris Hart

Issue Excerpt Text:

The proposed plan is inconsistent with the adopted and federally approved Regional Transportation Plan and would in effect preclude the future implementation of a Northern Transportation Route. The 2009 Omnibus Public Land Management Act (Public Law 111-11, Section 1977) (OPLMA) requires the identification of “1 or more alternatives for a Northern Transportation Route.”

Issue Number: PP-UT-STGEORGE-16-27-1

Organization: Individual

Protestor: Brian Thiriot

Issue Excerpt Text:

Private property access and the historical use of deer hunting in the Goldstrike area under the open designation will violate the OPLMA law and the U.S. Constitution to access private property. The public land principle of multiple-use has been

abandoned in the Goldstrike mining district to stronger conservation. Congress released all non-designated wildernesses from BLM further study.

Issue Number: PP-UT-STGEORGE-16-27-2

Organization: Individual

Protestor: Brian Thiriot

Issue Excerpt Text:

Congress designated the High Desert ATV trail on the west side of Washington County and stipulated in the law or OPLMA that recreation must be enhanced! A designation to move from open to limited will create irreparable private property and future financial and economic harm to the Bracken property in Goldstrike.

Issue Number: PP-UT-STGEORGE-16-28-13

Organization: Washington County Water Conservancy District

Protestor: Jodi Borgeson

Issue Excerpt Text:

In issuing the RMP, the BLM ignores the requirement in OPLMA that within three years of the enactment of the Act, it must develop a comprehensive travel management plan (TMP).

Issue Number: PP-UT-STGEORGE-16-28-14

Organization: Washington County Water Conservancy District

Protestor: Jodi Borgeson

Issue Excerpt Text:

Not only has the BLM failed to issue the TMP within the three-year deadline required under OPLMA for both it and the RMP, it has failed to implement the following agency guidance: *“To the extent practicable, a travel and transportation network should be identified during the development of the ... NCA land use plan ...”* (BLM Manual 6620, Section 1.6N (emphasis added)).

“A defined travel and transportation network (system of roads, primitive roads, and trails) should be delineated concurrently with the development of the land use plan, to the extent practicable” (BLM Manual 1626, Section .06B (emphasis added)).

Resource Management Plans shall address access across BLM-managed lands to federal- and state-owned waters (BLM Manual 1626, Section .06A2d).

Issue Number: PP-UT-STGEORGE-16-28-16

Organization: Washington County Water Conservancy District

Protestor: Jodi Borgeson

Issue Excerpt Text:

It is arbitrary and capricious for [the] BLM to implement any management without clear delineation of access plans via the TMP. Thus, the failure to issue the TMP concurrently is a fatal flaw for the RMP. BLM should have postponed issuance of the RMP until the TMP had been issued and left the comment period open on the RMP to ensure that impacts of the TMP could be addressed.

Issue Number: PP-UT-STGEORGE-16-28-2

Organization: Washington County Water Conservancy District

Protestor: Jodi Borgeson

Issue Excerpt Text:

The RMP contradicts OPLMA’s establishment of the use of the utility development protocols in other areas such as the following: Consider allowing realty authorizations, such as ROWs and permits, outside of ROW exclusion areas, only when required for local, essential community services and when no siting alternatives exist outside the NCA.

Issue Number: PP-UT-STGEORGE-16-28-5

Organization: Washington County Water Conservancy District

Protestor: Jodi Borgeson

Issue Excerpt Text:

Ch. 2, Sec. 2.9.30, p. 147 (newly added language in the proposed RMP. Consideration of relocating rights of way (ROWs) outside the NCA and allowing realty authorizations such as ROWs only outside of ROW exclusion areas, and only when required for essential community services, and only when no siting alternatives exist outside the NCA, again violates Congress’s determination in OPLMA that the purposes of the Red Cliffs NCA do not prohibit the use of the utility development protocols.

Issue Number: PP-UT-STGEORGE-16-29-1

Organization: The Wilderness Society

Protestor: Phil Hanceford

Issue Excerpt Text:

The BLM failed to follow the Omnibus Public Land Management Act of 2009 by not identifying and protecting the Bull Valley Mountains Multi-Species Management Area.

Issue Number: PP-UT-STGEORGE-16-29-10

Organization: The Wilderness Society

Protestor: Phil Hanceford

Issue Excerpt Text:

Since the BLM failed to designate protective actions for an identified priority biological area in its PRMP/FEIS, it has failed to satisfy the requirements of its stated purpose and need. In order for the BLM to select the No Action alternative, it must retract its determination that the Bull Valley Mountains Multi-Species Management Area is a priority biological conservation area and provide adequate documentation and an explanation justifying the change.

Issue Number: PP-UT-STGEORGE-16-29-5

Organization: The Wilderness Society

Protestor: Phil Hanceford

Issue Excerpt Text:

The BLM must identify and provide management for priority biological areas under OPLMA just as it must protect monument objects of interest under proclamations and the Antiquities Act for National Monuments. There is no discretion for the agency not to identify and manage priority biological areas in the St. George Field Office.

Issue Number: PP-UT-STGEORGE-16-29-6

Organization: The Wilderness Society

Protestor: Phil Hanceford

Issue Excerpt Text:

The BLM cannot “unring the bell” once it identified a priority biological area without providing evidence that the area is not actually a priority biological area. Instead, the BLM—much like the Sonoran Desert National Monument case—states that public comment and that consultation with cooperating agencies caused it to change its decision without providing an explanation and data for why the area is no longer a priority biological area.

Issue Number: PP-UT-STGEORGE-16-29-8

Organization: The Wilderness Society

Protestor: Phil Hanceford

Issue Excerpt Text:

The BLM’s decision to select the No Action alternative rejecting the Bull Valley Mountains Multi-Species Management Area from the PRMP/FEIS inappropriately disregards the requirements of the agency’s purpose and need statement, which were defined, in part, by the provisions in the OPLMA.

Issue Number: PP-UT-STGEORGE-16-29-9

Organization: The Wilderness Society

Protestor: Phil Hanceford

Issue Excerpt Text:

Its identification is firm and consequently requires final plan amendments to include activities that conserve and restore the priority characteristics of the area. Failure to do so violates the BLM's obligations to approve a plan that meets the stated purpose and need.

Issue Number: PP-UT-STGEORGE-16-30-11

Organization: City of St. George

Protestor: Jonathan Pike

Issue Excerpt Text:

Acts of Congress that specify a planning requirement are sufficient to change the normal planning process. St. George, given the language in the Proposed RMP, and having been excluded from the process of the development of the Proposed RMP, believes that attempting to identify a route in a subsequent Travel Management Plan will be impossible given the restrictive language of the Proposed RMP. The result for St. George is an inefficient route that does not adequately address future traffic needs creating traffic delays and air degradation in St. George and Washington County.

Issue Number: PP-UT-STGEORGE-16-30-4

Organization: City of St. George

Protestor: Jonathan Pike

Issue Excerpt Text:

OPLMA expressly authorized continued application of the UDPs within the NCA, and Section 1974(h) states: "*Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area...*".

Issue Number: PP-UT-STGEORGE-16-30-5

Organization: City of St. George

Protestor: Jonathan Pike

Issue Excerpt Text:

This language eliminates any discretion for BLM to preclude the application of the UDPs in any alternative. The Proposed RMP, however, includes a map that designates almost all of the Red Cliffs NCA as an exclusion area rather than as an avoidance area.

Issue Number: PP-UT-STGEORGE-16-30-7

Organization: City of St. George

Protestor: Jonathan Pike

Issue Excerpt Text:

The Proposed RMP for the Red Cliffs National Conservation Area violates both the letter and the spirit of OPLMA's directive to the Secretary of Interior to identify alternatives for a northern transportation route.

Issue Number: PP-UT-STGEORGE-16-30-8

Organization: City of St. George

Protestor: Jonathan Pike

Issue Excerpt Text:

The OPLMA requires the Secretary of the Interior, in consultation with St. George, to identify one or more alternatives for a northern transportation route.

Issue Number: PP-UT-STGEORGE-16-30-9

Organization: City of St. George

Protestor: Jonathan Pike

Issue Excerpt Text:

[T]he Proposed RMP route alternative does not satisfy the OPLMA mandate to study one or more alternatives in the TMP.

Issue Number: PP-UT-STGEORGE-16-31-1
Organization: Public Lands Policy Coordination Office
Protestor: Kathleen Clarke

Issue Excerpt Text:

The BLM's use of large avoidance areas in the Red Cliffs NCA violates the intent and spirit of OPLMA. Lack of designated ROW corridors in the Proposed RMP will impede the BLM's statutory duty to identify a northern transportation route in the travel management plan. The State protests the lack of ROW corridors for a northern transportation route, and requests that the BLM designate one or more ROW corridors in the Red Cliffs NCA within which a northern transportation route can later be identified.

Issue Number: PP-UT-STGEORGE-16-31-2
Organization: Public Lands Policy Coordination Office
Protestor: Kathleen Clarke

Issue Excerpt Text:

The grazing of livestock in the [Beaver Dam Wash] National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue- (A) subject to- (i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and (ii) applicable law; and (B) in a manner consistent with the purposes described in subsection (a). The plain meaning of this section is that livestock grazing in the NCA must continue. It is unreasonable for the BLM to eliminate grazing on an allotment merely because the permit has been voluntarily relinquished. The retirement of a grazing allotment is a management decision based on the BLM's values or priorities, not on reasonable, science-based regulation. The BLM should only discontinue grazing in the NCA if the best available scientific data proves that livestock grazing is causing serious ecological damage which can be restored by no other means. The BLM cannot impose its own policy preferences

and discontinue grazing when Congress has plainly stated livestock grazing shall be permitted to continue.

Issue Number: PP-UT-STGEORGE-16-31-3
Organization: Public Lands Policy Coordination Office
Protestor: Kathleen Clarke

Issue Excerpt Text:

OPLMA specifically prohibited the management of more public lands within Washington County as wilderness, yet the designation of SRMA "Primitive Zones," outside of congressionally designated Wilderness Areas, will have the same result. The designation of SRMA Primitive Zones in the Beaver Dam Wash NCA is, therefore, a violation of the law.

Issue Number: PP-UT-STGEORGE-16-32-2
Organization: Washington County
Protestor: Celeste Maloy

Issue Excerpt Text:

The ROW language in the Proposed RMP would not allow a transportation route to be built along a route that would be useful to ease future traffic congestion.

Issue Number: PP-UT-STGEORGE-16-32-4
Organization: Washington County
Protestor: Celeste Maloy

Issue Excerpt Text:

[The] BLM's Proposed Final RMP for the Beaver Dam Wash National Conservation Area violates both the spirit and the letter of OPLMA's direction that grazing be allowed to continue in the NCA subject to reasonable regulation. (OPLMA Sec. 1975 (e)(4)).

Issue Number: PP-UT-STGEORGE-16-32-5

Organization: Washington County

Protestor: Celeste Maloy

Issue Excerpt Text:

Allowing voluntary relinquishment violates OPLMA. The actions of a third party should not trigger a review of and possible retirement of a permit.

Issue Number: PP-UT-STGEORGE-16-34-3

Organization: Individual

Protestor: Slade Hughes

Issue Excerpt Text:

Not only has the BLM failed to issue the travel management plan within the three-year deadline required under the OPLMA for both it and the RMP, it has failed to implement the following agency guidelines:

“To the extent practicable, a travel and transportation networks should be identified during the development of the ... NCA land use plan...” (BLM manual 6620, section 1.6 N).

“A defined travel and transportation Network (system of Roads, primitive roads, and trails) should be delineated concurrently with the development of the land use plan, to the extent practicable ...”

Resource management plan shall address access across BLM managed plans to federal and state owned water (BLM Manual 1626 Section. 06A2d).

Issue Number: PP-UT-STGEORGE-16-34-4

Organization: Individual

Protestor: Slade Hughes

Issue Excerpt Text:

Given the above-described circumstances, it is arbitrary and capricious for the BLM to implement any management without clear delineation of access plans and via the travel management plan. Thus, the failure to issue the travel management plan concurrently is a fatal flaw for the RMP.

Issue Number: PP-UT-STGEORGE-16-35-3

Organization: Veyo Culinary Water Association

Protestor: Slade Hughes

Issue Excerpt Text:

In issuing RMP, the BLM ignores the requirement in the OPLMA that within three years of the enactment of the act, it must develop a comprehensive travel management plan.

Not only has the BLM failed to issue the travel management plan within the three-year deadline required under the OPLMA for both it and the RMP, it has failed to implement the following agency guidelines:

“To the extent practicable, a travel and transportation networks should be identified during the development of the ... NCA land use plan...” (BLM manual 6620, section 1.6 N).

“A defined travel and transportation Network (system of Roads, primitive roads, and trails) should be delineated concurrently with the development of the land use plan, to the extent practicable ...”

Resource management plan shall address access across BLM managed plans to federal and state owned water (BLM Manual 1626 Section. 06A2d).

Issue Number: PP-UT-STGEORGE-16-35-4

Organization: Veyo Culinary Water Association

Protestor: Slade Hughes

Issue Excerpt Text:

[I]t is arbitrary and capricious for the BLM to implement any management without clear delineation of access plans and via the travel management plan. Thus, the failure to issue the travel management plan concurrently is a fatal flaw for the RMP.

Issue Number: PP-UT-STGEORGE-16-36-1

Organization: City of Ivins

Protestor: Chris Hart

Issue Excerpt Text:

The plan does not meet the requirements imposed by the 2009 Omnibus Public Land Management Act (OPLMA) which requires the BLM to consider “one or more alternatives for a Northern Transportation Route.” The DMPO has studied and modeled the impacts of this decision and determined that the omission of this route would cause major congestion in the region. Ivins City being located away from I-15 and thus heavily reliant on surface streets would be severely and irreparably impacted.

Issue Number: PP-UT-STGEORGE-16-36-2

Organization: City of Ivins

Protestor: Chris Hart

Issue Excerpt Text:

In reviewing the discussion regarding whether a Northern Transportation Route should be designated (Ch. 1, Sec 1.6.2.1, pp. 32-34), it is clear that the BLM misinterprets the OPLMA requirement, by indicating that it has met that requirement by including the route in only one of the alternatives that was purposefully established as extreme and summarily dismissed. The discussion weighs heavy on comments that were received opposing the corridor which only represents a minority of the local community as evident by fact that all political representatives are in favor of the northern transportation corridor.

Issue Number: PP-UT-STGEORGE-16-36-3

Organization: City of Ivins

Protestor: Chris Hart

Issue Excerpt Text:

[W]e are in disagreement on the conclusions and legal opinions of the BLM regarding the northern transportation route. The BLM must identify at least one alternative route for the northern transportation corridor for this plan to be in accordance with OPLMA.

Issue Number: PP-UT-STGEORGE-16-38-5

Organization: Western Watersheds Project

Protestor: Laura Welp

Issue Excerpt Text:

The Proposed Plan for a transportation corridor through critical desert tortoise habitat is contrary to the goals and objectives outlined for desert tortoise in Chapter 2 Section 2.8.11 page 66: “*Ecologically intact core areas of designated critical habitat are conserved and protected from fragmentation and loss of native vegetation communities...*” and “*Land use and authorized activities are managed...to provide...connectivity to create genetic resilience...*”. [The] BLM’s own analysis in the Draft plan discusses the environmental impacts of allowing a multilane road in the tortoise preserve. The same document authorizing a transportation corridor through Mojave Desert Tortoise critical habitat argues throughout the text that it would be contrary to the purpose and mission of the NCA to do so.

Issue Number: PP-UT-STGEORGE-16-38-7

Organization: Western Watersheds Project

Protestor: Laura Welp

Issue Excerpt Text:

The Proposed plan inadequately attempts to justify the BLM’s decision to include a northern corridor in the final plan by referencing mitigation procedures specified in OPLMA Section 1974 (h) that will be put in place to lessen the environmental impacts on critical habitat. For example, they propose that posting speed limits will be a viable way to minimize tortoise mortality from automobiles. But these are inadequate to address the habitat fragmentation, increase in exotic species, and increased mortality from autos that will remain after construction. In addition, these measures do nothing to mitigate the irreparable harm to other values for which the

NCA was established such as recreation, scenic vistas, solitude.

Issue Number: PP-UT-STGEORGE-16-41-1

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest [the] BLM's failure to adequately protect the outstanding biological and ecological values as identified in the OPLMA, and as required under the Endangered Species Act. The Plans failure to properly protect lands from livestock grazing degradation , new and expanded reading including a major freeway route/corridor - represent a great ecological blow to conservation of populations of desert tortoise , migratory songbirds, and a host of other values of these public lands.

Issue Number: PP-UT-STGEORGE-16-41-18

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

RMP route measures do NOT adequately protect wildlife, wild life corridors and water quality. In route selection, according to [the] BLM's OHV regulations all roads and trails must be located to minimize:

- i. Damage to soil , watershed , vegetation and air;
- ii. Harassment of wildlife or significant disruption of their habitat; and
- iii. Conflicts between off-road vehicle use and other existing or proposed recreation uses of.

Summary:

The Proposed Resource Management Plans (PRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS) violates the Omnibus Public Land Management Act (OPLMA) of 2009 (PL 111-11) because:

- it contradicts the law's establishment of utility development corridors and protocols, particularly with regard to water utilities;
- it fails to provide a Northern Transportation Route;
- it does not address the enhancement of the Congressionally-designated High Desert ATV trail on the west side of Washington County but instead proposes a change from open to limited for Off-Highway Vehicle (OHV) access the BLM denied cooperating agency status to the Dixie Metropolitan Planning Organization;
- it fails to identify and protect priority biological areas in the St George Field Office;
- it fails to identify and protect the Bull Valley Mountains Multi-Species Management Area and it disregards the intent and provisions of OPLMA by failing to consider the area a priority biological conservation area;
- it precludes the application of Utility Development Protocols (UDPs);
- it incorrectly applies mitigation procedures specified in OPLMA as a mechanism to lessen environmental impacts from a northern utility and transportation corridor on critical habitat. For example, speed limits will not address impacts to desert tortoise from habitat fragmentation, exotic species, and mortality from automobiles after construction;
- it allows voluntary relinquishment of permits;

- it fails to allow continued grazing within the Beaver Wash Dam NCA; and
- it prohibits the management of more public lands within Washington County as wilderness, yet the designation of SRMA “primitive zones” outside of congressionally designated wilderness areas, will have the same result.

Response:

The National Conservation Lands in the Red Cliffs and Beaver Dam Wash NCAs were designated by the Omnibus Public Land Management Act of 2009 (“OPLMA”), Public Law 111-11, Section 2002(b)(2)(D) (16 U.S.C. 7202). The OPLMA establishes the National Conservation Lands, and states that: “[t]he system shall include each of the following areas administered by the Bureau of Land Management: (E) any additional area designated by Congress for inclusion in the system”. OPLMA Section 2002(c) states that “[t]he Secretary shall manage the system— (1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and (2) in a manner that protects the values for which the components of the system were designated.”

Department of the Interior Secretarial Order 3308, “Management of the National Landscape Conservation System” (November 15, 2010), provides additional direction to the BLM regarding management of the National Conservation Lands. It directs the BLM to ensure that components of the National Conservation Lands are managed to protect the values for which they were designated. Appropriate multiple uses may be allowed, but the BLM should limit or prohibit uses that are in conflict with the purposes for which the units were designated.

Land Use Plans for NCAs must analyze and consider measures to ensure that objects and values are conserved, protected, and restored (BLM Manual Section 6220.1.6.G.4). Through the land use planning process, the BLM identifies specific and measurable goals and objectives for each object and value (BLM Manual Section 6220.1.6.G.4.a).

Section 1974 (d) (1) of OPLMA directs the Secretary, through the BLM, to develop a comprehensive (resource) management plan for the Red Cliffs NCA to achieve the following Congressionally-defined purposes: “To conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and To protect each species that is located in the National Conservation Area; and listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under... the Endangered Species Act of 1973. (OPLMA Section 1974 (a)) Land use planning goals, objectives, and management decisions approved in the RMP for the Red Cliffs NCA must be consistent with the purposes, authorized uses, and other direction in OPLMA. OPLMA also emphasizes conservation, protection, enhancement, and restoration of public land values as the designation purposes for the NCA. Regarding authorized uses, the OPLMA Section 1974 (e) (2) specifies that “the Secretary shall only allow uses of the National Conservation Areas that the Secretary determines would further the purpose” for which the NCA was designated.

Utility development corridors and protocols (UDPs) and Mitigation:

Specific Congressional direction relating to development of utilities in Red Cliffs NCA was included in OPLMA Section 1974 (h). This section states that: ‘Nothing in this section prohibits authorization of the development of utilities within the [Red Cliffs] National Conservation Area if the development is carried out in accordance with—(1) each utility development protocol described in the habitat conservation plan; and (2) any other applicable law (including regulations)’.

“The utility development protocol referenced above identifies mitigation measures to lessen the environmental impacts on critical habitat and populations of Mojave Desert tortoise that can occur during the construction and maintenance of power transmission lines or water conveyance pipelines and access roads needed to service these utilities. This protocol, however, does not address the mitigation of development impacts on the many other resource values that Congress identified for conservation, protection, and enhancement in the NCAs, through OPLMA. No Congressional direction regarding utility development was provided for Beaver Dam Wash NCA in OPLMA” (PRMPs/PPA/FEIS, Chapter 1, Section 1.6.1.7, p. 32).

The following quote from OPLMA was added to the Management Actions of the Red Cliffs NCA Proposed RMP “(h) EFFECT.—Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—(1) each utility development protocol described in the habitat conservation plan; and (2) any other applicable law (including regulations)” (OPLMA Section 1974 (h)) (PRMPs/PPA/FEIS, Appendix J, p. 353). In addition, “In the DEIS, the BLM analyzed a reasonable range of alternatives consistent with CEQ regulations (40 CFR 1502.1) to address ROW corridors, avoidance, and exclusion areas in the Red Cliffs NCA. The range of alternatives was developed using input from the public, other Federal and State agencies, Tribes, the Cooperating Agencies, and other local governmental entities” (PRMPs/PPA/FEIS, Appendix J, p. 354).

The BLM also used the guidance from BLM Manual 6220 – “National Monuments, National Conservation Areas, and Similar Designations”, which addresses specific land use allocations, such as rights-of-way (ROWs), designated transportation and utility corridors, and discretionary uses proposed for NCAs, NMs and similar designations. Through land use planning, this Manual directs that, to the extent possible, the BLM should avoid granting new ROWs in these units and should evaluate the relocation of existing ROWs that are not consistent with the purposes of designation. It also directs that (subject to applicable law), through land use planning and project-specific decisions, BLM should designate NCAs and NMs as ROW Exclusion or Avoidance areas. This decision does not authorize any rights of way. And, future applications are subject to review, including appropriate NEPA, and the BLM will comply with applicable authorities.

Northern Transportation Route

OPLMA at Section 1977 (b) (2) directed that “In developing the travel management plan, the Secretary shall - (A) in consultation with appropriate Federal agencies, State, tribal, and local governmental entities (including the County and St. George City, Utah), and the public, identify 1 or more alternatives for a northern transportation route in the County.”

“Section 1974 of OPLMA does not refer to or direct identification of the northern transportation route in the NCA or as part of the Red Cliffs RMP effort. The Draft RMP is not the Travel Management Plan (TMP) that is identified in OPLMA at Section 1977 [b] [2]. The plain reading of the statute, and the legislative history makes clear that the law does not *direct* the BLM to establish a northern transportation route within the NCA, particularly if such a route is determined to be in conflict with the purposes for which the NCA was established” (PRMPs/PPA/FEIS, Appendix J, Response 407, pp. 530-534).

The Washington County Comprehensive Travel and Transportation Management Plan (TMP) has not yet been completed or released for public review. Following final approval of the NCA RMPs and the Amendment to the St. George Field Office RMP, the BLM will complete a draft of the TMP and a supporting Environmental Assessment (EA), in cooperation with the State of Utah and Washington County, and with full public participation and review. In addition to addressing OHV use and the High Desert OHV Trail in the TMP, BLM will identify one or more existing routes on public lands in the County as potential alternatives for the northern transportation route. A right-of-way could be granted by BLM to improve or enlarge any of these existing roads to highway standards, as the roads that BLM would identify in the TMP would not be in areas of public land that are managed as avoidance or exclusion areas for new rights-of-way” (PRMPs/PPA/FEIS, Appendix J, Response 407, Question 6, p. 533).

Additional information about this issue is in the following locations of the PRMP/PPA/FEIS:

- PRMPs/PPA/FEIS, pp. 32-34, Planning Issues “*Should a “northern transportation route” be designated through an NCA?*”
- PRMPs/PPA/FEIS, Section 2.9.29, Comprehensive Travel and Transportation Management, p. 144; and
- PRMPs/PPA/FEIS, Section 3.4, “*OPLMA-Mandated Consultations Concerning the Northern Transportation Route*”, pp. 161-164.

High Desert All-Terrain Vehicle (ATV) Trail:

The large area in western Washington County commonly referred to as the Goldstrike area does not meet the criteria for an open ride ATV or Off-Highway Vehicle (OHV) area (PRMPs/PPA/FEIS, Response to Comments, p. 296). By changing the area designation to limited to designated routes, the BLM is complying with OHV Travel and Transportation management guidance. Existing routes will continue to be available for travel and access in the Travel Management Plan (TMP). Different options and routes for the High Desert ATV trail will be evaluated and addressed in the TMP.

Cooperating Agency Status:

In Chapter 3 of the PRMPs/PPA/FEIS the BLM addresses the cooperating agency process and relationship. This chapter states that, “Other federal agencies, state and local governments, and federally-recognized Indian tribes are invited to participate as Cooperating Agencies during the drafting or revision of RMPs (43 CFR 1610.3-1 (b)). These entities were invited to participate because they have jurisdiction by law or can offer specialized expertise on matters pertinent to the planning process. Cooperating Agency status provides a formal framework for these governmental units to engage in active collaboration with BLM during the planning process.

Cooperating Agencies may assist with issue identification, data collection, the formulation of alternatives, and the analysis of the environmental consequences associated with implementing the alternatives” (PRMPs/PPA/FEIS, Chapter 3, Section 3.2).

As addressed in Appendix J of the PRMPs/PPA/FEIS, “When this planning effort was initiated in 2010, it was not common practice for the BLM to extend Cooperating Agency status for Resource Management Plans to municipalities. At that time, Cooperating Agency status was offered only to eligible Federal agencies, federally-recognized Indian Tribes, states, and local county governments within and adjacent to the planning area, pursuant to Federal regulations at 43 CFR 1610.3. Local counties were recognized as having socio-economic expertise that could inform BLM’s land use planning process, on behalf of the municipalities within that county. For the development of the RMPs for the two NCAs and the Amendment to the St. George RMP, Cooperating Agency status was, therefore, extended to the following counties: Washington County, Utah; Mojave County, Arizona, and Lincoln County, Nevada, and the State of Utah, as well as to the Tribes listed in Chapter 5 of the DEIS. Washington County, Mojave County, and the State of Utah accepted the invitation to be Cooperating Agencies for this planning process and signed Memoranda of Understanding with the BLM that memorialized their roles and responsibilities” (PRMPs/PPA/FEIS, Appendix J, Response 126, p. 394).

The BLM hosted meetings on March 30, 2011 and again on April 26, 2011, facilitated by the Washington County Commissioners, attended by various entities, which included the Dixie Metropolitan Planning Organization (DMPO) to discuss their preferred alignment and understand their position on a new road that could be considered for future authorizations for a northern transportation route. The DMPO provided the BLM with two studies to consider as part of the process. The stated need for this proposed multi-lane road (previously labeled the Northern Corridor, Great Northern Corridor, and, most recently, the Washington Parkway in local transportation plans) would be to reduce projected traffic pressure on existing roads in the greater St. George metropolitan area. In combination with other traffic-reducing measures, the “northern transportation route” would afford measurable traffic congestion relief, based on projections of travel demand in 2040 (Horrocks Engineers, 2011). The Washington County Commissioners requested that the BLM evaluate several route alignments for a “northern transportation route” multi-lane highway through the Red Cliffs NCA. Each of the alternative alignments crossed the NCA, although one would primarily be located on lands managed by the U. S. Forest Service, Pine Valley Ranger District of the Dixie National Forest. Consistent with OPLMA Section 1977 (b) 2 (A), and acknowledging Washington County’s role as a Cooperating Agency, the BLM proposed in one management alternative in the Draft RMP to designate a new utility and transportation corridor through the Red Cliffs NCA that could accommodate any of the route alignments submitted by Washington County and the DMPO. The supporting Draft EIS evaluated the potential environmental consequences of selecting this alternative on the resource values of the NCA (PRMPs/PPA/FEIS, Chapter 3, Section 3.4, pp. 163-164).

The BLM used the input from the public, other Federal and State agencies, Tribes, the Cooperating Agencies, and other local governmental entities in the development of the range of alternatives considered in the DRMPs/PA/DEIS. Since the issuance of the DEIS, the BLM has held several meetings with the Cooperating Agencies to resolve issues and concerns raised during the public comment period. All comments received during the scoping and public

comment periods have been considered in the BLM’s decision-making process for this planning effort.

Identification and Protection of Priority Biological Areas and the Bull Valley Mountains Multi-Species Management Area:

Section 1979 (a) (1) and (2) of OPLMA, directs the Secretary, through BLM, to “identify areas located in the County where biological conservation is a priority; and undertake activities to conserve and restore plant and animal species and natural communities within such areas” (PRMPs/PPA/FEIS, Executive Summary, p. vii).

The BLM identified ACECs in order to protect areas where biological conservation is a priority. The BLM could also amend the St. George RMP to further achieve biological conservation objectives for those areas where biological resources are in need of protection, but do not meet one or more of the criteria for both relevance and importance required for ACEC designation (PRMPs/PPA/FEIS, Executive Summary, p. viii).

The BLM complied with Section 1979 of OPLMA by considering new ACECs and the Bull Valley Mountains Multi-Species Management Area. Additionally, Tables 2-70 and 2-71 of the DRMPs/PA/DEIS provide details regarding the BLM’s review of the management of potential ACECs. In the DEIS, the BLM considered and analyzed a range of alternatives to manage the Bull Valley Mountains Multi-Species Management Area as a priority biological conservation area, as mandated by OPLMA at section 1979. Following a review of the public comments on the DEIS, further coordination with Cooperating Agencies, and further review of the potential threats to the biological values, the BLM determined that no new goals, objectives, or management actions would be needed to protect migration corridors for mule deer, predators, and other wildlife on the public lands in this area (PRMPs/PPA/FEIS, Chapter 2, Section 2.7, p. 49).

Grazing in the Beaver Dam Wash NCA:

“Livestock grazing on BLM lands in Utah is guided by the Taylor Grazing Act, FLPMA, the Public Rangelands Improvement Act, the grazing regulations codified in 43 CFR part 4100, Utah Standards for Rangeland Health and Guidelines for Grazing Management (Appendix D of the DEIS), and in the case of the Beaver Dam Wash NCA OPLMA section 1975 (e) (4) which states that; ‘GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—(A) subject to—(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and (ii) applicable law (including regulations); and (B) in a manner consistent with the purpose described in subsection (a)’.

“Subsection (a) states that; ‘PURPOSE: The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash National Conservation Area’.” OPLMA specifically provides for continued livestock grazing, in accordance with applicable laws and regulations and in a manner that is consistent with the conservation purpose for which Congress designated the NCA.

In the DEIS, the BLM analyzed a reasonable range of alternatives consistent with CEQ regulations (40 CFR 1502.1) to address livestock grazing in the Beaver Dam Wash NCA. The PRMP is consistent with OPLMA's direction regarding the continuation of livestock grazing in the NCA. Livestock grazing will continue to be authorized through federal grazing permits and managed in compliance with Allotment Management Plans. Land health assessments will continue to be conducted on a regular basis to ensure that Utah Standards and Guides are being met and that livestock grazing is conducted in a manner that is consistent with the purpose of the NCA. "Grazing permit renewals will be subject to a NEPA process that includes public involvement" (PRMPs/PPA/FEIS, Appendix J, Response 97, p. 371).

Voluntary Relinquishment

The BLM has updated language in regards to voluntary relinquishment, which states: "When a grazing permit or a portion of the grazing preference is voluntarily relinquished, the allotment or portion of the allotment associated with the permits within the Beaver Dam Wash NCA would remain available. However, upon relinquishment, the BLM may determine through a site-specific evaluation and associated NEPA analysis that the public lands within a grazing allotment are better used for other purposes" (PRMPs/PPA/FEIS, Section 2.8.9, p. 63).

As discussed in the Response to Comments, Appendix J, in the PRMPs/PPA/FEIS, "The relinquishment language has been modified in the Beaver Dam Wash NCA PRMP to the following: *'When a grazing permit or a portion of the grazing preference is voluntarily relinquished the allot-ment or portion of the allotment associated with the permits within the NCA would remain available. However, upon relinquishment, the BLM may determine through a site-specific evaluation and associated NEPA analysis that the public lands within a grazing allotment are better used for other purposes'*" (PRMPs/PPA/FEIS, Appendix J, Response 100, p. 384).

Primitive Zones

Section 1975 (a) of OPLMA directs the Secretary to develop a comprehensive management plan for the Beaver Dam Wash NCA to achieve the following Congressionally-defined purposes: "To conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the NCA." OPLMA specifically restricts allowable uses by withdrawing the public lands of this NCA, subject to valid existing rights, from:

"...all forms of entry, appropriation, and disposal under the public land laws; location, entry, and patenting under the mining laws; and operation of the mineral leasing, mineral materials, and geothermal leasing laws."

These Congressional actions, combined with the existing critical habitat inside the NCA for the desert tortoise provide over-arching protection for recreation settings in the Beaver Dam Wash SRMA. It restricts all recreation activities outside the Rural Zone to non-motorized modes of travel.

The BLM is required to maintain an inventory of lands with wilderness characteristics; however it is not required to manage lands identified as having wilderness characteristics to protect their wilderness character (BLM Manual 6320). Managing for the protection of those characteristics

is a planning decision, and the BLM determined not to specifically manage to protect the wilderness character of any identified lands inside the Red Cliffs and Beaver Dam Wash NCAs because adequate protections are already in place through congressional designations and other compatible planning decisions (PRMPs/PPA/FEIS, Appendix J, Responses 73 and 74, paraphrased, p. 365).

Those areas that fall within the Primitive Zone have always been road less and by enacting OPLMA and creating the ‘designated road areas’ Congress has clearly said that these areas will remain road less. The only exception is the 12 roads identified in OPLMA that must remain open. The Primitive Zone only exists within the designated road areas, which means that the only allowable expansions of recreation opportunities in these areas are non-motorized. This plan expands those opportunities. Saying that non-wilderness lands are being managed as wilderness is not accurate. These areas are being managed consistent with Congressional direction.

“In addition, creating an SRMA expands the recreation opportunities in the NCA and allows the BLM to leverage funding for the development of those opportunities. The Recreation Management Zones (RMZ) show where those developments would occur and how they would be managed. This plan expands those opportunities. An SRMA designation opens up opportunities for recreation expansion. The ERMA does not (PRMPs/PPA/FEIS, Appendix J, Response 171, p. 415).

“Alternative D has no Primitive Zone, Alternative B has a smaller Primitive Zone, and Alternative C has the largest Primitive Zone. This matches other proposed management decisions in Alternatives B-D. Visitation to the NCA has climbed every year since designation and the BLM intends to expand recreation opportunities to meet that demand. Structured recreation opportunities would allow visitors to enjoy the NCA while providing protection to the landscape” (PRMPs/PPA/FEIS, Appendix J, Response 181, p. 418). Please see the description of the Primitive Zone for the Beaver Dam Wash NCA in the PRMPs/PPA/FEIS, Table 2-3, p. 90.

The areas the inventory identified as having wilderness characteristics have been road less for years. By enacting OPLMA and creating the “designated road areas’, Congress has clearly stated that these areas will remain road-less, with the exception of twelve (12) roads that they stated are to remain open. This means that the only allowable expansion of recreational opportunities in the Backcountry and Primitive Zones are non-motorized. This plan expands those opportunities and does this in a way that protects the Beaver Dam Wash NCA the way Congress intended (PRMPs/PPA/FEIS, Appendix J, Response 182 paraphrased, p. 419).

OPLMA states that the purpose of the Beaver Dam Wash NCA is: “to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area.” The statute clearly recognized recreation as one of the values of the NCA. The Primitive RMZ offers remote, adventurous, and sustainable non-motorized opportunities, while conserving and protecting other resource values of the NCA. Because of the overlap of critical tortoise habitat and a diverse set of increasingly popular recreational activities, Special Recreation Management Area (SRMA) status is proposed in all action alternatives (PRMPs/PPA/FEIS, Appendix H, pp. 311-314).

The PRMPs/PPA/FEIS does not violate the Omnibus Public Land Management Act (OPLMA) of 2009 (PL 111-11) because it adequately and fully protects the values and objects identified for the Red Cliffs and Beaver Dam Wash NCAs in the various ways as outlined above.

Special Status Species

Issue Number: PP-UT-STGEORGE-16-38-9

Organization: Western Watersheds Project

Protestor: Laura Welp

Issue Excerpt Text:

The PRMP/FEIS is contrary to the Revised Recovery Plan for the Mojave Population of the Desert Tortoise (*Gopherus agassizii*) Recovery Plan 24, which says that recovery of the desert tortoise requires high survivorship of adult desert tortoises, maintenance of genetic variability, and sufficient ecological heterogeneity within and among populations to allow tortoises to adapt to changes in the environment over time. Long-term persistence of extensive, unfragmented habitats is essential for the survival of the species (emphasis mine). The loss or degradation of these habitats to urbanization, habitat conversion from frequent wildfire, or other landscape-modifying activities place the desert tortoise at increased risk of extirpation.”

Issue Number: PP-UT-STGEORGE-16-41-12

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest BLM authorizing continued livestock grazing in the BLM Beaver Dam Wash NCA, where such grazing has well-documented adverse impacts on the ESA listed tortoises, is contrary to the tortoise recovery plan, and where much of this NCA has already suffered severe habitat losses through large cheat/brome grass fires.

Issue Number: PP-UT-STGEORGE-16-41-13

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

This also violates The ESA as it jeopardized the survival of desert tortoise.

Issue Number: PP-UT-STGEORGE-16-41-3

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest that BLM failed to adopt Alternative C with increased environmental protections, or alternative suggestions and mitigation actions that WLD provided. Instead, the RMP is a very large step backwards from the Draft. It lessens protections or for native biota and biodiversity.

Issue Number: PP-UT-STGEORGE-16-41-5

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the failure of BLM to adopt a proposed alternative and RMP direction and requirements to sufficiently: Conserve the Mojave desert tortoise, which is listed as a threatened species under the Endangered Species Act (ESA), and to conserve other sensitive and imperiled animal and plant species and migratory birds.

Issue Number: PP-UT-STGEORGE-16-41-6

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

The FEIS fails to carefully assess the magnitude and severity of threats to desert tortoises, and many other sensitive and rare species, including in the case of unlisted species, and a lack of regulatory mechanisms in

the FEIS to control extractive and commodity land uses.

Summary:

The Proposed Resource Management Plans (PRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS) violates the Endangered Species Act (ESA) because:

- the BLM fails to adopt an alternative that sufficiently conserves the Mojave desert tortoise, a federal-listed threatened species, as well as other sensitive species. In particular, the BLM should not have allowed livestock grazing in the Beaver Dam Wash NCA;
- it is contrary to the Revised Recovery Plan for the Mojave Population of Desert Tortoise Recovery Plan 24; and
- it fails to include sufficient regulatory mechanisms to control extractive and commodity land uses.

Response:

Section 7(a)(2) of the ESA requires Federal agencies to ensure that their proposed actions will not be “likely to jeopardize the continued existence of any [listed] species or result in the destruction or adverse modification of the critical habitat of such species” (16 USC 1336(a)(2)).

Livestock grazing on BLM lands in Utah is guided by the Taylor Grazing Act, Federal Land Policy Management Act (FLPMA), the Public Rangelands Improvement Act, the grazing regulations codified in 43 CFR part 4100, Utah Standards for Rangeland Health and Guidelines for Grazing Management (Appendix D of the DRMPs/PA/DEIS), and in the case of the Beaver Dam Wash NCA, OPLMA section 1975 (e) (4) which states that; “GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—(A) subject to—(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and (ii) applicable law (including regulations); and (B) in a manner consistent with the purpose described in subsection (a).”

Subsection (a) states that; “PURPOSE: The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash National Conservation Area.” OPLMA specifically provides for continued livestock grazing, in accordance with applicable laws and regulations and in a manner that is consistent with the conservation purpose for which Congress designated the NCA. In the Beaver Dam Wash NCA DEIS, the BLM analyzed a reasonable range of alternatives consistent with Council on Environmental Quality (CEQ) regulations (40 CFR 1502.1) to address livestock grazing in the Beaver Dam Wash NCA. The Beaver Dam Wash NCA PRMP/FEIS has been developed to comply with OPLMA’s mandates regarding the continuation of livestock grazing in the NCA.

Livestock grazing will continue to be authorized through federal grazing permits and managed in compliance with Allotment Management Plans. Land health assessments will continue to be

conducted on a regular basis to ensure that Utah Standards and Guides are being met and that livestock grazing is conducted in a manner that is consistent with the purpose of the NCA. Grazing permit renewals will be subject to additional decision making, including compliance with NEPA and its public involvement requirements.

The four grazing allotments include multiple monitoring plots, where vegetative frequency and cover data are collected on an annual basis to evaluate long term trends of the vegetation communities. This data is made available to the public through NEPA analyses for grazing permit renewals as well as in the “Affected Environment” Section of the Beaver Dam Wash NCA DRMP/DEIS (pp. 383-387). In the NCAs, the Allotment Management Plans identified key species for monitoring that are beneficial for desert tortoise as well as those that are primary forage for cattle. Section 7 consultations would be conducted regularly on grazing permit renewals and other actions that may affect tortoise populations and habitat. Through additional decision making, including the Section 7 consultation process for these decisions, the BLM will determine whether changes in management are warranted.

Livestock grazing all four allotments is, and will continue to be, managed consistent with the terms and conditions of the Biological Opinion (BO) received from the U.S. Fish and Wildlife Service (Service), which limits the season of use for livestock in tortoise critical habitat to the period between October 15 and March 15, when tortoises are in burrows for the winter and generally inactive. Cattle are removed from the allotments in the spring, when tortoise become active. This season of use eliminates competition between cattle and tortoise for new spring growth on plants that provide important nutritional support for tortoise as they begin mating and reproduction. The utilization in the allotments is monitored at the end of every grazing season and has never exceeded the rates on key species that were recommended by the Service. The BLM developed the Beaver Dam Wash NCA PRMP/FEIS in consideration of special status species including the threatened Mojave Desert Tortoise. For example, Appendix E, Table E-2 in the PRMP/FEIS states: “Implement the goals, objectives, and management recommendations identified in the Revised Recovery Plan for the Mojave Desert Tortoise (USFWS 2011) or future revisions, as well as the terms and conditions in the BO for the Beaver Dam Wash NCA PRMP/FEIS, to assist recovery and delisting of the desert tortoise. Evaluate the effectiveness of management actions through monitoring and scientific research studies.”

In the Beaver Dam Wash NCA, tortoise monitoring and research studies began in the 1930s and have continued until the present day, making it one of the longest, continuously studied species in the Western hemisphere. (Please see additional details in the Beaver Dam Wash NCA DRMP/DEIS, pp. 392-401.) Since 2001, the Service has conducted annual tortoise population monitoring studies on public lands in the NCA to determine trends in tortoise populations. Changes in field methodologies in 2008 have increased the reliability of these studies and recent data by the Service in 2011 and 2012) appear to show slight increases in tortoise populations in the Beaver Dam Slope Subunit, which covers Utah, Nevada, and Arizona. The Service is proposing to continue these monitoring studies, so data on tortoise population trends will continue to be collected and used to evaluate progress made to achieve the recovery goals identified in the 2011 Revised Recovery Plan.

The BLM is initiating tortoise monitoring studies in the Beaver Dam Wash NCA to track movement and identify home ranges. In a partnership with the University of Nevada at Las Vegas, the BLM and the university will study and restore an area on the Woodbury Hardy Desert Study Area of the NCA. A major planting project of more than 5,000 nursery grown mature containerized plants of 7 native species are currently being planted in this research plot under variable planting and water strategies. The effectiveness of the planting and water strategies on tortoise populations and their habitats will be monitored and evaluated.

ESA Consultation

As described in Chapter 3, Section 3.3 of the PRMPs/PPA/FEIS, data sharing and other coordination activities have also been ongoing with the Service and Utah Division of Wildlife Resources (UDWR) to assist in issue identification and the development of a range of management alternatives for a broad array of wildlife species. Additionally, the BLM is consulting with the Service under Section 7 of the ESA, and has completed a Biological Assessment (BA) for the decisions in the PRMPs/PPA/FEIS. The BA will serve as the basis for the Biological Opinions (BOs) that will be issued by the Service for the PRMPs/PPA/FEIS.

The BLM has developed the PRMPs/PPA/FEIS in full compliance with the ESA.

Water and Water Rights

Issue Number: PP-UT-STGEORGE-16-28-1

Organization: Washington County Water Conservancy District

Protestor: Jodi Borgeson

Issue Excerpt Text:

This adversely affects WCWCD's ability to develop, manage, and stabilize water supplies for the citizens of Washington County, and the critical role the BLM and public lands serve in WCWCD's efforts to provide a safe and sustainable water supply.

Issue Number: PP-UT-STGEORGE-16-28-10

Organization: Washington County Water Conservancy District

Protestor: Jodi Borgeson

Issue Excerpt Text:

The RMP should eliminate efforts to acquire water rights and replace with goals to work with local governments to allow temporary uses of water, if possible, to meet BLM needs. If water is needed for campgrounds, visitor facilities, or administrative uses, BLM should work with municipal suppliers to obtain consumptive use contracts for the supply of water. Seeking water rights is unnecessary to meet such needs. In addition, the RMP still fails to acknowledge that the Utah State Engineer has closed these areas to new appropriations, so that the only way BLM can acquire or use water rights would place it into direct competition for use of existing water resources.

Issue Number: PP-UT-STGEORGE-16-28-15

Organization: Washington County Water Conservancy District

Protestor: Jodi Borgeson

Issue Excerpt Text:

On its own, the RMP does not adequately address access across BLM-managed lands to state-owned waters as required by agency guidance. Without the concurrent issuance of the TMP, it is impossible for WCWCD or BLM to adequately assess the impact on access to water resources.

Issue Number: PP-UT-STGEORGE-16-28-17

Organization: Washington County Water Conservancy District

Protestor: Jodi Borgeson

Issue Excerpt Text:

Failure to follow the OPLMA mandate in the RMP violates OPLMA and could preclude WCWCD from locating water transmissions facilities along a proposed route.

Issue Number: PP-UT-STGEORGE-16-28-9

Organization: Washington County Water Conservancy District

Protestor: Jodi Borgeson

Issue Excerpt Text:

The language contradicting OPLMA and the omissions in the RMP could exclude site-type ROWs which could be interpreted to prohibit water tanks, settling basins and other ancillary facilities that are necessary to develop, manage, and stabilize water supplies for the citizens of Washington County.

Issue Number: PP-UT-STGEORGE-16-30-3

Organization: City of St. George

Protestor: Jonathan Pike

Issue Excerpt Text:

The BLM still has not analyzed the impacts of placing itself in competition for scarce water resources that would, in the normal course of events, convert to municipal use over time rather than being taken over by the BLM.

Issue Number: PP-UT-STGEORGE-16-34-1

Organization: Individual

Protestor: Slade Hughes

Issue Excerpt Text:

The RMP still fails to acknowledge that the Utah State engineer has closed areas to new appropriations, so that the only way BLM can acquire or use water rights would place it into direct competition for use of existing water resources. The BLM still has not analyzed the impact of placing itself in competition for surface water resources that would, in the normal course of things, convert to municipal use over time rather than being taken over by the BLM.

Issue Number: PP-UT-STGEORGE-16-35-1

Organization: Veyo Culinary Water Association

Protestor: Slade Hughes

Summary:

The Proposed Resource Management Plans (PRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS) is inadequate because:

- it fails to acknowledge that the Utah State Engineer has closed certain areas to new appropriations;
- it does not address access to state-owned waters; and
- it precludes the location of water facilities

Response:

The BLM's water policy is to acquire and perfect Federal reserved water rights necessary to carry out public land management purposes. If a Federal reserved water right is not available, then the BLM will acquire and perfect water rights through state law (BLM Water Rights Manual 7250, Section 1.2.A). The BLM has no specific regulatory authority related to use of water or enforcement of water quality laws and does not have the jurisdiction to specifically

Issue Excerpt Text:

The RMP still fails to acknowledge that the Utah State engineer has closed areas to new appropriations, so that the only way BLM can acquire or use water rights would place it into direct competition for use of existing water resources. The BLM still has not analyzed the impact of placing itself in competition for surface water resources that would, in the normal course of things, convert to municipal use over time rather than being taken over by the BLM.

Issue Number: PP-UT-STGEORGE-16-38-4

Organization: Western Watersheds Project

Protestor: Laura Welp

Issue Excerpt Text:

The PRMP/FEIS changed the riparian buffer from 500 feet to 300 feet to comply with Utah BLM standards, but the appropriate standards are those of a Natural Conservation Area in the National Landscape Conservation System, not a field office.

address access to state-owned waters.

The potential proposals considered in the Alternatives in the PRMPs/PPA/FEIS would require the use of water on public land. It does not preclude the location of water facilities in the planning area. The specific details on methodology would be considered on a case-by-case basis, and any new water development would be consistent with the PRMPs/PPA/FEIS, BLM policy, and Utah State water law (PRMPs/PPA/FEIS, Appendix J, p. 457). In addition, the BLM completed a detailed analysis of water resources, which is discussed in the DRMPs/PA/DEIS on pp. 605-613 and 743-750).

Additionally, the BLM removed the following language from the DRMPs/PA/DEIS:

“Pursue acquisition of surface and groundwater rights from willing sellers to benefit the conservation and protection of wildlife and improve aquatic habitats and riparian resources. Do not authorize land uses that would export water from the NCA. Work through the State of Utah’s water rights system to ensure that BLM obtains water rights on all inventoried point water sources (springs, seeps, wells, reservoirs, etc.) for authorized beneficial uses of water within the NCA, including wildlife, recreation, domestic use within visitor facilities, and the improvement of aquatic habitats and riparian resources”

And has replaced it with:

“Pursue acquisition of surface and/or groundwater rights from willing sellers for use in campgrounds, visitor facilities, and for other administrative uses, where consistent with Utah State law” (PRMPs/PPA/FEIS, Chapter 2, Section 2.8.2, p. 51 and Section 2.9.2, p. 103). Other administrative uses would include, but would not be limited to, the conservation and protection of wildlife, and aquatics and riparian ecosystems.

The PRMPs/PPA/FEIS is adequate and does not violate existing water rights. The BLM would only work to acquire water rights from willing sellers, for specific purposes that benefit the uses of the planning area on a case-by-case basis, and when consistent with Utah State Law.

Administrative Procedures Act

Issue Number: PP-UT-STGEORGE-16-31-4

Organization: Public Lands Policy
Coordination Office

Protestor: Kathleen Clarke

Issue Excerpt Text:

Although an SRMA Primitive Zone may not be a wilderness area in the formal sense, the

designation of public lands as the functional equivalent of wilderness in an area where wilderness areas are legally prohibited is arbitrary and capricious and a violation of the Administrative Procedure Act. The BLM should not designate any public land in the Beaver Dam Wash NCA as an SRMA Primitive Zone.

Summary:

The Proposed Resource Management Plans (PRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS) violates the Administrative Procedures Act (APA) because it designates public land in the Beaver Dam NCA as a Special Recreation Management Area (SRMA) Primitive Zone, where it is legally prohibited, as it is already a functionally-equivalent wilderness area.

Response:

In accordance with OPLMA of 2009, Congress designated the Beaver Dam Wash NCA “to conserve, protect, and enhance...the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources” of these public lands. The BLM does not have the authority to designate new wilderness areas under the land use planning process, as wilderness must be designated by Congress (Wilderness Act of 1964).

In accordance with BLM Manual 8320, Recreation Management Zones (RMZs) may be established within designated recreation areas to further delineate specific recreation opportunities and recreation setting characteristics. Under the APA, courts set aside agency actions, findings and conclusions found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.

The Primitive Zone in the Beaver Dam Wash NCA consists of 16,271 acres. OPLMA at Section 1975(e)(3) created additional requirements with respect to the areas mapped as “designated road areas”. The mapped area retains the twelve roads that OPLMA designated as open and the remainder would remain un-roaded and closed to motorized vehicle use. The Primitive Zone exists only within the designated road areas, which means that only allowable expansions of recreation opportunities in these areas are non-motorized.

The majority of the Primitive Zone is also designated as critical habitat for the Mojave desert tortoise (as depicted in the Beaver Dam Wash NCA DRMP/DEIS SRMA in Map 2-13 and the DRMP/DEIS Designated Critical Habitat in Map 3-13). The management restrictions on where and what types of recreation can occur in this zone provides protection to the habitat and local population in this recovery unit. Additionally, creating a SRMA would expand the recreation

opportunities in the NCA and would also allow the BLM to leverage funding for the development of these opportunities.

The BLM developed the proposed RMZ areas, including the Primitive Zone, within the Beaver Dam Wash NCA both in accordance with OPLMA and FLPMA through the resource management planning process, with full and open public involvement. Therefore the BLM is not in violation of the APA.

Lands and Realty

Issue Number: PP-UT-STGEORGE-16-26-9

Organization: Dixie Metropolitan Planning Organization

Protestor: Chris Hart

Issue Excerpt Text:

[T]he provisions of the Lands and Realty Management Actions provide such unreasonable standards that it would not be possible to implement a project that would meet the specified conditions. Consequently, it would never be feasible to implement a Northern Transportation Route, violating the Red Cliffs NCA enabling legislation and one of the stated purposes of the RMP (Public Law 111-11 Section 1977).

Issue Number: PP-UT-STGEORGE-16-28-6

Organization: Washington County Water Conservancy District

Protestor: Jodi Borgeson

Issue Excerpt Text:

[T]he RMP fails to clarify that water demand, as determined by the local governmental entity in charge of providing water, is a sufficient basis for “essential community needs” for water utility development in ROW avoidance areas. The RMP also fails to clarify and justify the scope of any special stipulations that might be required for development of water facilities, beyond compliance with the UDPs and other generally applicable policies and guidance, within a ROW avoidance area.

Issue Number: PP-UT-STGEORGE-16-28-7

Organization: Washington County Water Conservancy District

Protestor: Jodi Borgeson

Issue Excerpt Text:

This language ignores the utility development protocols which specifically designate the area in question as an avoidance area rather than an exclusion area.

Issue Number: PP-UT-STGEORGE-16-28-8

Organization: Washington County Water Conservancy District

Protestor: Jodi Borgeson

Issue Excerpt Text:

[T]he RMP fails to clarify that utility development may occur in accordance with the UDPs, taking into account site-specific values, and that such development would be compatible with the purposes of the Red Cliffs NCA.

Issue Number: PP-UT-STGEORGE-16-30-6

Organization: Washington County Water Conservancy District

Protestor: Jodi Borgeson

Issue Excerpt Text:

The OPLMA expressly provided for the siting and routing of utility ROWs within the NCA. The OPLMA and HCA never contemplated granting the BLM the unfettered authority over the UDP--essentially granting itself unilateral authority to preclude utility corridors in the NCA--that it is now seeking under the Proposed RMP.

Issue Number: PP-UT-STGEORGE-16-33-2

Organization: Individual

Protestor: Kirk Willey

Issue Excerpt Text:

Since the Red Cliff’s National Conservancy Area is in a highly populated area, it is unreasonable and completely unworkable for

the BLM to take the position that no new ROWs will ever be considered.

Issue Number: PP-UT-STGEORGE-16-38-8
Organization: Western Watersheds Project
Protestor: Laura Welp

Issue Number: PP-UT-STGEORGE-16-37-2
Organization: Washington City
Protestor: Jeffrey Starkey

Issue Excerpt Text:

The Proposed RMP has been revised to make provisions for the consideration of new ROWs within Avoidance Areas; however, the provisions of the Lands and Realty Management Actions provide such unreasonable standards that it would not be possible to implement a project that would meet the specified conditions.

Issue Excerpt Text:

Through land use planning, this Manual directs that, to the extent possible, BLM should avoid granting new ROWs in these units (emphasis mine). It also directs that BLM should designate NCAs and NMs as ROWs Exclusion or Avoidance areas. New transportation or utility corridors should not be designated in RMPs developed for these units if the corridors would be incompatible with the designating authority or the purposes for which the unit was designated.

Summary:

The Proposed Resource Management Plans (PRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS) violates law because:

- it fails to provide a Northern Transportation Route; and
- it includes unreasonable management actions, which preclude ROW designations.

Response:

The BLM's lands and realty actions addressed in the Proposed Resource Management Plans (PRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS), are implemented to support various resource management goals, such as land acquisitions to protect critical habitat. They also provide a framework for the future authorization of public uses, such as ROWs. The impacts are not discussed in relation to the realty program itself, but instead to the outcomes of the program, including land tenure (ownership) changes and the opportunities and constraints on those seeking land use authorizations within the NCAs. For example, resource decisions to manage areas as Avoidance or Exclusion areas to new ROWs to protect special status species' habitats would limit opportunities for the installation of communication sites or the construction of utility transmission lines.

The PRMPs/PPA/FEIS does not violate OPLMA, as the BLM is not required in this planning effort to designate or authorize a route through the Red Cliffs NCA. Rather, in Section 1977, under the Comprehensive Travel Plan, the BLM is directed to "identify one or more alternatives for northern transportation route in the County". In the Travel Management Plan, the BLM will identify one or more alternatives for this potential new highway in the County and, as part of this effort, will evaluate Washington County's preferred conceptual alignment through the NCA.

The BLM cannot make a land use allocation or grant a ROW through a TMP, when the RMP shows the land base to be managed for Avoidance, without a plan amendment.

In the Red Cliffs NCA DRMP/DEIS, the BLM identified and analyzed a new utility and transportation corridor in Alternative D. The large proposed corridor could accommodate any of the multiple proposed conceptual alignments for the northern transportation route that were provided to the BLM by Washington County and the Dixie Metro Planning Organization, as well as new water and power utility lines that local communities had suggested would be needed in the future. In Chapter 4 of the DRMPs/PA/DEIS a thorough analysis was conducted of the resource impacts associated with development of new utilities and routes within that 6,534 proposed corridor and found them to be adverse, direct, long term and significant and not consistent with the Congressional purpose for NCA designation. This was not the BLM's preferred alternative in the Draft.

With regard to the Red Cliffs NCA PRMP/FEIS, the BLM identified a majority of the NCA as an Exclusion area for new ROWs, but identified an area that would be managed for Avoidance. The Avoidance area was configured to accommodate the County's current preferred conceptual alignment for the northern transportation route and new water and power utility lines that are projected to be needed by local communities.

The proposed plan does include terms and conditions applicable to future rights of way authorizations in the Avoidance area, but they do not completely eliminate the possibility that a new ROW could be granted. These terms and conditions were derived from the BLM 6220 Manual, "National Monuments, National Conservation Areas, and Similar Designations" (see Table 2-68).

Appendix J in the PRMPs/PPA/FEIS addresses the Northern Transportation Route. The corridor proposed in Alternative D of the DRMPs/PA/DEIS was only presented in the County's status as a Cooperating Agency and to satisfy the consultation language requirement of OPLMA, Section 1977. It clearly did not meet the Congressional purpose for NCA designation. The BLM developed the PRMPs/PPA/FEIS to fully comply with the congressionally-defined purpose, "To conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; (OPLMA Section 1975 (a))" (PRMPs/PPA/FEIS, Appendix J, p. 351).

The following quote from OPLMA has been added to the Management Actions section of the Red Cliffs NCA PRMP/ FEIS: "(h) EFFECT.—Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—(1) each utility development protocol described in the habitat conservation plan; and (2) any other applicable law (including regulations)" (OPLMA Section 1974 (h))" (Appendix J, p. 353).

The PRMPs/PPA/FEIS does not violate law and adequately proposes appropriate and reasonable management prescriptions regarding ROWs on the Red Cliffs NCA.

ACECs

Issue Number: PP-UT-STGEORGE-16-38-13

Organization: Western Watersheds Project

Protestor: Laura Welp

Issue Excerpt Text:

Failure to designate appropriate Areas of Critical Environmental Concern in the amendment to the St. George Field Office PRMP/FEIS.

Issue Number: PP-UT-STGEORGE-16-38-14

Organization: Western Watersheds Project

Protestor: Laura Welp

Issue Excerpt Text:

[O]f the fourteen ACECs proposed during the public input process that would have increased protections for these and other jeopardized species, only three are being designated (State Line, Webb Hill, and South Hills).

Issue Number: PP-UT-STGEORGE-16-41-7

Organization: Western Watersheds Project

Protestor: Laura Welp

Issue Excerpt Text:

We Protest BLM's failure to designate Areas of Critical Environment Concern (ACEC) of sufficient science and recognition of many high values, including an important wildlife movement corridor. We are concerned that BLM has not taken an expansive enough look at the many relevant and important values in parcels of lands that the RMP rejected as ACECs.

Issue Number: PP-UT-STGEORGE-16-41-8

Organization: Western Watersheds Project

Protestor: Laura Welp

Issue Excerpt Text:

The Virgin River, the Santa Clara River and North Creek located on BLM land are important resources that require special management as ACECs. Much stronger protections of the ACEC Relevant and Important values must be considered and evaluated in a Supplemental EIS. We Protest BLM's failure to do so.

Summary:

The Proposed Resource Management Plans (PRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS) fails to designate all appropriate Areas of Environmental Concern (ACECs). Specifically, the BLM:

- only designates three ACECs even though fourteen were proposed during the public input process;
- fails to take an expansive look at the relevant and important values of areas that were rejected for ACEC designation; and
- fails to designate the Virgin River, Santa Clara River, and North Creek as ACECs; therefore, the BLM should prepare a Supplemental EIS that evaluates these areas.

Response:

The two steps to the ACEC process are (1) evaluation of relevance and importance; and (2) determination if the area needs special management direction to protect values. An area must meet at least both the relevance and importance criteria to be considered as a potential ACEC and analyzed for designation in an RMP alternative (43 CFR 1610.7-2(a)) (BLM Manual Section 1613.22.B). BLM Manual Section 1613.11 provides four relevance criteria and five importance criteria. The State Director, upon approval of a draft resource management plan, plan revision, or plan amendment involving ACECs, must publish a notice in the Federal Register listing each ACEC proposed and specifying the resource use limitations, if any, which would occur if it were formally designated. The notice shall provide a 60-day public comment period on the proposed ACEC designation (43 CFR 1610.7-2(b)).

Nominations for new ACECs for resource values received during scoping, other than priority biological species, will be retained for ACEC evaluation and potential designation when a full revision of the St. George Field Office RMP is undertaken in the future. In the interim, the BLM will determine if the areas nominated contain values that satisfy the criteria for both relevance and importance and whether those values are in need of special management at this time. If so, the BLM will implement interim protective measures.

Proposed vs. Designated ACECs

Protesters identify certain areas that they claim should have been considered and proposed for ACEC designation. The BLM must carry forward all potential ACECs as recommended for designation in at least one alternative in the DRMPs/PA/DEIS (BLM Manual Section 1613.22.B). A comparison of estimated effects and trade-offs associated with the alternative leads to development and selection of the PRMPs/PPA/FEIS. BLM Manual Section 1613.33.E provides specific direction for when the BLM may choose not to designate potential ACECs.

Relevant and Important Values

The BLM used the best available data and analysis to evaluate these areas for consideration as ACECs and determined that some areas proposed for ACEC designation met the relevance and importance criteria as required for ACEC designation, and therefore considered those potential ACECs as areas for ACEC designation in at least one action alternative. However, the BLM determined that some areas did not meet the relevance and importance criteria as required for ACEC consideration, and therefore did not consider those areas for ACEC designation in any of the action alternatives. The PRMPs/PPA/FEIS proposes that three new ACECs would be designated and would also continue management of eight existing ACECs (PRMPs/PPA/FEIS, Chapter 2, Section 2.10).

Supplemental EIS

Appendix E of the DRMPs/PA/DEIS details the evaluation of each proposed ACEC and documents the BLM's determination of relevance and importance. Chapter 2, Table 2-70 and 2-71 of the DRMPs/PA/DEIS shows that Alternative C included consideration of the Virgin River, Santa Clara River, and North Creek as potential ACECs, as well as several others (fourteen total). The Federal Register Notice that provided the Notice of Availability (NOA) of the DRMPs/PA/DEIS (published July 17, 2015) met the regulatory requirement of 43 CFR 1610.7-

2(b).

The BLM properly considered the designation of potential ACECs in the PRMPs/PPA/FEIS; therefore, a Supplemental EIS is not required.

Habitat Conservation Plan

Issue Number: PP-UT-STGEORGE-16-30-10

Organization: City of St. George

Protestor: Jonathan Pike

Issue Excerpt Text:

This language conflicts with the habitat conservation plan to which the BLM is a signatory because the HCP negotiations and final agreement has already granted Washington County an incidental take permit.

Issue Number: PP-UT-STGEORGE-16-32-1

Organization: Washington County

Protestor: Celeste Maloy

Issue Excerpt Text:

Despite the language change that acknowledges the utility development protocols (UDPs), the Red Cliffs NCA is almost completely designated as exclusion areas. The HCP document calls for the area to be avoidance and sets out protocols for determining when ROWs are appropriate. By managing the land as exclusion instead, BLM is disregarding the UDPs which are part of an agreement to which it is a party.

Issue Number: PP-UT-STGEORGE-16-32-3

Organization: Washington County

Protestor: Celeste Maloy

Issue Excerpt Text:

Requiring a no-take route is inconsistent with the habitat conservation plan that the BLM is a signatory to because the HCP resulted in the county having an incidental take permit. Incidental take is part of the agreement. [The] BLM, as a party to the agreement, should not unilaterally change the terms.

Issue Number: PP-UT-STGEORGE-16-32-6

Organization: Washington County

Protestor: Celeste Maloy

Issue Excerpt Text:

[The] BLM's Proposed RMP for the Red Cliffs NCA violates the Washington County Habitat Conservation Plan to which the BLM is a signatory. The HCP has never restricted foot traffic in Zone 4 of the HCP to trails only. In fact, the HCP administration uses the area for field trips to teach school children about tortoises.

Issue Number: PP-UT-STGEORGE-16-33-1

Organization: Individual

Protestor: Kirk Willey

Issue Excerpt Text:

By managing the land as an exclusion area, the BLM is disregarding the HCP document it's a co-signatory to. The proposed RMPs are a substantial change from the pre-agreed upon agreements reached with ALL stake holders and passed by Congress. Also, the proposed RMPs deviate from the HCP agreement, which the BLM is not only a co-signatory to, but also holds key positions on the technical committee and the advisory committee. The proposed RMP has an entirely different direction from the pre-agreed upon agreements reached in prior negotiations, wherein the proposed RMPs focus on preservation and restriction, when the negotiations focused on defining allowable uses and settling resources questions.

Issue Number: PP-UT-STGEORGE-16-33-3

Organization: Individual

Protestor: Kirk Willey

Issue Excerpt Text:

The proposed RMP substantially deviates from the agreements reached with ALL stake holders

and passed by Congress, and they also deviate from the HCP Agreement, which BLM is not only a signatory to, but also on the technical committee and the advisory committee. The RMP takes an entirely different direction from previous agreements reached in the stakeholder negotiations, in that the current plans focus on preservation and restriction when the negotiations focused on defining allowable uses and settling resources questions. The letter and spirit of the HCP is not parallel to the letter and spirit of the RMP. The HCP was a grand compromise among ALL stake holders, and the RMP is only unilateral.

Issue Number: PP-UT-STGEORGE-16-41-11

Organization: Wildlands Defense

Summary:

The Proposed Resource Management Plans (PRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS) is inconsistent with the Washington County Habitat Conservation Plan (HCP) to which the BLM is a signatory because:

- the Red Cliffs NCA is almost completely designated as an exclusion area, and as such, the BLM is disregarding the utility development protocols (UDPs) that are part of the HCP;
- it focuses on preservation and restriction, whereas the HCP negotiations focus on defining allowable uses and settling resources questions;
- requiring a no-take route is inconsistent with the HCP that the BLM is a signatory to because the HCP resulted in Washington County having an incidental take permit. Incidental take is part of the agreement under the HCP; and
- allowing the proposed new, four lane “Northern Corridor” highway through the Red Cliffs Tortoise Reserve would be inconsistent with the HCP because it would result in fragmentation of tortoise and other rare species critical habitat, in violation of the Endangered Species Act and Omnibus statute.

Response:

The enabling legislation for the Red Cliffs NCA is Public Law 111-11 of 2009 (OPLMA). It states that the purpose of the Red Cliffs NCA is: “to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area.” OPLMA also states the following “(h) EFFECT.—Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—(1) each utility development protocol

Protestor: Katie Fite

Issue Excerpt Text:

[T]he RMP would allow the controversial, proposed new, four-lane “Northern Corridor” highway through the heart of the Red Cliffs Tortoise Reserve (established to protect tortoises in the county’s ESA Habitat Conservation Plan (HCP)) and the BLM Red Cliffs National Conservation Area (NCA); thereby reneging on the county’s commitment when the HCP was negotiated and signed, abrogating the HCP and ESA, fragmenting tortoise and other rare species critical habitat , and violating BLM’s duties under the ESA and Omnibus statute that established this NCA.

described in the habitat conservation plan; and (2) any other applicable law (including regulations)” (OPLMA Section 1974 (h)).

Section 7(a)(2) of the ESA requires Federal agencies to ensure that their proposed action will not be “likely to jeopardize the continued existence of any [listed] species or result in the destruction or adverse modification of the critical habitat of such species” (16 USC 1336(a)(2)).

The Washington County HCP (February 23, 1996) is a county plan that provides a comprehensive approach to preserving and protecting Mojave Desert tortoise habitat in Washington County, while at the same time allowing controlled growth and development in those portions of desert tortoise habitat which are less essential to the species. It solely addresses the desert tortoise and a few other listed species and habitats. The purpose of the NCA designation would be to conserve a much broader array of resource values not addressed in the Washington County HCP. The incidental take permits that resulted from the HCP refer to areas outside the mitigation reserve, and the BLM’s decision to require no-take in the PRMPs/PPA/FEIS is consistent with the HCP and the values for which the Red Cliffs NCA was designated.

In the Draft Resource Management Plans (DRMPs) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Plan Amendment (PA) to the St. George RMP and Draft Environmental Impact Statement (DEIS), the BLM analyzed a reasonable range of alternatives consistent with Council on Environmental Quality (CEQ) regulations (40 CFR 1502.1) to address right of way corridor, avoidance, and exclusion designations in the Red Cliffs NCA. The range of alternatives was developed using input from the public, other Federal and State agencies, Tribes, the Cooperating Agencies, and other local governmental entities.

The BLM also used the guidance from BLM Manual 6220 - National Monuments, National Conservation Areas, and Similar Designations. This Manual addresses specific land use allocations, such as ROWs, designated transportation and utility corridors, and discretionary uses proposed for NCAs, NMs, and similar designations. Through land use planning, this Manual directs that, to the extent possible, BLM should avoid granting new ROWs in these units and should evaluate the relocation of existing rights of way that are not consistent with the purposes of designation. It also directs that (subject to applicable law), through land use planning and project-specific decisions, BLM should designate NCAs and national monuments as ROW Exclusion or Avoidance areas.

In accordance with BLM Manual 6840, the Beaver Dam NCA PRMP/FEIS would allow for “...the reintroduction, translocation, and population augmentation of desert tortoises into current or historic habitats in the NCA, in coordination with the Service, Utah Department of Wildlife Resources, and local governments, subject to guidance provided by BLM’s 6840 policy and by existing or future Memorandums of Understanding (MOU)” (PRMPs/PPA/FEIS, Appendix E, Table E-1, p. 256). This decision was modified based on public comments and coordination with Washington County.

As noted in Section 1.6.1.7 (Chapter 1, page 32), OPLMA specifically mentions the future development of utilities with the NCA, “(h) EFFECT.—Nothing in this section prohibits the

authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—(1) each utility development protocol described in the habitat conservation plan; and (2) any other applicable law (including regulations)” (OPLMA Section 1974 (h)).” This language from OPLMA has been added to the management actions under Lands and Realty in the PRMPs/PPA/FEIS.

The PRMPs/PPA/FEIS has been developed to comply with the requirements of OPLMA to allow for the future development of utilities and the congressionally defined purposes of the NCA, “To conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and To protect each species that is located in the National Conservation Area; and listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under the Endangered Species Act of 1973 (OPLMA Section 1974 (a))”

The BLM has appropriately considered the development of utility and transportation corridors in the PRMPs/PPA/FEIS, and, therefore, has not violated the ESA, OPLMA, or Washington County HCP.

The PRMPs/PPA/FEIS makes land use planning level allocations as a ROW-avoidance area where a future road could potentially be located. However, the protections and criteria in the plan would protect many resource values, including for the Mojave desert tortoise, and require site-specific analysis under NEPA.

National Historic Trails

Issue Number: PP-UT-STGEORGE-16-32-7

Organization: Washington County

Protestor: Celeste Maloy

Issue Excerpt Text:

Congress designated the Old Spanish Trail as a national historic trail, under the National Trails System Act. The purpose of that act is to

encourage outdoor recreation along historic trails. Instead the BLM in the Proposed RMP for the Beaver Dam Wash NCA uses the designation as a justification to create a view shed corridor and manage for restoration to trail era conditions. This violates the intent of the National Trails System Act and makes little sense in the context of the Old Spanish Trail.

Summary:

The Proposed Resource Management Plans (PRMP) for the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCAs), Proposed Plan Amendment (PPA) to the St. George RMP and Final Environmental Impact Statement (FEIS), violates the intent of the National Trails System Act because it uses the designation as a justification to create a view shed corridor and manage for trail restoration rather than encouraging recreation.

Response:

The BLM's preferred alternative to establish a corridor for the Old Spanish National Historic Trail (OST) is consistent with the provisions of National Trails System Act, the Federal Land Policy and Management Act (FLPMA), and BLM trail management policy. One of the primary purposes of the National Trails System Act is "to provide for the ever-increasing outdoor recreation needs of an expanding population" (See 6 U.S. C. § 1241(a), Congressional statement of policy for National Trails System Act; BLM Manual 6280, National Scenic and Historic Trail Administration, and BLM Manual 6280, Management of National Scenic and Historic Trails and Trails Under Study or Recommended as Suitable for Congressional Designation at 1-1).

BLM Manual 6280 guides the management of National Historic Trails to fulfill the conservation and public purposes of the National Trails System. Conservation focuses not only on trail traces, artifacts, and associated sites, but also the setting of the trail. Restoration of the natural landscape elements to trail-era conditions would further not only the conservation objective, but also the public purpose, allowing visitors to experience a visual setting and natural landscape elements that are evocative of the trail's period of significance.

The BLM's goal for the OST is to "fulfill the conservation and public purposes for which

Congress designated the trail to the National Trails System through Public Law 107-325 in 2002” (PRMP/PPA/FEIS, Chapter 2, Section 2.8.23, p. 82). As part of this, the BLM’s preferred alternative proposes to provide diverse opportunities for an appropriate balance of recreation and conservation in order to reach objectives of providing the public with opportunities to connect with and experience trail history and resources, and at the same time, conserve and protect the natural landscape elements that encompass the trail.

Proposed management of the OST does include multiple recreation opportunities, including management for heritage tourism and auto touring, the design and construction of non-motorized retracement trail, as well as interpretive pullouts and wayside exhibits (Beaver Dam Wash NCA DRMP/DEIS, Table 2-25, pp. 125-126). The BLM, with partner assistance, would design and construct this planned non-motorized trail to provide retracement opportunities within the OST National Historic Trail Management Corridor along Old Highway 91 and the Mojave Desert, as the Joshua Tree Scenic Byway. This would improve the naturalness of the setting and the visitor experience of the landscape through these recreational opportunities, while restoring landscapes within the trail corridor.

The BLM does not violate the intent of the National Trails System Act because it proposes to restore the trail for the purpose of recreational opportunities, thereby encouraging recreation.

Cooperating Agencies and Management Actions

Issue Number: PP-UT-STGEORGE-16-30-1

Organization: City of St. George

Protestor: Jonathan Pike

Issue Excerpt Text:

St. George also protests the Proposed RMP because the BLM failed to include St. George as a cooperating agency as required by the Omnibus Public Land Management Act of 2009 (“OPLMA”).

Issue Number: PP-UT-STGEORGE-16-30-2

Organization: City of St. George

Protestor: Jonathan Pike

Issue Excerpt Text:

Because the BLM refused to grant St. George cooperating agency status, despite the clear and specific requirements of the OPLMA, St. George was deliberately shut out of the RMP development process. As a result, St. George protests the process that has resulted in the Draft RMP, as well as the Proposed RMP, as having been prepared in violation of federal law. As such, in addition to any other rights of St. George to protest the RMP, St. George reserves its right to contest the legality of the process, as well as its exclusion from the process, and does not waive any such rights by submitting this protest.

Issue Number: PP-UT-STGEORGE-16-32-9

Organization: Washington County

Protestor: Celeste Maloy

Issue Excerpt Text:

[The] BLM has failed in its obligation to Washington County as a cooperating agency. The BLM’s Field Guide to Cooperating Agency Relationships and Coordination with Intergovernmental Partners requires BLM to provide a Summary of the cooperating agencies views in the draft and final RMPs when the BLM and the cooperating agency cannot reach an agreement on substantive elements of the plan.

Issue Number: PP-UT-STGEORGE-16-26-6

Organization: Dixie Metropolitan Planning Organization

Protestor: Chris Hart

Issue Excerpt Text:

The “Management Standards” that the BLM proposes for applicants are inconsistent with the standards it holds itself to in carrying out other Management Actions in the NCA.

Issue Number: PP-UT-STGEORGE-16-37-1

Organization: Washington City

Protestor: Jeffrey Starkey

Issue Excerpt Text:

The “Management Standards” that the BLM proposes for applicants are inconsistent with the standards it holds itself to in carrying out other Management Actions in the NCA.

Summary:

The PRMP/PPA/FEIS fails to:

- appropriately involve cooperating agencies in the planning process in accordance with NEPA; and
- incorporate management standards for applicants consistent with management actions in the NCA.

Response:

In accordance with NEPA, the BLM will invite eligible Federal agencies, state and local governments, and federally recognized Indian tribes to participate as cooperating agencies when revising an RMP or amending an RMP through an EIS (43 CFR 1610.3-1(b)). DOI regulations (43 CFR 46.225(c)) also require the BLM, as lead agency, to consider any request by a government entity to participate as a cooperating agency. An agency must have jurisdiction by law or special expertise to be eligible to participate as a cooperating agency (40 CFR 1508.5).

Both the CEQ and BLM Planning regulations define cooperating agency status, including what cooperating agency status is, who is eligible to become a cooperating agency, and how the lead agency should invite participation as a cooperating agency (40 CFR 1501 and 1508; 43 CFR 1601.0-5). Cooperating relationships are limited to government entities, including state agencies, local governments, tribal governments, and other Federal agencies that have jurisdiction by law or special expertise. To be a cooperating agency, the local agency must meet the eligibility criteria set out in the regulations and policies.

Consultation requirements under OPLMA are not the same as cooperating agency requirements in accordance with NEPA and the BLM's planning regulations. *Consultation issues are addressed specifically in the Omnibus Public Lands Management Act of 2009 section in this document.*

The role of each cooperating agency is based on jurisdiction by law or special expertise, which is determined on an agency-by-agency basis. The BLM works with cooperating agencies to develop and adopt a memorandum of understanding that includes their respective roles, assignment of issues, schedules, and staff commitments (43 CFR 46.225(d)). The participation of cooperating agencies in the PRMP/PPA/FEIS is further described in detail in Chapter 3, Section 3.4, pp. 161-164.

When this planning effort was initiated 2010, it was not common practice for the BLM to extend Cooperating Agency status for Resource Management Plans to municipalities. At that time, Cooperating Agency status was offered only to eligible Federal agencies, federally-recognized Indian Tribes, states, and local county governments within and adjacent to the planning area, pursuant to Federal regulations at 43 CFR 1610.3. Local counties were recognized as having socio-economic expertise that could inform BLM's land use planning process, on behalf of the municipalities within that county. During the 60-day public scoping period, the BLM mailed a public scoping letter to federal, state and local government entities, and the public. The BLM also held four public scoping meetings June 14-17, 2010 located at various locations including St. George, Hurricane and Salt Lake City, Utah, and Mesquite, Nevada, requesting public input on the alternatives. In October of 2010, scoping reports were made available to all cooperating

agencies and the public through a posting on the BLM-St. George Field Office website as well as via hard copies. These reports contained thorough and detailed comments regarding many issues regarding the Northern Transportation Route.

On March 30, 2011 and April 26, 2011, the BLM hosted meetings facilitated by the Washington County Commission, including a number of entities including the City of St. George, Washington County, and DMPO, among a number of others. The DMPO provided the BLM with studies for consideration as part of the process to identify possible alignments for the Northern Transportation Route. Washington County provided the BLM several proposed alignments, which all crossed the Red Cliffs NCA and played an active role as a Cooperating Agency in one of the alternatives in the DRMP/DEIS. As a result of input provided by Washington County, the BLM proposed to designate a new utility and transportation corridor through the Red Cliffs NCA that could accommodate any of the route alignments for a “northern transportation route” submitted by Washington County and the DMPO. The supporting DRMP/PA/DEIS evaluated the potential environmental consequences of selecting this alternative on the resource values of the NCA. Additionally, the BLM extended the public comment period and conducted additional outreach in the form of a number of public open houses (see PRMP/PPA/FEIS, Chapter 3, p. 167).

Per the regulations and BLM policy, there is no “coordinating agency” status (BLM Desk Guide to Cooperating Agency Relationships and Coordination with Intergovernmental Partners, p. 21, 31). While the laws and regulations associated with cooperating agencies and coordination with other federal agencies and state, local, and tribal governments state that coordination must occur, they do not prescribe methods for coordination.

Management Actions:

Regarding the protester’s claim that the BLM did not use management standards as stipulated by OPLMA Section 1977 consistent with other management actions within the Red Cliffs NCA, the BLM appropriately applies management standards consistent within all public lands within these planning areas, to include the NCA. The BLM integrated land health standards, as described in Appendix D of the PRMP/PPA/FEIS, which identify the characteristics of healthy ecosystems on public land, a priority in all three planning areas. The PRMP/PPA/FEIS does not violate OPLMA, as the BLM is not required to designate or authorize a route through the Red Cliffs NCA.

The BLM properly invited and included all eligible cooperating agencies to participate in the preparation of the PRMP/PPA/FEIS and used management standards consistent with OPLMA Section 1977 on the Red Cliffs NCA.