



# **Bears Ears National Monument**

## **Monument Advisory Committee Meeting Notes**

**Wednesday, June 29, 2022, 8:00 am to 3:00 pm**

**8:15 am – Welcome – Greg Sheehan (BLM), Gary Torres (BLM) and Ryan Nehl (USFS Forest Supervisor) and MAC Introductions**

### **Attendance:**

- BLM – Rachel Wootton (Public Affairs for Canyon Country District), Greg Sheehan (Utah State Director), Gary Torres (Canyon Country District Manager), Jake Palma (Monticello Field Office Manager), Jared Lundell (Acting Monument Manager), Emilee Helton (Planning and Environmental Specialist in Monticello)
- USFS – Ryan Nehl, Michael Engelhart
- MAC members – Eve Tallman, Mark Boshell, Kelly Pehrson, Brooks Britt, Davina Smith, Denyce White, Adam Redd, Regina Lopez, Angelo Baca.

### **Opening Remarks from Greg Sheehan, BLM:**

- Highlight a few things that have come about.
- Oct. 8 – President Biden created a new proclamation that expanded the boundaries and added some of the lands included under the Trump administration.
- Part of the proclamation discussed expectations and new management plans. The planning process takes time, usually a couple of years.
- People would generally like that to be done more quickly.
- Proclamation also talks about Bears Ears Commission and an agreement that was signed on June 18.
- Exchange of SITLA lands. 120,000 acres in Bears Ears is SITLA. Continuing conversations about trading those lands out for other lands. Must be done congressionally and it does take time.
- On December 16, our BLM director gave us Interim Guidance. Meant to lay out how you will conduct decision making over the next few years. Interim Guidance says you need to consider the objects and values called out in the Proclamation as you move forward with decisions.
- Many online today are hopeful and excited, and some may be fearful. That is why we have open, public planning processes.
- We gain information from MAC members. Everyone has a deep experience and passion for this land but may have different perspectives. Thank you all for your participation and thank you to the public.
- Advice to those with comments or MAC members. This is going to play out in a public process of establishing a new resource management plan. We are here to listen.
- Congratulations to new members of the MAC and thank you to everyone for being a part of this.

### **Gary Torres, BLM:**

- What we are starting is important and it matters. We will eventually make decisions about the management of this land. Your participation adds more voices and ideas to

the process. By having these voices, that will lead to trust in the process. This is our attempt to be open, allow people to give us their ideas, data, etc. Eventually, the hope is that it will also lead to trust in the results.

- The goal is for people to say we made a pretty good plan.
- Advocating for creativity. Forum is set to be a safe space for creativity.
- Eventually we will analyze it all, but initially, it is about ideas.
- Four ways that we gather information – 1) MAC (15 individuals and constituent groups), 2) Bears Ears Commission (set up in the proclamation), 3) National Environmental Policy Act (published for everyone, asked to provide comments and data), 4) Interdisciplinary Team in our agencies (technical experts that help with analysis and ideas).

Ryan Nehl, USFS:

- Wants to welcome people and thanks for participating.
- Enjoys watching the MAC members wrestle with some of these tough issues that we deal with as land managers. We come up with some things that are in direct conflict with each other.
- Having the MAC provide their input is very helpful.
- Visitation is going to increase; people also use these lands for traditional purposes.
- Protecting these lands without diminishing the protectiveness of Bears Ears.
- Encourage good dialogue. A good mix of folks on the MAC. Good mix from the public that provide input and looking forward to discussions this week.

### **8:30 am – Celebrating the contributions of outgoing MAC members**

Gary Torres, BLM:

- The MAC is a revolving door with people on 3-year stints.
- There are 15 members.
- Several folks served on the last MAC.
- Bruce Adams, Lee Bennet, Gordon Larsen, Ryan Benally, Alfred Ben, Gail Johnson, Jared Barret, Dustin Randall, Scoot Flannery, Jami Bayles, Miles Morettie. Thank you for your service and time. Express our appreciation to them.

Ryan Nehl, USFS:

- Thank you to those folks that participated. Hugely familiar with the areas and issues and it was very important. Adds to a richness when people have been here for a long time.

Gary Torres, BLM:

- Also working with the Tribes, themselves as an entity.

Jake Palma, BLM:

- Bears Ears is complicated and controversial, and the MAC member's input has been very helpful.
- Have plaques that we will give outgoing members as a token of our appreciation with a letter of gratitude. Thank you.

## 8:45 am – MAC Overview by Michael Engelhart (USFS)

Michael Engelhart, USFS:

Give a brief overview of the MAC, what it is and how it is established. Also wants to spend some time taking a peek back at past meetings and acknowledging the work that has been done to date. What he has seen as their greatest contributions managing this outstanding landscape.

Establishment of the MAC came about in the first proclamation on Dec. 28, 2016. The new The MAC is regulated by the Federal Advisory Committee Act (FACA).

The Designated federal official is the BLM's Canyon Country District Manager (Gary Torres).

- The charter was first approved in the fall of 2018, and then was updated in 2022. The charter and revisions have been discussed in past meetings. Many updates were put into effect in 2022. Committee is established to provide information and advice for the development of the management plan.
- Inviting the MAC to participate in writing the new management plan. Advice has been useful in the day-to-day management of the monument already.

Past meetings of the MAC

- June 2019 – Intros, review of Proclamation and charter, overview of the draft MMP/EIS (somewhat similar to what we will be doing today as we get started with planning again today).
- February 2020 – BENM MMP Record of decision and review of the process. In depth discussions of Shay Canyon.
- October 2020 – Continued discussion of cultural resources and recreation area management plans.
- March 2021 – Doll House management, Lewis lodge protection, Grazing and Lands and Realty and wood cutting program.

How has the MAC helped so far.

- Created a diverse community of passionate membership that has elevated the public discourse.
- Tremendous forum for public comment to be taken into consideration from a body that represents the interests of the public. Generally, well attended meetings by the public.
- Assisted with the planning effort that took place under the Trump proclamation and will lead to the development of this new plan. Will shape the management of the monument for decades. Very important for the MAC to be involved.
- Practical engagements around resource concerns. Improved management of the monument. Comments about cultural resource sites. Helping to stabilize those sites and educate people. Past discussions about how to monitor forest use in the monument. Higher levels of appropriately training staff on the landscape. Hiring additional law enforcement.

Jake Palma, BLM:

- BENM management is challenging, controversial, and important. Having this group offer recommendations are helpful insights that help us expand from our agency perspective.
- Also appreciate flexibility. A lot of changes and uncertainty surrounding the monument. Before, meeting we were focused on implementation level and now we are

transitioning back to the planning mindset. Still challenges happening on the landscape today.

Eve Tallman, MAC member:

- The vacancies on the MAC, where is the process to fill them?

Jake Palma, Monticello Field Office Manager:

- We received a handful of applications and nominations. Locally we accept nominations and send a package to the State Office to review with the regional Forest Service office and the Governor's office. Eventually, goes to the BLM Headquarters and ultimately to the Secretary's office to make selections and nominations for the vacancies. Getting all the packages sent out currently.
- Hopefully, movement over the next few months.

## 9:15 am – Ethics Training

Sarah Sims, DOI Ethics Office:

Federal Advisory Committees and BLM Advisory Committees

- Members can come from the public and private sector.
- Individuals provide the government with expert advice and diverse views.

Composition of BLM Advisory Committees

Purpose and objective

- Purpose - To advise the Secretary and BLM on matters relating to public lands and resources under the administrative jurisdiction of the Bureau of Land Management.
- Objective – To make available to the DOI and BLM the expert counsel of concerned, knowledgeable citizens and public officials regarding both the formulation of operating guidelines and the preparation and execution of plans and program for the use and management of public lands, their natural and cultural resources, and the environment.

Representative members

- Federal ethics rules that apply to employees do not apply to members.
- Current ethics requirements in charters – No non-federal Committee or subcommittee members will participate in any Committee or subcommittee deliberations or votes relating to a specific party matter before the Department or its bureaus and offices including a lease, license, permit, contract, grant, claim, agreement, or litigation, in which the member or the entity the member represents has a direct financial interest.
- If you have a grazing lease and there is a discussion on grazing, you can participate. If there is a discussion about your specific lease, you should not participate.
- All members of the committee must disclose their direct or indirect interest in leases, license, permits, contracts, or claims that involve lands or resources administered by BLM. Indirect interest includes holdings of a spouse or dependent child.

Specific Party Matter

- A specific party matter typically involves: a specific proceeding affecting the legal rights of parties or an isolatable transaction or related set of transactions between identified parties.
- Examples include leases, licenses, permits, contracts, claims, grants, etc.

- Specific party matter does not include matters of general applicability like rulemaking, legislation, formulation of general policy, or other actions that are general.

#### Direct and indirect financial interests

- Direct financial interest means one's own personal financial interest.
- Indirect financial interest includes the holdings of a spouse or dependent child.
- Financial interest means the potential for gain or loss as a result of governmental action on the matter.
- Direct or indirect financial interest might arise from: a permit on public land being discussed by committee, an oil or gas lease on public land, litigation involving lands or resources administered by BLM, any similar interest.
- You are prohibited from participating in a specific party matter only if the matter will have a direct and predictable effect on your direct financial interest, or the holdings of a spouse or dependent child or the direct financial interests of the entity you represent.

#### Direct effect on financial interests

- A specific party matter will have a direct effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest.
- An effect may be direct even though it does not occur immediately.

#### What is not a direct effect on financial interest

- The chain of causation is attenuated or is contingent upon the occurrence of events that are speculative or that are independent of, and unrelated to, the matter.
- The impact on financial interest occurs only as a consequence of the specific party matter's effects of the general economy.

#### Predictable effect on financial interest

- There is a real possibility that the matter will affect the financial interest of the member, spouse, or dependent child. The magnitude of gain or loss doesn't need to be known. The dollar amount is immaterial.

#### Only advisory duties are restricted

- May not act, as part of advisory duties, on that specific party matter.
- You may act, outside of advisory duties, on behalf of self or others, in a specific party matter before DOI that affects your financial interest.

#### Notification to your committee

- If you find yourself in a position to take any advisory action regarding a specific party matter that would affect your direct financial interest, or the holdings of a spouse or dependent child, or the direct financial interest of the entity you represent, you must:
- Notify the Designated Federal Official; and recuse yourself from participating in that action.
- Look at the agenda prior to meetings to see if there are matters listed from which you may need to recuse.

#### Bottom line

- FACA committees and BLM advisory committees are put in place because the government needs your expertise experience and insight.
- Don't let an ethical problem derail the good work you are doing here.

For questions: contact Claudia Merino or Sarah Sims at [blm\\_wo\\_ethics\\_office@blm.gov](mailto:blm_wo_ethics_office@blm.gov), 202-208-7960.

## 10-10:15 am – Break

## 10:15 am – Discussion of Chair/Vice Chair

Rachel Wootton, BLM:

- Chair is a leadership role in the MAC. Can be an active or less active role. Opportunity for a vice chair if there is interest as well.
- Recommendation to us is to elect an interim chair and vice chair since we do not currently have all members. Then do a more formal election once all members are available.
- In the past, the chair has helped run the meetings. Bruce Adams was the only previous chair. Looked over agendas and shared the notes after the meeting.
- When there is voting, the chair often makes sure that voting goes smoothly. How we are recording the votes, whether there is a quorum, etc.
- Formal recommendations for the committee. Chair often leads a vote on the recommendation. Managers take recommendations seriously.
- Requested questions or if anyone is interested in that role?

Regina Lopez – Whiteskunk, MAC member

- Interested in serving as the Interim Chair position.

Denyce White, MAC member

- Interested in Interim Vice Chair.

Mark Boshell, MAC member

- Interested in Interim Vice Chair.

Gary Torres, BLM

- Robert's Rules of order are followed by the committee.
- Rachel is helping formalize, we don't want to overstep though. Just mean to facilitate conversation.
- Majority vote vs. consensus is a decision that the group can make. Will have to figure out how you want to operate.

Jake Palma, BLM:

- Interim chair would last until the meeting in December when new members would probably be on board.

Eve Tallman, MAC member:

- Moved to elect Regina Lopez – Whiteskunk as Interim Chair.

Mark Boshell, MAC member

- Seconds the motion to elect Regina Lopez – Whiteskunk as Interim Chair.

Yeas have 6 votes; nay's have 0 votes. Regina Lopez -Whiteskunk is elected as Interim Chair.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Requested interested members in the interim Vice chair position.

Mark Boshell, MAC member:

- No one was raising their hand, so I raised my hand.
- I am a city council member here in Panguitch, so I am familiar with Robert's Rule
- I work for the governor's office, as a policy advisor for the governor.
- Wanted to help out and I am happy to help.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Would like to wait and allow Denyse a chance to speak. Connectivity issues are an issue with our rural communities.
- Robert's Rules and consensus vs. quorum.
- Interested in hearing from others.

Gary Torres, BLM:

- Agency Perspective
- MAC is here to give us ideas and recommendations.
- Think of the power if you all come to a consensus.
- On the flip side, there are things that you may never reach consensus on. Maybe for those present a majority.

Ryan Nehl, USFS:

- Helps us to clarify the recommendation. Clear recommendation from the MAC.

Eve Tallman, MAC member

- Hears Gary saying power of consensus, but question is at what point does it trigger majority rule consideration. Seen some powerful decisions go up in flames if they couldn't reach consensus.
- Does anyone have experience with a hybrid model?

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Great discussion.
- Helping to set threshold.
- Adding context to conversation is valuable.
- Trying to reach a consensus, once we have reached a threshold and the group decides it has gone too far, then we will go to majority.

Angelo Baca, MAC member:

- Striving for consensus is ideal, but realistically and with time constraints might constrict us. Hybrid model is a good idea but wants priority to be as much consensus building as possible.

Denyce White, MAC Member

- Denyce is a new member that was nominated.
- She is interested in being Vice Chair.
- Has some experience with facilitating meetings.
- Did a training on facilitating and negotiating when she was in the non-profit sector.

- Interested and open to listening to different points of view.
- Can structure time to what we need to talk about.
- Thinks group consensus is very important.
- A good way to get to root issues and causes.
- More than happy to help Regina however she can in structuring meetings.
- Happy to contribute to the committee.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Asked for motion to vote

Roll Call Vote

- Eve Tallman – Denyce,
- Angelo – Denyce,
- Mark – Mark,
- Davina – Denyce,
- Regina – Denyce,
- Denyce – Denyce,
- Kelly – Mark,
- Adam – Mark,
- Brooks – No vote
- 5 votes Denyce, 3 votes Mark
- Denyce White is Interim Vice Chair

## 11 am – BENM Overview by Jake Palma (BLM)

Jake Palma (BLM):

- How do we bring together diverse groups to best manage and protect this landscape?

Administrative History of BENM

- Presidential Proclamation 9558 – December 2016
- Presidential Proclamation 9681 – December 2017
- Approved Monument Management Plan – February 2020
- Presidential Proclamation 10285 – October 2021
- Interim Management Direction – December 2021
- Cooperative Agreement Signed with Bears Ears Commission – June 2022

Interim Management Guidance

- 2-Step Analysis Requirement. Conformance to existing land use plans and consistency with Proclamation 10285.
- Showing this 2-step analysis in our NEPA documents and writing memos that show the 2-steps as well.

Mark Boshell, MAC member:

- When you talk about conformance to plans are you talking about the 2020 MMP as well?

Jake Palma, BLM:

- Yes, it depends on which area.

Eve Tallman, MAC member:

- Is it only the 2020 plan?

Jake Palma, BLM:

- 2020 plan for monument, but also 2008 RMP for Monticello Field Office. Used for areas outside of the smaller monument boundaries.

Michael Engelhart, USFS:

- 1986 Forest Plan and 2020 Plan for smaller monument.
- Forest Service interim management guidance is very similar to BLM
- New Forest plan is on a similar trajectory as the new monument plan. Slated to be signed around January of 2024.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Helpful in understanding what the interim guidance means.
- Appreciates the information about the Forest plan as well.

Jake Palma, BLM:

- Asked Rachel to put the interim management in the chat.

Denyce White, MAC Interim Vice Chair:

- BLM and Forest Service RMP's, what about for State of Utah? Other state and county plans?

Jake Palma, BLM:

- Our requirement is to be as consistent as possible with state and county plans.
- May not be completely consistent with their plans.
- This management plan is supposed to be consistent with the proclamation, but to the extent possible we will strive to be consistent with state and county plans.
- Separate cooperating agency process where they will also have a seat at the planning process table.

Gary Torres, BLM:

- One of the reasons we are considering changing lands out.
- SITLA lands will become federal lands and then we can plan for them.

Jake Palma, BLM:

Presidential Proclamation 10285

- Identifies landscapes and objects to be protected and incorporates Proclamation 9558. Objects become the framework for how we develop the Resource Management Plan.
- Withdraws lands from minerals, subject to valid existing rights.
- Recognizes joint management between BLM and USFS.
- Calls for the development of a new management plan. Will be the topic of conversation for MAC meetings over the next two years.
- Reestablishes the Bears Ears Commission to incorporate traditional knowledge.
- Encourages an agreement with SITLA for land exchanges.

- Allows for continued livestock grazing.

Kelly Pehrson, MAC Member:

- Were all these points in the proclamation from President Obama too?

Jake Palma, BLM:

- Yes, this list is almost identical. There may be some additional objects identified.

Gary Torres, BLM:

- One different thing is the way it is organized. They identified certain polygons that they organized objects and values around.
- Where it's at/activity or place. We will have those conversations.
- Objects and values before included recreation and grazing and now it is an activity that is recognized but must be consistent with objects and values.

Michael Engelhart, USFS:

- Some things are listed as being important in the proclamation, but don't rise to the level of objects and values.
- Landscape discussed as an object itself.
- Bullets are largely consistent.

Jake Palma, BLM:

Bears Ears Commission

- Made up of elected officials from 5 tribal nations:
- "In recognition of the important of tribal participation to the care and management of the objects identified above, and to ensure that management decision affecting the monument
- Cooperative agreement signed June 2022. "Through the cooperative agreement, the parties will work collaboratively to address Tribal issues, including developing robust outreach efforts to Tribal Nations and more effective mechanisms for Tribal government coordination."

Kelly Pehrson, MAC Members:

- Agreement could have been in place during Trump administration, but the tribes chose not to, is that correct?

Jake Palma,

- Yes, the Tribes organized themselves as the Bears Ears Tribal Coalition.
- There were some nuances that were different in the Trump proclamation.

Kelly Pehrson, MAC

- No such thing as co-management, true co-management is between BLM and USFS, correct?

Jake Palma, BLM:

- Have a specific agreement by law.
- A little different capacity than the MAC.

- We have an obligation to gather information from tribal nations and incorporate tribal knowledge.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- One of the defining, notable pieces of the proclamation under the Trump administration was that members of the commission were made by the administration, rather than being elected officials from the Tribes.
- That makeup had a lot to do with decision to participate or not.
- Biden proclamation leaves it in the hands of Tribes to appoint members.
- What is the relationship of the Commission in producing a management plan? How will the relationship play out with the MAC? Will the MAC look at the Commission's plan?

Jake Palma, BLM:

- As we engage with Tribal nations, we will be getting feedback on our plan on many different levels.
- Documents will have insight and will be shared with advisory committee in appropriate time to provide feedback.

Resource Management Plan

- Target completion date – March 2024.
- Required under Presidential Proclamation 10285.
- Purpose of the plan is "protecting and restoring objects identified" in the proclamations.
- "Proclamation 10285 dedicates the lands within the Bears Ears to a specific use, therefore the lands reserved within the monument boundary must be managed in a manner that protects the objects and values for which the monument has been designated. In other words, within BENM, typical multiple use management is superseded by the direction in Proclamation 10285 to protect monument objects, Multiple uses are allowed only to the extent that they are consistent with the protection of the objects and values within the monument" (Interim Management Guidance)
- Maximum engagement: Tribal nations, Bears Ears Commission, MAC, Cooperating agencies, consulting parties, public.

Next Major Tentative Planning Milestones

- Scoping: Late Summer 2022, approximately 5 public meetings.
- Analysis of the Management Situation (AMS) – what are the trends and forecasts for resources.
- SWCA is our contractor working on the RMP, they will facilitate some conversations with you all to work on the AMS and draft alternatives.
- Draft RMP/EIS: Spring 2023, approximately 5 public meetings.

Eve Tallman, MAC member:

- Wrapping my head around all of the different management plans. Worked on the Forest Plan a couple of years ago and the new one is going to be adopted around the same plan as the Bears Ears Management Plan. Is there is a visual aid or summary of how the plans conflict or if there is an overriding authority for what is in the monument

boundaries? How will the document that we are working on now relate to these other plans?

Jake Palma, BLM:

- As soon as we have a new RMP, that becomes the only RMP for BENM. It will replace the 2020 plan. Areas outside of the monument will still be managed by the 2008 Monticello RMP.

Ryan Nehl, USFS:

- The existing monument management plan affords more protection than the 1986 Forest plan. Until there is a new RMP for the monument, the 2020 Monument plan will remain in effect for the forest. Ideally, they will complete the new forest plan, then add an amendment for the new RMP when it is completed. New monument plan will be paramount, unless the new forest plan is more restrictive.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Fascinating to learn about how agencies work cooperatively together and throwing the Commission into that mix.
- What plans will be valid, and what will go away is interesting.
- Would like to put together a sort of visual summary of the plans. Potentially a diagram of how the plans fit together. Could be in preparation for public meetings.

Angelo Baca, MAC Member:

- Agrees that it would be best for the public to digest this information and engage.
- We must be able to explain these policy concepts to elders and children.
- Folks feel passionately about how the land should be managed, but there is a barrier of education and access to the information.

Jake Palma, BLM:

- Thank you for feedback, we will work to find ways to make the information more digestible.

### **11:30 am – CyArk Overview by Jared Lundell (BLM)**

Gary Torres, BLM:

- Virtual visitation is helpful for the public but has also been useful for Native elders that cannot hike out to see some of these places.

Jared Lundell, BLM:

- Working with the non-profit, CyArk, to create virtual tours.
- Current tours – House on Fire and Mule Canyon Village
- Visit online at [cyark.org/projects/bears-ears](http://cyark.org/projects/bears-ears)

Why guided tours?

- Education and outreach – increasing visitation and new visitors, opportunity to reach a broad audience, increases public access to public lands resources.
- Protection of Cultural Resources – Archaeological site etiquette, an alternate to in-person visitation?

- Descendant Community Perspective – Descendant community connections to Bears Ears, enhance and improve visitor respect for cultural resources.

#### How Guided Tours?

- Digital documentation using laser scanning, terrestrial and aerial photogrammetry. Datasets are combined to create an accurate 3D image.

#### CyArk Demonstration

##### Future virtual reality projects in Bears Ears

- For Moon house, we are partnering with Crow Canyon. This one will be using 3D headsets at various visitor centers, museums, etc.
- For Butler Wash, we are partnering with CyArk.
- Will work with Tribes on future locations for guided tours as well.

#### Regina Lopez-Whiteskunk, MAC Interim Chair:

- Appreciates the projects.
- Wants to blend public and Tribal communities rather than keeping them separate.

#### Jared Lundell, BLM:

- That is something we can think about and discuss with Crow Canyon particularly.
- As a part of this we would like to involve the tribes at an intensive level and provide something very specific to what their concerns might be.
- Can work with them on making sure the education we provide is appropriate for Tribal youth and the public.

#### Angelo Baca, MAC Member:

- Encourages follow up on accessibility and who owns the content.
- Question section asked about drone tours. Thinks that should be discouraged.
- Places that should be protected for dark skies, etc.
- The tours encourage more people to visit these places.
- They are good projects but should be thought out more rather than going full speed ahead.
- We don't fully know what they could bring. Continue consultation and consideration.
- Appropriation and ownership is a concern.
- People may not know what they should and should not share.

#### Jared Lundell, BLM:

- Thank you, funded by us and CyArk is a nonprofit. Not used for marketing but would remain in the public domain.
- Great point that we want to be cognizant of with the Tribes. What should be shared with the public and what should not be.

#### Denyce White, MAC Interim Vice Chair:

- Concern for being mindful of how technology is used in Pueblo villages.
- How looking at projects that are federally funded with drones vs. an everyday person going to a site and using drones.
- Possibility of drone permits.
- Could lead to other issues with respect for these sites.
- Great to have virtual tours that are controlled, but what about when no one is around?

Jared Lundell, BLM:

- Looking forward at the plan, drones are something we will want to consider and how to manage them.
- Currently not a lot of rules.
- For these specific projects, CyArk has permits.
- We do see drones on the landscape, and it is on our radar as something we should discuss.

Denyce White, MAC Interim Vice Chair:

- Permits to go into the sites, but also consent from Indigenous Nations to go into the sites.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Would like to dive deeper into drones as we move forward.
- How to acceptably incorporate some restrictions into the work that we are doing.

Rachel Wootton, BLM:

- May be beneficial for us to look into this deeper and come prepared for a larger conversation.

## **12-1:30 pm – Lunch**

## **1:30 pm – Public Comment Period**

Rachel Wootton, BLM:

- Will allow the public comment.
- Generally, comments should be for the MAC members, but they do not have to respond immediately. Can be a listening session.

Ryan Nehl, USFS:

- Please keep comments respectful.

Tim Peterson, member of public:

- Cultural landscape instructor for Grand Canyon Trust. Appreciate the opportunity to offer a public comment.
- Limited opportunity to offer feedback on what has been offered so far.
- Welcome to the new MAC members. Thank you for your dedication, time, effort, spirit, and energy. I am grateful for your service.
- It is interesting to hear from BLM about the tentative schedule.
- First comment based on presentations is that the order of what plans control Interim Guidance, etc. Stresses that Biden proclamation and by reference the Obama proclamation should come first, then have plans follow that.
- Thank you for the opportunity to comment.
- Will pull out of Intergovernmental agreement, likes page 5.4, speaks to 638 contracting. Interested in the Bears Ears Commission doing real active management on the ground.

Patrick McKay, member of the public:

- VP of Colorado Off Road Trail Defenders. Motorized trail advocacy group.
- Interested in how motorized recreation will be managed during interim period and later in TMP.
- Concerned when I saw in interim guidance memo a message for BLM to look over all roads and ensure that all objects and values would be protected.
- Asked if BLM would close any roads earlier and received a response that not at this time.
- Not sure how far along you are in the process.
- Lockhart basin jeep trail, hole in the rock, arch canyon road are very important motorized routes.
- Urge BLM not to take any interim actions to close roads without a public process and to wait until a management plan is complete. Or to provide some sort of public process.
- Concerned about the possibility of closures without involvement
- Earlier comments about drones, strong drone enthusiast. Drones are often used for photography which raises first amendment issues. Cites a case in TX that a law regulating drones was struck down for first amendment issues.

Bill Keshlear, member of public:

- Thanks the new members of the MAC that are participating. Wishes them the best of luck. Asks Adam to give his regards to his mother.
- Since about 8 years ago, 2014, national campaigns to create the monument have attracted thousands of visitors to the area, many were lured here because of the campaigns.
- As far as I can tell, the federal government has not increased its funding to regulate any of these activities. Not enough funding to stop vandals, etc.
- My question, what is your perspective on whether the Biden admin has requested any supplemental budget while the management plan begins to take shape?

Rachel Lauritzen, member of public:

- Chair of the Mormon environmental stewardship alliance, nonprofit made of of individuals of the church, but doesn't represent the church.
- Express our support for the re-established monument and for the MAC.
- Landscape is important to many.
- Pleased that Tribal members are included in the council.
- Tribal voices will guide management.
- Support protection of the beautiful and diverse ecosystems of Bears Ears.
- As well as countless cultural object.
- Increase educational efforts.

Eirene Hamilton, member of public:

- Good to see Regina, Denyce, and Angelo. I have great confidence and the bar is high for you.
- Recently I attended the BLM/SITLA meeting about the land exchanges.

- Also, there was a comment period that expired on drilling 9 wells for grazing on BENM.
- My concern is water and watershed recharge. I believe the Bears Ears mountains help in recharging our aquifers.
- I have visited a lot of dried-up springs.
- I am familiar with Red House. Which is adjacent to a dried spring.
- What is the hydrology status of Bears Ears National Monument?
- The public should be made aware of what is there.
- The availability of water affects plant diversity, wildlife, etc. It is a circle; it is all connected.
- That is my concern, and I hope that you all would pay attention to those things when making a plan.
- How about the 30x30 initiative? How would BENM have to do with that?

## 2:15 pm – MAC discussion and consideration of the public comments

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Appreciate your comments and your warm welcome.
- Would like to open it up to MAC members if there is anything you would like to address from the comments.

Kelly Pehrson, MAC member:

- To BLM, has there been more budget given to the monument?

Gary Torres, BLM:

- Yes, we received a couple of million dollars to start the planning process.
- Hired a contractor, SWCA, that will help with that.
- Funding approved for 5 additional positions. Commitment for long term base funding. Focus of these positions are on the ground, like backcountry rangers.
- So, we have seen some funding and put together a proposal for longer term funding.

Michael Engelhart, USFS:

- 2 areas have seen more funding – planning (contractor along with BLM), and staffing.
- One of the main investments we have made is to hire 2 additional law enforcement, one specifically in Monticello. 7-9 permanent staff will also be hired.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- That is great news. That has probably been on a lot of our minds.
- Any other questions?

Eve Tallman, MAC member

- Going to assume that there is a hydrology element to the management plan?

Gary Torres, BLM:

- Yes, our IDT includes a hydrologist.

Michael Engelhart, USFS:

- Forest service has done some spring surveys with the Spring Survey Institute out of Flagstaff as a partner.
- We understand that this is an important aspect.

Denyce White, MAC Interim Vice Chair:

- Are there any documents being put together that will be available to the public soon about the hydrology of BENM?

Michael Engelhart, USFS:

- Our partnership gives us access to their database.
- Other part is to evaluate 16 springs each year, fully.
- Also evaluating others partially.
- We know we have more hydrologic features than we were aware of.
- Through that partnership we will bring the most up to date info to the planning process.
- Can engage our hydrologist to give a presentation to the MAC if the MAC wishes.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Would love to hear from the hydrologist and even go out into the field with them if possible.

Mark Boshell, MAC member:

- Question was asked about interim funding.
- Curious if there has been additional law enforcement hired on the BLM side as well?

Gary Torres, BLM:

- We have approval to bring on one additional law enforcement officer to Monticello but have not hired that person yet.

Angelo Baca, MAC member:

- Federal agencies are probably pursuing their own research and studies.
- How much of that will happen with county and state? Concerned about current drought.

Gary Torres, BLM:

- Started identifying significant issues with the contractor last week. Climate change and drought are one of the most important with very widespread effects.
- One of the major themes will be that discussion.
- We won't be drafting policy, but we will be discussing the concepts.

Michael Engelhart, USFS:

- Additional conversations for cooperating agencies. May provide a more holistic look, view, and opportunity.

Gary Torres, BLM:

- Let the planning process go through before we close roads

- That is the spirit of the interim guidance.
- We are trying not to make decisions that will corner us for planning.
- Courts rule that you use your existing plan until you get a new plan.
- Don't try to rush and make decisions, but also can't not make any decisions.

## **2:30 pm – Break**

## **2:45 pm – Final thoughts/Wrap up/AMS presentation**

Chad Ricklef, SWCA:

- Project lead for the plan.

Matt Peterson, SWCA:

- Been working on planning in this area for 20 years. Involved in the Monticello RMP and previous MMP.
- Resource management planning for 30 years.

### **Analysis of Management Situation (AMS)**

#### **Outline**

#### **Chapter 1 – Introduction,**

- describe the role of AMS, describe planning criteria, and planning process and schedule.

#### **Chapter 2 – Planning area and existing management**

- History of planning area.

#### **Chapter 3 – Regulatory framework**

- BLM plans, policies and programs, other federal regulations, state and local plans policies, and programs for all of the above document the following.

#### **Chapter 4 – Purpose and need**

- Document a clear and concise purpose and need.
- Describe the role of purpose and need in controlling the range of alternatives and corresponding scope of the RMP analysis.

#### **Chapter 5 – Issues and Analytical Frameworks**

- Bring over issues from the prep plan.
- For each issue identify the following: geographical and temporal scale of analysis, relevant assumptions, analysis methodology and techniques.
- Unit of measure.
- Relevant data and information to be used.
- Analytical conclusions to be answered.

#### **Chapter 6 – Planning Area Profile**

- Resource and Resource Use – current conditions, trends and forecasts.
- Non-discretionary designations.
- Social and economic conditions.
- Know resource thresholds, constraints or limitations.
- Current conditions – use units of measure/indicators identified in analytical framework.

## Chapter 7 – Preliminary Range of Alternatives

- What needs to change or can be changed to address problems or take advantage of opportunities.
- This is starting point for alternative formulation.
- Highlights those situations where the current management may not achieve desired conditions.

### Baseline data questions

- We use the best data that we have.
- Must be accurate, relevant, and adequate.
- If it doesn't meet those, may need to get more data.

### Chad Ricklef, SWCA:

- Along with AMS, we will gather data and find our data needs. We have an expanded planning area, so we will need to gather data from there. We will assess data that was used in the planning process in 2020.

### Regina Lopez-Whiteskunk, MAC Interim Chair:

- Feels like an intense process.
- Question about data and data collection.
- When we look at traditional knowledge, it is not data driven or recorded. How does it play into the AMS? How can we incorporate traditional knowledge into the AMS?

### Matt Petersen, SWCA:

- I think we should get input on the best way to do that.
- As an example, subsistence data from the Native Alaskans was very important on a project they worked on in Alaska. Not typical survey data.

### Gary Torres, BLM:

- Spiritual landscape is hard to define.
- Have agreements with some Tribes to have their information not shared with the public.
- What information can we document?

### Matt Petersen, SWCA:

- How can we use the data in the analysis is important. Otherwise, it is a lost opportunity.

### Jared Lundell, BLM:

- Working on gathering some of that information. Ethnographic study assistance agreement working with Tribal Nations that we consult with. Sacred sites, other concerns, etc.

### Regina Lopez-Whiteskunk, MAC Interim Chair:

- Hard to give this information the same sort of validity that other science has.
- Excited to figure out how we can braid this together.

Denyse White, MAC Interim Vice Chair:

- As someone who has been writing plans for a long time, what is your source of creativity when it comes to planning? Do you look at other management plans in other areas? A land reserve in Canada was established recently. They signed a management plan with a tribe. Do you look at other management plans outside of the US? Or in Canada with other First Nations people?

Matt Petersen, SWCA:

- Yes, trying to stay on the cutting edge.

Gary Torres, BLM:

- This is one of the reasons we hire a contractor, because they are involved with plans all over the country and have a lot of experience.
- We are more narrowly focused.
- Bears Ears Commission has been developing an RMP, but they haven't shared it with us yet.
- May not be exactly a distinct alternative but intended to give us direction in concepts and ideas on how they believe managing some of the spiritual/religious aspects that we don't have a good idea of how to incorporate.

Matt Petersen, SWCA:

- Would be interested in the link from Denyse about the management plan in Canada.
- We are in a unique situation in Bears Ears.
- How does that co-management look? Based on how it is written or implemented?

Kelly Pehrson, MAC member:

- Commission has their own RMP. Why would you be guided from their RMP, but not the county and state?

Gary Torres, BLM:

- We will look at the county and state plan. I apologize if I stated that incorrectly earlier.
- FLPMA says that we should be as consistent as possible with state and county plans.
- Both have been offered cooperating agency status as well.

Michael Engelhart, USFS:

- County voted to be a cooperating agency last week at their meeting.

Angelo Baca, MAC member:

- Do you have any indigenous staff or team members?

Gary Torres, BLM:

- We have a Native American coordinator, and we were very happy to be able to hire that position.
- There is an initiative to provide funding to the Bears Ears Commission. They will hire someone to be in our office that will work for the commission.

Michael Engelhart, USFS:

- Very similar on the Forest Service side.

- Strong relationships with the new Bears Ears Commission.

Matt Petersen, SWCA:

- Would have to look at their team with SWCA.
- Has had long relationships with Tribal members.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Difference between coalition and commission?
- Could start the day off tomorrow with that answer.

### **3 pm – Adjourn for the day**

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## **Thursday, June 30, 2022, 8:00 am to 3:00 pm**

### **8:15 am – Welcome by Jake Palma (BLM) and Michael Engelhart (USFS)**

Rachel Wootton, BLM:

- Technical assistance overview.

Michael Engelhart, USFS:

- Thanks so much for your participation yesterday.
- Thank you to those joining us from the public and submitting your questions. It helped to create a great dialogue yesterday.
- Thank you to our MAC committee members.
- Yesterday was a great start to creating a good, diverse, multiple management perspective discussion.
- We are gathered to ensure that we create space for others to have their perspectives on management.
- Thank you also to our contractors for the monument planning process. Thank you for your participation.

Jake Palma, BLM:

- Missing a few folks from the MAC, asked Denyce if she would like to proceed without Regina, or if we should try to wait for her for a while.
- Prepared a diagram showing the relationship between the MAC, the commission, etc., but will wait until Regina arrives.

### **8:30 am – AMS presentation and workshop by SWCA**

Chad Ricklef, SWCA:

- Introduction

Matt Petersen, SWCA:

- Would like to go through the same exercises that he did with the interdisciplinary team from Grand Staircase and Bears Ears over the last few weeks.

- Has created a worksheet. People can fill out objects and values, current conditions, trends/changes, and forecasts.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Concerns about how much time they have to provide input.

Angelo Baca, MAC member:

- Fires increasing around the west, due to drought and climate change.
- Education on how to manage fires and whether there should be fires.
- Most of the fires appear to be human caused.
- Hard to control them because of the heat and dryness.
- Need an ability to address that, need a plan.
- Also, hunting and the health of the deer population.
- Hunting is outlined in the proclamation.
- Wasting disease specifically.
- Including more about wildlife concern and health of deer populations as we see visitation increase.

Matt Petersen, SWCA:

- People discount anecdotal information, but often there are valid trends there.
- Perceptions that we see on the landscape are valuable.

Eve Tallman, MAC member:

- Impacts of dispersed camping in the Indian Creek corridor.
- Tourism based air traffic.
- Would like to address things like drones and helicopter tours.
- Would like the SITLA parcels throughout the Indian creek basin to be swapped.

Matt Petersen, SWCA:

- Seeing more and more, people who own their own helicopters as casual use. This has not been expected in the past because of their expense. Have you all seen this?

Eve Tallman, MAC member:

- Has not seen it in the Bears Ears but has seen it across the river in Hite.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- I know you said you were working with individuals that have ethnographies of the indigenous people.
- Finding that there is a lot of other information that the people have, but it is not recorded.
- Should not be pigeonholed into citing only what is published, but there are greater schools of knowledge within indigenous communities.
- There are multitudes of information stored within the stories. Must stop and listen to these stories.
- The people themselves, on the ground, in the communities, house a lot of that information.

Matt Petersen, SWCA:

- Brought this up yesterday with their work in Alaska.
- Gathering information through interviews, etc. in remote places.
- Do you have an idea of the best way for us to get that? Traditional ecological knowledge has been brought up a number of times during our planning process. How do you recommend getting that information?

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Reaching out to individuals who live in those communities will be helpful.
- My recommendation would be to hire someone, whether it is an intern, etc., who is focusing on community engagement to gather some of the stories.
- May be difficulties with an outsider coming in.

Jared Lundell, BLM:

- Ethnographies are being gathered currently with Tribal governments.

Davina Smith, MAC Member:

- Wondering if that is too many hats.
- We're here today to talk about trends issues.
- Ethnography plays at a key part of what we are discussing here. Each story that we gather from each tribe plays a significant role.
- Reminding everyone why we are here.

Jared Lundell, BLM:

- You all as MAC members are providing important information.

Denyce White, MAC Member:

- I recreate on the lands in the Bears Ears and have been working toward becoming a river guide on the San Juan River.
- Probably a lot of perspectives on the increase in visitation to those areas.
- Has seen huge increases in the area, particularly around Comb Ridge.
- Has seen large increases in Valley of the Gods as well. Many fire rings and dispersed camping areas.
- Fire rings seen in the road that leads up to House on Fire as well. Concerned about human caused fires with drought conditions.
- Drones may need to be a longer conversation. Would like some type of regulation for drones in Bear's Ears. Would like to see protection of ancestral sites from illegal activities that might harm those areas. Found some information from the FAA about no drone zones.

Jared Lundell, BLM:

- Considering dispersed camping issues.

Denyce White, MAC Member:

- Would like us to consider emphasizing visiting ancestral Pueblo sites with respect.
- Has seen people visiting sites very disrespectfully.

Jared Lundell, BLM:

- That is a broader piece of education that we really want to improve on.
- Visit with respect, but also bring in how these places are important to descendent communities.
- Added new signage at River House about Visit with Respect.

Mark Boshell, MAC member:

- Thinks this is the elephant in the room, that these lands could be “loved to death”.
- Grand Staircase is still dealing with how to deal with the increases in visitation and it has been established for 25 years.
- Grand Staircase doesn’t have the infrastructure to accommodate the visitation.
- A component of the planning process should be to think long term about what infrastructure will be needed.
- Consider what we will need to reduce impacts as more people come to the area.
- Earlier discussion about helicopters and flights. Many of the National Parks in Utah are doing Air Tour Management Plans. Will those be included with this planning process?

Michael Engelhart, USFS:

- Air tour management plan act is applicable to National Park Service administered lands that have restricted airspace that national monuments do not have.
- There are restrictions for landing and take off on BLM and USFS lands.
- The air tour management plan has been brought up by Natural Bridges because they are going through it right now. This would affect Bears Ears.
- The only traffic that would be authorized over that airspace would have to be allowed in this plan.
- Doesn’t believe that we will have to go through an air traffic management plan, because we don’t have the same restrictions as NPS lands.

Matt Petersen, SWCA:

- Airspace over the monument is going to be dealt with by the FAA.
- Planning level vs. implementation level. Planning level would be specifying that these areas need more infrastructure. Implementation level would be saying we will put 2 bathrooms and a parking lot at this place.
- FAA regulates the airspace. We don’t have restricted airspace on these monuments. Permitted aircraft use vs. casual use. If it is permitted, you can make anything stipulations in the airspace. If it is casual use, you cannot regulate them flying around, but you can regulate what they do in terms of landing. BLM/USFS could say no landing on the monument. What happens on the ground, BLM does have control over. BLM does have control over permitted use.

Mark Engelhart, USFS:

- Suggests looking at the past record of decision for the monument for restrictions for take off and landing that we have included in the past. Can give a framework for what we have done before for drones and UAV.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- One of the biggest areas that we have experienced in our communities is demonstrating why some of the decisions have been made. Many people are surprised not understanding what has led to those decisions.
- Make decisions based on environmental impacts.
- Public just sees decisions.
- Part of that falls on the educational component of what we are doing.
- Fire rings that Denyce brought up as an example. Campers don't understand why they are not allowed because they are never told. Trying to communicate that through our public process would be helpful.

Matt Petersen, SWCA:

- Putting in priorities for education and interpretation are appropriate planning level considerations. Most of the plans I have worked on have done that.

Denyce White, MAC Interim Vice Chair:

- Circling back to aviation.
- Valley of the Gods balloon festival in January or February. Attended in a hot air balloon. Was wondering what the impacts were to the land. Regulating landing, etc. How would you address hosting a festival like that in a monument? At a planning level.

Matt Petersen, SWCA:

- Speaking broad scale planning of how you might do that
- BLM/USFS has the ability to put any restrictions on the permit for this activity.
- Planning level, they may put restrictions on it up front. Could be things like must be so far from cultural sites. Could say they are going to monitor.

Jared Lundell, BLM:

- Balloon festival has been a long running festival. Currently a SRP, that has done NEPA on it.
- Could certainly consider it in the future.
- Generally, a good special recreation permit.
- Monitored every year when it happens.

Matt Petersen, SWCA:

- Jared noted that they have an EA and that is an implementation level plan. From a planning level, we could put restrictions in the plan that would be required for all permits.

Angelo Baca, MAC member:

- Thinks the larger consideration of the impacts of grazing would be good to discuss.
- The original proclamation brought up a lot of heated discussion. With the period of reduction, it seemed like it was open for folks to allow more grazing.
- I would like to see a broad understanding of what regulation would look like. Ranchers are given a lot of leeway.
- Fencing is required to keep cattle out of ancestral sites.

- They have been given privileged access to places with water. Surprised to see cattle in some parts of the landscape.
- Would like to learn about general regulations.
- This topic could use more education for the public as well.
- Drought and water wells are considerations for this issue too.
- Livestock has an impact on the land that needs to be taken into account.

Matt Petersen, SWCA:

- A big one that came up last week too, including water issues.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Appreciates that comment and it made me think of some of the areas that have been contentious. Cattle operators pitted against the indigenous people. One aspect of that conversation was traditional harvesting. Would like to create an equitable space between the different land users. The educational component to both communities is important here and should be apart of the planning effort.

Matt Petersen, SWCA:

- Education side can be memorialized in the plan too.

Jared Lundell, BLM:

- Input is very valuable but want to fill in context. Have closed off some areas to grazing because of impacts from grazing. Put up fencing with FCM to keep cattle out of canyons in Butler Wash.

Matt Petersen, SWCA:

- When we do these plans, we don't want to be litigated on the basis of a process issue.
- We don't want to do implementation level planning/groundwork that would require more analysis on the ground.
- Closures can be planning level.

Angelo Baca, MAC member:

- Was specifically focused on Cedar Mesa and the Bears Ears Buttes areas themselves. Ranchers also collide with visitors here.

Matt Petersen, SWCA:

- Challenges associated with enforcement here. We have hit on the education component, which can be helpful in a remote area.

**9:45 am – Break and reminder to sign in for public comments**

**10:00 am – Management Plan alternatives presentation and workshop by SWCA**

Matt Petersen, SWCA:

- At this point, going to do a presentation on how the planning process works and then will go through some more points on this worksheet. Followed by discussion again.

Planning concepts and decisions and alternatives development

Land use plan decision for public lands fall into two categories:

- Desired outcomes (goals and objectives) and
- Allowable (including restricted or prohibited) uses

Goals – broad statements of desired outcomes that usually are not quantifiable. Goals typically apply to the entire planning area; and typically pertain to all action alternatives (will not vary by alternative).

- Example – Maintain healthy, productive plant and animal communities of native and other desirable species at sustainable population level commensurate with the species and habitat potential.

Objectives – Objectives identify specific desired outcomes for resources. Objectives are usually quantifiable and measurable and may have established timeframes for achievement (as appropriate).

- Example – Manage mid-elevation sagebrush steppe communities in the Field Office to achieve

Allowable uses (allocations) – land use plans must identify uses, or allocations, that are allowable, restricted, or prohibited on the public lands and mineral estate.

- Example – Lockhart Basin would be designated as No Surface Occupancy (NSO) for leasable mineral development.

Management Actions – Land use plans must identify the actions anticipated to achieve desired outcomes, including actions to maintain, restore, or improve land health.

- Example – Approximately 20,000 acres of tamarisk (salt cedar) would be treated annually as a part of riparian restoration efforts within the Field Office. These treatments

Planning issues feed into the purpose and need, vision statement, goals actions and objectives common to all action alternatives, alternatives.

Introducing the worksheet

Jake Palma, BLM:

- The public can add their input during public comment this afternoon or they can offer their feedback during public scoping in a few months.

Michael Engelhart, USFS:

- Please address your public comments to the MAC today.

Matt Petersen, SWCA:

- Public scoping period will have space for the public, but also will have a chance to comment on the draft EIS.
- Open it up for discussion. See what people came up with on the worksheet. What are the key areas that need protected? Can be geographic or criteria based.

Mark Boshell, MAC member:

- Criteria based – Woodlands/forested areas. Discussed drought and wildlife. What management tools are we going to have to manage vegetation in regard to fire

suppression, thinning, etc. Where that is appropriate? Will prescribed fire be appropriate? This will be an issue as drought continues and wildfire risk increases.

Matt Petersen, SWCA:

- Let's work through the worksheet on this one. Fire managers want to have all tools available to them generally. Those are appropriate planning level decisions. Can prioritize where you are going to do treatment.
- What are the issues? Drought, fire problem, could be invasives.

Mark Boshell, MAC member:

- Conflicts could be with archaeological sites.

Matt Petersen, SWCA:

- Could also have a conflict with recreation. This may be a short-term conflict with a long-term benefit. May be closing an area down during the treatment. May also be visual impacts that could affect recreational experience.
- Impacts to cultural setting during treatments.
- What are management actions to address those conflicts? Starting with cultural resources.
- One option could be having management restrictions (mechanical only, hand tools only) in areas that may have cultural sites.

Eve Tallman, MAC member:

- In the La Sals there is a perception that mastication or clearing the land is mostly for grazing. It seems like there needs to be solid input from wildlife specialists who can determine if woodland resources being managed has an impact on wildlife habitat. Believes this to be controversial in the La Sals.

Matt Petersen, SWCA:

- This is a controversial topic all over the west.
- Look at alternatives with NEPA and disclose the truth.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Express why it is so important to consult with Tribes that are not only in the Commission. Those processes are required, not optional.

Matt Petersen, SWCA:

- Consultation must be effective and documented.

Jake Palma, BLM:

- Commission is made up of 5 Tribes. On the BLM side we consult with 32 Tribes. Frequently engage with many Tribes that are not in the Commission and will continue to do so.

Angelo Baca, MAC member:

- Believes pre-emptive actions are key here for the fire issue.
- Firewood harvesting, what to do with the fuels from thinning.

Matt Petersen, SWCA:

- Woodland harvest as an example.
- Allowing woodland harvest can be a tool to manage the fire situation while at the same time providing a benefit. Potentially even a subsistence benefit.
- Conflicts of opening up area for fuel gathering?

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Some of the conflicts could reside in cattle operations/grazing.
- Might not be in the right location for some people. Depends on the different user groups in those areas.
- Important for us to understand seasonality for sharing spaces.

Matt Petersen, SWCA:

- How do you address conflict for two people in the same space/sharing spaces?
- For example, fuel wood gathering and grazing/recreation

Mark Boshell, MAC member:

- Some opportunity to create timing differences. Certain times of year for each.

Matt Petersen, SWCA:

- Another one could be geographic separation.
- Also, restrictions on how it is done to reduce the conflict in an area. Something like fuel wood gathering will be done in this certain way.
- Another conflict for fuel wood gathering is access. How do you provide access to that fuel wood? Can't carry a lot of that wood but need roads and could potentially drive off roads to access their wood.
- Angelo hit on a solution which was BLM doing the fuel treatments and then moving it somewhere that people can access it.
- Could only allow fuel gathering in areas that already have access.

Angelo Baca, MAC member:

- Points back to traditional knowledge. Many Tribal members know where to go and how to let areas recover.
- Would be good to tap the local communities for their ideas for best places and times to harvest.
- Could be a mutually beneficial possibility.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- The systems in place in terms of permitting. Has heard the local community complain about needing to get a permit to collect wood.
- An area of conflict is that permitting system. What can we do to mitigate some of that confusion?

Eve Tallman, MAC member:

- Valley of the Gods is one of those places that is starting to be loved to death.
- In particular it seems like it has become a boon docker destination for large RVs.
- Have also observed that there is a lot of human waste and campfire rings.

- Potential solutions could be the installation of vault toilets, particularly near the highway and the dugway.
- Hardening some sites and limiting the development of any new dispersed sites would be a huge step forward. Campsites keep growing and expanding and new ones are starting. Drought has made the vegetation so fragile that it isn't growing back right now.
- Banning campfires could go a long way. I know it is a huge tradition, but wondering if this is a step we could take in areas that don't have vegetation to support it.

Davina Smith, MAC member:

- Wanted to bring up the water wells.
- Important to identify where these areas are located.
- Angelo brought up the issue of grazing. Believes that needs to be discussed and now we are talking about our water. Water is a huge issue and must be discussed.
- Yesterday talked about hydroanalysis. Important to identify these areas.
- Kane Gulch, Slickhorn, Dark Canyon are a few important areas.
- Another important discussion is recreational ATVs. Knows that this is important and has one herself, but there are many cultural sites.
- Some are still unearthened, which should be discussed and identified.
- Must be respectful, but also identifying where these areas are. With consultation with tribes as well.
- Not saying remove it, but must be respectful and have these hard, messy discussions.
- Indian Creek has many climbers, but not enough capacity to support the number of climbers. Need more infrastructure here. Structure erosion is also a problem here.
- Birds that are nesting in Indian Creek are also being affected by climbers.

Matt Petersen, SWCA:

- When we have these discussions in the public, people can want to jump to conclusions about what the outcome will be.
- The fact that concern is out there means it is an issue. Should discuss alternatives to address this.
- Can also analyze things to allow and not to allow.
- Several planning level allocations can address this. A particular area could allow camping in sites only or in designated dispersed. Or an area could be closed completely to camping.
- Also, ways to address conflict on OHV or other access to areas as well. OHV could be only on existing routes. Could have certain open or closed areas. All are alternatives

Adam Redd, MAC member:

- Shay Canyon is one of my concerns. Went through talking about it 2 years ago. Kind of had it solved.
- With some of these issues, can we look at what we did to solve it previously?
- Can maybe look at how we solved it before and implement what we did to help save time.

Matt Petersen, SWCA:

- In the AMS chapter 2, what is your existing management? We will look closely at those and see what is working.
- We will review what we have and see what's working and what doesn't
- Make sure and review and decide what from the existing management plan is still working.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Playing devil's advocate. Wants to bring up the existing mineral leases within the footprint of the monument. This is controversial and has threats to many things that we have talked about like traditional harvest, recreation, cattle, hydrology, etc. Feels like this is the elephant in the room that needs to bring it up.

Matt Petersen, SWCA:

- When you're talking about mineral rights, you're talking about valid existing rights that must be honored. I have worked on projects where they have re-evaluated valid existing rights. That has been done before. Federal government had to refund lease holders for those rights.

Jake Palma, BLM:

- Don't know exactly how many exist off the top of the head. The interim management guidance gives some direction with how you would move forward with those claims. Page 2 section A of the interim guidance. May provide some more insight.

Matt Petersen, SWCA:

- Leasing and also mining claims. Different processes for both of those. One note, from interim guidance, is that development must still protect monument objects and values.

Adam Redd, MAC member:

- Is there a map available that shows all of the mining leases/mineral rights.

Matt Petersen, SWCA:

- Yes leases, but mining claims can be difficult.

Adam Redd, MAC member:

- Would be helpful to have a map of leases and also cultural sites.

Michael Engelhart, USFS:

- Actually, a really difficult process because even if there is a mining claim there is a lengthy process to determine that a claim is valid.

Eve Tallman, MAC member:

- Circling back, appreciates Adam's point about the work that was done in 2020.
- Blanding and Monticello watersheds are heavily implicated. County also is very concerned about the water supply.
- Water and wells question seems like a much larger question.

- Perceptions and how we will know what is in place. There are seasonal closures in the Indian Creek corridor and wildlife biologists close areas where the birds are.
- Climbing community has been proactive maintaining trails in the area and climbing stewards are educational assets in the area.
- Difficult for us all to understand what is currently going on.

Matt Petersen, SWCA:

- These are all excellent things we want to capture in the AMS.
- May be worthwhile to look at the MMP, RMP, forest plan, final EIS for the monument that had other alternatives.

Angelo Baca, MAC member:

- Great conversation and the in-depth nature is necessary.
- In terms of the water issue, cross jurisdictional sharing of resources related to water management is important. Tendency for agencies is to focus in their area of concern. Because these are so large, required to do more to get a holistic view of the hydrology.
- Impacts to springs around Bluff and Montezuma Creek are being impacted by previous activity. What does that mean for the water table in general? Can the public see the results of those studies?
- Has been a large challenge for native communities that when people do that work, they do not report the outcomes back.
- Increasingly important with drought and climate change.
- Restricting ground wells in the monument for cattle and allowing water to replenish.
- Already established structures are stressing water resources in the community.

Matt Petersen, SWCA:

- Trying to research what data has been gathered. Ground water can be tough to gather. Tendency to be more conservative with alternatives when there is uncertainty. Adaptive management can be useful too.
- Anecdotal information will actually be important too in terms of driving alternatives.

Eve Tallman, MAC member:

- Wondering about where I should submit these written comments from the worksheet?

## **12-1:30 pm – Lunch**

## **1:30 pm – Public Comments**

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Expresses gratitude to MAC members and to the staff from BLM and USFS.
- Appreciate the idea of listening and engaging with the public. Welcome.

Michael Engelhart, USFS:

- Public comment periods are so important. They have been valuable already and throughout the history of the MAC.

- As evidence of how important they are we have me, our forest supervisor. This does inform our management.
- Thank you for participating.

Jake Palma, BLM:

- Throwing ourselves into the deep end to try to figure everything out.
- Many layers of complexity so we appreciate insight from the MAC members and the public.

Louis Williams, Member of the public:

- From the Navajo Nation residing in Blanding. Thank you for the opportunity to share our concerns.
- Would like to extend appreciation.
- Ancient Wayves. I provide guided services along the San Juan River. Also guided backpacking and photography tours
- Guiding services are important in the management and we can help.
- Protecting the landscape: we share with guests the importance of staying on trails.
- Conserving water: During river trips and backcountry tours, guests see the importance of water resources.
- Management planning: there are precedents currently set.
- As an outfitter we have a list of regulations with our permits.
- Special permits are required for commercial filming.
- Operating under a special permit means that we have many regulations.
- We limit the number of guests we take on a trail. We document what happens.
- Is there a current balance among all that that share the landscape?

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Asked if Louis could submit something in writing to MAC because he was not able to finish.

Steph Wacha, member of the public:

- Greet the MAC and express my gratitude. Insight and expertise that has been shared.
- Express gratitude for a few things: hydrological concerns and proposed projects on springs.
- Thank you for bringing up grazing issue as I believe it impact biological communities. Climate change issues.
- Focus on community input is important.
- Listening to the priorities of the MAC.

Louis Williams, Member of the public:

- Thank you very much.
- We are very credible as guides with the information that we gather. We have photographs, videos, and sometimes reports of damage. That is all documented post-trip.
- Wanted to ask committee, etc. how stipulations on guided activities may be expanded to non-commercial use.
- Offer our help in any way for collaboration.

- Emphasize the accountability part of managing and I would like to see that with all visitors.

Judi Brawer, Member of the public:

- Thank you, appreciate the opportunity.
- Very interesting and informative to listen to all this. Thank you to the MAC and BLM.
- Right now, the BLM is making some decision on the ground in the monument, for example, grazing, wells, and development, as well as issuing some 10-year SRPs for motorized users.
- Not only do they have immediate on the ground impacts, but they may also restrict the monument planning process.
- Is BLM consulting with the MAC? The 3 different grazing projects that were proposed and SRPs in Arch Canyon?
- How will actions limit the range of alternatives and the planning process?
- The importance of guide services, particularly local and Tribal, are essential to keeping areas in good condition and imparting their knowledge and wisdom about the area.
- What Louis said about learning from the guides about how they have terms and conditions that the public is not required to meet.

## 2:15 pm – Discussion/consideration of public comments

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Thank you to everyone that provided comments there.
- If any of the MAC members have anything they would like to address? Or ask a response from any of the agencies?

Denyce White, MAC Interim Vice Chair:

- Crystal Muzik wrote something in the comments and wondered if she could read it aloud?
- My name is Crystal Muzik and I live in Southeast Utah. Thank you for letting the public listen and participate in this committee meeting. My main concern for BENM is increased recreation and visitation to the area. Education is key to promote responsible stewardship of the area. I hope that more funding can be provided to adequately provide staff and infrastructure. My wish is to have input and advice of the Native American tribal interests at the front of all management decisions.

Eve Tallman, MAC member:

- Wondered about the question that Judi brought up about the 10-year SRPs for motorized tours?

Jake Palma, BLM:

- There are special recreation permits, one of our most effective tools is guiding recreation on the landscape. Held to specific regulations, and we monitor their activities.
- Not sure the specific ones, but special recreation permits account for 3% of the use in Arch Canyon and compared to the public who is not held to any stipulations.

- 10-year SRPs are issued for 10 years but must be renewed every year and can be determined each year based on performance etc. if that will be a continued use.

Regina Lopez-Whiteskunk, MAC Interim Chair

- We have talked about the process the last few days. I just want to make sure that BLM isn't boots on the ground making decisions. Will these decisions make the plan decided in some areas? Consultation with the MAC.

Jake Palma, BLM:

- Not a lot of MAC meetings, and currently the priority is the management plan.
- As an office we manage a lot of grazing allotments, etc. We can't bring every issue before the MAC to have discussion on every single one. We will do our best to coordinate with the advisory committee on the planning effort and as time is available, we can discuss other on the ground issues as well.

Michael Engelhart, USFS:

- Through our engagement with MAC, we will also learn about the topics that you want to be involved in and want to learn more about.
- We do have SRPs within the monument and we look at them every year. Also grazing management, upkeep of roads and trails, etc. Referring back to our interim management guidance and looking at our decision space. There is no pause in BENM, but there is active management that has to occur.
- My connection to MAC is that we are willing to bring and discuss any project, but we couldn't possibly cover everything we deal with on a day-to-day basis.
- If MAC would like to take a wider-angle lens, we could.

Regina Lopez-Whiteskunk, MAC Interim Chair

- My understanding is that the MAC has the birds eye view of providing recommendations and reviewing. Not a decision maker, but as an advisor.

Angelo Baca, MAC member:

- The question from Judi, why isn't the public required to adhere to the same rules as tour guides?
- Concerns of tourism. Lessons to be learned from Moab.
- Prioritizing keeping the landscape intact as much as possible.
- Tourism campaigns are focused on bringing the people in, but nothing as far as guidance.
- As opposed to actually having concerns about how to respectfully engage with the landscape.

Regina Lopez-Whiteskunk, MAC Interim Chair

- Great to get the boots on the ground perspective from Louis. Great to use as a resource.
- We all want to visit these places and allow future generations to as well.
- Equal opportunity across the board no matter which user it is.
- Other comments in response to the public comments?

Mark Boshell, MAC member:

- Always difficult when we get comments from the public because it's such a small slice of the pie, and you don't capture the full range of feelings from the public.
- Appreciate the comments that we did receive.
- Hopes BLM and USFS can help the guide services operate in ways that a less impactful.

## **2:30-2:45 pm – Break**

## **2:45 pm – Summarize MAC recommendations. Final thoughts. Wrap up**

Rachel Wootton, BLM:

- Federal register notice announcing this meeting. The next meeting is scheduled for September 13 is a virtual meeting. December 7 is an in-person meeting. Times for both will be from 8am-3pm.

Eve Tallman, BLM:

- To whom will we email our comments for the worksheet?
- Is there a way that we can have a shared document among the MAC members?

Jake Palma, BLM:

- Anyone can send their forms to me and CC Rachel and then we can make sure those get to SWCA. July 22 or before to submit something.

Rachel Wootton, BLM:

- Challenge for shared document is that the rules of the committee mean that major actions need to come from meetings.

Angelo Baca, MAC member:

- Interested in hearing more about what Adam thought was valuable and how that could be brought up in the MAC?
- Is there a way to find what is useful from Adam's insight?

Ryan Nehl, USFS:

- What needs to be changed? Good to look back at what the existing plan is. Shay Canyon is one of those areas that we spent a lot of time on.
- Tension on the reduced monument size, so not a lot of participation from some groups.
- If you have recommendations as far as what worked and what didn't, we are interested in that.

Denyce White, MAC Interim Vice Chair:

- Before we had a question from the public about whether those documents could be shared with the public.
- In the email that will be sent out, includes articles from BLM, County plan, RMP, MMP, etc.

- To the public, can always google these documents.
- Appreciates the public comment and inputs and wishes we had more time.

Angelo Baca, MAC member:

- Many indigenous community folks who cannot jump on zoom right now. Differences in access and ability to take the time away from work.
- Would be nice to have a broadened doorway for people to make comments rather than these narrow windows.
- This is a real concern and want to make sure we are cognizant of that.

Jake Palma, BLM:

- Working with Colorado Mesa University to have public meetings next week.
- Recently funded 5 more of these meetings but will be specific for Native communities. If you have insights as to times of the month, day, locations.

Regina Lopez-Whiteskunk, MAC Interim Chair

- One of the things I would like to impress, is transparency and any opportunities to educate our communities are priorities.
- We are put in these positions with great responsibility.
- Appreciate all the information that you have brought forward Denyce.

Angelo Baca, MAC member:

- Provided a link to the previous MAC meetings on youtube.

Jake Palma, BLM:

- Scoping period will be happening in August sometime. A Federal Reregister of Notice of Intent will publish. It will be a 60-day period for the public to make comments to the federal government.
- You as MAC members can participate and ensure that members of your community are participating as well.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Biggest thing is trying to inspire our community members to be involved in the public process.
- I would like to know more information regarding aviation. Would like to have more of a collective view of how these could be managed.

Eve Tallman, MAC member:

- How is it that we as a group will have a meeting of the minds as far as those things that we think are priorities on the worksheets. How can we come to consensus in the space of these meetings? Seems that we could talk through issues for days.

Rachel Wootton, BLM:

- The next meeting will be during the scoping process, so that is probably what would be discussed at that time.
- Continuing to look for feedback during that time.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- How long will it take to compile the information from the MAC? Would one of the next agenda items be to prioritize that information?

Jake Palma, BLM:

- Thinks that sounds fairly accurate. The challenge we are facing is the timeline. By the next MAC meeting, the AMS will be completed. That is why your feedback is needed in the next 3 weeks to get that draft put together.
- AMS is currently due the day before the next MAC meeting.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- How do we prioritize, do we just put our own personal idea of importance?

Jake Palma, BLM:

- Will take whatever is in your worksheets and incorporate it into the AMS.
- You will have to do your best to get us what you can by the 22<sup>nd</sup> and we will incorporate everyone's worksheets into the meeting notes. There won't be able to be a conversation like this until September though.

Michael Engelhart, USFS:

- No forum for the MAC to be able to come to a consensus for these worksheets, but your individual comments will be considered.

Mark Boshell, MAC member:

- Good with the direction that we are going at this point. SWCA is gathering all of the views at this point, so I don't see an opportunity/need for consensus at this point.

Angelo Baca, MAC member:

- What is the relation between the planning process and the meetings next week?

Jake Palma, BLM:

- Purpose of events is to hear the public's opinion about recreation use on the Bears Ears landscape. Learning more about different user groups and their opinions.

Rachel Wootton, BLM:

- AMS form and questionnaire? Is that something we want to share widely?

Jake Palma, BLM:

- They will be in the notes. Let's double check with SWCA if they would like us to share that with the public. May be able to put it on our webpage.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Angelo shared in the group chat that perhaps next time we could bring up hunting and tourism SRPs.
- Thank you for the honor and the opportunity to open up a diverse and equitable conversation in the process and the management plan and for the opportunity to represent diverse communities.

Angelo Baca, MAC member:

- If the community meetings are recreation specific, it might not interest Native communities.

Jake Palma, BLM:

- The meetings focused on Native communities will be focused on more than just recreation.
- Regina and Denise, welcome as the new chair and vice chair. BENM is such an important and unique landscape. We as the federal government are trying to do something we have never done before – trying to figure out what co-management looks like with Tribal Nations and the MAC as we work on our RMP with the ideas of maximum engagement on a short time frame.
- Thank you for your time and dedication to the landscape. Figuring out how we make these difficult conversations work moving into the future.
- Judi mentioned that recreation is not an object, but the main use. We look to you all to help us navigate this path forward.
- Thank you for a good start, this is just the beginning, and we look forward to the long journey.

Ryan Nehl, USFS:

- Evident that there is a sincere passion for the landscape from the MAC.
- Look forward to the future meetings, it is a compressed time frame.
- Do some introspection and determine what you want to focus on.
- At the end of the day, we can talk about anything you want to, but ultimately it is what you want to discuss and recommend to the land management agencies.
- Really think about prioritizing.

Michael Engelhart, USFS:

- Great meeting with you all, thank you.

Rachel Wootton, BLM:

- Confirmed with SWCA that we can post the form to our website.

Regina Lopez-Whiteskunk, MAC Interim Chair:

- Thank you, appreciate time and dedication.

**3 pm – Meeting Adjourn**



**Welcome to the Bears Ears National  
Monument Advisory Committee Meeting!**

**The meeting will  
start momentarily.**



U.S. Department of the Interior  
Bureau of Land Management

U.S. Department of Agriculture  
Forest Service



# June 2022 Monument Advisory Committee Meeting

## Bears Ears National Monument





U.S. Department of the Interior  
Bureau of Land Management

U.S. Department of Agriculture  
Forest Service



# Technical Tips for MAC Members/Presenters



U.S. Department of the Interior  
Bureau of Land Management

U.S. Department of Agriculture  
Forest Service

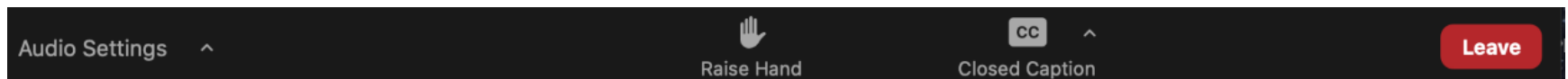


# Technical Tips for Attendees

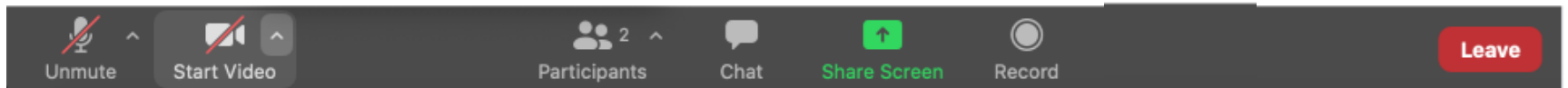


# Controls

Attendee:



Panelist:





# Need technical support?

## Contact Rachel at

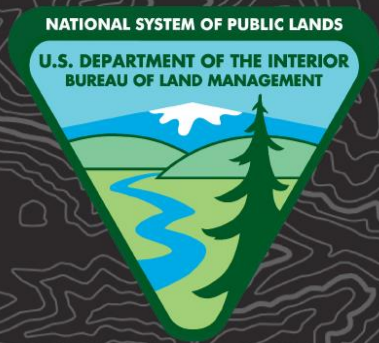
[rwootton@blm.gov](mailto:rwootton@blm.gov)  
**385-235-4364**



U.S. Department of the Interior  
Bureau of Land Management



# Agenda



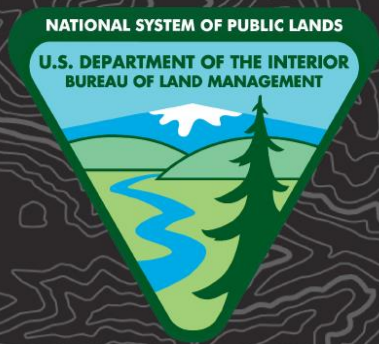
## **Bears Ears National Monument Advisory Committee Meeting**

# **20 Minute Individual Working Session**



## **Bears Ears National Monument Advisory Committee Meeting**

***The meeting will resume at 1:30 p.m.  
Microphone testing for the public  
comment period will begin at 1:15 p.m.***



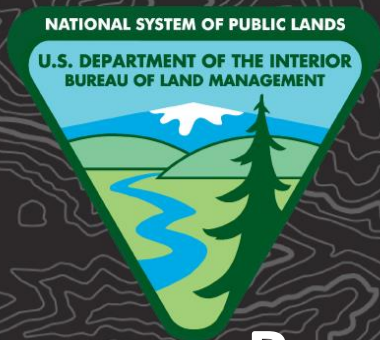
**Welcome to the Bears Ears National  
Monument Advisory Committee Meeting**

**The meeting will  
resume momentarily**



# Public Comment

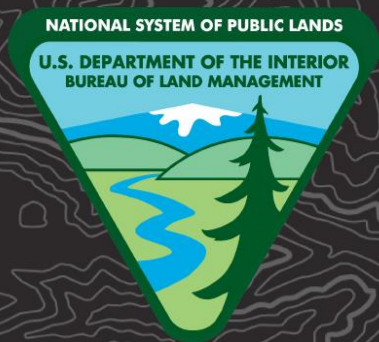
- We will call on pre-registered users who expressed an interest in commenting in the order that they registered.
- Raise your hand when we say your name.
- We will allow you to unmute when it is your turn.
- Call in users: \*9 to raise hand, \*6 to unmute
- Phone/App users: click unmute
- You will have 3 minutes



# **Bears Ears National Monument Advisory Committee Meeting**

**3:00**

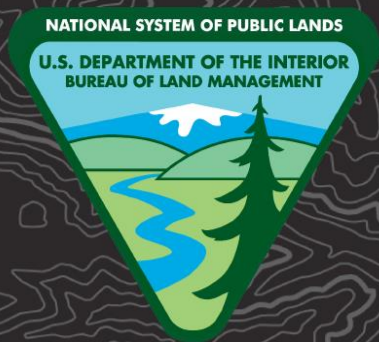
**Providing comment: Judi Brawer**



**Bears Ears National Monument Advisory  
Committee Meeting**

**15 Minute Break**

*The meeting will resume soon...*



**Bears Ears National Monument Advisory  
Committee Meeting**

**10 Minute Break**

*Meeting will resume soon...*



**Bears Ears National Monument Advisory  
Committee Meeting**

# **Technical Difficulties**

*Meeting will resume momentarily...*



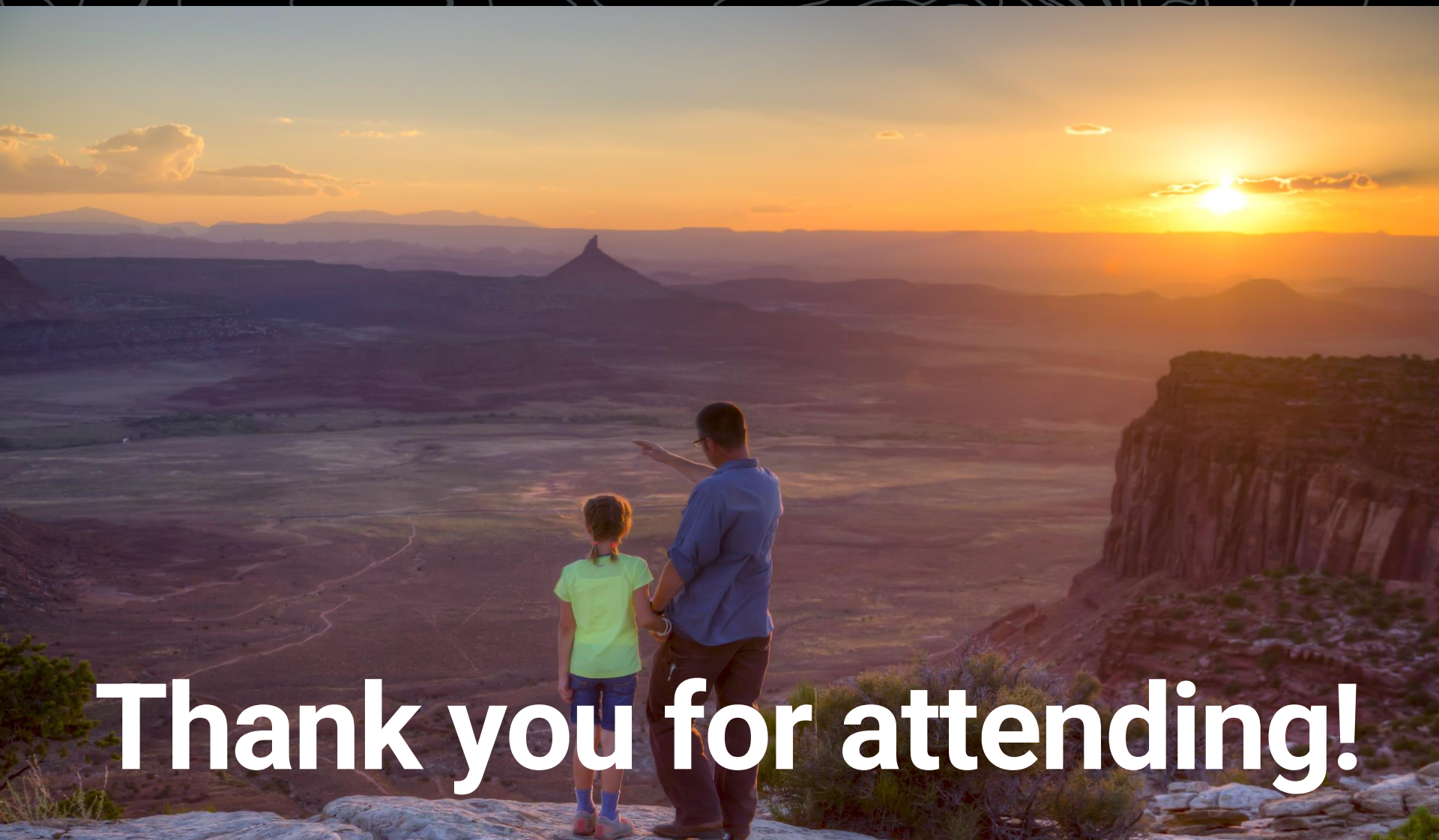
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Forest Service

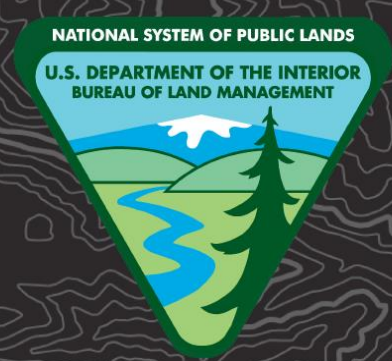


# June 2022 Monument Advisory Committee Meeting

Bears Ears National Monument



# Thank you for attending!



# **An Overview of the Bears Ears Monument Advisory Committee**

**A review of the work to date: Committee  
meetings and the impact of  
recommendations on planning and  
management.**



## **Establishment**

- **Proclamation 9558 (Dec. 28, 2016) and Proclamation 10285 (October 8, 2021)**
- **Regulated by the Federal Advisory Committee Act (FACA)**
- **Designated Federal Officer- BLM's Canyon Country District Manager**
  
- **Charter first approved in the fall of 2018**
- **Charter was updated in 2022**

**"The Committee will provide information and advice regarding the development of the management plan and, as appropriate, management of the Monument to the Secretary of the Interior, through the Director of the BLM, and to the Secretary of Agriculture, through the Chief of the U.S. Forest Service."**



# Past Meetings of the MAC

The MAC has met on these occasions prior to today:

**June 2019: Introductions, Review of Proclamation and Charter, Overview of the Draft MMP/EIS**

**February of 2020: BENM MMP Record of Decision and review of the process in developing the Monument Management Plan; Overview and Discussion of the Cultural Resource and Recreation Area Management Plans; in depth discussion of Shay Canyon, House on Fire Trailhead; BENM Travel Management Planning Kick-off**

**October of 2020: continued Discussion of the Cultural Resources and Recreation Area Management Plans at USFS and BLM Sites; In depth discussion of Doll House and Lewis Lodge; Travel Management Planning Update; Dispersed Camping/Camping Management Strategies and Considerations; In depth Video Presentation of Indian Creek, Butler Wash, Trail of the Ancients**

**March of 2021: Doll House Management; Lewis Lodge Protection and Safety; Bears Ears Road and dispersed camping in the area; developing campgrounds and focal areas; grazing, lands and realty, and woodcutting Program**



U.S. Department of the Interior  
Bureau of Land Management



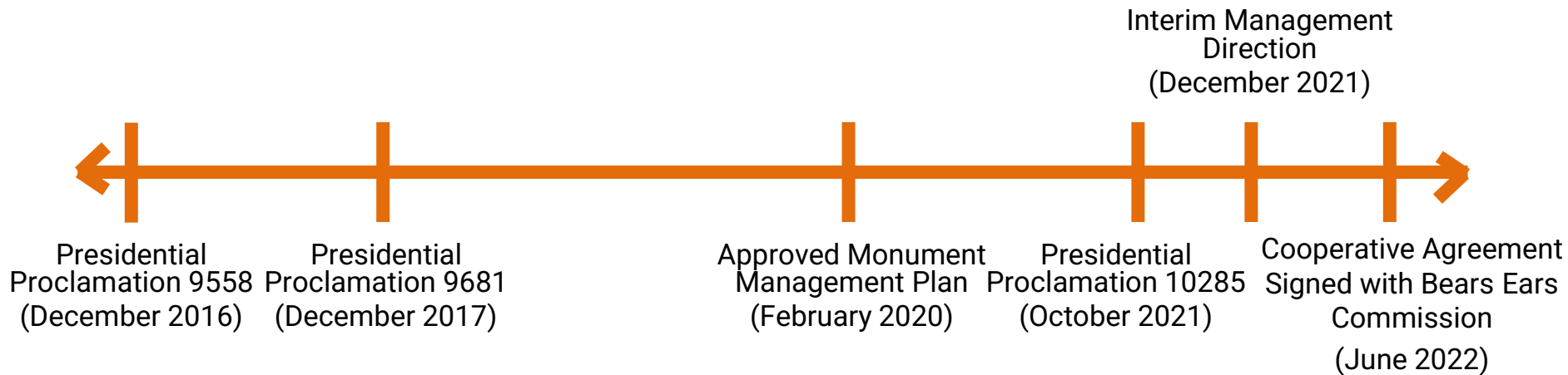
# Bears Ears National Monument Advisory Committee

BENM Overview – 6.28.2022





# Administrative History of BENM





# Interim Management Guidance

“The proclamation...provided specific direction for management of the monument, including the direction to prepare a monument management plan. While BLM-UT is in the process of preparing that monument management plan, the [BLM] will ensure that management of the monument conserves, protects, and restores the objects and values of historic and scientific interest within the monument boundary for the benefit of current and future generations...”

- 2-Step Analysis Requirement
  1. Conformance to existing land use plans
  2. Consistency with Proclamation 10285



# Presidential Proclamation 10285

- Identifies landscapes and objects to be protected, and incorporates Proclamation 9558
- Withdraws federal lands from minerals, subject to valid existing rights
- Recognizes joint management between BLM and USFS
- Calls for the development of a new management plan
- Reestablishes the Bears Ears Commission to incorporate traditional knowledge
- Encourages an agreement with SITLA for land exchanges
- Allows for continued livestock grazing



# Bears Ears Commission

- “In recognition of the importance of tribal participation to the care and management of the objects identified above, and to ensure that management decisions affecting the monument **reflect tribal expertise and traditional and historical knowledge**, a Bears Ears Commission (Commission) is hereby established to provide guidance and recommendations on the development and implementation of management plans and on management of the monument.”



# Bears Ears Commission (cont.)

- Cooperative agreement signed June 2022

“Through the Cooperative Agreement, the parties will work collaboratively to address Tribal issues, including developing robust outreach efforts to Tribal Nations and more effective mechanisms for Tribal government coordination.”



# Resource Management Plan

- Required under Presidential Proclamation 10285
  - Purpose of plan is “protecting and restoring objects identified” in the Proclamations
- “Proclamation 10285 dedicates the lands within the Bears Ears to a specific use, therefore the lands reserved within the monument boundary must be managed in a manner that protects the objects and values for which the monument has been designated. In other words, within Bears Ears National Monument, typical multiple use management is superseded by the direction in Proclamation 10285 to protect monument objects. Multiple uses are allowed only to the extent they are consistent with the protection of the objects and values within the monument.” (Interim Management Guidance)



# Resource Management Plan (cont.)

- Target Completion: March 2024
- Maximum Engagement:
  - Tribal Nations
  - Bears Ears Commission
  - Monument Advisory Committee
  - Cooperating Agencies
  - Consulting Parties
  - Public



# Resource Management Plan (cont.)

- Next Major Tentative Planning Milestones
  - Scoping: Late summer 2022
    - Approximately 5 public meetings
  - Draft RMP/EIS: Spring 2023
    - Approximately 5 public meetings



# Questions / Discussion





# Federal Advisory Committees and Ethics Responsibilities of Representative Members



# FACA Advisory Committees and BLM Advisory Committees

- ▶ Members of Federal Advisory Committees Act advisory committees may come from both the public and private sectors.
- ▶ These individuals provide the Government with needed expert advice and diverse views.
- ▶ Composition of BLM Advisory Committees shall:
  - Be structured to provide fair membership balance, both geographic and interest-specific, in terms of the functions to be performed and points of view to be represented, as prescribed by its charter.
  - Be formed with the objective of providing representative counsel and advice about public land and resource planning, retention, management and disposal.

# BLM Advisory Committees Purpose and Objective

Purpose - Advise the Secretary of the Interior and Bureau of Land Management on matters relating to public lands and resources under the administrative jurisdiction of the Bureau of Land Management

Objective - To make available to the Department of the Interior and Bureau of Land Management the expert counsel of concerned, knowledgeable citizens and public officials regarding both the formulation of operating guidelines and the preparation and execution of plans and program for the use and management of public lands, their natural and cultural resources, and the environment.

# Representative Members

- ▶ Council members and members of general purpose subgroups shall be representative of the interests of the following 3 general groups:
  - ▶ Persons who: Hold Federal grazing permits or leases within the area for which the council is organized; represent interests associated with transportation or rights-of-way; represent developed outdoor recreation, off-highway vehicle users, or commercial recreation activities; represent the commercial timber industry; or represent energy and mineral development.
  - ▶ Persons representing: nationally or regionally recognized environmental organizations; dispersed recreational activities; archeological and historical interests; or nationally or regionally recognized wild horse and burro interest groups.
  - ▶ Persons who: hold state, county or local elected office; are employed by a State agency responsible for management of natural resources, land, or water; represent Indian tribes within or adjacent to the area for which the council is organized; are employed as academicians in natural resource management or the natural sciences; or represent the affected public-at-large.
- ▶ The Federal ethics rules that apply to Federal employees do not apply to representatives.

U. S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT  
ADVISORY COMMITTEE

CHARTER

1. **OFFICIAL DESIGNATION:** Grand Staircase-Escalante National Monument Advisory Committee (Committee).
2. **AUTHORITY:** This Committee is established pursuant to Presidential Memorandum "Modifying the Grand Staircase-Escalante National Monument (Monument)" (2017), and is consistent with section 309 of the Federal Land Policy and Management Act (FLPMA), as amended (43 U.S.C. 1739). The Bureau of Land Management (BLM) has established standards and procedures for the creation, operation, and termination of advisory committees. Refer to the 1995 amended BLM regulations (43 CFR) for specific regulations regarding composition (1784.2-1); avoidance of conflict of interest (1784.2-2); calls for nominations (1784.4-1); notice of meetings (1784.4-2); minutes (1784.4-3); records (1784.5-3); course of instruction for members (1784.6-1); and requirements (1784.6-1(h)). The Committee is regulated by the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. Appendix 2).
3. **OBJECTIVES AND SCOPE OF ACTIVITIES:** The Committee will provide recommendations and advice to the Secretary of the Interior (Secretary) regarding the development, implementation of management plans for the Grand Staircase, Kaiparowits, and Escalante Canyons Units and, as appropriate, management of the Monument.

# Committee Charter Language

The U.S. Department of the Interior addresses potential conflicts of interest of its advisory committee representatives through the inclusion of certain ethics responsibilities in the committee charter.

# Current Ethics Requirements in Charters

**Non-Federal Members.** Non-Federal members of the Committees and subcommittees appointed as representatives are **not subject to Federal ethics statutes and regulations.**

However, no non-Federal Committee or subcommittee members will participate in any Committee or subcommittee deliberations or votes relating to a specific party matter before the Department or its bureaus and offices including a lease, license, permit, contract, grant, claim, agreement, or litigation, in which the member or the entity the member represents has a direct financial interest. [Emphasis added.]

# Committee Charter Language Specific to Bureau of Land Management (BLM) Committees

- ▶ As provided in 43 C.F.R. §1784.2-2, all members of the Committee shall be required to disclose their **direct or indirect interest** in leases, licenses, permits, contracts, or claims that involve lands or resources administered by BLM, or in any litigation related thereto.
  - ▶ **For the purposes of this paragraph, indirect interest includes holdings of a spouse or dependent child. [Emphasis added.]**



# Specific Party Matter

- ▶ A specific party matter typically involves:
  - a specific proceeding affecting the legal rights of the parties: or
  - an isolatable transaction or related set of transactions between identified parties.
- ▶ Examples include leases, licenses, permits, contracts, claims, grant, application, controversy, charge, investigation, arrest, enforcement action, request for ruling or other determination and related litigation which involves lands or resources administered by the Bureau of Land Management.

# Specific Party Matter

- ▶ “Specific party matter” does not include matters of general applicability, such as:
  - rulemaking;
  - legislation;
  - the formulation of general policy, standards, or objectives; or
  - other actions of general application.



# Direct and Indirect Financial Interests

- ▶ “Direct financial interest” means one’s own personal financial interest.
- ▶ “Indirect financial interest” includes holdings of a spouse or dependent child.
- ▶ “Financial interest” means the potential for gain or loss as a result of governmental action on the matter.
- ▶ Direct or indirect financial interest might arise from:
  - A permit on public land being discussed by the committee.
  - An oil or gas lease on public land.
  - Litigation involving lands or resources administered by the Bureau of Land Management.
  - Any similar interest that may be affected by the matter.

# Direct and Predictable Effect on Financial Interest

You are prohibited from participating in a specific party matter only if the matter will have a direct and predictable effect on your direct financial interests, or the holdings of a spouse or a dependent child or the direct financial interests of the entity you represent.

# Direct Effect on Financial Interests



- ▶ A specific party matter will have a direct effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest.
- ▶ An effect may be direct even though it does not occur immediately.


# What is NOT a Direct Effect on Financial Interest

The chain of causation is attenuated or is contingent upon the occurrence of events that are speculative or that are independent of, and unrelated to, the matter.

The impact on financial interest occurs only as a consequence of the specific party matter's effects on the general economy.

# Predictable Effect on Financial Interest

There is a real, as opposed to a speculative, possibility that the matter will affect the financial interest of the member, spouse or dependent child, or the entity the member represents.



The magnitude of the gain or loss doesn't need to be known.



The dollar amount of the gain or loss is immaterial.

# Only Advisory Duties are Restricted

You may act, outside of advisory duties, on behalf of self or others, in a specific party matter before DOI that affects your financial interests.

You may not act, as part of advisory duties, on that specific party matter.

# Notification to Your Committee



▶ If you find yourself in a position to take any advisory action regarding a specific party matter that would affect your direct financial interest, or the holdings of a spouse or dependent child, or the direct financial interest of the entity you represent, you must:

- ▶ notify the Designated Federal Official; and
- ▶ recuse yourself from participating in that action.

▶ Look at the agenda prior to the meeting to see if there are matters listed from which you may need to recuse. Contact the BLM Ethics Team if questions.

# The Bottom Line

- ▶ FACA Committees and BLM Advisory Committees are put in place because the government needs your expertise, experience, and insight.
- ▶ Don't let an ethical problem derail the good work you are doing here.



# Questions?

- ▶ Contact Claudia Merino or Sarah Sims
- ▶ General inquiries: [blm\\_wo\\_ethics\\_office@blm.gov](mailto:blm_wo_ethics_office@blm.gov)



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**Mobile App:** Search for “DOI Ethics” in app store

## DEVELOPING THE AMS

### Workshop Instructions:

Using the following outline and instructions, provide additional information to be included in Chapter 6 the BENM AMS.

*NOTE: Instructions in blue under each template heading should be deleted once you have filled in the information for each section.*

### Monument Objects and Values

*[Describe identified monument objects and values associated with the parent resource topic. Ensure that the current conditions, trends, and forecast also speak to the monument objects and values. If there are no Monument Objects and Values associated with the parent resource, delete heading.]*

### Current Conditions

*[Describe current conditions for each analysis issue to be included in the draft RMP/EIS using the units of measure or indicators identified for that issue's analysis in the planning criteria. Describe the relationship between the resources or resource uses and any dominant ecological processes, disturbance regimes, and stressors, such as drought, wildland fire, invasive species, and climate change. Identify key features that guide alternatives development. For example, certain soil types might be important for special status species habitat, while others might be important for critical mineral development. Key features will often help identify strategies for responding to the purpose and need. Identify any known constraints or limitations with regard to the resource, resource use, designation, and social and economic conditions. For example, wildfire susceptibility in an area might lead to the reasonable conclusion that wildlife habitat would be affected by natural disturbance, thereby exacerbating any other impacts associated with recreational or industrial development in this area. Another example may be that forecasted oil and gas development would require additional pipeline infrastructure, however the existing pipeline corridors may be reaching capacity and topography may limit where new corridors could be located on the landscape.]*

### Trends

*[Observations of the results of past events can reveal trends. For each analysis issue, we recommend you describe any patterns or changes in resource, resource use, designation, or social or economic condition or use over time, based on available data. Trends can reflect slow change over a relatively long time period. For example, monitoring data for grazing allotments within a watershed could indicate consistent improvement in rangeland health over the last 15 years. Trends may also reflect relatively recent or rapid changes. For example, changes in technology may have facilitated a relatively quick change from single well pads to multi-well pads with the number of wells per pad increasing each year.]*

### Forecasts

*[As appropriate, describe any projected or forecasted resource, resource use, designation, or social or economic conditions based on the continuation of current management or trends associated with each analysis issue. Models can provide a tool to help inform forecasts associated with the resources addressed in the purpose and need and to help identify alternative approaches for addressing potential future priorities. Use of models or*



*forecasts is not necessary or appropriate for analysis of all resources. We recommend that you consider models and forecasts when they are likely to provide valuable information related to identifying trade-offs with management alternatives to address the purpose and need.*

*Examples of projected or forecasted conditions might include interpretations of an air quality model, a state economic and transition model, a species distribution model, or a reasonably foreseeable development scenario. Forecasts are not speculative but are estimates based on the best available information. Identify any assumptions for these forecasts and the limits to their application and any estimates of uncertainty.]*



## DEFINING THE DECISION SPACE FOR ALTERNATIVES DEVELOPMENT

|                               |
|-------------------------------|
| <i>Exercise Instructions:</i> |
|-------------------------------|

Working individually fill out the following worksheet to identify key areas of the Monument, why they are key, and management challenges/issues associated with these areas.

**KEY AREAS WITHIN THE MONUMENT****Key resource areas (and why they are key):**

**-Water resources, in and around the National Monument, are of great concern within the context of drought, climate change, and access to these resources. They are key as water is the essential component of sustainable living in the area and management of this finite resource is increasingly and urgently necessary.**

**Management Issues:**

**-Management should take account restrictions on water use, impacts of water around the watershed concerning the mountain areas where snowpack and reservoirs retain water, and other surrounding water issues just outside the monument as water doesn't recognize monument boundaries (i.e. White Mesa Mill pollution and/or exposure of dangerous uranium and other poisonous elements, restricting ground wells for cattle and livestock on the monument to allow water tables to replenish, and testing of hydrological health and levels of springs in and around the monument such as Bluff and West Water areas)**

**KEY AREAS WITHIN THE MONUMENT****Key resource areas (and why they are key):**

**Wildlife and Hunting.** Not to be confused with purely a wildlife category, the overlap of human and non-human interactions is key here, as Indigenous cultural views include wildlife as part our kinship as relatives. Thus, the approach is about making sure wildlife also has equitable rights to live in their lands and ensuring the health and wellness of those animals are prioritized.

**Management Issues:**

**Specifically, how do we encourage animal populations (deer, bear, elk, etc.) to get healthy again (i.e. wasting disease, impacts of human encroachment upon animal habitats in the national monument) and how does that impact hunting? How do manage animal populations that are hunted in a more effective way as it pertains to the monument and as part of what is outlined to be protected?**

**KEY AREAS WITHIN THE MONUMENT****Key resource areas (and why they are key):**

- Plant/herb/trees areas/habitats
- In particular, we have sensitive soils biology that need protection through education and guidance
- Invasive plant species along water areas of rivers, streams, springs, and canyons

**Management Issues:**

- One issue the fact that there is little emphasis of the delicate ecology of the plant, herb, and wildflower life that is easily impacted by careless visitation and large amounts of people visiting especially fragile areas of cyanobacteria, mosses, lichens, green algae, micro-fungi and bacteria – this could be done with education and guidance of both federal agencies and tribes
- Water-intensive invasive species are especially of concern now with extreme drought conditions (i.e. Russian olive trees) which need attention to be managed safely, effectively, and cooperatively with Indigenous communities aware of any chemical treatments that could affect water and soil health, as well as human health, to ensure continued management of invasive species and water use

**KEY AREAS WITHIN THE MONUMENT****Key resource areas (and why they are key):**

- Bears Ears Buttes and Meadows areas
- This is a key cultural resource, shared among many of the tribes contained within their stories and histories
- It is key for historical and cultural purposes, some of which are not to be adequately described here

**Management Issues:**

- In order to adequately describe them, it would be important to include Tribal Historic Preservation officers to contribute their tribal nations and their own cultural and professional knowledge and information
- Cultural Resources mean certain traditional knowledges that may or may not be shared depending on the permissions gained and the allowances of tribes, so developing that relationship further over the course of the next couple years can build upon the tribal cooperative agreement, ensuring a priority consideration of protecting the Bears Ears Buttes and Meadows
- There should be a preventative measure against to hardening and paving these high trafficked areas – just because many national monuments and national parks have paved areas, especially when its highly trafficked, does not mean it should be automatically paved or hardened because of the destruction of the place and disturbance of soil, plant, animal life, and cultural resources.



## ADDRESSING CONFLICT WITH ALTERNATIVES

|                               |
|-------------------------------|
| <i>Workshop Instructions:</i> |
|-------------------------------|

Use the worksheet below to make notes regarding any management actions or allowable uses for other resources that you think may affect/conflict with Monument objects and values

| Conflicts with Monument Objects and Values  |
|---|
| <p>Resource or Resource Use _____ Fire wood _____</p> <p>Potential impacts to Monument objects and values:</p> <p>-As wildfires increase, the concern is about how federal agencies engage with local communities to manage wood/fuel areas as well as human started fires with the increased drought and climate change conditions</p> <p>Potential management to eliminate or reduce these impacts:</p> <p>-utilizing indigenous community and local resident knowledge to find and locate areas that can be harvested or thinned and make accessible that fuel for those that may need it</p> <p>-if the USFS and BLM do some harvesting or cutting of wood, it is possible to get that trimmed material to local tribal citizens who use that fuel for winter heat, ceremonies, or cooking all year-round where wood and other resources for cooking is scarce. This could be a good way to utilize this resource without waste and maintain good relations between native communities and federal agencies.</p>  |
| <p>Resource or Resource Use _____ Cattle/grazing _____</p> <p>Potential impacts to Monument objects and values:</p> <p>-overly grazing vegetation, damage to cultural ancestral sites, questions about boundaries in specific areas as it relates to open range, specifically within the cedar mesa and bears ears buttes areas</p> <p>Potential management to eliminate or reduce these impacts:</p> <p>-management may include clearer engagement boundaries and guidelines for both the public and for ranchers/grazing locally. Regionally and specifically, the areas of the Bears Ears Buttes and Cedar Mesa where collisions of public and ranchers occur.</p> <p>-BLM Manual 6220, Section 1.6.I, provides general policy guidance for managing grazing in national monuments...Therefore, if the agency is considering a grazing permit or lease for renewal, the agency must ensure that the decision will both be consistent with the existing plan and ensure protection of the monument objects as described above.” BUT, I would also add if the agency is considering a grazing permit or lease for renewal, then this also should be consistent with and be in agreement to the Bears Ears Inter-tribal Coalition’s (and/or Commission) RMP as well</p> |

| <b>Conflicts with Monument Objects and Values</b>  |
|--|
| <p><b>Resource or Resource Use</b> _____ <b>Water/Hydrological resources</b></p> <p><b>Potential impacts to Monument objects and values:</b></p> <ul style="list-style-type: none"> <li>Hydrological health measuring of the water health of the land, and other water resources, including springs, streams, rivers, lakes, and ponds, in and around Bears Ears National Monument</li> </ul><br><p><b>Potential management to eliminate or reduce these impacts:</b></p> <ul style="list-style-type: none"> <li>In order to protect these hydrological resources, it is imperative to both measure and research for a baseline to understand the basic foundation measurements for a healthy</li> </ul>   |
| <p><b>Resource or Resource Use</b> _____ <b>Signage: (identification of place names, plant/species names, and traditional knowledges applied, as listed in the BENM Proclamation</b></p> <p><b>Potential impacts to Monument objects and values:</b></p> <ul style="list-style-type: none"> <li>Signage: changing of language and prioritizing the language of being an Indigenous-led project initiative instead of the classically outdated naming and research of archaeological and anthropologically utilized terms and naming of places, plants, people, and animals.</li> </ul><br><p><b>Potential management to eliminate or reduce these impacts:</b></p> <ul style="list-style-type: none"> <li>making Native American tribes a priority in naming correctly whose land it is as they lead the National Monument collaboration with federal agencies (the previous signs, like at the Butler Wash trailhead for example, lack this adequate language talking about Indigenous tribes as afterthoughts and not as background, but as listed first THEN the American public as a secondary consideration in terms of public lands and their application of being a public visitor</li> </ul> |

**Conflicts with Monument Objects and Values**

Resource or Resource Use \_\_\_\_\_ Special Recreation Permits \_\_\_\_\_

**Potential impacts to Monument objects and values:**

- Potentially too long SRP's given for bears ears
- How to adequately and responsibly measure the impacts of outfitters and guides on the lands of Bears Ears, especially in regards to OHVs, motorized vehicles, and hunting

**Potential management to eliminate or reduce these impacts:**

- How do we operate respectfully and carefully recreation on the landscape? We can utilize the knowledge of guides and hunters who are on the land quite frequently. We can also use the research from scientists and researchers who can focus on the use of natural resources and impacts of recreation upon the landscape
- *BLM for any monitoring data/documents – "SRPs are routinely monitored by park rangers for compliance with permit terms, conditions, and resource protection stipulations."*
- *SRPs like this they should issue one year permits until the MMP is complete – the permits are for ten years which is a long time and excessive given the delicate nature of the landscape and would have been sufficient several years ago, but now, after large droves of visitors*

| Conflicts with Monument Objects and Values   |
|--|
| <p><b>Resource or Resource Use</b> _____ <b>Dispersed Camping</b>_____</p> <p><b>Potential impacts to Monument objects and values:</b></p> <ul style="list-style-type: none"> <li>Impacts to the monument through human visitation on natural and cultural resources, including the issue of human waste elimination</li> </ul> <p><b>Potential management to eliminate or reduce these impacts:</b></p> <ul style="list-style-type: none"> <li>Increased human waste light infrastructure to get impacts to the land at a minimum</li> <li>Limiting dispersed camping further from areas of streams, waters, and spring</li> <li>Guidance and direction more towards the areas most recommended to visit respectfully, especially Comb Wash, Valley of the Gods, and Arch Canyon</li> </ul> |
| <p><b>Resource or Resource Use</b> _____ <b>protection of canyons</b></p> <p><b>Potential impacts to Monument objects and values:</b></p> <ul style="list-style-type: none"> <li>Canyons remaining intact, especially in regards to loud impacts on canyon walls like OHV and ATV motoring in the monument</li> </ul> <p><b>Potential management to eliminate or reduce these impacts:</b></p> <ul style="list-style-type: none"> <li>The monument management should be limited to certain areas in rotation at certain times of year, for instance much like a rotating crop as a resource, could be used for a certain time and not so much at others in order to give the landscape, plants, animals, and ancestors a chance to rest and recover</li> </ul>                               |

| Conflicts with Monument Objects and Values  |
|---|
| <p>Resource or Resource Use _____ Multi-tribal natural resource identification</p> <p>Potential impacts to Monument objects and values:</p> <ul style="list-style-type: none"> <li>• “Traditional knowledge in and of itself, is a resource to be protected”</li> <li>• All the tribal names and resources could be important for the general public to know, provided that the tribes are comfortable with sharing more broadly</li> </ul> <p>Potential management to eliminate or reduce these impacts:</p> <ul style="list-style-type: none"> <li>• Ensure we have, at minimum, the five tribes and their allowed plant and natural resources, but not limited to the five tribes including others like the Paiute, identified and collected with adequate cultural naming and respectful processes in doing so is both allowed and collaborative in nature</li> <li>• It means that these species can be identified as important to the landscape and Indigenous communities-collecting data, as allowed and as comfortable as we can be, together</li> </ul> |
| <p>Resource or Resource Use _____ protection of cultural resources__</p> <p>Potential impacts to Monument objects and values:</p> <ul style="list-style-type: none"> <li>• Protection of cultural resources, including the tribes and their RMP</li> <li>• Including the BE inter-tribal coalition and commission of what cultural resources for the future</li> </ul> <p>Potential management to eliminate or reduce these impacts:</p> <ul style="list-style-type: none"> <li>• Include and fold in the BE coalition and commissions input on Resource Management Plan and their potential plans for a multi-cultural center at bears ears</li> <li>• How can we have tribes participate? Perhaps we can prioritize seeking funding and management collaborations with various organizations with the same goals to help tribes be involved and participate in management in CR in particular, but RMP in general</li> </ul>  |

| Conflicts with Monument Objects and Values   |
|--|
| <p><b>Resource or Resource Use</b> _____ <b>Harvesting of firewood and roads</b></p> <p><b>Potential impacts to Monument objects and values:</b></p> <ul style="list-style-type: none"> <li>• Limiting of chaining as a practice</li> <li>• Whether for harvesting firewood or road development, chaining is excessive</li> </ul> <p><b>Potential management to eliminate or reduce these impacts:</b></p> <ul style="list-style-type: none"> <li>• Chaining should be restricted as much as possible, the impacts of which are varied but in general largely destructive and difficult to limit impacts on other plant and animal species</li> </ul>  |
| <p><b>Resource or Resource Use</b> _____ <b>tribal consultation and management</b></p> <p><b>Potential impacts to Monument objects and values:</b></p> <ul style="list-style-type: none"> <li>• Working with tribes to co-manage bears ears national monument</li> </ul> <p><b>Potential management to eliminate or reduce these impacts:</b></p> <ul style="list-style-type: none"> <li>• Prioritize meaningful and authentic tribal consultation</li> <li>• Increase relationships and effective communication</li> <li>• Establish a baseline for measuring this effectiveness</li> <li>• Increased frequency doesn't adequately reflect quality of consultation or collaborative/cooperative tribal and fed agency co-working to manage the monument together</li> </ul> |

**Conflicts with Monument Objects and Values**

**Resource or Resource Use \_\_\_\_\_management plans (previous)**

**Potential impacts to Monument objects and values:**

- BENMAC member Adam Redd, stated that some items in the previous management plans were adequate, in particular to Shay Canyon and Indian Creek

**Potential management to eliminate or reduce these impacts:**

- How can we include the working aspects of the previous monument plans and include them to the new BENM boundaries? We can review the previous RMPs and see what works and what doesn't to include for the new plans.

**BENM AMS & Alternatives Worksheet: Eve Tallman, MAC member  
July 22, 2022**

***Key resource areas***

Indian Creek Corridor – Heavily used “front country” grazing and recreation area comprising scenic viewsheds and world-renowned climbing areas.

Management Issues: User conflicts between ranch and tourists. Rampant dispersed camping creating heavily impacted sites with fire rings. Increased fees in campgrounds encourage dispersed camping. Expensive waste hauling. Large group impacts on drought-damaged vegetation. Noise and dust from vehicles passing through the area.

Beef Basin Road within the Indian Creek area – Popular camping area with roadside access to rock climbing venues and notable archeology site(s); wildlife habitat and hunting area.

Management Issues: SITLA Cottonwood campsites are overused and damaging vegetation. Camper impact on wildlife, tourist impact on archaeology sites. Vehicle noise and dust.

Lockhart Basin – More remote dispersed recreation area in proximity to the national park, Colorado River, and iconic viewsheds. Popular motorized route.

Management Issues: Quiet recreation is deeply disturbed by noisy ATVs. Increased dispersed camping near Hamburger Rock is impacting vegetation.

Comb Ridge and Arch Canyon areas – Heavily used recreation areas comprising sensitive ecological areas impacted by motorized recreation and campers. The area includes extensive archaeological resources, and is a remote yet iconic and historically significant climbing destination (Arch Canyon). Most rock climbers never visit Arch Canyon due to its rugged and difficult terrain. However, Texas Tower is a sought-after destination for climbers from all over the world; most climbers who do visit climb this objective and/or the Dreamspeaker and bivouac for one or two nights.

Management Issues: Disrespectful and damaging motorized and camping groups.

High Country – This resource area (from Mt Linnaeus, Bob Park Peak, and Duckett Ridge in the Abajos down to the Causeway road and North Cottonwood and Upper Indian Creek) includes Dry Wash, Upper Allen, Trough, Tuerto, Blue Creek and Hop Creek canyons and Shay Mountain. It is highly varied, among the least developed and most ecologically intact areas in the monument and is one of the most “pristine” areas on the monument. The types of ecosystems and variation in life zones found here are underrepresented in the National Conservation Lands system, and the highest attention must be paid to preserving wildlife habitat and cultural and ecological values here.

Management Issues: *OHVs*: The area should be maintained, restored, and enhanced as a quiet, human-powered near-wilderness area with minimal disturbance. Off-road vehicle advocates have long promoted the construction of a motorized connector route from the Shay Ridge ATV trail to North Cottonwood through Hop Creek Canyon. The area should be zoned to permanently prohibit this activity and zoned in the MMP so that route density of motorized trails can be reduced in the eventual travel management

plan. Zoning in the MMP should occur such that OHV use may be discouraged or restricted in Upper Hop Creek and on Shay Mountain, and motorcycle trails in Vega Creek and upper Indian Creek should be converted to non-motorized trails. ATV access to Vega Creek from the west/south should be restricted, as well as from the bench above North Cottonwood Creek. *Cultural Resources:* Granaries, cliff dwellings, and other visible and unique cultural sites occur at the highest elevations in BENM here, and their proper management is paramount. Upper Dry Wash cave needs interpretive materials updated and replaced (with Tribal consultation), and unauthorized non-system routes currently being used by off-road vehicles that connect to Dry Wash Cave from the Dry Wash Canyon road need to have closures placed and hardened. Unauthorized routes must be re-contoured, and revegetated, and locked administrative-use gates should be placed only on the route necessary to access water infrastructure near Dry Wash Cave.

South Cottonwood (from Round Mountain, Chippean Rocks, and Reef of Rocks on the north, Elk Ridge on the west, and the Causeway road on the east, south to South Elks Road—including Allen, Deep, Chippean, Posey, South Cottonwood, Notch, and Hammond Canyons). This area contains among the most intact, highly diverse, and inaccessible cultural sites in a transition between high and mid-elevations in BENM. Highly varied and largely undisturbed, the sites here span a large range of time and diversity of styles from Basketmaker to protohistoric Ute sites. This entire area was once contemplated as a sovereign reservation for Avikan/White Mesa/Allen Canyon Ute and Paiute peoples, and the continued presence of Ute allotments here demands enhanced, thorough, and in-depth Tribal consultation in planning and management. The area has highly varied geology, ecosystem types, and intact native plant communities. *Management Issues: Recreation and visitor management:* This area must be zoned and managed as it is largely managed now, to minimize visitation and diminish entry for recreation. Apart from the popular, well-maintained, and well-used non-mechanized recreation trails from Elk Ridge to Hammond (Posey), Hammond Canyon, and Cream Pots, the area should not be highlighted or promoted for increased recreation. Sites in Hammond Canyon are becoming more and more popular, and permits should be required, along with interpretation or “Visit With Respect” signage installed at the most visited and intact sites with Tribal consultation. *OHVs:* The area should be zoned to minimize OHV use to protect cultural and ecological values, and so that unauthorized use can be eliminated in the Horse Flat area near old uranium prospects. Existing hiking and equestrian trails in and around Hammond Canyon should be retained and maintained.

North and South Elk Ridge. Elk Ridge is important for ecological, cultural, and wildlife values, as well as for the transition zone it serves between mountains and canyons. *Management Issues: Livestock grazing:* The area is a prime candidate for the application of Indigenous Traditional Knowledge for landscape-scale restoration. Babylon and Gooseberry allotments have benefited from extended rest from the pressures of livestock grazing, but other cattle allotments on Elk Ridge are overgrazed, especially during this current period of extended drought. Too many cows and elk restrict aspen regeneration and impede willow health. Management here should focus on reducing livestock and wild ungulate numbers and on restoration of native grasses, spring restoration, and mitigation of the impacts of overgrazing and conversion to non-

native grasses. Remaining old growth ponderosa pine should be protected, and aspen decline here is serious and should be reversed. *Recreation:* Recreation here is primarily undeveloped dispersed camping, driving for pleasure, hunting, and commercial recreation (group bicycle tours, for example.) Dispersed camping opportunities here could be better defined and enhanced, and inappropriate sites and spurs eliminated. Prime opportunities to educate visitors exist here on Leave No Trace and Tread Lightly principles. Visit With Respect principles should also be incorporated.

Shay Canyon: Cultural and Archaeological resources, hiking. This area has more shade than other canyon hikes in the area. *Recreation:* Hiking and climbing should be restricted to areas that do not affect cultural sites. Rerouting trails and abandoning climbing routes might be indicated.

### ***Conflicts with Monument Objects and Values***

Resource or Resource Use: Livestock Grazing

*Current Conditions:* Increased water usage and damage to cultural sites affecting tourism and archaeological resources in perpetuity. Grazing management is currently not consistent with the protection of monument objects and values. Damage and trampling of cultural sites, damage to soils, native vegetation, springs, and plant communities. Competition with wildlife for scarce water and forage resources. *Trends:* As the area experiences drought, cattle add unnecessary pressure to water resources. Cattle using alcoves and walls for shade impact cultural sites and cattle often encroach on permitted tourism areas. Grazing monitoring shows a downward trend in conditions. The need for more and more water developments for grazing (Indian Creek allotment, Slickhorn allotment and Lake Canyon allotment are the most recent) also demonstrates that the trend is down for native vegetation and existing water sources. SITLA's approval of dozens of new wells demonstrates a downward trend and will negatively affect objects and values. *Forecast/Improvements:* Decrease cattle or water allocations to ease demands on water resources. Reduce permitted numbers of livestock. Restrict cattle from cultural sites via fence or policy. Restrict cattle from high visitation or visitor permitted areas to decrease conflict. Grazing permits or leases, which are voluntarily relinquished by existing holders, should be retired from livestock grazing along with the lands covered by such permits or leases. Adopt traditional knowledge in planning and management. A thorough analysis of grazing impacts on water supply is needed to ensure any new water development is consistent with the care and management of the objects and values for the monument. Prohibit the construction of any new range developments. Remove range developments that impact monument objects and values, such as wells and water developments that impair springs, seeps and wet meadows, and fences that impair wildlife movement. Conduct restoration activities as needed to restore these areas.

Resource or Resource Use: Recreational Development

*Current Conditions:* Though many forms of developed recreation exist, usage must be approached with reverence for place. *Trends:* Monument status has increased demand for recreational venues and opportunities. Unfettered access has resulted in heavy impacts on archaeological sites and sensitive ecological areas. *Forecast/Improvements:*

Any new recreational developments must serve to enhance the values and objects for which the monument was created. Recognition must be made for Indigenous definitions of recreation including pilgrimage, ceremony, small-scale vegetation and mineral gathering, hunting, and running for spiritual purposes. Projects such as the Goosenecks camping and MTB trail project must be redesigned with Tribal consultation to ensure visiting with respect and enhancing monument values and the protection of monument objects.

Resource or Resource Use: Uranium contamination

*Potential impacts to Monument objects and values:* Negative impacts to human, animal, avian, and water and land health from Cold War-era uranium exploration and extraction are pervasive in certain parts of the monument.

*Potential management to eliminate or reduce these impacts:* Some management actions have occurred in the past (South Cottonwood), others are occurring now (Deer Flat and White Canyon), and others are scheduled (Fry Canyon tailings). A complete picture of uranium contamination is not known across the scope of the former uranium districts in the Monument. Areas in need of prompt attention include Elk Ridge (Woodenshoe Buttes and above Natural Bridges), White Canyon, Moss Back Butte and Fry Mesa. The monument must be systematically inventoried, and extensive contamination mitigated. Tell the story of the uranium boom through interpretation at these contaminated sites. The Diné story of uranium as 'Léétsoh (yellow monster) could be told at these sites.

Resource or Resource Use: Cultural Sites

*Current Conditions:* Heavily influenced by tourism and concessionaires; lacking tribal and ethnographic advisement; interpretation and visitor services are inadequate, as well as staff/ranger support. *Trends:* Continued heavy impact by tourism. Increased visitation is threatening sensitive cultural sites. Lack of resources to adequately maintain sites for high visitation. Lack of tribal and ethnographic input leaves land managers to guess what would be appropriate conservation treatment. Inadequate site or landscape-wide interpretation to better communicate the importance and cultural relevance of the cultural sites and their setting. Lack of parking, restrooms, signage and wayfinding lead to broadening impacts from increased visitation. Most outfitters and guides lack proper training to respectfully lead visitors to cultural sites; competition among outfitters leads to more unique sensitive sites being visited. Understaffing leaves sites unprotected. *Forecast/Improvements:* Limit number of visitors to sites. Require guided groups for selected sites. Initiate rigorous standards for guides, and increase funding. Increased tribal and ethnographic advisement is needed and will ensure sites are protected and managed in a culturally appropriate manner. Develop tribally-informed interpretation for sites and landscape to help communicate the value as well as an appropriate narrative. Better parking, wayfinding, and restroom facilities will decrease additional damage done across the landscape. Better staffing will help with interpretation, visitation, and site damage.

Resource or Resource Use: Off-Highway Vehicles

*Current Conditions:* Heavy tourist impacts exacerbated by a lack of interpretive infrastructure, visitor services and law enforcement. Direct harm to wildlife habitat is

occurring, as well as habitat fragmentation, noise impacts on wildlife, destruction of soils and vegetation, destruction of aquatic systems, wet meadows, and riparian areas, destruction of cultural sites and resources (both inadvertent or purposeful), and spread of non-native and invasive species. *Trends:* Inadequate interpretation leaves visitors and untrained guides to miscommunicate value of objects and land and create independent narratives. Lack of parking, restrooms, signage and wayfinding lead to broadening impacts from increased visitation. Increased OHV tourism is leading to more off road damage, noise, dust and light pollution and air pollution, and lack of adequate law enforcement personnel leads to lack of citations for violations.

*Forecast/Improvements:* Development of tribally informed interpretation for sites and landscape will help communicate the value and an appropriate narrative. Better parking, wayfinding, and restroom facilities will decrease additional damage done across the landscape. Limiting OHV access to certain sensitive areas and overall OHV numbers will protect against damage. Increased law enforcement presence will ensure violators are cited, thereby raising funds and decreasing overall violations.

Close areas that are currently managed as “limited to designated routes.” Conduct route evaluations to identify where motorized routes and motorized recreation are impacting monument objects and values, such as in Arch Canyon, and greatly reduce the route network density by closing routes and/or areas to motorized use, or require limited permits for travel. Reduce the road network, eliminate and rehabilitate user-created routes, and prohibit cross-country travel. Prioritize the protection and restoration of monument objects and values.

#### Resource or Resource Use: Recreation

*Current Conditions:* Lack of visitor services, interpretation and wayfinding. *Trends:* Fee-based funding incentivizes increased visitation. Lack of parking, restrooms, signage, and wayfinding leads to broadening impacts from increased visitation. Inadequate interpretation leaves visitors to under-value objects and land and create independent narratives. Lack of law enforcement leads to lack of citations for violations.

*Forecast/Improvements:* Adequate funding not associated with user fees will allow managers to move away from promoting visitation. Better parking, wayfinding, and restroom facilities will decrease additional damage to the landscape. Develop a zoning system that identifies front country and backcountry areas (and other potential zones) and include differing management prescriptions for each area. Concentrate impacts on heavily used areas, and manage backcountry areas for the protection of wilderness qualities, dark skies, soundscapes, and other monument objects.

#### Resource or Resource Use: Oil and Gas Development

*Trends:* Oil and gas add pressure to wildlife populations, air quality and visitor experience. Noise, heavy truck traffic and light pollution affect cultural sites, recreation areas and wildlife habitat.

#### Resource or Resource Use: Skies and Airspace

*Current Conditions:* Increased presence of drones, powered paragliders, helicopters and fixed-wing aircraft cause heavy noise and visual impacts to tourists, climbers, campers, and wildlife. Overhead air traffic routes cause noise and visual impacts to visitors on the ground. Dark skies are impacted by inholdings and tourist facilities near monument

boundaries. *Trends:* As the area experiences more visitation, the presence of drones, powered paragliders, helicopters and fixed-wing aircraft will affect more users. One drone or one powered paraglider can ruin the user experience for innumerable other guests. Stargazing and astronomy are exemplary in BENM; increased camping and infrastructure can blot out the night sky. *Forecast/Improvements:* Restrict drones except by special permit. Ban powered paragliders, helicopters and fixed-wing aircraft from landing within the monument. Deny concession permits for motorized aircraft over the monument. Restrict light pollution by requiring dark-sky compliant fixtures monument-wide, including inholdings, and educate campers about light trespass. Reroute commercial air traffic paths around the monument boundaries.

Resource or Resource Use: Vegetation Management

*Potential impacts to Monument objects and values:* Vegetation management must be consistent with the protection of monument objects. *Current conditions:* Chaining, bull hog mastication, mowing, harrowing, and other surface disturbing treatment methods, as well as the use of herbicides and other chemical treatments, may not be consistent with the protection of monument objects and values. *Forecast/Improvements:* Prohibit mechanical vegetation removal. Allow hand thinning for specific resource protection purposes. Prioritize the protection of endemic and old growth trees and forests. Prioritize the protection of cryptobiotic soils and native vegetation. Use only native seeds mixes for re-seeding and/or rehabilitation/restoration.

Resource or Resource Use: Biological Crusts

*Current Conditions:* Unmanaged visitor use may result in a decrease in critical biological crusts through unwanted walking paths, vehicle use and grazing activities. These crusts play a critical role in the protection of soil and vegetative resources.

*Trends:* The lack of user education and interpretive signage leads to an increase in degradation of biological crusts. Grazing activities impact the crust.

*Forecast/Improvements:* Climber access trail reconstruction and restoration play a critical role in protecting biological crusts by focusing use on designated paths that navigate away from soil crusts. Additional educational resources on identifying and how to avoid crusts can help eliminate impacts (on-site Climber Stewards prioritize user education about crusts). Limit vehicle traffic or grazing activities in areas where soil crusts are prevalent or recovering.

Resource or Resource Use: Dispersed Camping

*Current Conditions:* Dispersed camping has become more popular with increased use. Vegetation disturbance, fire rings, human and dog waste, and litter all impact the viewshed and potentially contaminate water sources.

*Trends:* As use continues to increase, there is the potential for new and expanded dispersed camping sites to affect natural resources, as well as possibly appear in close proximity to cultural value sites and resources. Rachel Nelson's 2020 study of dispersed camping in Indian Creek shows increased impacts since the 2002 study. Proximity to vault toilets in established campgrounds and parking lots is a factor for the most critical impacts related to overuse. As shown in the comparison from 2002 to 2020, sites in the main Indian Creek Corridor were eliminated generally based on proximity to the creek. Roughly the same number of sites were developed in other areas outside of the main corridor. Considering the

addition of established campgrounds created since 2002, this indicates a demand for increased camping capacity. *Forecast/Improvements:* Designate dispersed sites and maintain current capacity with the addition of more developed campsites or an overflow site. Most impact occurs with the initial use of a new dispersed site and restoration is difficult. Prevent new site development and the expansion of existing sites. Harden sites and block off damaged areas. Ensure established campsites are affordable. Enforce a two-week camping limit per season. Expand and improve existing fee campgrounds to accommodate camper vans in addition to tents to decrease dispersed use. Create a “designated dispersed” camping system to provide visitors with a clear understanding of where camping is allowed.

Resource or Resource Use: Campfire Rings

*Current Conditions:* Proliferation of campfire rings in dispersed campsites. *Trends:* Random campfire rings create visual eyesores. They are not in keeping with “Leave No Trace” ethics and create anchor points for dispersed campsites. Sometimes, several campfire rings are present in one campsite. The desire for a campfire leads visitors to collect vegetation from the surrounding area, to the detriment of the ecosystem. Wildfire danger is too high a price to pay for an outdated tradition.

*Forecast/Improvements:* Ban campfires except in authorized campfire rings. Prohibit collecting of wood and vegetation for campfires. Establish exceptions for hunters and campers high in the Abajo Mountains during the winter/low fire danger months where dispersed camping is allowed.

Resource or Resource Use: Cliffside recreation & climbing

*Current Conditions:* Heavy use at the base of some Wingate cliffs can damage vegetation, geologic resources and create erosion concerns. Additionally, some sites may be within close proximity to cultural attributes (petroglyphs, pottery shard collections, etc.), or affect seasonal wildlife needs. *Trends:* Existing work on stabilization and access trail work should be expanded, eliminating further damage and allowing restoration of some areas. Visitor education, like the existing Climber Stewards program, assists monument partners in delivering critical protection messaging for cliff side areas and the surrounding landscape. Existing education messaging covers seasonal wildlife protection needs, cultural site respect and responsible visitation. New route/staging area development has similar impacts as new campsite development in that the initial use has the most impact. Over time, climbers have self-managed closures of routes that impact cultural attributes. *Forecast/Improvements:* Certain areas, such as the Shay Canyon Petroglyph panel and other sites with major archaeological significance should be designated and flagged as areas with either restricted access or prohibited new route development. Representatives from the climbing community will discuss potential changes to access at certain cliffside areas that may have proximity to significant sites.

Resource or Resource Use: Parking

*Current Conditions:* Heavy use and unmanaged parking availability results in visitor expansion of parking areas, leading to further plant loss, erosion and public-private land conflicts. *Trends:* Cars are parked along the highway in places where the terrain will not allow a larger pullout or user created dirt lot. *Forecast/Improvements:* Designate,

properly delineate and construct appropriate parking resources for visitor use. Encourage “Plan B” thinking in case parking lots are full.

Resource or Resource Use: Wildlife

*Current Conditions:* Visitor use may affect native wildlife species by disturbing breeding seasons, travel corridors or food sources. *Trends:* Seasonal “avoidance zones” are in effect, in conjunction with visitor education (Climber Stewards) that improve the protection of cliff dwelling raptor species during breeding seasons.

*Forecast/Improvements:* Raptor closures could be more specifically managed, with promised reopening of cliffs where birds are not present. This type of management and education combination can be applied to other necessary species protection needs.

Resource or Resource Use: Woodcutting

*Current Conditions:* There is a significant amount of unauthorized and unregulated wood cutting occurring on the monument. While woodcutting is essential for Tribal and other local communities, it is causing harm to soils – particularly cryptobiotic soils - and native vegetation.

*Forecast/Improvements:* Identify specific locations for authorized woodcutting that meet the needs of communities and protect monument objects and values. Require permits for woodcutting.