

Bears Ears National Monument:  
Comments Supporting the Development of a Monument  
Management Plan for Proclamation No. 10285



October 2022

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## I. Introduction

Bears Ears Partnership (BEP, formerly Friends of Cedar Mesa) works to ensure the public lands of San Juan County, Utah, with all their cultural and natural resources, are respected and protected. To further this mission, we collaborate with agency partners like the Bureau of Land Management (BLM) and US Forest Service (USFS) to promote responsible land management policies and on-the-ground stewardship. We are a Consulting Party for this scoping process with the BLM. We value our collaboration with the BLM and USFS and look forward to continued work together to meet the needs of Bears Ears National Monument.

We respectfully provide scoping comments for the preparation of a Monument Management Plan (MMP) for areas defined in Presidential Proclamation No. 10285. BEP strongly supports planning and active management to fulfill the order of Proclamation 10285 and ensure the protection of the area and maintain its diverse array of natural and scientific resources, ensuring that the prehistoric, historic, and scientific values of this area remain for the benefit of all Americans. We provide our comments as constructive, solution-oriented recommendations for this planning effort, and we look forward to working in partnership with the BLM, the US Forest Service, and the Bears Ears Commission in developing the Monument Management Plan.

For the past 11 years we have advocated for permanent protective designations for areas in the greater Bears Ears cultural landscape. During this process, we have provided the Department of Interior, the Department of Agriculture, and the White House with hundreds of pages of information regarding sensitive resources within the 1.36 million-acre Bears Ears National Monument identified in Proclamation No. 10285 and surrounding lands, including the location of specific archaeological sites and resources.

We remain a partner to support the Federal Lands Policy Management Act's (FLPMA) requirement to maintain a thorough inventory of all public lands and the resources those lands contain in consideration of specific important information that is critical to any planning effort. We therefore incorporate by reference those previous submissions and request that site and resource information provided previously be considered carefully during this planning process.

## II. Tribal Co-Management

*Tribal co-management from the Bears Ears Commission (Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Zuni Tribe) must be central to all efforts in developing the MMP and in conducting all subsequent land management activities.*

Bears Ears National Monument's (BENM) unique opportunity to honor long standing Indigenous connections to this cultural landscape affords the BLM and USFS great responsibility. Co-management between BLM, USFS and the Bears Ears Commission should maintain mutual respect and equitable collaboration to ensure Indigenous interests are not dismissed or overlooked because of Federal bureaucracy and process.

We encourage the BLM and USFS to think creatively about how to work with the Bears Ears Commission in such a manner that this collaborative management approach can be replicated in other parts of the country with other important cultural landscapes.

BEP also recommends BLM and USFS incorporate the guidance from the Bears Ears Commission's recently published "Bears Ears Inter-Tribal Coalition: A Collaborative Land Management Plan for the Bears Ears National Monument" in July 2022. The plan can be

summarized as follows:

- Establish a proactive process for the Tribal Nations of the BEITC to collaboratively manage BENM with Federal land managers
- Have Indigenous Knowledge and Native ways of knowing given equal consideration with knowledge from Western scientific processes Create by-laws for equity between Tribes and Federal land managers
- Secure Federal funding for and create a full-time collaborative Tribal Management staff to participate in collaborative management with Federal land managers
- Establish and fund a Traditional Knowledge Institute that has programs that would have a Native benefit
- Establish a reciprocal data-sharing relationship between Tribes and Federal land managers with enhanced data acquisition for Tribes
- Ensure Tribal input on collaborative land management planning

Tribal co-management from the Commission must also be central to the implementation of the new MMP to make BENM a successful experience as expressed in Proclamation 10285.

### **III. Landscape interconnectivity**

*Monument management must be done to respect the interconnectivity of the area as a cultural landscape where cultural resources are connected to the surrounding natural resources.*

In recognition of the importance of BENM to Indigenous communities in the Southwest, BEP supports a landscape-scale approach.

*The cultural landscape comprises both the natural and built environments. Importantly, cultural resources and natural resources are not two different categories in traditional Native life. An individual depends on other living plants, animals, and surrounding land to survive; thus, the natural resources gathered, hunted and walked on for survival becomes a cultural resource. And resources and places on the landscape cannot be considered separately from the landscape as a whole.*

- Bears Ears Commission, 2022

There are sufficient resources within the BLM and USFS to help incorporate this approach into the MMP. In particular, the BLM and USFS should consider the resources such as the Monticello Field Office Class I, Class II and Predictive Model (2017) and “Relative Population Intensity Maps” developed by Archaeology Southwest mapping the occupation history of BENM during the time span from about 500 BC to AD 1290. (Available at [https://www.archaeologysouthwest.org/pdf/Bears\\_Ears\\_Report.pdf](https://www.archaeologysouthwest.org/pdf/Bears_Ears_Report.pdf))

A cultural landscape approach to management fits with an ecological connectivity approach as outlined in Secretarial Order 3308 on the management of National Conservation Lands, and it is a goal in the 15-year Strategy for the National Conservation Lands to: “[m]anage cultural resources within the context of the cultural landscape and adjoining lands to provide the

greatest conservation benefit". See 15-Year Strategy, Goal 2A(3). The BLM and USFS should look to the Canyons of the Ancients National Monument 2010 Resource Management Plan (CANM 2010 RMP) that set precedent for managing a National Monument at the cultural landscape-level.

We also suggest that, given the known presence of archaeologically documented cultural landscapes in San Juan County (cf. Hurst and Willian 2017) and the known presence of Ancestral Pueblo great houses (the Et Al and Owen sites, in particular), that the agencies use newly available remote sensing technologies like LiDAR to identify the location, extent and nature of cultural landscape elements (e.g., Ancestral Puebloan roads and great houses) to begin identifying cultural landscapes in the Monument. We note that the National Park Service has put forth guidance for cultural landscape management that builds on the identification process (See [Cultural Landscapes and NPS Park Planning](#)). We feel this is appropriate, given the national significance of the Monument and the importance of cultural landscapes noted above by the Bears Ears Commission. In addition, the Advisory Council on Historic Preservation offers guidance resulting from their 2011 Native American traditional cultural landscapes initiative (See [Traditional Cultural Landscapes](#)) that the agencies would likely find useful.

#### **IV. Cultural Site Management**

##### *Develop visitor-ready cultural sites to provide education*

Cultural resources and recreational use in BENM No.10285 are inextricably tied to one another. Many people visit the area to explore its cultural resources. Management of these resources must be done with active leadership from the Bears Ears Commission to incorporate native stewardship and ensure the establishment of traditional cultural property.

Information on cultural site locations are found not just from the federal land management agencies or the Bears Ears Commission, but from the internet and guide books. In many ways, visitation has gotten ahead of management, putting the cultural resources at risk.

The MMP would benefit from more "public" cultural sites as a means to protect cultural resources and direct visitation to sites that are "visitor ready". These sites include but are not limited to sites such as: Sand Island, Newspaper Rock, House on Fire and Dry Wash. Having sites available to share with the public takes some pressure off the more sensitive areas of the Bears Ears cultural landscape that visitors would otherwise find through the internet. We understand "visitor ready" to mean:

- Having had stabilization or social trail rerouting that mitigated some degree of archaeological sensitivity or fragility;
- And/or having signage or parking in place;
- Having been identified through Tribal consultation as a location suitable for public visitation; and
- Ranger/ law enforcement resources to ensure the site remains visitor ready.

Ideally, sites meeting this criteria can be moved through the NEPA process more quickly, and we hope that interim strategic decisions can be made to make some sites public. By doing so, the BLM and USFS take back some control as to where heritage tourism is taking place.

Additionally, a strategy for addressing this should be analyzed and developed in the MMP. We

propose one that could incorporate aspects referenced in Burillo & Matson 2021 (Attached):

- *Minimize impacts at highly visited sites (both focal-educational sites and those that are receiving significant visitation but are not designated as focal sites) by implementing site specific interventions to make them “visitor-ready;”*
- *Utilize actively managed sites to create and capitalize on opportunities to educate members of the public about protecting cultural resources through Visit with Respect practices;*
- *Reduce impacts to thousands of sites that are not “visitor ready” by diverting visitors to focal-educational sites where effort has been made to ready the site for larger-scale visitation and where they can learn Visit with Respect principles;*
- *Develop and market non-cultural resource attractions/destinations that can provide a great visitor experience without risking cultural resource impacts; and*
- *Actively implement strategies to discourage visitation to sensitive areas and sites or limit the number of visitors at such sites.*

*Create signage strategy that promotes education and Visit with Respect practices*

Managing visitation, whether cultural, heritage or other, requires education first and foremost. It's through education and interpretation that visitors gain an appreciation for Visit with Respect principles being followed for our public lands. Education is also the gateway to understanding our rich and layered American history dating back to time immemorial. Since it will likely be years before an official Bears Ears Visitor Center is opened, there are actions land managers can take in the interim to educate visitors.

Signage should be minimized to maintain the pristine feel of BENM and visually blend with the landscape. This can be accomplished by avoiding sign proliferation through placement of signs at entrances to the monuments and different zones, at designated trailheads, and at designated campgrounds. The BLM can avoid sign proliferation by going digital in popular areas of BENM.

Signage should be planned based on the needs of different zones in BENM No.10285. Frontcountry zones may need trailhead signage whereas backcountry or primitive areas may need fewer and more general signage. For example, Beef Basin is a more remote area that may only require signage with visitor education and interpretation at strategic entry points. Because of its high use, the Butler Wash area will need general signage at entry points and signs offering site-specific interpretation at a few designated sites.

Signage can have direct and indirect impacts on cultural sites. A frequently-visited, stabilized cultural site on Comb Ridge would benefit from signage at a trailhead, whereas a hogan in the area could be damaged if more attention was drawn to it through signage. Education about fragile resources like hogans can still be incorporated into general entrance signs with interpretive messaging about visiting with respect and native connections to the land.

With sign planning, land managers have the opportunity to incorporate Visit with Respect messaging for friendly, positive tips that teach visitors what they *can* do along with what is prohibited. This Visit with Respect messaging developed by BEP has already been incorporated on interpretive signs in southeast Utah so visitors have a branded, uniform educational experience across the Colorado Plateau. Signs are also an opportunity to incorporate Leave No Trace ethics and Respect and Protect OHV-ethics about staying on designated routes.

### *Assess visitation management through permitting, use allocation, and new “visitor-ready” cultural sites*

The preservation of sensitive, backcountry, or non-visitor ready sites requires the BLM and USFS to use their tools to encourage visitation to other sites. Currently, the only cultural site in BENM No.10285 with a limited, permitted day-use system is Moon House. The limited use to 20 people/day was put in place to protect the unique and fragile dwellings of this Ancestral Puebloan site. While other cultural areas of equally great significance, beauty, and fragility exist throughout all of the Bears Ears cultural landscape, permitted use is generally a last resort. If visitation can be managed through education and strategic funneling to public sites, the need for other permitted areas may be abated. However, this decision is best guided by science, trends, and Tribal consultation. We will submit further suggestions as to permitted access through the Section 106 process. This said, BEP supports the Bears Ears Commission in any recommendations to trigger limited day or overnight use in areas that have significant cultural importance either seasonally or annually.

Additionally, we suggest a cultural resource use allocation similar to the CANM 2010 RMP. Zoning can allow for a blanketed approach like allocating all backcountry sites to scientific/preservation/traditional use so those resources would be managed for those uses. Cultural sites that are public and/or stabilized would likely be allocated to recreational use.

For some sites that are designated public or proposed to be public, it may be of long term benefit to the protection of the site for it to be professionally stabilized. Land managers can learn a lot through consultation and past mistakes when considering stabilization at archaeological sites. In consultation with Tribes, BLM and USFS may find that the use of naturally-occurring materials for fencing and signage is preferable to harsh, outside materials like metal and concrete. Land managers should take careful consideration of Tribal preferences in and near cultural sites when planning for stabilization or conservator work. Through this level of consultation, managers may also learn that affiliated Tribes prefer little to no stabilization at cultural sites.

Cultural site management recommendations can also be found in the attached report “Cultural Resource Visitor Management Strategy for Bears Ears” by R.E. Burrillo and Jordan Matson.

## **V. Recreation and Visitor Management**

Recreation and visitation has dramatically increased in BENM over the last ten years. While it is always challenging to determine visitation trends in public and wilderness areas like BENM without many permitting requirements and entrance stations, there is no doubt that public lands in Utah have been extremely popular destinations in the past ten years, partially due to large marketing campaigns of the State of Utah. Utah’s Office of Tourism estimates that 17.8 million visitors came to Utah in 2021 and contributed over \$10 billion to the state’s economy. Closer to Bears Ears, the BLM Monticello Field Office estimates an 84% increase in visitors between 2009 and 2020 (from 180,777 to 332,870) in the areas encompassing BENM. Because of the increase in visitors, the BLM and USFS must plan for the future in developing recreation and visitor management plans in the MMP.

The vision BEP supports for BENM No.10285 would direct the majority of visitors to select visitor-ready, frontcountry areas prepared with needed facilities and education tools so new



visitors can learn about responsibly visiting the area. These visitor-ready areas would have interpretive signage that supports respectful visitation and provides appropriate information about the cultural heritage of the area.

Solitude, exploration, and adventure can be maintained in the backcountry throughout the majority of BENM No.10285. Integral to the management approach is the deployment of staff, volunteers, and visitors who have the resources and direction to support monitoring of both front and backcountry resources to further ensure the unique historical, cultural, and spiritual landscape. The end goal should be that BENM's outstanding assets like cultural resources, night skies, viewsheds, flora and fauna be preserved for descendant communities and future visitors through action with a proactive, visitor management strategy.

#### *Analyze vandalism and looting to address it in the MMP*

Over many years, the archaeological sites within and around BENM No.10285 have succumbed to vandalism and looting that continue to put them at risk. The MMP should address this risk to avoid further damage to the natural and cultural sites. Education, enforcement and social pressure can be valuable tools employed in solving this legacy issue.

BEP currently manages a reward account to support the BLM and USFS in preventing and capturing those engaging in illegal looting or vandalism within BENM. The MMP should incorporate this tactic and other tactics from collaborating organizations to address this issue.

#### *Assess existing availability and impact of visitor-created parking and driving routes*

The use of cars and trucks to access cultural resources and the trails leading to cultural resources can increase visitation and damage to existing sites. Vehicles clumped together at trailheads can create unofficial overflow parking areas that damage the natural environment and potentially expose less-subtle archaeological sites to extreme and unnoticed damage.

The creation of expedient "roads" in undeveloped areas also creates access routes for looters, who intentionally use these routes to reach their target sites because they aren't mapped or regulated by land agencies—and, thus, aren't often monitored by law enforcement. A study conducted by Colorado Plateau Archaeological Alliance in 2009 tested the assumption that "vehicle routes are providing motorized access to archaeological sites that are being adversely impacted by looting, illegal excavation, and intentional destruction" (Spangler and Yentsch 2010). Not only did their study support this hypothesis, but they also found that unregulated creation of expedient driving routes resulted in many archaeological sites being directly impacted by vehicles themselves.

#### *Study and include strategies to eliminate pedestrian trailing*

Hiking and backpacking visitors can exacerbate damages to natural and cultural resources by wandering off trails or creating entirely new trails, especially in areas where trails are less discernible. This causes erosion of the ground and exposure of subsurface cultural materials. Our organization has noted, for example, how random trailing to and around the Split Level Ruin

site in Grand Gulch has exposed buried materials like blanket fragments and shell beads that are susceptible to being taken.

Additionally, the creation of “cairned” routes by visitors can expose sensitive backcountry sites for which no established route or monitoring schedule exists, exacerbating their impacts without agency personnel being made aware. Cairned routes created by skilled visitors can also lead those less-skilled to hike along routes for which they are not prepared. This problem is especially abundant in the canyons of the Valley of the Gods, Butler Wash, and Comb Ridge.

#### *Address the impacts of internet visitor information*

BENM remains an area with few visitor resources given the great attention it has received. The proliferation of information online, especially locations and access to cultural sites, has created a serious visitor management problem in BENM. BEP has worked with the BLM to provide information only about “public sites” at our Education Center. Despite these efforts, the problem continues to cause damage to BENM No.10285. The MMP should study this issue and develop ways to curb this problem.

#### *Incorporate a strategic visitor management plan into the BENM MMP*

Recreation takes many forms in BENM No.10285, but perhaps the most popular form is heritage tourism. We address this in Section IV. Cultural Site Management, but it is important to note from a recreation perspective that the lack of designated public sites is one of the largest challenges in managing recreation. There is a dire need for strategic interim visitor management, particularly with regards to cultural sites, while the MMP process is being completed.

It will be necessary to assess what cultural sites are already “visitor ready” or receiving high levels of visitation in order to designate a select number of cultural sites in BENM No.10285 as *public*. This will allow land managers to prioritize visitor education and interpretation at these locations and tell the public about the locations of these sites, which will indirectly minimize impacts at other sites.

This strategic visitor management planning will also need to look at the indirect and cumulative impacts of closing or opening routes and how that would indirectly funnel people to other places. Some designated trails will need to be created that go to designated sites.

#### *Study permanent solutions to trash and waste disposal in high-traffic areas*

Trash and human waste is a mounting management issue throughout BENM No.10285. Specifically, the lack of facilities and lack of enforcement of policies are contributing to a proliferation of waste across the landscape. Over the past few years, BEP has worked closely with the BLM to place temporary, portable toilets and educational signage throughout BENM. These and other areas should be analyzed to find permanent solutions to trash and waste disposal. In this analysis, careful attention should be paid to how current portable toilets are used. Composting toilets or similar restroom facilities could be located at the current location of the portable toilets - near parking areas and trailheads. Additionally, interpretive signage could

be used to help visitors use available facilities when they are present and “pack it out” in areas without waste disposal collection. Even a minimal investment in waste management would provide significant positive impacts on cultural and natural resource protection, and visitor experiences.

*Promote education and enforcement to keep domesticated dogs from cultural sites*

Domesticated dogs are technically invasive species in North American wilderness areas, and damages they can do to archaeological sites include digging, attracting other wildlife by spilling food or leaving their scents in or around sites, urinating or defecating in or around sites, and impacting the environment through noise pollution (through barking, whining, and howling).

Despite the fact that all the major drainages of Grand Gulch and Slickhorn Canyon are off-limits to dogs, visitors have been known to bring dogs into Grand Gulch during the off-season on the assumption that they are less likely to get caught.

Pets should be prohibited from entering all archaeological sites in BENM No.10285. Restrictions should not include language limiting enforcement (for example: “Pets are not allowed in cultural sites *where signed*.”). The BLM and USFS should incorporate ways to educate visitors about this rule in the MMP. Additionally, the MMP should develop some means by which to enforce this rule even in the off-season to protect the integrity of the cultural sites.

*Establish plans to limit impacts of dispersed camping, not dispersed camping locations*

The MMP should have strong provisions to protect cultural resources from adverse impacts due to camping and campfires. Camping in alcoves and archaeological sites should be prohibited. In the Bears Ears area, an architectural site tucked into a low alcove in the White Canyon subregion was utilized as a camping site by unknown users during the spring of 2020 while most people—including agency personnel—were quarantined by the Covid-19 pandemic. The damages were discovered by archaeologist and long-time Bears Ears hiker Aaron O’Brien, who reported them to the BLM at the time. One visitor campfire in an alcove can change the archaeological record of a site, such as the case of the Iceberg Granary in Glen Canyon Recreation Area, thus permanently damaging a cultural site. Regulations should go above and beyond stating that camping is prohibited in alcoves *where signed*; instead, camping should be prohibited in all alcoves and near all cultural sites.

The MMP should also analyze the impacts of a “dead and down” collection policy: this can cause direct impacts to cultural resources, like when historic hogans have been torn down in the Comb Ridge/Butler Wash area for use as firewood. The history of dispersed, primitive backcountry camping in BENM No.10285 should be preserved in the MMP. However, distinctions should be established in the MMP between front and backcountry camping, and ways to minimize impacts on the landscape from both.

Camping throughout most of BENM No.10285 is unrestrained and negative impacts have occurred from new, dispersed camping. Areas along County Road 092 near the Bears Ears Buttes and along Lower Butler Wash Road are being subject to new campsite creation on a regular basis.

### *Study Recreation Management Zones (SRMA & ERMA Recommendations)*

The designation of RMZs in BENM No.10285 is another way to strategically address camping needs for different user types. This can allow for dispersed backcountry camping in more primitive areas and designated or developed camping areas in frontcountry areas of severe impact, like Valley of the Gods and the Bears Ears Buttes region. Those areas and the Comb Wash dispersed camping area south of Highway 95 and its conflicts with cultural resources need to be addressed in scoping.

Within Special Management Areas in the Bears Ears area, the designation of RMZs can help define where permitted, limited, or prohibited activities and stipulations can or cannot occur. The BLM and USFS should consider designating four types of RMZs throughout BENM No.10285: frontcountry, backcountry, motorized-use allowed, and primitive use. Each RMZ would have a discrete management goal that is aligned with directives in Presidential Proclamation No.10285.

### *Designation of Special Management Areas*

Scoping should consider the designation or change in designation of existing Extensive Recreation Management Areas (ERMAs) and Special Recreation Management Areas (SRMAs). SRMAs are managed more intensively for recreation while ERMAs may be more appropriate for more remote areas of BENM.

### *Cedar Mesa Special Recreation Management Area*

Like other areas of Bears Ears, the existing Cedar Mesa SRMA needs to reflect new trends and information. Group size limitations and permitting should continue in order to protect sensitive cultural and natural resources.

### *Existing Comb Ridge RMZ*

The largest management issue with the existing Comb Ridge RMZ has been the lack of enforcement. The area desperately needs frontcountry rangers, a signage plan, and a camping plan.

### *Create designated campsites away from natural and cultural resources in the MMP*

There are ways the BLM and USFS can plan for smart & strategic designated camping areas in previously disturbed areas to slow the proliferation of newly-disturbed areas. One of the ways to address this issue is to consider different audiences or user groups. There is a need for continued free, dispersed camping in BENM No.10285 but there is also a need for designated camping (campgrounds or campsites) in highly-visited areas, especially for car and RV camping, to limit the creation of new, disturbed areas. Concentrating car and RV camping to a few previously disturbed areas will respond to that need. Areas in Comb Wash, Lower Butler Wash, Grand Gulch/HWYs 261/95 and Valley of the Gods are areas that could be researched for more developed campsites.

### *Study rock climbing impacts and continue to allow except on or near cultural sites*

Rock climbers who lead their own routes have damaged and destroyed several petroglyphs in Utah over the past few years. The MMP should include plans to better clarify where rock climbing should be allowed. Managers should also consider a regulation prohibiting climbing

within the vicinity of a cultural site to minimize impacts on cultural resources. The BLM should reaffirm the rule that the use of climbing equipment to access cultural sites is prohibited unless permitted. The USFS should adopt this regulation for USFS lands in BENM No.10285.

*Develop biking routes on existing designated route or with designated trails*

Biking has become an important recreational sport on many of the federal lands north of BENM. There are not many places where it is currently allowed - or even appropriate - in BENM No.10285. Places like Lockhart Basin afford beautiful, scenic opportunities for mountain biking along designated routes whereas slickrock biking in places like Comb Ridge can be detrimental to cultural and natural resources. Better signage for where bicycles are and are not allowed can promote a culture of responsible bike riding.

BEP suggests that land managers maintain bike access on existing designated routes. Electrical-assist (e-assist) bikes and bike packing are growing recreation trends, and both have the potential to increase the distance and footprint of biking in the monument. The impacts of these activities should be carefully analyzed and considered.

*Create designated areas for target shooting*

Recreational target shooting is part of the cultural history of San Juan County. If not managed well, it can cause damage to archaeological sites, create trash, and cause wildfires. Like all other recreation uses it should not be managed as open unless otherwise noted, it should be a restricted activity to designated and suitable areas. The MMP should assess the need for recreational target shooting areas and establish them to avoid damage to cultural sites, wildlife, and other visitors.

*Establish group size limitations to protect cultural sites and encourage groups at "visitor-ready" locations.*

BEP supports existing group size limitations and additional clarifications on group size limitations in places outside of the Cedar Mesa SRMA and Comb Ridge RMZ, like Sand Island. Existing group size limitations in the Comb Ridge RMZ and Cedar Mesa SRMA minimize impacts from recreation users. In most areas of BENM No.10285, particularly in areas of high cultural resource density, private and organized groups should not exceed 12 in number and need to be separated in space and time.

One area where we believe it is appropriate to continue allowing larger group sizes is Sand Island campground, which is a tremendous educational area for people visiting BENM. The BLM should analyze how to minimize recreation impacts to the area's cultural sites if they continue to allow larger group sizes.

In considering changes to group size limitations, managers should allow for no exemptions to group size limits for organized or permitted groups with some allowance made for tribal descendant communities to continue key ceremonial practice, medicine gathering and other important cultural activities. Secretarial Order 3308 directs the BLM to manage National Conservation Lands based on science ("[s]cience shall be integrated into management

decisions”), and any proposed exemptions to group size limits should be analyzed on sound scientific reasoning.

#### *Adopt classification system for Special Recreation Permits*

With increasing interest in commercial and non-commercial organized trips in BENM No.10285, there is a critical and timely need for more clarity and delineation on the definition of organized commercial groups, organized non-commercial groups, and non-organized groups and when a Special Recreation Permit (SRP) is required. There is currently ambiguity as to what triggers an “organized group.”

We recommend that the BLM and USFS consider a classification system and associated definitions of organized use similar to what the Price Field Office (PFO) uses (see Price Field Office 2008 RMP, Appendix R-10). The PFO classification system could be further improved in BENM by allowing permit types by zone (primitive, backcountry, etc.) and by clearly defining the interpretation of “commercial.” This will allow for a fair and transparent SRP application process with non-discretionary criteria for when an organized, non-commercial permit is required.

In considering the approval of SRPs, land managers should adopt a process for considering the impacts of large, organized, competitive events and/or motorized events in BENM No.10285. Certain types of activities, because of their size, footprint and potential impacts, would be a detriment to the Monument and the values protected in its front and backcountry settings. Additionally, groups who do not regularly visit BENM should have an easier path to obtaining a permit if their event has no impact. Again, the PFO classification system can solve this problem through its matrices that aggregate impacts.

#### *Analyze and address impacts of photography, videography, and drones*

In the planning process, land managers should analyze the impacts of photography, videography, and drones in BENM with the goal of adverse impacts to cultural, natural, visual, and auditory resources. People come from around the world to capture the beauty of BENM through recreational and commercial photography but like any trend, it can cause unintended impacts.

Photography impacts BEP has observed include:

- Popularizing prohibited or discouraged activities, like entering prehistoric and historic structures and taking photographs at night by artificially lighting cliff dwellings;
- Using cultural features or artifacts as tripods or staging pieces for photography and filming;
- Non-permitted commercial filming;
- Illegal use of drones in WSAs;
- Use of drones to discover sensitive, and normally inaccessible, cultural sites and the proliferation of this drone footage online;
- Drones disturbing visitor experiences including camping, hiking, and rock climbing, and

disrupting animal habitat; and

- The accidental disclosure of cultural sites and artifacts on social media through geo-tagged photos.

To manage photography, we recommend land managers continue to allow recreational and professional photography throughout the monument with increased attention to education as a means of mitigating impacts. Non-commercial filming should be clearly defined and be allowed in all zones of BENM No.10285. Likewise, commercial filming should also be very clearly defined and should require a permit in all zones of BENM No.10285. Resources for learning about permit requirements and the permit process should be more readily accessible online and at Field Offices and stations. Applications and restrictions could be tied to different zones in the Monument.

For the safety of resources and protection of user experiences, land managers should create significant regulations as to where drones are allowed. Drones should be prohibited in all Wilderness Study Areas and other areas deemed as culturally sensitive and significant.

#### *Develop fee collection plan based on different zones in BENM*

User fees play an important role in providing more visitor amenities and resources in high use areas of BENM No.10285. BEP supports small fees that fund critical monitoring, enforcement, and amenities like toilets, especially in frontcountry zones, and we support no new fees in primitive areas.

Current fee requirements are not always well communicated or enforced so any fee proposal should consider integration with educational signage in key user areas. When users understand the amenities that their fees support, they are more likely to comply. Additionally, social science research points to the increased respect for an experience when users are required to pay something for the visit. We recommend a fee collection plan based on the different zones of BENM No.10285 that includes day and annual pass options.

However, the BLM and USFS must consider the indirect and cumulative impacts of fee collection, especially if fee collection in certain areas encourages day and overnight use in areas without fee collection. High fees and lack of education could cause disproportionate cumulative impacts on areas in the BENM No.10285 boundary outside of designated or permissible areas. Fees should not inhibit visitors from experiencing BENM, nor should they create a visitation management issue in other locations. This is another reason to plan for the entire boundary in this process. Analysis and careful consideration should also be given to how fee collection and fee structures impact diversity, equity, and inclusion of different populations, including low income and rural populations, in the Monument.

## **VI. Dark Skies**

### *Study ways to preserve the dark skies of BENM through signage and a lighting plan*

The BLM and USFS have an outstanding opportunity in this planning process to preserve the BENM No.10285 dark skies for their ecological, scientific, astronomical, cultural, and economic

values. The Bears Ears Commission also recommends protection of the night sky to preserve BENM ancestral connections in their Land Management Plan.

The BENM cultural landscape is ecologically sensitive and therefore susceptible to the adverse impacts of light pollution. The MMP can preserve the dark skies of BENM through appropriate signage and an appropriate lighting plan.

The BLM and USFS should incorporate dark sky education into signage and interpretation across BENM. Additionally, as appropriate, this signage should incorporate Indigenous cultural heritage and connect the night sky to the cultural landscape. This will help visitors recognize the value and rarity of dark night skies, and will encourage compliance with dark sky regulations.

Additionally, the MMP should address the need for a dark sky lighting plan for the entire Bears Ears landscape. The footprint for this landscape should extend beyond the specific boundaries of BENM given that significant impacts to dark skies occur from permanent outdoor installed lighting on adjacent lands and development activities that impact light readings. The lighting plan should be based on existing and new analyses of light conditions.

The lighting plan should develop management prescriptions with the goal of maintaining current light levels in order to preserve dark skies. Fortunately, land managers can look to other International Dark Sky Parks like Natural Bridges National Monument and Grand Canyon-Parashant National Monument for management prescriptions and guidance.

Core elements of the lighting plan should include:

- Warranting (i.e., identifying when, where, and under what circumstances the Monument management would permit the installation of permanent outdoor lighting versus not doing it)
- Full shielding of all sources
- Use of lighting levels appropriate to tasks, and not exceeding recommended values
- Spectrum control (i.e., avoiding to the greatest extent possible the emission of excess short-wavelength light)

Management to preserve the dark skies of BENM will be a first step in achieving an International Dark Sky Park nomination and designation from the International Dark Sky Association. Such a designation would be a great benefit to the Monument, and its necessary light pollution control measures would preserve the backcountry values in the Bears Ears cultural landscape.

For inclusion in the public record, we are also including research from Missouri State University on the powerful economic development (incremental tourist dollars and job growth) possibilities for communities (such as Monticello, Blanding, Bluff) that are gateways to dark sky areas of the Colorado Plateau. (See Appendix)

Please reference the baseline ground readings from the Listening to Bluff initiative of the Department of City & Metropolitan Planning, University of Utah and a spreadsheet of night sky readings of Indian Creek and Shash Jaa' by knowledgeable IDA members (led by Janet Muir) taken March 2017 substantiating that these areas do indeed have some of the darkest skies in America. The average reading was 21.699 [Unihedron SQM-L (Sky Quality Meter-L)]. (See References)



## **VII. Visual resources**

*All areas within BENM should be classified as Class I or Class II VRM categories*

BENM No.10285 contains outstanding viewsheds that should be preserved. This can be a tool to protect the setting of cultural sites, promote dark skies, and protect recreation uses.

All lands within the BENM No.10285 boundaries should be classified and managed as Class I or Class II Visual Resource Management (VRM) categories. In order to update these classifications, the BLM and USFS need to do an updated VRM assessment for BENM No. 10285.

## **VIII. Auditory impacts**

*Preserve natural soundscape through monitoring and management*

Tribal Nations involved in the Bears Ears Commission consider the soundscape a central component of the spirituality of BENM. Management practices that disrupt it should be limited.

Management of the BENM soundscape should have the goal of preserving quiet recreation opportunities, the setting of cultural resources, and wildlife habitat. Land managers should conduct an auditory assessment of BENM No.10285 and develop a soundscape classification system similar to the VRM classification. Creating a classification would require a baseline assessment of soundscape conditions. Such a classification would limit or preclude activities in higher classification areas that could impact the current classification of areas.

## **IX. Public safety**

*Incorporate plans for ensuring public safety*

The landscape of BENM can create safety hazards that should be addressed in the MMP. Road conditions vary seasonally throughout BENM. Some safety concerns can be minimized with better warning signs about road conditions. This is particularly important in more remote areas of BENM No.10285 that may be zoned primitive or backcountry. Moon House and Doll House sites, which will receive increased visitation because of their new visibility in Proclamation No.10285, offer two examples where proper signage becomes extremely important and can be useful in preventing vehicle access issues. Another area to be addressed in scoping are the roads leading to the Bears Ears Buttes from the east and west (including CR 092, 228, and 268), which are not accessible year round and are seeing more traffic as people try to drive to the Bears Ears Buttes.

Reports from the BLM have indicated that many of the recent visitors to BENM were new to the area. Unfamiliarity with heat and water scarcity in the desert can lead to increased safety concerns in our desert climate. Access to drinking water and better signage about water availability and fill-up locations should be thoughtfully planned throughout BENM.

It may benefit land managers to adjust hours at visitor locations like Kane Gulch Ranger Station and other locations in BENM to respond to safety needs, like overheating in the summer or potential monsoon rains.

## **X. Staffing**

### *Analyze staffing needs and document needs in MMP to meet BENM needs*

Limited staffing remains a primary concern with managing BENM. Law enforcement is needed to ensure protection of cultural sites. By our count, there are only 2 law enforcement rangers covering the entire 1.36 million acres of BENM and the surrounding area, all of which are known to be land with some of the highest density of cultural sites in the country. There is also a need to have more archaeologists, interpretive rangers, and Tribal representation on staff to support the management of BENM.

BEP encourages the BLM and USFS to develop plans including expanded funding for the use of agency staff to work with volunteers, partners, and others to extend the reach of staff for Monument management.

## **XI. Wildlife & Vegetation**

### *Manage wildlife & vegetation for landscape, health and cultural practices*

The wildlife and vegetation of BENM are important components of the spiritual, cultural, and economic lives of Indigenous people. Their presence links to aspects of traditional Indigenous beliefs and practices. Management of hunting and harvesting of animals should be done to protect the wildlife within BENM and preserve the cultural and spiritual practices of Indigenous peoples.

Land managers should maintain naturally-occurring wildlife corridors in BENM No.10285 through connectivity and habitat fragmentation prevention. Ultimately, protecting naturally-occurring wildlife corridors would be consistent with protecting the broader cultural landscape and managing it as an area of critical environmental concern (ACEC). The BLM and USFS should also identify and designate wildlife corridors in BENM No.10285. To inform this process, managers can use recent wilderness inventories like the one being undertaken by the Manti-La Sal National Forest.

Additionally, the vegetation within BENM provides food, medicine, tools, and ritual purposes to Indigenous peoples. The act of gathering is a cultural and sometimes sacred practice. The MMP should ensure these purposes are understood and permissible.

One specific vegetation management issue to be addressed in the MMP is the proliferation of invasive tamarisk in the Lower Butler Wash area along the San Juan River and Butler Wash.

BEP also urges the MMP to address streamlining and strengthening the management of woodcutting. There is a need for easier acquisition of permits at the southern and eastern stretches of BENM No.10285 so that travel to Monticello is not required for a permit.

Additionally, there is a need for better or revised signage of areas open and closed to woodcutting. Better signage would minimize illegal woodcutting in WSAs and could minimize the indirect effects of illegal road proliferation observed in WSAs, which may be an impact of woodcutting.

## **XII. Wood Cutting**

*Work with the Bears Ears Commission to establish access for traditional practices*

BEP generally defers to the recommendations of the Bears Ears Commission on the issue of wood cutting as a meaningful and sometimes vital traditional practice which has proliferated in scope since the 1970's. That said, BEP requests careful consideration of the impacts associated with this activity. Land managers should prioritize minimizing and mitigating these impacts listed below in the MMP.

General environmental impacts include:

- 1) Creating vehicle tracks that break up the cryptogamic soil crust and provide starter channels for erosion after rainfall
- 2) Impacting what is unquestionably an old-growth pinyon-juniper forest (tree-ring samples collected in the 1970s on Cedar Mesa indicate the average tree is well over 100 years old)
- 3) Significant littering (beverage cans and bottles, oil bottles, occasional car parts, items of clothing, etc.)

Archaeological impacts include:

- 1) Accelerated erosion on sites due to general impact
- 2) Providing vehicle tracks that promote access to sites that are remote from existing roads, with consequent increases in surface collection and unauthorized digging
- 3) Vehicle traffic directly over sites with the potential to break down vertical slabs that are part of hearths, storage cists, or houses
- 4) Vehicle traffic directly over sites with the potential to impact middens, artifact distributions, and other non-structural aspects of the archaeological context. Most of the sites on Cedar Mesa have shallow archaeological deposits, so they are somewhat vulnerable to this kind of surficial disturbance

## **XIII. Fuels Reduction**

*Incorporate traditional knowledge into how fuel reduction projects are managed within BENM*

Fuel reduction projects developed throughout the BENM No.10285 boundary should be planned and implemented in ways that incorporate Indigenous knowledge and expertise into fire management and its impact on the surrounding cultural and natural resources. These projects can cause direct damage to cultural sites and the surrounding natural resources as well as indirect impacts from site avoidance techniques that draw attention to cultural sites. Fuels reduction projects also have visual impacts that contradict the vision of the Bears Ears Commission's Land Management Plan. Additionally, there should be tribal involvement in planning any projects that can disrupt the soil, such as chaining, to avoid destruction of cultural sites or natural resources within the landscape. Chaining should not be used at all, under any circumstance, because of its impacts on cultural sites and disruption to the natural resources of

BENM.

#### **XIV. Grazing**

##### *Study ways to manage grazing for improved land quality and livestock health*

Increased recreational use in BENM will likely lead to more grazing, recreation, and cultural resource conflicts. We have observed these conflicts in the Comb Ridge RMZ and on Cedar Mesa near Slickhorn Canyon and Kane Gulch. The BLM should maintain, enforce, and not open up any canyon closures currently in the Monticello Field Office's 2008a RMP.

When and where grazing, recreation, and cultural resource conflicts arise, land managers should work creatively with stakeholders to find a long-term solution. In zones managed for frontcountry recreation, there may be proactive ways to work with permittees and volunteers to ensure that livestock are excluded from canyons that are a) closed to grazing and b) likely to have higher visitation because of cultural resources.

Livestock should be cared for to avoid destruction to the land and degradation of livestock health. They should remain in designated pastures with needed water. Springs and waterways should be protected from livestock, creating specific watering areas for cattle if used. Any watering areas should be developed and managed to avoid visual impacts, damage to cultural sites, or negative impacts on the surrounding natural resources. When tending livestock, ranchers should be present and only use motorized vehicles on designated roads to protect the land from unnecessary damage.

The MMP should also address the need for additional water wells or aquifers for grazing in BENM. Water wells can inadvertently disrupt a cultural site or the important viewscape that links the site to the landscape.

The health of the land within BENM No.10285 boundaries should be a priority for management planning. The MMP should set a realistic goal to improve the quality of the land and soil for livestock and other natural resources within BENM. Strategies such as allowing areas to rest from grazing when land quality degrades or potentially retiring areas from grazing with permanent damage should be explored for their utility to improve land quality and livestock health.

The MMP should study and develop recommendations for potential ways to implement guidance in BENM No.10285 regarding grazing management. Two areas that should be studied to develop guidance for future management: 1) plan to retire grazing permits when they are voluntarily relinquished; 2) provide reasons that reallocation of grazing permits should occur to advance the purpose of Proclamation 10285.

#### **XV. Travel Management**

Many of the travel management issues impacting cultural and natural resources in BENM should be addressed in the development of the MMP, even if travel management planning is being conducted outside of this planning process. It is within the scope of the MMP process to enforce and manage existing designations, prohibit new designated routes, and improve route signage on designated open and closed routes throughout BENM No.10285. Undesignated

routes should be closed quickly, with staff given the authority to make closures when found.

#### *Analyze and address proliferation of unofficial roads*

BENM No.10285 has an extensive network of open & designated routes, and problematic illegal roads that should be physically-closed on the ground. Routes that are directly or indirectly impacting cultural resources need to be prioritized; we will highlight these in the Section 106 process as a Consulting Party.

Cumulative impacts from route proliferation throughout the entire BENM No.10285 boundary should also be analyzed. The impacts include loss of biocrust and native plants across a large area, erosion, access to cultural resources (which includes a history of looting), and illegal woodcutting. One area where we are observing serious route issues including route proliferation and user conflicts is lower Comb Wash and Butler Wash. These areas experience extreme visitation by hikers, OHV users, and river runners.

There are already numerous opportunities for responsible OHV use on designated routes in BENM No.10285. No new routes should be designated for OHV use. Road closures in Arch Canyon when the land management changes from BLM to USFS need to be well signed. One area that should be analyzed for better management is the Cottonwood Falls area north of Highway 95 where great numbers of people are camping and driving OHVs to Tower House and Arch Canyon.

#### *Collaborate with State and County to develop road signage for BENM*

The route signage plan should be developed in coordination with UDOT and San Juan County. Sign locations for areas of interest within BENM No.10285 have the potential to draw traffic to unintended places. The prime example of this is the "Butler Wash Indian Ruins" sign on Highway 95 east of the Butler Wash Ruins Overlook parking area. This sign is placed directly near access to another cultural access area that is not visitor ready. As a result, visitors are trampling up that wash in search of the Overlook and have caused a de facto parking lot right next to the highway. Twenty parked vehicles is a regular occurrence on any given spring or fall weekend. Had the sign been placed a little west of its current location, it would have prevented unintentional access to two cultural sites.

#### *Develop non-motorized trail system*

The MMP should analyze the development of a non-motorized trail system in select frontcountry zones of BENM No.10285. This would support the overall approach of the enclosed cultural site management recommendations as well as provide another recreational activity and opportunity for educational information about the importance of BENM.

## **XVI. Land Exchange**

#### *Support the Federal ownership of all lands within BENM*

Federal Lands Policy Management Act (FLPMA) directs that "the public lands be retained in Federal ownership, unless as a result of a land use planning procedure provided for in this Act,

it is determined that disposal of a particular parcel will serve a national interest." 43 U.S.C. § 1701(a)(1). BEP supports the proposed transfer of SITLA lands out of BENM. The BLM and USFS should support and actively work with SITLA to approve the proposed transfer to ensure BENM can be managed in accordance with BENM No.10285

## **XVII. Conclusion**

Bears Ears Partnership thanks you for the opportunity to submit public scoping comments on the Bears Ears National Monument Presidential Proclamation No.10285 and we look forward to working with the BLM, USFS, and Bears Ears Commission to support the development of a monument management plan . For questions or clarification, please do not hesitate to contact Bears Ears Partnership at 435-414-0343 x 706 or [joe@bearssearspartnership.org](mailto:joe@bearssearspartnership.org).

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## Attachments

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