31 Jan. 2008

Monticello Field Office
P.O. Box 7
Monticello, Utah 84535

Re: Comments – Monticello Field Office Draft Resource Management Plan and Draft Environmental Impact Statement

Please accept and fully consider these comments on behalf of the Colorado Plateau Archaeological Alliance (CPAA). Founded in 2005, CPAA works to protect archaeological and historical properties on public lands throughout the West through sound scientific research into the causes of adverse effects, through public outreach and education, and through collaborative projects with conservation and governmental entities. Our goal is to ensure that cultural resources are protected for future generations, for their scientific as well as aesthetic qualities. We appreciate this opportunity to comment on the Draft Environmental Impact Statement (Draft EIS) for the Monticello Field Office that has management responsibilities for 1.8 million acres of public lands and 2.5 million acres of mineral estate in San Juan and Grand counties.

FLPMA obligates the Bureau of Land Management (BLM) to protect cultural, geologic and paleontological resource values (43 U.S.C. §§ 1701(a)(8) 1702(c)), whereas the National Historic Preservation Act of 1966 ("NHPA") (16 U.S.C. § 470 et seq.) provides for enhanced consideration of potential impacts to these resources through a cooperative federal-state program for the protection of historic and cultural resources. In particular, Section 106 (16 U.S.C. § 470f) obligates the BLM to consider the effects of management actions on historic and cultural resources listed or eligible for listing to the National Register of Historic Places, as provided under NHPA. Section 110 of the NHPA requires the BLM to assume responsibility for the preservation of historic properties it owns or controls (16 U.S.C. § 470h-2(a)(1)), and to manage and maintain those resources in a way that gives "special consideration" to preserving their historic, archaeological and cultural values. Section 110 also requires the BLM to ensure that all historic properties under the jurisdiction or control of the agency are identified, evaluated, and nominated to the National Register of Historic Places. Id. § 470h-2(a)(2)(A).

As discussed below, many other federal laws, regulations and executive orders have articulated the BLM's responsibility to protect properties of cultural and religious significance. This responsibility was reaffirmed by President Bush's "Preserve America" initiative (See Exec. Order 13287, March 3, 2003) that requires the BLM to advance the protection, enhancement, and contemporary use of its historic properties. It states the BLM must ensure that "the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those

properties as Federal assets." It is within that context that the Monticello Field Office must carefully consider the effects of its RMP decision-making on archaeological and historic resources of significance to all Americans.

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Introduction

As stated in "Goals" (DEIS 2-8), the BLM is mandated by the Federal Land Policy and Management Act (FLPMA) to "identify, preserve and protect significant cultural resources and ensure that they are available for appropriate uses by present and future generations," in accordance with various federal laws; and the BLM will "seek to reduce imminent threats and resolve potential conflicts from natural or human-caused deterioration, or potential conflict with other resources uses." Alternative A (no action) offers no definable strategy with measurable benchmarks to identify, preserve or protect significant cultural resources, nor does it attempt to reduce threats or resolve conflicts arising over competing uses of federal lands. Given the complete failure of Alternative A to meet even minimal agency objectives, Alternative A should be rejected. Only Alternatives B through E (referred to herein as action alternatives) are discussed in significant detail in this commentary.

A CPAA review of the Monticello Field Office Draft EIS has identified minor and major deficiencies as they relate to cultural resources, both in terms of general theoretical assumptions applied throughout the document, as well as specific strategies identified for addressing cultural resource concerns. General concerns include (1) the apparent development of action alternatives in the absence of Class I data whereby the nature, diversity and distribution of known archaeological sites could be considered; (2) the absence of a meaningful and representative statistical sample of inventoried lands within the Monticello Field Office whereby the density, diversity and distribution of cultural resources could be adequately considered during the planning process; (3) the failure of the agency to aggressively embrace its Section 110 responsibilities to identify, evaluate and nominate properties under its management jurisdiction to the National Register of Historic Places; and (4) the failure of the agency to adequately consider the indirect and cumulative effects of various activities on the integrity of known and unknown historic properties.

Among the more specific concerns identified in the Draft EIS are the absence of a clearly stated intent to initiate Section 106 compliance *prior* to the designation of ORV routes and open play areas; the designation of ORV routes in areas known to have high archaeological site densities but little or no baseline inventory data whereby adverse effects could be mitigated; the failure of the BLM to adequately recognize that Areas of Potential Effect are much greater than the immediate area subjected to direct surface disturbance; and the absence of a clearly defined public education and law enforcement strategy to promote proper behavior on and around archaeological sites that are adversely impacted by competing uses of public lands. The specific concerns are discussed collectively below under Recreation/Travel Planning.

We recognize that management strategies articulated in all four action alternatives constitute significant improvements over current approaches (Alternative A). We also recognize that all four alternatives propose management actions that will have direct, indirect and cumulative adverse effects to historic properties that are currently unknown to the BLM. Although Alternatives B and E offer the greatest potential for long-term preservation of known and unknown cultural resources, we are fundamentally concerned that BLM decision-making regarding all of the alternatives has been predicated on insufficient data related to the nature, diversity and distribution of archaeological resources within the planning area, and the Draft EIS articulates few proactive measures whereby these data gaps will be ameliorated. Quite simply, the BLM cannot manage resources it does not know exist, and management decisions made without baseline data will inevitably result in adverse and unanticipated consequences to the integrity of historic properties. As discussed in greater detail below, this is particularly relevant to the designation of ORV routes without proper efforts to determine the nature, diversity and

distribution of cultural resources that have already been adversely affected along those routes, or that could be adversely affected in the future, both directly and indirectly.

The cultural resources found within the jurisdiction of the MFO constitute some of the most aesthetically appealing and scientifically significant resources anywhere on the Colorado Plateau. The more than 26,000 documented archaeological sites in the area, the majority on BLM-administered lands, constitute the most significant concentration of cultural resources in the state of Utah. The extraordinary number and density of sites (cf. DEIS 1-4) makes the region among the most significant concentrations of archaeological sites anywhere in the western United States. CPAA also concurs with the Draft EIS that these sites are of tremendous cultural and spiritual significance to many different Native American tribes, and that management decisions impacting these resources must reflect careful consideration of tribal interests.

Resources found within the MFO are also internationally renowned for both their scenic quality and their recreational values, among them opportunities to visit and enjoy archaeological sites. We believe that cultural resources are indeed a major attraction to visitors to the region, and that management of these resources for their long-term preservation and protection will enhance local tourism-based economies. We concur with the BLM's assessment that "With the number of visitors continuing to grow, recreation activity is expanding farther into the back country, and resource and user conflicts are becoming more common, more intense and more difficult to manage" (DEIS 1-6), and that recreation and travel planning will continue to be a major challenge for federal land managers in the decades to come. As such, we encourage the BLM to incorporate more aggressive public education and outreach efforts, regardless of which alternative is chosen.

Insufficient Data

The Draft EIS correctly states the limitations of the current archaeological database that have made it more difficult for the BLM to manage cultural resources. These limitations include large areas where no surveys have been conducted to determine the nature, density or distribution of cultural resources, gaps in the database as to particular site types, and research-related data limitations (DEIS 3-18). The DEIS further maintains that a "cursory review" of state files suggests that less than 10 percent of the MFO has been subjected to intensive surveys (Class III). CPAA believes this to be an overly optimistic assessment given that only 5 to 6 percent of lands at most other BLM field offices in Utah have been subjected to Class III surveys.

Given the BLM does not actually known how much of the MFO has been surveyed, the Draft EIS is fundamentally flawed in that previous archaeological surveys collectively constitute an inadequate and statistically invalid sample, and hence the management alternatives are based on incomplete and inadequate data related to the nature, diversity and distribution of cultural resources. As stated in Section 3.3.4 Cultural Resource Overview, the majority of archaeological investigations in the MFO were driven by Section 106 compliance activities associated with ground-disturbing activities that resulted in the clearance of "small parcels of land and narrow linear corridors. As such, much of the current understanding of site types and their distributions, as well as of prehistoric and historical land use patterns, is based on piece-meal information gleaned from this patchwork of small, disparate surveys" (DEIS3-18).

The reality is that previous cultural resource inventories driven by extractive projects and other site specific uses of federal lands did not lead to the investigation of the variety of environmental and ecological ranges present. It therefore must be concluded that entire environmental and ecological ranges remain unexamined, and that the MFO has little or no data as to the nature, diversity or distribution of cultural resources on roughly 90 percent of the lands it manages. Given the paucity of baseline data and absence of survey data for most of the MFO, even estimates based on best available data have little or no basis on fact.

CPAA recognizes that it is difficult to plan for and manage cultural resources that remain largely unknown and undocumented. However, it must also be recognized that the cultural resource data on which the four action alternatives are based do not comprise a meaningful and statistically valid sample for the entirety of the MFO. Hence, the data used by BLM staff are actually a reflection of the amount of Section 106 compliance in particular areas but they may not reflect actual site densities or land-use patterns. A cursory review of archaeological site data on file with the SHPO revealed few large Class III block surveys or large-scale Class II random sample surveys anywhere within the MFO whereby these data gaps could be ameliorated.

The Draft EIS correctly acknowledges the limitations of the predictive model it applied (modified from Tipps et al. 1988; see also Appendix L in the Draft EIS), stating the "mechanism for assessing relative site densities" is only able to estimate whether

large or moderate numbers of sites are probable within a given area of the landscape, but that it is incapable of predicting specific site locations or predicting how certain landscapes may or may not have been utilized in a particular way. The DEIS maintains the "sufficiently accurate" model has a 70 to 80 percent success rate in defining quadrants with 1, 2 or more cultural resource sites (DEIS 4-28).

CPAA does not dispute the accuracy of the model as a mechanism for predicting relative site density. However, the accuracy of any predictive model is contingent upon an adequate sample size, something that has not been demonstrated in the Draft EIS. As discussed above, the Draft EIS acknowledges that (1) less than 10 percent (probably much less) of the MFO lands have been subjected to Class III surveys, (2) that the location of these surveys was driven by Section 106 compliance and do not constitute a valid sample of all environments or ecological niches, and (3) that large areas of the planning area remain uninvestigated and unknown archaeologically. There is no indication in the Draft EIS that the predictive model was tested with on-the-ground Class III surveys, but that planners relied on 21 previous small block surveys conducted in the Moab and Monticello Field Offices from 1975 to 2005 (Appendix L-4). It must therefore be assumed that the location of the quadrants selected to test the model were driven by Section 106 compliance, and consequently do not represent a valid statistical sample of all environmental ranges within the planning area.

The Draft EIS offers the caveat that the model cannot predict numbers of sites in areas affected by management decisions, and that it cannot replace "what Monticello FO resource specialists … already know" (DEIS 4-28). These statements are problematic in that (1) actual site densities remain unknown for the vast majority of the planning area due to the paucity of Class III surveys or the poor quality of past surveys, and (2) field specialists cannot know the actual nature, density or distributions of archaeological sites in those areas that have never been subjected to Class III surveys. In reality, the model's ability to predict relative site density is based on *known* archaeological resources in a region where most resources remain unknown and undocumented.

CPAA contends that cultural resources remain largely unknown even in those areas where previous Class III surveys have been conducted, and that the quality of surveys conducted prior to 1990 is particularly suspect (12 of the 21 projects considered in the predictive model were initiated prior to 1990). Relevant to this discussion are recent CPAA surveys in Arch Canyon between two previously recorded sites in an area of the canyon about 0.7 miles long located between 1.1 and 1.8 miles up stream from the mouth of the canyon. This area of Arch Canyon had been the focus of a previous "clearance" survey that had not revealed additional sites (Davidson 1989). Yet CPAA surveys identified an additional nine new sites, all previously unknown to the BLM, on both sides of the canyon in this area. In addition, previously undocumented features were identified at both previously recorded sites (Spangler 2006). Similarly, ongoing Class II surveys in the Butler Wash area have demonstrated large numbers and high densities of sites in areas where only a few sites had been formally documented through the course of previous archaeological research (Winston Hurst, personal communication 2008).

Whereas the predictive model applied by BLM planners may accurately predict that Arch Canyon has a probability for moderate or high site densities, based on the few previously documented sites there, the inadequate sample size makes it impossible to accurately address actual site densities, site locations, potential risk from proposed management decisions, and site significance and eligibility. Hence, the application of the predictive model is only effective as a "general" indicator of potential moderate or high density of sites. CPAA concurs with the Draft EIS that the predictive model cannot be considered a replacement for field inventories (DEIS 4-28), but only as an assistive tool in the identification of areas that may warrant more aggressive management. Given the inadequacy of the sample size upon which the model was based, it should also be considered probable that areas *not* identified as having a probability for high site densities will, upon actual field investigations, be demonstrated to have high densities not predicted by the model.

Concerns over inadequate sampling are relevant to management strategies reflected in all action alternatives, each of which could have detrimental impacts to unknown and undocumented cultural resources. For example, each of the action alternatives proposes the designation of official ORV routes in many areas that have never been subjected to Class III inventories to determine the nature, diversity or distribution of cultural resources that could be impacted by vehicular access. That some of these ORV routes are considered to be "existing" does not relieve the BLM of its Section 106 responsibilities to conduct Class III inventories prior to designation. The paucity of baseline data makes it difficult, if not impossible, to implement strategies where impacts to cultural resources could be avoided, minimized or mitigated (this specific issue is discussed in greater detail later in this review).

Particularly troubling is that the Draft EIS was prepared without a comprehensive overview (Class I) of cultural resources in the planning area. Although the DEIS states the MFO recognizes the need for such an overview and is currently pursuing an overview in conjunction with RMP revisions (DEIS 3-17), the fact of the matter is that cultural resource management considerations articulated in the DEIS were not based on a comprehensive understanding of the nature, distribution or density of sites within the planning area. Class I overviews provide the basic foundation for management decisions and objectives, and they are typically completed at the beginning of the RMP process to provide planners with all relevant data as management alternatives are developed. In this case, BLM planners had the benefit of no such analysis.

We emphasize that the BLM cannot properly manage cultural resources it does not know exist, and hence the absence of a statistically valid sample militates against adequate consideration of potential impacts to unknown cultural resources. In effect, the database is little more than a *de facto* corroboration of the failure of the BLM over the past two decades to take seriously its Section 110 responsibilities to implement a proactive preservation program for the identification, evaluation and National Register nomination of historic properties under its jurisdiction or control. None of the action alternatives articulate management strategies or objectives to inventory the broad suite of environmental and ecological ranges evident throughout the MFO whereby the nature,

diversity or distribution of cultural resources could be determined. The absence of more geographically inclusive block surveys (Class III) or random sample surveys (Class II) of different environmental and ecological ranges perpetuates the data gaps that have precluded informed management decisions in the past.

In light of these considerations, we recommend:

- The Draft EIS be revised to include a commitment to a meaningful and statistically valid inventory of representative lands within the MFO whereby the diversity, distribution and density of cultural resources can be properly considered in future land management decisions.
- The Draft EIS be revised to reflect the MFO intent to prioritize Class II and Class III cultural inventories that will ameliorate current data gaps through examination of geographic, environmental and ecological ranges that remain unexamined.
- A comprehensive Class I analysis be initiated and completed *prior* to RMP revisions whereby BLM planners can incorporate relevant cultural resource data into decision making.

Section 110 Responsibilities

As stated above, the paucity of baseline cultural resource data through which informed management decisions could be made is a direct consequence of the MFO failure to embrace its Section 110 responsibilities in the past. Section 110 of the National Historic Preservation Act unequivocally specifies the responsibilities of federal agencies to proactively identify, evaluate and nominate National Register-eligible historic properties under their jurisdiction or control. Although the formal listing of sites on the National Register occurs for a small portion of the total sites in any given county or state, the paucity of listed sites is actually a reflection of the failure of the federal agencies over the past 40 years to prepare and submit nominations to the Keeper of the Register. Only seven localities within the MFO have been listed on the National Register: Alkali Ridge (a National Historic Landmark designated in 1985), Big Westwater Ruin (designated in 1974), Hole-in-the-Rock Trail (designated in 1980) Sand Island Petroglyphs (designated in 1980), Newspaper Rock (a state park designated in 1976), Butler Wash (designated in 1981) and Grand Gulch (designated in 1982).

The archaeological resources of the MFO include archaeological sites that are visually spectacular, as well as significant sites that are admittedly not as visually remarkable. It is emphasized that visual appeal is not a definitive standard whereby National Register sites or districts are deemed appropriate for listing (see *National Register Bulletin 16A*). Many known archaeological sites are clearly eligible under Criterion A in that the are associated with broad patterns of human prehistory on the Colorado Plateau (e.g., Basketmaker and Anasazi); are eligible under Criterion C in that they embody distinctive characteristics of type, period or method of construction, or represent a significant and distinguishable entity, even if the individual sites lack distinction (e.g., rock art); and most importantly are eligible under Criterion D in that they have yielded or are likely to yield important information about the prehistory of the region. Euroamerican historic sites in the MFO could also be eligible under these three criteria, and potentially under Criterion B if they are associated with important individuals. It is emphasized that some of the most important sites in the history of Southwestern and Utah archaeological research are located within the boundaries of the MFO in the greater Cedar Mesa area.

The Draft EIS inadequately recognizes the agency's mandates under Section 110 of NHPA to identify, evaluate and nominate, instead implying in Section 1.3.2 that "proposal" of cultural sites to the National Register is an administrative action that does "not require a planning decision to implement" (DEIS 1-10). CPAA strongly disagrees with this conclusion. We believe the nomination of archaeological sites or archaeological districts to the National Register is a fundamental component of land use planning, and that National Register eligibility must be a consideration in all of the action alternatives whereby special management of National Register resources can be analyzed. Indeed, at least one other Utah BLM field office has resisted the nomination of an archaeological district to the National Register because the proposed district was not part of its current

Resource Management Plan. It should also be noted that some plans (e.g., Moab, Little Snake) identify priority lists of sites they intend to nominate under different alternatives.

The Monticello Draft EIS readily and repeatedly acknowledges the agency has Section 110 responsibilities to identify, evaluate and nominate properties to the National Register. However, the draft plan is remarkably vague as to what Section 110 initiatives would be undertaken. It is also implied in Impacts Common to All Alternatives (DEIS 4-30) that efforts to "inventory and protect cultural resources" would be limited to cultural special recreation management areas (CSRMA). As articulated in all four action alternatives, the amount of high-density acreage to be afforded "special management consideration to protect important cultural resource values" varies from one alternative to another. However, none of the action alternatives clearly state these areas will be the focus of Section 110 initiatives, what the nature of those initiatives would be, or that sites or archaeological districts within those special management areas would be evaluated and nominated to the National Register.

The failure of the Draft EIS to clearly articulate the agency's intent to aggressively embrace its Section 110 responsibilities under each of the alternatives is a fundamental failure. If "special management considerations" can be considered proactive management within the constructs of Section 110 (cf. DEIS 4-28), then there is no indication that cultural resources outside of special management areas would be afforded the same consideration (e.g., identification, evaluation and nomination). Furthermore, the Draft EIS offers no clear indication that Section 110 responsibilities extend to those areas of the MFO that remain unknown, or to Class II and Class III surveys to investigate the broad suite of environmental ranges that remain unstudied. Any Section 110 initiatives that focus exclusively on areas of high site density do little to ameliorate longstanding data gaps as to human utilization of entire landscapes.

Likewise, the Draft EIS offers no indication that Section 110 initiatives will extend to inventories that would identify sites in areas of high recreational use, along ORV routes, hiking and equestrian trails, areas lacking existing inventories, ACECS and buffer zones around communities. Furthermore, the identification of historic properties is only one component of the agency's responsibilities in this regard. Section 110(2)(a) also mandates the agency implement a program to ensure "that historic properties under the jurisdiction or control of the agency are identified, *evaluated and nominated* to the National Register" (emphasis added). There is no indication the MFO intends to fully embrace its responsibilities under Section 110. It is indeed a sad commentary on the MFO's abrogation of its Section 110 responsibilities in the past that none of the eight sites identified in the 1991 RMP for National Register nomination have been submitted or listed (DEIS 3-21), and no site has been listed on the National Register in the past 23 years (DEIS 3-17). The Draft EIS offers little encouragement that that trend will improve during the life of the new RMP.

The absence of a stated strategy to actually nominate sites to the National Register would appear to reflect a common misperception that National Register designations are accompanied by greater levels of protection for listed resources. Under provisions of the

National Historic Preservation Act, sites *eligible* for listing are afforded the same protection as sites actually listed on the National Register. Consequently, any eligible properties identified in the past or during the course of future inventories that are deemed eligible for listing would be afforded the same degree of protection as if they were actually listed. Given the federal agency's mandate to actually "nominate" properties to the register, the Draft EIS should more clearly reflect the commitment of the BLM to actually nominate eligible sites and archaeological districts where the cultural resources have been determined eligible for National Register listing.

It should also be noted the historic practice in BLM field offices throughout the West has been to prioritize budgets based on greatest demand, usually to the neglect of non-consumptive management initiatives. Given that energy development has received enhanced priority through the Energy Policy and Conservation Act of 2001, non-energy-related BLM budgets have been static or have declined in recent years. Consequently, there would appear to be little incentive for the MFO to prioritize funding for non-project-driven initiatives, including Class II and Class III surveys of priority areas articulated in the action alternatives.

Given these considerations, it is recommended that:

- The EIS be augmented to articulate the MFO commitment to its Section 110 responsibilities, including proactive Class III and Class II inventories of different ecological ranges (see discussion above), areas impacted by increased recreational activities and areas with special management designation (see discussion below).
- The EIS should explicitly recognize that proactive cultural resource work is a critical need accentuated by increased ORV use. The level of proactive cultural resource program work to be performed annually should be specifically stated in the RMP, and funding for such work should be prioritized within the MFO budget.
- The BLM should aggressively pursue the nomination to the National Register of historic properties under its jurisdiction, including archaeological sites and archaeological districts of local, regional and national significance. These efforts should explicitly reflect the agency's commitment to Section 110 compliance regardless of which alternative is chosen.
- The BLM should aggressively seek public input regarding which sites should be prioritized for nomination. This could include discussions with interested Native American tribes, the Utah Professional Archaeological Council, local and statewide historical societies, and historic preservation advocacy organizations such as the National Trust for Historic Preservation.

Transportation/Travel Planning

The fundamental component of the Draft EIS is to address growing needs to manage off-road vehicles and the competition between ORV use and other environmental values and uses. As stated in Section 3.11.2.3, the number of ORV registrations has

grown by 216 percent statewide between 1998 and 2003, with an increase of 281 percent noted during that same period in San Juan County. These data correspond with increased demand for ORV access to public lands, as well as increased conflicts with non-motorized users (DEIS 3-77). This level of ORV use was not anticipated in the current land-use plan (Alternative A), and consequently 611,310 acres within the MFO are currently open to cross-country travel. We concur with the issues raised in Section 1.3.1.4 Recreation and Section 1.3.1.6 Travel that increased ORV use must be better managed to identify appropriate recreation opportunities, ameliorate conflicts with other user groups and minimize impacts to sensitive resources (DEIS 1-6). It is highly probable that ORV use will continue to increase, and that such use has already or will in the future adversely impact cultural resources in the MFO.

It is emphasized that the BLM's intent to designate ORV routes under all action alternatives is a significant improvement over current management approaches (Alternative A) where a major portion of BLM lands are open to cross-country ORV travel. However, the mere designation of trails does not ameliorate the potential adverse effects to archaeological sites and historic properties along those routes, most of which remain undocumented. There are also inherent assumptions throughout the Draft EIS that all individuals using designated trails will remain on the designated trails, and that limiting ORV use to designated trails will *prevent* impacts to cultural resources (cf. DEIS 1-5). Neither assumption is supported by the data presented in the DEIS.

Of particular concern, the Draft EIS does not explicitly state that Section 106 compliance (e.g., Class III inventories) will be required *prior* to designation of routes currently in use. As such, the Travel Plan is fundamentally flawed on two important

points: (1) The failure of the BLM to conduct adequate analysis in the past related to ORV impacts along routes currently being used by motorized vehicles was and still remains an abrogation of the agency's Section 106 responsibilities, and the failure of the agency to recognize or correct this deficiency in the new Travel Plan appears to validate and perpetuate the agency's failure to comply with Section 106 requirements in the past; and (2) the failure to require Class III inventories along routes prior to designation suggests the agency official has already made a determination, as per 36 CFR 800.3(a), that travel route designations in such instances are not an undertaking as defined in 36 CFR 800.16(y).

CPAA strongly disagrees with any determination that designations of existing routes are not a federal undertaking. Section 36 CFR 800.16(y) clearly states that an undertaking is "a project, *activity* or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency" (emphasis added). CPAA contends that ORV route designation is an activity managed by the BLM, and that BLM resources are being expended to plan for ORV route designation and use areas and to enforce ORV travel restrictions. As such, it is an activity funded in whole or in part under the direct jurisdiction of a federal agency, and clearly meets the definition of an undertaking. As such, the agency official has a responsibility to determine whether this activity has the potential to cause effects on historic properties (36 CFR 800(a)) and to initiate the Section 106 process.

Although the BLM Instructional Memorandum (IM) No. 2007030 states that Class III inventory is not required for designation of existing routes, most of these routes were never subjected to Section 106 compliance and thus the cultural resources remain undocumented and effects have never been considered. Although many of the cultural resources have likely already been impacted by ORV activities, the extent of these impacts is not quantifiable because the resources are undocumented.

The Draft EIS is remarkably equivocal on exactly what Section 106 compliance would be required as part of the Travel Plan. There is no explicit statement that designation of existing or future ORV routes would require Section 106 compliance either prior to or subsequent to the designation. The Draft EIS also makes little effort to address Areas of Potential Effect outside of designated corridors. The mere fact the action alternatives acknowledge these adverse effects but offer no management strategy to avoid, minimize or mitigate damage to cultural resources would appear to be a complete abrogation of BLM's NHPA and FLPMA responsibilities. Furthermore, it appears to extend preference to one user group (ORVs) over other resource values.

Improper ORV use constitutes perhaps the greatest single threat to the long-term preservation of cultural resources in the MFO and elsewhere in the West. The Draft EIS clearly recognizes that both legal and illegal ORV use are damaging resources and creating conflicts with other users. The Draft EIS also tangentially acknowledges that ORVs enhance the ability of users to penetrate farther into the backcountry where patrols are difficult (DEIS 1-6). The casual acknowledgement that ORV "riders both create and follow trails that pass directly through cultural sites," along with secondary impacts from

erosion and dispersed camping (cf. DEIS 3-79) do not constitute a careful consideration of those impacts. There is no question that ORVs have greatly enhanced the ability of the public to gain access to and enjoyment from cultural resources that have previously been protected by their isolation, lack of visibility or distance from an improved road. There is also little dispute that some individuals have utilized ORVs to facilitate damage to cultural resources, either directly or indirectly (cf. DEIS 3-77).

CPAA research in eastern and southeastern Utah has demonstrated that damage to archaeological sites by ORVs can be both direct (driving vehicles through archaeological deposits) and indirect (using ORVs to gain access to topographic locations where sites are located). In Arch Canyon in southeastern Utah, indirect impacts were considered to be more common in that archaeological sites were being impacted by pedestrians who used mechanized vehicles to arrive at or near site locations. Research also found that sites with the greatest evidence of adverse human impacts were those visible from an existing ORV route (Spangler 2006).

Similar research in Range Creek in eastern Utah also demonstrated a direct relationship between vehicle access and frequency of vandalized sites. Sites within 200 meters of an existing vehicle route were more likely to have been vandalized, as were sites visible from a vehicle route regardless of distance (Spangler, Arnold and Boomgarden 2006). These findings are consistent with other vandalism studies in the Southwest. Nickens et al. (1981) found that archaeological sites within 100 meters of an existing dirt road that were more than 20 miles from a town were more likely to have been vandalized; these findings were supported by interviews with known artifact collectors. Simms (1986) also observed a correlation between vandalism and visibility from the road, distance from the road and ease of access; all alcoves and rockshelters in that sample had been vandalized. Ahlstrom et al. (1992) found site type to be a major factor in vandalism.

In Tenmile Canyon near Moab, CPAA studies demonstrated a prevalence of direct and indirect impacts from both legal and illegal ORV activities. Most ORV users observed during the four-day study remained on the signed trail, which directly impacts only one of 21 sites investigated. However, large numbers of individuals left the signed trail, using vehicles to gain access to bench areas above the trail where they directly impacted cultural deposits at four sites. Indirect impacts were observed at 12 other sites where vehicle tracks were observed within 50 meters of archaeological sites with significant potential for subsurface deposits associated with the identified site. At least 12 of 21 sites had been maliciously vandalized, presumably by individuals using motorized vehicles to gain access to the remote site locations at some point in the past (Spangler and Boomgarden 2007).

Given the thousands of miles of existing ORV trails currently being utilized within the MFO, it is highly probable that significant impacts to historic properties have already occurred throughout the planning area, although there is little or no baseline data currently available to validate this assumption. Unlike permitted uses, no cultural resource inventories were conducted in association with the development of these

existing ORV trails. Given that many of the BLM lands are currently open to cross-country travel, these activities have likely already impacted historic properties, although the extent of these impacts are not quantifiable due to the fact that most cultural resources remain unknown and undocumented. CPAA has been unable to identify any public outreach effort by the BLM in Utah to educate ORV users as to the fragile and irreplaceable nature of cultural resources, to promulgate proper etiquette among ORV users who visit cultural resources or to enlist the vigilance of the ORV community in reporting vandalism and looting.

The primary consideration in this discussion is that ORVs allow greater public access to archaeological sites, and that this access facilitates adverse effects. This is tangentially acknowledged in the Draft EIS with statements in all action alternatives to the effect that reduced access would reduce impacts to cultural resources. CPAA concurs with the Draft EIS that "Increased human activity tends to equate with increased adverse impacts on cultural resources, even if these impacts are inadvertent" (DEIS 4:622). We believe that increased access to cultural sites could increase contact by visitors who could intentionally damage sites by collecting artifacts, vandalizing, illegally digging or otherwise excavating the sites, and that reducing such access by closing roads or restricting travel could protect cultural resources (statements to this effect are found in other draft RMPS currently under consideration but are apparently absent in this one).

As discussed above, damage to or destruction of archaeological sites is most prevalent along existing routes, usually within 200 meters of an existing route (cf. Spangler, Arnold and Boomgarden 2006). Hence, the limitation of ORV travel to existing or designated routes may not significantly reduce impacts to cultural resources adjacent to those routes. There is no discussion or analysis included in the travel plan that addresses Areas of Potential Effect (APE), either an acknowledgment that impact occur beyond the area of disturbance or an indication of what the APE could or should be.

There seem to be inherent assumptions throughout the DEIS that (1) all ORVs will remain on the designated trail, and hence there would be no vehicular damage to sites adjacent to the trail; and (2) that designated ORV trails would not facilitate pedestrian access to archaeological sites that could be subjected to illegal looting, vandalism, improper surface collection of artifacts and increased erosion and structural degradation caused by public visitation. Both assumptions are in conflict with data elsewhere that demonstrate a significant portion of ORV users do not remain on designated trails (Spangler and Boomgarden 2007), that vehicular routes facilitate greater pedestrian access to archaeological sites that are then subjected to direct and indirect impacts (Spangler 2006) and that archaeological sites within 200 meters of a vehicle route are far more likely to be vandalized (Spangler, Arnold and Boomgarden 2006; see also Nickens et al. 1981 and Simms 1986). It must be considered probable that such damage has already occurred along existing routes, and that damage to known and unknown sites will continue in the future.

Direct damage to archaeological sites from motorized vehicles using established routes appears to be a much greater problem in the Monticello Field Office than

elsewhere in Utah. This is likely attributable to the exceptionally high number of prehistoric sites in open settings that are increasingly accessible to motorized vehicles. The Draft EIS acknowledges that direct impacts have occurred and that trails have been illegally constructed through significant archaeological sites. Historically, damage to historic properties along vehicle routes has not been well documented, and there has been little effort by the MFO to identify sites along the almost 2,000 miles of ORV routes (Preferred Alternative C) that have already been damaged or are vulnerable to ongoing or future damage. In effect, there are no baseline data to evaluate the nature and extent of that damage. BLM's development of a major travel plan without basic information about the impacts of existing ORV use in these places puts the cart before the horse. It is difficult to see how the BLM can meet its statutory duties with respect to cultural properties if it has no or little information about how one of the major uses it proposes to authorize would affect these sites.

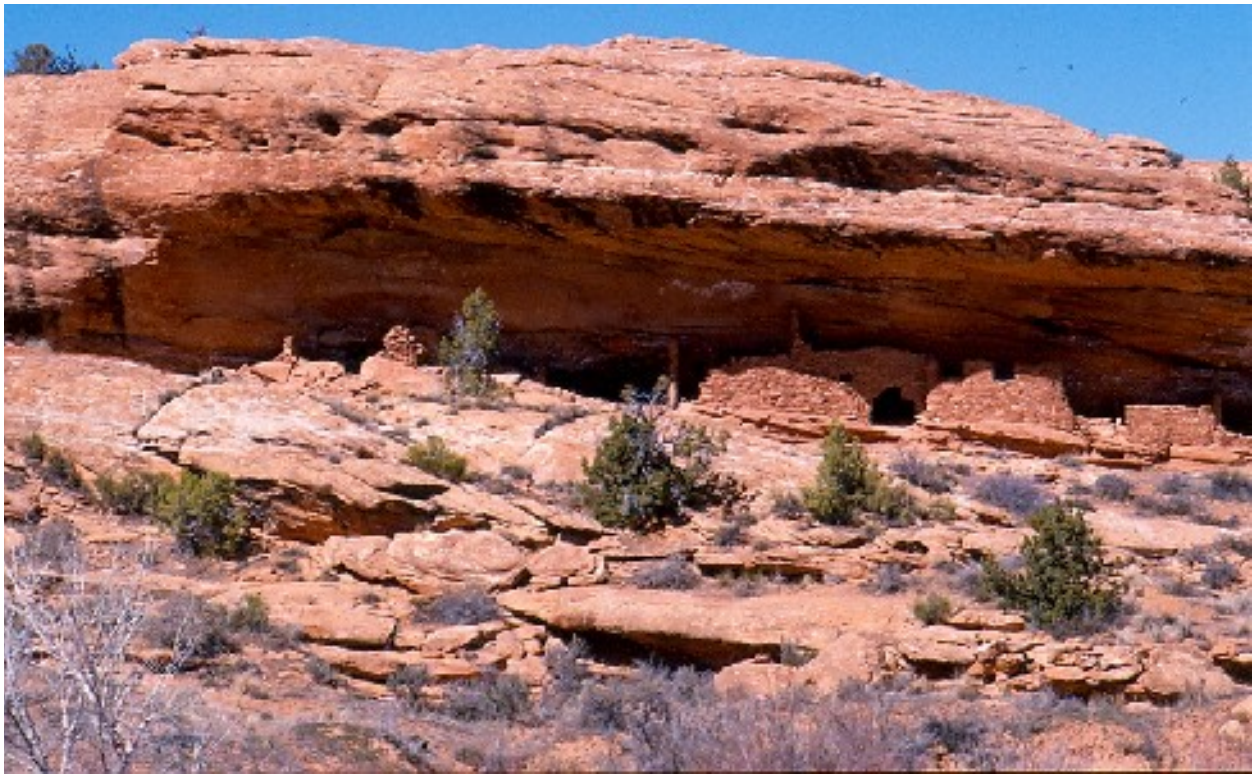
Alternatives B and E would offer the greatest protection to cultural resources from vehicular impacts. It is emphasized that all four alternatives are preferable to Alternative A that would not restrict cross-country ORV travel on more than 600,000 acres. It is also emphasized that restriction of ORV travel to designated routes, as articulated in all four action alternatives, is a dramatic improvement over current management approaches. However, the mere designation of thousands of miles of official ORV routes is meaningless without a BLM commitment of necessary resources to enforce such travel restrictions. Unlike other Travel Plans, this Draft EIS fails to properly acknowledge the risk that designated routes will be used to "pioneer" other routes, which will place cultural resources along the pioneered routes at significant risk. Given that caveat, it is imperative that Section 106 compliance be initiated as a component regardless of which alternative is chosen. In short, the BLM cannot manage for and properly protect resources that the agency does not know are there.

This is particularly relevant to Alternatives C (preferred) and D that call for cross-country ORV travel areas encompassing 2,311 acres. Open play areas have considerable potential to result in damage to archaeological sites. Given such vehicular travel could result in direct and indirect adverse effects to cultural resources, Class III inventories of all lands open to cross-country travel should be initiated and completed prior to designation, and specific strategies should be implemented to ensure such travel does not adversely effect historic properties and/or to recover all scientific data that would be lost. These could include prohibitions on vehicular travel on or around archaeological sites, fencing of vulnerable sites and/or complete data recovery. Efforts to avoid, minimize and mitigate adverse effects should be conducted with the assumption that cross-country travel will damage or destroy those sites, and that the damage is irreversible.

It must also be assumed that open play areas in the MFO with feature at least some archaeological sites where potential damage must be avoided, minimized or mitigated. As discussed in Appendix L, almost all of the 101 quadrants considered in the predictive model had one or more documented sites. In other words, there are few locations within the planning area that have no archaeological sites that would be

impacted by open play areas. As stated in BLM Manual 8343, such route designations must minimize damage to cultural and natural resources (see Appendix N-9).

We contend that (1) the MFO has insufficient baseline data as to the nature, diversity, distribution and National Register eligibility of archaeological sites that would be impacted by cross-country travel, (2) that it would be cost-prohibitive to conduct Class III inventories of such a large area, and (3) that even though some scientific data will have been irretrievably lost to past ORV activities, it is highly probable most sites damaged through direct or indirect ORV activities will retain some scientific value, and that continued ORV use will inevitably result in continued degradation of the remaining scientific values that make these sites eligible for listing on the National Register.



The Draft EIS must also recognize that future ORV use through archaeological sites could result in accelerated erosion that would expose subsurface cultural deposits not evident when the site surface was initially damaged. Even if the management of open travel areas were structured to avoid known archaeological sites, the nature of subsurface deposits is such that many archaeological sites may not be identified until after the ground surface has been altered, either through natural erosion or human factors. Hence, vehicular traffic may subsequently expose cultural materials that were not visible at the time a Class III inventory was conducted, enhancing the need for ongoing monitoring and future data recovery. This will require a significant ongoing commitment of limited BLM resources to ensure that damage to sites exposed in the future is avoided, minimized and/ or mitigated. Furthermore, data recovery is an adverse effect that must be properly considered through the Section 106 process (cf. King 2000a, 2000b).

The designation of such an ORV "open play area" appears to extend preference to one user group over other irreplaceable values, including cultural resources, with no articulated rationale. Instead of "minimizing" impacts to cultural resources, it actually increases the likelihood that such resources will be damaged or lost. This approach also appears to be at odds with BLM management of open ORV areas elsewhere. For example, Little Sahara Recreation Area allows open travel only in those areas where there are no competing values. Consequently, large areas of the recreation area have been placed off-limits to vehicle travel to protect sensitive plant species and natural values (see www.ut.blm.gov and www.utah.com/playgrounds). A similar approach to the protection of cultural resource values in open play areas would be appropriate in the MFO.

If Class III inventories of proposed open play areas demonstrates the presence of significant historical properties, closure of open play areas to protect cultural resource values is entirely consistent with Executive Orders 11644 and 11989 that mandate federal land managers "protect the resources of (federal) lands" and that agency heads who determine that the use of off-road vehicles is causing or will cause adverse impacts to cultural or historical resources shall "immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence" (Executive Order 11989). Given the likelihood that at least some potentially eligible sites will be identified in open play areas in the MFO, the mitigation of adverse effects to eligible properties can only be accomplished through site avoidance, in effect a closure of open play areas as is articulated in Alternatives B and E. If the BLM proceeds with its preferred Alternative C, those areas demonstrated through future Class III surveys to have eligible properties should be closed to ORV travel.

We emphasize that the BLM elsewhere has developed detailed plans to accommodate ORV use in archaeologically sensitive areas that could be an appropriate model for the MFO. For example the Tangled Lakes Archaeological District (TLAD), a BLM-managed National Register district in Alaska, encompasses 185,321 acres and more than 600 archaeological sites. Since the 1980s, the Glennallen Field Office has proposed designating ORV routes with the express purpose of protecting the high density of archaeological sites. A draft travel plan calls for seasonal restrictions on designated trail use, prohibits off-trail travel for game retrieval with some exceptions, imposes weight restrictions on vehicles, expands efforts to provide educational materials to trail users about the archaeological significance of the region, provides suggestions for best trail-use practices, provides for a heightened law enforcement presence during high-use periods, and calls for expanded monitoring of trails. The plan also defined the area of impact due to motorized use to be *one-half mile* on either side of a designated trail (BLM 2006).

The TLAD has applied a tripartite management approach that clearly acknowledges the potential conflicts between ORV users and the protection of archaeological resources listed on the National Register. According to the proposed plan, ORV travel is to be restricted to those routes where impacts to resources would be minimized and archaeological sites avoided. Second, these restrictions will be augmented with proactive efforts to educate trail users about the sensitivity and significance of

archaeological resources, as well as rules, regulations and best practices intended to protect those resources. And third, the plan calls for enhanced law enforcement and monitoring of potential impacts.

As it relates to the Travel Plan, we also emphasize that any approach that limits vehicular access is an effective management tool to further the long-term preservation and protection of archaeological sites. The paucity of existing roads in roadless areas has facilitated a much higher level of protection of cultural resources and a corresponding minimization of impacts to such resources (see Spangler et al. 2006; Spangler et al. 2007; Spangler et al. 2008). As such, the management of these lands as roadless areas would greatly enhance the protection of cultural resources and minimize future impacts through prohibitions on ORV use. Alternative E is certainly preferable in that it would offer enhanced protection for cultural resources in areas where they could become vulnerable to adverse effects resulting from ORV travel and other activities. However, even Alternative E does not offer full protection or minimization of impacts to cultural resources in roadless areas on a comprehensive basis.

In light of these considerations, we recommend:

- All ORV travel should be restricted to designated routes and that the designation of all ORV routes must be based on full Section 106 reviews of all direct and indirect adverse effects resulting from enhanced access to backcountry areas and increased use of travel corridors resulting from formal designations.
- The Class III inventory and site evaluations should be conducted along routes proposed to be designated as open to ORV use, and that these inventories be expanded to include areas of indirect impacts, with specific focus on identifying cultural resources in adjacent topographic settings that could be impacted by increased vehicular access. This should include, but not be limited to, the identification of all visible architectural sites and rockshelters with potentially intact cultural deposits that are visible from a designated route regardless of distance, and to all other localities within at least 200 meters of an existing route.
- Historically, site monitoring has consisted of on-site inspections with minimal field notes and substantial reliance on institutional memory as to what the original site condition was. It is recommended that the RMP require that any site monitoring program include a uniform statewide database whereby impacts to cultural resources can be accurately and consistently measured and documented, and site conditions compared and contrasted over time in a manner that will facilitate more informed management decisions.
- We concur that BLM should encourage user etiquette programs like “Leave No Trace” and “Tread Lightly,” but we believe such efforts should also include public outreach efforts to educate ORV users about the fragile nature of cultural resources, the laws protecting those resources, “best practices” expected of ORV users in archaeologically sensitive areas, and proper procedures to follow when encountering cultural resources or when observing

improper or illegal behavior. The BLM should also implement a mechanism whereby visitors can report ORV damage and violation of rules to BLM personnel. Various methods of reporting improper activities (e.g., phone numbers, Internet) should be widely advertised to facilitate maximum public participation.

- Route or area closures are an appropriate and proven management tool to mitigate the adverse impacts of ORVs on and around archaeological sites. As demonstrated in Range Creek in eastern Utah, these closures are most effective when accompanied by an administrative commitment to maintain a visible law enforcement presence (Spangler, Arnold and Boomgarden 2006). The plan should clearly specify such a management strategy.
- The EIS should clearly state that Class III inventories, site assessments and site mitigations will be completed prior to the designation of ORV routes, including existing routes and open ORV areas, and that cultural resource protection will be a fundamental goal of any transportation planning.
- CPAA concurs with the management action common to all alternatives that rock climbing not be allowed within or near cultural sites.

Other Recreation Concerns

As stated in the Draft EIS, the Monticello FO is renowned for its recreational opportunities that draw about 2 million visitors a year and comprise a significant portion of the San Juan County economy. The planning document acknowledges that a major reason individuals visit the region is to observe and enjoy archaeological sites (DEIS ES-7). CPAA believes the aggressive preservation of archaeological sites will enhance local economies by ensuring the quality of the resources is not degraded through excessive visitation and site degradation.

As articulated in Section 3.11.4 Increased Recreation Use (DEIS 3-85), all forms of outdoor recreation are increasing, with the most significant increase in visitor days coming from camping (+48,457), followed by much smaller increases in non-motorized boating (+13,392), ORV use (+10,227) and hiking (+8,663). The various action alternatives offer detailed approaches to address the increased recreational use of public lands with potentially high densities of archaeological sites, including limits on numbers of individuals, limits on group sizes, limits or prohibitions on domesticated animals, requirements to remove human waste, prohibitions or limits on burning of fuel wood in campfires, etc. The merits of the detailed specifics of each alternative are beyond the scope of this review.

However, we concur with the assessments in the Draft EIS that increases in recreational visitation warrant more aggressive management, and that limits on the numbers of individuals and the sizes of groups is an effective strategy to reduce (or delay) cumulative impacts to archaeological sites that are being 'loved to death." We also believe that aggressive management over overnight camping is a critical concern that can impact the integrity of nearby cultural sites. Ongoing studies in Desolation Canyon, a high recreational-use wilderness study area in east-central Utah, have demonstrated a

correlation between overnight camping localities and adverse impacts to adjacent archaeological sites, mostly graffiti but in some cases illegal digging and site dismantling (Spangler et al. 2007, Spangler et al. 2008).

Although preliminary, these data suggest that adverse impacts to archaeological sites are more common when individuals remain at one location (e.g. campsite), thereby allowing more time to visit adjacent archaeological sites. Researchers elsewhere have likewise documented a relationship between camping and degradation of adjacent cultural resources. As articulated by Sullivan et al., recreational users of public lands may not know or understand what constitutes heritage resources, and that cultural resources are being damaged by "people who are unaware that they are behaving destructively in an archaeologically rich landscape" (2002:42). Inadvertent vandalism to heritage resources could result from camping on or around archaeological sites, construction of hearths within cultural deposits, harvesting of prehistoric wood construction beams for fire pits, removal of culturally rich soils to extinguish fires, burying of modern human trash and waste in archaeologically rich soils, and removal of surface vegetation for fires, thereby enhancing erosion that could impact archaeological sites (see also Hartley and Vasser 2004; Uphus et al. 2006).

The various proposals that would limit camping to designated camps (either primitive or developed) are an improvement over uncontrolled dispersed camping. However, these proposals also present significant management challenges. For example, the proposals regarding Cedar Mesa that would limit camping to the mesa tops do not acknowledge that the mesa tops have had little or no archaeological survey, and in fact are rich in archaeological sites that have not been documented. Even if camp areas are formally designated, those sites in proximity to the camps would be extremely vulnerable to surface collection of artifacts, improper ORV use and even looting.

In light of these concerns, we recommend:

- The Draft EIS should clearly state the intent of the BLM to initiate Section 106 (e.g. Class III inventories) of all designated camping and parking/staging areas, including an adequate Area of Potential Effect that includes all sites visible from that location regardless of distance and all other areas in close proximity to the camp (CPAA research elsewhere on the Colorado Plateau suggests the minimum APE should be at least 200 meters).
- The Draft EIS should more clearly state the intent of the BLM to more proactively educate recreational users as to proper camping behavior in archaeologically rich and sensitive areas.
- Regardless of which alternative or combination of alternatives is chosen, camping regulations should include the removal of all human waste, the use of fire pans and proscriptions on burning local fuel wood.

Special Management Designations

CPAA believes that designation of special management areas, including ACECS, Wild and Scenic River segments, Special Recreation Management Areas (SRMA), and management of lands with wilderness qualities are effective management tools to foster greater on-the-ground management and protection of *all* affected resources in a sensitive area, including cultural resources that may or may not be known. We concur that landscapes with exceptionally high densities of cultural resources warrant special management attention better addressed through ACEC designations that could result in greater management focus, priority funding for those areas most at risk, and limitations on ground-disturbing activities that could result in damage to cultural resources.

CPAA supports the retention or establishment of Areas of Critical Environmental Concern for Alkali Ridge, as articulated in Alternatives B, C and E; Cedar Mesa, as articulated in Alternatives B and E; Hovenweep, as articulated in alternatives B, C and E; Indian Creek, as articulated in Alternatives B, C and E; San Juan River, as articulated in Alternatives B, C and E; and Shay Canyon, as articulated in Alternatives B, C and E. We believe ACEC designations would greatly enhance proactive management and protection of the substantial and remarkable cultural resources known to exist in those areas. We also emphasize that other ACEC designations specified in Alternatives B, C and E, based on scenic and biological values, could foster greater protection for cultural resources that currently are unknown due to the paucity of baseline inventories in those locations.

Of note, Alternative C (preferred) would reclassify Cedar Mesa from ACEC status to Special Recreation Management Area status. The justification for this change is not clearly stated in the planning document, nor does it articulate why management of the abundant and spectacular cultural resources there would be more aggressively facilitated through SRMA designation than through ACEC designation. Likewise, the planning document does not explain why management of archaeological sensitive areas in the Comb Ridge/Butler Wash, Tank Bench, Beef Basin and McLoyd Canyon areas would be better facilitated through "Cultural Special Management Area" designations than through more protective management afforded through ACEC designation.

As with ACEC designations, the designation of river corridors as Wild and Scenic offer additional protections to cultural resources found along those water sources. In water-stressed environments, such as those found in the MFO, human populations were tethered to a greater or lesser degree to permanent water sources, in particular perennial and ephemeral streams, springs and rivers (Spangler 2001). In addition to wild, scenic and recreational qualities, "river" segments proposed for inclusion in the WSR under Alternatives B, C and E would also have been the focus of significant human adaptations throughout prehistory, and that the nature of these resources remains largely unknown due to the absence of baseline data.

Of those river segments identified for possible WSR designation that have remarkable cultural values, Alternatives B and E would offer greater protection and management of those cultural resources found in optimal environmental niches along

these river/stream corridors. It is emphasized that evidence of prehistoric adaptations will likely be found along most, if not all water sources in the MFO, and these should be of exceptional high density and quality to warrant aggressive BLM management regardless of which alternative is chosen or formal WSR designation.

We believe any plan to manage recreational use of riparian corridors, either as Wild and Scenic or though some other designation, should include management plan that includes the identification and documentation of cultural resources that may be impacted by recreational activities. These plans should include the development of public outreach efforts that promulgate proper etiquette on and around cultural resources along riparian corridors; the identification of management strategies to protect cultural resources (e.g., areas where camping is prohibited such as rockshelters and alcoves); and the development of a site monitoring plan to assess the cumulative impacts of recreation visitors on the cultural resources along riparian corridors.

CPAA concurs with the Draft EIS that all lands currently designated as WSAs should be managed in compliance with the BLM's Wilderness Interim Management Policy and terms of the Wilderness Act of 1964, that no designated routes or road construction be allowed within WSAs. It is also recommended that the EIS clearly state the BLM's intent to identify and monitor cultural resources within WSAs that are vulnerable to impacts from illegal ORV use and vandalism.

Heightened management of non-WSA lands with wilderness qualities is also an effective management tool to further the long-term preservation and protection of archaeological sites. The paucity of existing roads in such areas has facilitated a much higher level of protection of cultural resources (see discussion above related to ORVs). As such, the management of these lands to protect roadless and wilderness values would

greatly enhance the protection of cultural resources through prohibitions on new road construction, restricting ORV use, and closing the areas to development that would precipitate new road construction and enhanced public access. Alternative E, although not optimal, is certainly preferable to the other alternatives in that it would offer enhanced protection for cultural resources in areas where they could become vulnerable to adverse effects resulting from ORV travel, energy development and other activities.

Summary

As stated in the planning document, the purpose of the DEIS "is to disclose and assess the direct, indirect and cumulative impact of reasonably foreseeable future actions resulting from the management decisions in each alternative" as required by NEPA, implementing regulations and other laws (DEIS 1-1). The document also indicates that Alternative C was chosen because it "best resolves major issues while providing for common ground among conflicting opinions as well as multiple uses of public lands in a sustainable fashion" (DEIS ES-9).

CPAA believes this assessment is flawed because the alternatives are based on a paucity of baseline data (e.g. a Class I inventory of cultural resources) whereby direct, indirect and cumulative impacts could be properly considered in the development of the action alternatives. We believe the Travel Plan, as articulated in preferred Alternative C, will result in reasonably foreseeable adverse effects to known and unknown cultural resources along designated routes. None of the alternatives detail BLM strategies to avoid, minimize or mitigate those adverse effects. We also contend that vehicular damage to and degradation of archaeological sites is irreparable, and that without adequate and complete Section 106 compliance the Travel Plan does not meet the sustainability objective articulated in the planning document.

As articulated above, of the alternatives provided by the Draft EIS, Alternative E affords the best protection of cultural resources within the MFO for current and future generations, although it is emphasized that all four alternatives described in the Draft EIS are fundamentally flawed. All alternatives propose management actions that will have direct and indirect adverse effects to historic properties that are currently unknown to the BLM. Cultural resources are sensitive, irreplaceable resources with potential public and scientific uses, and as such are an important and integral part of our national heritage. Consequently, a planning document that directs management decisions, including ORV route designations, over the next 15 to 20 years must reflect a more careful consideration of the direct, indirect and cumulative effects to irreplaceable historic properties.

The risk to cultural resources is more than a hypothetical possibility. Ongoing research across the northern Colorado Plateau has demonstrated that increased ORV use over the past two decades has resulted in significant degradation of cultural sites, and that these impacts are accelerating. Impacts to cultural resources from surface disturbance are long-term in nature; once a site has been impacted, the effect typically cannot be reversed. However, damage to archaeological sites may not be coequal with the destruction of archaeological sites, and we emphasize that sites previously damaged by

ground-disturbing activities, vandalism and looting may retain scientific values that could be further degraded by continued non-management of those resources.

This is particularly relevant to ORV use. CPAA recognizes that responsible use of ORVs in certain areas is an appropriate use of federal lands. CPAA agrees with the Draft EIS that ORV use has become one of the fastest growing recreation activities in southern Utah, drawing thousands of visitors each year, and that continued growth in this recreation sector will constitute the most challenging management issue facing federal land managers in the West for many years to come. Consequently, the Monticello RMP and Travel Plan should reflect the BLM's careful consideration of the potential impacts of such activities on irreplaceable resources. These considerations should include, at a minimum, the articulation of agency objectives and strategies to avoid, minimize and mitigate potential adverse effects. These considerations are not clearly articulated in the Draft EIS, and as such it fails at a very fundamental level.

Cultural resources in the MFO are among the most spectacular and scientifically important anywhere in the West with considerable potential to contribute important new insights into how humans throughout history adapted to and lived within the constraints of these desert environments, how populations were limited by their access to and efficient use of water, how changing climates may have influenced their ability to grow food crops, how excessive population expansion may have exceed the carrying capacity of the local environment and prompted societal collapse, and how families and communities responded to environmental and social changes through time.

Research into these questions bears directly on current socioeconomic conditions in the arid West – an area characterized by periodic and persistent droughts, population growth, limited sources of water to accommodate growing populations, a disappearance of agricultural lands to housing developments, an influx of outsiders with different social and cultural values, and changing floral and faunal regimes that influence the viability of traditional lifeways such as livestock ranching. The preservation and protection of cultural resources for public enjoyment and scientific inquiry must be reflected through careful planning that fully considers the future adverse impacts of decisions made today. Thank you for considering my concerns and recommendations.

Best Regards,

Jerry D. Spangler, MA, RPA
Executive Director

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