



Bureau of Land Management

***Director's Summary Protest Resolution
Report***

**San Juan Islands National
Monument Proposed
Resource Management Plan
and Final Environmental
Impact Statement (Proposed
RMP/FEIS)**

September 3, 2020

This page intentionally left blank.

Contents

| | |
|---|----|
| Acronyms | ii |
| Protesting Party Index | 1 |
| National Monument – Consistency with Presidential Proclamation 8947 - Cultural..... | 8 |
| Tribal Consultation..... | 14 |
| FLPMA - Consultation with Monument Advisory Committee..... | 19 |
| FLPMA – Public Involvement | 29 |
| FLPMA – Consistency with Other Plans - Camping | 32 |
| FLPMA – Consistency with other Plans –Recreation and Public Access..... | 46 |
| FLPMA – Consistency with Other Plans - Shooting..... | 58 |
| NEPA – Impact Analysis – Best Available Information..... | 69 |
| NEPA – Impact Analysis - Recreation..... | 73 |
| NEPA – Special Designations..... | 79 |
| NEPA – Impact Analysis – Vegetation | 83 |
| NEPA – Impact Analysis – Wildfires | 90 |
| Violation of the Endangered Species Act..... | 93 |
| References | 95 |

Acronyms

| | |
|---------------|--|
| ACEC | Area of Critical Environmental Concern |
| BLM | Bureau of Land Management |
| CEQ | Council on Environmental Quality's |
| CFR | Code of Federal Regulations |
| DAHP | Department of Archaeology and Historic Preservation |
| DOI | U.S. Department of the Interior |
| EIS | Environmental Impact Statement |
| EMS | Emergency Medical Services |
| EMT | emergency medical technician |
| EO | Executive Order |
| ESA | Endangered Species Act |
| FEIS | Final Environmental Impact Statement |
| FLPMA | Federal Land Policy and Management Act |
| HCA | Habitat Conservation Areas |
| IM | Instruction Memorandum |
| ISO | Insurance Services Office |
| LWC | Lands with Wilderness Characteristics |
| MAC | Monument Advisory Committee |
| MMP | Monument Management Plan |
| MMPA | Marine Mammal Protection Act of 1972 |
| NCA | National Conservation Area |
| NEPA | National Environmental Policy Act |
| NHPA | National Historic Preservation Act |
| NLCS | National Landscape Conservation System |
| NM | National Monument |
| NMFS | National Marine Fisheries Service |
| NOAA | National Oceanic and Atmospheric Administration |
| OPLMA | Omnibus Public Land Management Act of 2009 |
| RMA | Recreation Management Area |
| RMP | Resource Management Plan |
| ROD | Record of Decision |
| SHPO | State Historic Preservation Officer |
| SJ | San Juan |
| SJC | San Juan County |
| SJCC | San Juan County Code |
| SJIMAC | San Juan Island National Monument Advisory Committee |
| SJINM | San Juan Islands National Monument |
| SMP | Shoreline Master Program |
| SRPs | Special Recreation Permits |
| THPO | Tribal Historical Preservation Officer |
| TP | toilet paper |
| U.S.C. | U.S. Code |
| USFS | U.S. Forest Service |
| USFWS | U.S. Fish and Wildlife Service |
| VRM | Visual Resource Management |
| WA | Washington |
| WAC | Washington Administrative Code |
| WADNR | Washington State Department of Natural Resources |
| WCC | Whatcom County Code |
| WDFW | Washington Department of Fish and Wildlife |
| WNHP | Washington National Heritage Program |

Protesting Party Index

| Protester | Organization | Determination | Tracking Number |
|--------------------|--|------------------------------|------------------------|
| Abreu, Sharon | Irthlingz Arts-Based Environmental Education 501(c)(3) | Dismissed – No Standing | PP-WA-SJNM-19-094 |
| Akins, Judith | MBG Sierra Club | Dismissed – Comments Only | PP-WA-SJNM-19-034 |
| Akins, Judith | MBG Sierra Club | Denied - Issues | PP-WA-SJNM-19-100 |
| Alderton, Janet | -- | Dismissed – Comments Only | PP-WA-SJNM-19-005 |
| Alderton, Janet | Friends of the San Juans | Dismissed – Opinion Only | PP-WA-SJNM-19-101 |
| Alderton, Janet | Friends of the San Juans | Dismissed – Opinion Only | PP-WA-SJNM-19-102 |
| Alderton, Janet | Friends of the San Juans | Dismissed – Opinion Only | PP-WA-SJNM-19-103 |
| Alderton, Janet | Friends of the San Juans | Dismissed – Opinion Only | PP-WA-SJNM-19-104 |
| Alexandra, Kathryn | -- | Denied - Issues | PP-WA-SJNM-19-131 |
| Andrews, Walton | -- | Dismissed – Comments Only | PP-WA-SJNM-19-109 |
| Barr, Sam | Stillaguamish Tribe | Dismissed – No Standing | PP-WA-SJNM-19-049 |
| Barsh, Russel | Kwiaht | Denied – Issues and Comments | PP-WA-SJNM-19-038 |
| Bowden, Tom | -- | Denied - Issues | PP-WA-SJNM-19-145 |
| Brand, Steve | Washington State Parks and Recreation Commission | Denied - Issues | PP-WA-SJNM-19-147 |
| Brast, Cynthia | -- | Dismissed – No Standing | PP-WA-SJNM-19-002 |
| Brown, Brad | -- | Dismissed – No Standing | PP-WA-SJNM-19-110 |
| Buffum, Stephanie | Friends of the San Juans | Denied – Issues and Comments | PP-WA-SJNM-19-098 |
| Burr, Eric | -- | Dismissed – Comments Only | -- |
| Clark, Thurid | -- | Denied - Issues | PP-WA-SJNM-19-143 |
| Clark, Tim | -- | Denied – Issues and Comments | PP-WA-SJNM-19-144 |
| Cottingham, Tracey | -- | Denied - Issues | PP-WA-SJNM-19-082 |

| Protester | Organization | Determination | Tracking Number |
|--------------------|-----------------------------|------------------------------|------------------------|
| Cottingham, Tracey | -- | Dismissed – Comments Only | PP-WA-SJNM-19-083 |
| Cottingham, Tracey | -- | Denied – Issues and Comments | PP-WA-SJNM-19-084 |
| Cottingham, Tracey | -- | Denied - Issues | PP-WA-SJNM-19-099 |
| Cowan, Tom | -- | Denied - Issues | PP-WA-SJNM-19-146 |
| Denham, Jaclyn | -- | Dismissed – No Standing | PP-WA-SJNM-19-071 |
| Denham, Jamie | -- | Dismissed – No Standing | PP-WA-SJNM-19-092 |
| Denham, Jon | -- | Dismissed – No Standing | PP-WA-SJNM-19-093 |
| Denham, Jason | -- | Dismissed – No Standing | PP-WA-SJNM-19-111 |
| Dentel, Suzanna | -- | Dismissed – Opinion Only | PP-WA-SJNM-19-141 |
| Derevensky, Laura | -- | Denied - Issues | PP-WA-SJNM-19-050 |
| Derevensky, Laura | -- | Dismissed – Comments Only | PP-WA-SJNM-19-051 |
| Dilling, Cynthia | -- | Denied - Issues | PP-WA-SJNM-19-149 |
| Dougherty, Dean | San Juan Preservation Trust | Dismissed – Comments Only | PP-WA-SJNM-19-064 |
| Dougherty, Dean | San Juan Preservation Trust | Denied - Issues | PP-WA-SJNM-19-065 |
| Dougherty, Dean | San Juan Preservation Trust | Denied - Issues | PP-WA-SJNM-19-066 |
| Dougherty, Dean | San Juan Preservation Trust | Dismissed – Comments Only | PP-WA-SJNM-19-067 |
| Edmond, Lorraine | -- | Denied - Issues | PP-WA-SJNM-19-132 |
| Eisenhardt, Eric | -- | Dismissed – Opinion Only | PP-WA-SJNM-19-012 |
| Fawell, Thomas | -- | Dismissed – No Standing | PP-WA-SJNM-19-062 |
| Ferm, Mary | -- | Dismissed – Comments Only | PP-WA-SJNM-19-013 |
| Ferm, Mary | -- | Dismissed – Comments Only | PP-WA-SJNM-19-037 |
| Ferm, Mary | -- | Denied - Issues | PP-WA-SJNM-19-078 |
| Ferm, Mary | -- | Dismissed – Opinion Only | PP-WA-SJNM-19-079 |
| Ferm, Mary | -- | Dismissed – Comments Only | PP-WA-SJNM-19-081 |

| Protester | Organization | Determination | Tracking Number |
|---|--|------------------------------|------------------------|
| Figlewicz, Robert | -- | Dismissed – No Standing | PP-WA-SJNM-19-048 |
| Gaydos, Joseph | The SeaDoc Society | Dismissed – No Standing | PP-WA-SJNM-19-137 |
| Gayek, Alexandra | -- | Dismissed – No Standing | PP-WA-SJNM-19-108 |
| Gobin, Teri | The Tulalip Tribes | Denied – Issues and Comments | PP-WA-SJNM-19-061 |
| Greacen, Christopher | -- | Dismissed – Comments Only | PP-WA-SJNM-19-120 |
| Haber, Sheldon | -- | Dismissed – No Standing | PP-WA-SJNM-19-009 |
| Hanceford, Phil; Meehan, Katie; Murray, Danielle ¹ | The Wilderness Society & Conservation Lands Foundation | Denied – Issues and Comments | PP-WA-SJNM-19-130 |
| Hansen, James | -- | Dismissed – No Standing | PP-WA-SJNM-19-021 |
| Heater, Morgan | -- | Dismissed – No Standing | PP-WA-SJNM-19-008 |
| Helfman, Gene | -- | Denied – Issues and Comments | PP-WA-SJNM-19-125 |
| Henriksen, Paul | -- | Dismissed – Comments Only | PP-WA-SJNM-19-059 |
| Holladay, Anita | -- | Denied – Issues and Comments | PP-WA-SJNM-19-118 |
| Holm, J. Dennis & Judith | -- | Dismissed – No Standing | PP-WA-SJNM-19-127 |
| Holtzinger, Holly | -- | Dismissed – Opinion Only | PP-WA-SJNM-19-126 |
| Holz, Connie | -- | Dismissed – No Standing | PP-WA-SJNM-19-121 |
| Hoskinson, Deborah | San Juan Islands Visitors Bureau | Dismissed – Comments Only | PP-WA-SJNM-19-123 |
| Watson, Bill; Hughes, Rick; Stephens, Jamie ² | San Juan County Council | Denied – Issues and Comments | PP-WA-SJNM-19-135 |
| Hylton, Stephanie | -- | Dismissed – Comments Only | PP-WA-SJNM-19-139 |
| Kaviar, Samuel | -- | Dismissed – No Standing | PP-WA-SJNM-19-052 |
| Kilanowski, Elizabeth | -- | Dismissed – Comments Only | PP-WA-SJNM-19-028 |
| Klingiel, Richard | -- | Dismissed – No Standing | PP-WA-SJNM-19-070 |
| Kucera, Kristi | Moondance Sea Kayak Adventures | Dismissed – No Standing | PP-WA-SJNM-19-068 |
| Lela, Asha | -- | Denied - Issues | PP-WA-SJNM-19-148 |

| Protester | Organization | Determination | Tracking Number |
|---|--|------------------------------|------------------------|
| Lembo, Grace | Cattle Point Estate Owners Association | Denied – Issues and Comments | PP-WA-SJNM-19-122 |
| Marrett, Barbara | -- | Denied - Issues | PP-WA-SJNM-19-152 |
| Marshall, Albert & Sheila | -- | Dismissed – Comments Only | PP-WA-SJNM-19-136 |
| Matteson, Ross & Genevieve | -- | Dismissed – No Standing | PP-WA-SJNM-19-095 |
| Matteson, Ross & Genny | -- | Dismissed – No Standing | PP-WA-SJNM-19-096 |
| McCoy, Nancy | -- | Denied – Issues and Comments | PP-WA-SJNM-19-133 |
| McCutchen, Douglas | -- | Denied – Issues and Comments | PP-WA-SJNM-19-124 |
| Mchugh, Lisa | -- | Dismissed – Comments Only | PP-WA-SJNM-19-105 |
| Mchugh, Daniel | -- | Dismissed – Comments Only | PP-WA-SJNM-19-106 |
| McMaster, James | -- | Dismissed – Opinion Only | PP-WA-SJNM-19-128 |
| Hanceford, Phil; Meehan, Katie; Murray, Danielle ¹ | The Wilderness Society & Conservation Lands Foundation | Denied - Issues | PP-WA-SJNM-19-054 |
| Hanceford, Phil; Meehan, Katie; Murray, Danielle ¹ | The Wilderness Society & Conservation Lands Foundation | Dismissed – Opinion Only | PP-WA-SJNM-19-055 |
| Hanceford, Phil; Meehan, Katie; Murray, Danielle ¹ | The Wilderness Society & Conservation Lands Foundation | Dismissed – Opinion Only | PP-WA-SJNM-19-056 |
| Hanceford, Phil; Meehan, Katie; Murray, Danielle ¹ | The Wilderness Society & Conservation Lands Foundation | Dismissed – Opinion Only | PP-WA-SJNM-19-057 |
| Meyer, Judy | -- | Dismissed – Comments Only | PP-WA-SJNM-19-129 |
| Mickle, Wendy | -- | Denied - Issues | PP-WA-SJNM-19-151 |
| Midkiff, Amanda | -- | Dismissed – No Standing | PP-WA-SJNM-19-080 |
| Miller, Rhea | -- | Denied – Issues and Comments | PP-WA-SJNM-19-026 |
| Milner, Ruth | Washington Department of Fish and Wildlife | Denied - Issues | PP-WA-SJNM-19-069 |
| Moench, Meredith | Lummi Island Conservancy | Denied – Issues and Comments | PP-WA-SJNM-19-032 |

| Protester | Organization | Determination | Tracking Number |
|-----------------------|---------------------|------------------------------|------------------------|
| Muckle, Susan | -- | Dismissed – Comments Only | PP-WA-SJNM-19-140 |
| Nelson, Libby | The Tulalip Tribes | Dismissed – Opinion Only | PP-WA-SJNM-19-060 |
| Nickum, Stuart | -- | Dismissed – Comments Only | PP-WA-SJNM-19-035 |
| Nickum, Nora | -- | Denied – Issues and Comments | PP-WA-SJNM-19-036 |
| Nickum, Nora | -- | Denied - Issues | PP-WA-SJNM-19-039 |
| North, Sorrel | -- | Dismissed – No Standing | PP-WA-SJNM-19-138 |
| Ott, Chaz | -- | Dismissed – No Standing | PP-WA-SJNM-19-006 |
| Ott, Chaz | -- | Dismissed – No Standing | PP-WA-SJNM-19-007 |
| Patton, Kathleen | -- | Dismissed – Opinion Only | PP-WA-SJNM-19-014 |
| Patton, Kathleen | -- | Dismissed – Opinion Only | PP-WA-SJNM-19-015 |
| Patton, Kathleen | -- | Dismissed – Opinion Only | PP-WA-SJNM-19-016 |
| Patton, Kathleen | -- | Dismissed – Opinion Only | PP-WA-SJNM-19-017 |
| Patton, Kathleen | -- | Dismissed – Comments Only | PP-WA-SJNM-19-018 |
| Patton, Kathleen | -- | Dismissed – Opinion Only | PP-WA-SJNM-19-019 |
| Patton, Kathleen | -- | Dismissed – Opinion Only | PP-WA-SJNM-19-020 |
| Quishenberry, Shannon | -- | Dismissed – No Standing | PP-WA-SJNM-19-003 |
| Ramos, Myra | -- | Dismissed – Comments Only | PP-WA-SJNM-19-025 |
| Ramos, Myra | -- | Denied - Issues | PP-WA-SJNM-19-116 |
| Reeve, Tom | -- | Denied - Issues | PP-WA-SJNM-19-040 |
| Reeve, Tom | -- | Denied - Issues | PP-WA-SJNM-19-041 |
| Reeve, Tom | -- | Denied - Issues | PP-WA-SJNM-19-042 |
| Reeve, Tom | -- | Denied - Issues | PP-WA-SJNM-19-043 |
| Reeve, Tom | -- | Denied - Issues | PP-WA-SJNM-19-044 |
| Reeve, Tom | -- | Denied - Issues | PP-WA-SJNM-19-045 |

| Protester | Organization | Determination | Tracking Number |
|---------------------------|---|------------------------------|------------------------|
| Reeve, Tom | -- | Denied - Issues | PP-WA-SJNM-19-046 |
| Reeve, Tom | -- | Denied - Issues | PP-WA-SJNM-19-047 |
| Reeve, Tom | -- | Denied - Issues | PP-WA-SJNM-19-085 |
| Reeve, Sally | -- | Denied - Issues | PP-WA-SJNM-19-150 |
| Rettmer, Rebecca | -- | Dismissed – Comments Only | PP-WA-SJNM-19-030 |
| Reynolds, Thomas | SJINM MAC | Denied - Issues | PP-WA-SJNM-19-022 |
| Reynolds, Thomas | SJINM MAC | Denied - Issues | PP-WA-SJNM-19-023 |
| Reynolds, Thomas | SJINM MAC | Denied - Issues | PP-WA-SJNM-19-024 |
| Reynolds, Thomas | San Juan Islands National Monument Advisory Committee | Denied - Issues | PP-WA-SJNM-19-086 |
| Reynolds, Thomas | San Juan Islands National Monument Advisory Committee | Denied - Issues | PP-WA-SJNM-19-142 |
| Richardson, Thomas | -- | Dismissed – No Standing | PP-WA-SJNM-19-063 |
| Robinson, David | -- | Dismissed – Comments Only | PP-WA-SJNM-19-114 |
| Ross, Marilyn | -- | Dismissed – No Standing | PP-WA-SJNM-19-010 |
| Ross, Marilyn | -- | Dismissed – No Standing | PP-WA-SJNM-19-011 |
| Rothauge, Arlin & Earlene | -- | Dismissed – Comments Only | PP-WA-SJNM-19-117 |
| Rubash, Lambert | -- | Dismissed – Opinion Only | PP-WA-SJNM-19-029 |
| Rubey, Steven | -- | Dismissed – Opinion Only | PP-WA-SJNM-19-154 |
| Saeji, CedarBough | -- | Dismissed – No Standing | PP-WA-SJNM-19-076 |
| Schietinger, Charles | -- | Denied – Issues and Comments | PP-WA-SJNM-19-119 |
| Scranton, Liz | -- | Dismissed – Comments Only | PP-WA-SJNM-19-115 |
| Scripps, Ed | -- | Dismissed – No Standing | PP-WA-SJNM-19-091 |
| Sheek, Linda | -- | Dismissed – Comments Only | PP-WA-SJNM-19-027 |
| Sheek, Linda | -- | Dismissed – Opinion Only | PP-WA-SJNM-19-053 |

| Protester | Organization | Determination | Tracking Number |
|----------------------------------|---|------------------------------|------------------------|
| Sidles, Alex | -- | Denied – Issues and Comments | PP-WA-SJNM-19-031 |
| Smith, Cyndi | -- | Denied - Issues | PP-WA-SJNM-19-112 |
| Smith, Cyndi | -- | Denied - Issues | PP-WA-SJNM-19-113 |
| Snowden, Steve | -- | Dismissed – No Standing | PP-WA-SJNM-19-075 |
| Souze, Victoria | Whatcom Marine Mammal Stranding Network | Denied - Issues | PP-WA-SJNM-19-097 |
| Test, Test | -- | Dismissed – No Standing | PP-WA-SJNM-19-033 |
| Turnoy, David | Kwiaht | Dismissed – Opinion Only | PP-WA-SJNM-19-001 |
| Weissinger, William | -- | Dismissed – Comments Only | PP-WA-SJNM-19-077 |
| Wentworth, Jane | -- | Dismissed – No Standing | PP-WA-SJNM-19-087 |
| Wentworth, Jane | -- | Dismissed – No Standing | PP-WA-SJNM-19-088 |
| Wentworth, Jane | -- | Dismissed – No Standing | PP-WA-SJNM-19-089 |
| Wentworth, Jane | -- | Dismissed – No Standing | PP-WA-SJNM-19-090 |
| Wigre, Rick | -- | Dismissed – No Standing | PP-WA-SJNM-19-134 |
| Williams & Olsen, Shirley & Troy | Whiteswan Environmental | Dismissed – No Standing | PP-WA-SJNM-19-107 |
| Wing, Gretchen | -- | Denied - Issues | PP-WA-SJNM-19-153 |
| Wood, Jen | -- | Dismissed – No Standing | PP-WA-SJNM-19-004 |
| Zackuse, Marie | The Tulalip Tribes | Dismissed – Opinion Only | PP-WA-SJNM-19-058 |
| Zackuse, Marie | The Tulalip Tribes | Dismissed – Opinion Only | PP-WA-SJNM-19-072 |
| Zackuse, Marie | The Tulalip Tribes | Dismissed – Comments Only | PP-WA-SJNM-19-073 |
| Zackuse, Marie | The Tulalip Tribes | Dismissed – Opinion Only | PP-WA-SJNM-19-074 |

¹ This letter was cosigned by multiple parties. In this report, it is referenced as Phil Hanceford et al., Wilderness Society et al.

² This letter was cosigned by multiple parties. In this report, it is referenced as Bill Watson et al.

National Monument – Consistency with Presidential Proclamation 8947 - Cultural

The Tulalip Tribes

Teri Gobin

Issue Excerpt Text: Throughout the proposed plan, BLM is knowingly, by their own analysis, allowing for continued disturbance of cultural sites and sacred areas, while prioritizing recreational activities and access, which is not an “Object and Value” of the Monument. BLM is not adequately protecting known cultural resources when it is within their ability to do so, and is subjecting likely but as of yet un-surveyed cultural resources to unnecessary risk. As such the proposed plan is not consistent with the Proclamation 8947, with Executive Order 13007 that requires federal agencies to “avoid adversely affecting the physical integrity of sacred sites”, or with BLM’s own Purpose and Need and plan objective “protecting cultural resources, including sacred sites, burial sites and cultural objects and landscapes” (p. 326). The Tulalip Tribes has provided BLM with information that will help protect these sites. BLM must revise the RMP to achieve protection as required by the Proclamation and the relevant laws and polices cited above.

The Tulalip Tribes

Teri Gobin

Issue Excerpt Text: Protection of Treaty Rights, Cultural and Spiritual Uses of the Monument and the Ecological Values they Depend On: The proposed RMP is not consistent with the Proclamation 4987 requirement to protect Cultural and Ecological Values, or their trust responsibility to federally recognized tribes, and will impact tribal treaty and cultural rights; no permanent closures have been made available as a tool under the RMP. Our Rationale: For many of the same reasons as outlined above regarding protection of sacred sites and cultural resources, we do not believe that the proposed level and specific types of allowed recreational activities and recreational access/trail miles in the Monument will allow for the meaningful exercise of treaty hunting and gathering, as well as other cultural or spiritual uses. Tulalip has consistently advocated for Alternative A which would focus human use of the Monument on scientific, educational and traditional/cultural/spiritual and treaty-reserved tribal uses as outlined in the Proclamation and Purpose and Need for the plan. Recreation allowances, including trails, designated site and dispersed camping across much of the Monument lands and small islands will lead to changes across the landscape that are not protective of cultural and ecological values or to treaty uses and the health of treaty resources in the islands. For example, human and pet wastes, social trails and erosion, equestrian uses, dispersed camping, garbage, trampling or contaminating plants, scaring off wildlife, introducing invasive species, and potential crowding are all expected to cause impacts to the Monument’s ec As stated before, enforcement of RMP policies to prevent human behaviors that impact the environment will likely continue to be very challenging in these remote settings, as BLM acknowledges, with compliance largely based on an “honor system”. Tulalip considers this approach to be too risky when treaty rights or cultural resources are at stake. RMP-allowed recreation activities and associated impacts on wildlife and plant species and other ecological processes as analyzed in the RMP will in turn affect tribal treaty hunting and gathering opportunities. Presence of recreational users throughout many of the same areas may necessitate closures for safety or cultural reasons, which would necessitate administrative paperwork and processing time that will burden and delay tribal uses, and potentially not be granted.

The Tulalip Tribes

Teri Gobin

Issue Excerpt Text: Proposed RMP Emphasis on Recreation at the Expense of the Monument’s Objects and Values: Designation of the new San Juan Islands National Monument (a re-designation of BLM lands) should usher in an entirely new management regime, focused on protection of the named “Objects and Values” called out in the proclamation. Instead, we believe that the proposed

plan with its emphasis on accommodating and expanding recreational uses will lead to adverse impacts to these values and, as such, is not legally consistent with the Proclamation 8497 and applicable laws, treaties and executive orders. Our Rationale: While the Purpose and Need for this RMP states that BLM “will address the growing demand for recreation on the Monument”, it does not say that BLM must accommodate it. At a time when visitor use is expanding dramatically, having tripled or more over the last ten years (Outdoor industry Association, 2017; Washington State Recreation and Conservation Office 2015, San Juan County visitor surveys), the RMP is a critical tool to ensure protection of these fragile island landscapes through careful management of human uses, and not as a means to accommodate or expand increasing visitor use. While we recognize the growing demand for recreational use of the Monument, the BLM’s analysis shows these monument lands to constitute only 4% of the public lands in the San Juan Islands are available for recreational use. In contrast, these public lands form a very significant portion of lands available for tribal treaty activities and contain numerous important cultural sites including sacred sites, objects and landscapes to Tribes. BLM’s own analysis outlines expected negative impacts on documented Coast Salish cultural sites and cultural uses for the proposed plan. BLM must revise the proposed RMP to ensure priority is instead given to the protection of the Objects and Values outlined in the Proclamation, as it is required to do under law, using tools such as “managing for wilderness characteristics”, eliminating currently allowable activities that will compromise treaty or cultural rights and resources (e.g., dispersed camping) and others needed to meet their trust responsibility to Tribes in the protection of tribal interests and treaty rights.

Cynthia Dilling

Issue Excerpt Text: Dispersed Camping undermines the original intention of the Presidential Proclamation 894 of March 25, 2013 which was clearly to protect and preserve the lands. I understand that the BLM under the Federal Land Policy and Management Act is required to manage lands under the multiple-use principles - UNLESS - an area has been designated by law for specific uses. BLM Monuments are supposed to be managed under the language of the proclamation establishing the monument. FLPMA, 43 U.S.C. §1732(a) ..The Secretary shall manage the public lands under the principles of multiple use and sustained yield, in accordance with the land use plans developed by him under section 1712 of this title when they are available, EXCEPT that where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law.” Clearly THE PRIORITY the SJ National Monument is to protect and preserve the natural and cultural resources throughout the monument. Of course recreation is an aspect of the monument, but the priority is protection and preservation.

The Wilderness Society et al.

Phil Hanceford et al.

Issue Excerpt Text: To date, BLM has inventoried about 1/3 of the monument and has documented 25 cultural sites. See Proposed RMP p. 35. As such, BLM has potentially violated NEPA through a failure to collect an accurate baseline assessment of cultural resources. Without an accurate inventory of cultural resources within the monument, it is impossible to thoroughly analyze and articulate the potential impacts of agency actions, specifically target shooting.

Friends of the San Juans

Stephanie Buffum

Issue Excerpt Text: The decision to defer the cultural resource surveys until the implementation stage is problematic and the agency provided no rationale why these surveys cannot be performed now.

Connie Holz

Issue Excerpt Text: Dispersed camping would impact cultural resources either accidentally or intentionally. Cultural resources would be disrupted, disturbed, damaged, and or destroyed by

dispersed camping since people would be walking off trails and camping in possible culturally sensitive locations. This would be especially true on Indian Island where there are identified cultural resources. This is in direct violation of the National Environmental Policy Act (NEPA). “According to the NEPA regulations, in considering whether an action may “significantly affect the quality of the human environment,” an agency must consider, among other things: Unique characteristics of the geographic area such as proximity to historic or cultural resources (40 CFR 1508.27(b)(3)) and The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (40 CFR 1508.27(b)(8))

The Wilderness Society et al.
Phil Hanceford et al.

Issue Excerpt Text: BLM has failed to make a “reasonable and good faith effort” to identify historic properties within the monument. 36 C.F.R. § 800.4(b). To date, BLM has inventoried about 1/3 of the monument and has documented 25 cultural sites. See Proposed RMP p. 35. Even from this small amount of inventory, 96% of the documented sites occur within 164 feet of the shoreline. We are concerned that despite this rich density of cultural resources and potential listings under the NHPA, the agency authorizes a variety of uses that are likely to permanently affect cultural resources. These uses include: designated camping in 13 cultural sites (approximately half of the recorded sites in the monument) and dispersed camping within 8 cultural sites in the monument (approximately one third of sites in the monument), harmful vegetation management, new trail development, target shooting, and public access to vulnerable locations. The agency’s proposed action would place 24 recorded cultural sites within designated recreation management areas. See Proposed RMP p. 39. The Proposed RMP acknowledges: “[c]amping could permanently affect cultural resources through direct disturbance of site structure, artifact breakage and displacement, vandalism, soil compaction, altered surface water drainage contributing to increased erosion, creating of new routes contributing to increased disturbance, erosion and compaction, and visual and aural intrusions to the setting. . . Restricting camping to designated sites would concentrate impacts to these locations and reduce the risk of disturbing cultural resources outside of sites. . .” See Proposed RMP p. 38. In short, the Proposed RMP authorizes several immediate uses that pose significant threats to cultural resources. See *Montana Wilderness Ass’n*, 725 F.3d at 1009 (holding that agency’s failure to conduct more detailed cultural resource inventory violated the NHPA where resource management plan at issue addressed a national monument designated to preserve and protect historic and cultural objects, where only 8 to 16 percent of the monument area was surveyed for cultural resources, and the Proposed MMP authorized existing uses that could damage cultural resources); see also USFS Manual 2300, Chapter 2360 - Heritage Program Management, 44,45 (noting that at least some level of field survey is required for projects or actions subject to NEPA review). The agencies must immediately prioritize and have a clear source of funding for Class III inventories throughout the monument to adequately inform management actions as well as future implementation level decisions. Through this process, BLM must prioritize particularly vulnerable areas including heavily visited areas and sites along the shoreline.

Summary:

The Bureau of Land Management (BLM) is in violation of Presidential Proclamation 8947 and other laws/policy by:

- Failing to protect Monument objects and values for known cultural resources by not including any permanent closures of areas with known cultural resources as a management tool,
- Failing to protect cultural resources not yet identified by not performing adequate cultural resource surveys before or during the planning process for the San Juan Islands National Monument (SJINM) Proposed Resource Management Plan (RMP) and Final Environmental

Impact Statement (FEIS) (BLM 2019), and

- Accommodating and expanding recreational uses on lands available for tribal treaty activities within important cultural sites.

Response:

Presidential Proclamation 8947 designated the SJINM on March 25, 2013. Land use plans for a National Monument must analyze and consider measures to ensure that National Monument objects and values are conserved, protected, and restored (BLM Manual Section 6220.1.6.G.4). Through the land use planning process, the BLM identifies specific and measurable goals and objectives for each object and value (BLM Manual Section 6220.1.6.G.4.a.).

The Federal Land Policy and Management Act (FLPMA), as amended, governs the BLM's management of public lands. FLPMA provides that the BLM "shall manage the public lands under principles of multiple use and sustained yield ... except that where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law" (43 U.S. Code [U.S.C.] 1732(a)). The designation of the SJINM by Proclamation 8947 reserved the lands to provide for the proper care and management of the Monument's objects and values and directed the BLM to provide for the proper care and management through compliance with applicable legal authority, such as the FLPMA and the Omnibus Public Land Management Act of 2009 (OPLMA).

Established by Congress in the OPLMA (Section 2002 of Pub. L. 111-11), the National Landscape Conservation System (NLCS) lands are a permanent system of public lands conservation with the stated purpose to "conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations" (16 U.S.C. 7202(a)). As defined by the OPLMA, the NLCS is composed of a number of different Presidential and Congressional designations, including National Monuments, National Conservation Areas, Wilderness Study Areas, and designated wilderness, among others (16 U.S.C. 7202(b)). Each of these designations includes an array of different management requirements for the BLM, recognizing that the OPLMA directs the BLM to manage each component of the NLCS in accordance with any applicable law relating to that specific component of the system and in a manner that protects the values for which the area was designated (16 U.S.C. 7202(c)). Furthermore, the OPLMA states that nothing in Section 2002 enhances, diminishes, or modifies any law or proclamation under which a NLCS component is established or managed, including the FLPMA (16 U.S.C. 7202(d)). The SJINM was designated under the Antiquities Act; therefore, under the OPLMA, the BLM is required to manage the SJINM to provide for the care and management of the Monument objects and values identified in Proclamation 9558, as modified by Proclamation 9681. While the more general language in the OPLMA relating to the purpose of the NLCS provides a number of goals for the management of all system components, the more specific management language makes it clear that the BLM's management responsibilities are not enhanced beyond the requirements of the Antiquities Act, designating proclamations, and FLPMA.

To meet the purpose of and need for the plans, all action alternatives must be compatible with the proper care and management of the Monument objects and values outlined in Presidential Proclamation 9558, as modified by Presidential Proclamation 9681. In completing the Proposed RMPs/FEIS, the BLM relied on high-quality information, as required by the Council on Environmental Quality's (CEQ) implementing regulations (40 Code of Federal Regulations [CFR] 1500.1(b); 40 CFR 1502.24) and the BLM Land Use Planning Handbook (BLM Handbook H-1790-1, p. 55), from a large number of sources to ensure that the agency used the best available science to fully analyze the impacts of plan decisions on the objects and values present in the SJINM. As a result of that analysis, the agency determined that all action alternatives presented in the Proposed

RMPs/FEIS provide for the proper care and management of Monument objects and values as required by Proclamation 9558, as modified by Proclamation 9681.

The BLM developed a reasonable range of alternatives to consider the appropriate management goals, objectives, and actions under each action alternative with the purpose of protecting National Monument objects and values (see FEIS, p. 4). The Monument’s cultural resources are among the values for which it was designated. Based on the impacts analysis for cultural resources conducted and summarized in the SJINM Proposed RMP and FEIS (BLM 2019), the BLM concluded that, with measures described in the FEIS that protect Monument objects and values, management actions for cultural resources contribute to meeting the goals and objectives for each Monument object and value as set forth in the SJINM Proposed RMP and FEIS (see FEIS, pp. 34–57).

These alternatives also provide for a range of multiple uses to the extent that they are consistent with the proper care and management of Monument objects and values. While the designating proclamations provide for a number of management requirements, including the overarching requirement to provide for the care and management of Monument objects and values, in some circumstances those Proclamations lacked specific management direction to the agency. In the absence of such direction, the BLM has discretion in making management decisions. In other cases, the Proclamations provided the agency with more discretion for managing multiple uses, such as explicitly exempting livestock grazing from the restrictions of the proclamations or identifying “world class recreation” as integral to the character of the Monument. Therefore, in making management decisions for the SJINM, the BLM properly sought to balance protection of the objects and values with its desire to allow the public to enjoy and make beneficial use of the lands and resources.

The National Historic Preservation Act (NHPA) requires federal agencies, as part of the NHPA Section 106 process, to consult with Indian tribes that attach religious and cultural significance to historic properties potentially affected by an undertaking (54 U.S.C. 302706). The regulations implementing NHPA Section 106 require Federal agencies to make a “reasonable and good faith effort” to identify historic properties within the area of potential effect in part through consultation with Indian tribes (36 CFR 800.4(b)). The BLM’s tribal consultation efforts are broader than the identification of historic properties. “The NHPA Section 106 standard only applies to the agency’s effort to consult with Indian tribes regarding historic properties of religious and cultural significance in the context of NHPA Section 106 and not the other specific and general authorities that require tribal consultation on a government-to-government basis” (BLM Manual 1780 Tribal Relations, H-1780-1, A2-1).

The BLM should consult with the State Historic Preservation Officer (SHPO)/Tribal Historical Preservation Officer (THPO) in a manner appropriate to the agency planning process for the undertaking and to the nature of the undertaking and its effects on historic properties (36 CFR 800.3(c)(3)). Consultation with the SHPO/THPO involves identifying historic properties (36 CFR 800.4), assessing adverse effects (36 CFR 800.5), and resolving adverse effects (36 CFR 800.6). An agency may use the process and documentation required for the preparation of an Environmental Impact Statement (EIS)/Record of Decision (ROD) to comply with Section 106, if the standards set forth at 36 CFR 800.8(c) are met.

The BLM consulted and coordinated with the Washington SHPO/Director of the Washington Department of Archaeology and Historic Preservation (DAHP) throughout the development of the SJINM RMP/EIS. The SJINM is in the BLM’s Spokane District. Although the Spokane District is administratively within the Oregon/Washington BLM, the Spokane District is in Washington state and follows the 36 CFR 800 regulations for NHPA Section 106 review rather than the Oregon State Protocols under the BLM’s National Programmatic Agreement.

Letters and email notifications were sent to SHPO/DAHP informing them of scoping meetings for the RMP/EIS, inviting them to become cooperators in the NEPA process (an invitation they accepted), and inviting them to participate in meetings with the other cooperating agencies to gather information and input into the development of planning goals, alternatives, and management actions that could be addressed in the RMP. The BLM provided pre-publication preliminary drafts of all planning documents to SHPO/DAHP for review (see below for more detail). The BLM revised documents based on these comments prior to releasing them for public review. Following the Approved RMP, implementation-level project plans will follow consultation with tribes, SHPO/DAHP, and interested parties and completion of required inventories in accordance with Section 106 of the NHPA.

The BLM initiated Section 106 consultation with SHPO/DAHP for the current RMP effort on December 16, 2015. The SHPO/DAHP concurred with the Area of Potential Effect in a letter on January 7, 2016. The BLM subsequently decided not to include implementation-level decisions in the Approved RMP/ROD. NEPA and Section 106 consultation and review for site-specific undertakings would occur during implementation of the RMP. Implementation-level decisions regarding trail placement, design, and construction of trails and any other facilities would follow consultation with tribes, SHPO, and interested parties and completion of required inventories in accordance with Section 106 of the NHPA.

The BLM received written comments from SHPO/DAHP on RMP/EIS documents at the dates outlined below:

- On January 31, 2017, the BLM received comments from SHPO/DAHP on an early, pre-publication version of the range of alternatives (Chapter 2 of the document) for the RMP/EIS. The BLM addressed these changes prior to analyzing the impacts of the alternatives (Chapter 3 of the document). The BLM provided an early, pre-publication version of the effects analysis (Chapter 3 of the document) to SHPO/DAHP for review on August 4, 2017, but did not receive written comments from SHPO/DAHP on that document, although SHPO/DAHP provided input on analysis and identification of a preferred alternative at a meeting on July 20, 2017.
- On April 30, 2018, the BLM received comments on a pre-publication draft of the SJINM Draft RMP/EIS from SHPO/DAHP. The BLM revised the document based on these comments, as well as comments from consulting tribes and other cooperating agencies, prior to publishing it for public review on October 5, 2018.
- On December 11, 2018, SHPO/DAHP provided comments on the published version of the Draft RMP/EIS. The SHPO/DAHP concurred with the selection of the preferred alternative; commented on the agency's intent to consult with SHPO, THPOs, and other interested parties when undertaking actions to implement the plan; recommended that hard shoreline stabilization be applied only in the most dire of circumstances; stated that implementation-level plans will be critical in identifying and detailing specific undertakings to manage cultural and other resources at sites throughout the Monument and commented that the SHPO, THPOs, and other interested parties should be consulted in drafting and implementing these plans.
- On April 22, 2019, the BLM provided SHPO/DAHP with a pre-publication version of the Proposed RMP/Final EIS for their review. While the SHPO/DAHP did not provide comments on this pre-publication draft, the SHPO/DAHP representative to the RMP/EIS process did let the BLM know they didn't have any "red flag" issues. The BLM provided SHPO/DAHP with a printed copy of the published Proposed RMP/Final EIS and will do the same with the Approved RMP/ROD.

The BLM also made a reasonable and good-faith effort to identify and consult with tribes as part of the Section 106 process in order to identify historic properties and tribal concerns about potential for adverse effects, which is described in more detail below, in *Tribal Consultation*. The BLM considered the information provided by the tribes when developing this RMP and will continue to engage the

tribes during implementation-level planning. As stated in the RMP, the BLM would complete Section 106 consultation prior to making any implementation-level decisions for the Monument. The BLM had considered making implementation-level decisions regarding trails at the same time as the plan-level decisions—and completing Section 106 consultation for these actions—but decided to delay these implementation-level decisions in order to allow more time for tribal consultation and survey work.

The BLM has developed an inventory process to assist in managing cultural resources in accordance with the NHPA. The BLM has established three classes of inventory for cultural resources; Class III is the most intensive. The preparation of an RMP revision or amendment does not require a Class III inventory: “the scope and scale of cultural resource identification are much more general and less intensive for land use planning than for processing site-specific use proposals. Instead of new, on-the-ground inventory (i.e. Class III Inventory), the appropriate level of identification for land use planning is a regional overview [i.e. Class I inventory]” (BLM Handbook H-1601-1, p. C-8).

The BLM completed a Class III inventory for the area of potential effect (Beyer 2019). The BLM relied on this inventory and other cultural resource inventories conducted in the planning area in preparation of the SJINM FEIS Chapter 3, *Cultural Resources* section (see FEIS, pp. 34–57).

The BLM will address potential impacts on cultural resources at the design or implementation phase of future projects through Section 106 review (see FEIS, p. 36) and would work with partners, including the SHPO and THPOs, to avoid, minimize, or mitigate potential adverse effects on historic properties. Under all alternatives, the BLM would identify cultural resources through consultation and cultural resource inventory prior to authorizing implementation-level projects that can affect archaeological and cultural properties, such as designated campsite development, trail building, tree removal, digging, tilling, or pulling to remove invasive plants. Where cultural resources are identified, the BLM would modify the project to avoid or reduce impacts. Despite these precautions, recreational activities and vegetation management create the potential for disturbance and loss of cultural resources. Where important cultural and archaeological resources could not be avoided, the BLM, through consultation, would develop mitigation to address adverse impacts on affected cultural resources.

The SJINM Proposed RMP and FEIS adequately protects Monument objects and values for cultural resources. Accordingly, the protest is denied.

Tribal Consultation

The Tulalip Tribes

Teri Gobin

Issue Excerpt Text: Role of Federally-Recognized Tribes in the Future Management/Co-Management of the Monument - Formal Designation and Funding of a Coordinated Multi-Tribal Steering Group: Tulalip believes that in order to meet its trust responsibility to affected tribes, the BLM must formally designate and identify funding for a multi-tribal steering group to ensure that the many implementation-level decisions called for in the RMP will include tribes as partners and/or co managers of resources and reflect Coast Salish tribes’ expertise and traditional and historical knowledge. Our Rationale: The San Juans Islands have been a nexus for Coast Salish tribes over thousands of years. In addition to working with the BLM on a government-to-government basis, Tulalip continues to advocate for the development of a multi -tribal steering group - not to take the place of required consultation with individual tribes, but to supplement it, to ensure an opportunity for coordinated, collaborative involvement of multiple tribes in the plan’s implementation. The management and caretaking of these lands on which treaty tribes have reserved treaty and statutory rights and are co managers of the resources, and on lands that contain

numerous cultural resources and sacred sites is critical to Tulalip and other affected Coast Salish Tribes. Toward this end, we request that the final RMP, BLM formally designate and enable funding for such a tribal steering group so that Tribes are assured an integral co-managing role in its ongoing implementation. Since many subsequent actions on the Monument will be determined through implementation level plans, Tribes, as Co-Managers of natural resources and with treaty and/or federally-protected cultural rights, must be directly engaged and our traditional and technical expertise used in the oversight and management of the Monument going forward. Implementation-level plans will be of great significance to tribes in that they address activities that will impact tribal used in the oversight and management of the Monument going forward. Implementation-level plans will be of great significance to tribes in that they address activities that will impact tribal opportunities and sensitive areas. As examples, these include Travel and Management Plans (including trail placement), oversight of cultural surveys, caretaking of sensitive cultural sites, permitted camping, development of content and citing of interpretive signage and visitor facilities, and development of implementation level plans to provide for and enhance treaty hunting and gathering opportunities and other cultural uses.

Friends of the San Juans

Stephanie Buffum

Issue Excerpt Text: It is unclear if the BLM has consulted with all Tribes with Usual and Accustomed Fishing Areas in the regarding the impacts of primitive camping on culturally significant areas to ensure that the resources and values for which the Monument was established.

Summary:

The BLM failed to:

- Comply with Section 106 of the NHPA by failing to adequately consult with tribes, including for Tribes with Usual and Accustomed Fishing Areas, in the planning area to meet trust responsibilities, and
- Adequately describe tribal interest and rights within the planning area for the SJINM Proposed RMP and FEIS (BLM 2019).

Response:

Section 101(d)(6) of the NHPA requires federal agencies, as part of the NHPA Section 106 process, to consult with Indian tribes that attach religious and cultural significance to historic properties potentially affected by an undertaking (54 U.S.C. 302706). The regulations implementing NHPA Section 106 require Federal agencies to make a “reasonable and good faith effort” to identify historic properties within the area of potential effect in part through consultation with Indian tribes (36 CFR 800.4(b)). The BLM’s tribal consultation efforts are broader than the identification of historic properties. “The NHPA Section 106 standard only applies to the agency’s effort to consult with Indian tribes regarding historic properties of religious and cultural significance in the context of NHPA Section 106 and not the other specific and general authorities that require tribal consultation on a government-to-government basis” (BLM Manual 1780 Tribal Relations, H-1780-1, A2-1).

The BLM should consult with the SHPO/THPO in a manner appropriate to the agency planning process for the undertaking and to the nature of the undertaking and its effects on historic properties (36 CFR 800.3(c)(3)). Consultation with the SHPO/THPOs involves identifying historic properties (36 CFR 800.4), assessing adverse effects (36 CFR 800.5), and resolving adverse effects (36 CFR 800.6). An agency may use the process and documentation required for the preparation of an EIS/ROD to comply with Section 106, if the standards set forth at 36 CFR 800.8(c) are met.

In accordance with the BLM Planning Handbook, FLPMA, and Section 101(d)(6) of the NHPA, government-to-government tribal consultation and coordination was conducted throughout the development of the SJINM RMP and EIS. The BLM consulted with 12 federally recognized Native American tribes known to have interests in the Monument. Consulting tribes were sent letters and email notifications informing them of scoping meetings, inviting them to become cooperators in the NEPA process, and requesting meetings to gather information and input into the development of planning goals, alternatives, and management actions that could be addressed in the RMP. Tribes were also provided pre-publication preliminary drafts of all planning documents for review. The BLM revised documents based on these comments prior to releasing them for public review.

Coordination included formal meetings with all interested tribes and meetings with tribal leadership and/or other tribal representatives as requested by the tribes, as well as conference calls, a boat tour of the Monument, and communication by mail and email. The BLM held consulting tribe meetings September 22, 2017, February 20, 2018, and February 20, 2019. Some tribes became Cooperating Agencies in the NEPA planning process for the RMP. The Tulalip Tribes acknowledged participation in the process in the letter of December 20, 2019: “Over that time, we have offered extensive verbal and written comments and suggestions to the Bureau of Land Management (BLM) in shaping the first RMP for the new Monument. We are pleased to see acknowledgment by BLM of their trust responsibility to tribes, and the importance of ensuring tribal involvement throughout the planning process reflected in sections throughout the proposed RMP.”

As part of government-to-government consultation, the BLM notified potentially interested tribes prior to the start of the public scoping period. Additionally, the BLM solicited input from and met with tribal governments throughout the planning process, providing numerous input and review opportunities on the Proposed RMP/Final EIS. The FEIS notes that while the BLM is aware that areas within the National Monument were extensively used by and were important to Native American tribes, specific locations of traditional use are largely unknown to the BLM. However, the BLM notes that identification of these areas is an ongoing process addressed during consultation between the BLM and tribes (see FEIS, p. 215). A discussion of BLM consultation and coordination to date with the tribes can be found in Chapter 4 of the SJINM Proposed RMP and FEIS (see FEIS, p. 296) (BLM 2019).

This consultation identified areas of mutual interest and concern and helped the BLM consider the potential effects of Federal undertakings and actions on tribal rights and interests. Listed below are the primary issues regarding the RMP brought to the BLM by the Consulting Tribes.

Cultural Resource Inventories: The tribes expressed concerns regarding cultural resources protection and the need for cultural resource inventories of the Monument prior to making resource management decisions in the ROD/Approved RMP. The BLM currently has cultural resource inventories for approximately 30 percent of the Monument and does not normally conduct 100 percent inventory for any resource during development of an RMP. The BLM will complete pertinent cultural inventories prior to making implementation-level decisions.

The BLM is committed to proactive identification and documentation of cultural resources and identification of whether cultural resources are present before authorizing ground-disturbing activities (i.e., making implementation-level decisions). Implementation-level decisions regarding trail placement, design, and construction of trails and any other facilities would follow consultation with tribes, SHPO, and interested parties and completion of required inventories in accordance with Section 106 of the NHPA.

The BLM is currently undertaking both proactive and trail-related cultural resource inventories in anticipation of implementation-level decision-making. The BLM has discussed these ongoing inventories—as well as its commitment to completing inventories prior to making implementation-level decisions—with the consulting tribes. A letter with formal notification of specific locations and

schedule of inventories was sent to consulting tribes on August 2, 2019. The tribes were asked to identify locations where they would be interested in monitoring cultural resource inventories and notified that individual tours to areas of interest with the tribes would be arranged. Additional consultation with tribes will occur as plans for cultural inventories in 2020 are defined.

Cultural Site Protection: Throughout the RMP process, tribes advocated for protection of important cultural resources and sacred sites, and for exercise of treaty rights in the Monument. In the letter of December 20, 2019, the Tulalip Tribes state: “Because of the Monument’s unique and fragile landscape, including the many small parcels and islands, Tulalip has consistently advocated that human uses focus on scientific, educational, and traditional, cultural, spiritual and treaty-reserved purposes in order to protect the objects and values for which the Monument was designated.” Comments from tribes assert that the Proposed RMP emphasizes recreation management over protection of other resource values such as the objects and values for which the Monument was designated. They expressed concerns that management under the Proposed RMP would lead to adverse impacts on those resources (Tulalip Tribes Comment Letter December 20, 2019).

Under the Proposed RMP, the Monument would move from current management conditions with very little management or restriction of recreational activities to a management framework in which only specified recreational activities are allowed in various parts of the Monument. Portions of the Monument would be closed to camping, mountain biking, horseback riding, and off-trail hiking. However, some recreational activities would continue to be allowed in some locations where cultural resource concerns were identified by tribes. Approximately 96 percent of the recorded cultural sites in the Monument occur within areas in which some recreation would continue to be allowed. Under the Proposed RMP, the BLM would take the unusual step of closing approximately 30 acres of sensitive islands to all recreation. The BLM would use temporary closures, fencing, signage, education, stabilization, and other measures to protect cultural resources from impacts from recreation.

Prior to making implementation-level decisions, the BLM would complete cultural inventories and Section 106 consultation with tribes, SHPO, and interested public. During the Section 106 review process, the BLM may decide to route or re-route trails to avoid or reduce potential adverse effects on cultural sites. In addition, existing trails could be decommissioned, or mitigation measures conducted, and the new proposed trails may not be constructed.

Tribes expressed specific concerns regarding management direction in the Proposed RMP that would allow camping on small islands with sensitive or sacred cultural sites and values, particularly at Posey Island, the location of an existing developed campground. Tribes also expressed concerns about dispersed camping continuing to be allowed in any portion of the Monument (over half of the Monument is currently open to dispersed camping, though this activity rarely takes place). Under the Proposed RMP, dispersed camping would continue to be allowed on 274 acres of the Monument. The Proposed RMP would require visitors to obtain a permit from the BLM prior to engaging in dispersed camping. Cultural resources inventory and Section 106 consultation with tribes, SHPO, and interested parties would be conducted before implementing a permitting system for dispersed camping.

The BLM is considering input from the tribes—along with the Governor’s Consistency Review, San Juan Island National Monument Advisory Committee (SJIMAC) recommendations, and public input—as it develops the Approved RMP/ROD.

Coast Salish History and Re-construction of Historical Coast Salish Structures: Tribal representatives expressed a desire for sharing Coast Salish History through interpretation and sharing of Coast Salish place names at various locations within the Monument. Tribal representatives also expressed interest in reconstructing historical Coast Salish structures within the Monument. The BLM incorporated these concepts into the Proposed RMP and will continue to work with the tribes on these issues during plan implementation.

The Tulalip Tribes requested that recreational closures be available for protection of cultural resources when activities on the Monument are degrading ecological processes, cultural sites, sacred areas, or current treaty-protected or other statutorily protected traditional uses. They requested triggers be defined in the RMP that would ensure effective BLM responses to halt further degradation and/or disturbance. They requested that permanent recreational closures be allowed where a temporary closure would not be effective. They stated that the BLM should work closely with tribes to determine areas where such a closure may be required where tribal interests are concerned (Tulalip Tribes Comment Letter December 20, 2019).

The BLM included language in the Proposed RMP clarifying that temporary closures could be undertaken under any alternative considered in the planning process. The BLM would undertake temporary closures as necessary to protect the Monument's ecological and cultural values, as well as sensitive tribal activities (BLM Proposed RMP 2019, p. x). When monitoring reveals impacts on tribal cultural resources, the BLM will work with the tribes to determine an approach to addressing these impacts. Long-term or permanent closures and restrictions that are longer than 24 months in duration would need to be accomplished through an amendment to the RMP.

The BLM will follow cultural resource laws, regulations, and BLM policy in the Approved RMP/ROD. Tribes also requested closures to reduce impacts on treaty hunting rights and other sensitive traditional activities. The BLM included the following management direction in the Proposed RMP: "Use temporary closures to facilitate sensitive tribal activities, traditional uses, and the exercise of treaty rights, or to avoid safety hazards potentially stemming from such tribal activities" (see FEIS, p. 19).

Shoreline Stabilization: Tribes expressed concerns regarding management direction for shoreline stabilization in the RMP. Natural deterioration and erosion are considered natural processes of cultural site formation in many instances. Tribes also agreed that stabilization may be needed to protect the objects and values for which the Monument was created. Soft stabilization measures were preferred to hard measures and in some cases a hybrid of soft and hard stabilization measures may be needed to stabilize a resource. Hard shoreline stabilization measures were least favored by tribes.

In response to comments from tribes and other cooperators, the BLM modified management direction in the Proposed RMP to clarify that hard stabilization measures would only be considered when soft stabilization measures would not effectively protect resources (BLM Proposed RMP 2019, p. 16). During implementation of the Approved RMP, BLM would consult with SHPO, tribes, and other interested parties in accordance with Section 106 of the NHPA, BLM policy, and other authorities should shoreline stabilization measures be considered necessary to protect resources.

Treaty Rights: Tribes have expressed concerns regarding how tribal treaty reserved rights to hunt, fish and gather shellfish and plant materials will be accommodated on the Monument and specifically how the BLM will collaboratively engage with tribal government partners to facilitate traditional uses, develop opportunities for co-stewardship of vegetation communities and culturally important plants, engage tribal youth and elders, and maintain and improve access for exercise of treaty rights and traditional cultural practices (see Draft EIS p. 34, line 8). In the Proposed RMP, the BLM acknowledges treaty rights; includes management direction regarding the topics in the tribal comment letter; and accommodates tribal concerns regarding restoration of plant habitats for traditional gathering activities, closures regarding discharge of firearms that did not apply to tribal members, and access for exercise of traditional activities. How these elements of the management direction are addressed will be further developed during plan implementation in consultation and collaboration with the tribes. The SJINM Proposed RMP (see FEIS, p. 201) states that "under all alternatives, the BLM would collaboratively engage with tribal government partners to facilitate traditional uses, develop opportunities for co-stewardship of plant communities and culturally important plants, engage tribal youth and elders, and maintain and improve access for exercise of treaty rights and

traditional cultural practices. Through engagement with the tribes, the BLM would foster programs to enrich opportunities for tribal cultural, spiritual, and educational activities including projects to restore Salish place names within the Monument.”

In addition, concerns were raised regarding Treaty Tribes and federally recognized tribes that do not have treaty rights in the Monument. Corrections will be made to clarify language in Appendix L regarding the Tulalip Tribes as the legal successors to the Treaty of Point Elliot signatory tribes: the Snohomish, Skykomish, Snoqualmie, and other allied bands. Regarding comments about differences in status between various tribes, the BLM has clarified that RMPs are not the appropriate place for these concerns to be settled. Prior concerns were raised by a tribe regarding differentiating between rights of Treaty Tribes’ and federally recognized “non-Treaty” Tribes’ access to and use of resources (i.e., fisheries; roots, berries, and other plants for harvest; game) considered to be treaty resources. The SJINM Proposed RMP does not differentiate between Treaty Tribes’ and non-Treaty Tribes’ access to and use of resources in the Monument.

Coordinated Multi-tribal Steering Group or Commission: Several tribes expressed interest in co-management or co-stewardship of resources in the Monument. An approach discussed with the tribes was forming a multi-tribe advisory group for the Monument to ensure the continued involvement of tribes in the implementation, management, and oversight of these lands on which Treaty Tribes have reserved treaty and statutory rights. The Tulalip Tribes, in the comment letter of May 13, 2019, stated that the RMP should “include language that is less ambiguous and gives more certainty to federally-recognized tribes that their partnership with BLM in the implementation of the RMP will be coordinated and strong one going forward.” The BLM was viewed by some tribes as the appropriate entity to lead the group. Not all tribes advocated this approach. The BLM included management direction in the Proposed RMP to “Work with tribes to develop an organized method for collecting management input from multiple tribal entities at once (e.g., a tribal steering group)” (BLM Proposed RMP 2019, p. 22). In addition, the BLM included management direction in the Proposed RMP that recognizes Coast Salish Tribes in a co-stewardship role for managing plant habitats and Coast Salish cultural sites: “Work with tribes to develop opportunities for co-stewardship of culturally important plant communities and species and Coast Salish cultural properties” (BLM RMP 2019, p. 22).

The BLM complied with all requirements for tribal consultation in preparation of the SJINM Proposed RMP and FEIS. Accordingly, the protest is denied.

FLPMA - Consultation with Monument Advisory Committee

San Juan Islands National Monument Advisory Committee

Thomas Reynolds

Issue Excerpt Text: The proposed RMP/Final EIS is disingenuous at best when describing involvement of the MAC. The document states on page 296 that “The committee met with the BLM 9 times during the development of the Draft RMP/EIS and once following the publication of the Draft RMP/EIS.” What this statement fails to convey is that during this process there was a 967 day gap with no MAC meetings during which time the BLM created the Draft EIS and the preferred alternative, managed the public comment period, received the comments and prepared the Proposed RMP without MAC input. For the RMP not to mention this extremely important caveat where the Department of the Interior willfully disobeyed both the Presidential Proclamation and the Federal Land Policy and Management Act of 1976 is misleading and untruthful. Additionally, within a week after the single meeting held in September 2019 after the draft RMP had been sent to Washington, more members’ terms expired and the MAC is once again below quorum requirements and unable to officially meet during the current Protest Period. As current chair of the SJINM MAC, I am dismayed by the lack of transparency and abandonment of the MAC as a conduit for

public comment that the Department of the Interior has displayed since 2017 by delaying appointments to the committee and by suspending advisory committee activities. BLM has failed to meet its legal requirements to consult with the MAC on the development of the Draft RMP and the development of the Proposed RMP as well as FLPMA's requirement that the MAC meet at least once per year. The Proposed RMP should be withdrawn until such time as MAC input can be obtained in accordance with the Presidential Proclamation and FLPMA.

Rhea Miller

Issue Excerpt Text: Though the BLM is required by Presidential Proclamation and Federal Statute to consult the Monument Advisory Committee (MAC) in developing the plan, that has largely been blocked for nearly three years by BLM action (a moratorium on meetings for many months in 2017) and inaction (not making appointments to positions as MAC terms ended, leaving the MAC below the quorum needed to meet). The result is a MAC, including myself, that has been unable to productively engage on key topics such as dispersed camping. Contrary to Law: According to the BLM website, Advisory committees will generally meet two to four times per year, but will always meet at least once each year. <https://www.blm.gov/get-involved/resource-advisory-council/roles-and-responsibilities> As a former member (not sure if reappointed to a third term due to lack of timely announcement of appointments) of the management advisory committee, (MAC), I have given hours of time and care as Vice Chair that has been thwarted by the deliberate process excluding official MAC meetings. Thus, our MAC committee, including myself, were unable, as is our duty, to advise the BLM on this proposed management plan before released to the public. We time and again had no quorum due to failure of the BLM to make timely appointments and the extensive requirement of a 75 day notice on the National Registry. We were not able to meet for at least 2 years. On page 296 the proposed RMP fails to mention that the MAC never had the opportunity to give feedback on the Proposed RMP before released for the protest period.

Kwiaht

Russel Barsh

Issue Excerpt Text: As a threshold issue, we protest the failure of the BLM to provide islanders with the full measure of input and influence to the planning process that Proclamation 8497 contemplated. A significant element of this failure has been suspension of meetings of the Management Advisory Committee during the plan review period (2018-2019). The suspension is a per se violation of the decision-making process established by law for this Monument. It deprived islanders of a direct, on-the-record voice in vetting the Draft RMP in 2018, and addressing unresolved concerns with the Proposed Plan as we approach the end of 2019.

Tom Reeve

Issue Excerpt Text: The Proposed RMP/Final EIS failed to meet BLM's legal mandates and policies regarding participation of the Monument Advisory Committee (MAC). This topic was discussed in my January 2019 comments on the Draft RMP/EIS. Statement of the part or parts of the plan being protested (including Chapter, Section, Page, and/or Map) The Proposed RMP/Final EIS failed to meet BLM's legal mandates and policies regarding participation of the Monument Advisory Committee, as referenced on p. 296. A concise statement explaining why the State Director's decision is believed to be wrong. The MAC was effectively blocked from meeting between November, 2016 and the publication of the Draft RMP/EIS due to a combination of a DOI moratorium on advisory committee meetings and failure to make appointments as terms ended, leaving the committee membership below levels needed to form a quorum. This effectively blocked the MAC from providing information and advice during the crucial period during which alternatives were being developed and analyzed. This topic was raised at the September 24, 2019 MAC meeting and discussed with BLM staff on multiple occasions. The MAC blockage continued through the development of the Proposed RMP/Final EIS as DOI continued to fail to make appointments to the MAC, leaving it below a quorum. The MAC was able to meet once, on September 24, 2019, but

was told that the Proposed RMP was ready to be sent to DC at that point. And the MAC was neither briefed nor consulted on the input the community provided during the 2018- 2019 public comment period on the Draft RMP/EIS. The MAC's inability to meet has been exacerbated by BLM policy that requires that meetings be scheduled 90 days in advance (per our Monument Manager), meaning that even if a quorum were temporarily attainable due to appointments, a meeting could not happen for three months. This, along with continued lack of appointments, has made it impossible for the MAC to convene to provide information and advice on the Proposed RMP/Final EIS. As stated on p. 296, Proclamation 8947 required that the BLM "shall establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.) to provide information and advice regarding the development of such plan." This explicitly requires MAC participation during the "development" of a plan. The actual development of a Proposed RMP comes between the time that Draft EIS analysis is complete and public input is obtained and the time the Proposed RMP is complete. The MAC was effectively blocked from its core task. These actions and inactions by DOI are contrary to 43 CFR Chapter II, 1610.3-1 (referenced on p. viii), requiring that the advisory committee be consulted "throughout the planning process." And FLPMA Sec. 309 (reference on p. viii) requirement that the committee "shall meet at least once a year." The BLM Land Use Planning Handbook also states that resource advisory councils are required by FLPMA to "be involved in the land use planning process." The Proposed RMP/Final EIS states, on p. viii, that "The Proposed RMP/Final EIS was prepared in accordance with Proclamation 8947; the Federal Land Policy and Management Act (FLPMA) of 1976; 43 CFR 1610; and with guidance from the BLM's Land Use Planning Handbook (BLM 2005)." The Proposed RMP/Final EIS was prepared in violation of mandates in every one of those publications and is, hence, not valid.

The Wilderness Society et al.

Katie Meehan

Issue Excerpt Text: BLM has failed to meaningfully engage the Monument Advisory Committee throughout the planning process. Proclamation 8947, establishing San Juan Islands National Monument, requires BLM to "establish an advisory committee under the Federal Advisory Committee Act to provide information and advice" in developing a management plan. Additionally, 43 C.F.R. § 1610.3-1 states BLM "will inform that council, seek its views, and consider them throughout the planning process." The Federal Land Policy and Management Act, Section 309, further requires "each advisory council established by the Secretary under this section shall meet at least once a year." As mentioned in our draft comments, we remain concerned about the lack of Monument Advisory Committee (MAC) participation. The MAC has been blocked since 2017, by the Department of the Interior's moratoriums on resource advisory committee meetings and the failure to make appointments to new positions as existing terms ended, leaving the level below quorum. During this time period, BLM moved forward with land use planning and developed alternatives without MAC consideration. The MAC did not have any ability to meet formally or make formal recommendations, and as such was not involved in the development of the draft alternatives released in late 2018. The MAC met in September 2019 but was informed that the Proposed RMP was already developed and in the process of being sent to Washington, D.C. for approval. Within a week after the MAC meeting in September 2019, additional MAC members' terms expired, and the MAC is again below quorum requirements and unable to officially meet as the protest is ongoing. In general, including local knowledge, expertise, and input is essential in the planning process, which the Proclamation acknowledges. The lack of involvement and input from the MAC throughout this planning process is against the intent of the Proclamation, 43 C.F.R. § 1610.3-1, and FLPMA Section 309's direction for the committee to meet at least once per year.

Jane Wentworth

Issue Excerpt Text: The RMP on page 296 states the requirement that BLM utilize an Advisory Committee in the creation of the Resource Management Plan. In describing the management plan

for the Monument, the Presidential Proclamation (p. 507) states that the BLM “shall establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.) to provide information and advice regarding the development of such plan.” Federal Statute (43 CFR Chapter II, 1610.3-1) states that BLM “will inform that council, seek its views, and consider them throughout the planning process.” The Federal Land Policy and Management Act of 1976 (FLPMA) Sec. 309 requires that “each advisory council established by the Secretary under this section shall meet at least once a year.” The RMP states (p. 4) that the RMP was prepared in accordance with the Proclamation, 43 CFR 1610, and FLPMA. BLM was required to consult the Monument Advisory Committee (MAC) in developing the plan throughout the process; however, the MAC was unable to meet for the key planning periods. The MAC met for three years (2014-2017), then there was a nearly two-year gap before the alternatives were published during which the MAC was not allowed to meet. The Department of Interior suspended all resource advisory committee meeting nationwide in the spring and summer of 2017. By the time that suspension ended, several MAC members’ terms expired, and the Department of Interior did not appoint enough new members to allow the MAC to achieve a quorum. The MAC, therefore, did not have any ability to meet formally or make formal recommendations to the BLM during the creation of the Draft Alternatives released in late 2018.

Jane Wentworth

Issue Excerpt Text: The MAC continued to not be able to meet until fall 2019 due to lack of quorum, coupled with a BLM-imposed 75-day lead time in holding a meeting once a quorum was attained. The MAC did meet in September 2019 but was informed that the Proposed RMP was ready to be sent to Washington, DC for approval. In the 967 days between MAC meetings the BLM created the Draft EIS and the preferred alternative, managed the public comment period, received the comments and prepared the Proposed RMP without MAC input. The MAC had no opportunity to interpret public input or discuss key topics such as dispersed camping. Within a week after the September 2019 meeting, more members’ terms expired and the MAC is once again below quorum requirements and unable to officially meet during the current Protest Period. BLM has failed to meet its legal requirements to consult with the MAC on the development of the Draft RMP and the development of the Proposed RMP as well as FLPMA’s requirement that the MAC meet at least once per year.

Tracey Cottingham

Issue Excerpt Text: I, Tracey Cottingham, current MAC member, am protesting the BLM Proposed RMP/EIS for the San Juan Islands National Monument due to the BLM failing to meet its legal requirements and federal policy in working with the Monument Advisory Committee (MAC), (pg. 296), during the critical RMP planning time of the past 3 years, primarily due to multiple delays caused by the Secretary of the Interior. * The MAC was not able to legally meet during the important timeline of these past 3 years, so was unable provide input or advice on the draft RMP and preferred alternatives as the BLM states in the proposed RMP, (299:19). * The Presidential Proclamation (8947) states that the BLM “shall establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.) to provide information and advice regarding the development of such plan.” (p. 507). The Federal Statute (43 CFR Chapter II, 1610.3-1) states that BLM “will inform that council, seek its views, and consider them throughout the planning process. I am also protesting the stagnation of the Secretary of the Interior in processing applications for the MAC, to allow the MAC to legally meet at the minimum with a quorum, one time per year, denying the MAC its public meetings to provide its views, advice and local information to BLM and to hear from the public for the development of the Proposed RMP/EIS. * The Federal Land Policy and Management Act of 1976 (FLPMA) Sec. 309 requires that “each advisory council established by the Secretary under this section shall meet at least once a year.” The RMP states (p. 4) that the RMP was prepared in accordance with the Proclamation, 43 CFR 1610, and FLPMA. I am a current

MAC member, appointed by Secretary Zinke on Sept. 14th, 2018. I am representing recreation and tourism interests. During my first full year as an official MAC member, we were unable to meet due to a lack of applications being processed by the Secretary of the Interior in a timely manner, and thus a lack of a quorum to legally meet and already challenged by the policy change from 45 to 90-day lead for scheduling meetings.

Tracey Cottingham

Issue Excerpt Text: The Department of the Interior failed in its own policies, for not allowing the MAC to legally meet during the Draft RMP/EIS. During this time the BLM received no public comments by not allowing the MAC meetings to occur. Critical issues could not be discussed from the proposed RMP that go against the Presidential Proclamation, “to conserve, protect, and enhance the objects and values of the San Juan Islands National Monument”. Issues such as dispersed camping by permit on monument lands, including on sensitive cultural sites, on known marine mammal haulouts, on migratory bird nesting sites and on very fragile vegetative landscapes.

Tracey Cottingham

Issue Excerpt Text: San Juan County and the State of Washington codes and laws are not consistent with the proposed RMP and the MAC being able to meet would have prevented these inconsistencies from being in the proposed RMP/Final EIS. The Proposed RMP’s dispersed camping is in conflict with San Juan County Code 18.30.040, which disallows camping in Natural and Conservancy land classifications, which cover nearly all of the proposed dispersed camping sites.

Tracey Cottingham

Issue Excerpt Text: Regarding secretarial order #3356 on increasing hunting and recreational shooting areas, no MAC meetings took place to discuss this order to advise BLM for the proposed RMP/Final EIS. Nor was the MAC able to make improvements to the proposed RMP especially with regards to errors and contradictions in the plan, some errors and inconsistencies that will make the RMP very hard for any BLM manager of the San Juan Islands National Monument to apply accurately.

San Juan Islands National Monument Advisory Committee

Thomas Reynolds

Issue Excerpt Text: The Presidential Proclamation (8947), establishing the San Juan Island National Monument in 2013, states that the BLM “shall establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.) to provide information and advice regarding the development of such plan.” (p. 507). The Federal Statute (43 CFR Chapter II, J 610:3-1) states that BLM “will inform that council, seek its views, and consider them throughout the planning process. This did not occur throughout the full duration of the development of the draft and proposed RMP documents; in fact, there was a gap of 967 days where the MAC could not meet to provide information and advice as directed above.

San Juan Islands National Monument Advisory Committee

Thomas Reynolds

Issue Excerpt Text: We are also protesting the inaction of the Secretary of the Interior to process applications for the MAC in a timely manner, to allow the MAC to legally meet at the minimum, one time per year, denying the MAC its public meeting to provide its views, consensus and local information to BLM and to hear from the public for the development of the Proposed RMP/EIS. The Federal Land Policy and Management Act of 1976 (FLPMA) Sec. 309 requires that “each advisory council established by the Secretary under this section shall meet at least once a year.” The RMP states (p. 4) that the RMP was prepared in accordance with the Proclamation, 43 CFR 1610, and FLPMA. This is untrue, as the MAC was not allowed to meet for over two years during the development of the RMP.

San Juan Islands National Monument Advisory Committee

Thomas Reynolds

Issue Excerpt Text: Importantly, the MAC has been also been unable to meet or have public comment time during the Draft RMP 90-day comment period in 2018 ending January 3rd 2019, the proposed RMP/EIS 30-day protest period, ending December 22,2019, or 60-day Hunting/Shooting comment period, ending January 22nd 2020. During this time the BLM received no advice from the MAC on critical issues included in the proposed RMP alternative that go against the Presidential Proclamation, “to conserve, protect, and enhance the objects and values of the San Juan Islands National Monument”. As MAC past and present members, we are asking that we have the opportunity to meet in advance of the signing of the Record of Decision (ROD), and ask that the ROD be delayed and the Proposed RMP/final EIS be revised following MAC input. We believe that lack of input from the MAC as directed in the Presidential Proclamation and charter, as well as failure to abide by FLPMA regulations , are strong reasons to challenge the proposed RMP in court.

Charles Schietinger

Issue Excerpt Text: The Monument Advisory Committee (MAC) was blocked from participating. The process of public input into this RMP was flawed and did not follow the law. The public could not take advantage of the Monument Advisory Committee (MAC) to help channel, research, and discuss topics and issues related to the RMP. The public was denied the MAC during the entire process. The MAC could not meet because the Interior Secretary did not appoint new members, as members terms ran out, therefore the committee did not have quorum. Two laws were violated in blocking the MAC from having quorum. The Presidential Proclamation #8947, March 25, 2013, has an entire paragraph describing the MAC and it’s role for public input, which was not followed. The Federal Land Policy and Management Act of 1976, FLPMA, section 309, was also not followed in regards to Monument Advisory Committees.

Douglas McCutchen

Issue Excerpt Text: Monument Advisory Committee (MAC) Involvement (RMP pg.4) The Presidential Proclamation (8947) which established the San Juan Islands Monument (p. 507) states that the BLM shall establish an advisory committee under the Federal Advisory Committee Act (S U.S.C. App.) to provide information and advice regarding the development of such plan.” Federal Statute (43 CFR Chapter II, 1610.3-1) states that BLM “will inform that council, seek its views, and consider them throughout the planning process.” The Federal Land Policy and Management Act of 1976 (FLPMA) Sec. 309 requires that “each advisory council established by the Secretary under this section shall meet at least once a year.” The RMP states (p. 4) that the RMP was prepared In accordance with the Proclamation, 43 CFR 1610, and FLPMA. This was not the case. The committee was not allowed to meet for a period, followed by a suspension of resource management committees nationwide. During this period members of the MAC term expired and DOI failed to reappoint new members. In the 967 days between MAC meetings the BLM created the Draft EIS and the preferred alternative, managed the public comment period, received the comments and prepared the Proposed RMP without MAC Input. By failing to appropriately utilize the MAC, the Bureau of Land Management did not fulfill its legal requirements In the development of the Draft RMP and the development of the Proposed RMP as well as FLPMA’s requirement that the MAC meet at least once per year. This action denied me the opportunity to participate In planning and be adequately represented by the MAC during the BLM’s planning process, violating policy and law that is designed to protect my Interests as a citizen.

The Wilderness Society et al.

Phil Hanceford et al.

Issue Excerpt Text: BLM has failed to meaningfully engage the Monument Advisory Committee throughout the planning process, Proclamation 8947, establishing San Juan Islands National Monument, requires BLM to “establish an advisory committee under the Federal Advisory

Committee Act to provide information and advice” in developing a management plan. Additionally, 43 C.F.R. § 1610.3-1 states BLM “will inform that council, seek its views, and consider them throughout the planning process.” The Federal Land Policy and Management Act, Section 309, further requires “each advisory council established by the Secretary under this section shall meet at least once a year.” As mentioned in our draft comments, we remain concerned about the lack of Monument Advisory Committee (MAC) participation. The MAC has been blocked since 2017, by the Department of the Interior’s moratoriums on resource advisory committee meetings and the failure to make appointments to new positions as existing terms ended, leaving the level below quorum. During this time period, BLM moved forward with land use planning and developed alternatives without MAC consideration. The MAC did not have any ability to meet formally or make formal recommendations, and as such was not involved in the development of the draft alternatives released in late 2018. The MAC met in September 2019 but was informed that the Proposed RMP was already developed and in the process of being sent to Washington, D.C. for approval. Within a week after the MAC meeting in September 2019, additional MAC members’ terms expired, and the MAC is again below quorum requirements and unable to officially meet as the protest is ongoing. In general, including local knowledge, expertise, and input is essential in the planning process, which the Proclamation acknowledges. The lack of involvement and input from the MAC throughout this planning process is against the intent of the Proclamation, 43 C.F.R. § 1610.3-1, and FLPMA Section 309’s direction for the committee to meet at least once per year.

Nancy McCoy

Issue Excerpt Text: The BLM failed to engage the Monument Advisory Committee (MAC) throughout the planning process. (Proclamation 8947). The BLM is required by Presidential Proclamation & Federal statute to consult the MAC in developing & implementing the plan. Since 2017, The MAC committee has been blocked with meeting moratoriums and failure to have new position appointments approved. Therefore no meeting quorums were possible and the committee has not been included in the planning process.

San Juan County Council

Bill Watson et al.

Issue Excerpt Text: The BLM is required by Presidential Proclamation and Federal Statute to consult the Monument Advisory Committee (MAC) in developing and implementing the plan. It has largely been blocked for nearly three years by BLM action (a moratorium on meetings for many months in 2017) and inaction (not making appointments to positions as MAC terms ended, leaving the MAC below the quorum needed to meet) and longer noticing requirements for the Federal Register (60 days to 75 days). The result is a MAC that has been unable to productively engage on key topics such as dispersed camping. In spite of the Monument Advisory Committee being highlighted in the executive summary (Exec Summary; Page ix,x), it should be stated that the MAC did not meet and comment on the published draft EIS/RMP or proposed RMP. The MAC did not provide input on the preferred alternative since it did not meet.

San Juan Islands National Monument Advisory Council

Thomas Reynolds

Issue Excerpt Text: Incorrectly stating in the proposed RMP that the MAC did give input on the draft RMP preferred alternatives. The MAC was not able to provide input or advice to BLM on the draft RMP preferred alternatives as incorrectly stated in the proposed RMP, (299:19), since it could not legally meet after the draft was released October 5, 2018. This deliberately misleads the public into thinking they were represented by an independent group of local experts during the development of the proposed RMP, including selection of alternatives as proposed. This directly and adversely impacts the reputation of every MAC member as they were not allowed to serve as community voices in the development of the proposed RMP, but the Proposed RMP suggest that the MAC was functional throughout. Many of the features of the proposed RMP, including but not

limited to dispersed camping, public access to small rocks and reefs, and target shooting on monument lands, are not supported by MAC members - but the MAC had no opportunity to comment on these issues during the development of alternatives.

Cynthia Dilling

Issue Excerpt Text: San Juan Islands National Monument Proposed RMP/Final EIS: Chapter 4, pg 296. Proclamation 8947 required that the BLM “shall prepare and maintain a management plan for the monument and shall establish an advisory committee under the Federal Advisory Committee Act (5 USC App.) to provide information and advice regarding the development of such plan.” The Federal Land Policy and Management Act of 1976, Dec. 309 requires that “each advisory council established under this section shall meet at least once a year. The San Juan National Monument Advisory Committee {MACX) was unable to meet or give input during key planning periods due to Department of Interior suspension of all MAC’s nationwide and the BLM’s unwillingness to appoint new members to fill expired MAC terms. This resulted in lack of a quorum and the inability to meet formally. When the MAC was finally able to meet in September of 2019 they were informed that Proposed RMP was ready to be sent to Washington DC. Our MAC had no opportunity to add local knowledge and community input to the Proposed RMP. There were no MAC meetings during the creation of the Draft EIS and the preferred alternative and the creation of the Proposed RM, effectively eliminating discussion and interpretation of key topics by both the MAC and the entire community. The BLM has failed to meet the legal requirements of meeting at least annually and consulting with the MAC on the development of the Draft RMP and the development of the Proposed RMP. The absence of MAC and community input has weakened the proposed RMP to the point that the original intentions for the formation of the SJ National Monument are in question. I would strongly suggest that the BLM slow down, reinstate a functioning MAC and issue a BLM Supplement to the Proposed RMP reflecting input from the MAC and the local community.

Sally Reeve

Issue Excerpt Text: Monument Advisory Committee was unable to meet throughout critical portions of the management planning process due to Department of Interior directives and lack of member appointments Why this Is wrong: * Presidential Proclamation 8947 of March 25, 2013: For purposes of protecting and restoring the objects Identified above, the Secretary, through the BLM, shall prepare and maintain a management plan for the monument and shall establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.) to provide information and advice regarding the development of such plan. * Monument advisory committee was an integral part of the NCA legislation as the local community wanted a strong voice in management of these lands that it was working hard to protect in perpetuity. The Proclamation established a Monument Advisory Committee. In contrast to some other BLM advisory committees, this committee has received more qualified applicants than positions throughout its existence, evidence of the community’s desire for participation in the management of monument lands. The committee had 8 meetings between 2014 and 2017. Then due to Secretarial moratorium on MAC meetings followed by lack of appointment by the Department of Interior, the MAC was not able to meet again until September 24, 2019. During this time when the MAC was unable to meet and provide information and advice to BLM regarding the development of the management plan, BLM prepared the Draft RMP/EIS, received comments on the Draft, prepared the Proposed RMP/EIS - all without MAC Involvement. * The Proposed RMP/EIS makes it appear the MAC was Involved throughout the entire planning process. This is inaccurate as noted above. The Proposed RMP/EIS needs to be revised to accurately reflect when the MAC was involved and the periods during which it was unable to meet and give input to BLM. The Proposed RMP/EIS states: Prior to the development of the Draft RMP/EIS, the Monument Advisory Committee met with the BLM 8 times to provide input on the Monument’s values, human uses of the Monument, and on public Involvement

methods and opportunities; this input was used to help develop the range of alternatives and identify issues for analysis. The BLM has met with the Advisory Committee once following the publication of the Draft RMP/Final EIS. (p. ix). The BLM announced all committee meetings in advance. These meetings are open to the public and include a public comment period. This statement In the Proposed RMP/EIS must be revised to accurately reflect the critical time when the MAC was not able to give its input as the statement as noted is not correct and erroneously leading. On that same page is an error as terms are for 3 years, not 2. * The Presidential Proclamation (p. 507) states that the BLM “shall establish an advisory committee under the Federal Advisory Committee Act (5 u.s.c. App.) to provide information and advice regarding the development of such plan.” Federal Statute (43 CFR Chapter II, 1610.3-1) states that BLM “will inform that council, seek its views, and consider them throughout the planning process.” The Federal Land Policy and Management Act of 1976 (FLPMA) Sec. 309 requires that “each advisory council established by the Secretary under this section shall meet at least once a year.” The RMP states (p. 4) that the RMP was prepared in accordance with the Proclamation, 43 CFR 1610, and FLPMA. BLM. This did not happen as the MAC did not meet at least once a year. The lack of MAC meetings is a violation of the above referenced laws. * In the 967 days between MAC meetings the BLM created the Draft EIS and the preferred alternative, managed the public comment period, received the comments and prepared the Proposed RMP without MAC input. The MAC had no opportunity to interpret public input or discuss key topics such as dispersed camping. * The MAC, after its September 2019 meeting, scheduled a meeting for December 10, 2019. The long lead time arbitrarily Imposed by BLM required this timing. The MAC was unable to hold an official meeting on that date as several members’ terms had expired. The Department of Interior had resumes of many qualified applicants but did not make timely appointments. The MAC did hold a public meeting on December 10, 2019, which was attended by many current and prior MAC members, MAC applicants, citizens, BLM staff, and representatives from Governor Inslee, Representative Larsen, and Senator Cantwell, San Juan Council member Jamie Stephens and a representative from WA State Parks. * BLM prepared the Draft RMP/EIS and the Proposed RMP/EIS without consultation with the MAC. This Is in violation of the Proclamation, FLPMA, 43 CFR 1610, and MAC appointment letters which stated the MAC will meet at least once a year. * Our community relied upon the MAC for giving input to BLM. The community’s voice was shut out by Department of Interior’s actions and inactions. I attended and spoke during the public comment period at the two MAC meetings held on Lopez. References used in this Protest: Proposed RMP/EIS (p. viii) states the plan was prepared in accordance with Secretarial Order 3366: Increasing Recreation Opportunities on Lands and Waters Managed by the U.S. Department of Interior when developing the Proposed RMP. The Proposed RMP/Final EIS was prepared in accordance with Proclamation 8947; the Federal Land Policy and Management Act (FLPMA) of 1976; 43 CFR 1610; and with guidance from the BLM’s Land Use Planning Handbook (BLM 2005). Protection of the San Juan Islands National Wildlife Refuge Comprehensive Conservation Plan and San Juan Islands Natural Wilderness Stewardship Plan

Barbara Marrett

Issue Excerpt Text: BLM has failed to engage the Monument Advisory Committee throughout the planning process. Though the BLM is required by Presidential Proclamation (Appendix O p. 507) and Federal Statute (43 CFR Chapter II, 1610.3 -1) to consult the Monument Advisory Committee (MAC) in developing the plan, it has largely been blocked for nearly three years by BLM action (a moratorium on meetings for many months in 2017) and inaction (not making appointments to positions as MAC terms ended, leaving the MAC below the quorum needed to meet). The Federal Land Policy and Management Act, section 309, requires “each advisory council established by the Secretary under this section shall meet at least one a year.” This did not happen.

***Whiteswan Environmental
Shirley Williams***

Issue Excerpt Text: the inaction of the BLM to process applications for the MAC in a timely manner, to allow the MAC to legally meet at the minimum, one time per year, denying the MAC its public meeting to provide its views, advice and local information to BLM and to hear from the public for the development of the Proposed RMP/EIS. The Federal Land Policy and Management Act of 1976 (FLPMA) Sec. 309 requires that “each advisory council established by the Secretary under this section shall meet at least once a year.” The RMP states (p. 4) that the RMP was prepared in accordance with the Proclamation, 43 CFR 1610, and FLPMA.

Connie Holz

Issue Excerpt Text: Presidential Proclamation 8947, 3/25/2013 states - For purposes of protecting and restoring the objects identified above, the Secretary, through the BLM, shall prepare and maintain a management plan for the monument and shall establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C.App.) [16] to provide information and advice regarding the development of such plan. The San Juan Islands Monument Advisory Committee (MAC) has been blocked for three years by BLM, by both moratoriums on meetings and not making new appointments to positions as members terms end. Not making new appointments left the number of members below the required number for a quorum. MAC was not involved in this decision-making process, which is against the intent of the Proclamation and Federal Statute. Local knowledge, expertise and input is essential in the planning process, which the Proclamation acknowledges, yet BLM denied. The MAC was not allowed to meet after January 30, 2017, until the latest September 24, 2019, meeting. The draft Environmental Impact Statement (EIS) was published in October, 2018. The MAC wasn't able to meet and give BLM comments on the alternatives. The MAC and community were shut out from making any comments which does not follow the Presidential Proclamation or The Federal Land Policy and Management Act of 1976, Amended, October 2001, Sec 309, pages 25 and 26. The MAC met for three years (2014-2017), then there was nearly a two-year gap before the alternatives were published during which time the MAC was not allowed to meet. The MAC had no opportunity to comment on the draft alternatives nor was consulted nor briefed on the development of the proposed RMP. The MAC has not been able to meet since the September 2019 meeting because of quorum and BLM/DOI internal policies requiring extended period for notice of a meeting (which could be modified by BLM/DOI). The MAC and community never had an opportunity to discuss several key items in the proposed RMP such as dispersed camping and access to small rocks and reefs. In the 967 days between MAC meetings, the BLM created the Draft EIS and the preferred alternative, managed the public comment period, received the comments and prepared the Proposed Resource Management Plan WITHOUT MAC input, as specified in the Presidential Proclamation. Also, the printed version of the Proposed RMP that the BLM is handing out does not contain the revised Appendix R. How can the BLM manage the monument when their own documents contradict each other? The Proposed RMP did not allow the community or the MAC adequate time to understand, research, discuss, and collaborate to come to a fully legal document which will protect these lands.

Summary:

The BLM failed to adequately consult with the SJIMAC in accordance with FLPMA and Presidential Proclamation 8947 during the development of the SJINM Proposed RMP and FEIS (BLM 2019).

Response:

Presidential Proclamation 8947 provides that, “the Secretary shall prepare and maintain a management plan for the monument and shall establish an advisory committee under the Federal Advisory Committee Act (5 USC App.) to provide information and advice regarding the development of such plan.” The BLM complied with the requirements of Proclamation 8947 in the development of the Proposed RMP/FEIS.

The SJIMAC charter was signed by the Secretary of the Interior on January 24, 2014, and filed on July 23, 2014. The SJIMAC had its inaugural meeting on October 29–30, 2014. While there was a lapse in the committee when the charter expired in 2017, a new Monument Advisory Committee charter was signed on July 23, 2018, and memorialized a 12-member committee that includes state and local government officials, tribal members, representatives of the recreation community, local business owners, and private landowners.

The BLM engaged the SJIMAC during the planning process in order to seek advice regarding the development of the plan. The BLM announced all committee meetings in advance via *Federal Register* notices. These meetings were open to the public and included a public comment period. The input received during these meetings was used to help develop the range of alternatives and identify issues for analysis. For example, during the development of the SJINM Draft RMP and EIS (BLM 2018), the SJIMAC held eight meetings, between 2014 and 2016, to provide the BLM with input on the Monument’s values, human uses of the Monument, public involvement methods and opportunities, management considerations, and alternatives for analysis. The SJIMAC held an additional meeting with the BLM on September 24, 2019, prior to the release of the Proposed RMP/Final EIS, to provide advice on the planning process. The SJIMAC meeting minutes for all nine of the SJIMAC meetings held during the planning process can be found on the BLM’s SJIMAC website at <https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/san-juan-islands-mac>.

As described in Chapter 4 of the SJINM Proposed RMP and FEIS (see FEIS, pp. 295–298), the BLM has and will continue to coordinate with the SJIMAC, tribes, cooperating agencies (including state and local governments), and other stakeholders during land use planning, travel management planning, and future activity- and implementation-level actions and decisions.

As required under the moratorium, the BLM did not convene any meetings of the SJIMAC during the moratorium period. The BLM did convene the SJIMAC on January 30, 2017, prior to the moratorium, as well as on October 19, 2017, following the end of the moratorium. Unfortunately, at the latter meeting the number of committee members in attendance was insufficient for a quorum.

The BLM adequately consulted with the SJIMAC in accordance with FLPMA and Presidential Proclamation 8947 during the development of the SJINM Proposed RMP and FEIS. Accordingly, the protest is denied.

FLPMA – Public Involvement***Thomas Fawell***

Issue Excerpt Text: The BLM has apparently had some public outreach on the San Juan Islands but completely ignored outreach to nearby users in Bellingham, Anacortes, Ferndale and the Seattle area. This was an oversight that requires action by engaging the public properly. No outreach was done to local user groups such as WWTAA (Washington Water Trails Association), WAKE (Whatcom Association of Kayak Enthusiasts or Hole in the Wall paddling club. Please nullify this current plan and obtain further public input from a broader range of recreational users.

Tom Reeve

Issue Excerpt Text: By updating the Proposed RMP/Final EIS during the Protest Period, the BLM interfered with the public's ability to provide feedback by having multiple versions of the Proposed RMP/Final EIS in circulation simultaneously. Statement of the part or parts of the plan being protested (including Chapter, Section, Page, and/or Map) Appendix R was updated on November 27, after the start of the Protest Period. Appendix R is included by reference in the Proposed RMP: e.g. p. 17 refers to Appendix R for "allowable and prohibited uses." A concise statement explaining why the State Director's decision is believed to be wrong. The process the BLM is required to follow in publishing their Proposed RMP (as described in FPLMA, the BLM Land Use Management Handbook, and the Proposed RMP/Final EIS) allows protests on a single Proposed RMP, not multiple versions. This was violated during this protest period. The Protest Period began with a Federal Register notice on November 22, and the publication of the Proposed RMP/Final EIS and its 26 appendices on that same day on the BLM's ePlanning website. BLM has, throughout the Protest Period, been sharing hardcopy versions of those documents which match the ones published on November 22. On November 27, BLM updated the copy of Appendix R on the ePlanning website, making changes to the descriptions of recreation allowed on Trinka Rock and Posey Island. They removed the original version of Appendix R. They did not announce these changes in any public forum or location and continued to share hardcopies of the Proposed RMP/Final EIS that did not incorporate those changes. Members of the public who referred to the ePlanning site after November 27 were reviewing a different Proposed RMP/Final EIS than those who got their material earlier or from BLM in hardcopy. The original Appendix R may be found in the copy of the RMP found here: <http://bit.ly/RMP-Proposed> The updated Appendix R is available on the ePlanning website: <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=63826>.

Summary:

BLM failed to comply with FLPMA public involvement requirements by:

- Failing to engage certain local user groups and communities during public outreach meetings,
- Introducing new material (specifically Appendix J) that was not originally published with the SJINM Draft RMP and EIS (BLM 2018), and
- Publishing Appendix R of the SJINM Proposed RMP and FEIS (BLM 2019) 5 days into the protest period, not giving the required time for the public for review and protest.

Response:

The BLM conducted the SJINM Proposed RMP and FEIS (BLM 2019) planning effort in accordance with FLPMA and NEPA and regulations, policies, and guidance implementing these statutes. Both FLPMA and NEPA and their respective implementing regulations, policies, and guidance require agencies to facilitate public involvement early on and throughout the planning process.

The BLM planning regulations at 43 CFR 1610.2 and the BLM Land Use Planning Handbook (H-1601-1) detail the BLM's requirements for providing opportunities for public participation during development of an RMP. In general, the BLM is required to provide the public with "opportunities to meaningfully participate in and comment on the preparation of plans, amendments and related guidance and be given early notice of planning activities" (43 C.F.R. 1610.2(a)). More specifically, the regulations require that the BLM provide public notice and opportunity for input at the outset of the process with a notice of intent that includes the proposed planning criteria and announcement of the public scoping period (43 CFR 1610.2(c), 1610.4-1, and 1610.4-2), a 90-day comment period on the draft RMP and draft EIS (see 43 CFR 1610.4-7), and a 30-day protest period to provide for public

input on the proposed RMP and FEIS (43 CFR 1610.4-8 and 1610.5-1(b)). Neither the NEPA regulations nor the BLM planning regulations require the agency to reach out to specific groups, but rather provide notice and opportunities for public input.

Chapter 4 of the SJINM Proposed RMP and FEIS details how the BLM met the NEPA and FLPMA requirements to facilitate early and constant public involvement throughout this land use planning effort. The BLM published a Notice of Intent on March 2, 2015, that detailed the proposed planning criteria and announced a scoping period. Furthermore, as part of the scoping process, the BLM widely broadcast press releases announcing the initiation of the RMP/EIS process, the scoping comment period, and how to submit comments. The press releases were sent to local news outlets serving the San Juan Islands and Anacortes as well as to over 100 news outlets throughout Washington state. Additionally, and as described in the SJINM RMP Scoping Report (BLM 2015), the BLM held five public meetings in locations throughout the San Juan Islands and Seattle area, including Anacortes, during the scoping period (see SJINM RMP Scoping Report, p. 9). The BLM complied with the direction in NEPA and FLPMA and other statutory, regulatory, and agency policy to involve Federal, state, tribal, and local governments, as well as the public, cooperating agencies, interested parties, and organizations.

The BLM distributed the SJINM Proposed RMP and FEIS to cooperating agencies, and made the document available on the BLM's website on November 22, 2019, the same day that the U.S. Environmental Protection Agency published the Notice of Availability in the *Federal Register*.

Additionally, during the week of December 2–5, 2019, Marcia de Chadenedes (Monument Manager), Nick Teague (Recreation Planner), Skeet Townley (Recreation Planner), and Rich Bailey (Cultural Heritage Program and Tribal Liaison) held four meetings to provide information and answer questions about the protest period and plan implementation. The schedule of meetings was posted on the project's ePlanning site on November 22, 2019, the same day as the *Federal Register* notice announcing the publication of the Proposed RMP/FEIS. Also on that day, the meeting notice was circulated in the Monument newsletter and on local social media.

The BLM primarily relied on digital distribution, printing a limited supply of hard copies of the SJINM Proposed RMP and FEIS that were sent to cooperating agencies and consulting tribes. Shortly after publishing the SJINM Proposed RMP and FEIS, the BLM caught an error in Appendix R. Appendix R reflected the incorrect proposed allowable use camping decision for a portion of one of the recreation management areas. In order to minimize confusion, the BLM corrected the error and published the accurate version to ePlanning on November 27, 2019. An email was sent to the cooperating agencies and consulting tribes who received hard copies to notify them of the correction.

As described in BLM Handbook H-1790-1, the BLM must prepare a supplement to a draft or final EIS if, after circulation of a draft or final EIS but prior to implementation of the Federal action:

- A substantial change is made to the proposed action that is relevant to environmental concerns (40 CFR 1502.9(c)(1)(i));
- A new alternative is added that is outside the spectrum of alternatives already analyzed (see Question 29b, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981); or
- There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its effects (40 CFR 1502.9(c)(1)(ii)).

Because the changes made to Appendix R that followed the initial publishing date were not substantial, did not add a new alternative, and did not introduce new information, the BLM is not required to publish a supplement to the SJINM RMP/FEIS that would include an additional public review and comment period.

Appendix J was added to the SJINM Proposed RMP and FEIS to address substantive comments that were received by the BLM on the Draft EIS. Several commenters requested additional detail regarding the BLM's approach for vegetation treatments. Appendix J was added to help the public understand to how the BLM will determine vegetation treatments to undertake during plan implementation. Because Appendix J contains additional detail for existing management actions to responds to public comments on the Draft EIS, it does not require additional public comment and review.

The protest period for the SJINM Proposed RMP and FEIS provided by the BLM was sufficient and complies with FLPMA requirements for protest periods. Accordingly, the protest is denied.

FLPMA – Consistency with Other Plans - Camping

Tom Reeve

Issue Excerpt Text: The Proposed RMP allows dispersed camping with permit on most sites within the Monument in conflict with the protections afforded by the Proclamation and in conflict with local regulations and the management of surrounding areas. This was discussed during the September 24, 2019 MAC meeting and was discussed in my January 2019 comments on the Draft RMP/EIS. Statement of the part or parts of the plan being protested (including Chapter, Section, Page, and/or Map) The Proposed RMP allows for dispersed camping by permit on 48 sites (274 acres, p. 20). A concise statement explaining why the State Director's decision is believed to be wrong. The decision to allow dispersed camping by permit was arbitrary and didn't meet the BLM's obligations to protect the objects and values in the proclamation nor its obligations to be consistent with local policies and management of surround lands. Secretarial Order 3366, FLPMA 202(c)(9) and the BLM Land Use Planning Handbook (its page 6) all require management consistent with surrounding lands and the Handbook requires consistency with "state and local plans, policies, and programs." BLM highlights their inconsistency (p. 186): "The BLM will ... provide the only dispersed camping opportunities within the San Juan Islands. This will continue to increase the potential for visitors to mistakenly camp on nearby public lands including rocks and islands that are day-use only." The Proposed RMP/Final EIS admits that "dispersed camping would have a substantial negative long- term effect to areas that are highly desirable camping locations" and "impacts from dispersed camping with a permit on rocky balds and bluffs will be similar to, but greater than those in grasslands and shrublands inevitably campers will spend time on the rocky balds and bluffs viewing scenery during their stay, which will result in more impacts to this resource than day hiking" (p. 82). The Proposed RMP states that dispersed camping would be allowed "in some areas with priority ecological communities" and that BLM monitoring and permitting "is not a guarantee that impacts from dispersed camping will be minimized" (p. 122). As for cultural resources, BLM states that dispersed camping and trail-based recreation "are likely to be seen as contributing to the risk of damage to resources and conditions valued by tribes" (p. 202). Human waste is another risk of dispersed camping that was not adequately analyzed. BLM only discussed its impact on nearshore habitat (p. 91), not the impact human waste would have on the use of the sites (e.g. small rocks) by wildlife such as seals and seabirds seeking refuge. This doesn't meet the need to have a scientific analysis of the impact of activities on the Monument's objects and values. The Proposed RMP/Final EIS is short on clear reasons to allow dispersed camping - relying mainly on BLM's multiple-use mission and Secretarial Order 3366 (p. xi, 17). These are not sufficient reasons to violate the overriding requirement to protect the objects and values for which the Monument was designated. BLM also cites (p. 168) a San Juan Islands Visitor Survey (p. 168) as motivation for allowing dispersed camping. That survey did not specifically ask about dispersed camping and was taken of a small sample of people traveling from the islands by ferry. The audience of that survey would not have access to any of the proposed camping locations, except for

Cattle Point, without owning or renting a boat. The survey did find that key reasons for visiting or living in the islands was “Natural / rural scenery,” and “Marine wildlife viewing,” both of which could be negatively impacted by dispersed camping. <https://www.sanjuanco.com/DocumentCenter/View/15767/06042018-Final-San-Juan-Islands-Visitor-Study-June-2018-with-cover>. The Proposed RMP’s dispersed camping is in conflict with San Juan County Code 18.30.040, which disallows camping in Natural and Conservancy land classifications, which cover most, if not all, of the proposed dispersed camping sites. <https://www.codepublishing.com/WA/SanJuanCounty/#!/SanJuanCounty18/SanJuanCounty1830.html>.

San Juan Islands National Monument Advisory Committee

Thomas Reynolds

Issue Excerpt Text: Dispersed camping does not respect the species and habitat protection mentioned in the proclamation. It is repeatedly cited in the document (78:16, 80:1, 82:4, 82:20, 85:10, 273:29, 276:32, 278:30) that dispersed camping has a negative impact on vegetation and other resources. An especially egregious example which would certainly destroy monument habitat is Indian Island. At low tide, Indian Island is connected by a tombolo to Orcas Island. Any camping here negatively would negatively affect Eastsound and is against San Juan County code. No camping is allowed in the Eastsound urban growth area. Clearly, BLM has given short shrift to local ordinances which it has decided to willingly violate. BLM provides no compelling rationale for allowing dispersed camping, while clearly acknowledging the risks that dispersed camping presents for the objects and values cited in the Presidential Proclamation. The Monument should be closed to dispersed camping.

The Wilderness Society et al.

Katie Meehan

Issue Excerpt Text: BLM’s decision to allow dispersed camping throughout 70 percent of the monument is flawed. We understand that there is significant demand for camping in the islands. However, many of the islands include areas with steep, rocky shorelines, as well as sensitive wildlife habitat or areas with cultural sites, which are not appropriate for camping and are especially at risk from dispersed camping. In general, camping must be managed so it is sustainable, meaning it is limited to designated sites so the impacts from human use (e.g., human waste, trash, campfires) only exists in certain locations that are able to handle the designated use. We remain concerned that the Proposed RMP allows for dispersed camping by permit on all sites that allow for public access, with the exception of the four former ACEC sites on South Lopez and the three State Parks-managed campsites. See Proposed RMP p. 20 and Appendix R. As stated in our draft comments, camping is not feasible and should not be allowed on Category A and Category B rock groups because they are sensitive to damage and impacts. This extends to marine mammal haulouts and locations with recorded cultural sites. Table 1, below, outlines some specific sites of concern where dispersed camping is proposed to be allowed. We are concerned that Cattle Point was not previously included in the agency’s range of alternatives as being open to dispersed camping but is open to dispersed camping in the Proposed RMP. BLM acknowledges that “dispersed camping would have a substantial negative long-term effect to areas that are highly desirable camping locations” and “inevitably campers will spend time on the rocky balds and bluffs viewing scenery during their stay, which will result in more impacts to this resource than day hiking.” See Proposed RMP p. 82. Additionally, BLM monitoring and permitting “is not a guarantee that impacts from dispersed camping will be minimized.” See Proposed RMP p. 122. For these reasons, the Proposed RMP fails to advance the goals and protections required by the monument’s proclamation, including the protection of wildlife habitat and cultural sites. BLM’s reasoning for allowing dispersed camping on these sensitive sites is lacking and the protection of monument resources, objects, and values must be more prevalent in the agency’s proposed management. Table 1: Specific areas of concern within the monument. Dispersed camping on sites w/wilderness characteristics of

concern: East Sound Blind Island South Freeman Island* John's Island Rocks MacKaye Harbor Rocks, Patos Island* Reads Bay Island Reid Harbor Rock* Satellite Island Rocks* Skull Island Unnamed Rocks (Cone Island) Unnamed Rocks (Iceberg Point Rocks) Unnamed Rocks (Shaw Island) Unnamed Rocks (South Lopez) Victim Island *indicates sites of concern containing both LWC & Marine Mammal Haulouts Dispersed camping on sites that are Marine Mammal Haulouts of concern: Barnes Rocks Blind Island Chuckanut Rocks Leo Reef Posey Island Unnamed Rocks (Grandma's Cove) Unnamed Rocks (Peak Point and Danger Rocks).

The Wilderness Society et al.

Katie Meehan

Issue Excerpt Text: BLM's decision to allow for widespread dispersed camping, vegetation treatment, target shooting, and other harmful management actions on lands with wilderness quality will harm these sensitive lands and does not fulfill the BLM's obligation to minimize manage the area for protection of its resources, objects, and values.

Tracey Cottingham

Issue Excerpt Text: I am protesting the BLM Proposed Resource Management Plan allowing any dispersed camping with a permit in the San Juan Island National Monument. Designated site camping, with or without permit is the only correct option that aligns with the President Proclamation for the San Juan Island National Monument. It is also the only camping that aligns with the Secretarial Order 3366, that states that the BLM must work cooperatively with State, Tribal and Territorial wildlife agencies so that the Monument lands do not contradict surrounding lands, but compliment the management plans. The proposed RMP does not align with the San Juan County Codes, and Resolutions.

Tracey Cottingham

Issue Excerpt Text: The Proposed RMP would allow dispersed camping by permit on 48 sites (274 acres, p. 20) that would also allow public access. Dispersed camping by permit would be allowed on all of the small rocks in the Monument (p. 683-688), including marine mammal haulouts, and the locations of 8 recorded cultural sites (p. 39). Dispersed camping by permit would be allowed on Cattle Point, Indian Island, Kellett Bluff, Skull Island, Victim Island, Cape St Mary, and Turn Point. * Allowing dispersed camping by permit goes directly against the Presidential Proclamation "to conserve, protect, and enhance the objects and values of the San Juan Islands National Monument" and on protecting the species and habitat of the Monument as sited in the proposed RMP. (78:16, 80:1, 82:4, 82:20, 85:10, 273:29, 276:32, 278:30).

Tracey Cottingham

Issue Excerpt Text: * Appendix L, pg. 500) states: Federal Land Assistance, Management and Enhancement (FLAME) Act 2009, (43 U.S Code 1748a) asks for public lands agencies for a description of how departments will employ appropriate management response, for wildfire and to assess the risk to neighboring communities. The proposed RMP does mention the risks to neighboring communities, but is lacking in a management plan of how the BLM will employ appropriate management response to the small rocks, reefs, small islands with very difficult shoreline landing, and the Marine Heritage Area of Turn Pt, especially with the increased risk of wildfire from dispersed camping on the remote rocky islands, reefs, and small islands with vegetation and wildlife habitat that will be damaged. Most of the sites listed to allow dispersed camping are hard to access sites that have no public access from the lands, no access roads, and very, very difficult landing access from the shoreline, such as Carter Pt, Lopez Pass, Cape St Mary, Kellett Bluff. These campers with permits will likely trespass on private property to access to these lands, as coming from the water is very challenging, as noted by residents, neighboring landowners, and Friends' Groups that know these sites, such as the Turn Point Lighthouse Preservation Society and the Lummi Island Heritage Trust.

Tracey Cottingham

Issue Excerpt Text: * Secretarial Order 3366 which states BLM must “work cooperatively with State, Tribal, and Territorial wildlife agencies to ensure that regulations for recreation on lands and waters managed by the Department complement, or at a minimum do not contradict, the regulations on the surrounding lands and waters to the extent legally practicable.” (RMP p. 496). * The Proposed RMP’s dispersed camping is in conflict with San Juan County Code 18.30.040, which disallows camping in Natural and Conservancy land classifications, which cover most, if not all, of the proposed dispersed camping sites. Our county code in San Juan County has long prohibited dispersed camping and other camping, such as van, camper or street parking for overnight stays, outside of any designated campgrounds. While the monument has been open for any use, without a final RMP, the visitors and residents are well aware of these fragile landscapes and the laws and codes that for decades have discouraged dispersed camping on similar public lands, rocks, small islands through-out the San Juan Islands.

Tracey Cottingham

Issue Excerpt Text: * The secretarial order #3366, (p. xi, 17, pg. 431) from former Interior Secretary Ryan Zinke, on expanding existing recreational opportunities that are consistent with applicable laws and regulations, was never discussed during the 3-year absence of MAC meetings. San Juan County and the State of Washington codes and laws are not consistent with the proposed RMP and the MAC being able to meet would have prevented these inconsistencies from being in the proposed RMP/Final EIS. The Proposed RMP’s dispersed camping is in conflict with San Juan County Code 18.30.040. San Juan County Code 12.12 restricts camping on county property to designated camping and rest areas, which prohibits camping in Natural and Conservancy land classifications, which cover nearly all of the proposed dispersed camping sites in the monument. Recreational areas shall be located to protect adjacent properties from adverse impacts. Where the proposed recreational use can reasonably be expected to have adverse impacts on adjacent properties, and where existing ground cover, such as trees or shrubs, will not provide an adequate buffer between the recreational area and adjoining properties, screening or fencing will be required.

Tracey Cottingham

Issue Excerpt Text: Leave no trace appendix K page 490. Dispersed camping and traveling off trail, disposing of human waste and crushing very sensitive vegetation is In violation of the county’s resolution to adopt “Leave No Trace” principles throughout the county. Resolution 45-2014, (see attached document.) Human waste from dispersed camping was not addressed in the RMP. As a “Leave No Trace” county, ordinance #45 (see attached), this a gross oversight, especially when all sites where dispersed camping will be allowed, human waste will damage the local cultural and sacred sites, whether human waste is buried or left in the open. Digging the recommended 10” down by “Leave No Trace” principals has the ability to damage sacred and culturally sensitive sites and artifacts. The only list in the RMP on human waste is in response BLM made to the comments regarding horse and human waste comment on Draft RMP/EIS as listed in the comment section of the proposed RMP.

Tracey Cottingham

Issue Excerpt Text: Human waste was only analyzed as an issue with nearshore habitats (p. 91). Resource Conservation and Recovery Act (42 USC 6901 et seq.), as amended, establishes a system for managing non-hazardous and hazardous solid wastes in an environmentally sound manner. Specifically, it provides for the management of wastes from the point of origin to the point of final disposal (i.e., “cradle to grave”). It also promotes resource recovery and waste minimization. (Page 494). I do not know if this is referring to human waste, as human waste non-hazardous waste is not defined in the RMP.

Tracey Cottingham

Issue Excerpt Text: Noise pollution is also likely as I have also experienced on other BLM dispersed camping locations. This noise pollution impacts both humans and animals. It also would greatly impact local and migratory birds, which number over eighty (80) species. [5] All of the Monument is within an important Flyway, covered by international treaty with Canada and Mexico. Legally this alone should require an EIS (An environmental impact statement (EIS)), under (NEPA). It certain is an action significantly affecting the quality of the human environment". The Marine Mammal Protection Act of 1972, MMPA, clearly states that harassment of any marine mammal; or, the attempt at such is against the law. The MMPA defines harassment as "any act of pursuit, torment or annoyance which has the potential to either: a. injure a marine mammal in the wild, or b. disturb a marine mammal by causing disruption of behavioral patterns, which includes, but is not limited to, migration, breathing, nursing, breeding, feeding, or sheltering." This wording within the law makes it perfectly clear that dispersed camping on small islands with documented marine mammal haulouts would violate MMPA. Harbor seals use nearly all of the islands with this Monument.

Cattle Point Estate Owners Association

Grace Lembo

Issue Excerpt Text: The Proposed RMP's dispersed camping is in conflict with San Juan County Code 18.30.040, which disallows camping in Natural and Conservancy land classifications.

Douglas McCutchen

Issue Excerpt Text: Dispersed Camping - Number of Sites and Locations (Primarily Chapter 2 and Appendix R) Dispersed camping Is not appropriate within the San Juan Islands National Monument. As stated In the proclamation, the protection and enhancement of natural resources should be the primary goal. Achieving this goal will enhance recreational experience of visitors. Dispersed camping will cause Irreversible Impacts to natural and scientific resources which will harm my personal experience. It will also have negative impacts on me economically by reducing the quality of experience for visitors which will impact the local tourism economy and Increase the need for law enforcement and emergency services. The Impacts listed In protest number 2 will be exacerbated by allowing dispersed camping. These cumulative negative Impacts include: a) Extended disturbance to wildlife as people occupy site for longer periods resulting in diminishment of recreational viewing opportunities b) Visual disturbance often is, lights, fires, vessels, people, and other accoutrements in natural areas that are highly visible from other public and private locations will diminish other recreational and scenic experiences. c) Loss of biodiversity due to cumulative impacts of trampling and disturbance which would diminish recreational viewing opportunities d) Human health and safety- size of sites and limited soil resources are not capable of handling human waste. Sites are difficult to access, launch, and retrieve vessels causing harm to intertidal life in Jurisdiction of the State of Washington and putting undue Impact on local emergency services resulting In Increased financial Impacts and unnecessary risk to responders. e) Confusion with National Wildlife Refuge sites and privately owned properties resulting In trespass and Injury to non-monument properties including those specifically set aside as refuges and natural area preserves.

Gene Helfman

Issue Excerpt Text: The Presidential Proclamation creating the Monument (8947) states that BLM will manage the monument as a unit of the National Landscape Conservation System. Actions proposed in the RMP therefore cannot adversely affect protection, conservation, and restoration of resource objects and values. In my role as the MAC representative for wildlife and ecology, I am convinced that these interests will be adversely affected by the planning decisions within the RMP that propose visitation and dispersed camping on many of the small islands and rocks (Chapter 3: Affected Environment and Effects Analysis; Recreation and Visitor Services; Table 49, p.167, 168,

and Appendix R: Recreation Area Management Frameworks, e.g., Table R-26, p. 687). These habitats should be closed to the public to protect the habitats cited in the presidential proclamation creating the Monument Visitation as proposed will have direct and indirect, negative impacts on these resources. Fully ten of the rocks on which visitation and even camping are proposed have wilderness characteristics. Twelve of the 15 rocks slated for camping are known marine mammal haul-out locales and thus invite violation of the Marine Mammal Protection Act (16 U.S.C. 1361et seq.) that prohibits the “take” of marine mammals which includes harassment, defined as “any act of pursuit, torment, or annoyance which - has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).” Approach to these rocks also violates NMFS guidelines against harassment that “disrupt[s] the behavioral patterns of wild marine mammals. NOAA/NMFS guidelines prescribe remaining at least 50 yards and preferably 100 yards from seals and sea lions (www.nmfs.noaa.gov/protres/MMWatch/MMYiewing.html, <https://www.westcoast.fisheries.noaa.gov/protected-species/marine-mammals/share-the-shore-resources.html>).

The Wilderness Society et al.

Phil Hanceford et al.

Issue Excerpt Text: The BLM’s decision to allow for dispersed camping throughout the monument fails to protect the resources, objects, and values that the national monument was designed to protect. BLM’s decision to allow dispersed camping throughout 70 percent of the monument is flawed. We understand that there is significant demand for camping in the islands. However, many of the islands include areas with steep, rocky shorelines, as well as sensitive wildlife habitat or areas with cultural sites, which are not appropriate for camping and are especially at risk from dispersed camping. In general, camping must be managed so it is sustainable, meaning it is limited to designated sites so the impacts from human use (e.g., human waste, trash, campfires) only exists in certain locations that are able to handle the designated use. We remain concerned that the Proposed RMP allows for dispersed camping by permit on all sites that allow for public access, with the exception of the four former ACEC sites on South Lopez and the three State Parks-managed campsites. See Proposed RMP p. 20 and Appendix R. As stated in our draft comments, camping is not feasible and should not be allowed on Category A and Category Brock groups because they are sensitive to damage and impacts. This extends to marine mammal haulouts and locations with recorded cultural sites. Table 1, below, outlines some specific sites of concern where dispersed camping is proposed to be allowed. We are concerned that Cattle Point was not previously included in the agency’s range of alternatives as being open to dispersed camping but is open to dispersed camping in the Proposed RMP. BLM acknowledges that “dispersed camping would have a substantial negative long-term effect to areas that are highly desirable camping locations” and “inevitably campers will spend time on the rocky balds and bluffs viewing scenery during their stay, which will result in more impacts to this resource than day hiking.” See Proposed RMP p. 82. Additionally, BLM monitoring and permitting “is not a guarantee that impacts from dispersed camping will be minimized.” See Proposed RMP p. 122. For these reasons, the Proposed RMP fails to advance the goals and protections required by the monument’s proclamation, including the protection of wildlife habitat and cultural sites. BLM’s reasoning for allowing dispersed camping on these sensitive sites is lacking and the protection of monument resources, objects, and values must be more prevalent in the agency’s proposed management. Table 1: Specific areas of concern within the monument. Dispersed camping on sites w/wilderness characteristics of concern: Carter Point Rocks Davis Bay Island and Rocks* East Sound Blind Island South Freeman Island* John’s Island Rocks MacKaye Harbor Rocks, Patos Island* Reads Bay Island Reid Harbor Rock* Satellite Island Rocks* Skull Island Unnamed Rocks (Cone Island) Unnamed Rocks (Iceberg Point Rocks) Unnamed Rocks (Shaw Island) Unnamed Rocks (South Lopez) Victim Island *indicates sites of concern containing both LWC & Marine Mammal Haulouts Dispersed camping on sites that are

Marine Mammal Haulouts of concern: Barnes Rocks Blind Island Chuckanut Rocks Leo Reef Posey Island Unnamed Rocks (Grandma ‘ s Cove) Unnamed Rocks (Peak Point and Danger Rocks).The Wilderness Society

The Wilderness Society et al.

Phil Hanceford et al.

Issue Excerpt Text: BLM’s decision to allow for widespread dispersed camping, vegetation treatment, target shooting, and other harmful management actions on lands with wilderness quality will harm these sensitive lands and does not fulfill the BLM’s obligation to minimize manage the area for protection of its resources, objects, and values.

The Wilderness Society et al.

Phil Hanceford et al.

Issue Excerpt Text: In the Proposed RMP, the BLM fails to take a hard look at the impacts to monument resources, objects, and values from the decision to allow for widespread dispersed camping and public access to sensitive sites throughout the monument.

Kathryn Alexandra

Issue Excerpt Text: The BLM director’s decision to allow access and dispersed camping is wrong because the Proclamation’s designating language of protection supersedes multiple use and secretarial order 3366. The directors decision also is in conflict with the San Juan Island’s National Wildlife Conservation Plan and San Juan County Code 18-3 040 banning dispersed camping.

Lorrain Edmond

Issue Excerpt Text: Allowing dispersed camping at these sites is also in conflict with and contradicts the goals of the U.S Fish and Wildlife Service in the National Wildlife Refuge Conservation Plan, which prohibits dispersed camping. The proposed dispersed camping sites are also in conflict with San Juan County Code, which does not allow camping in Natural and Conservancy land classifications.

Nancy McCoy

Issue Excerpt Text: Dispersed camping has huge Impacts caused by human access and use on the many small islands, rocks & reefs, such as human waste, trash, campfires & degradation of mammal & bird habitats. BLM Category A & B rock groups are sensitive sites. Dispersed camping Is In violation of San Juan County Code 18.30 .040 which prohibits camping in Natural & Conservancy land classifications, which covers most, if not all, of the proposed dispersed camping sites in the monument.

San Juan County Council

Bill Watson et al.

Issue Excerpt Text: Dispersed Camping (Chapter 3; camping; pg 168) (Chapter 3 pgs 76,78, 80, 81, 82, 82, 84, 85, 87,88, 273, 276, 278) Contrary to County Code and polides; Justification out of context Current designated sites managed by Washington State Parks are fine, additional dispersed camping should be eliminated from the RMP. The monument lands are designated as “Conservancy” in San Juan County code. However the area within 200 ft of the shoreline is designated “Natural”. The definition of this designation is: “Natural designation (shoreline)” means the Shoreline Master Program designation designed to preserve unusual or valuable natural resource systems by regulating all potential uses, which might degrade or alter the natural characteristics that make the area unusual or valuable. The suggested dispersed sites, because they are within 200 feet of the shoreline are subject to SJC Shoreline Master Plan designation of “Natural”. Although camping on monument lands may have been previously possible without a plan, most commenters did not know this because of the restrictions of the County Code. Of the 1200 public comments submitted, 95% did not want dispersed camping. The RMP references the County Visitor Study

(Chapter 3; camping; pg 168) as justification, citing 93% of the visitors wanted more camping, which is out of context. The visitors wanted more camping instead of more hotels and physical lodging structures. More camping may be more of a perception than reality. During the peak season of June through September, San Juan County Parks' campsites had a utilization rate between 28% and 64%. The visitors surveyed came to islands by ferry and only one proposed site is accessible by road or trail. Local staff does not have the capability to permit and monitor the effects of dispersed camping to habitat, cultural resources, and landscapes. Additionally, monument staff has limited capabilities for enforcement. Dispersed camping should not be allowed until a complete cultural survey is done to protect unidentified cultural resources. Dispersed camping does not respect the species and habitat protection mentioned in the proclamation.

San Juan County Council

Bill Watson et al.

Issue Excerpt Text: Indian Island Specific: No camping is allowed in the Eastsound urban growth area. At low tide, Indian Island is connected to Orcas Island. Any camping here negatively affects Eastsound and is against County code. The following are codes that the above text is based on: * San Juan County Code 12.12 restricts camping on county property to designated camping and rest areas. * San Juan County Code 18.40.330 (a)(l); A. All Recreational Developments. The following standards apply to all recreational developments: * Recreational areas shall be located to protect adjacent properties from adverse impacts. Where the proposed recreational use can reasonably be expected to have adverse impacts on adjacent properties, and where existing ground cover, such as trees or shrubs, will not provide an adequate buffer between the recreational area and adjoining properties, screening or fencing will be required. * San Juan County Code 18.30.040; Land Use Table; Camping not allowed in Conservancy designation. Vegetation Management Use of Herbicides and Pesticides (Chapter 2; Habitat and Plant Community Management; pg 11 -12) (Chapter 3; Habitat and Plants Analytical Issue 3; Proposed RMP; Table 16 pg 103- 104; Alternative B; pg 105 -107) Contrary to County Code.

Tim Clark

Issue Excerpt Text: The RMP would allow permitted cross-country travel and camping in close proximity to at least ten listed marine mammal haulout sites, at Barnes Rocks, Chuckanut Rocks, Davis Bay Island and Rocks, Leo Reef, Reid Harbor Rock, Satellite Island Rocks, Unnamed Rock (Seal Rock), Unnamed Rock (Grandma's Cove), Unnamed Rock (Pear Point and Danger Rocks), and portions of Blind Island, Freeman Island and Posey Island. These sites must be removed from the list of allowable permitted dispersed camping to minimize harassment under the Marine Mammal Protection Act. Table R-24 on page 685 and Table R-33 on page 688 list restrictions involving wildlife management actions for Category A and B Rocks, respectively. The RMP will "Follow all Federal, State, and local laws that protect marine mammals and migratory birds." This restriction is not listed for camping (Tables R-19 and R-28, pages 684 and 687). The Marine Mammal Protection Act will not be followed for Category B Rocks with marine mammal haulout sites, as noted previously. The resolution is to prohibit visitation of those Rocks at all times, following the lead of the U.S. Fish and Wildlife Service in its administration of the San Juan Islands National Wildlife Refuge.

Tim Clark

Issue Excerpt Text: Dispersed camping, as an unnamed recreational use, Is not allowed within Natural or Conservancy land use designations by the San Juan County Uniform Development Code (<https://www.codepublishing.com/WA/SanJuanCounty/html/SanJuanCountv18/SanJuanCounty1830.html#IB.30.040>). Most, if not all, of the Category Brocks within the proposed RMP are classified as either Conservancy or Natural by San Juan County.

Tom Bowden

Issue Excerpt Text: Allowing dispersed camping at these sites is also in conflict with and contradicts the goals of the U.S Fish and Wildlife Service in the National Wildlife Refuge Conservation Plan, which prohibits dispersed camping. The proposed dispersed camping sites are also in conflict with San Juan County Code, which does not allow camping in Natural and Conservancy land classifications. Most of the proposed sites are with these land classifications.

Tom Cowan

Issue Excerpt Text: Dispersed camping by permit on all small rocks that allow public access including marine mammal haulouts is contrary to BLM’s own analysis that includes, “dispersed camping would have a substantial negative long-term effect to areas that are highly desirable camping locations¹¹ and ¹¹impacts from dispersed camping with a permit on rocky balds and bluffs will be similar to, but greater than those in grasslands and shrublands. ...inevitably campers will spend time on the rocky balds and bluffs viewing scenery during their stay, which will result in more impacts to this resource than day hiking” (p. 82). Other concerns are human waste and fire risk. The proposed RMP’s dispersed camping is also in violation of San Juan County Code 18.30.040.

Asha Lela

Issue Excerpt Text: Any human action on these islands does not respect the species and habitat protection repeatedly mentioned in the Proclamation. Humans would have a negative impact on vegetation, nesting, habitat, and other resources. The San Juan County Code 12.12 restricts camping to designated county and WA State Parks camping areas. There is no dispersed camping allowed. Additionally BLM Monument Land is designated “Natural” and thus falls under the SJC Shoreline Plan which severely limits use of islands within 200 feet of the shoreline.

Sally Reeve

Issue Excerpt Text: Allowing dispersed camping with permit on the BLM lands is contrary to the Proclamation which established the San Juan Islands National Monument. The Proposed RMP/EIS points out the damage dispersed camping will have on the monuments fragile ecosystem.

Sally Reeve

Issue Excerpt Text: Secretarial Order 3366. BLM’s Land Use Planning Handbook. and the Federal Land Policy and Management Act of 1976 (FLPMA 202fc){9)) states: BLM must “work cooperatively with State, Tribal, and Territorial wildlife agencies to ensure that regulations for recreation on lands and waters managed by the Department complement, or at a minimum do not contradict, the regulations on the surrounding lands and waters to the extent legally practicable. * Allowing dispersed camping with permit does not comply with applicable laws, regulations, policies and planning procedures. No public lands in San Juan County (where most of the monuments sites are located) are open to dispersed camping. San Juan County code Section 18.30.040 disallows camping in Natural and Conservancy land classifications. San Juan Islands National Monument sites are with in these County land use categories.

Barbara Marrett

Issue Excerpt Text: BLM failed to comply with the Antiquities Act of 1906’s mandate to prioritize the protection of Monument Objects and values by allowing dispersed camping/ public access to sensitive sites. Dispersed camping does not respect the species and habitat protection mentioned in the proclamation. It is repeatedly cited in the RMP (78:16, 80:1, 82:4, 82:20, 85:10, 273:29, 276:32, 278:30) that dispersed camping has a negative impact on vegetation and other resources.

Barbara Marrett

Issue Excerpt Text: The Proposed RMP would also allow dispersed camping by permit on 48 sites (274 acres, p. 20) that allow public access. In order to fulfill the purpose and needs of the San Juan

Islands National Monument Proclamation, which is the preservation of cultural and ecosystem values, dispersed camping should not be allowed on Monument lands outside of designated sites at existing State Parks-managed campgrounds. San Juan County is an official Leave No Trace Area. Activities such as dispersed camping on Monument lands violate Leave No Trace principles <https://www.visit-sanjuans.com/leave-no-trace> adopted by San Juan County. Specifically, “do not create new trails or trample undeveloped areas” and “camp only in designated campsites,” and “plan ahead and use toilets.” Allowing access and dispersed camping on remote sites identified as fragile or hosting marine haul outs not only threatens the existence of creatures it impacts; it threatens the value of visitation to the Islands. Marine wildlife viewing is one of the top three reasons visitors come to the San Juan Islands, according to the Visitor Study referenced here: <https://www.saniuanco.com/DocumentCenter/View/1S837/1-Final-San-Juan-Islands-VisitorStudy-June-2018-with-cover-June-19-2018?bidId=> (graphs on pages 40 & 41). According to the same graphs, the number one reason people visit the San Juan Islands is the natural, rural setting. Remote areas and islets with camping tents and visitor activity will disturb the wildlife and wilderness characteristics locals and visitors enjoy. It would also lessen the aesthetic value to visitors passing by on boats and ferries.

Gretchen Wing

Issue Excerpt Text: I could, and probably should, argue here that allowing dispersed camping by permit goes directly against the Presidential Proclamation “to conserve, protect, and enhance the objects and values of the San Juan Islands National Monument” and on protecting the species and habitat of the Monument as sited in the proposed RMP. (78:16, 80:1, 82:4, 82:20, 85:10, 273:29, 276:32, 278:30). But while I can’t summon enough data on sensitive plant species (quickly enough to meet this deadline) to protest their likely trampling by campers, or speak to the effects of campers on the traditionally protected haul-out spots of seals and sea lions, I can speak to this: the proposed RMP does not include any language addressing the prospect of wildfires caused by careless use of camping stoves or candles on our smaller, scattered islands. Yes, Appendix L (pg. 500) state:: that Federal Land Assistance, Management and Enhancement (FLAME) Act 2009, (43 U.S Code 1748a) asks for public lands agencies for a description of how departments will employ appropriate management response, for wildfire and to assess the risk to neighboring communities. But not on these remote spots with ragged shorelines, far from the eye of any authority. There is no plan. How can the BLM “conserve, protect, and enhance” when it has made no provision for stopping wildfires started by campers it has permitted on those lands?

Friends of the San Juans

Stephanie Buffum

Issue Excerpt Text: Neither the Monument Executive Order (“EO”), nor the Antiquities Act that authorizes the EO, include recreation as a goal to be pursued. The selection of the particular islands to be opened or closed seems arbitrary and capricious as there is no evidence for why one island like McConnell Rocks has to be closed to camping while a larger island like Freeman has to be open. There appears to be no island-by-island environmental or policy review that would support one island selection above another island. Nor were certain types of camping openings listed as alternatives in the draft Regional Management Plan, thereby precluding public comment on them, in violation of Federal Land Policy and Management Act (“FLPMA”).

San Juan Islands National Monument Advisory Committee

Thomas Reynolds

Issue Excerpt Text: Dispersed camping, other than sites managed by Washington State Parks, should be eliminated from the RMP. Protection of the fragile wild landscape and habitat is clearly mandated by the Presidential Proclamation, while the potential degradation of the landscape and habitat in the name of recreational opportunities like camping is not endorsed by the proclamation. I would be adversely affected in my ability to enjoy the natural beauty and wildlife of the Monument

because of habitat degradation, reduction in wildlife, and potential infectious disease risk caused by inappropriate disposition of human risk by dispersed campers. The public, in their comments on the draft RMP, were opposed to dispersed camping – 95% of comments on the subject were opposed. Although visitors say they want more camping opportunities in the county, in reality County Park facilities for camping are only utilized at 28-64% of capacity during peak summer season. The reality is that the public does not want dispersed camping, and the data that there is a need for dispersed camping does not exist. The BLM admits that “dispersed camping would have a substantial negative long-term effect to areas that are highly desirable camping locations” and “impacts from dispersed camping with a permit on rocky balds and bluffs will be similar to, but greater than those in grasslands and shrublands. ...inevitably campers will spend time on the rocky balds and bluffs viewing scenery during their stay, which will result in more impacts to this resource than day hiking” (p. 82). The Proposed RMP states that dispersed camping would be allowed “in some areas with priority ecological communities” and that BLM monitoring and permitting “is not a guarantee that impacts from dispersed camping will be minimized” (p. 122). As for cultural resources, BLM states that dispersed camping and trail-based recreation “are likely to be seen as contributing to the risk of damage to resources and conditions valued by tribes” (p. 202). BLM implies that site closures and the creation of the permit process will limit dispersed camping only to areas where it is less damaging. However, the Resource Management Plan must advance the goals of the Proclamation (p. 506) such as protection of the wildlife habitat and cultural sites, as well as be consistent with “state and local plans, policies, and programs” (BLM Land Use Planning Handbook, p. 24). Local BLM staff does not have the capacity nor the resources to develop the permit system mentioned, let alone monitor sites that could be used for camping or enforce the permit process. No provision has been made for the appropriate disposal of human waste – and many of the sites where dispersed camping would be allowed do not have the capacity for human waste burial. There is also a significant risk to destruction of cultural artifacts and insufficient attention to fire prevention and management in some of these difficult to reach areas

Alex Sidles

Issue Excerpt Text: The RMP mentions the closure of McConnell and Lummi Rocks in Chapter 2, pg. 18, and in more detail in Appendix R, among other places. The RMP mentions the need for future surveys of dispersed camping areas, including the possibility that the surveys will result in closures, in Chapter 3, pg. 39, 45, and 50, among other places. The RMP and FEIS provide no analysis for why McConnell and Lummi Rocks were permanently declared off-limits to both day-use and camping. There appears to be no basis for treating these two islands differently from the rest of the Islands RMA, most of which do allow day-use and camping. The closure of McConnell and Lummi Rocks constitutes a failure to provide for adequate recreational facilities, is not supported by evidence in the record, and was not analyzed for the environmental impacts of the closure, including but not limited to exposing kayakers like me to longer, more dangerous crossings to avoid the off-limits islands.

Tom Reeve

Issue Excerpt Text: The Proposed RMP/Final EIS allows dispersed camping by permit at Cattle Point. Dispersed Camping at Cattle Point was not evaluated in any of the Alternatives in the Draft RMP/EIS last winter. Statement of the part or parts of the plan being protested (including Chapter, Section, Page, and/or Map) Page 20 and Appendix R allow dispersed camping by permit in the Cattle Point RMA. A concise statement explaining why the State Director’s decision is believed to be wrong. BLM is required by FLPMA and their own Land Use Planning Handbook. These require that all practical actions be analyzed in the EIS alternatives. The Draft RMP/EIS published for public comment in late 2018 did not include dispersed camping by permit at Cattle Point in any of the alternatives presented.

The Tulalip Tribes***Teri Gobin***

Issue Excerpt Text: Cultural and Sacred Sites Protection: Tulalip does not believe that the proposed RMP will adequately protect these sites, nor is consistent with Proclamation 8947, Executive Order 13007, Protection of Sacred Sites, as well as other federal cultural protection statutes and BLM’s own plan purpose and objective, and analysis of impacts. “The purpose of the RMP includes protection and restoration of cultural and historical resources identified in the proclamation, including traditional use areas of the Coast Salish people and archaeological remains of their villages, camps, and processing sites throughout the Monument. These include, but are not limited to, shell middens, reef net locations, and burial sites/’ (From RMP Purpose and Need Statement, p. 4) Our Rationale: Cultural sites are identified “Objects and Values” of the Monument, and protecting them is a purpose of the RMP. BLM must prioritize and ensure protection of the numerous known (and as of yet un-surveyed and unknown) cultural sites and sacred areas in a way that is effective, adaptive, timely, addresses issues of confidentiality, preempts additional vandalism, looting and disturbance of these sites over the life of the plan, and includes tribes as governments, partners and co-managers in the oversight of these sensitive resources that are critical to us, and to the continuation of our culture. Under the proposed RMP, Recreation Management Areas will be allowed over 96% of known, recorded cultural sites. There will be a net increase in hiking trails, likely attracting more visitors, with new trails built on or near 20 recorded cultural sites, representing an increase over the status quo. Continued equestrian use which can be especially damaging to cultural sites will be allowed under the plan. Across 275 acres, including many remote and ecologically fragile islands, dispersed camping will be allowed, with a significant risk to cultural sites and sacred areas. Dispersed camping will occur near 8 recorded cultural sites, and an unknown number of sites not yet surveyed but suspected. Human waste issues associated with day use and more so for dispersed camping, are a public health and safety risk. They are also a major concern to tribes and its impact on cultural gathering of plants and other species, as well as its impact on sacred sites and spiritual uses. Enforcement of “pack it out” policies” will be very difficult due to remoteness of these sites, and funding needed for such enforcement. Permitted camping in designated sites will continue, despite the very small landscapes where they are situated, and against the stated objections of Tulalip based on our cultural concerns.

Anita Holladay

Issue Excerpt Text: I protest the “dispersed camping” that is proposed to be allowed, by permit only, on 274 acres of Monument land (page 167, Table 49). On this issue I support the O acres dispersed camping called for by Alternatives A, C & D. While I have been assured by BLM staff that this is general guidance and that a closer look will be taken at the appropriateness of dispersed camping at individual sites such as Indian Island. the fact that it is even open for consideration on 274 acres including Indian Island is of great concern and I strongly protest any dispersed camping in the Monument. Without a system of rangers to monitor campers, just stating a rule that there are to be no campfires outside of fire rings will not prevent someone camped on a remote island, or a remote portion of a settled island, from building a fire. We may be having even dryer, hotter and longer summers as our climate changes. San Juan County fire departments certainly do not have the resources to get crews out to remote islands or roadless areas to protect them from wildfire. The lack of rest rooms near these dispersed campsites is another problem I don’t think I need to dwell upon. The “dispersed camping” is also at odds with the requirement that visitors stay on trails, with the above-mentioned (in Proclamation) fragility of mossy and wildflower meadows, with the potential disturbance of unstudied archaeological/cultural resources, and, again, with the entire intent of the preservation of Monument lands that was enshrined in the Proclamation. I support the proposed RMP with respect to designated site camping (Table 47, p.167) and the prohibition of non-permit camping (Table 48, p. 167).

Connie Holz

Issue Excerpt Text: Many of the Category A and B sites are quite inhospitable for camping yet are used for nesting sites, marine mammal haulout sites, and fragile plant species. By allowing or saying that camping can take place is the same as saying we don't care to protect nesting birds, marine mammals who need and use these for haulout, or care about the fragile ecosystems. Many of the locations listed for dispersed camping, the BLM have identified as having sensitive plants that are documented within U.S. Department of the Interior, Bureau of Land Management, San Juan Islands National Monument (RMP) and Environmental Impact Statement Analysis of the Management Situation, May 2016, in Table 13, Plants of local concerns within the San Juan Islands, Table 14 and Listed threatened and endangered species in the San Juan Islands, in Table 16, [4]. This is in direct violation of The Endangered Species Act 1973 where it states one of its purposes in Sec. 3 (b), Purposes - "The purposes of this Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be concerned, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purpose of the treaties and conventions set forth in subsection (a) of this section" [5].

Summary:

The SJINM Proposed RMP and FEIS (BLM 2019) fails to:

- Comply with Executive Order 13007, Secretarial Order 3366, San Juan County Code, and other laws and regulations by allowing widespread approval of dispersed camping, and
- Conserve, protect, and restore habitats and species as required by Presidential Proclamation 8947.

Response:

Section 202(c)(9) of FLPMA requires that "land use plans of the Secretary under this section shall be consistent with state and local plans to the maximum extent he finds consistent with federal law and the purposes of this act." However, as indicated in the BLM's planning regulations, land use plans may be inconsistent with state, local, and tribal plans where necessary to meet the purposes, policies, and programs associated with implementing FLPMA and other Federal laws and regulations applicable to public lands. BLM regulations at 40 CFR 1506.2(d) require that EISs "discuss any inconsistency of a proposed action with any approved state or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law."

The BLM considered a range of alternatives related to dispersed camping, including two alternatives (A and C) where such activity would be prohibited throughout the Monument. The effects analysis in the SJINM Proposed RMP and FEIS (BLM 2019) describes the potential impacts on the Monument ecological and cultural objects from dispersed camping (see FEIS, *Cultural Resources Analytical Issue 1*, p. 35; *Habitat and Plants Analytical Issue 2*, p. 60; and *Wildlife Analytical Issue 2*, p. 270).

Secretarial Order 3366 states that the BLM must "work cooperatively with State, Tribal, and Territorial wildlife agencies to ensure that regulations for recreation on lands and waters managed by the Department complement, or at a minimum do not contradict, the regulations on the surrounding lands and waters to the extent legally practicable." In accordance with these and other agency requirements, the BLM has given consideration to state and local plans, such as San Juan, Skagit, and Whatcom Counties' plans that are germane to the development of the SJINM Proposed RMP and FEIS (BLM 2019). In addition, the BLM has worked closely with San Juan County, which is a cooperating agency, during preparation of the SJINM Proposed RMP and FEIS. Chapter 4 describes

coordination that has occurred throughout the development of the SJINM Proposed RMP and FEIS (see FEIS, pp. 295–298).

A list of the local, state, and tribal plans that the BLM considered can be found in Appendix L of the SJINM Proposed RMP and FEIS. The SJINM Proposed RMP and FEIS was found to be inconsistent with several agency policies related to recreation and access to public lands. Pursuant to 40 CFR 1506.2(d), the BLM will discuss why any remaining inconsistencies between the SJINM Proposed RMP and FEIS and relevant state and local plans cannot be resolved in the ROD for the SJINM Proposed RMP and FEIS. The BLM satisfied FLPMA’s consistency requirement in preparation of the SJINM Proposed RMP and FEIS.

FLPMA, as amended, governs the BLM’s management of public lands. FLPMA provides that the BLM “shall manage the public lands under principles of multiple use and sustained yield . . . except that where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law” (43 USC 1732(a)). The lands within the SJINM have been dedicated to specific uses according to other provisions of law. In accordance with the Antiquities Act of 1906, Presidential Proclamation 8947 designated and reserved the lands of the SJINM. The designating Proclamation further directs the BLM to provide for the proper care and management of Monument objects through compliance with applicable legal authority, such as FLPMA, to protect the Monument’s objects and values. In accordance with BLM Manual 6220, the BLM may allow multiple uses within SJINM to the extent they are consistent with the applicable designating authority—in this case Proclamation 8947—as well as with other applicable laws and with the applicable land use plan.

The Approved RMPs comply with the specific management direction found in Proclamation 8947, in particular the requirement that the BLM prepare a management plan for the purposes of protecting and restoring the Monument objects. In general, how this is to be achieved is not specified in the proclamation, though it does explicitly prohibit few public uses (i.e., cross-country or trail-based motor vehicle and cross-country bicycle use) that are not being considered in the range of alternatives. In the absence of a requirement to manage the Monument in a particular way under the Presidential Proclamations and FLPMA, the BLM sought to balance protection of the Monument’s objects and values with its desire to allow the public to enjoy and make beneficial use of the lands and resources. The BLM selected the goals, objectives, and management actions that make up the Approved RMPs by considering specific management direction in the designating Proclamation in conjunction with the BLM’s responsibility to manage BLM-administered lands to facilitate multiple use and sustained yield. Rather than applying the most restrictive management to protect Monument objects and values, the Approved RMPs adopt a holistic approach that recognizes important relationships and interdependencies among the Monument’s resources, while ensuring protection of the Monument objects and values in a manner that avoids and minimizes conflicts between resources and uses. In doing so, the RMPs also comply with the management requirements in Section 2002 of the OPLMA (Public Law 111-11), which includes a number of general goals for the management of BLM NLCS lands, but makes clear that the agency’s management responsibilities for a National Monument are not enhanced beyond the requirements of the Antiquities Act, the designating proclamations, FLPMA, and other applicable laws.

The majority of the Monument has been open to dispersed camping without a permit since the inception of the BLM’s jurisdiction over the lands, though this use occurs infrequently. Under the Proposed RMP, there would be a reduction in the acres of the Monument available for this activity compared to the current condition and visitors would require a permit for this activity (see FEIS, pp. xiii–xiv). When developing the permitting system during plan implementation, the BLM will consult with partner agencies, affected tribes, and the public. Issuing permits with stipulations to avoid inventoried cultural sites and particularly sensitive ecological values will reduce potential impacts on

cultural and ecological values. Furthermore, the BLM could mitigate negative impacts through signage, fencing, and, when necessary, temporary closures.

Under the Proposed RMP, the BLM will allow dispersed camping by permit on 274 acres of Monument land currently open to this use. The BLM will continue to provide the only dispersed camping (by permit) opportunities within the San Juan Islands (see FEIS, pp. xiii–xiv). Although not specifically requesting dispersed camping, 93 percent of respondents to the San Juan Island Visitor Survey (Whittaker et al. 2018) approved of increasing tent camping opportunities in the San Juan Islands. The Proposed RMP will create additional opportunities for meeting this demand in the Monument.

Executive Order 13007 of 1996 (Indian Sacred Sites) (61 *Federal Register* 104) requires Federal agencies to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions to: (a) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners; (b) avoid adversely affecting the physical integrity of such sacred sites; and (c) maintain the confidentiality of sacred sites. The BLM included language in the SJINM Proposed RMP and FEIS clarifying that temporary closures of cultural sites could be undertaken under any alternative considered in the planning process. The BLM would undertake temporary closures as necessary to protect the Monument’s ecological and cultural values, as well as sensitive tribal activities (see FEIS, pp. xi, 19, 22). When monitoring reveals impacts on tribal cultural resources, the BLM will work with the tribes to determine an approach to addressing these impacts. Long-term or permanent closures and restrictions that are longer than 24 months in duration would need to be accomplished through an amendment to the RMP.

The BLM satisfied FLPMA’s consistency requirement regarding camping in preparation of the SJINM Proposed RMP and FEIS. Accordingly, the protest is denied.

FLPMA – Consistency with other Plans –Recreation and Public Access

San Juan Islands National Monument Advisory Committee

Thomas Reynolds

Issue Excerpt Text: The Proposed RMP allows public access on 55 of the Monument’s 65 sites, including many small rocks and reefs and 10 state-designated marine mammal haulouts. (p. 16-20, Appendix R). This is inconsistent with the purpose of protecting these rocks, reefs, and haulouts as objects of natural beauty and diversity of habitats as described in the Presidential Proclamation. Although the proposed RMP makes many references to the habitat importance and fragility of these islands and rocks, the decision to open these areas to recreation runs counter to the Proclamation – recreation is not discussed in the proclamation, which is focused on protection and restoration.

Lummi Island Conservancy

Meredith Moench

Issue Excerpt Text: The Plan’s proposed recreational use of Carter Point (public access and dispersed camping by permit) is in potential conflict with local policy as outlined in Whatcom County Code 16.16 Critical Areas Regulations. Three critical areas have been identified at Carter Point. According to WCC 16.16 Article VII Habitat Conservation Areas (HCA’s) Map, the identified areas are HCA 2 (State and federally listed species have a primary association), HCA 3 (Habitats and areas associated with state priority species), and HCA 5 (kelp beds). Whatcom County has identified critical areas in compliance with the Washington State Growth Management Act. The purpose of these regulations is to protect the functions and values of critical areas and the ecological processes that sustain them. WCC 16.16.255 requires a critical areas assessment for any proposed project (change of use) in these identified areas. The proposal must be consistent with the purposes and specific standards of the critical areas chapter of the Whatcom County Code.

WCC.16.16.255.B.4 specifically states that the critical areas assessment report must consider “the cumulative impacts of the proposed action that include past, present, and reasonably foreseeable future actions to facilitate the goal of no net loss of critical areas. Such impacts shall include those to wildlife, habitat, and migration corridors...”

Tom Reeve

Issue Excerpt Text: The Proposed RMP allows public access without a permit on all of the Monuments rocks (Category A Rocks RMA, Category B Rocks RMA, Islands RMA) and sensitive sites in other RMAs. The Purpose and Need statement (p. 4) specifically calls for protection of the wide range of habitats described in the proclamation, which specifically lists marine mammals and seabirds. Protection of these rocks was discussed in many of the MAC and other public meetings during the RMP process. The Proposed RMP/Final EIS contains many citations to potential habitat and cultural damage from recreation (e.g. p. 38-38, 49-50, 80-81, 138, 202). The Proposed RMP provides no justification for allowing such damage and habitat disturbance on these sites other than a citing BLM’s multiple-use mandate and the recreation emphasis of Secretarial Order 3366 (p. xi, 17). The Proposed RMP does not adequately address another mandate of Secretarial Order 3366, which states that BLM must “work cooperatively with State, Tribal, and Territorial wildlife agencies to ensure that regulations for recreation on lands and waters managed by the Department complement, or at a minimum do not contradict, the regulations on the surrounding lands and waters to the extent legally practicable” (p. 496). Similar requirements are presented in BLM’s Land Use Planning Handbook (its p. 6) and FLPMA 202(c)(9). The clearest contradiction with regulation on surrounding lands and waters is presented by the San Juan Islands National Wildlife Refuge (plan cited on p. 6) which closes all the small rocks and islands under its jurisdiction to public access, adding a 200 foot voluntary buffer to ensure compliance with the Marine Mammal Protection Act and the Endangered Species Act, and citing disturbance to sensitive wildlife using the islands as well as safety concerns (USFWS p. H-12). The BLM puts the onus of compliance with the Marine Mammal Protection Act on visitors, ignoring its obligation not to enable (literally permit) visitors to violate the act (p. 142). The Proposed RMP’s inconsistency with USFWS management puts USFWS objects and values at risk, as public access continues “the potential for visitors to mistakenly access USFWS island and rocks on which recreation is prohibited” (p. 186) given that the public often cannot distinguish ownership of the many rocks in the area. In fact, in personal correspondence with the San Juan County Marine Resources Coordinator, that person was unaware that any of the federal rocks in the archipelago had non-USFWS regulations. Human waste is another risk of public access that was not adequately analyzed. Boaters pulling out on small sites are often seeking a place to relieve themselves. BLM only discussed human waste’s impact on nearshore habitat (p. 91), not the impact human waste would have on the use of the sites (e.g. small rocks) by wildlife such as seals and seabirds seeking refuge. This doesn’t meet the need to have a scientific analysis of the impact of activities on the Monument’s objects and values.

The Wilderness Society et al.

Katie Meehan

Issue Excerpt Text: BLM arbitrarily allows for uses that conflict with the directives of the Proclamation. BLM has failed to manage for the protection and preservation of its natural, cultural, historic, and scientific values and instead allows for other uses that conflict with the directives of the proclamation. The Proposed RMP allows for management uses that are likely to negatively impact monument resources, objects, and values, including public access to sensitive sites, widespread dispersed camping, and use of firearms within the monument. The Proposed RMP lacks meaningful analysis and reasoning as to how this management might impact monument resources, objects, and values and as to why the agency overlooks this harm and chooses its preferred management direction. A federal agency’s actions that are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law” will not withstand judicial review. 5 U.S.C. §

706(2)(A). “An agency action is arbitrary and capricious if the agency ... entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or [if the decision] is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Utah Envtl. Cong. v. Richmond*, 483 F.3d 1127, 1134 (10th Cir. 2007 (internal citations omitted)). Here, the agencies failed to meet their obligations under the Antiquities Act and the monument proclamation, Proclamation 8947, as described in further detail throughout the protest. In certain instances, the Proposed RMP fails to recognize that the monument has special status and to analyze the impacts of authorized activities under the standard of prioritizing the protection of monument objects. As such, the agency’s actions are arbitrary and capricious and must be revisited.

The Wilderness Society et al.

Katie Meehan

Issue Excerpt Text: We are also concerned that the Proposed RMP allows public access on 55 of the Monument’s 65 sites, including many small rocks and reefs and 10 state-designated marine mammal haulouts. See Proposed RMP, Appendix R, p. 16-20. All of the small rocks and reefs in the monument are proposed to be open to public use, regardless of the sensitivity of their sites, their habitat value, the visual impact of public visitation, protection of cultural sites, etc. See Proposed RMP p. 683- 688. As previously stated in draft comments, sites identified as Category A and Category B rocks should not be open to recreational access. In fragile areas where existing visitation is significant, such as Trinka Rock, efforts should be made to funnel visitors to a more appropriate and less fragile destination. Other areas that should be closed to recreational access include Fauntleroy Rock, McConnel Rocks, Richardson Rocks, and Twin Rocks. Where possible, the sites closed to recreation should be managed consistently with the islands in the San Juan Islands National Wildlife Refuge. This will help with visitor confusion and create a known standard that for the most part, small rocks and islands should not be visited. BLM’s vast public access to sensitive sites is in violation of its mandate to manage the planning area for the reason it was designated as a national monument - for the protection of the monument’s resources, objects, and values.

Tom Reeve

Issue Excerpt Text: The Marine Mammal Protection Act of 1972 and 1994 amendments defines harassment to include annoyance that has the potential to disturb behavior patterns. Yet the Proposed RMP allows the public to land watercraft on rocks that are recognized by the State of Washington as Marine Mammal Haulouts and others identified as such to BLM by community members. Page 836 states that, in essence, it is the public’s responsibility to avoid harassing marine mammals. But the BLM has that same responsibility. If the BLM allows access to a haulout site and the public arrives while it is vacant, not knowing its status, then the haulout site will be abandoned (seals won’t use it while occupied) and it is BLM, not the public, that would be the knowing and responsible party.

Whatcom Marine Mammal Stranding Network

Victoria Souze

Issue Excerpt Text: Banning public access to Seal Rock only during the May to September pupping season would be inadequate. Only a total ban on public access will ensure compliance with the Marine Mammal Protection Act.

Friends of the San Juans

Stephanie Buffum

Issue Excerpt Text: Secretarial Order 3366 states BLM must “work cooperatively with State, Tribal, and Territorial wildlife agencies to ensure that regulations for recreation on lands and waters managed by the Department complement, or at a minimum do not contradict, the regulations on the

surrounding lands and waters to the extent legally practicable.” (RMP p. 496), echoing similar requirements in BLM’s Land Use Planning Handbook (its page 6), and the Federal Land Policy and Management Act of 1976 (FLPMA 202(c)(9)). While the Proposed RMP cites the public’s need to obey the Marine Mammal Protection Act (p. 142) and allows for temporary closures (p. 19), we feel that these small sites need to be closed to the public in order to protect the habitats cited in the Presidential Proclamation creating the Monument. Although the proposed RMP makes many references to the habitat importance and fragility of these islands and rocks, the document is short on clear reasons to allow public access. The protection of the wildlife, including marine mammals, is critical to protect the area that attract a regular stream of wildlife watchers.

Tracey Cottingham

Issue Excerpt Text: The Presidential Proclamation does not refer to wildlife watchers as standing or sitting on the rocks to view the wildlife, but imply they are a safe distance from the water as required by law. Most worrisome to me is the permanent relocation of wildlife, or habitat interruption, by the visiting public. * Proposed RMP which cites the public’s need to obey the Marine Mammal Protection Act (p. 142) and allows for temporary closures (p. 19). * Also as stated in the Proclamation, “nothing in the monument shall be deemed to enlarge or diminish the jurisdiction of the State of Washington with respect to fish and wildlife management”. (Pg. 508) “Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument.” (Pg. 508) * As referenced in the Proposed RMP 10 of these rocks and reefs are state- designated marine mammal haulouts. (p. 16-20, Appendix R). Closing these rocks to recreation of the public will have more merit with the use of these rocks for scientific or cultural study, as analyzed by the BLM(e.g. p. 38-39, 49- 50, 80-81, 138, 202), though they would take measures such as site closures to recreation to minimize damage. This will be extremely hard to manage all of these rocks and reefs from recreation damage or dispersment of wildlife habitat, by the BLM, or other land managers. I understand the Secretarial Order 3366 (p. xi, 17) relying mainly on BLM’s multiple- use mission which pushes BLM to expand existing recreational opportunities that are consistent with applicable laws and regulations. This order is one of the main reasons these rocks are now proposed to be open to the public, going against the advice and counsel of the Monument Advisory Committee prior to 2017, and not complimentary or consistent with surrounding lands and their management.

Tracey Cottingham

Issue Excerpt Text: In reading Chapter 2 under Recreation and Visitor Services, and also in Appendix R, the Proposed RMP allows public access on 55 of the Monument’s 65 sites, including many small rocks and reefs and 10 state- designated marine mammal haulouts. (p. 16-20, Appendix R) * The Proposed RMP closes public access on 10 sites, all formerly listed in the Islands Recreation Management Area (RMA). The 10 closed sites are listed (pg. 18) ;Toad Island, Fauntleroy Rock, Little Patos Island, Lummi Rocks, McConnell Rocks, Mud Island, Oak Island, Parks Bay Island, Richardson Rock, and Twin Rocks. I support the closures of these rocks, but the RMP must also close all rocks and reefs for public access, not just these 10, for recreation use. * The RMP does state under Boating Access, Table 42(pg.155), that many of the shoreline areas of the monument are very difficult to access via boat . This is true for most of the rocks and reefs, with no beach landing sites. Hauling a kayak above the incoming tide will be very challenging, thus the potential for a public visitor to lose their watercraft and be stranded, is a high likelihood and will result in a dangerous situation for a rescue. Allowing the public to access the wildlife habitat and marine mammal haulouts, goes directly against the Presidential Proclamation “to conserve, protect, and enhance the objects and values of the San Juan Islands National Monument” and on protecting the species and habitat of the Monument as sited in the proposed RMP. (78:16, 80:1, 82:4, 82:20, 85:10, 273:29, 276:32, 278:30).

Tracey Cottingham

Issue Excerpt Text: Although the proposed RMP makes many references to the habitat importance and fragility of these islands and rocks, the document is short on clear reasons to allow public access to these fragile rocks and reefs that have seen little if any public accessing them, due to long standing county regulations that prohibit using them for recreation. * Secretarial Order 3366: Increasing Recreation Opportunities on Lands and Waters Managed by the U.S. Department of the Interior (April 18, 2018) requires the BLM to (1) collaborate with the relevant State, Tribal, and Territorial authorities responsible for recreation during the Department’s land-management planning and implementation, including prioritizing recreational projects and funding that contribute to achieving recreational opportunities; (2) work cooperatively with State, Tribal, and Territorial wildlife agencies to enhance their access to Department lands to provide opportunities for recreation; (3) work cooperatively with State, Tribal, and Territorial wildlife agencies to ensure that regulations for recreation on lands and waters managed by the Department complement, or at a minimum do not contradict, the regulations on the surrounding lands and waters to the extent legally practicable. The Secretarial Order 3366 states BLM must “work cooperatively with State, Tribal, and Territorial wildlife agencies to ensure that regulations for recreation on lands and waters managed by the Department complement, or at a minimum do not contradict, the regulations on the surrounding lands and waters to the extent legally practicable.” (pg. 496). * Prior to this Secretarial Order, the BLM already had a similar policy as listed in the BLM’s Land Use Handbook Planning on (on Page 6), and the Federal Land Policy and Management Act of 1976 (FLPMA 202(c)(9)). * As stated in the Conservation Plan for the San Juan Islands National Wildlife Refuge, “The undeveloped refuge rocks, reefs, and islands within San Juan Islands Wilderness provide a dramatic natural setting in the San Juan Archipelago. Hundreds of thousands of annual visitors to the San Juan Archipelago appreciate the scenic natural beauty and the ecological values associated with the abundant marine wildlife populations these wilderness areas protect. The rocks, reefs, and islands of the San Juan Islands wilderness area are not open to the public. However, they are extremely important to the recreational experiences of Archipelago residents and visitors who view these areas from boats or Washington State ferries.” (Wildlife Refuge plan pages H-20, H-25) * The Conservation Plan for the Wildlife Refuge also state that “safety is another reason to keep the public from approaching these islands, due to rocky shorelines, submerged hazards, currents, and other variables” (USFWS p. H-12). And their 200-foot no-approach buffer “is to prevent the “take or harassment,” under the Marine Mammal Protection Act of 1972 and the Endangered Species Act 1973, of pinniped haulout/pupping sites and other listed wildlife species” (USFWS p. H-12). I will comment on this safety in my personal statements below and how I am affected. * There is a wide range of professional and scientific opinions and recommendations regarding what is a minimum distance people should avoid marine mammals and seabirds. For example, one USFW (Draft) guideline regarding marine mammals and blasting recommended that any marine mammal spotted within 300 feet of a blasting exclusion zone be halted and not resume until 30 minutes after initial sighting. Additionally, several wildlife viewing guides and sources suggested recreational viewing of marine mammals from land or water avoid seals and sea lions anywhere from 66 feet to 100 feet. (<https://www.fisheries.noaa.gov/topic/marine-life-viewing-guidelines/guidelines-distances>; <https://www.doc.govt.nz/documents/conservation/native-animals/marine-mammals/marine-mammal-regulations-summary.pdf>. Clark 1986). A distance of a 300-foot zone was selected based primarily on the NOAA recommendation as well as sense that most trails segments greater than 300 feet would have limited to no opportunities for people to be in line-of-sight with nearshore wildlife, due to trees and topography. * A general setback guideline of 164 feet (50 meters) has been recommended for seabirds (Chatwin et al 2013); 300 feet is a conservative distance within which disturbance could occur.

Tracey Cottingham

Issue Excerpt Text: Opening these sensitive rocks and reefs for public recreation has the potential to go against these additional federal government acts as listed in Appendix L. (Pg. 492) * The Endangered Species Act (ESA) of 1973 (16 USC 1531 et seq.), as amended, directs federal agencies to (1) conserve threatened and endangered species and the ecosystems upon which they depend, and (2) not contribute to the need to list a species. * Sikes Act of 1974 (16 USC 670g et seq.), Title II, as amended, directs the Secretaries of Interior and Agriculture to, in cooperation with the State agencies, develop, maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish, and game species.

Cyndi Smith

Issue Excerpt Text: In order to uphold the original purpose of the San Juan Islands National Monument, which is “to protect those objects... “ of the monument, the two smaller Richardson Rocks #2 & #3 should have the same protections as Richardson rocks #1, which is no public access. The two smaller Richardson rocks are a part of the San Juan Islands National Monument and located nearby Richardson Rock #1. One islet is a rocky outcropping shorebird habitat, populated with small crustaceans and small native wildflowers finding a tenuous existence in the rock crevices; the other islet, which is approximately 50 feet from the other, is a larger rock with native grasses and wildflowers, masses of blue spring camas. and shorebirds. The San Juan Islands National Monument was created by Proclamation 8947 which states “the Secretary shall manage the monument through the BLM as a unit of the National Landscape Conservation System”. The National Landscape Conservation System was established by the Omnibus Public Land Management Act of 2009 [Public Law 111-11] to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations. Therefore, to fulfill its proclamation, the San Juan National Monument must conserve, protect, and restore the fragile habitats and species within Its area.

Cyndi Smith

Issue Excerpt Text: These Category A & B rocks are nesting and foraging habitat for black oystercatchers, a focal species for priority conservation action by the US Department of Fish and Wildlife. Listing these shorebirds as a focal species denotes them as a shorebird which that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act (ESA) of 1973. In a 2014 study (footnote 1: A global assessment of the conservation status of the Black Oystercatcher *Haematopus bachmani*”, David F. Tessler, James A. Johnson, Brad A. Andres, Sue Thomas & Richard B. Lanctot; 2014), it was estimated that only 321 black oystercatchers remain in the Puget Sound region. From my pictures above, you can see that a large proportion of these birds reside in the San Juan National Monument. Given that black oystercatchers are identified as a focal species, they are considered a fragile species and actions of the proposed RMP must “preserve, protect, and restore” these birds. Allowing continued public access to the Category A & B rocks will pose a threat to these fragile birds.

Douglas McCutchen

Issue Excerpt Text: Public Access to Small Islets, Rocks, Reefs, and Other Sensitive Sites (RMA pg 16-18 and Appendix R) Allowing public access to small islets, rocks, reefs of the Category A and Category B Recreation Management Areas (RMAs) (pg 18) will cause direct and indirect harm to me. Additional RMAs for which allowing public access would cause harm to me through degradation of natural resources include a) Cape Saint Mary, b) Eliza Point, c) Islands: Freeman and Read’s Bay Granting public access to these small Islets, rocks, reefs, and other sensitive sights will cause degradation of resources as described below. This runs counter to Presidential Proclamation 8947 which states: “The protection of these lands in the San Juan Islands will maintain their historical and cultural significance and enhance their unique and varied natural and scientific resources, for the benefit of all Americans.”

Lorrain Edmond

Issue Excerpt Text: Although the Proposed RMP cites the public's need to obey the Marine Mammal Protection Act (p. 142) and allows for temporary closures (p. 19), these small sites need to be closed to the public in order to protect the habitats that were cited in the Presidential Proclamation creating the Monument. The proposed RMP does not show clear reasons to justify allowing public access to these areas. Allowing public access to these sites is also in conflict with and contradicts the goals of the U.S Fish and Wildlife Service in the National Wildlife Refuge Conservation Plan. I am protesting access to these sensitive areas because access is not in keeping with the goals of the Monument. The exclusion to access to these sites should be included in the RMP and not deferred until implementation. These areas might well be screened out during implementation planning, because they would be unlikely to meet any rational suitability criteria, but that approach is both risky and inefficient.

Thurid Clark

Issue Excerpt Text: I believe the State Director's decision to allow dispersed camping on Seal Rock Is Inappropriate. Seal Rock Is an established haul out for Harbor Seals and occasional Stellar Sea Lions protected both under the Endangered Species Act and the Marine Mammal Protection Act. During pupping season, May to September, the rock Is occupied by harbor seals and their pups as soon as the tide Is low enough to reveal enough surface for the seals to rest. At high tide most of the rock Is submerged. There Is no alternative haul out within five miles. Camping on the rock would not only endanger the seals but the campers too, for only a very small portion of the rock Is above water at high tide, It Is slippery and very smelly. Allowing humans, dogs, kayakers and boats to approach the rock violates the Federally mandated Marine Mammal Protection act of 1972, which requires us to stay away from marine mammals for a distance of 100 yards. Changing the long established use of the rock by seals to that of recreational use would violate the mission of National Monuments to protect and preserve the Integrity and historic use of a place.

Tom Bowden

Issue Excerpt Text: The Proposed RMP allows public access to 55 of the 65 Monument sites. This includes many small rocks and reefs and 10 stat e-designated marine mammal haul outs (p. 683-688). Access is allowed regardless of the sensitivity of those sites, their habitat value, the visual impact of that use, protection of cultural sites, and impacts to marine mammals. While the Proposed RMP cites the public's need to obey the Marine Mammal Protection Act (p. 142) and allows for temporary closures (p. 19), these small sites need to be closed to the public in order to protect the habitats cited in the Presidential Proclamation creating the Monument . The Proposed RMP is deficient in justifications to allow public access, particularly considering the document includes many references to the importance of habitat and fragility of these islands and rocks. Allowing public access to these sites is also in conflict with and contradicts the goals of the U.S Fish and Wildlife Service in the National Wildlife Refuge Conservation Plan. I am protesting access to these sensitive areas as is not in keeping with the goals of the Monument. The exclusion to access to these sites should be included in the RMP and not deferred until implementation.

Tom Cowan

Issue Excerpt Text: Public Access to Sensitive Sites Chapter 2 and Appendix R The proposed RMP allowing public access to 55 small rocks and reefs including marine mammal haulouts is contrary to the Proclamation (p. 506) that includes protection of wildlife and contrary to BLM's own scientific and environmental analysis of habitat and cultural site damage from recreation (p. 38-39, p. 49-50, p. 80-81.)

Sally Reeve

Issue Excerpt Text: Presidential Proclamation 8947 of March 25, 2013: The protection of these lands In the San Juan Islands will maintain their historical and cultural significance and enhance

their unique and varied natural and scientific resources, for the benefit of all Americans...Whereas it is in the public interest to preserve the objects of scientific and historic interest on the lands of the San Juan Islands;... For purposes of protecting and restoring the objects identified above, the Secretary, through the BLM, shall prepare and maintain a management plan for the monument. In addition the Proclamation calls out: The diversity of habitats in the San Juan Islands is critical to supporting an equally varied collection of wildlife. Marine mammals, including orcas, seals, and porpoises, attract a regular stream of wildlife watchers. Native, terrestrial mammals include black-tail deer, river otter, mink, several bats, and the Shaw Island vole. Raptors, such as bald eagles and peregrine falcons, are commonly observed soaring above the islands. Varied seabirds and terrestrial birds can also be found here, including the threatened marbled murrelet and the recently reintroduced western bluebird. The Proclamation notes the importance of these lands to Coast Salish Tribes: Archaeological remains of the villages, camps, and processing sites are located throughout these lands, including shell middens, reef net locations, and burial sites. * Allowing public access on the BLM lands listed above is contrary to the Proclamation which established the San Juan Islands National Monument. The Proposed RMP/ EIS, p. 38-39, 49-50, 80-81, 138, 202 notes the potential damage to habitat or cultural sites from recreation. These sites have 10 state designated marine mammals haul outs and likely contain cultural sites (are likely to be seen as contributing to the risk of damage to resources and conditions valued by tribes” (p. 202).). The ability of BLM to put future or temporary restrictions on public access is not adequate to protect and restore the objects and values of the Proclamation . Most of these sites are in remote locations and difficult to access. BLM does not have the staff nor equipment to monitor temporary closures. * Conservation Plan for the San Juan Islands National Wildlife Refuge, Marine Mammal Protection Act of 1972 and the Endangered Species Act 1973.

[https://www.fws.gov/pacific/planning/main/docs/WA/Protection%20sl/PLSJINWRs stand alone CCP 3-8-11.pdf](https://www.fws.gov/pacific/planning/main/docs/WA/Protection%20sl/PLSJINWRs%20stand%20alone%20CCP%203-8-11.pdf) * Allowing public access on the BLM lands listed above the Proposed RMP/EIS is not consistent with the San Juan National Wildlife Refuge’s management plan. Most of the Refuge consists of small, wilderness islands whose fragile habitats are closed to human activities, enforced by a 200 yard off-shore buffer zone to protect nesting, resting, and feeding birds. Public access is only allowed at Turn and Matia State Parks. By allowing public access to the BLM sites listed above, the Proposed RMP/EIS will cause confusion as to which rocks, reefs, and places allow public access because it is hard to distinguish which areas are BLM and which are USFWS. Visually it is difficult to tell BLM sites from USFWS. Maps are inconsistent. Not all USFWS sites are signed no public access. Allowing public access on the above referenced BLM sites will degrade the San Juan National Wildlife sites, causing management plan issues for the USFWS, as the public will now feel they can visit the closed sites. * Secretarial Order 3366, BLM’s Land Use Planning Handbook, and the Federal Land Policy and Management Act of 1976 (FLPMA 202(c)(9)) states: BLM must “work cooperatively with State, Tribal, and Territorial wildlife agencies to ensure that regulations for recreation on lands and waters managed by the Department complement, or at a minimum do not contradict, the regulations on the surrounding lands and waters to the extent legally practicable. * Allowing public access on the BLM lands listed above does not comply with this given the San Juan National Wildlife Refuge’s management plan of restricting public access to protect fragile habitats and wildlife.

Sally Reeve

Issue Excerpt Text: The Proposed RMP/EIS allows in the plan Increases in wildfire risk without adequately considering the damage to the fragile ecological objects and values, the cultural objects and values and the historic object and values and the Increased dangers to public safety, public property and private property. This increase in wildfire risk stems from the allowing public access, including in most areas allowing dispersed camping with permit, to Category A and Category B rocks (Yes, Goose Island off Cattle Point did burn, San Juan Islander June 26, 2015), some Islands, President’s Channel, Eliza Point, Carter Point, Lopez Pass, Cape St Mary. The increase in wildfire

risk includes areas which should have public access but should not have dispersed camping with permit: Cattle Point, Kellett Bluff, and the Islands RMA. While the Proposed RMP/EIS does prohibit fireworks for public safety reasons, it does not consider other open flame risks to starting wildfires such as candles, smoking, matches, lighters.

Barbara Marrett

Issue Excerpt Text: BLM failed to comply with the Antiquities Act of 1906’s mandate to prioritize the protection of Monument Objects and values by allowing recreational use of category A & B Rocks and currently remote sites. All the small rocks and reefs in the monument are proposed to be open to public use (Appendix R p. 683-688). In my participation during MAC planning meetings, I requested alternatives that prohibit the recreational use of Category A & Brocks. Recreation will threaten wildlife currently found in these areas and will decrease the Islands’ value to passing boaters or people observing wildlife from the shoreline. These small sites need to be closed permanently to the public in order to protect the habitats cited in the Presidential Proclamation (Appendix O page 507}. Although the proposed RMP refers to the habitat importance and fragility of these islands and rocks, the document sites recreational opportunities for solitude and non-motorized craft to land as reasons to allow public access. These uses will not protect, indeed they will threaten, the fragile environment.

Kwiaht

Russel Barsh

Issue Excerpt Text: The Proposed Plan as a whole is legally inconsistent with Proclamation 8497, insofar as it privileges recreation over the protection of known biological and cultural resources, in particular on small islands. Kwiaht concurs with Tribal comments that most if not all of these units should be closed to recreational uses. BLM wins no logic contest by arguing that the word “education,” where it appears in the 2013 proclamation, should be read as “recreation”. Not all recreation is educational nor is all education recreational. The omission of “recreation” from the proclamation was intentional, and it was meant to reduce the impact of human activity on sensitive biological and cultural resources. “Education” implies an organized process led by knowledgeable teachers and directed at specific learning objectives. Equating this with a group of visitors searching for a scenic viewpoint where they can take selfies, is specious. (Footnote 6: Paradoxically, the Proposed Plan at p. 17 states that education is not recreational. Having interpreted the reference to “education” in the Proclamation 8497 to bootstrap recreation into a priority, BLM deprives actual educational activities from the privileged role accorded to recreation by the plan.

Kwiaht

Russel Barsh

Issue Excerpt Text: Kwiaht supports the Proposed Plan’s strategy of closing sensitive islands to recreational activities. We are unable to discern any consistent basis upon which BLM chose which islands to close, however. Our surveys documented fragile plant communities and/or cultural materials on Broken Point (“Toad”) Island, Little Patos, Lummi Rocks, Oak Island, Twin Rocks, and Richardson Rock (aka Rabbit Island), and we are aware of similar concerns for Mud Island; but we had found no sensitivities on Fauntleroy Rock, McConnell Rocks (“Little Mac”) or Parks Bay Island that would require closing. On the other hand, we reported exceptionally sensitive plants and/or cultural remains on Reads Bay Island, Blind Island (East Sound), Indian Island, and Skull Island, which the Proposed Plan would leave unrestricted. We can find no consistent criteria for the classification of these islands with respect to sensitive resources.

The Wilderness Society et al.

Katie Meehan

Issue Excerpt Text: In general, the Proposed RMP fails to establish a general limit on group size, and instead removes the existing group size limitation of 10 people on specific sites. BLM should

maintain group size of 10 people for former ACEC lands on Lopez Island, including Iceberg Point, Point Colville, Watmough Bay, and Chadwick Hill. This group size limitation should extend monument-wide, except in situations where user impacts are noticeable, in which case the group sizes should be smaller. BLM must thoroughly analyze and consider potential impacts from increased public use of the monument, including social use trails and increased waste.

The Wilderness Society et al.

Katie Meehan

Issue Excerpt Text: At minimum, BLM must set specific standards in the ongoing planning process, including unambiguous criteria for issuance of Special Recreation Permits (SRPs). Currently, the Proposed RMP does not include criteria or information as to how SRPs or large group events will be managed. Establishing clear criteria for the issuance of SRPs is a realistic way for BLM to manage for increased visitation and to avoid unnecessary damage to monument resources, objects, and values. The agency failed to analyze the direct and indirect impacts of imposing no group size limitations on the various public use sites and removing existing group size limitations on specific sites.

Washington Department of Fish and Wildlife

Ruth Milner

Issue Excerpt Text: The Proposed RMP allows open recreational access and dispersed camping by permit on the remaining small islands and rocks within two RMA's designated as "Category A and Category B Rocks" (chapter 3, page 167; Appendix R, pages 683-688). Under the proposed RMP, recreational boat landing will also occur on all Category A and B Rocks (Chapter 3, page 156). WDFW considers these recreational activities to be inappropriate on or near Category A and B Rocks because of the risks to disturbing Black Oystercatchers and other wildlife acknowledged in Chapter 3, pages 272-273. Recreational access to two specified RMA's: Category A and B Rocks should be closed, including dispersed camping and recreational boat landing. Tessler, DF, JA Johnson, BA Andres, S Thomas and R Lanctot. 2007. Black Oystercatcher (*Haematopus bachmani*) Conservation Action Plan.

Friends of the San Juans

Stephanie Buffum

Issue Excerpt Text: The San Juan Islands National Wildlife Refuge's Conservation Plan, which prohibits dispersed camping, states "The rocks, reefs, and islands of the San Juan Islands wilderness area are not open to the public ... However, they are extremely important to the recreational experiences of Archipelago residents and visitors who view these areas from boats or Washington State ferries." (Wildlife Refuge plan page H-25) One of the largest areas where the Proposed RMP is inconsistent with other plans is the San Juan Islands National Wildlife Refuge. The rocks, reefs and islands of the San Juan Islands National Wildlife Refuge were set aside in 1960 to provide important habitat for migratory birds and other wildlife. Black oystercatchers, Brandt's cormorants, rhinoceros auklets, and pigeon guillemots are among the bird species that nest on Refuge islands. Harbor and elephant seals regularly use the shorelines to rest, molt and give birth to pups. Additionally, the untrammeled islands are home several rare plants including brittle prickly-pear cactus, bear's foot sanicle, and California buttercup. The rocks, reefs, and islands of the San Juan Islands wilderness area are not open to the public and are extremely important to the recreational experiences of Archipelago residents and visitors who view these areas from boats or Washington State ferries." (Wildlife Refuge plan pages H-20, H-25). Where access by recreational boats is allowed on the smaller islets, BLM should coordinate seasonal closures with the Washington Department of Fish and Wildlife and the U.S. Fish and Wildlife Service to protect nesting seabirds and marine mammals. The USFWS Refuge state that "safety" is another reason to keep the public from approaching these islands, due to rocky shorelines, submerged hazards, currents, and other variables" (USFWS p. H-12).

Mount Baker Group Sierra Club

Judith Akins

Issue Excerpt Text: BLM has failed to manage for the protection & preservation of its natural, cultural, historic, and scientific values and instead allows for other uses that conflict with the directives of the proclamation. The Proposed RMP allows for a variety of management that is likely to negatively impact monument resources, objects, and values, including public access to sensitive sites, widespread dispersed camping, and use of firearms within the Monument. The Proposed RMP lacks meaningful analysis and reasoning as to how this management might impact monument resources, objects, and values and as to why the agency overlooks this harm and chooses its preferred management direction. A federal agency's actions that are "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law" will not withstand judicial review. 5 U.S.C. § 706(2)(A). "An agency action is arbitrary and capricious if the agency ... entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or [if the decision] is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Utah Env'tl. Cong. v. Richmond*, 483 F.3d 1127, 1134 (10th Cir. 2007 (internal citations omitted)). The Proposed RMP allows public access on 55 of the Monument's 65 sites, including many small rocks and reefs and 10 state-designated marine mammal haulouts. Last winter's Draft RMP divided the Monument's smaller sites into three groups: Islands, Category A Rocks, and Category B Rocks. Category B rocks "generally have more sensitive resources than Category A Rocks." The Proposed RMP blocks public access from 10 sites, all formerly listed in the Islands group, but allows public access to all of the rocks. All the small rocks and reefs in the monument would be open to public use, regardless of the sensitivity of those sites, their habitat value, the visual impact of that use, etc. While the Proposed RMP cites the public's need to obey the Marine Mammal Protection Act and allows for temporary closures, we feel that these small sites need to be closed to the public in order to protect the habitats cited in the presidential proclamation creating the Monument.

Cyndi Smith

Issue Excerpt Text: The rocks also have several species of fragile wildflowers, including masses of camas, which will be trampled by kayakers landing on the rocks. Allowing public access to these small rocks will not fulfill the proclamation to preserve, protect, and restore the fragile landscapes.

Connie Holz

Issue Excerpt Text: I protest equestrian access to designated roads and trails at Watmough and Chadwick Hill as stated in Appendix a, Lands and Realty, page 671, and Appendix a, Recreation and Visitor Services, page 671. Equestrian access has the potential to damage water quality with sediment, erosion, and pollution from horse excrement, disrupt riparian areas, disrupt local natural habitat, degrade the trail and vegetation removal, as well as disturb local animal species. Horse Keeping: A Guide to Land Management for Clean Water, [9], page 27, states, "Excessive nitrogen from manure feeds algae blooms that ultimately consume much of the oxygen in water. Ammonia from urine and manure can be toxic to aquatic life." This is written by horse enthusiasts and they recognize that horses and aquatic areas do not mix. The summary of Fish Catch Results for Watmough Bay, 2008 and 2009, [10] documents the species that utilize Watmough Bay. Beach seine samples for fish at Watmough Bay as part of the Salmon Recovery Project between March through September 2008 and April through October 2009 caught a total of 53,038 fish from 44 different species including five species of juvenile salmon and three species of forage fish. Any horses in this sensitive area would be detrimental. The Presidential Proclamation 8947 -San Juan Islands National Monument states: "Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Washington with respect to fish and wildlife management." [11] BLM's own San Juan Island National Monument Draft RMP/EIS Appendix F: Best Management Practices, page 407, lines 3 through 7, discusses best management practices in

preventing or reducing the amount of pollution generated by diffuse sources... the BLM would select when implementing projects within the Monument in order to eliminate or minimize water quality impacts. Allowing horses directly negatively impacts water quality as well contradicts BLMs own RMPs.

Summary:

The SJINM Proposed RMP and FEIS (BLM 2019) fails to:

- Comply with Secretarial Order 3366, San Juan County Code, and other laws and regulations by allowing public access to small islets, rocks, reefs, and other sensitive sites, and
- Conserve, protect, and restore habitats and species as required by Presidential Proclamation 8947 by allowing public access to sensitive sites.

Response:

Section 202(c)(9) of FLPMA requires that “land use plans of the Secretary under this section shall be consistent with state and local plans to the maximum extent he finds consistent with federal law and the purposes of this act.” However, as indicated in the BLM’s planning regulations, land use plans may be inconsistent with state, local, and tribal plans where necessary to meet the purposes, policies, and programs associated with implementing FLPMA and other Federal laws and regulations applicable to public lands. BLM regulations at 40 CFR 1506.2(d) require that EISs “discuss any inconsistency of a proposed action with any approved state or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law.”

In accordance with these requirements, the BLM has given consideration to state and local plans, such as San Juan, Skagit, and Whatcom Counties’ plans that are germane to the development of the SJINM Proposed RMP and FEIS (BLM 2019). In addition, the BLM has worked closely with San Juan County, which is a cooperating agency, during preparation of the SJINM Proposed RMP and FEIS. Chapter 4 describes coordination that has occurred throughout the development of the SJINM Proposed RMP and FEIS (see FEIS, pp. 295–298).

A list of the local, state, and tribal plans that the BLM considered can be found in Appendix L of the SJINM Proposed RMP and FEIS. Pursuant to 40 CFR 1506.2(d), the BLM will discuss why any remaining inconsistencies between the SJINM Proposed RMP and FEIS and relevant state and local plans cannot be resolved in the ROD for the SJINM Proposed RMP and FEIS. The BLM satisfied FLPMA’s consistency requirement in preparation of the SJINM Proposed RMP and FEIS.

Proclamation 8947 required the BLM to prepare a management plan for the purposes of protecting and restoring the Monument objects. In general, how this is to be achieved is not specified in the proclamation, though it does explicitly prohibit few public uses (i.e., cross-country or trail-based motor vehicle and cross-country bicycle use) that are not being considered in the range of alternatives.

As per Secretarial Order 3373, Evaluating Public Access in Bureau of Land Management Public Land Disposals and Exchanges, the BLM will evaluate the benefits of recreational access when considering future exchanges and will work to identify alternatives to any public access that would be lost through the exchange, by appropriately considering an associated acquisition with a recreational access component, as authorized by Section 205 of the FLPMA, Section 206(c)(3)(B) of the Federal Land Transaction Facilitation Act of 2018, and any other acquisition authority that may be available.

Because of their sensitive cultural and ecological resources, the BLM will prohibit public access in areas of the Monument not designated as Recreation Management Areas (RMAs). These areas encompass a total of 29 acres of small islands. These islands include formally identified marine mammal haulout, seabird nesting sites, sensitive plant communities, and Coast Salish cultural sites. Specifically these small islands are: Toad Island, Fauntleroy Rock, Little Patos Island, Lummi Rocks, McConnell Rocks, Mud Island, Oak Island, Parks Bay Island, Richardson Rock, and Twin Rocks.

As described in Appendix A of the SJINM Proposed RMP and FEIS, Alternative A would close the entire Monument to recreational access; Alternatives B and C would close all or some of the Monument's rocks to recreational access. Alternative A and C would both close the Monument to all dispersed camping; Alternatives A, B, and, C would close the Monument to trail-based bicycle use; and Alternatives A and B would close the Monument to trail-based equestrian use. The BLM's analysis of impacts from recreational use under the No Action Alternative considers both existing uses and also the opportunities that would continue to be available, even when they are used infrequently. As described under *Recreation and Visitor Services Analytical Issue 1* (see FEIS, pp. 141–179), as well as under the analysis of impacts from recreation on habitat and plants and wildlife (see FEIS, pp. 59–133), there is currently limited bicycle and dispersed camping use within the Monument. There is regular equestrian use of approximately 1 mile of trail at Chadwick Hill and Watmough Bay. While the current use is limited, unless plan decisions are made to the contrary, these uses could occur on all (for equestrian and bicycle trail use) or the majority (for dispersed camping) of the Monument under the No Action Alternative and impacts from public access for recreation would not differ.

The BLM satisfied FLPMA's consistency requirement regarding public recreation access in preparation of the SJINM Proposed RMP and FEIS. Accordingly, the protest is denied.

FLPMA – Consistency with Other Plans - Shooting

Rhea Miller

Issue Excerpt Text: It also does not consider County Codes that regulate target shooting and shooting ranges. The AMP should respect county codes regulating this activity. Some of these properties are small enough that it is impossible to discharge ammunition, which would not go beyond the boundaries of the monument. County Code Violation: * 18.30.040 Land Use Table Natural Designation Outdoor Shooting Range not allowed. * Indian Island Specific 18.30.460 Table 4 Eastsound Sub-Area Plan Land Use Table; Natural Designation; Outdoor Shooting Range not allowed. * 18.30.330(c) Recreational Developments Outdoor shooting and archery ranges shall be located, designed, constructed and operated to prevent the likelihood of discharge of ammunition beyond the boundaries of the parcel where they occur. It is recommended that the National Rifle Association's Range Manual be consulted and used in the development and operation of ranges; Articles 1, 2, and 3 of the safety recommendations for outdoor shooting ranges shall be used as guidelines in the design and construction of shooting ranges. (Ord. 2-1998 Exh. B § 4.25).

Tom Reeve

Issue Excerpt Text: The Proposed RMP allows target shooting in conflict with local regulation and without the safeguards needed to protect public safety and manage wildfire risk. Discharge of firearms has been discussed at nearly every public meeting during the planning process and was discussed in my January 2019 comments on the Draft RMP/EIS. Statement of the part or parts of the plan being protested (including Chapter, Section, Page, and/or Map) Page 172 states that the Monument sites will be open to target shooting during WDFW-established hunting seasons. This is in conflict with local regulation and was decided without adequate analysis and restrictions. A

concise statement explaining why the State Director’s decision is believed to be wrong. Target shooting is prohibited on lands in San Juan County that are classified as Natural or Conservation lands (<https://www.codepublishing.com/WA/SanJuanCounty/#!/SanJuanCounty18/SanJuanCounty1830.html>) . Most or all of the Monument sites fall into those classifications. When San Juan County does allow target shooting, they are required to minimize the likelihood of discharge of ammunition beyond the boundaries of the parcels where the occur (<https://www.codepublishing.com/WA/SanJuanCounty/#!/SanJuanCounty18/SanJuanCounty1840.html>) . Similar restrictions from the State of Washington are found in WAC 332-52-145 (<https://apps.leg.wa.gov/wac/default.aspx?cite=332-52-145&pdf=true>). The Proposed RMP/EIS acknowledges that no public lands in San Juan County, outside of BLM, are open for target shooting (p. 173). In each of these cases the decision in the Proposed RMP is in conflict with the regulation and management of surrounding lands. Allowing target shooting is contrary to the mandate of Secretarial Order 3366, which states that BLM must “work cooperatively with State, Tribal, and Territorial wildlife agencies to ensure that regulations for recreation on lands and waters managed by the Department complement, or at a minimum do not contradict, the regulations on the surrounding lands and waters to the extent legally practicable” (p. 496). Similar requirements are presented in BLM’s Land Use Planning Handbook (its p. 6) and FLPMA 202(c)(9) and are also counter to the decision reached in the Proposed RMP. The Proposed RMP recognizes that the local hunting regulations restrict firearm types to exclude, for example, high-powered rifles (p. 148, 810). This limitation is a factor in the analysis that BLM conducted on hunting impacts on safety and fire risk. However, the Proposed RMP allows target shooting without any such restrictions on firearm type, which should have required a separate analysis of the risks of allowing those additional firearms (e.g. the risk of high-powered rifle use to people outside the Monument boundaries and the increased risk of fire ignition from rifle shot). Even in the analysis that BLM did with regard to hunting, they only looked at public safety data from WDFW (p. 148) instead of data from the millions of acres of public land outside of Washington State. This doesn’t qualify as using the best science. BLM also minimized the need for analysis of discharge of firearms by stating that BLM “is not aware of any use of firearms or bows within the Monument for recreational target shooting” (p. 148). This past lack of use is not sufficient cause or analysis to allow for future use. Such an argument would not suffice in other areas, such as saying that no past campfires is sufficient reason to assume there will be no future campfires.

Douglas McCutchen

Issue Excerpt Text: The cumulative Impact of hunting and recreational shooting at all of these sites will Impact my safety and well-being, cause wildlife disturbance, negatively affect the wilderness and/or remote character of sites, and rob me of my experience of quiet solitude. These impacts are not congruent with the intent of the monument or the RMP and will lead to user conflict. Recreational shooting should not be permitted at any location within the Monument. I am supportive of hunting being permitted, during the hunting season, only on the following specific sites which are large enough or sufficiently Isolated to safely allows hunting without undue impacts to wildlife, neighboring properties, or other users: a) Carter Point b) Turn Point c) Kellett Bluff d) Point Colville e) Chadwick Hill f) Victim Island g) Iceberg Point The proposed RMP is in conflict with other State and Local laws and policies. The Washington State Department of Natural Resources laws prohibit use of incendiary ammunition, requires earthen backstops, and prohibits using natural features for target shooting. Within the San Juan County Comprehensive Plan there is a prohibition on outdoor shooting ranges on lands classified as Natural or Conservation (18.30.040). The majority of Monument lands are In these categories. San Juan County also requires (18.40.330(c))that outdoor target shooting ranges “shall be located, designed, constructed, and operated to prevent the likelihood of discharge of ammunition beyond the boundaries of the parcels where they occur.” I have additonal personal concerns regarding public safety, noise, disturbance to

wildlife, contamination of soils due to shellcasings and debris, destruction of cultural and ecological Items of value, wildfire risk, and potential trespass on nearby private lands.

The Wilderness Society et al.

Katie Meehan

Issue Excerpt Text: As covered in our comments submitted to the Draft RMP, BLM should not allow for widespread discharge of firearms throughout the monument due to safety concerns and impacts to monument resources, objects, and values. Hunting must be limited to specific locations and times so that BLM is consistent with local laws and policies, as well as so that user conflicts / threats to public safety are minimized and the agency is able to monitor and enforce proper management prescriptions. Target shooting should not be permitted anywhere within the monument. BLM points to Secretarial Order 3356, calling for national monument management plans to “include or expand hunting, recreational shooting, and fishing opportunities to the extent practicable under the law.” See Proposed RMP p. 148. The Proposed RMP specifies that BLM is not aware of target shooting on monument lands - and seemingly assumes that as such, leaving the area available for such a use is not a problem. However, not being aware of a specific use within an area is not sufficient reasoning for the agency to disregard the risks associated with target shooting when developing a management plan. The Proposed RMP does nothing to consider impacts to monument resources, objects, and values from target shooting. Unless and until the agency prepares a comprehensive and accurate target shooting analysis demonstrating why target shooting will not negatively impact monument resources, objects, and values, allowing target shooting within the monument is an arbitrary agency decision that is in violation of FLPMA and the monument proclamation. This reasoning is consistent with current case law impacting other national monuments. For example, in 2015, the U.S. District Court for the District of Arizona held that BLM was in violation of FLPMA and the monument’s proclamation for allowing recreational target shooting throughout Sonoran Desert National Monument and failing to protect the Monument objects. See *National Trust for Historic Preservation v. Raymond Suazo*, 2015 U.S. Dist. LEXIS 39380 (D. Ariz. Mar. 27, 2015). In that case, BLM’s inadequate analysis resulted in the management plan being vacated and remanded back to the agency. As such, the agency was required to undergo additional NEPA and complete a resource management plan amendment specific to target shooting. The completed resource management plan amendment was finalized in March 2019 and is currently the subject of additional litigation because its analysis remains inadequate. In sum, BLM’s decision to open the monument to target shooting without adequate analysis is arbitrary, and in violation of FLPMA, the Administrative Procedure Act, Proclamation 8947, Secretarial Order 3308, IM 2009-215, and the BLM 15-Year Strategy for the National Landscape Conservation System. Perhaps more importantly, if BLM decides to disregard its laws, policies and science, the agency will be moving toward a troubling precedent that prioritizes potentially harmful uses above conservation and protection.

The Wilderness Society et al.

Phil Hanceford et al.

Issue Excerpt Text: BLM points to Secretarial Order 3356, calling for national monument management plans to “include or expand hunting, recreational shooting, and fishing opportunities to the extent practicable under the law.” See Proposed RMP p. 148. The Proposed RMP specifies that BLM is not aware of target shooting on monument lands - and seemingly assumes that as such, leaving the area available for such a use is not a problem. However, not being aware of a specific use within an area is not sufficient reasoning for the agency to disregard the risks associated with target shooting when developing a management plan. The Proposed RMP does nothing to consider impacts to monument resources, objects, and values from target shooting. Unless and until the agency prepares a comprehensive and accurate target shooting analysis demonstrating why target shooting will not negatively impact monument resources, objects, and values, allowing target

shooting within the monument is an arbitrary agency decision that is in violation of FLPMA and the monument proclamation. This reasoning is consistent with current case law impacting other national monuments. For example, in 2015, the U.S. District Court for the District of Arizona held that BLM was in violation of FLPMA and the monument's proclamation for allowing recreational target shooting throughout Sonoran Desert National Monument and failing to protect the Monument objects. See *National Trust for Historic Preservation v. Raymond Suazo*, 2015 U.S. Dist. LEXJS 39380 (D. Ariz. Mar. 27, 2015). In that case, BLM's inadequate analysis resulted in the management plan being vacated and remanded back to the agency. As such, the agency was required to undergo additional NEPA and complete a resource management plan amendment specific to target shooting. The completed resource management plan amendment was finalized in March 2019 and is currently the subject of additional litigation because its analysis remains inadequate. In sum, BLM's decision to open the monument to target shooting without adequate analysis is arbitrary, and in violation of FLPMA, the Administrative Procedure Act, Proclamation 8947, Secretarial Order 3308, IM 2009-215, and the BLM 15-Year Strategy for the National Landscape Conservation System.

Lorraine Edmond

Issue Excerpt Text: As written, the RMP does not limit discharge of firearms solely for the purpose of hunting. Therefore, target shooting would be allowed during hunting season. This is in conflict with other public land management agencies - no other public lands in San Juan County are open to target shooting (p. 173). Additionally, by lack of inclusion, the RMP is in conflict with Washington State Department of Natural Resources regulations prohibiting the use of incendiary ammunition, requiring earthen backstops, and prohibiting use of natural features as targets. Finally, Washington State hunting regulations in San Juan County prohibit the use of rimfire or center fire rifles for hunting. Again, by lack of inclusion, the RMP does not exclude the use of these weapons for target shooting on Monument lands during hunting season. Because of the relatively small size of the majority of Monument sites, target shooting also represents a public safety issue. Hunting season is easy to track, so hikers, monument monitors, and other visitors can plan their use of the monument accordingly. Target shooting in these small areas would be a serious hazard and would impair the recreational enjoyment of the Monument for all other users. I am protesting any allowance of target shooting on Monument lands. The Proposed RMP should include such a prohibition to be consistent with requirements of other agencies, and in the interest of public safety.

Nancy McCoy

Issue Excerpt Text: Target shooting will not comply with San Juan County's regulations (18.30.330)(c) which states that discharge of ammunition should not go beyond the boundaries of the parcel where they occur. Many of the San Juan Island Monument properties are so small, It would be impossible to not discharge ammunition beyond the Monument boundaries. With target shooting, there are also concerns for the danger of public safety; noise; fire risk; potential trespass of neighboring land; and the loss of solitude.

Paul Henriksen

Issue Excerpt Text: I also protest target practice in San Juan National Monument lands. I am a hunter and I know that there are target ranges on all the major islands in the San Juans. Allowing target practice on Monument lands will disrupt wildlife and leave lead, a toxic heavy metal, in the soils. Widespread dispersed camping and target practice do not coincide with the intent of the Monument designation which was to create a preserve which is used lightly and respects the land and its natural systems.

San Juan County Council

Bill Watson, Rick Hughes, and Jamie Stephens

Issue Excerpt Text: Shooting (Chapter 2; Recreation and Visitor Services; pg 19)(Chapter 3; Hunting; pg 170-171)(Chapter 3; Hunting Proposed RMP; pg 172)(Chapter 3; Hunting/Shooting; Potential User Conflict; pg 176-177) {Chapter 3; Recreation and Visitor Services Issue 3- Proposed RMP; pg185) Contrary to County Code The RMP allows for the use of firearms and bows during State- designated hunting season throughout the monument outside of the three designated campgrounds. This Includes target shooting during those periods. While the State limits the type of firearms that can be used in hunting, the RMP does not place such limits on target shooting. It also does not consider County Codes that regulate target shooting and shooting ranges. The RMP should respect county codes regulating this activity. Some of these properties are small enough that it is Impossible to discharge ammunition, which would not go beyond the boundaries of the monument. County Code: * 18.30.040 land Use Table Natural Designation Outdoor Shooting Range not allowed. * Indian Island Specific 18.30.460 Table 4 Eastsound Sub-Area Plan Land Use Table; Natural Designation; Outdoor Shooting Range not allowed. 18.40.330(c) Recreational Developments Outdoor shooting and archery ranges shall be located, designed, constructed and operated to prevent the likelihood of discharge of ammunition beyond the boundaries of the parcel where they occur. It is recommended that the National Rifle Association's Range Manual be consulted and used in the development and operation of ranges; Articles 1, 2, and 3 of the safety recommendations for outdoor shooting ranges shall be used as guidelines in the design and construction of shooting ranges. (Ord. 2-1998 Exh. B § 4.25).

Tom Bowden

Issue Excerpt Text: The Proposed RMP prohibits discharge of firearms except during hunting season (p. 172). As written, the RMP does not limit discharge of firearms solely for the purpose of hunting. Therefore, target shooting would be allowed during hunting season. This is in conflict with other public land management agencies - no other public lands in San Juan County are open to target shooting (p. 173). Additionally, by lack of inclusion, the RMP is in conflict with Washington State Department of Natural Resources regulations prohibiting the use of incendiary ammunition, requiring earthen backstops, and prohibiting use of natural features as targets. Finally, Washington State hunting regulations in San Juan County prohibit the use of rimfire or center fire rifles for hunting. Again, by lack of inclusion, the RMP does not exclude the use of these weapons for target shooting on Monument lands during hunting season. Because of the relatively small size of the majority of Monument sites target shooting also represents a public safety issue and a deterrent to other visitors. I am protesting any allowance of target shooting on Monument lands. The Proposed RMP should include such a prohibition to be consistent with requirements of other agencies, and in the interest of public safety.

Tom Cowan

Issue Excerpt Text: Discharge of Firearms, Hunting and Target Shooting Chapters 2 and 3 The proposed RMP's allowance of high powered firearms is in conflict with the State's restriction of these firearms for hunting purposes. It is also in conflict with San Juan County Code 18.40.330(c) that prevents the discharge of firearms beyond the parcel's boundary and 18.30.040 which prohibits shooting ranges on Natural and Conservancy zoned lands.

Sally Reeve

Issue Excerpt Text: Issue: The Proposed RMP/EIS is incorrect In allowing Hunting In the San Juan Islands National Monument. Why this is wrong: * Presidential Proclamation 8947 of March 25, 2013: The protection of these lands in the San Juan Islands will maintain their historical and cultural significance and enhance their unique and varied natural and scientific resources, for the benefit of all Americans...Whereas it is In the public interest to preserve the objects of scientific and historic Interest on the lands of the San Juan Islands;... For purposes of protecting and restoring the

objects identified above, the Secretary, through the BLM, shall prepare and maintain a management plan for the monument. In addition the Proclamation calls out: The diversity of habitats in the San Juan Islands is critical to supporting an equally varied collection of wildlife. Marine mammals, including orcas, seals, and porpoises, attract a regular stream of wildlife watchers. Native, terrestrial mammals include black-tail deer, river otter, mink, several bats, and the Shaw Island vole. Raptors, such as bald eagles and peregrine falcons, are commonly observed soaring above the islands. Varied seabirds and terrestrial birds can also be found here, including the threatened marbled murrelet and the recently reintroduced western bluebird. The Proclamation notes the importance of these lands to Coast Salish Tribes: Archaeological remains of the villages, camps, and processing sites are located throughout these lands, including shell middens, reef net locations, and burial sites. The Proclamation notes: The lands on Patos Island, Stuart Island, Lopez Island, and neighboring islands constitute some of the most scientifically Interesting lands In the San Juan Islands. These lands contain a dramatic and unusual diversity of habitats, with forests, woodlands, grasslands, and wetlands intermixed with rocky balds, bluffs, inter-tidal areas, and sandy beaches... Rocky balds and bluffs are home to over 200 species of moss that are extremely sensitive to disturbance and trampling. * Allowing hunting on monument lands Is contrary to the Proclamation which established the San Juan Islands National Monument. Hunting has the potential to damage fragile habitats, disturb wildlife, and damage cultural and historic sites. Hunters are authorized users and are not restricted to designated trails. Hunters’ footprints can damage lichen and sensitive plants. Hunters ‘blinds’ or off trail locations can trample vegetation. Errant shots can damage trees, structures and other users, posing a public safety danger and putting at risk the objects and values called out In the Proclamation. The San Juan Islands National Monument sites are small and generally isolated, a very different setting than typical BLM lands which allow hunting. This poses user conflict as other users fear for their safety as they are in close proximity to hunters due to the site size to hunters. Increased visitation over the course of the Proposed RMP/EIS will make user conflict more likely. Due to the heavily wooded nature of several of the larger sites, especially those on the south end of Lopez, other users cannot easily see each other, posing safety risks. By allowing hunting the Proposed RMP/EIS encourages other non-hunters to go off trail as visitors see a person off trail and often assume they too can go off trail. This allows for potential for more harm to the objects and values the Proclamation calls out to conserve, protect, and enhance. Hunting can also increase wildfire risks and can leave shell casings to contaminate the soil. The noise from hunting disturbs the solitude and quiet of monument lands. The monument lands are not adequately signed to prevent hunters from trespassing on adjoining private property. BLM does not have adequate staff to monitor and enforce hunting as the monument sites are many, with most remote and difficult to access. The Proposed RMP/EIS discusses hunting as a way to reduce deer and possibly geese populations; however, as to vegetation improvement due to deer hunting, BLM states “current harvest rates on Monument lands are unknown but are unlikely to be substantial enough to have population-level effects. However, local deer numbers could potentially decline if harvest levels were to increase. It is possible that local deer populations would be reduced enough to have indirect impacts on habit at by reducing herbivory” (p. 293). * Allowing target shooting Is contrary to the Proclamation which established the San Juan Islands National Monument. Target shooting has an even greater risk than hunting of causing harm to fragile habitats, disturbing wildlife, damaging cultural and historic sites and endangering public safety. The concerns and Impacts mentioned In the previous paragraph are amplified with target shooting and Incorporated into this discussion regarding target shooting. The Proposed RMP/EIS does not restrict the types of firearms used for target shooting. The proposed RMP/EIS also does not restrict discharge of firearms for target shooting during bow hunting seasons, creating more days when there can be harm to the objects and values of the monument. The proposed RMP/EIS does not give regulations similar to the Washington State Department of Natural Resources regulations (WAC 332-52-145} regarding target shooting, which prohibit use of incendiary ammunition, requires earthen backstops, and

prohibits using natural features as targets. Incendiary ammunition is particularly likely to start fires, especially in areas with dry grasslands such as Iceberg Point, Kellett Bluff, Point Colville, and Cattle Point, (see: Living with Fire, University of Nevada, <http://www.unce.unr.edu/blogs/livingwithfire/2014/09/11/the-dangers-of-target-shooting-in-the-wui/>, Article, citing BLM, saying target shooting is a major cause of fires: <https://www.ktvb.com/article/news/local/blm-target-shooting-is-a-major-cause-of-fires/277-564147799> and Wildfire Today article on research regarding ignition of wildfires by rifle bullets: <https://wildfiretoday.com/2013/12/05/researchers-study-ignition-of-wildfires-by-rifle-bullets/> . There also exists the potential for user confusion as most BLM sites and WADNR sites that allow target shooting do not limit this to hunting season. Those target shooting may assume monument lands are open all the time to target shooting. Monument sites are small, often remote and difficult to access- making BLM monitoring and enforcement unlikely given the current BLM staff size. As an adjoining property to owner to Iceberg Point I am concerned without restricting or regulating target shooting that bullets can cross onto my property causing harm to my property, my animals, and me. In the Proposed RMP/EIS the only justification BLM mentions for allowing target shooting is that they have no knowledge of target shooting on monument lands. This is not an adequate justification for allowing target shooting and that is incorrect as evidenced by the many bullet holes in the no hunting signs I post at the boundary with Iceberg Point. The Proposed RMP/EIS failed to analyze the negative impacts target shooting can have on the objects and values of the monument, the negative Impact on adjoining property owners, and the negative Impact on public safety and as such the Proposed RMP/EIS is Incomplete. * Secretarial Order 3366, BLM's Land Use Planning Handbook, and the Federal Land Policy and Management Act of 1976 (FLPMA 202(c)(9)) states: BLM must "work cooperatively with State, Tribal, and Territorial wildlife agencies to ensure that regulations for recreation on lands and waters managed by the Department complement, or at a minimum do not contradict, the regulations on the surrounding lands and waters to the extent legally practicable. * Allowing hunting, including target shooting, on Monument lands is contrary to several regulations and is in violation of the above-referenced laws and Secretarial Order. Only one other public agency besides BLM in San Juan County {where most of the monument sites are located) allows hunting on public property. This is the San Juan County's Land Bank property, Lopez Hill, a 399 acre site (larger than BLM sites) on Lopez Island open to hunting the first half of deer season (p.148). This site was leased and then acquired from the WADNR. WADNR had allowed hunting on that site. Under the Land Bank's management, the hunting was reduced. The Land Bank also owns property adjacent to Point Colville and Watmough Bay monument sites. Hunting is not allowed on that site. As to this later site, there is the potential for user confusion with hunters crossing over onto the Land Bank property. No public lands in San Juan County, outside of BLM, are open to target shooting (p. 173), putting BLM's proposal in conflict with surrounding land management regulations. San Juan County requires (18.40.330(c)) that outdoor target shooting ranges shall be located, designed, constructed, and operated to prevent the likelihood of discharge of ammunition beyond the boundaries of the parcels where they occur." It also prohibits outdoor shooting ranges on lands classified as Natural or Conservation (18.30.040), which constitute most of the Monument lands. San Juan County Noise Ordinance 9.06 restricts repetitive discharge of firearms to the hours of sunrise to sunset. BLM's inclusion of target shooting in the proposed plan stems from Secretarial Order 3356 which pushes BLM to expand opportunities for hunting and shooting. But that Secretarial Order also requires that BLM's management complement or at a minimum do not contradict regulations on surrounding lands. As to hunting and especially as to target shooting, The Proposed RMP/EIS does not complement and does contradict regulations on surrounding lands.

Sally Reeve

Issue Excerpt Text: Allowing the public access, dispersed camping with permit and discharge of firearms as listed in the previous paragraphs, The Proposed RMP/EIS does not comply with applicable laws, regulations, policies and planning procedures. In addition, San Juan County Code

prohibits outdoor target shooting on Natural and Conservation lands, which is the classification for the San Juan Islands National Monument lands in the County (18.30.040).

Wendy Mickle

Issue Excerpt Text: BLM uses Secretarial Order 3356 (p. 148, 171) as rationale for allowing hunting. This order says that BLM’s management should complement regulations on surrounding lands and waters, and this is not the case since the only public land on Lopez Island that allows hunting is Lopez Hill, much farther north. Regulations for San Juan County limit the types of firearms used for hunting (p. 148, 810). The Proposed RMP allows target shooting during hunting seasons (p. 172). No public lands in San Juan County, outside of BLM, are open to target shooting {p. 173}, so the BLM proposal is in conflict with surrounding regulations.

Wendy Mickle

Issue Excerpt Text: The San Juan County Code 18.30.040 Land Use Table Natural Designation, Outdoor Shooting Range is not allowed. SJCC 18.30.330(c) Recreational Development/ “Outdoor shooting and archery ranges shall be located, designed, constructed and operated to prevent the likelihood of discharge of ammunition beyond the boundaries of the parcel where they occur”, and these parcels are small enough that bullets fired in them will likely go beyond the boundaries. It also forbids outdoor shooting ranges on lands classified as Natural or Conservation {18.30.040}, which includes most Monument lands. The target shooting in the RMP/EIS would allow weapons that are not allowed by law in the San Juan County Code or by the WDFW, which prohibits high-powered rifles in San Juan County. For the BLM to allow uses that are then prohibited by the State and County, makes a level of confusion for visitors as to what is allowed and what is not. List of considerations for not allowing hunting & target shooting: * Public safety for hikers mixing with hunters * Shooting will disturb the peace that other users, who are much more numerous, came to enjoy. * Liability for the BLM in case of shooting accidents * Target shooting can include high power rifles that the WDFW does not allow in San Juan County * Target shooting is against SJC Code in areas with a Natural or Conservation designation (18.30.040) * Hunters are allowed off trails and may trample delicate areas * Fire risk * Effects on neighbors-likelihood of trespassing, noise, stray bullets going onto their property.

The Wilderness Society et al.

Katie Meehan

Issue Excerpt Text: As highlighted earlier in our protest, BLM fails to adequately consider impacts to allowing for target shooting throughout the monument. Prior to opening the monument to target shooting, BLM must conduct a thorough analysis using the best available science to analyze impacts to monument resources, objects, and values. This includes but is not limited to taking a hard look at impacts to public safety, noise, disturbance of wildlife, contamination of soil, destruction of cultural and ecological values, and wildfire risks. With target shooting, the underlying assumption is that users can go off-trail. This has the potential to negatively impact fragile habitat and cultural resources, similar to impacts from dispersed camping, and may cause user confusion resulting in others going off trail, increasing the harmful impacts and leading to the development of social trails. Cultural resources and longstanding natural resources are often illegally used as targets by recreational shooters. This has certainly been the case in Sonoran Desert National Monument in Arizona, where the monument has seen irreparable harm to saguaro cacti and numerous cultural resources. Target shooting can also cause wildfires, especially when practiced in areas with easily ignitable vegetation such as San Juan County. See “A study of ignition by rifle bullets,” published by the U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station in 2013, available online at: <https://www.fs.usda.gov/treearch/pubs/43918>; see also San Juan Community Wildfire Protection Plan available at: <http://www.sanjuandem.net/About/PDFs/2012%20SJC%20CWPP.pdf>, which acknowledges dry climate, with risk of potentially catastrophic fire due to fuel loads, recognizing high ignition

potential and high risk fire behavior, low suppression capability (p. 30, 41). BLM's current analysis in the Proposed RMP fails to consider the potential negative impacts from opening portions of the monument to target shooting.

Tracey Cottingham

Issue Excerpt Text: The small area of the San Juan Island National Monument, (in total 1,021 acres) spread across many locations are not similar to any other BLM lands that may be open for recreation shooting, therefore the guidelines in the BLM handbook and proposed RMP do not fit with the land use and size of the San Juan Islands National Monument. With private property, homes, boats, marine heritage areas with national historic structures, marine mammal haulouts and the visiting public in close proximity, target practice or recreational shooting on any location in the monument does not fit with the Presidential Proclamation of these small areas, to protect, preserve and conserve. * The proposed RMP does prohibit hunting at the three designated camping sites (Blind, Patos, Posey Islands) and specific recreation sites such as picnic areas and parking lots (p. 20, 148). * BLM's Proposed RMP allows recreational shooting target practice during hunting seasons (p. 172). * BLM states they are not aware of target shooting on monument lands (p.148), but by allowing recreational shooting during hunting season, the BLM has disregarded the risks and recreational user experience when visiting the San Juan Islands National Monument. My interest in filing this protest and how it will adversely affect me by the amendment of this plan.

Tracey Cottingham

Issue Excerpt Text: Enhancing opportunities for recreational shooting on federal lands are part of each Secretarial Order, however the very small lands, surrounded by water, or private property, do not provide the recreational shooter with the same opportunity that large tracts of land do in areas that are as small and heavily visited such as the San Juan Islands, including during hunting season. This contrast is not covered adequately in the proposed RMP, the difference between multi-recreation use of vast acres, such as the Hanford Reach National Monument in eastern Washington, compared to the very small acres of the San Juan Islands National Monument split between the many sites. * Secretarial Order 3356 calls for National Monument lands to use plans to include or expand hunting and recreational shooting to the extent practical under the law. (Pg. 148). The proposed RMP lists rationale for allowing hunting and recreational shooting, but also states management should complement regulations on surrounding lands and waters. * The proposed RMP does not take into account San Juan County codes that regulate target shooting and shooting ranges and disregarded that target shooting is not a desired recreation, as noted; (pg. 148), that the BLM is not aware of target shooting on monument lands. Visitors coming to these islands, and public access areas by boat are not coming for target practice, as pleasure boats and small watercraft and recreation shooting in the same location do not mix. * No public lands in San Juan County, outside of BLM, are open to target shooting (p. 173), putting BLM's proposal in conflict with surrounding regulations. There is a private property target range on Lopez Island, that does meet the county codes, that does provide a safe place for recreational shooting. * San Juan County requires (18.40.330(c))that outdoor target shooting ranges "shall be located, designed, constructed, and operated to prevent the likelihood of discharge of ammunition beyond the boundaries of the parcels where they occur." It also prohibits outdoor shooting ranges on lands classified as Natural or Conservation (18.30.040), which constitute most of the Monument lands. * The Proposed RMP states "Since the majority of public land managers in the San Juan Islands do not allow the discharge of firearms (whether for hunting or other purposes), there will continue to be potential for confusion among visitors to nearby and adjacent lands." * (Pg. 186) the Monument sites in San Juan Islands would be the only recreation shooting and target practice available in the county on public lands - which will greatly confuse the recreational shooter or hunter, as the Monument lands are adjacent to or close by a national park, multiple state parks, county parks, San Juan County

Land Bank preserves, (adjacent to President Channel and Watmough Bay), and United States Fish and Wildlife (USFW) rock islands.

Tracey Cottingham

Issue Excerpt Text: Patos Island designated campsites are managed by Washington State Parks, and the rangers are stretched very thin with the management of day use and camping throughout the San Juans on non-ferry served islands, but to add target practice and recreational shooting to the areas that border the relatively small area of designated camping and marine heritage areas, (MHA) will require possibly full time rangers or BLM staff on Patos Island, during the hunting season, to regulate this recreation, to not destroy cultural and possibly damage the National Historic Registered buildings. I am reminded by a vandalism shooting incident at the Cape Meers Lighthouse in Oregon State within the past decade, where recreational shooters, possibly unintentionally or intentionally damaged the lighthouse’s irreplaceable and priceless Fresnel lens. The RMP does not address how enforcing and managing recreation shooting will happen on the many locations separated by sea, where access is difficult and time consuming. Washington State Parks that manage Patos Island campsites will be frequently called to investigate recreational shooting, and they are not located on the island by frightened visitors, either by hearing the noise, or encountering the recreational shooters on the small island.

Tracey Cottingham

Issue Excerpt Text: Regarding the shoreline on Patos, it is the most unique geographic island in the Monument for its very unusual sandstone formations created over eons and to allow any target practice or recreational shooting on or near the shoreline will cause irreparable damage to the geologic formations of this sandstone, which is one of the main natural attractions for visitors coming to Patos Island. The RMP does not address rules and regulations that take into account damage to geologic formations by recreation shooting/target practice. * “Leave No Trace” principles in San Juan County are adopted by the county in Resolution #45-2014, Target Practice, and the ammunition that is left in the small area the monument protects, does not fit with our county’s adopted principles of “Leave No Trace”.

Connie Holz

Issue Excerpt Text: In the San Juan Islands National Monument Draft (RMP) and Environmental Impact Statement Appendix A: Alternative and Issues Considered but not Analyzed in Detail - Prohibit Hunting on Monument Lands, page 291, lines 33 - 45 discusses hunting. I am commenting and protesting the discharge of firearms on Monument lands. The San Juan Island National Monument RMP allows for the use of firearms during State designated hunting season throughout the Monument outside of the three designated campgrounds. Sadly, this includes target shooting too. The RMPs are in conflict with both Washington State [12] and San Juan County codes [13]. San Juan County does not allow an outdoor shooting range. Also, County code specifies that it is unlawful to discharge upon or across the land or premises of another. This is not practical or possible with the Monument landscape anywhere in the San Juan Islands. Hunting and target shooting threaten people, animals, objects, artifacts, and more. Washington State Legislature, WAC 332- 52-145, Firearms and target shooting, (3), (b), Persons shall not shoot within, from, along, across, or down roads or trails. This restriction of the WA State WAC is exactly what describes The San Juan Islands National Monument lands.

Connie Holz

Issue Excerpt Text: Cultural treasures have been destroyed on BLM lands due to target shooters. Petroglyphs in Sonoran Desert National Monument, Arizona have been used for target shooting. [15] There are known culturally artifacts on some San Juan Islands National Monument lands such as Indian Island which has documented cultural artifacts. Also, Iceburg Point has a kiosk with a displayed piece of wood with fire rings showing the years of local native peoples’ use of fires on

the land. NEPA and Section 106 of the National Historic Preservation Act clearly states that these places and items must be protected. [6] Clearly target shooting in these areas do not protect ancient or cultural artifacts. I do not understand why the BLM would allow such a destructive and dangerous past time of target shooting with the financial, cultural, environmental, and safety implications. I realize that Interior Secretary Ryan Zinke pushed for more hunting and target shooting, yet he has had many conflicts of interests with personal interest groups which were illegal, unethical, and criminal. Do not follow the wrongdoings of ex Interior Secretary Zinke. Do the right thing and protect the lands, waters, plants, animals, and cultural sites for perpetuity.

San Juan Islands Visitors Bureau

Deborah Hoskinson

Issue Excerpt Text: BLM failed to comply with the Antiquities Act of 1906’s mandate to prioritize the protection of Monument objects and values by allowing hunting and target shooting throughout the monument. This fails to protect the resources, objects and values that the monument was designated to protect. As covered by comments in a letter submitted to the Draft RMP on January 2,2019, the Visitors Bureau is not in favor of the discharge of firearms, or bow-hunting throughout the monument due to safety and environmental concerns, and impacts to cultural objects and values. In addition, the negative publicity surrounding a fatal shooting accident on monument lands would affect our tourism-based economy. Visitors travel to the islands for solitude and quiet; shooting firearms disturbs the quiet visitors and locals seek.

San Juan Islands Visitors Bureau

Deborah Hoskinson

Issue Excerpt Text: The parcels where deer are present tend to have the heaviest human usage. And, if shooting on smaller islands or category A & Brocks, there is often little to obstruct projectiles from travelling great distances over open water to inhabited shorelines. Marine wildlife viewing also ranked highly on the Visitor Impact Study (graphs 40, 41). Shooting will disturb natural habitat making it more difficult to view marine wildlife from shorelines, passing kayaks, tour boats, ferries, cruise ships and private vessels. Waste created by spent shells and metals entering the ecosystems places wildlife at risk of ingestion and poisoning. On category A & B rocks and remote sites, shooting noise will disturb non-target species such nesting birds, seals and sea lions hauled out on rocks and shorelines. The RMP does not consider San Juan County codes that regulate target shooting and shooting ranges. The RMP should respect county codes regulating this activity. County Code: 18.30.040 Land Use Table Natural Designation Outdoor Shooting Range not allowed. 18.30.330(c) Recreational Developments Outdoor shooting and archery ranges shall be located, designed, constructed and operated to prevent the likelihood of discharge of ammunition beyond the boundaries of the parcel where they occur.

Summary:

BLM management actions fail to address the enforcement and management of hunting and recreational shooting in the SJINM Proposed RMP and FEIS (BLM 2019) in order to adequately prevent impacts on cultural, geological, and wildlife resources as required by Presidential Proclamation 8947.

Response:

Section 202 (c)(9) of FLPMA requires that “land use plans of the Secretary under this section shall be consistent with state and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.” However, BLM land use plans may be inconsistent with state, local, and tribal plans where it is necessary to meet the purposes, policies, and programs associated with

implementing FLPMA and other Federal laws and regulations applicable to public lands (43 CFR 1610.3-2(a)).

In accordance with this requirement, the BLM has given consideration to state, local, and tribal plans that are germane to the development of the SJINM Proposed RMP and FEIS (BLM 2019). The BLM has worked closely with state, local, and tribal governments during preparation of the SJINM Proposed RMP and FEIS. Chapter 4 of the FEIS describes coordination that has occurred throughout the development of the SJINM Proposed RMP and FEIS (see FEIS, Chapter 4, pp. 295–298).

A list of local, state, and tribal plans that the BLM considered in the development of the SJINM Proposed RMP and FEIS can be found in Appendix L. The agency will discuss why any remaining inconsistencies between the SJINM Proposed RMP and FEIS and relevant local, state, and tribal plans regarding shooting cannot be resolved in the ROD for the SJINM Proposed RMP and FEIS.

Under the SJINM Proposed RMP and FEIS, BLM prohibits the discharge of firearms only outside of hunting season, effectively prohibiting recreational shooting for the majority of the year while allowing discharge of firearms for the purposes of hunting. As described in Appendix I, *Existing BLM Oregon/Washington Supplementary Rules*, existing 2005 BLM supplementary rules prohibit discharging a firearm into or from a BLM-administered developed camping or recreation site or into or from any area posted as a no-shooting or safety zone (see FEIS, Appendix I, p. 480). During plan implementation, the BLM could establish additional no-shooting zones and enact temporary closures if safety risks arise after going through the appropriate decision-making and analysis procedures. Also, on November 22, 2019, the BLM published public notice for how to comment on the proposed recreational target shooting closure and offered a 60-day public comment period in accordance with the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019 (see project website, <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=63828>, last accessed 1/22/2020). The public had until January 21, 2020, to submit comments on the proposed closure. The BLM’s response to comments received on the closure will be published in the ROD. Pursuant to the Dingell Act, prior to initiating the comment period on the shooting closure, the BLM informed signatories to the memorandum of understanding titled “Federal Lands Hunting, Fishing, and Shooting Sports Roundtable” of the proposed closure and the upcoming comment period.

Additionally, and as described in Appendix T, *Response to Comments on the Draft RMP/EIS* (see FEIS, Appendix T, p. 833), the BLM provided further analysis in the SJINM Proposed RMP and FEIS following release of the SJINM Draft RMP and EIS (BLM 2018) to more accurately describe disturbance to Monument wildlife from noise impacts resulting from the discharge of firearms (see FEIS, *Wildlife Analytical Issue 2*, pp. 270–285). In that analysis, the BLM determined that disturbances to wildlife could occur but would have a minor effect on wildlife given the hunting season occurs in the fall when many species have migrated, and would only occur for a few days out of the year (there has been no observed recreational shooting within the Monument). Noise from hunting with firearms could result in short-term displacement or avoidance, but non-target species would be able to reoccupy a site in a short amount of time.

The BLM satisfied FLPMA’s consistency requirement in preparation of the SJINM Proposed RMP and FEIS. Accordingly, the protest is denied.

NEPA – Impact Analysis – Best Available Information

Kwiaht

Russel Barsh

Issue Excerpt Text: We provided BLM with copies of our unpublished reports and data in support of our public comment on the Draft RMP, at the agency’s request. Very little of this material is

referenced by the Proposed Plan, although it includes the original field surveys that informed the Proclamation. Instead, the Proposed Plan is replete with erroneous assertions that are either unreferenced, or misstate the data in sources that are referenced. An example: our comment expressed concern about the proximity of trails to a Black Oystercatcher nest on Indian Island that Kwiacht staff and volunteers have monitored for 11 years. BLM responded that the Oystercatchers would move their nest (Appendix T, p. 837). This reply is shockingly ignorant of avian biology as well as Indian Island topography. These threatened-status birds form permanent pairs that return to the same nest site, as the Indian Island pair has done. They choose bare rocky overlooks, and there is only one such site at Indian Island, a few square yards in extent. Scores of island bird-watchers could have given BLM the same information. This may seem minor, but illustrates a persistent problem with basic biological facts that undermines the credibility of the Proposed Plan as a whole. (Footnote 1: Another clear example of error is the assertion that no native salmonids spawn in San Juan County (p. 254). But see J Glasgow, J. de Groot, and M Small, “Genetic composition and conservation status of coastal cutthroat trout (*Oncorhynchus clarki clarki*) in the San Juan Islands, Washington,” *Conservation Genetics* (2019), published online at <https://doi.org/10.1007/s10592-019-01238-5>, and widely circulated prior to publication. The Proposed Plan cites an earlier state government document that refers to a lack of relevant data, rather than absence of spawning fish.)

Kwiaht

Russel Barsh

Issue Excerpt Text: Many significant policy choices in the Proposed Plan rest upon questionable assertions of fact. For instance, the plan’s habitat-restoration goals and strategy rest upon the assertion that “grasslands” and Douglas Fir-Garry oak woodlands dominated the San Juan Islands’ 19th-century landscapes, citing several articles that do not, in fact, make this claim (p. 239), and disregarding recent research suggesting that the landscape described was an artifact of European settlement and logging after 1850. (Footnote 2: MG Pellatt, and ZE Gedalof, “Environmental change in Garry oak (*Quercus garryana*) ecosystems: the evolution of an eco-cultural landscape. *Biodiversity and conservation*, 23 (8): 2053-2067 (2014). In typical contradictory fashion, the Proposed Plan elsewhere concedes that logging had a significant effect on landscape structure (p. 78).) Elsewhere, the Proposed Plan bootstraps from a single unpublished and unavailable internal BLM field report from Patos Island to all Monument lands, asserting that “several shade tolerant species may not have been present historically, making their expansion an increasing departure from historical conditions” (p. 73). The Proposed Plan does not identify which plant species “may” be involved, but uses this purported ecological fact to justify extensive modifications of treed landscapes throughout the Monument.

The Wilderness Society et al.

Katie Meehan

Issue Excerpt Text: The agencies fail to meet the baseline assessment requirement provided by NEPA in 40 C.F.R. § 1502.15, which requires agencies to “describe the environment of the areas to be affected or created by the alternatives under consideration.” As stated in *Half Moon Bay Fisherman’s Marketing Ass’n v. Carlucci*, 857 F.2d 505, 510 (9th Cir. 1988), the Ninth Circuit determined “without establishing . . . baseline conditions . . . there is simply no way to determine what effect [an action] will have on the environment, and consequently, no way to comply with NEPA.” To date, BLM has inventoried about 1/3 of the monument and has documented 25 cultural sites. See Proposed RMP p. 35. As such, BLM has potentially violated NEPA through a failure to collect an accurate baseline assessment of cultural resources. Without an accurate inventory of cultural resources within the monument, it is impossible to thoroughly analyze and articulate the potential impacts of agency actions, specifically target shooting.

Kwiaht***Russel Barsh***

Issue Excerpt Text: Kwiaht emphatically protests the introduction, at this stage of the process, of Appendix J, which contains a purported “hierarchical” master plan for maintaining or restoring Monument landscapes to their condition just prior to Proclamation 8497. This material was not part of the Draft RMP that was published in November 2018. It references the opinions of a few researchers on cause-and-effect issues that have been widely studied, disputed, and are by no means settled scientifically. No other perspectives or sources of evidence are acknowledged. Cherry-picking one published viewpoint does not satisfy the requirement that BLM land use plans “use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences” (FLPMA, sec. 201(C)(2)). Adding this material to the draft after the comment period deprives the public and scientific community of an opportunity to submit publications and data that are critical of the assertions made in Appendix J. Although Appendix J sets out actions to be taken on Monument lands, it does not include, or represent, a NEPA review of the probable consequences of those actions for the species and habitats this Monument was meant to protect.

The Wilderness Society et al.***Phil Hanceford et al.***

Issue Excerpt Text: The baseline assessment of the monument is insufficient. The agencies fail to meet the baseline assessment requirement provided by NEPA in 40 C.F.R. § 1502.15, which requires agencies to “describe the environment of the areas to be affected or created by the alternatives under consideration.” As stated in *Half Moon Bay Fisherman’s Marketing Ass’n v. Carlucci*, 857 F.2d 505, 510 (9th Cir. 1988), the Ninth Circuit determined “without establishing ... baseline conditions ... there is simply no way to determine what effect [an action] will have on the environment, and consequently, no way to comply with NEPA.”

Laura Derevensky

Issue Excerpt Text: The proposal to place these islets in the RMA violates the purpose and spirit of the national monument as stated in the Presidential Proclamation 8947 of March 25, 2013. In this proclamation it states that the purpose is to “preserve, protect and restore” the “diversity of habitats”, “varied seabirds and terrestrial birds”, “a varied collection of wildlife” and “scientific and historic treasures”. Under the proposed RMP to have the Monument rocks open to recreational use will not “facilitate scientific assessments, inventory monitoring, research and education” as stated. In order to have any valid inventory and monitoring a baseline must be established in the absence of human traffic. The “best information available” used to categorize the rocks is limited and does not appear to include the substantial input (logs and photos documenting observations of the wildlife on these rocks) that were available from local residents submitted to the BLM. Local knowledge would be invaluable to making an informed decision about the conservation value of the Monument rocks. Unfortunately, the local Monument Advisory Committee (MAC) has been greatly hampered in its mission by slow approval of its members and by a moratorium. An active MAC could have been and still could be very helpful to this effort.

Summary:

The BLM failed to use best available information while analyzing impacts on cultural and wildlife resources in the SJINM Proposed RMP and FEIS (BLM 2019). The FEIS failed to use:

- Data regarding proximity of trails to a Black Oystercatcher nest on Indian Island,
- Accurate descriptions of land cover in the Monument,
- A complete class III inventory on 100 percent of the Monument, and
- Input from local residents submitted to the BLM regarding wildlife observations on Monument

rocks.

Response:

The CEQ’s regulations implementing NEPA require that agencies use “high quality information” (40 CFR 1500.1(b)). NEPA regulations require the BLM to “insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements” (40 CFR 1502.24).

The BLM NEPA Handbook also directs the BLM to “use the best available science to support NEPA analyses, and give greater consideration to peer-reviewed science and methodology over that which is not peer-reviewed” (BLM Handbook H-1790-1, p. 55). Under the BLM’s guidelines for implementing the Information Quality Act, the BLM applies the principle of using the “best available” data in making its decisions (BLM Information Quality Act Guidelines, February 9, 2012).

During the planning process, BLM staff, including scientists and NEPA specialists, reviewed both known and new studies related to the proper care and management of Monument objects and values in the planning area, and considered how these sources informed the planning decisions and environmental conditions in the SJINM. The SJINM Proposed RMP and FEIS includes a bibliography (see FEIS, Appendix S), which lists information considered by the BLM in preparation of the SJINM Proposed RMP and FEIS (BLM 2019). BLM staff also reviewed any new information and studies identified in the public comments received to determine if the information is substantially different than the information considered and cited in the Draft RMPs/EIS. Generally, the BLM determined that studies identified by the public did not offer information that changed the analysis of the Proposed RMPs/FEIS and did not offer any new conditions or other information the BLM had not already considered; however, the BLM made updates to the Proposed RMPs/FEIS as appropriate based on the sources provided.

Information used to determine the likelihood of trails being close to Black Oystercatcher nests was derived from *Effects of human recreation on the incubation behavior of American Oystercatchers* (McGowan and Simons 2006), *Productivity of Black Oystercatchers: Effects of recreational disturbance in a national park* (Morse et al. 2006), and *Seasonal changes in response of oystercatchers *Haematopus ostralegus* to human disturbance* (Stillman and Goss-Custard 2001). These peer-reviewed sources fulfill the requirements for the BLM to use “best available” data in making its decisions. The BLM determined that because of the opportunistic nature of black oystercatchers, seasonal closures of trails are not necessary to protect specific nesting sites and new nests will be established in undisturbed areas.

As discussed on Appendix T, *Response to Comments on the Draft RMP/EIS* (see FEIS, Appendix T, p. 788), not one but many fire history studies and historical accounts indicate that the San Juan Islands were dominated by grasslands and oak-Douglas fir savannas and woodlands, with only small patches of forest, prior to the 20th century (Anonymous 1868; Agee and Dunwiddie 1984; Avery 2004; Gray and Daniels 2006; Dunwiddie 2011). Again, these peer-reviewed sources fulfill the requirements for the BLM to use “best available” data in making its decisions regarding historical land cover.

As noted in the BLM Land Use Planning Handbook (H-1690-1, Appendix C, p. 8), “The scope and scale of cultural resource identification are much more general and less intensive for land use planning than for processing site-specific use proposals. Instead of new, on-the-ground inventory, the appropriate identification level for land use planning is a regional overview: (1) a compilation and analysis of reasonably available cultural resource data and literature, (2) a management-oriented synthesis of the resulting information that includes priorities and a strategy for accomplishing needed inventory (see Manual Section 8110.)” Per this guidance, BLM policy does not require 100 percent

Class III inventory of the planning area for analysis of planning level actions. The BLM conducted a thorough review of the relevant cultural resources information and background that were utilized in the impact analysis, thereby fulfilling NEPA’s requirement for best available information (see Appendix F: *Background and Supplementary Information on Resources and Uses*, p. 407). As noted in Appendix T, the BLM would commit to: (1) conducting proactive identification and documentation of cultural resources; and (2) identifying whether cultural resources are present before authorizing ground-disturbing activities. Where cultural resources are identified, the BLM would modify the project to avoid or reduce impacts (see FEIS, Appendix T, p. 777).

As stated on page 17 of the SJINM Proposed RMP and FEIS, the BLM grouped smaller islands and rocks into categories based on shared management concerns. Additional descriptions of information used to categorize rock groupings is discussed in Appendix F (see FEIS, Appendix F, pp. 408–415).

The BLM relied on high-quality information and the best available data in preparation of the SJINM Proposed RMP and FEIS. Accordingly, the protest is denied.

NEPA – Impact Analysis - Recreation

The Wilderness Society et al.

Katie Meehan

Issue Excerpt Text: Secretarial Order 3366, focused on recreation, calls for the managing agency to “work cooperatively with State, Tribal, and Territorial wildlife agencies to ensure that regulations for recreation on lands and waters managed by the Department complement, or at minimum do not contradict, the regulations on the surrounding lands and waters to the extent legally practicable.” In the current management planning effort, BLM fails to comply with Secretarial Order 3366 in a variety of instances. First, with regard to widespread dispersed camping, San Juan County, the National Historic Park, and nearby state parks do not allow dispersed camping. The Proposed RMP’s widespread approval of dispersed camping is also in conflict with San Juan County Code 18.30.040, which prohibits camping in Natural and Conservancy land classifications, which covers the majority, if not all, of the proposed dispersed camping sites in the monument. See San Juan County Code 18.30.040, available online at: <https://www.codepublishing.com/WA/SanJuanCounty/#!/SanJuanCounty18/SanJuanCounty1830.html#18.30.040>. Second, with regard to target shooting, BLM has followed the guidelines of San Juan County and Washington State Department of Fish and Wildlife in its management of hunting but fails to do the same for target shooting. For example, regulations for San Juan County limit the types of firearms used for hunting (e.g., use of modern rimfire and centerfire rifles for hunting is prohibited) and the Washington State Department of Fish and Wildlife regulates the hunting season and number of permits. BLM’s Proposed RMP allows for target shooting during hunting season but does not place the same restrictions on the two uses. See Proposed RMP p. 172. The Proposed RMP does not restrict the types of firearms used for target shooting and the Proposed RMP does not restrict discharge of firearms for target shooting during bow hunting season. Outside of the monument lands, there are no public lands in San Juan County that are open to target shooting. See Proposed RMP p. 173. This puts BLM’s proposal in conflict with surrounding regulations and land management, potentially in violation of Secretarial Order 3366.

Tim Clark

Issue Excerpt Text: Washington State Imperiled plants - The red fescue - great camas - Oregon gumweed plant association, which is “critically Imperiled both globally and in Washington State” (page 113) is found on Reads Bay Island. “The WNHP considers the community to be a priority 1 for conservation.” (ibid.) This tiny island is open for dispersed camping and its associated trampling in the RMP. “For particularly fragile areas such as at Reads Bay Island, dispersed camping has the

potential to destroy the characteristics, during the life of the plan, for which the WNHP identified the community.” (page 122) In addition, Bear’s-foot sanicle (*Sanicula arctopoides*) is reported on two sites where dispersed camping would be permitted in the RMP. This is a Washington State endangered plant, and is on the BLM State Director’s Special Status Species List. (pages 118, 119) Dispersed camping should not be allowed on these sites. If it is true that “Restrictions in recreation benefitting sensitive resources will include closure of many sensitive plant and community areas to dispersed camping and hiking.” (Page 124), then the closures should become part of the RMP, not a belated requiem.

Cyndi Smith

Issue Excerpt Text: In my comments of December 2018, I also noted that the “Proclamation 8947 made no mention of recreation in creating the monument, but instead emphasized protection and preservation. It is wrong and unlawful that the proposed RMP is prioritizing public access and dispersed camping recreation on these Category A & B rocks over preservation, protection, and restoration. The San Juan Islands National Monument was created by Proclamation 8947 which states “the Secretary shall manage the monument through the BLM as a unit of the National Landscape Conservation System”. The National Landscape Conservation System was established by the Omnibus Public Land Management Act of 2009 to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations. Therefore, to fulfill Proclamation 8947, the San Juan National Monument must conserve, protect, and restore the fragile habitats and species within its area.

Anita Holladay

Issue Excerpt Text: The priority given to recreation in the Proposed RMP. Referencing section “What Management Approaches Did the BLM Consider”, page xi, Proposed RMP, “In furtherance of Secretarial Order 3366: Increasing Recreation Opportunities on Lands and Waters Managed by the U.S. Department of Interior, under the Proposed RMP the BLM would provide recreational opportunities including hiking, hunting, designated site camping, dispersed camping with a permit, trail-based equestrian use, and road-based equestrian and bicycling use.” I protest that abundance of recreational uses, which I consider fundamentally at odds with the stated priorities of the Monument, for which I reference Appendix 0: Presidential Proclamation 8947 of March 25, 2013 p. 507 “The protection of these lands in the San Juan Islands will maintain their historical and cultural significance and enhance their unique and varied natural and scientific resources, for the benefit of all Americans.” Indeed, I can not find a single reference in the proclamation to “recreation”, “camping”, or “hiking”, and just one stipulation that motorized vehicles be confined to designated roads, and mechanized vehicles to designated trails. The bulk of the proclamation touts the irreplaceable cultural, archaeological, and plant and animal communities in the Monument and the entire emphasis is protection and science; indeed, only one phrase “a classroom for generations” (p. 506, Paragraph I) refers to an educational mission. It is a gross misinterpretation of the intent of the Proclamation to allow activities such as dispersed camping and hunting that will promote the overuse and even destruction of areas meant to be protected, such as the “over 200 species of moss that are extremely sensitive to disturbance and trampling” that the Proclamation mentions (p.506, Paragraph 4). Taking a Secretarial Order which is apparently to be applied to BLM lands in general, throughout the US, and applying its values of promoting recreation to an area that was proclaimed to be worthy of special protection. is simply misguided and at odds with the values of the local community as well. As someone who has for years attempted to protect Indian Island from the negative effects of expanding tourism, I emphatically take issue with the statement (p. I 7) “Recreation is a primary means by which the public can learn to appreciate the Monument’s objects and values.” This statement is the pivot from admitting that the Proclamation did not advance the value of recreation, to the BLM’s current mission to promote it, though it is followed by an admission that recreation can be destructive. In my opinion, the Monument’s objects and values can

be served by spending money to employ people, who can educate the public when visiting, and in addition create discreet but abundant signage; uninformed «recreation» does nothing much to help with true appreciation or preservation.

The Wilderness Society et al.

Phil Hanceford et al.

Issue Excerpt Text: In general, the Proposed RMP fails to establish a general limit on group size, and instead removes the existing group size limitation of 10 people on specific sites. BLM should maintain group size of 10 people for former ACEC lands on Lopez Island, including Iceberg Point, Point Colville, Watmough Bay, and Chadwick Hill. This group size limitation should extend monument-wide, except in situations where user impacts are noticeable, in which case the group sizes should be smaller. BLM must thoroughly analyze and consider potential impacts from increased public use of the monument, including social use trails and increased waste. At minimum, BLM must set specific standards in the ongoing planning process, including unambiguous criteria for issuance of Special Recreation Permits (SRPs). Currently, the Proposed RMP does not include criteria or information as to how SRPs or large group events will be managed. Establishing clear criteria for the issuance of SRPs is a realistic way for BLM to manage for increased visitation and to avoid unnecessary damage to monument resources, objects, and values. The agency failed to analyze the direct and indirect impacts of imposing no group size limitations on the various public use sites and removing existing group size limitations on specific sites.

Sally Reeve

Issue Excerpt Text Allowing climbing at Watmough Bay Is contrary to the Proclamation’s requirement to conserve, protect and restore the objects and values for which the monument was created, see above. Last season the peregrine falcons had a successful nesting on the cliffs above Watmough Bay. Allowing climbing on the cliffs would be contrary to protecting and preserving the diverse habitats and peregrine falcons as mentioned in the Proclamation. The cliffs also contain fragile habitats and sensitive plants, again allowing climbing is contrary to the Proclamations conserve and protect diverse habitats. * Allowing climbing at Watmough Bay; although, done in the past many times by one of my sons, is a public safety risk. Having served as a Lopez EMT, I have participated in several rescues in this area. BLM does not have the staff to effectively monitor climbing. Lopez does not have a specialized climbing rescue team.

Sally Reeve

Issue Excerpt Text: The Proposed RMP/EIS is Incorrect In allowing competitive events on monument lands Why this Is wrong: * Presidential Proclamation 8947 of March 25, 2013: The protection of these lands in the San Juan Islands will maintain their historical and cultural significance and enhance their unique and varied natural and scientific resources, for the benefit of all Americans...Whereas it is in the public interest to preserve the objects of scientific and historic interest on the lands of the San Juan Islands;*. * For purposes of protecting and restoring the objects identified above, the Secretary, through the BLM, shall prepare and maintain a management plan for the monument. In addition the Proclamation calls out: The diversity of habitats in the San Juan Islands is critical to supporting an equally varied collection of wildlife. Marine mammals, including orcas, seals, and porpoises, attract a regular stream of wildlife watchers. Native, terrestrial mammals include black-tail deer, river otter, mink, several bats, and the Shaw Island vole. Raptors, such as bald eagles and peregrine falcons, are commonly observed soaring above the islands. Varied seabirds and terrestrial birds can also be found here, including the threatened marbled murrelet and the recently reintroduced western bluebird. The Proclamation notes the importance of these lands to Coast Salish Tribes: Archaeological remains of the villages, camps, and processing sites are located throughout these lands, including shell middens, reef net locations, and burial sites. The Proclamation notes: The lands on Patos Island, Stuart Island, Lopez Island, and neighboring islands constitute some of the most scientifically interesting lands in the San Juan Islands. These lands

contain a dramatic and unusual diversity of habitats, with forests, woodlands, grasslands, and wetlands intermixed with rocky balds, bluffs, intertidal areas, and sandy beaches.* Rocky balds and bluffs are home to over 200 species of moss that are extremely sensitive to disturbance and trampling. * Allowing competitive events is contrary to the conserve, protect and restore language in the Proclamation. The local community throughout the planning process has expressed concern regarding overuse of monument lands. To allow competitive events on top of the increase in visitation over the lifetime of the plan will have a negative impact on the objects and values for which the Monument was established. Competitive events require infrastructure such as parking and toilets, which the San Juan Islands National Monument is in low supply of. This will create not only a negative impact on monument lands of human waste but will negatively impact neighbors' privacy and safety given the lack of infrastructure. * The Proposed RMP/EIS did not analyze the impacts of human waste nor the impacts to neighbors of monument lands when allowing competitive events. Competitive events generally involve hundreds of people. A competitive run on monument lands will likely result in runners stepping off trail in order to pass another runner, thus destroying fragile habitat. A competitive kayak race launching from Watmough Bay would result in near shore habitat damage and disturbance which the Proposed RMP/EIS attempts to mitigate with not allowing motorized boat landings. How can the Proposed RMP/EIS allow certain occurrences which impact the near shore habitat while disallowing other practices?

Sally Reeve

Issue Excerpt Text: The Proposed RMP/EIS is Invalid because it allows Special Recreation Permits without specifying criteria nor authorization procedures for such permits. Why Is this wrong: * Presidential Proclamation 8947 of March 25, 2013: The protection of these lands in the San Juan Islands will maintain their historical and cultural significance and enhance their unique and varied natural and scientific resources, for the benefit of all Americans ...Whereas it is in the public Interest to preserve the objects of scientific and historic Interest on the lands of the San Juan Islands;... For purposes of protecting and restoring the objects identified above, the Secretary, through the BLM, shall prepare and maintain a management plan for the monument. In addition the Proclamation calls out: The diversity of habitats in the San Juan Islands is critical to supporting an equally varied collection of wildlife. Marine mammals, including areas, seals, and porpoises, attract a regular stream of wildlife watchers. Native, terrestrial mammals include black-tail deer, river otter, mink, several bats, and the Shaw Island vole. Raptors, such as bald eagles and peregrine falcons, are commonly observed soaring above the islands. Varied seabirds and terrestrial birds can also be found here, including the threatened marbled murrelet and the recently reintroduced western bluebird. The Proclamation notes the Importance of these lands to Coast Salish Tribes: Archaeological remains of the villages, camps, and processing sites are located throughout these lands, including shell middens, reef net locations, and burial sites. The Proclamation notes: The lands on Patos Island, Stuart Island, Lopez Island, and neighboring islands constitute some of the most scientifically interesting lands in the San Juan Islands. These lands contain a dramatic and unusual diversity of habitats, with forests, woodlands, grasslands, and wetlands intermixed with rocky balds, bluffs, inter-tidal areas, and sandy beaches... Rocky balds and bluffs are home to over 200 species of moss that are extremely sensitive to disturbance and trampling. * Allowing Special Recreation Permits without specifying criteria or management in the RMP is contrary to the Proclamation's conserve, protect and restore the objects and values of the monument. The Proposed RMP/EIS is incomplete because it does not address this. Special Recreation Permits tend to be larger group sizes or unique experiences, neither of which are likely to stay on designated trails. Off trail use can trample fragile habitat and destroy cultural resources. Special Recreation Permits are similar to dispersed camping and large group size: The Proposed RMP/EIS points out the damage dispersed camping will have on the monuments fragile ecosystem stating: Dispersed camping would have a substantial negative long-term effect to areas that are highly desirable camping locations 11 and "impacts from dispersed camping with a permit on rocky balds and bluffs will be

similar to, but greater than those in grasslands and shrublands inevitably campers will spend time on the rocky balds and bluffs viewing scenery during their stay, which will result in more impacts to this resource (p. 82) and that dispersed camping would be allowed “in some areas with priority ecological communities” and that BLM monitoring and permitting “is not a guarantee that impacts from dispersed camping will be minimized” (p. 122). The same argument as to why this is contrary to the Proclamation applies to the damage to cultural and historic sites. BLM does not have the staff to monitor special recreation permits. The Proposed RMP/EIS does not set forth criteria for granting these permits nor specify who has the authority to authorize the permits nor if the public has input into the granting or number and location for special recreation permits. Thus this makes the Proposed RMP/EIS incomplete.

Sally Reeve

Issue Excerpt Text: The Proposed RMP/EIS Is Incorrect In not limiting group size to in the San Juan Islands National Monument. Why this Is wrong: * Presidential Proclamation 8947 of March 25, 2013: The protection of these lands in the San Juan Islands will maintain their historical and cultural significance and enhance their unique and varied natural and scientific resources, for the benefit of all Americans...Whereas it is in the public interest to preserve the objects of scientific and historic interest on the lands of the San Juan Islands;... For purposes of protecting and restoring the objects identified above, the Secretary, through the BLM, shall prepare and maintain a management plan for the monument. In addition the Proclamation calls out: The diversity of habitats in the San Juan Islands is critical to supporting an equally varied collection of wildlife. Marine mammals, including areas, seals, and porpoises, attract a regular stream of wildlife watchers. Native, terrestrial mammals include black-tail deer, river otter, mink, several bats, and the Shaw Island vole. Raptors, such as bald eagles and peregrine falcons, are commonly observed soaring above the islands. Varied seabirds and terrestrial birds can also be found here, including the threatened marbled murrelet and the recently reintroduced western bluebird. The Proclamation notes the importance of these lands to Coast Salish Tribes: Archaeological remains of the villages, camps, and processing sites are located throughout these lands, including shell middens, reef net locations, and burial sites. The Proclamation notes: The lands on Patos Island, Stuart Island, Lopez Island, and neighboring islands constitute some of the most scientifically interesting lands in the San Juan Islands. These lands contain a dramatic and unusual diversity of habitats, with forests, woodlands, grasslands, and wetlands intermixed with rocky balds, bluffs, inter-tidal areas, and sandy beaches... Rocky balds and bluffs are home to over 200 species of moss that are extremely sensitive to disturbance and trampling. * Allowing groups sizes over 10 can destroy the ecological, cultural and historic values and Is contrary to the Proclamation. Larger groups tend to stray off trail, especially in resting or viewing areas, creating social trails/spaces, especially in resting or viewing areas, with most likelihood of going to balds and bluffs which contain lichens and sensitive plants. While in reference to dispersed camping with permit, the Proposed RMP/EIS’s description is applicable to larger group sizes: Dispersed camping with permit would have a substantial negative long-term effect to areas that are highly desirable camping locations” and” impacts from dispersed camping with a permit on rocky balds and bluffs will be similar to, but greater than those in grasslands and shrublands...inevitably campers will spend time on the rocky bald and bluffs viewing scenery during their stay {p. 82), using this reference as the Proposed RMP/EIS did not analyze effects of larger group sizes. * Failure of the Proposed RMP/EIS to consider effects of human waste outside the nearshore habitat. The Proposed RMP/EIS refers to human waste only in reference to nearshore habitat (p. 91) and Is not complete as to other habitats which larger groups will impact.

Friends of the San Juans

Stephanie Buffum

Issue Excerpt Text: Also, under the National Environmental Policy Act, the Agency failed to consider how recreational impacts on the small islands affect marine mammals and nesting seabirds,

as well as FLPMA issues related to failure to maintain “sustained yield” or provide “most judicious use of the land” or “give priority to the designation and protection of areas of critical environmental concern.”

The Wilderness Society et al.

Katie Meehan

Issue Excerpt Text: In the Proposed RMP, the BLM fails to take a hard look at the impacts to monument resources, objects, and values from the decision to allow for widespread dispersed camping and public access to sensitive sites throughout the monument. Per our comments above and submitted throughout the ongoing planning effort, there must be additional analysis about the direct, indirect, and cumulative impacts of allowing dispersed camping and public access throughout the monument, particularly on specific areas of concern, including: identified lands with wilderness characteristics, marine mammal haulouts, and Category A & B rocks (see Table 1, above, for more information). The agency must also take a hard look at impacts resulting from dispersed camping and public access to small islands and rocks to cultural resources, wildlife, scenic values, and other resources acknowledged by the monument proclamation, as well as issues like wildfire risk throughout the planning area.

Summary:

The SJINM Proposed RMP and FEIS (BLM 2019) fails to adequately analyze impacts from management actions related to camping and other recreational activities.

Response:

When preparing an EIS, NEPA requires an agency to rigorously explore and objectively evaluate a range of reasonable alternatives, but not every possible alternative to a proposed action. “In determining the alternatives to be considered, the emphasis is on what is ‘reasonable’ rather than on whether the proponent or applicant likes or is itself capable of implementing an alternative. ‘Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant’” (BLM NEPA Handbook H1790-1, p. 50, citing Question 2a, CEQ’s Forty Most Asked Questions Concerning CEQ’s NEPA Regulations, March 23, 1981; see also 40 CFR 1502.14). “Reasonable alternatives to the proposed action should fulfill the purpose and need and address unresolved conflicts related to the proposed action . . . Consider alternatives, even if outside the jurisdiction of the Agency. Descriptions of the alternatives should include relevant mitigation measures that could reduce the impacts of the project, even if those measures are outside the jurisdiction of the Agency” (Forest Service NEPA Handbook Chapter 10, p. 31). Additionally, NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a “hard look” at potential environmental impacts of adopting the SJINM Proposed RMP and FEIS (BLM 2019).

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

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

The BLM met the requirements of NEPA by considering a range of alternatives in the SJINM Proposed RMP and FEIS (BLM 2019) around dispersed camping, including two alternatives (A and C) where it would be prohibited throughout the Monument. The effects analysis describes the potential impacts on the Monument ecological and cultural objects from dispersed camping (*Cultural Resources Analytical Issue 1*: see FEIS, p. 35; *Habitat and Plants Analytical Issue 2*: see FEIS, p. 60; and *Wildlife Analytical Issue 2*: see FEIS, p. 270). Impacts on wildlife due to visitation and recreation are analyzed in detail in the SJINM Proposed RMP and FEIS (see FEIS, Chapter 3, pp. 270–285).

Impacts on special-status species from recreation are analyzed in the SJINM Proposed RMP and FEIS under *Wildlife Analytical Issue 2* (see FEIS, pp. 270–285). The Proposed RMP, along with Alternative B, meets the intent of the BLM’s special status species policy in that it will create habitat for an imperiled species to help preclude listing, or, if listed, work toward recovery.

The BLM complied with NEPA’s requirement to analyze the environmental consequences/impacts from camping in the SJINM Proposed RMP and FEIS. Accordingly, the protest is denied.

NEPA – Special Designations

The Wilderness Society et al.

Katie Meehan

Issue Excerpt Text: The Proposed RMP arbitrarily decided not to manage for Wilderness Characteristics. This was decided without justification and in contradiction to the management of neighboring DOI lands. This topic was discussed in my January 2019 comments on the Draft RMP/EIS. Statement of the part or parts of the plan being protested (including Chapter, Section, Page, and/or Map) The Proposed RMP will not manage any of the identified Lands with Wilderness Characteristics for those characteristics (p. 23). A concise statement explaining why the State Director’s decision is believed to be wrong. The reason cited for not managing for Wilderness Characteristics on p. 23 is that “these characteristics are likely to persist for the life of the plan without specific management direction.” This is not a scientifically valid argument appropriate for the management of a vulnerable and irrecoverable feature of the lands, particularly when the Proposed RMP explicitly allows uses that have the potential to negatively impact those characteristics such as dispersed camping. The surrounding sites of the USFWS San Juan Islands National Wildlife Refuge are managed as wilderness (p. 238). Secretarial Order 3366, FLPMA 202(c)(9) and the BLM Land Use Planning Handbook (its page 6) all require management consistent with surrounding lands. BLM’s analysis is in direct conflict with the analysis done by USFWS for their lands. BLM states (p. 238) that because the USFWS Refuge wilderness is closed to access, “access to outstanding opportunities for solitude and primitive and unconfined recreation are very limited in the San Juan Wilderness.” The USFWS plan addresses the same closed USFWS sites as being closed in order to enable exactly that recreational experience, saying “they are extremely important to the recreational experiences of Archipelago residents and visitors who view these areas from boats or Washington State ferries” (USFWS p. H-25, https://www.fws.gov/pacific/planning/main/docs/WA/Protection%20Isl/PI.SJI_NWRs_stand-alone_CCP_3-8-11.pdf). Likewise, USFWS states that repeated public access to sites in the Refuge “would begin the degradation of the wilderness and increase the disturbance to the sensitive wildlife using the islands” (USFWS p. H- 13). BLM decided that they could allow public access and possibly camping on their sites with Wilderness

Characteristics and didn't need to manage for those characteristics. This doesn't meet the requirements for serious scientific analysis nor the requirements for consistency with management of surround lands.

The Wilderness Society et al.

Katie Meehan

Issue Excerpt Text: As acknowledge in the Proposed RMP, FLPMA requires BLM to inventory and consider LWCs during the land use planning process. See Proposed RMP p.23; referring to 43 U.S.C. § 1711(a); see also *Ore. Natural Desert Ass'n v. BLM*, 531 F.3d 1114, 1119 (9th Cir. 2008). Manual 6310 provides detailed guidance on identifying lands with wilderness characteristics. Throughout the inventory process, BLM has acknowledged 23 rocks and islands, totaling 232 acres, with wilderness characteristics in the monument. See Proposed RMP p. 23 (Appendix F, p. 447 of the Proposed RMP cites the inventory finding 25 units as containing wilderness characteristics). Manual 6320 requires BLM to consider lands with wilderness characteristics (LWCs) in land use planning, both in evaluating the impacts of management alternatives on lands with wilderness characteristics and in evaluating alternatives that would protect those values. See Manual 6320; see also Proposed RMP, Appendix F, p. 447. BLM maintains discretion to set management actions for LWCs that it is managing for the protection of those wilderness characteristics as a priority over other multiple uses. However, despite including appropriate language in its management objectives to acknowledge the agency's obligation, the Proposed RMP arbitrarily determines that none of the lands with wilderness quality within the monument should be managed for protection of their wilderness characteristics. In short, the Proposed RMP fails to adequately consider the importance of managing these areas for their wilderness values. A determination that "these characteristics are likely to persist for the life of the plan without specific management direction" is arbitrary and in violation of agency law and policy. See Proposed RMP p. 23.

The Wilderness Society et al.

Phil Hanceford et al.

Issue Excerpt Text: The BLM's decision to not managed inventoried lands with wilderness characteristics for protection of those values fails to protect the resources, objects, and values that the national monument was designed to protect. As acknowledge in the Proposed RMP, FLPMA requires BLM to inventory and consider LWCs during the land use planning process. See Proposed RMP p.23; referring to 43 U.S.C. § 1711(a); see also *Ore. Natural Desert Ass'n v. BLM*, 531 F.3d 1114, 1119 (9th Cir. 2008). Manual 6310 provides detailed guidance on identifying lands with wilderness characteristics. Throughout the inventory process, BLM has acknowledged 23 rocks and islands, totaling 232 acres, with wilderness characteristics in the monument. See Proposed RMP p. 23 (Appendix F, p. 447 of the Proposed RMP cites the inventory finding 25 units as containing wilderness characteristics). Manual 6320 requires BLM to consider lands with wilderness characteristics (LWCs) in land use planning, both in evaluating the impacts of management alternatives on lands with wilderness characteristics and in evaluating alternatives that would protect those values. See Manual 6320; see also Proposed RMP, Appendix F, p. 447. BLM maintains discretion to set management actions for LWCs that it is managing for the protection of those wilderness characteristics as a priority over other multiple uses. However, despite including appropriate language in its management objectives to acknowledge the agency's obligation, the Proposed RMP arbitrarily determines that none of the lands with wilderness quality within the monument should be managed for protection of their wilderness characteristics. In short, the Proposed RMP fails to adequately consider the importance of managing these areas for their wilderness values. A determination that "these characteristics are likely to persist for the life of the plan without specific management direction" is arbitrary and in violation of agency law and policy. See Proposed RMP p. 23. Additionally, BLM is required to incorporate science into its decision-making processes for NLCS lands: "[s]cience shall be integrated into management decisions

concerning NLCS components in order to enhance land and resource stewardship and promote greater understanding of lands and resources through research and education.” Id. § 4(d); see also BLM Manual 6100, § 1.6(A)(9) & (F) (BLM must “use the best available science in managing NLCS units”); BLM Manual 6200, § 1.6(A)(7) & (M) (same). The Proposed RMP acknowledges that vegetation management techniques would “temporarily disrupt apparent naturalness” of lands with wilderness characteristics. See Proposed RMP p. 235. The Proposed RMP also concedes that “the high repetition rate [of vegetation treatments]...would frequently disrupt [lands with wilderness] characteristic[s] during the life of the plan ...” See Proposed RMP p. 236. In general, in areas where heavy equipment and herbicides are used for vegetation management, it is likely to result in great harm to lands that are LWC qualified areas and the monument at large. These actions would directly harm these LWC areas. To best fulfill the overarching directive of the Monument’s proclamation to conserve and protect, these 23 areas identified as having wilderness quality lands should be managed for protection of those characteristics.

The Tulalip Tribes

Teri Gobin

Issue Excerpt Text: Under the proposed plan, BLM will not manage any areas for their wilderness characteristics, which would have helped support maintaining a sites’ integrity for cultural and spiritual uses by tribes, a purpose of this plan.

Sally Reeve

Issue Excerpt Text: Issue: The Proposed RMP/EIS is incorrect in not managing lands with Wilderness Characteristics for their Wilderness Characteristics Why this is wrong: * Presidential Proclamation 8947 of March 25, 2013: The protection of these lands in the San Juan Islands will maintain their historical and cultural significance and enhance their unique and varied natural and scientific resources, for the benefit of all Americans...Whereas it is in the public interest to preserve the objects of scientific and historic interest on the lands of the San Juan Islands;... For purposes of protecting and restoring the objects identified above, the Secretary, through the BLM, shall prepare and maintain a management plan for the monument. In addition the Proclamation calls out: The diversity of habitats in the San Juan Islands is critical to supporting an equally varied collection of wildlife. Marine mammals, including orcas, seals, and porpoises, attract a regular stream of wildlife watchers. Native, terrestrial mammals include black-tail deer, river otter, mink, several bats, and the Shaw Island vole. Raptors, such as bald eagles and peregrine falcons, are commonly observed soaring above the islands. Varied seabirds and terrestrial birds can also be found here, including the threatened marbled murrelet and the recently reintroduced western bluebird. These lands contain a dramatic and unusual diversity of habitats, with forests, woodlands, grasslands, and wetlands intermixed with rocky balds, bluffs, inter-tidal areas, and sandy beaches... Rocky balds and bluffs are home to over 200 species of moss that are extremely sensitive to disturbance and trampling. * Allowing lands with Wilderness Characteristics to be managed for purposes other than their Wilderness Characteristics is contrary to protections specified in the Proclamation. Of the 23 sites with Wilderness Characteristics in the San Juan Islands National Monument, one site allows designated camping but has wilderness characteristics in other portions of the site (Patos Island), seven are closed to public access, and 15 sites are open to public access and dispersed camping. The Proposed RMP/EIS lists as a management objective: Manage lands with wilderness characteristics for these characteristics except where A) specific management direction is unnecessary to protect them from other actions that would be undertaken in the RMP, or B) where doing so would conflict with management to conserve, protect, or restore Monument objects and values (p.23). * The Proposed RMP/EIS states it is not managing for Wilderness Characteristics because “these characteristics are likely to persist for the life of the plan without specific management direction” (p. 23). To the contrary, the Proposed RMP/EIS states dispersed camping would have a substantial negative long-term effect to areas that are highly desirable camping locations” and “impacts from

dispersed camping with a permit on rocky balds and bluffs will be similar to, but greater than those in grasslands and shrublands inevitably campers will spend time on the rocky balds and bluffs viewing scenery during their stay, which will result in more impacts to this resource than day hiking” (p. 82) and that dispersed camping would be allowed “in some areas with priority ecological communities” and that BLM monitoring and permitting “is not a guarantee that impacts from dispersed camping will be minimized” (p. 122). These lands are remote and difficult to access, making monitoring and enforcement difficult. Increases in visitation over the life of the plan will impact the Wilderness Characteristic of many of the lands with Wilderness Characteristics in the San Juan Islands National Monument. Specific management direction is needed in order to comply with the Proclamation. The Proposed RMP/EIS made an arbitrary determination not to manage these lands for their Wilderness Characteristics. There is incomplete information in the Proposed RMP/EIS to justify this position. * Secretarial Order 3366, BLM’s Land Use Planning Handbook, and the Federal Land Policy and Management Act of 1976 (FLPMA 202(c)(9)) states: BLM must “work cooperatively with State, Tribal, and Territorial wildlife agencies to ensure that regulations for recreation on lands and waters managed by the Department complement, or at a minimum do not contradict, the regulations on the surrounding lands and waters to the extent legally practicable. * Allowing lands with Wilderness Characteristics to be managed for purposes other than their Wilderness Characteristics does not comply with application laws, regulations, policies and planning procedures. See reference above to the Proposed RMP/EIS’ management objective for lands with Wilderness Characteristics. This is contrary to the San Juan Islands National Wildlife Refuge management plan which states: repeated public access to the sites in the USFWS wilderness “would begin the degradation of the wilderness and increase the disturbance to the sensitive wildlife using the islands” (USFWS p. H-13). USFWS also stated “Safety is another reason to keep the public from approaching these islands, due to rocky shorelines, submerged hazards, currents, and other variables” {USFWS p. H-12). And their 200-foot no-approach buffer¹ “is to prevent the “take or harassment,” under the Marine Mammal Protection Act of 1972 the Endangered Species Act 1973, of pinniped haul out/pupping sites and other listed wildlife species” (USFWS p. H-12). <https://www.fws.gov/pacific/planning/main/docs/WA/Protection%20of%20Wilderness%20Areas%20in%20the%20San%20Juan%20Islands%20National%20Wildlife%20Refuge%20Management%20Plan%20-%20Final%20-%202011.pdf>

Summary:

The BLM arbitrarily determined that none of the lands with wilderness quality should be managed for the protection of their wilderness characteristics and failed to adequately consider the importance of managing these areas for their wilderness values. As such, the BLM is in violation of Presidential Proclamation 8947 and other laws/policy and is in contradiction with the management of adjacent U.S. Department of the Interior lands.

Response:

The BLM’s multiple-use mandate (FLPMA Section 103(c)) provides that various resource values should be used in the combination that best meets present and future needs. NEPA directs the BLM to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources” (NEPA Sec 102(2)(E)). The range of alternatives explores alternative means of meeting the purpose and need for the action (BLM NEPA Handbook Section 6.6.1). The BLM must analyze those alternatives necessary to permit a reasoned choice (40 CFR 1502.14).

BLM Manual 6320 requires that the BLM evaluate lands with wilderness characteristics through the land use planning process, but recognizes that the evaluation “may result in several outcomes, including, but not limited to: 1) emphasizing other multiple uses as a priority over protecting

wilderness characteristics; 2) emphasizing other multiple uses while applying management restrictions (conditions of use, mitigation measures) to reduce impacts to wilderness characteristics; 3) the protection of wilderness characteristics as a priority over other multiple uses.” The BLM is not required to lump all possible “multiple uses” (such as recreation) together in one single category and then weigh that collective use against management of wilderness characteristics.

The BLM considered a reasonable range of alternatives for the management of lands with wilderness characteristics and carefully analyzed impacts on these areas under each alternative. There are no areas that are currently designated as wilderness or wilderness study areas within the SJINM. In its jurisdiction, the BLM did identify 23 rocks and islands with wilderness characteristics as defined in Section 2(c) of the Wilderness Act of 1964 (16 U.S.C. 1132).

Under the Proposed RMP, the BLM will continue not to manage any areas with wilderness characteristics explicitly for these characteristics. Because of other direction in the Proposed RMP, the BLM will not be taking actions that are likely to negatively affect wilderness characteristics over the life of the plan. Areas with wilderness characteristics identified through BLM inventory in the SJINM Proposed RMP and FEIS (see FEIS, Chapter 3, pp. 25–295) would experience modest vegetation treatments within some areas with wilderness characteristics over the life of the plan, but these treatments will only temporarily disrupt apparent naturalness. The SJINM Proposed RMP and FEIS analysis concludes that these characteristics would not likely be negatively affected over the life of the plan under the SJINM Proposed RMP and FEIS (see FEIS, pp. 23–236). Furthermore, the Proposed RMP prohibits various activities such as hard shoreline stabilization in areas with wilderness characteristics, even though it will not be managing these areas for wilderness characteristics (see FEIS, p. 37).

The BLM adequately analyzed impacts on lands with wilderness characteristics in the SJINM Proposed RMP and FEIS. Accordingly, the protest is denied.

NEPA – Impact Analysis – Vegetation

Rhea Miller

Issue Excerpt Text: San Juan County prohibits the use of pesticides and herbicides on County road right- of-ways. The Weed Control Board has been advised not to use herbicides. Herbicides and pesticides are not allowed in the shoreline on lands designated as Natural. Iceberg Point is just one example of Monument Lands designated by the Comprehensive Plan as Natural. Thus, It is contrary to County policy to use herbicides on Monument lands, which the proposed plan advocates in the Executive Summary.

Kwiaht

Russel Barsh

Issue Excerpt Text: Apart from its practical defects, the generality and ambiguity of the Proposed Plan with respect to the fate of target species invites doubt that the Plan addresses the “objects and values” of this Monument to the extent required by law. At the same time, the Proposed Plan authorizes the introduction of additional species into Monument landscapes without consideration of what impacts this activity may have on the species Proclamation 8497 aimed at protecting. Under the Proposed Plan, BLM would (1) use Monument lands for the ex situ conservation and propagation of rare plant species that are not native to the Monument; and (2) seed Monument lands with plant species that BLM believes will be more adapted to future climate change, such as species that are native to warmer, drier regions of the Pacific Coast (“facilitated migration”; see pp. 12, 32-33). BLM has already attempted and failed to propagate Golden Paintbrush (a rare regional endemic with no records in the Monument) at Iceberg Point ACEC on a very small scale. The impact of ex situ conservation of such plants on existing Monument plant communities would depend

fundamentally on scale: a few dozen meter-square cages scattered over hundreds of acres might scarcely be noticeable, while acres of treatment, with deer-fencing or other forms of protection, would involve ground disturbance and displacement of existing plant species to an extent that is incompatible with the “objects and values” explicitly set out by the Proclamation.

Kwiaht

Russel Barsh

Issue Excerpt Text: We note that while SJINM includes a large number of small islands, rocks and reefs, by far the largest part of its acreage falls within the previously designated Iceberg Point-Colville Area of Critical Environmental Concern (ACEC), for which a management plan was adopted in 1990 that expressly subordinates recreational use to the conservation of habitats and species. The federal law under which the Proposed Plan was developed-Public Law 94-579, the Federal Land Policy and Management Act (FLPMA)-directs the BLM in the formulation of any land use plan to “give priority to the designation and protection of areas of critical environmental concern” FLPMA sec. 202(c)(3). We understand this to mean that BLM must show how the Proposed Plan gives the Iceberg-Colville ACEC at least as much protection as the 1990 plan. In particular, BLM must show that the Proposed Plan, where it authorizes treatments such as burning and applying herbicides, will “protect” the habitats and species within the ACEC, which are also amongst the “objects and values” of the Monument. It is insufficient for the Plan simply to assert that the proposed actions will restore, enhance, or stabilize populations of plants such as California. BLM must use a systematic scientific approach. FLPMA 202(c)(2). We can find no applicable scientific citations or specific data in the Proposed Plan.

Kwiaht

Russel Barsh

Issue Excerpt Text: Additionally, islands are the worst possible environment for the use of toxic products for land management because treatment areas tend to be very close to-and typically uphill from seashores. (Footnote 9: See p. 91 (marine areas) and Table 16 p. 104 (wetlands) of the Proposed Plan. Such uses may violate state laws restricting the application of herbicides to aquatic habitats. RCW 90.48.445. The Proposed Plan states that aerial spraying would be “unlikely” but authorizes it nonetheless (p. 81).) Aerosol drift, rain runoff, even windblown plant debris and dust can transport toxics easily from treatment areas to beaches and nearshore waters. There is abundant evidence that juvenile Chinook salmon continue to consume insects for at least part of their diet as they migrate through the islands’ waters every summer. (Footnote 10: J Chamberlin et al., Assessing early marine growth in juvenile Chinook salmon: factors affecting variability in individual growth in Northern Puget Sound (Seattle: Long Live the Kings, 2017).) They also rely seasonally on nearshore crustaceans, especially as larval crabs. These are compelling reason to minimize applications of pesticides and herbicides in coastal areas of the islands-in particular, on small Monument islands of only a few acres in extent, surrounded by shallow marine waters. We note that while some active herbicide ingredients were long believed to be specific to the physiology of plants, with no possible adverse effects on animals-in particular, the synthetic auxins (plant hormones) such as glyphosate-more recent research have called this assumption into question. While the biochemical mechanisms remain unclear, auxin-like herbicides including glyphosate do in fact appear to affect the health of mammals (Footnote 11: JP Myers et al., Concerns over use of glyphosate-based herbicides and risks associated with exposures: a consensus statement, Environmental Health 15: 19 (2016), DOI 10.1186/s12940-016-0117-0.) as well as insects such as bees. (Footnote 12: E.g. EVS Motta, K Raymann and NA Moran, Glyphosate disturbs the gut microbiota of honey bees, Proceedings of the National Academy of Sciences 115 (41): 10305-10310.) It should not be assumed, absent independent toxicological evaluations, that any commercially available field herbicides are nontoxic to beneficial insects such as pollinators, or to the birds and bats that eat insects affected by herbicide spraying. To the extent that herbicides

may adversely affect insects and the animals that prey on them, herbicides degrade critical ecological functions that are necessary for maintaining our native island landscapes.

Kwiaht

Russel Barsh

Issue Excerpt Text: Our December 2018 public comment on the draft plan recommended that herbicides only be applied (if at all) by hand to selected individual plants, and always sparingly, to avoid collateral damage to native plants, birds and other small animals that feed on plants and their seeds, and beneficial insects such as pollination. Nevertheless, the Proposed Plan approves the application of herbicides to 71 acres of the Monument per year for 20 years (Table 16, pp 103-104) for a total of 1,420 acres, or a little over two square miles. Since to be effective, most herbicides are sprayed at a ratio of two to five pounds per acre, we are looking at a total of roughly two to four tons of toxic compounds added to the soils, air, and nearshore waters of San Juan County. Surely this is incompatible with state and county policies and laws. BLM did not even attempt to estimate the impact of this toxic load on forage fish, salmon, crab or bivalves in our nearshore.

Charles Schietinger

Issue Excerpt Text: The entire Monument is situated within a sensitive marine ecosystem. All the parcels are small due to being nearly or completely surrounded by sea water. All the parcels have large shorelines relative to their small size, which means all of their stormwater will run into the marine ecosystem with nearly each rain storm. The sites have mostly shallow soils and are very rocky, which adds to the rapid runoff of any and all stormwater. The distance from any point within the Monument to marine waters is very short on all 65 sites. These facts should convince any land manager or scientist that any herbicides applied to any of these 65 sites will end up in the habitat for Orcas and Salmon. “Like other marine mammals, killer whales are susceptible to a variety of environmental contaminants that bioaccumulate upward through marine food webs to high-level predators.[29-32] “These substances (which bioaccumulate) include organochlorines (e.g., polychlorinated biphenyls [PCBs], dioxins, dichloro-diphenyl trichloroethane [DDT] and its derivatives, and various other pesticides and herbicides), polybrominated diphenyl ethers (PBDEs), trace metals (e.g., mercury, copper, selenium, zinc).”[29] Herbicide use within this Monument unambiguously violates at least two federal laws: The Marine Mammal Protection Act of 1972 and The Endangered Species Act of 1973. These two laws protect Chinook Salmon, Orea Whales, and Marbled Murrelets, also called out in the March 25, 2013, Presidential Proclamation.

The Wilderness Society et al.

Phil Hanceford et al.

Issue Excerpt Text: The BLM’s decision to allow for harmful vegetation management techniques fails to protect the resources, objects, and values that the national monument was designated to protect. As stated in the Proposed RMP, Proclamation 8947 identifies the diverse habitats and plant communities as objects for which the monument was designated to protect. See Proposed RMP 9. BLM Manual 6100 provides direction for the management of the National Conservation Lands. “[T]he BLM will manage weeds and other invasive species through an integrated pest and vegetation management approach using methods that minimize disturbance to NLCS units.” BLM Manual 6100 at 1.6(N)(4). This direction requires the BLM to analyze and determine the minimum disturbance possible to the monument resources and objects when undertaking management of invasive species. It should be made clear in this plan and in all future consideration of projects with vegetation management actions that BLM will fulfill this duty in Manual 6100 by making a showing that the proposed treatment is the minimal disturbance to -the monument resources and objects for the goals of the project. The goals of the project must be in line with Proclamation 8947 and BLM regulations and policies in the first place. As highlighted in our draft comments, providing a full mixture of tools for vegetation management is only acceptable if there are clear safeguards for ensuring that the BLM is minimizing disturbance to the monument.

The Wilderness Society et al.

Katie Meehan

Issue Excerpt Text: Additionally, BLM is required to incorporate science into its decision-making processes for NLCS lands: “[s]cience shall be integrated into management decisions concerning NLCS components in order to enhance land and resource stewardship and promote greater understanding of lands and resources through research and education.” Id. § 4(d); see also BLM Manual 6100, § 1.6(A)(9) & (F) (BLM must “use the best available science in managing NLCS units”); BLM Manual 6200, § 1.6(A)(7) & (M) (same). The Proposed RMP acknowledges that vegetation management techniques would “temporarily disrupt apparent naturalness” of lands with wilderness characteristics. See Proposed RMP p. 235. The Proposed RMP also concedes that “the high repetition rate [of vegetation treatments] . . . would frequently disrupt [lands with wilderness] characteristic[s] during the life of the plan . . .” See Proposed RMP p. 236. In general, in areas where heavy equipment and herbicides are used for vegetation management, it is likely to result in great harm to lands that are LWC- qualified areas and the monument at large. These actions would directly harm these LWC areas. To best fulfill the overarching directive of the Monument’s proclamation to conserve and protect, these 23 areas identified as having wilderness quality lands should be managed for protection of those characteristics.

San Juan City Council

Bill Watson, Rick Hughes, and Jamie Stephens

Issue Excerpt Text: The RMP aims for a balance between now and pre-European contact. It allows the utilization of a broad range of options. This should not be done at the expense of water quality and the near shore environment. The cumulative effects of various treatments on the near shore environment, forage fish spawning areas, and juvenile salmonids have not been adequately considered. County Code: 18.50.520 B(2) Regulations by Designation. Natural. Noncommercial recreational uses of a nature and intensity consistent with the objectives of the natural designation are allowed. Such uses might include viewpoints and public pedestrian trails. New roads, camping areas, parking lots, restrooms, and similar facilities may be located within the SMP jurisdiction only when all other locations are not feasible The use of chemical fertilizers, pesticides, and herbicides is prohibited. Landscaping shall consist of native vegetation. 18.60.090 (3) Public Roads - No herbicides, pesticides, or other chemicals shall be used for weed control in road rights-of-way.

Sally Reeve

Issue Excerpt Text: Issue: The Proposed RMP/EIS is Incorrect In allowing use of herbicides for vegetative treatment In the near-shore environment. Why this Is wrong: * Presidential Proclamation 8947 of March 25, 2013: The protection of these lands In the San Juan Islands will maintain their historical and cultural significance and enhance their unique and varied natural and scientific resources, for the benefit of all Americans ...Whereas it is in the public interest to preserve the objects of scientific and historic interest on the lands of the San Juan Islands;... For purposes of protecting and restoring the objects identified above, the Secretary, through the BLM, shall prepare and maintain a management plan for the monument. In addition the Proclamation calls out: The diversity of habitats in the San Juan Islands is critical to supporting an equally varied collection of wildlife. Marine mammals, Including orcas, seals, and porpoises, attract a regular stream of wildlife watchers. Native, terrestrial mammals include black-tail deer, river otter, mink, several bats, and the Shaw Island vole. Raptors, such as bald eagles and peregrine falcons, are commonly observed soaring above the islands. Varied seabirds and terrestrial birds can also be found here, including the threatened marbled murrelet and the recently reintroduced western bluebird. * Allowing use of herbicides in the near-shore environment will have negative effects of the natural and scientific resources of the San Juan Islands National Monument and does not comply with the Proclamation. For any application of herbicide, the Proposed RMP/EIS will use its mandated standard operating procedures (p.11, Appendix Up. 838). The Proposed RMP/EIS incorporates Appendix U by

reference into the Proposed RMP (p. 838}. In appendix U {p.838), The Proposed Plan/EIS states “This document tiers to both of these EISs and examples of impacts applicable for Monument are summarized and incorporated by reference below...Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Final Programmatic EIS (2007 EIS) and Vegetation Treatments Using Aminopvralid, Fluroxypyr. and Rimsulfuron on Bureau of Land Management lands in 17 Western States Final Programmatic EIS (2016 EIS).” The Proposed RMP/EIS acknowledges: “Overall, terrestrial herbicide use on the Monument has the potential to impact water quality both in the freshwater wetlands on the Monument and in nearshore habitat adjacent to the Monument. For instance, if herbicides were to run off Into nearshore habitat, seagrass beds, or kelp forests could be negatively impacted through short-term water quality degradation” (p. 841). * Allowing use of herbicides in the near-shore environment has not been analyzed in the Proposed RMP/EIS. The Proposed RMP/EIS states: the 2007 EIS does not consider the impacts of herbicide use to coastal aquatic habitat (p. 844). The Proposed RMP/EIS relies upon assumptions for which there is no objective analysis nor determination. The Proposed RMP/EIS assumes that coastal aquatic species would be minimally affected by temporary changes in water quality from herbicide use as the volume and turbulence of coastal waters would quickly dilute herbicides but offers no analysis for this assumption. The Proposed RMP/EIS assumes that the volume and turbulence of coastal waters are effects are the same as described for large fast-moving river systems In the 2007 EIS (BLM 2007c: 4-27} but offers no analysis for this assumption. Coastal waters differ from large fast-moving river systems - salt water vs freshwater, tides, currents, types of aquatic plants and animals. The Proposed RMP/EIS contains no discussion of these differences and thus the potential impact of herbicides use on the near-shore environment of the San Juan Islands National Monument. * Secretarial Order 3366. BLM’s Land Use Planning Handbook, and the Federal Land Polley and Management Act of 1976 (FLPMA 202(c)(9)) states: BLM must “work cooperatively with State Tribal, and Territorial wildlife agencies to ensure that regulations for recreation on lands and waters managed by the Department complement, or at a minimum do not contradict, the regulations on the surrounding lands and waters to the extent legally practicable. * Allowing use of herbicides in the near-shore environment is contrary to San Juan County Shoreline Master Plan which prohibits use of herbicides in lands with Natural Design classification for many San Juan Islands National Monument lands (18.508(2)).

Kwiaht

Russel Barsh

Issue Excerpt Text: We also protest the lack of scientifically sound criteria and consistency in the Proposed Plan’s selection of Monument parcels that will be burnt or not burnt. This important information is misleadingly closeted within the description of different levels of view-scape protection (visual resources) in Appendix R (Recreation Management Frameworks). Burning is not proposed for any VRM-1 class parcel, i.e., landscapes that BLM has classified as offering visitors great scenic views (Map 3, p. 232). Burning is authorized on all Monument units that are classified as VRM-3, which includes: Indian Island, Freeman Island, Trinka Rock, Victim Island, Blind Island (in East Sound), Cattle Point, Turn Point, Chuckanut Rock, Kellett Bluff, Point Colville, Watmough Bay, Chadwick Hill marsh, much of Iceberg Point, Richardson Rock, Lopez Pass (Sperry), Kanaka Bay Rocks, King Rocks, President Channel (Ocean, Orcas), Eliza Island, and Alden Point (Patos). The Proposed Plan does not include any specific justification for using fire (and consequently, herbicides) on any of these islands and coasts, many of which host cultural materials, rare plants, and nesting seabirds.

Summary:

The SJINM Proposed RMP and FEIS (BLM 2019) fails to adequately analyze impacts on vegetation from management actions related to vegetation treatments and prescribed burning.

Response:

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

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

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

The BLM must make a comprehensive consideration of a proposed action to evaluate different courses of action (take a “hard look” at the environmental consequences) (*Kleppe v. Sierra Club*, 427 US 390, 410 [1976], n. 21; *Robertson v. Methow Valley Citizens Council*, 490 US 332, 350 [1989]). The agency may not rely on incorrect assumptions or data when analyzing effects (*Native Ecosystems Council v. US Forest Service*, 418 F.3d 953, 964 [9th Cir. 2005]). The BLM takes a “hard look” when the NEPA document contains a “reasonably thorough” discussion of an action’s environmental consequences, and the agency can make an informed decision about whether there are any significant environmental impacts (*Nat’l Parks and Conservation Ass’n. v. BLM*, 606 F.3d 1058, 1072 [9th Cir. 2010] [citing *State of California v. Block*, 690 F.3d 753, 761 (9th Cir. 1982)]; *Biodiversity Conservation Alliance, et al.*, 171 IBLA 218, 226 [2007] [internal citations omitted]).

The effects analysis must demonstrate that the BLM took a “hard look” at the impacts of the action (BLM NEPA Handbook, H-1790-1, 6.8.1.2, Analyzing Effects). The CEQ regulations specify that the environmental information made available to public officials and citizens before decisions are made must be of “high quality” (40 CFR 1500.1(b)).

A “hard look” is a reasoned analysis containing quantitative or detailed qualitative information. (BLM NEPA Handbook, H-1790-1, 6.8.1.2 Analyzing Effects). The BLM must use information of high quality and scientific integrity in its NEPA analysis, including information provided as part of public involvement (40 CFR 1500.1(b) and 1502.24). The NEPA documents are to be analytic, rather than encyclopedic (40 CFR 1500.4(b) and 1502.2(a)).

As the decisions under consideration by the BLM are programmatic in nature and would not result in on-the-ground planning decision or actions, the scope of the analysis was conducted at a regional, programmatic level. The analysis focuses on the direct, indirect, and cumulative impacts that could potentially result from on-the-ground changes. This analysis identifies impacts that may result in some level of change to the resources, regardless of whether that change is beneficial or adverse. The BLM will develop vegetation treatments during plan implementation to meet the plan objectives. Specific vegetation treatments will be determined during the implementation-level planning and NEPA compliance processes, which require additional, site-specific analysis and public review. The affected environment chapter (see FEIS Chapter 3, pp. 60–62) describes the conditions that could be affected by the alternatives; it does not dictate where the BLM carries out vegetation treatments.

The BLM has complied fully with the requirements of 40 CFR 1508.7 and prepared a cumulative impact analysis based on the broad nature and scope of the proposed management options under consideration at the land use planning level. The cumulative impact analysis considered the effects of the planning effort when added to other past present and reasonably foreseeable (not highly

speculative) Federal and non-Federal actions. The cumulative impacts section for herbicide use on non-target resources (see FEIS, p. 133) identifies all actions that were considered in the cumulative impacts analysis, and provides a basis for the cumulative impacts analysis for each affected resource. The analysis took into account the relationship between the proposed action and these reasonably foreseeable actions. This served as the determining factor as to the level of analysis performed and presented. The information presented in the SJINM Proposed RMP and FEIS enables the decision-maker to make a reasoned choice among alternatives. The BLM adequately analyzed cumulative effects from herbicide use on vegetation in the SJINM Proposed RMP and FEIS.

The SJINM Proposed RMP and FEIS analyzes impacts from herbicide use on human health and the environment in Appendix U. Appendix U specifically describes impacts from herbicides on fish and other organisms, including special-status species on page 843. In that analysis, the BLM tiers to the 2007 and 2016 EIS documents that provide an in-depth analysis on herbicide treatment impacts on sensitive fish species and populations (BLM 2007, 2016). The BLM concluded that general toxicological risks to individual organisms of sensitive species would be the same as those predicted for non-special status species, and herbicide impacts on sensitive aquatic species could be greater because of their limited/fragmented distribution and limited population size. However, standard operating procedures (such as buffer distance from wetlands when using terrestrial herbicides or using herbicides safe for aquatic organisms in wetland applications) would limit impacts from herbicide treatments on these species in and adjacent to the Monument.

Impacts on wildlife and special status species from herbicide use are additionally described on page 841 of Appendix U. While the BLM does acknowledge that herbicide use could potentially alter habitat requirements for wildlife and special status species, the impacts of herbicide use on wildlife would primarily be site- and application-specific and, as such, site assessments would have to be performed at the field level, using available impact information, to determine an herbicide use strategy that would minimize impacts on wildlife, particularly in habitat that supports special status species.

Impacts on nearshore habitat from herbicide use are analyzed in Appendix U, *Summary of Tiered and Incorporated by Reference Herbicide Analysis* (see FEIS, Appendix U, p. 841). The analysis concludes that while herbicide pollution could have negative impacts on wetland water quality in the Monument, successful herbicide treatments (following applicable standard operating procedures and mitigation measures) could actually benefit Monument wetlands that are currently experiencing encroachment from non-wetland associated vegetation (invasive species) or those that are transitioning through succession.

Analytical methods for prescribed burning impact analysis are described in Appendix C of the SJINM Proposed RMP and FEIS. Impacts on wildlife, special status species habitat, recreation, and cultural resources from prescribed burning are discussed in the SJINM Proposed RMP and FEIS (see FEIS, pp. 80–89, pp. 241–250, and p. 271). The BLM concluded that under the Proposed RMP, prescribed burn treatments undertaken to maximize species richness, structural component diversity, and system resilience to threats including fire, drought, and other potential disturbances will have a major positive long-term effect on diversity and cover of native plants and protect Monument values, though short-term negative effects could also occur.

The BLM complied with NEPA's requirement to analyze the environmental impacts on vegetation in the SJINM Proposed RMP and FEIS from vegetation treatments. Accordingly, the protest is denied.

NEPA – Impact Analysis – Wildfires

Rhea Miller

Issue Excerpt Text: Wildfire Analysis: The wildfire analysis (245:16) focuses on structures within ¼ mile of the monument “as most spotting typically occurs within ¼ mile of torching or crowning trees.” This does not adequately consider structures beyond ¼ mile from the boundary, but within 1/4 mile of the vegetation that extends across the monument boundary. It also does not consider non-structural risk, such as, the ability of a fire near Iceberg Point to cut off firefighting access and escape routes for lands, structures, and occupants on the other side of the fire. The wildfire analysis does not discuss, nor consider the limited resources available in the San Juan Islands to provide immediate response to protect lives and property. Site access is difficult on most of the monument property and mainland resources, or lack thereof, are not adequately considered. See attached letter from EMS Director for San Juan County. The closest wildfire resources for Monument lands resides on the mainland under the WA State Department of Natural Resources. Most wildfire personnel are on the east side of the Cascades, a considerable distance from the San Juan Islands.

San Juan County

Bill Watson et al.

Issue Excerpt Text: Wildfire/ Habitat and Plant Management (Chapter 2; Habitat and Plants; Management Direction; page 11 bullet 7) (Chapter 3; Wildfire; pages 241- 249 and Table 62) Inadequate Safety Procedures The RMP calls for prescribed burning for vegetation management and as a way to reduce future wildfire danger. We feel that any burning should only occur on islands where the BLM controls the entire island. Almost every other parcel(s) owned by the BLM are in close proximity to homes and structures qualifying as the wildland urban interface with highest priority for fire suppression. However, the ISO for the entire island is 6. The department consists of 99% volunteers. State and Federal resources are not housed locally. Response times are longer than other places and the distance between fire and structures much less. Wildfires or proposed prescriptive burning would occur at the same time as most forest fires occur and Department of Natural Resources assets are deployed far away. The assumptions made regarding the distance of homes from monument borders and the ability to control a fire to within a ¼ mile beyond the boundary of the monument are in error. This is especially evident in the Iceberg Point and Point Colville - Watmough Bay areas. Based on BLM’s wildfire speed chart and distances measured on San Juan County’s (SJC) would easily reach homes, cut off response access, and escape routes quickly. First error, structures are located within ¼ mile of NM parcel borders. Second, in these areas the vegetation consists mainly of dry forest and woodland with burning rate of 66 feet per hour. A fire originating in the southern part of Iceberg Point at the edge of forest/ woodland would reach Seth Road (distance of 2,631ft.) within 1 hour. Several houses would be lost and access/escape road to homes east of there would be blocked. Similarly, at Point Colville, structures are much closer than 1,320 ft (1/4 mile). Again using the southern edge of the Point, a fire would reach the structure 920 ft away within ½ hour and cut off the access/escape road (1,604 ft) to five more homes in 35 minutes.

Sally Reeve

Issue Excerpt Text: Issue: The Proposed RMP/EIS is incorrect and inadequate In its consideration of wildfire risks to the objects and values of the San Juan Islands National Monument, to public and private property, and to public safety. Why this is wrong or inadequate: * Presidential Proclamation 8947 of March 25, 2013: The protection of these lands in the San Juan Islands will maintain their historical and cultural significance and enhance their unique and varied natural and scientific resources, for the benefit of all Americans. Whereas it is in the public interest to preserve the objects of scientific and historic interest on the lands of the San Juan islands;...For purposes of

protecting and restoring the objects identified above, the Secretary, through the BLM, shall prepare and maintain a management plan for the monument. *

Sally Reeve

Issue Excerpt Text: Allowing camp stoves with designated camping with permit also Increases the wildfire risk, refer to and incorporate my discussion under Dispersed Camping with Permit. The large number of visitors at Cattle Point, Iceberg Point and several these other south-end Lopez sites increases the potential for wildfire risk, more people= more possibilities for a fire to start. This could even come from some poor soul who thinks burning TP is part of Leave no Trace (adopted by San Juan County) as the only toilet facility In the vicinity of Point Colville/Chadwick Hill is at the Watmough Bay parking lot. For Iceberg Point the only toilet facility is at Agate Beach County Park. * The Proposed RMP/EIS allows in the plan and Its implementation Increases In wildfire risk without adequately considering the damage to the fragile ecological objects and values, the cultural objects and values and the historic object and values and the Increased dangers to public safety, public property and private property. This increase in wildfire risk stems from allowing discharge of firearms on lands in the San Juan Islands National Monument. This is especially applicable to target shooting as there are no restrictions on types of ammunition, types of guns, nor types of targets used such as specified in the Washington State Department of Natural Resources guide to target shooting {WAC 332-52-145}. Incendiary ammunition is particularly likely to start fires, especially in areas with dry grassland such as Iceberg Point, Kellett Bluff, Point Colville, Cattle Point. Use of steel casings in ammunition increases fire risk. Failure to clean up spent casings can create a fire risk. Use of natural objects as targets can create a fire risk. (Living with Fire, University of Nevada, BLM: Target Shooting Major Cause of Fires , Wildfire Today) As a property owner adjacent to Iceberg Point with contiguous forest lands and meadows to this BLM site, my forests, meadows, property, and life is threatened by the increase in wildfire risks associated with the allowance of discharge of firearms at Iceberg Point and the lack of restrictions on open flames. BLM did after the Draft RM/EIS comment decide it needed to consider the impact on structures beyond 1/ 4th mile from the edge of the BLM property and noted the lack of egress and difficulty in fighting a crown fire (which is the likely fire complex to develop given the dense forests, the shrubs which have overtaken much of the meadows at Iceberg, the winds and dryness present at Iceberg Point). This also applies to the Point Colville/Watmough Bay/Chadwick Hill sites with Watmough Bay having the ability for a fast spreading fire on its steep slopes. The Proposed RMP/EIS does not discuss safe egress for those at Watmough Bay/Point Colville. * Secretarial Order 3366, BLM’s Land Use Planning Handbook. and the Federal Land Policy and Management Act of 1976 {FLPMA ZOZ(cl(9)) states : BLM must “work cooperatively with State, Tribal, and Territorial wildlife agencies to ensure that regulations for recreation on lands and waters managed by the Department complement, or at a minimum do not contradict, the regulations on the surrounding lands and waters to the extent legally practicable.

Summary:

BLM management actions in the SJINM Proposed RMP and FEIS (BLM 2019) failed to:

- Adequately consider impacts on public safety, communities, and community infrastructure from wildfires, and
- Protect Monument objects and values by not implementing adequate wildlife management actions.

Response:

NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a “hard look” at potential environmental impacts of adopting the SJINM Proposed RMP and FEIS (BLM 2019).

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

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

The BLM must make a comprehensive consideration of a proposed action to evaluate different courses of action (take a “hard look” at the environmental consequences) (*Kleppe v. Sierra Club*, 427 US 390, 410 [1976], n. 21; *Robertson v. Methow Valley Citizens Council*, 490 US 332, 350 [1989]). The agency may not rely on incorrect assumptions or data when analyzing effects (*Native Ecosystems Council v. US Forest Service*, 418 F.3d 953, 964 [9th Cir. 2005]). The BLM takes a “hard look” when the NEPA document contains a “reasonably thorough” discussion of an action’s environmental consequences, and the agency can make an informed decision about whether there are any significant environmental impacts (*Nat’l Parks and Conservation Ass’n. v. BLM*, 606 F.3d 1058, 1072 [9th Cir. 2010] [citing *State of California v. Block*, 690 F.3d 753, 761 (9th Cir. 1982)]; *Biodiversity Conservation Alliance, et al.*, 171 IBLA 218, 226 [2007] [internal citations omitted]).

The effects analysis must demonstrate that the BLM took a “hard look” at the impacts of the action (BLM NEPA Handbook, H-1790-1, 6.8.1.2, Analyzing Effects). The CEQ regulations specify that the environmental information made available to public officials and citizens before decisions are made must be of “high quality” (40 CFR 1500.1(b)).

A “hard look” is a reasoned analysis containing quantitative or detailed qualitative information. (BLM NEPA Handbook, H-1790-1, 6.8.1.2, Analyzing Effects). The BLM must use information of high quality and scientific integrity in its NEPA analysis, including information provided as part of public involvement (40 CFR 1500.1(b) and 1502.24). The NEPA documents are to be analytic, rather than encyclopedic (40 CFR 1500.4(b) and 1502.2(a)).

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

Because the Monument does not have a fire management plan, BLM policy, rather than plan decisions, dictates the majority of the BLM’s wildfire response process. This applies to all fires that ignite within the Monument and that threaten to burn into the Monument. Once the BLM completes an RMP for the Monument, the subsequent fire management plan must describe allowable wildfire responses that support the management goals and objectives of the RMP. During plan implementation, the BLM will develop a fire management plan, which will provide additional information on wildfire response. Because the BLM has no fire organization present on the San Juan Islands, the Washington Department of Natural Resources has provided fire protection within Monument boundaries. In all wildfire responses, the protection of human life is the single overriding

priority. After human life, response priorities are based on the values to be protected, such as communities, infrastructure, property and improvements, and natural and cultural resources (see FEIS Chapter 3, p. 240). A detailed description of the methodology and assumptions used to analyze impacts from wildfires is located in Appendix C of the FEIS (see FEIS, Appendix C, pp. 376–380).

The affected environment chapter (see FEIS Chapter 3, pp. 239–250) describes the conditions that could be affected by the alternatives; it does not dictate where the BLM carries out vegetation treatments that would reduce fuels (which will be determined during plan implementation) or how or where wildfire response takes place. Following the release of the SJINM Draft RMP and EIS (BLM 2018), the BLM added language to the *Wildfire Analytical Issue 1* affected environment section (see FEIS Chapter 3, pp. 239–250) in the SJINM Proposed RMP and FEIS describing structures close to Monument boundaries. A description was added that additional structures in the Iceberg Point vicinity could be affected by a rapidly spreading fire, as could egress from structures. The most appropriate tools for wildfire management would be determined during site-specific project planning and would depend on the specific setting of the project as well as its objectives. The BLM would undertake coordination with adjacent landowners, consultation with tribal governments, public outreach, and appropriate NEPA compliance prior to all vegetation treatments.

The BLM analyzes in detail how the alternatives would affect risks to Monument objects and values from wildfire in the SJINM Proposed RMP and FEIS (see FEIS, pp. 243–250). The BLM concluded that the Proposed RMP and Alternatives B and C would reduce fire risks, maintain or enhance fire-dependent Monument objects and values, and reduce risks to adjoining properties. Alternative sub-C would produce some reduction in fire risks, partially maintain or enhance fire-dependent Monument objects and values, and moderately reduce risks to adjoining properties, but the probable increase in invasive species would reduce the effectiveness of this alternative relative to the Proposed RMP and Alternatives B and C (see FEIS, p. 249).

The BLM complied with NEPA’s requirement to analyze the environmental consequences/impacts on human life, communities, and community infrastructure from wildfires in the SJINM Proposed RMP and FEIS. Accordingly, the protest is denied.

Violation of the Endangered Species Act

Cyndi Smith

Issue Excerpt Text: Richardson Rocks #2 & #3 are existing habitat for these shorebirds. Allowing continued public access to these two racks will threaten, not protect, these fragile birds. The RMP (page 219) notes that ““Opening areas to new or increased access and use can increase risk to previously undisturbed and fragile resources from intentional or unintentional damage and loss.” One such unintentional damage and loss will be the loss of foraging and nesting habitat. These birds are highly susceptible to human disruption and will leave the islets if people land on either of the rocks.

Summary:

The SJINM Proposed RMP and FEIS (BLM 2019) does not comply with the BLM’s policy to manage species to avoid the need for further listing under the Endangered Species Act (ESA) by opening Richardson Rocks #2 and #3 to increased access/use and increasing the risk of unintentional damage and loss of habitat for special status species.

Response:

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

In determining whether a proposed action “may affect” a listed species, or, conversely, whether there will be “no effect,” a Federal agency must determine what activities are encompassed by its proposed action, what the effects of those activities are likely to be on the environment, and whether those effects will “pose any effect” on a listed species or critical habitat. Only those proposed actions that “may affect” a listed species or critical habitat are subject to the ESA’s Section 7 consultation requirements.

Consistent with Section 7 of the ESA, when an action agency determines that a Federal action will have no effect on listed species or critical habitat, the agency will make a “no effect” determination. In that case, the ESA regulations do not require concurrence from the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service, and the agency’s obligations under Section 7(a)(2) for that action are complete.

The SJINM Proposed RMP and FEIS (BLM 2019) includes a description of the BLM’s compliance with Section 7 of the ESA in the *Executive Summary* (see FEIS, *Executive Summary*, p. x). Section 7(a)(2) of the ESA requires the BLM to consult with the USFWS and the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service on the effects of the Proposed RMP on species listed as threatened or endangered. While there are no listed species that regularly use habitat within the Monument, there are a variety of listed species for which the Monument could provide habitat through reintroduction or population expansion or that occupy habitat adjacent to the Monument (see FEIS, Chapter 3, *Wildlife*, pp. 252).

The SJINM Proposed RMP and FEIS acknowledges that establishing Richardson Rocks #2 and #3 as RMAs could, over the life of the plan, result in a decline in native species and habitat condition from increased access and use. The BLM would use fencing, signage, permit stipulations, and temporary closures to mitigate these effects as they occur. Issuing permits with stipulations to avoid damaged or sensitive sites that could be adversely affected will reduce potential impacts on habitats and therefore protect Monument objects (see FEIS, p. 127).

In August 2018, the island marble butterfly was proposed for listing as an endangered species under the ESA, along with designated critical habitat at Cattle Point (USFWS 2018). Should the island marble butterfly become an endangered species, the BLM would initiate consultation as needed for it and any designated critical habitat in the Monument. During plan implementation, the BLM may pursue a long-term programmatic consultation with the USFWS to address routine actions, as well as specific potential restoration actions in the Monument.

In addition, and to ensure adverse effect risks are addressed after the RMP is signed, the BLM will continue to consult as needed with the USFWS and National Oceanic and Atmospheric Administration National Marine Fisheries Service under Section 7(a)(2) of the ESA for all current and future federally listed species, prior to implementation of any on-the-ground projects that could adversely affect species or designated critical habitat.

In accordance with Section 7, the BLM analyzed whether the adoption of the SJINM Proposed RMP and FEIS “may affect” listed species or critical habitat (see FEIS Chapter 4, pp. 110–125 and pp. 252–290) and concluded that the adoption of the SJINM Proposed RMP and FEIS would have “no effect” cognizable under the ESA (see FEIS Chapter 4, p. 297).

The BLM has developed the SJINM Proposed RMP and FEIS in full compliance with the ESA. Accordingly, the protest is denied.

References

- Agee, J. K., and P. W. Dunwiddie. 1984. Recent forest development on Yellow Island, San Juan County, WA. *Canadian Journal of Botany* 62:2074–2080.
- Anonymous. 1868. The northwest boundary. Discussion of the water boundary question: geographical memoir of the islands in dispute: and history of the military occupation of San Juan Island. Washington (DC): Government Printing Office.
- Avery C. 2004. *San Juan Island National Park: an environmental history*. Seattle (WA): National Park Service, Pacific West Regional Office.
- Beyer, Renate. 2019. *Draft San Juan Islands National Monument Cultural Inventory Project*. San Juan County, Washington. BLM Survey Report #130190681.
- Bureau of Land Management (BLM). 2007. *Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Final Programmatic EIS* (2007 EIS). Available at: https://eplanning.blm.gov/epl-frontoffice/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=1_03592 (accessed January 27, 2020).
- Bureau of Land Management (BLM). 2015. *San Juan Islands National Monument Resource Management Plan and Environmental Impact Statement Scoping Report*. Available at: https://eplanning.blm.gov/epl-front-office/projects/nepa/49041/62642/67884/PublishedScoping_Report.pdf (accessed January 27, 2020).
- Bureau of Land Management (BLM). 2016. *Vegetation Treatments Using Aminopyralid, Fluroxypyr, and Rimsulfuron on Bureau of Land Management Lands in 17 Western States Final Programmatic EIS* (2016 EIS). Available at: https://eplanning.blm.gov/epl-frontoffice/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=1_03601 (accessed January 27, 2020).
- Bureau of Land Management (BLM). 2018. *San Juan Islands National Monument Draft Resource Management Plan and Environmental Impact Statement*. Available at: https://eplanning.blm.gov/epl-front-office/projects/nepa/49041/159122/194590/20181005_SJINM_DEIS.pdf (accessed January 15, 2020).
- Bureau of Land Management (BLM). 2019. *San Juan Islands National Monument Proposed Resource Management Plan and Final Environmental Impact Statement*. Available at: https://eplanning.blm.gov/epl-front-office/projects/nepa/49041/20008616/250010147/Proposed_RMP/Final_EIS.pdf (accessed January 15, 2020).
- Dunwiddie, P. 2011. *Point Colville/Watmough Bay/Chadwick Hill: Conditions and Restoration Potential*. Report made to BLM.
- Gray, R. W., and L. Daniels. 2006. *Fire history analysis for Patos Island, Washington*. Report to the Department of the Interior, Bureau of Land Management, Spokane District.
- McGowan, C. P., and T. R. Simons. 2006. Effects of human recreation on the incubation behavior of American Oystercatchers. *Wilson Journal of Ornithology* 118:485–493.
- Morse, J. A., A. N. Powell, and M. D. Tetreau. 2006. Productivity of Black Oystercatchers: Effects of recreational disturbance in a national park. *Condor* 108:623–633.
- Stillman, R. A., and J. D. Goss-Custard. 2001. Seasonal changes in response of oystercatchers *Haematopus ostralegus* to human disturbance. *Journal of Avian Biology* 33:358–365.

U.S. Fish and Wildlife Service (USFWS). 2018. Action: Proposed Rule. Endangered and Threatened Wildlife and Plants; Endangered Status for the Island Marble Butterfly and Designation of Critical Habitat. Federal Register Notice Vol. 81, No. 65, April 5, 2016. Available at: <https://www.gpo.gov/fdsys/pkg/FR-2018-04-12/pdf/2018-07347.pdf>.

Whittaker, D., B. Shelby, and D. Shelby. 2018. *San Juan Islands Visitor Study*. Available at: <https://www.sanjuanco.com/DocumentCenter/View/15767/06042018-Final-San-Juan-Islands-Visitor-Study-June-2018-with-cover>. Accessed April 6, 2020.

This page intentionally left blank.