

Archery Trade Association
Association of Fish and Wildlife Agencies
Boone and Crockett Club
Congressional Sportsmen's Foundation
Dallas Safari Club

Delta Waterfowl
National Rifle Association
National Shooting Sports Foundation
National Wild Turkey Federation
Rocky Mountain Elk Foundation

November 1, 2024

Matt Preston, (Acting) State Director
ATTN: Monument Planning
BLM Monticello Field Office
365 North Main, Monticello, UT 84535.

RE: Protest of the U.S. Department of the Interior, Bureau of Land Management, Utah State Office, Bears Ears National Monument Proposed Resource Management Plan and Final Environmental Impact Statement

Dear Mr. Preston:

On behalf of the millions of Americans who utilize public lands for recreational shooting, we submit the following protest of the Bureau of Land Management (BLM) final Resource Management Plan for Bears Ears National Monument in accordance with 43 C.F.R. § 1610.5-2. Our protest is simply stated: the BLM violated the Dingell Act, 16 U.S.C. §§ 7901–7933, by prohibiting recreational shooting in its entirety on Bears Ears National Monument.

STATEMENT OF INTEREST OF PROTESTING PARTIES

Our non-governmental organizations (NGOs) represent millions of Americans from across the United States, many of whom depend on federal lands for recreational shooting and hunting. We participate as members of the Hunting and Shooting Sports Roundtable, created by the Federal Lands Hunting, Fishing and Shooting Sports Memorandum of Understanding (MOU) and have been engaged in federal land management planning processes since the first MOU was signed in 1999. This MOU includes the BLM and other federal land agencies.

STATEMENT OF REASONS TO SUPPORT THE PROTEST

On June 11, 2024, we submitted a comment letter on the proposed Bears Ears Management Plan outlining our support for Alternative A while pointing out the significant flaws, lack of scientific data, and overall bias of BLM's presentation and discussion of recreational shooting within the Monument. We further commented that the agency is required under the Dingell Act to minimize the footprint of any recreational shooting prohibition to those areas where such restrictions are necessary to meet other management objectives. 16 U.S.C. §§ 7901–7913.

Although the agency acknowledged our comment letter in the final Management Plan, we cannot agree with the BLM that “consistent with the Dingell Act, the Proposed Plan would designate as

closed to dispersed recreational shooting the smallest area for the least amount of time that is required for public safety, administration, and compliance with applicable law”. *See, e.g.,* Appendix U, U-100. There is nothing in the final rule to suggest that the BLM carefully considered alternatives, as required under the Dingell Act, and thus it appears the agency decided to take the most politically expedient route instead of what is required by law. “The smallest area for the least amount of time” *only* equals 100% if such is the case.

Our comments are hereby incorporated and attached to support this protest.

Sincerely,

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Attachment 1

June 11, 2024

Scott M. Whitesides, Project Manager
ATTN: Monument Planning
BLM Monticello Field Office
365 North Main, Monticello, UT 84535.

Dear Mr. Whitesides:

Our non-governmental organizations (NGOs) represent millions of hunters and recreational shooters across the country, many of whom depend on federal lands for their recreation enjoyment. We participate as members of the Hunting and Shooting Sports Roundtable, created by the Federal Lands Hunting, Fishing and Shooting Sports Memorandum of Understanding (MOU), with federal land management agencies, including the Bureau of Land Management (BLM), and have been engaged in federal land management planning processes since the first MOU was signed in 1999.

The undersigned organizations strongly support Alternative A that does not extend closures of the Bears Ears National Monument (BENM) to recreational shooting beyond existing closures.

The LUP/EIS states that there is very little recreational shooting occurring in the BENM, and yet acknowledges a dearth of information about that use. However, given the low level of recreational shooting activity, all the Alternatives, with the exception of Alternative A, propose a range of large-scale closures for recreational shooting, including a total closure under Alternative E.

The LUP/EIS ignores Section 4103 of the Dingell Act requiring closures for hunting, fishing and recreational shooting to be the smallest area for the least amount of time for public safety, administration or compliance with applicable laws. The LUP/EIS provides no justification for extending closures beyond what is currently in effect and how proposed closures in the alternatives (except Alternative A) are in compliance with this section of the Dingell Act.

Further, the BLM appears to be creating new criteria for closing land to recreational shooting and importing to the Wilderness Act something for which there is no prohibition; that is, the discharge of firearms. Wholesale prohibition of recreational shooting on land with wilderness characteristics clearly exceeds the agency's discretionary authority under the Chevron Doctrine and the requirements of the Dingell Act cited above.

Another significant flaw in the LUP/EIS is its references to textbook-like impacts of firearm discharge. Those references fail to make the case for closures. For example, under 3.5.7.2.7 of Alternative E - Impacts from Recreational Shooting, it states, “Additionally, such management would provide environmental benefits by preventing noise pollution and lead fragments from bullets leaching into soils and waterways, protecting wildlife from lead poisoning (emphasis added).” The LUP/EIS does not describe factors that would cause lead to leach into soils such as the soils being acidic in nature (uncommon in BENM) and high precipitation.

Equally egregious is the lack of scientific evidence to support the claim that dispersed recreational shooting is poisoning wildlife. There are no carcasses or gut piles to feed upon and the scattered lead particles from dispersed recreational shooting are unlikely to be a significantly detectable source for lead ingestion. Such an undocumented statement provides no scientific rationale for further closures in the BENM. In fact, it is irresponsible for the LUP/EIS to make such statements and to suggest to the public interested in the future management of the BENM that recreational shooting is having such an effect on wildlife.

Bias against recreational shooting is apparent in several ways. For example, closures are proposed in remote areas such as on land with wilderness characteristics where recreational shooting rarely takes place, but where hunting and the discharge of firearms is most likely to occur. However, hunting has no prohibitions or closures, nor should it. This is only to demonstrate the lack of rationale that is being used to limit or prohibit recreational shooting.

In a variety of instances, the LUP/EIS speaks to recreational shooting closures to reduce the presence of trash and bullet damage to rocks, soil, and vegetation. There is little or no evidence of these impacts actually occurring in the BENM. Nonetheless, there is nothing other than prohibitions as a means of addressing recreational shooting. Similar impacts, as stated in the LUP/EIS, are occurring as a result of other forms of recreation; however, the response is to recommend some closures, seasonal closures, use by permit, etc. related to these impacting uses. It gives the clear impression that the BLM is working to accommodate all the other recreational uses, but not recreational shooting.

We support Alternative A as the only justifiable alternative with respect to recreational shooting in the LUP/EIS. As stated in Alternative A for recreational shooting, “Recreational shooting would be allowed throughout BENM with the exception of campgrounds/developed recreation sites, rock writing sites, and structural cultural sites. If problems with recreational shooting occur in the future, the BLM would consider future restrictions or closures.”

Alternative A is the only management alternative for dispersed recreational shooting, given the lack of supportable documentation to the contrary.

We also express opposition to Alternative E, the preferred alternative, inasmuch as it holds the potential for supplanting the authority of the Utah Division of Wildlife Resources over management of hunting by requiring a special permit system on federal lands in the BENA. This would occur if the Tribal Coalition’s Plan, included in the Draft LUP/EIS, were to be adopted. Such a permit system would wrongly restrict the State’s authority to manage wildlife.

The Undersigned appreciate the opportunity to submit comments and trust that the BLM will not impose additional closures where none at present are needed or supportable.

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