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First name: LYNN

Last name: PADGETT

Organization: Ouray County

Title: COMMISSIONER

Comments: Board of County Commissioners of the County of OURAY, State of Colorado

Notice of Objection pertaining to:

the Final Revised Land Management Plan and Final Environmental Impact Statement for the Grand Mesa,
Uncompahgre and Gunnison (GMUG) National Forests

October 30, 2023

Chad Stewart

Responsible Official for Record of Decision for Revised Land Management Plan

Forest Supervisor

Grand Mesa, Uncompahgre, and Gunnison National Forests Headquarters 2250 South Main Street

Delta, CO 81416

(970) 874-6674

Frank Beum

Reviewing Officer for Revised Land Management Plan Responsible Official for List of Species of Conservation
Concern Regional Forester

USDA Forest Service Rocky Mountain Region 1617 Cole Boulevard

Lakewood, CO 80401

Randy Moore

Reviewing Officer for List of Species of Conservation Concern

United States Forest Service Rocky Mountain Region Attn: Reviewing Officer

c/o Director of Strategic Planning 2nd floor 1617 Cole Boulevard

Building 17

Lakewood, CO 80401

Submitted electronically via the project webpage:

http://www.fs.usda.gov/goto/gmug/forestplan_objections

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the Final Revised Land Management Plan and Final Environmental Impact Statement for the Grand Mesa,
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OBJECTOR CONTACT INFORMATION

Pursuant to 36 C.F.R. [sect] 219.54 (c)(3), the Board of County Commissioners of the County of OURAY, State of Colorado ([ldquo]Gunnison County[rdquo] or [ldquo]County[rdquo]) is designated as the objector.

Lead Objector:

Board of County Commissioners of the County of OURAY, State of Colorado Lynn M. Padgett, Ouray County Commissioner, designated by BOCC lpadgett@ourayco.gov

970-318-9582

PO Box C, 541 4th St.

Ouray, CO 81427

Copy to: Leo Caselli Ouray County Attorney lcaselli@ourayco.gov 970-325-7961

PO Box C, 541 4th St.

Ouray, CO 81427

NOTICE OF OBJECTION

Ouray County files this objection to the Final Land Management Plan ([ldquo]LMP[rdquo]) for Grand Mesa, Uncompahgre, and Gunnison National Forests ([ldquo]GMUG[rdquo]) under the process identified in 36 C.F.R. [sect] 219 Subpart B. Notice of availability of the Record of Decision ([ldquo]ROD[rdquo]), Final Environmental

Impact Statement ([ldquo]FEIS[rdquo]), and the Final Land Management Plan ([ldquo]LMP[rdquo], [ldquo]Forest Plan[rdquo] or [ldquo]Plan[rdquo]) was published in a newspaper of record on August 30, 2023.

Accordingly, this objection is timely.

ELIGIBILITY TO OBJECT

Ouray County has participated in the planning process for the Final Revised Land Management Plan and Final Environmental Impact Statement since their inception. The County submitted comments to the United States Forest Service regarding the draft LMP and draft EIS on December 8, 2017; June 1, 2018; March 9, 2019; May 30, 2019; July 23, 2019; and November 26, 2021. We have submitted a separate timely objection notice and documentation to the GMUG via the electronic submission form regarding the Regional Forester[rsquo]s Species of Conservation Concern List, Analysis, and Determination for the Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests, today, October 30, 2023.

Our Ouray County Cooperating Agency Comments on the August 2021 DRLMP and DEIS Public Documents [ndash] Grand Mesa, Uncompahgre, and Gunnison Forest Plan Revision #51806 were submitted on November 26, 2021 (Ex. A). Further, USFS entered into Memorandum of Understandings in 2018 (19-mu-11020400-005) and 2023 (23-MU-11020400-085), designating Ouray County as a Cooperating Agency for the planning process. See MOU (Ex. B). The issues

raised in this Objection either were raised in the aforementioned comments or were unavailable at the Draft Environmental Impact Statement ([ldquo]DEIS[rdquo]) stage.

1. OURAY COUNTY IS A CO-OBJECTOR WITH GUNNISON COUNTY ON THE MATTERS RAISED IN THE FINAL REVISED LAND MANAGEMENT PLAN (FRLMP) / FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS) OBJECTION NOTICE SUBMITTED BY GUNNISON COUNTY.[middot] Gunnison County will be the lead objector for the substance of the objection notice and documentation they submitted.

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* If there is any conflict between more broad objections raised by Gunnison County and specific situations raised by Ouray County within the Ouray Ranger District, we desire the U.S.F.S. to consider Ouray County[rsquo]s suggested improvements specific to that situation with Ouray County as the sole and lead objector for that specific situation.

2. OBJECTION TO INCLUSION OF SENSITIVE AREAS HAVING GREATER THAN 40 PERCENT SLOPES AS [ldquo]SUITABLE TIMBER[rdquo]¹ IN THE PREFERRED ALTERNATIVE (known as modified [ldquo]B[rdquo]).

3. OBJECTION TO GMUG CHANGING SLOPE LAYER REFERENCES BETWEEN DRLMP/DEIS AND FRLMP/FEIS WITHOUT PROVIDING DEM SOURCE REFERENCE OR FILE.

1. OBJECTION TO INCLUSION OF SUITABLE TIMBER IN AREAS PRONE TO AVALANCHES AND/OR SIGNIFICANT ECONOMIC IMPORTANCE FOR VISUAL RESOURCE TOURISM, MINING, AND FENS.

Review methodology: Ouray County is within the Ouray Ranger District. Ouray County examined GIS data created by GMUG which has been provided to the public and/or Cooperating Agencies for review with the FRLMP/FEIS, DRLMP/DEIS at a scale of 1:24,000-1:60,000 to understand the FRLMP/FEIS on the lands we are most familiar with. When certain layers were not available directly from GMUG (such as Ranger District boundaries) the USFS Geodata Clearinghouse was incorporated. The DEIS GIS files for Timber Suitability alternatives included the GMUG's percent slope calculations.

FRLMP Footnote 11 of Appendix 8 page 8-7 refers to an "updated slope layer derived from a 10m DEM" as the source of discerning and omitting slopes greater than 40 percent for Alternative D (which is not the agency's preferred DRLMP alternative). The Suitable Timber Areas of Alternative D match up with the slopes identified as less than 40 percent in the DRLMP/DEIS GIS data with slope percentage included in their attribute tables.

[Footnote]

Page 214 of FRLMP defines Suitable Timber/Areas suitable for timber production as: "Area that defines where timber harvest for the purpose of timber production may occur, subject to subsequent project-level, site-specific data, and analysis. This is a plan-level allocation decision. Timber harvest for purposes other than timber production may also occur here. Scheduled timber harvests occur on these lands, among other active management activities, to contribute to Forestwide desired conditions and multiple use goals."

We took the GMUG calculated percent slope and intersected it with the GMUG's Final Alternative B Timber Suitability data (9/26/2022) to understand the slopes that the agency's preferred alternative maps as suitable timber.

The majority of Suitable Timber areas within Ouray County and adjacent San Juan County, within the Ouray Ranger District, are greater than 40 percent.

The majority of Suitable Timber areas within Ouray County are not only greater than 40 percent slopes, they are also adjacent to the US 550, County Road 18/Engineer Pass Road, County Road 20/A/B/C/Brown Mountain Corkscrew Roads. These areas are within the San Juan Skyway Scenic Byway Corridor, as mapped by GMUG in the FEIS overlay. A considerable area of Suitable Timber on slopes greater than 40 percent is also within the County Road 361/Camp Bird Road corridor (Ex. C) These areas are within, adjacent, and abutting a large, complex array of deadly avalanche paths.

The economic importance of the visual resources of these slopes within the Iron/ton/Million Dollar Highway and Alpine Loop (Camp Bird-Yankee Boy- Imogene Pass) to the tourism economy of Ouray County and the region, boasting more than 1 million visitors a year, cannot be overstated.

The potential for devastating and deadly avalanches is well documented in history books, a monument on U.S. Highway 550 honoring CDOT plow drivers killed doing their jobs, and research. The US 550 and County Road 361 corridors are considered by Colorado Avalanche Information Center to be among the most dangerous in the Colorado, the United States, and world.

Many of these areas are upslope of critical wetlands and fens, which are vulnerable not just to compaction but also to sedimentation. Most of these areas are within, adjacent, or abutting complex avalanche pathways which may increase if trees are removed. The economic costs of avalanche forecasting and mitigation also cannot be understated.

These costs are incurred by Colorado Department of Transportation, which has been installing permanent control equipment along U.S. Highway 550 this year². The new owner of the Camp Bird and Revenue Mines on County Road 361 estimated at a joint work session on October 25, 2023 with the County Commissioners that avalanche forecasting and mitigation along County Road 361 will cost \$250,000 this winter (December [dash] April).

Congress has directed the Forest Service to conduct long-term planning and management through the passage of the National Forest Management Act of 1976 (NFMA).³ No timber harvest for the purposes of timber production may occur on lands not suited for timber production.⁴ Timber harvest for purposes other than timber production is allowed, even on those lands not identified as Suitable for Timber Production in the

[Footnote]

²² <https://www.codot.gov/news/2023/july/avalanche-control-project-on-us-550-to-begin>

³ P.L. 93-378 P.L. 94-588, 16 U.S.C. [sect]1601 et al. (NFMA). NFMA amended the Forests and Rangelands Renewable Resources Planning Act (RPA), P.L. 93-378, 16 U.S.C. [sect][sect]1600 et seq.

⁴ 36 C.F.R. [sect]219.11. <https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol2/pdf/CFR-2012-title36-vol2-sec219-11.pdf> ; accessed 11/24/2021.

forest plan. The plan "[hellip]may allow for timber harvest for purposes other than timber production[hellip] as a tool to assist in achieving or maintaining one or more applicable desired conditions or objectives of the plan in order to protect other multiple-use values, and for salvage, sanitation, or public health or safety. Examples of using timber harvest to protect other multiple-use values may include improving wildlife or fish habitat, thinning to reduce fire risk, or restoring meadow or savanna ecosystems where trees have invaded."⁵

The National Forest Management Act of 1976 (NFMA)⁶ states, "The responsible official shall identify lands within the plan area as not suited for timber production if any one of the following factors applies[hellip] The technology is not currently available for conducting timber harvest without causing irreversible damage to soil, slope, or other watershed conditions[hellip]"⁷

SUGGESTED IMPROVEMENTS (for Objections 2, 3, and 4):

- * Revise Suitable Timber Production areas to omit slopes greater than 40 percent within the Ouray Ranger District.

- * Timber within these areas omitted will still be allowed to have harvests for multiple plan objectives such as salvage, sanitation, mitigating infestations of insects or diseases, or public health and safety.

- * The technology is not currently available and not scientifically proven to be a best management practice in these forest types.

- * The economic impact of timber harvest vs the economic engines of recreation and tourism has not been analyzed (see GUNNISON COUNTY OBJECTION).

- * Revise Suitable Timber Production areas to omit areas within, adjacent, abutting, and hydrologically upslope of fens mapped by Mountain Studies Institute and GMUG (2012, see Ouray County DRLMP/DEIS comments) and mapped as Potential Fens by Colorado Natural Heritage Program.⁸ The Suitable Timber areas in extreme northeast San Juan County proximal to Engineer Pass Road still intersect or abut these fen resources (Ex C).

[middle] Revise Suitable Timber Production areas to omit areas that will create undue public health and safety and economic impacts. Alternative D (in contrast to Preferred Alternative B) generally avoids these areas except for polygons near County Road 361 and County Road 20A. These areas should be omitted for public safety, economic, and other reasons regardless of slope.⁹

[Footnote]

5 36 C.F.R. [sect]219.11. <https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol2/pdf/CFR-2012-title36-vol2-sec219-11.pdf> ; accessed 11/24/2021.

6 P.L. 93-378 P.L. 94-588, 16 U.S.C. [sect]1601 et al. (NFMA). NFMA amended the Forests and Rangelands Renewable Resources Planning Act (RPA), P.L. 93-378, 16 U.S.C. [sect][sect]1600 et seq.

7 36 C.F.R. [sect]219.11. <https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol2/pdf/CFR-2012-title36-vol2-sec219-11.pdf> ; accessed 11/24/2021.

8 Detailed GIS layer for Potential Fens is available on request from CNHP or CODEX.
<https://cnhp.colostate.edu/projects/ecological-systems-of-colorado/details/?elementID=365208>.

<https://codex.cnhp.colostate.edu/>. 9 Areas were identified by district staff as unsuitable for a variety of reasons, including: wet conditions; wetlands/riparian areas not otherwise identified in the GIS data as non-forested; steep slope in combination with other factors such as poor site quality;

*

* The majority of Suitable Timber areas within Ouray County are not only greater than 40 percent slopes, they are also adjacent to the US 550, County Road 18/Engineer Pass Road, County Road 20/A/B/C/Brown Mountain Corkscrew Roads. These areas are within the San Juan Skyway Scenic Byway Corridor, as mapped by GMUG in the FEIS overlay. A considerable area of Suitable Timber on slopes greater than 40 percent is also within the County Road 361/Camp Bird Road corridor (Ex. C) These area are within, adjacent and abutting a large, complex array of deadly avalanche paths.

* The majority of Suitable Timber areas with Alternative B and those in Alternative D near County Road 361 and County Road 20A do not agree the USFS statement in FRLMP Appendix 8, page 8-9, indicating the GMUG intended to omit [ldquo]Areas were identified by district staff as unsuitable for a variety of reasons, including: wet conditions; wetlands/riparian areas not otherwise identified in the GIS data as non-forested; steep slope in combination with other factors such as poor site quality; rocky; adverse skid conditions; poor site quality; slivers of land/isolation; landlocked; access issues; additional non-forested areas not otherwise identified in the GIS data; avalanche-prone; or location in developed recreation sites. [ldquo]

o The Preferred Alternative B Suitable Timber proposes timber production on slopes greater than 40 percent intersecting, adjacent, or abutting known avalanche paths mapped by Colorado Avalanche Information Center (CAIC).¹⁰

[Figure 1, Professional avalanche map provided to Ouray Silver Mines Inc. By CAIC for planning winter avalanche forecasting and mitigation]

[Footnotes]

rocky; adverse skid conditions; poor site quality; slivers of land/isolation; landlocked; access issues; additional non-forested areas not otherwise identified in the GIS data; avalanche-prone; or location in developed recreation sites.

¹⁰ <https://avalanche.state.co.us/>

[Figure 2. Orange hatching shows FRLMP/FEIS areas included as Suitable Timber in the Preferred Alternative B on slopes greater than 40 percent in the same area. Solid orange is suitable timber on slopes less than 40 percent. Olive brown polygons show the suitable timber identified in Alternative D. In the map area, these may still intersect/abut avalanche paths or create new ones.]

5. OBJECTION TO OVERSIMPLIFICATION OF IMPORTANCE AND UNIQUENESS OF FENS.

GMUG FRLMP/FEIS is improved from DRLMP/DEIS in recognizing fens as a groundwater-dependent

ecosystem. However, the Desired Conditions, Objectives, Standards, and Management Approaches mostly found in Chapter 2, pages 18-24; and Chapter 4 Monitoring Question 10, page 156 fail to recognize that healthy functioning fens provide irreplaceable ecological functions and ecosystem services.

Fens provide habitat for species of conservation concern and other sensitive and unique species. They accumulate peat and should continue to. They have complex hydrology, soil, and vegetation specific to each individual fen, characterized by surface water, ground water, water quality, and chemistry, sediment, and temperature.

FW-STND-RMGD-07 (Chapter 2 page 19) specifies the riparian management zone consists of the greatest of three criteria. However, Chapter 4 Monitoring Question 10, page 156, says, "[I]f Dwire or other project-level monitoring indicate minimum plan buffer for fen wetlands is insufficient, modify FW-STND-RMGD-07 buffer size and/or other plan direction for fen wetlands."

Appendix 12, page 12-8 indicates that the 100-foot buffer is uncertain to protect healthy fen function, and yet will be the default until monitoring proves it inadequate.

Injuring fens could release methane if peat dries up and causes the loss of rare plants and ecosystems vulnerable to disturbance and climate change. "Fens are an important and unique wetland type. Fens are peat-forming wetlands that rely on groundwater input and require thousands of years to develop, and cannot easily be restored once destroyed. Fens are also hotspots of biodiversity. They often are home to rare plants, insects, and small mammals. Larger animals like deer and livestock graze in this type of wetland. Fens are valuable to humans as well. They are important as sites of groundwater discharge and are good indicators of shallow aquifers. Vegetation in all wetlands plays an important role in recycling nutrients, trapping eroding soil, and filtering out polluting chemicals such as nitrates. In addition, fens figure prominently in nearly all scenarios of CO₂-induced global change because they are a major sink for atmospheric carbon."-- Weixelman & Cooper 2009.¹¹

USFS recognizes that a 600-foot buffer (Appendix 12, page 12-8) is a minimum for fens with fen obligate species, perhaps a presumption that a fen is healthy and functioning if it supports obligates.

SUGGESTED IMPROVEMENTS:

- * Revise FW-STND-RMGD-07 for Fens by separating out Fens from the non-fen wetlands, lakes, ponds, seeps/springs and reservoirs into its own row in Table 2 [ndash] and make the minimum buffer the larger 600-foot buffer for all fens that have not been field-inventoried to determine their specific surficial and groundwater-dependent extents, and characterize their individual complex hydrology, soil, and vegetation, including surface water, ground water, water quality and chemistry, nutrients, sensitivity to sedimentation, and temperature.

- * Partner with recognized expert agencies such as the Colorado Natural Heritage Program to gain updated field inventory and assessment of fens to enhance existing and planned geospatial information for monitoring and project-level analysis and determinations.

[middot] Incorporate a standard that ensures that management actions that could alter the hydrology, ecosystem diversity, or function of fens from either direct impacts such as compaction or water supply or indirect impacts such as mobilizing nutrients or sediments that unbalance fragile chemistry or temperature will not be authorized.¹²

Clarify FW-STND-RMGD-09: regular 1-person snow machines used for grooming cross-country ski trails such as in Iron-ton or Grand Mesa have not been demonstrated to damage fens. Clarify grooming, to distinguish between heavy snow cats and common (lighter) snow machines. Clarify that FW-STND-RMGD- 09 will not reverse the authorization for simple snow machine grooming that is

[Footnote]

11 USDA USFS. Webpage. https://www.fs.fed.us/wildflowers/beauty/California_Fens/what.shtml

12 See Ouray County DRLMP/DEIS comments, November 26, 2021, Section V, pages 15-18 for numerous examples and references from multiple USFS Land Management Plans and Rocky Mountain Research Station. Ex A.

done in Ironton, Trout Lake, Slate River, and Grand Mesa to name a few examples around the GMUG.

6. STATEMENT OF SUPPORT FOR THE CONTINUATION OF THE EXISTING HARD ROCK 100-FOOT RACE.

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* Through an email exchange with Dana Gardunio, an attempt to understand if the Proposed Alternative would change the existing Winter ROS (which has never been mapped before) and curtail Helitrax either for heliskiing or avalanche mitigation was made on 10/18/2023 (Ex. D).

* We understand from Dana Gardunio, [ldquo]The existing permit in the Ouray District for avalanche mitigation for the Camp Bird Road - because it is for the purpose of facilitating safe mine access to the Ouray Silver Mine - would not be affected by the plan[rsquo]s mapped ROS there.[rdquo] We support no change from the existing special permit for avalanche mitigation for winter Revenue Mine access.

[middot] Our statement is to clarify our support for continuing the existing Hardrock100 foot race, if it is interpreted as being non-conforming in the FRLMP/FEIS ROS.

SUGGESTED IMPROVEMENTS:

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* None. Retain authorization for Helitrax avalanche mitigation for Revenue Mine access and for Hardrock 100 foot race.

7. OBJECTION TO INCLUSION OF HAYDEN MOUNTAIN AS GENERAL FOREST INSTEAD OF THE CITIZEN-PROPOSED AND COUNTY- SUPPORTED HAYDEN SPECIAL INTEREST AREA.

8. OBJECTION TO SPIRIT GULCH/GREYHOUND/BARSTOW MINE ADMINISTRATIVE ACCESS ROAD AREA CHANGE TO SEMI-PRIMITIVE MOTORIZED SUMMER ROS.

* Ouray County commented in support of Hayden Special Interest Area in the DLRMP/DEIS November 26, 2021 comments (pages 24-28) (Ex. A) and objects to this area not being a SIA in the FRLMP/FEIS.

* We appreciate the Preferred Alternative of the FLRMP/FEIS does not have any suitable timber areas and retains the lands within the entire parcel as semi- primitive non-motorized ROS in the winter.

* The entire area within the Proposed HAYDEN SPECIAL INTEREST AREA should be a summer ROS of semi-primitive NON-MOTORIZED, including Spirit Gulch. There is an existing administrative-use only access road to the San Miguel Power Association sub-station and the Barstow Mine for Idarado/Newmont behind a locked gate at Spirit Gulch. We object to the change in ROS for the portion of this area that changed from Summer Semi-Primitive Non-Motorized to Motorized. We concur with the descriptions of the significant special natural

characteristics and fragile alpine meadows and tundra contained in the Objection document submitted by Robyn Cascade of the Great Old Broads, pages 12-15, and recommend the change of the lands within Hayden Special Interest Area becoming an SIA instead of General Forest.

SUGGESTED IMPROVEMENTS for Objections 7 and 8:

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* Change Hayden Mountain from General Forest MA to Hayden Special Interest Area using the boundary previously provided to GMUG for DLRMP/DEIS and prior comments.

* Return the Summer ROS for this entire area, including Spirit Gulch, to Summer Semi-Primitive Non-Motorized, which is the existing condition and was the preferred action in Alternative B of the DLRMP/DEIS.

9. OBJECTION TO CERTAIN CHANGES FROM SUMMER NON-MOTORIZED ROS TO MOTORIZED ROS.

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* In our DRLMP/DEIS comments, Ouray County requested that GMUG Compare the Ouray County Public Access Routes to make sure historic public access routes were incorporated in the GMUG trails inventory (page 26, Ex. A). Our comment was intended to support the status quo and not to accidentally have a change in use due to omission. This comment may have been misunderstood by GMUG.

* We now find that GMUG has interpreted routes that are non-motorized or mechanized to be motorized. Between the DLRMP/DEIS and FLRMP/FEIS, there are areas where the summer ROS has changed to a motorized setting. We object to these instances where they are now in conflict with current trail/route uses.

* We may not yet have found all conflicts that have developed from changes between the DLRMP/DEIS and FLRMP/FEIS.

SUGGESTED IMPROVEMENTS

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* We recommend an in-person conference to compare the historic public access routes and travel modes to the ROS settings for consistency.

* Return Spirit Gulch area and Barstow/Greyhound Road to a summer ROS of Semi-Primitive Non-Motorized.

* Return all Dallas Trail segments from County Road 17/Corbett Creek and west to Non-Motorized.

* De-conflict trail segments adjacent to existing Uncompahgre or Sneffels Wilderness which are shown as motorized ROS right up to the Wilderness boundary.

10. OBJECTION TO TRAIL DENSITY CALCULATIONS FOR WILDLIFE MANAGEMENT AREAS.

SUGGESTED IMPROVEMENTS

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* Provide transparent repeatable methodology and density calculations forest-wide.

SIGNED

[SIGNATURE]

LYNN PADGETT, COMMISSIONER

ON BEHALF OF Board of County Commissioners of the County of OURAY, State of Colorado Upon Ratification

EXHIBIT A: Ouray County Cooperating Agency Comments on the August 2021 DRLMP and DEIS Public Documents [ndash] Grand Mesa, Uncompahgre, and Gunnison Forest Plan Revision #51806