



November 28, 2017

Attn: Forest Plan Revision Team
Grand Mesa, Uncompahgre and Gunnison National Forests
2250 South Main St
Delta, Colorado 81416

**Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG) - Forest Plan Revision, DRAFT
Assessment Reports**

Dear Forest Plan Revision Team:

Please accept these comments regarding the **Grand Mesa, Uncompahgre and Gunnison National Forests - Forest Plan Revision, DRAFT Assessment Reports** on behalf of the Trails Preservation Alliance ("TPA"), the Colorado Off-Highway Vehicle Coalition ("COHVCO") and the Colorado Snowmobile Association ("CSA"). The TPA is a volunteer organization created to be a viable partner to public lands managers, working with the United States Forest Service (USFS) and the Bureau of Land Management (BLM) to preserve the sport of trail riding and multiple-use recreation. The TPA acts as an advocate for the sport and takes the necessary action to insure that the USFS and BLM allocate a fair and equitable percentage of public lands access to diverse trail multiple-use recreational opportunities. COHVCO is a grassroots advocacy organization representing approximately 170,000 registered off-highway vehicle ("OHV"), snowmobile and 4WD users in Colorado seeking to represent, assist, educate, and empower all motorized recreationists in the protection and promotion of multiple-use and off-highway motorized recreation throughout Colorado. COHVCO is an environmental organization that advocates and promotes the responsible use and conservation of our public lands and natural resources to preserve their aesthetic and recreational qualities for future generations. The CSA was founded in 1970 to unite winter-motorized recreationists across the state to enjoy their passion. The CSA has become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of snowmobiling by

working with Federal and state land management agencies and local, state and federal legislators. The TPA, COHVCO and CSA are referred to collectively in this correspondence as "The Organizations".

We appreciate the consideration of our comments submitted previously in July 2017 and in some case the inclusion of our comments into the DRAFT Assessment Reports. For consistency and to ensure inclusion in the public record we have chosen to include those same comments once again with this document.

1. The following comments (***originally submitted by the Organizations in July 2017***) are provided regarding the published Assessment Updates for Plan Revision

(https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd542434.pdf):

- a. **Topic Area - Recreation:** The existing document lists two new recreation technologies, drones and fat [tire] bikes. We feel it is vitally and equally important to list and recognize the changes in Recreational Off-Highway Vehicles (ROV) and Utility Terrain Vehicles (UTV) (AKA "Side by sides") sizes and technologies along with the proliferation of "e-bikes". We also feel the meteoric rise in demand for multiple-use single track must also be specifically listed and recognized.
 - b. **Topic Area - Infrastructure:** In order to address the USFS's emphasis on identifying and implementing a "Minimum Roads System (MRS)", the opportunity to convert existing National Forest System Roads (NFSR) to multiple-use National Forest System Trails (NFST) should be included and listed as an appropriate "update".
 - c. **Topic Area - Ecosystems, including Drivers and Stressors:** To address the topic of climate change, minor updates due to data changes should be listed for potential USFS design criteria to include values such as Design Storm Frequency, Rainfall Intensity, Runoff Coefficients coupled with appropriate sizing of the supporting drainage infrastructure (*e.g. ditch sizing, culvert sizing, rip rap sizing, re-vegetation practices, trail/road alignment, etc.*). Updates to these criteria should be developed to mitigate more extreme weather events and any increased flows that might be attributed to climate change.
 - d. **Topic Area – Social and Economic Contributions:** The following report must be utilized to help identify changes, trends and the substantial economic contributions of Off-Highway Vehicle Recreation in Colorado: <http://www.coloradotpa.org/2017/01/25/economic-contribution-of-off-highway-vehicle-recreation-in-colorado/>
2. The Organizations all firmly believe that multiple-use access and motorized recreation within the **Grand Mesa, Uncompahgre and Gunnison National Forests** is, and will continue to be, vitally important to the economic vitality of Southern Colorado and an expected component of the recreational experiences provided by our public lands. We stand behind a sustainable and robust network of multiple-use/motorized routes and trails that sufficiently serve the needs and demands of all forest visitors.

3. The Organizations believe that continued multiple-use access and motorized recreation within the **Grand Mesa, Uncompahgre and Gunnison National Forests** is vitally important to the preservation and conservation of our public lands and the well being of our citizens. Our Organizations have a history of partnering with the USFS to protect our forest resources while reducing and eliminating barriers that are continuing to make it difficult for Americans to get outside and travel on a multiple-use trail or share a road as part of their outdoor recreational experience.
4. Together the TPA, COHVCO and CSA are committed to the development of a fair and reasonable revised forest plan, and are pleased to offer our collective assistance and expertise to this vitally important project. As with the ongoing Pike & San Isabel National Forests', Motor Vehicle Use Environmental Impact Statement and the Rio Grande National Forest, Forest Plan Revision Project, our Organizations are both prepared to apply our combined resources as a contributing partner and involved constituent in this project.
5. **With regard to the DRAFT Assessment Reports released for public comment in November, 2017, The Organizations submit the following comments:**
 - a. DRAFT Forest Assessments: **Recreation Report:**
 - i. The report repeatedly speaks to user conflicts and a desire by the "public" to separate user groups to reduce conflicts. The Organizations would offer the landscape and **Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG)** are just not big enough or diverse enough to offer independent and dedicated recreational opportunities for each conflicted user group. That all users need to embrace an enhanced attitude of cooperation, coexistence and tolerance toward other users and learn to recreate together. Recommend that the USFS shift from an attitude and policy of segregating users and providing infrastructure for select groups at the cost of others. The landscape is just not big enough for each and every user group (i.e. hikers, mountain bikes, equestrians, motorized users, cross-country skiers, etc.) to have their own exclusive set of trails and associated infrastructure. The USFS needs to set the example for the coexisting of users, promoting tolerance and diversity of users on true multiple-use trails (e.g. include in Chapter 5). Instead of separating users, it would be beneficial for the entire spectrum of trail users, if the USFS was to work with vigor and diligence to encourage the inclusion and accepting of all user groups and embracing an attitude of cooperation and tolerance.
 - ii. Page 3, Key Issues for Recreation on the GMUG; The Organizations "agree" that "...motorized settings are not meeting the preference of [motorized] users in some areas on the forest, including both summer and winter settings." The loss and reduction of motorized recreation opportunities, Forest-wide, is a primary

reason supporting this comment. Similarly, we endorse the statement beneath the heading titled “Trails”: “Additional motorized routes and loop routes are desired by the public”.

- iii. Page 5, Use of Best Available Science; the Organizations recommend the addition and inclusion of the National Off-Highway Vehicle Conservation Council’s (NOHVCC) 2015 Great Trails: Providing Quality OHV Trails and Experiences publication as a source of information and “Best Available Science”.
- iv. Page 35, Dispersed Recreation, Trail Conditions; This paragraph lists 2,641 miles of standard trails in the **Grand Mesa, Uncompahgre and Gunnison National Forests**. This statistic should be clarified with a table showing miles of trail open to motorized use, open to motorized motorcycles/single-track and exclusively to non-motorized users. This comparison of available mileage will be important when comparing recreational opportunities for different users. The Organizations also feel that the myriad and miles of trails, especially mountain bike trails, that have been constructed on ski resorts must also be documented and reported in the above recommended table. The cumulative total miles of trails constructed within ski area boundaries should be included and reported as part of this Assessment and included in the appropriate Recreation Opportunity Spectrum (ROS).
- v. Page 33, Chapter 5, Conditions affecting Quality of Recreation Opportunities; The Organizations offer the following comments regarding this chapter:
 1. We reiterate our comment stated in 5.a.i. above.
 2. The Organizations would encourage and support the GMUG’s decision to convert most any existing National Forest Service Road (NFSR) to a Full Size Trail or another trail designation (e.g., Trail open to Motorcycles, or open to Vehicles 50” or less in width). We encourage the use of conversion techniques contained in Chapter 17 of the National Off-Highway Vehicle Conservation Council’s (NOHVCC) 2015 Great Trails: Providing Quality OHV Trails and Experiences publication. The conversion of NFSRs when appropriate to Full Size Trails is one strategy to help distribute use and provide for expanded recreational opportunities.
 3. We feel it is important to spotlight the following principles regarding multiple-use recreation and feel these are important considerations

when evaluating resource capacity, planning recreational opportunities and evaluating infrastructure (e.g., road and trail networks)¹:

- a. Generally forest visitors participating in multiple-use activities will use routes that exist and adequately satisfy their needs and desires.
 - b. Non-system routes should be reviewed during the follow on Travel Management process on a case-by-case basis to determine if any non-system routes will fulfill a valid need and can be altered to meet recreation and resource considerations.
 - c. Route networks and multiple-use trail systems should meet local needs, provide the desired recreational opportunities and offer a variety of quality experiences. The Organizations are not asking that this be done at the expense of other important concerns, but a system of routes that does not meet user needs is likely not to be utilized properly and will lack support from the users. Occurrences of off-route use, other management issues and enforcement problems may increase if the system routes do not provide an appropriate and enjoyable opportunity.
 - d. **Recreational enthusiasts look for variety in their various pursuits.** For multiple-use recreation, to include motorized/OHV users, this means looped routes are a priority (as previously stated and acknowledged by public comment). An in-and-out route may be satisfactory if the destination is so desirable that it overshadows the fact that GMUG visitors must use the same route in both directions (e.g., access to dispersed camping sites, overlooks, historic sites, geologic sites, etc.). However, even in these cases, loop systems will typically provide a preferred experience.
 - e. Adequate legal parking and dispersed camping areas are necessary to fulfill the needs and desires of the multiple-use and motorized recreation community.
4. It is well recognized that the average age of our country's population is increasing and the number of persons aged 50 and older is steadily

¹ Management Guidelines for OHV Recreation, National Off-Highway Vehicle Conservation Council, 2006

increasing. As the average age grows, so is the number of people still choosing to recreate outdoors but more and more will be less able to use non-motorized methods of travel or participate in high-energy, high-skill sports. As this demographic group grows, so will their needs for access to the GMUG by motorized or other assisted methods. If we collectively fail to recognize and plan for this changing demographic, we will be deliberately excluding a significant and growing segment of the population from the opportunities to experience and enjoy the GMUG. Many of us hope to retain our individual mobility into the “Golden Years”, but many will not, and they will need to rely upon some sort of motorized/mechanized assistance to access the places we all enjoy and cherish.

5. The Organizations generally support pairing e-bikes with existing bicycle infrastructure. The e-bike experience is more likely to share values with traditional bicycling than to motorcycle or OHV use and experiences.

b. DRAFT Forest Assessment: **Infrastructure Report:**

- i. Page 1 & 5; The statement is made that “...*four-wheel drive vehicles are damaging roads and creating a need for more maintenance*”. Although this statement is attributed to public comment, it is the duty of the Forest Plan Revision Staff to unmistakably clarify that this is merely a biased opinion and an unsubstantiated observation. Road use by ALL vehicles causes maintenance needs on roads, four-wheel drive vehicles in and of themselves do not cause any more road wear or damage than any other vehicle. It is the duty of the Staff to not perpetuate opinionated, uncorroborated misconceptions and inaccurate statements. Recommend that this statement be deleted from the report. ALL trail use, no matter the means of propulsion (i.e., foot, horse, bicycle, motor vehicle, etc.), can cause impacts.
- ii. Page 4 Roads; The statement is made that “*The plan area currently has approximately 3,332 miles of road under the jurisdiction of the Forest Service (Table 2). This is almost identical to the 3,329 miles of road under Forest Service jurisdiction in 1991*”. One may certainly infer from this statement that despite a stated and acknowledged growing demand and use of the GMUG NF, the USFS has done little to address the needs and demands of this substantial growth with respect to the road infrastructure. Likewise, it is also a logical conclusion that the planning and developing of GMUG NF’s road infrastructure has therefore been insufficient and not keeping pace with the increasing demand and need for infrastructure. This statistic needs clarification and explanation of

why the inventory of road miles has remained essentially unchanged over the past 26 years despite an ever-increasing demand and use.

The Organizations would encourage and support the GMUG's decision to convert most any existing National Forest Service Road (NFSR) to a Full Size Trail or another trail designation (e.g., Trail open to Motorcycles, or open to Vehicles 50" or less in width). We encourage the use of conversion techniques contained in Chapter 17 of the National Off-Highway Vehicle Conservation Council's (NOHVCC) 2015 Great Trails: Providing Quality OHV Trails and Experiences publication. Conversion of roads to multiple-use, motorized trails will make those routes eligible for Colorado Parks and Wildlife OHV grant funds (*which can specifically be used for the construction, reconstruction or maintenance of OHV routes or multi-use trails that allow for motorized use and other activities*). These conversions will thereby help reduce the direct financial burden and back log to the USFS and can supplement agency funding with user provided funds that were previously unavailable for these routes. Conversion from roads to trails will also reduce the required maintenance level and reduce the necessary amount and back log of funding. Likewise by providing an adequate and varied inventory of routes and trails that fulfills the user's spectrum of needs (today and into the future) for variety, difficulty, destinations, challenge, terrain and scenic opportunity will lead to improved management and compliance requiring less expenditures on route maintenance, signage, enforcement, etc. Existing routes require maintenance; OHV funds have been and will continue to play an important role in meeting GMUG operations and maintenance (O&M) costs.

c. DRAFT Forest Assessments: **Terrestrial Ecosystems: Integrity and System Drivers and Stressors Report:**

- i. Page 14, Maintenance Influences; The statement is made that *"Trails are a less significant stressor than roads, but have many of the same impacts, particularly those with motorized use"*. Is this an opinion by the staff preparing the report or a documented and substantiated fact? If this statement is indeed factual, a reference citing the supporting "Best Available Science" should be provided, otherwise the statement appears to be biased and merely an opinion.

d. DRAFT Forest Assessments: **Benefits to People: Multiple Uses, Ecosystem Services, and Socioeconomic Sustainability Report:**

- i. Page 23-24, Solitude, Spirituality, and Sense of Escape; The statement is made *"For motorized recreation users, roaded natural and rural setting provide the most inspiration or opportunities to connect with nature..."* This statement

completely ignores and fails to recognize the opportunities pursued by motorized recreationalists in the Semi Primitive Motorized (SPM) Recreation Opportunity Spectrum (ROS) Setting. This statement needs to be revised to include the SPM ROS.

e. DRAFT Forest Assessments: **Designated Areas Report:**

- i. Continental Divide National Scenic Trail ("CDNST") management and usage must be governed by multiple use principals: The Organizations are aware of extensive discussions and pressure from certain interest groups surrounding the management of National Scenic Trails and National Historic Trails on numerous other forests, as exemplified by discussions around the Pacific Crest Trail as it travels through the Lassen, Tahoe, Stanislaus and Plumas National Forests in California as these forests move through winter travel planning. Several groups foundationally opposed to multiple use principals sought to address scenic trails on these forests through implementation of non-motorized corridors along the entire length of the trail either through the resource management plan directly or through subsequent site specific planning. Often these groups asserted that national trails must be non-motorized under the National Trails Act, based on incomplete or inaccurate reviews of the National Trails System Act, which can be easily achieved due to the poor drafting of the NTSA and the following provisions are included in the hope of bringing balance to these discussions.

While the crux of these positions hinges on the concept of a corridor around a Congressionally designated trail, no basis for the principal of a corridor has ever been identified and research indicates that a "trail corridor" concept for management of NTSA designated routes has specifically overridden by Congress as such a principal was removed from the NTSA in 1984. Previous versions of the NTSA had included the concept of managing "adjacent lands" to the trail in a manner that benefitted the trail.² One of the first trail plans adopted was the Pacific Crest Trail Plan in 1982, which moved towards implementing a corridor around the PCT. After adoption of the 1982 PCT Trail Plan, Congress immediately acted and removed all provisions regarding the need to manage "adjacent land " to NTSA trails and inserted the statutory requirements of managing the trail right of way to minimize impacts and maximize values in

² See, Public Law 90-548 §7(a).

conformity with multiple use planning.³ This relationship of this amendment and the corridor concept simply cannot be overlooked.

While we have not seen a great deal of interest in this issue with the CDNST on the GMUG NF, the Organizations believe it is important enough to warrant discussion as much of the discussion on other forests directly conflicted with federal law. The Organizations must briefly address the management history of the Continental Divide Scenic Trail and the specific statutory provisions addressing both the CDNST and the usage of public lands in areas adjacent to the CDNST. Management of the CDNST is generally governed by the National Trail System Act (NTSA) which specifically addresses multiple usage of areas adjacent to trails and how these multiple use mandates will relate to management of the trail. The NTSA provides as follows:

"Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple use plans for that specific area in order to insure continued maximum benefits from the land."⁴

The Organizations believe that Congress was very clear in these provisions, as they clearly stated maximum benefits from the land and harmony with multiple use planning was the objective. The Organizations submit that maximum benefits from the land as a management standard is a FAR more encompassing standard of management than maximizing benefit of the trail or an area to the users of the trail. The Organizations submit that any buffer corridor would be a violation of this general management standard and the Organizations are not able to understand how designating a corridor in the Resource management plan would not be a violation of these standards as the conflict would directly involve the multiple uses in the RMP rather than being implemented in subsequent planning.

The NTSA also provides guidance on the large-scale relocation of any Congressionally designated scenic trail from its original location as the NTSA continues as follows:

³ See, 16 USC §1246 (a)(2)

⁴ See, 16 USC 1246(a)(2) emphasis added.

"relocation of a segment of national, scenic or historic trail....A substantial relocation of the rights of way for such a trail shall be by Act of Congress."⁵

While Congress was clear on the desire to retain authority over the alteration of any National Trail, the failure to define "significant" places any changes in a national scenic trail from its original location, in the case of the CDNST the 1977 report to Congress outlining its location, on questionable legal basis.

In several locations in the NTSA, proper recognition of multiple usage of a National Trail is specifically and clearly identified. The NTSA provides as follows:

"j) Types of trail use allowed. Potential trail uses allowed on designated components of the national trails system may include, but are not limited to, the following: bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, and surface water and underwater activities. Vehicles which may be permitted on certain trails may include, but need not be limited to, motorcycles, bicycles, four-wheel drive or all-terrain off-road vehicles. In addition, trail access for handicapped individuals may be provided. The provisions of this subsection shall not supersede any other provisions of this chapter or other Federal laws, or any State or local laws."⁶

The Organizations would note that given the specific recognition of snowmobiling, four-wheel drive and all terrain vehicles as allowed trail usages, any attempt to exclude such usages from the CDNST would be on questionable legal ground. In addition to the above general provisions regarding multiple usage in areas around a National Scenic Trail, multiple usage of the Continental Divide Scenic Trail is also specifically and repeatedly addressed and protected in the NTSA. The CDNST guidance starts as follows:

"Notwithstanding the provisions of section 1246(c) of this title, the use of motorized vehicles on roads which will be designated segments of

⁵ See, 16 USC 1246(b)(ii).

⁶ See, 16 USC 1246(j).

the Continental Divide National Scenic Trail shall be permitted in accordance with regulations prescribed by the appropriate Secretary."⁷

The NTSA further addresses and protects multiple usage of the CDNST is further addressed as follows:

"Where a national historic trail follows existing public roads, developed rights-of-way or waterways, and similar features of man's non historically related development, approximating the original location of a historic route, such segments may be marked to facilitate retracement of the historic route, and where a national historic trail parallels an existing public road, such road may be marked to commemorate the historic route. Other uses along the historic trails and the Continental Divide National Scenic Trail, which will not substantially interfere with the nature and purposes of the trail, and which, at the time of designation, are allowed by administrative regulations, ***including the use of motorized vehicles, shall be permitted by the Secretary charged with the administration of the trail.***"⁸

In addition to the specific provisions of the NTSA addressing the CDNST, the CDNST management plan further addresses multiple usage including the high levels of multiple use on the CDNST in 2009. The CDNST plans specifically states:

"(2) At the time the Study Report was completed (1976), it was estimated that approximately 424 miles (14 percent) of existing primitive roads would be included in the proposed CDNST alignment."

While the CDNST plan does recognize levels of roads utilization, the CDNST plan does not specifically address the miles of multiple use trail that are aligned along the CDNST. Rather the CDNST plan provides that trails adopted through the travel management process are an allowed usage of the CDNST, providing as follows:

"Motor vehicle use by the general public is prohibited on the CDNST, unless that use is consistent with the applicable land management plan and:

⁷ See, 16 USC 1244(a)(5)

⁸ See, 16 USC 12446(C) emphasis added.

- (1) Is necessary to meet emergencies;
- (2) Is necessary to enable adjacent landowners or those with valid outstanding rights to have reasonable access to their lands or rights;
- (3) Is for the purpose of allowing private landowners who have agreed to include their lands in the CDNST by cooperative agreement to use or cross those lands or adjacent lands from time to time in accordance with Federal regulations;
- (4) Is on a motor vehicle route that crosses the CDNST, as long as that use will not substantially interfere with the nature and purposes of the CDNST;
- (5) Is designated in accordance with 36 CFR Part 212, Subpart B, on National Forest System lands or is allowed on public lands and:**
 - (a) The vehicle class and width were allowed on that segment of the CDNST prior to November 10, 1978, and the use will not substantially interfere with the nature and purposes of the CDNST or**
 - (b) That segment of the CDNST was constructed as a road prior to November 10, 1978; or**
- (6) In the case of over-snow vehicles, is allowed in accordance with 36 CFR Part 212, Subpart C, on National Forest System lands or is allowed on public lands and the use will not substantially interfere with the nature and purposes of the CDNST."⁹**

The CDNST plan further adopts multiple use principals by clearly adopting management standards for motorized categories of the recreational opportunity spectrum and as a result the concept of an exclusively non-motorized corridor would directly conflict with the CDNST plan. While the NTSA fails to specifically address multiple use trails along the CDNST, the

⁹ See, USFS: *The Continental Divide Scenic Trail Comprehensive Plan*; 2009 at pg. 19.

Management Plan does specifically provide that multiple use routes adopted under relevant travel management decisions shall be allowed and consistent with applicable planning.

The Organizations submit that while specific portions of the NTSA are less than clear, the NTSA is reasonably clear in conveying the position that the CDNST is truly a multiple use trail and that the CDNST should not serve as a barrier to multiple usage of adjacent areas. The Organizations submit that creation of a landscape level buffer around the CDNST, where multiple usage was prohibited or restricted would be a violation of both the NTSA and the CDNST management plan. This should be avoided, as there are significant challenges on the GMUG NF that are on a more sound legal basis and of significantly more important level to most forest users.

Relevant US Supreme Court rulings and Executive Orders mandate agencies balance management priorities based on the cost benefit analysis of the standard.

The implementation of a non-motorized Wilderness corridor around the CDNST also gives rise to a wide range of issues when looked at from a cost-benefit perspective, which is made even more complex by the fact that the CDNST runs through a wide range of lands, including public and private lands. The Organizations are also concerned that any heightening of the CDNST and a possible corridor around the trail as a management objective in the forest plan would be a difficult proposition when reviewed from a cost benefit analysis. While the GMUG NF has significant challenges facing **all** usage of the forest by the public, such as poor forest health, the CDNST is a resource that is simply not used at a large enough scale to warrant directing extensive resources to revision of management efforts. A review of the Continental Divide Trail Coalition website reveals that ***approximately two dozen people traverse the entire CDNST on an annual basis.***¹⁰ Unfortunately this information is not broken down to more specific levels, such as usage of the CDNST at state or forest levels.

The Organizations do not contest that there are areas or attractions where the CDNST sees very high levels of visitation but the Organizations are aware the areas of higher visitation are areas and issues that can be resolved at the site specific level in an effective manner and should not be relied on for the basis of

¹⁰ See, <http://continentaldivide-trail.org/cdtc-official-list-of-cdt-thru-hikers/>

a forest wide corridor. Additionally hikers of the trail are encouraged to visit local communities to the trail, which include South Fork, Pagosa Springs, Keystone and Breckenridge. The Organizations are unsure how a Wilderness like corridor can be reconciled with developed resources such as these large communities. Any attempt to resolve these issues would be exceptionally expensive from a management perspective and would result in user conflict. The Organizations must question if these areas and CDNST issues more generally could not be more effectively managed through site specific planning subsequent to the RMP finalization. The Organizations submit that there are numerous diverse challenges facing the CDNST, many of which are highly site specific, which should be dealt with at the local level rather than trying to craft a landscape level fix to these issues. There are simply insufficient levels of utilization of the CDNST at the landscape level to warrant inclusion of such issues in the Forest Plan Revision.

Why is the fact that only two dozen people traverse the CDNST annually relevant? Both President Trump (EO 13771 in 2017) and President Obama (EO 13563 in 2011) have issued Executive Orders requiring all federal agencies to undertake a cost benefit analysis of management decisions. The US Supreme Court recently specifically addressed the need for cost benefit analysis as an issue and stated as follows:

“And it is particularly so in an age of limited resources available to deal with grave environmental problems, where too much wasteful expenditure devoted to one problem may well mean considerably fewer resources available to deal effectively with other (perhaps more serious) problems.”¹¹

Given this clear statement of concern over the wasteful expenditure of resources for a certain activities, the Organizations are very concerned regarding what could easily be the wasteful expenditure of resources for the benefit of what is a very small portion of the recreational community. The Organizations submit that there can be no factually based arguments made that closures of large areas of the GMUG NF to historical travel will not result in significant massive additional costs to land managers that really cannot be justified given the huge challenges managers are facing such as poor forest health and large increases in wildfire severity and frequency. The Organizations

¹¹ See, *Entergy Corp v. Riverkeeper Inc. et al*; 556 US; 475 F3d 83; (2009) Opinion of Breyer J, at pg. 4

submit that proper balancing of enforcement costs with the benefit to small user group is exactly the type balance that the Supreme Court and both President Obama and President Trump has expected the agencies to undertake as part of any planning process. The Organizations submit that a non-motorized corridor around the CDNST fails from a cost benefit perspective even if Congressional action and relevant plans allowed such as management decision.

We thank you for reviewing and considering these comments and suggestions. The Organizations would welcome a discussion of these opportunities at your convenience. Our point of contact for this project will be William Alspach, PE at 675 Pembroke Dr., Woodland Park, CO, cell: 719-660-1259, email: williamalspach@gmail.com.

Sincerely,



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