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December 13, 2019

San Juan National Forest
Attn: Becca Smith
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Dear Ms. Smith:

These comments are offered in response to the San Juan National Forest's scoping notice dated November 13, 2019 concerning a proposed Valle Seco 2019 Land Exchange – Project # 57154. The comments are endorsed by San Juan Citizens Alliance, Rocky Mountain Wild, Center for Biological Diversity, Quiet Use Coalition, and Northern San Juans Broadband of Great Old Broads for Wilderness.

This project is not in the public interest and the Forest Service should not waste any further time and resources evaluating it. We urge the Forest Service to promptly reject the proposal.

If the Forest Service decides to plunge ahead into the morass of controversy this project will entail, the agency must meticulously conform to every detail and requirement of the National Environmental Policy Act, the National Forest Management Act, the Wild and Scenic Rivers Act, the Endangered Species Act, the National Historic Preservation Act, the Clean Water Act and the myriad of other relevant laws and regulations that will come into play with this proposal.

The project as outlined in the scoping notice entails the conveyance out of public ownership of 176 acres of Colorado Roadless Areas adjacent to the South San Juan Wilderness, 26 acres of recommended suitable Wild and Scenic River Corridor in the East Fork of the San Juan, publicly-owned river frontage including a significant stretch of the San Juan River, a portion of the recommended WSR suitable Middle Fork of the Piedra, and various parcels in Blanco Basin including a significant stretch of river frontage along the Rio Blanco. In exchange, the Forest Service would primarily acquire one large isolated private land holding, one that purportedly the exchange proponent has threatened to convert into a domestic elk farm.

1) Purpose and Need

If the Forest Service determines to undertake NEPA analysis of the intended project, it must clearly state the purpose and need for the project from the perspective of the public benefit gained by this voluntarily-undertaken action. The public purpose and need entailed with the

project is the acquisition of the 880-acre Valle Seco inholding. NEPA requires analysis of a range of reasonable alternatives to achieve the desired project outcome.

In this case, the most reasonable alternative course of action is outright purchase of the 880-acre Valle Seco property using funding via the Land and Water Conservation Fund (LWCF). Congress recently permanently reauthorized the LWCF program. Bi-partisan legislation is pending in Congress to automatically guarantee full funding of the LWCF in the amount of \$900 million annually. If the Valle Seco parcel is truly valuable as big game winter range, it will score well in LWCF funding criteria and be competitive for funding. In fact, there is a relative lack of pending acquisition projects among national forests in Colorado and LWCF funding would be readily available. Conclusion of acquisition via LWCF will happen much more promptly and without public controversy compared to alternative approaches like this proposed land exchange.

The benefits of acquisition to wildlife, specifically elk and mule deer, are detailed in the scoping notice. NEPA requires that alternative means of securing these benefits be analyzed, most obviously direct purchase. We note that the Ninth Circuit Court of Appeals found that the Forest Service violated NEPA in considering a land exchange precisely because the agency failed to consider the alternative of purchasing the property at issue using LWCF moneys. See *Muckleshoot Indian Tribe v. United States Forest Serv.*, 177 F.3d 800, 814 (9th Cir. 1999).

From the scoping notice, it is not clear there is any other public purpose and need for a voluntary project as described. Disposal of Colorado Roadless Areas, and of recommended wild and scenic river segments, and of public river access, is not a viable project purpose and need that serves any public benefit. The threats posed by wildlife farming, particularly those linked to chronic wasting disease, confirm that providing National Forest System land to an entity considering such activities is not in the public interest.

2) The Proposed Land Exchange is Not in the Public Interest and Violates Forest Service Land Exchange Regulations

Land exchanges are discretionary and there is no requirement for the Forest Service to further pursue analysis of this bad idea. "The Secretary is not required to exchange any Federal lands. Land exchanges are discretionary, voluntary real estate transactions between the Federal and non-Federal parties." (36 CFR 254.3(a))

The Forest Service is required to make a decision that serves the public interest (36 C.F.R. 254(b)). In this case, the proposed land exchange is not in the public interest. The loss of wilderness quality lands, public access to rivers, and fragmentation of existing intact habitats are just a few of the reasons why this exchange is not in the public interest and should be rejected out of hand.

Furthermore, the Forest Service can only consider land exchanges consistent with its land and resource management plans. This exchange is contrary to multiple aspects of the San Juan Land and Resource Management Plan (Forest Plan) because it proposes to dispose of roadless areas,

wild and scenic river corridors, and riparian corridors specifically called out for retention and protection in the Forest Plan.

“The authorized officer shall consider only those exchange proposals that are consistent with land and resource management plans” (36 CFR part 219)”(36 C.F.R. 254(f)).

The regulations do not give the Forest Service discretion to ignore its Forest Plan and pursue projects contrary to the plain direction of the Plan.

3) This is a highly controversial project with substantial impacts to currently protected landscapes in public ownership that requires preparation of an Environmental Impact Statement.

The proposed Valle Seco 2019 Land Exchange project is contrary to numerous elements of the 2013 San Juan Forest Plan, and entails the elimination from public ownership of roadless areas, proposed wilderness areas, identified suitable wild and scenic river corridors, public access to river segments, riparian corridors, potential Canada lynx habitat (federally listed), and many other highly valued public resources. Forest Plan amendments, and changes to federal statutes and regulations, would almost certainly be required to carry out the proposal.

The Forest Service Handbook provides explicit direction for preparation of an Environmental Impact Statement (EIS) in this circumstance. (FSH 1909.15) Forest Service NEPA procedures require preparation of an EIS for “Proposals that would substantially alter the undeveloped character of an inventoried roadless area or potential wilderness area.” The elimination of a roadless area from public ownership clearly meets the threshold of substantially altering the undeveloped character of such roadless area as it would no longer have any protection under the Colorado Roadless Rule or the Forest Plan. An EIS is required, per Forest Service NEPA requirements.

The magnitude of the issues at stake also requires preparation of an Environmental Impact Statement (EIS). NEPA requires federal agencies to prepare a full environmental impact statement before undertaking “major Federal actions significantly affecting the quality of the human environment.” CEQ regulations provide direction about evaluating the context and intensity of significant aspects of the project. (CEQ 40 C.F.R. 1508.27).

One measure is whether there are “unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.” (40 CFR 1508.27(b)(3)) In this case, the land exchange envisions trading out of public ownership segments of two recommended suitable wild and scenic rivers, as well as a designated roadless area, and several riparian zones and wetlands. The Valle Seco land exchange clearly requires an EIS under this criterion.

Another factor is whether the action is likely to be highly controversial. In this case, disposing of existing protected areas and disposing of public river access will be highly controversial, and again this criterion requires preparation of an EIS. (40 CFR 1508.27(b)(4)) Further controversy stems from one of the private owners’ statements about holding a music festival at the

Bootjack Ranch.¹ If this expanded property may be used to host music festivals, this must be analyzed in an EIS.

The project also sets the stage for future erosion of protections of critical wild rivers and roadless lands presumably protected by Forest Plan decisions and the Colorado Roadless Rule. The degree to which this action would establish a precedent meets another criterion for significance. (40 CFR 1508.27(b)(6))

Further, transferring this land to private ownership could impact protections for the federally listed Canada lynx. Significance is also determined by “the degree to which the action may adversely affect threatened or endangered species...” (40 CFR 1508.27(b)(9)). Analysis of what activities may commence on this privatized land must disclose how those actions will impact the Canada lynx. This is properly done through an EIS.

Scoping must recognize that once the Forest Service carries out the required historic and cultural resource surveys and other National Historic Preservation Act Section 106 duties (16 U.S.C. 470), completes government-to-government consultation with all relevant indigenous people with a cultural connection to the affected landscape, the results are likely to also dictate preparation of an EIS. Like NEPA, “[t]he agency official shall ensure that the Section 106 process is initiated early in the undertaking’s planning, so that a broad range of alternatives may be considered during the planning process for the undertaking.” (36 CFR 800.1(c)). The Forest Service must “[d]evelop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the EA or DEIS.” (36 CFR 800.8(c)(1)(iv)). The affected areas are well known for their historic and cultural resources and must receive careful scrutiny under applicable federal laws and duties, including NEPA.

4) The land exchange is contrary to Forest Plan direction and guidance.

a) The South San Juan Adjacent Roadless Area is managed under the Colorado Roadless Rule to protect its roadless characteristics. The Colorado Roadless Rule describes the purposes of roadless areas.

“Roadless areas are, among other things, sources of drinking water, important fish and wildlife habitat, semi-primitive or primitive recreation areas, including motorized and nonmotorized recreation opportunities, and natural-appearing landscapes. There is a need to provide for the conservation and management of roadless area characteristics.” (36 CFR Part 294)

The Colorado Roadless Rule was adopted to provide a “high level of conservation of roadless area characteristics.” It was adopted after receiving 312,000 public comments. It was spurred

¹ “He holds an annual music festival at his 8,000-acre ranch near Cherokee, Texas, a former exotic animal refuge where zebras, buffalo and gazelles still roam. He’s hoping to hold a similar event at the 3,500-acre property called Boot Jack Ranch he recently bought in Colorado for \$46.5 million.” See <https://www.wsj.com/articles/SB10001424052748704141104575588721155904524>

by a request in 2007 from Gov. Bill Ritter to Undersecretary of Agriculture Mark Rey, with the observation that “Roadless areas belong to all Americans and are a resource to protect and pass on to future generations.” However, now apparently the San Juan NF does not concur that roadless areas in fact “belong to all Americans” but instead wants to give ownership to just one single person. That is an extraordinary contradiction, and a significant disappointment in the agency’s commitment to roadless area stewardship.

The Forest Plan declined to recommend the South San Juan Adjacent Colorado Roadless Area (CRA) for wilderness designation, and instead alleged that “Management under the Colorado Roadless Rule would protect roadless characteristics.” (Forest Plan at C-51) Now though, the San Juan NF is proposing to dispose of roadless lands and hence neither the Forest Plan nor the Colorado Roadless Rule would offer any protection.

The South San Juan Adjacent CRA is managed under Management Area 1, Natural Processes Dominate. The Forest Plan clearly documents that this CRA is one of the premier locations of pristine lands on the San Juan National Forest, and it is lumped together with designated wilderness areas as a place to emphasize protection of its undeveloped character. The NEPA analysis must demonstrate how the public is guaranteed that the undeveloped character of the South San Juan Adjacent CRA will be protected if the public no longer has jurisdiction over the land.

From the Forest Plan:

“These relatively pristine lands are places where natural ecological processes operate free from human influences. Succession, fire, insects, disease, floods, and other natural processes and disturbance events shape the composition, structure, and landscape patterns of the vegetation. These areas contribute significantly to ecosystem and species diversity and sustainability, serve as habitat for fauna and flora, and offer wildlife corridors, reference areas, primitive recreation opportunities, and places for people seeking natural scenery and solitude. Roads and human structures are absent and management activities are limited on MA 1 lands. Motorized travel, and in most cases, motorized equipment are prohibited. MA 1 areas include designated wilderness areas, the Piedra Area, WSAs, and other lands where a primary desired condition is to maintain the undeveloped natural character of the landscape.” (Forest Plan at 185)

Disposal of the South San Juan Adjacent CRA is not in the public interest, and does not conform to the Forest Plan. Any attempt to exchange these lands out of the National Forest System would therefore violate the Forest Plan, in violation of the National Forest Management Act. While the Forest Service could attempt to amend the Forest Plan to permit the exchange, that amendment would demonstrate that an EIS is necessary.

b) The Forest Plan recommended the East Fork of the San Juan as suitable for designation under the Wild and Scenic Rivers Act. The plan’s management direction specifies that:

“In order to manage the rivers for their potential inclusion into the National Wild and Scenic River System, existing authorities will be used to protect the identified river’s

free-flowing character, water quality, ORVs, and recommended classification (details of the interim protective management are listed in FSM 1990.12_80 and BLM Manual 6400).” (Forest Plan at 197)

The Forest Service cannot dispose of a recommended suitable WSR segment corridor and comply with plan direction. The Forest Service must use “existing authorities” to protect the river’s ORVs and recommended classification, and disposing of river corridor lands from public ownership is a violation of those authorities. The Forest Service Manual specifies management for agency identified suitable river segments:

“Forest Service-identified eligible and suitable rivers must be protected sufficiently to maintain free flow and outstandingly remarkable values unless a determination of ineligibility or non-suitability is made.” (FSM 1990.12_84.3)

The San Juan NF cannot dispose of a suitable wild and scenic river corridor segment and suggest that this action offers “sufficient protection” to maintain the outstandingly remarkable values for which the corridor was identified.

5) Loss of public access

The proposed land exchange project will result in loss of existing public access to extensive reaches of three rivers. These include loss of access to the San Juan River along Highway 160 (Parcel 3), loss of access to the Rio Blanco (Parcel 5), and loss of access to the Middle Fork of the Piedra (Parcel 10). The EIS must analyze and disclose the loss of public access.

The EIS must evaluate alternatives to mitigate the loss of public access. This could include, for example, analysis of acquisition of alternative access from the project proponents. One obvious alternative for consideration is acquisition of public access to the West Fork of the San Juan at the Highway 160 bridge, just upstream of Parcel 3. There is physical access to the West Fork at this location along a gravel bar in a cottonwood stand that has historically provided the ability for boaters to put in on the West Fork, and hence float downstream all the way to Pagosa Springs.

The EIS should similarly analyze other alternatives to provide compensation for the loss of public river access to the various stream segments.

6) The proposed exchange does not conform to the Forest Plan direction for Land Ownership:

The Forest Plan emphasizes that river corridors, riparian areas, and contiguous natural ecosystems (such as roadless areas adjacent to designated wilderness) will be retained in public ownership. Lands will only be disposed of where they do not meet these needs or are interspersed with expanding communities. The federal parcels within the contemplated Valle Seco land exchange have significant river corridor, riparian, and contiguous natural ecosystem values and the Forest cannot dispose of these without ignoring its Forest Plan direction.

“Public lands are generally retained in federal ownership in order to provide long-term values. The vision for the planning area is to retain in public ownership all lands that

meet the long-term needs of maintaining the integrity of contiguous natural ecosystems, river frontage, riparian areas and wetland ecosystems, recreation and open space, scenery, and clean air and water. Under the direction of the LRMP, on a case-by-case basis and through the methods available to each agency, the SJNF and TRFO would acquire lands and/or mineral estates that enhance this vision. The agencies would dispose of lands that do not meet these needs or are interspersed with expanding communities where the agency mission can no longer be met. In all such cases, the primary guiding principle would be the greater public benefit.” (Forest Plan at 137)

A desired condition of the Forest Plan is to retain or acquire river frontage and riparian areas. The proposed land exchange disposes of river frontage and riparian areas. The Valle Seco land exchange would be entirely contrary to Forest Plan direction for land tenure.

“Desired Condition 2.18.3. The SJNF and TRFO retains and/or acquires river frontage, riparian areas and wetland ecosystems, and other lands that would enhance or protect recreation, open space, scenery, clean air and water, and key habitat for species.” (Forest Plan at 141)

Because the proposal violates the Forest Plan, it would also violate the National Forest Management Act unless the Forest Service amended the plan to accommodate this exchange. Again, amending the plan would only underscore the significance of this proposal, and require the preparation of an EIS.

7) The Forest Service Must Provide an Equitable and Transparent Process

Various agency oversight bodies have examined the inequities and failures to carry out federal land exchanges in the public interest. A common thread reveals that land exchanges are a disfavored alternative means to obtain lands that could be obtained through other means. The investigations confirmed that land exchange is often used as a device to obscure the true value involved in the federal parcels and to exaggerate the value of the private parcels being offered. If the private party is a willing seller, then the land should be purchased outright.

The public must be provided the same level of access and transparency as demanded by the third-party lobbyists employed by the land exchange proponents. The scoping notice describes the participation of Western Land Group as a facilitator for the non-federal parties and as the point of contact to the Forest Service for these non-federal parties.

Experience with prior land exchange projects facilitated by Western Land Group leaves us extremely dubious about how the public’s interest will be benefitted from their involvement. We have repeatedly seen Western Land Group advocate exclusively for their private clients to the detriment of the public. Western Land Group aggressively manipulates its access to federal decision makers, attempts to influence third-party contractors such as appraisers, and pursues backdoor legislative overrides of public review processes.

Any process with which Western Land Group is associated demands an extreme level of public scrutiny and transparency. Western Land Group cannot be provided an opportunity to review

and comment on agency working documents unless all members of the public are afforded the same opportunity for participation.

8) Aquatic resources in the proposed land exchange area are of great importance, rendering it critical to evaluate and mitigate associated impacts.

Many of the federal parcels targeted for acquisition by various private parties are river corridors, riparian areas, and wetlands. The protection of aquatic resources, including wetlands, riparian areas, water quality and water quantity, ranks among the most critical issues to be addressed in any NEPA analysis for potential development. Activities resulting from the proposed land exchange could have the potential to adversely impact aquatic resources, including wetlands, streams, riparian areas, and their supporting hydrology. Since the proposed land exchange may ultimately result in adverse impacts to aquatic resources, some of which involve the Endangered Species Act, the Forest Service must pay particular attention to ensuring a robust treatment of the issue in the EIS.

The Forest Service must fully evaluate impacts resulting from the alternatives by including the following in the EIS:

- A thorough characterization of existing aquatic resources and baseline conditions in the proposed land exchange area, including quality, quantity and location of aquifers, surface waters, wetlands, streams and ephemeral drainages; watershed conditions; sediment loads; vegetation cover and condition; soil conditions; and wildlife and fish population health and habitat.
- Disclosure of impacts on these baseline conditions, including direct, indirect and cumulative effects from the connected development activities that may result from conveyance of protected public lands into private ownership. Impacts may include changes in surface and groundwater hydrology supporting streams and wetlands.
- A map and summary of all waters, including tributaries, wetlands types and acreage in the analysis area.
- A description of any wetlands impacts, temporary and permanent, direct and indirect, past and foreseeable. Such impacts may include proposed or inadvertent functional conversion of wetlands (e.g., forested to shrub-scrub); changes to supporting wetland hydrology; grading impacts on side-slope wetlands; and wetland disturbance from grading and dredge and fill activities.

9) Impacts on habitat need to be fully evaluated given the potential importance of the area to special status species, including Canada lynx.

The project area may contain special status species, including Endangered Species Act-listed threatened species (Canada lynx and Mexican spotted owl) and endangered species (Southwestern willow flycatcher), as well as sensitive species such as Colorado River cutthroat trout. The Forest Service must pursue robust Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) on this project. To best inform the decision-maker and the public, the EIS, BA, and BO must include:

- A summary of the status and trends of project area threatened, endangered, and sensitive (TES) species and potential suitable habitat acreage.

- Identification of lynx analysis units within or near the project analysis area.
- A summary of how requirements of the Southern Rockies Lynx Amendment (SRLA) would apply to this project and a clear explanation of each alternative's consistency with the SRLA.
- Disclosure of any impacts to TES species and habitat resources (including habitat fragmentation) associated with the proposed land exchange, as well as direct, indirect and cumulative impacts associated with the resulting development in the encompassing watershed.
- USFWS recommendations including any related design criteria, mitigation and monitoring requirements to reduce potential impacts to TES species from the proposed land exchange and resulting development.
- The foreseeable impacts to water quantity and quality, and therefore TES species, based on the foreseeable uses of the private and National Forest parcels.
- Adequate design criteria, mitigation and monitoring measures, developed in coordination with the USFWS and the Colorado Parks and Wildlife, to ensure the proposed project and resulting development do not negatively impact habitat for migratory birds, bald eagles, or other species.

10) Habitat Connectivity

Parcel 3 comprises the only contiguous public ownership across the San Juan River, bridging the South San Juan wilderness and roadless complex with the Weminuche wilderness and roadless complex. This uniquely situated parcel is a critical component of the larger landscape of connected, protected landscapes in the Southern Rocky Mountains. A proposal to dispose of this parcel, and sever the only connected corridor in contiguous public ownership is monumental, and should receive an extreme level of scrutiny. This should include robust modeling of habitat connectivity, and impacts to the function of large undeveloped landscapes as connections are severed to adjacent areas.

The Weminuche and South San Juan are the largest, and arguably most significant, undeveloped and protected landscapes in the southern Rocky Mountains. The only location where these two large blocks of intact and unfragmented habitat intersect on public lands is in Parcel 3. It would be an extraordinary step backwards in conserving connected, undeveloped landscapes if the Forest Service disposed of this crucial connecting parcel.

This is particularly concerning in conjunction with whittling away at the South San Juans landscape by disposing from public ownership 176 acre of the adjacent roadless area. This project takes the Forest Service, and the public owners of the national forest, in the direction precisely opposite to protecting connected landscapes. This is a particularly crucial factor in a rapidly changing landscape.

11) Impacts to Elk Migration

Disposal of public parcels may interrupt existing elk and ungulate movement patterns, as private landowners fence and otherwise make modifications that alter current movement opportunities.

For example, disposal of Parcel 1 will further squeeze elk migration and movement in and out of the East Fork valley. There are many fences, public and private roads, the ranch house, the East Fork of the river and such just north of Parcel 1. There is steeper, higher elevation terrain to the south of Parcel 1, containing north and northwest facing slopes that hold snow longer in the spring. This limits animal movement, and unknown development of Parcel 1 could further restrict movement. Presuming the adjacent Bootjack private land is already fenced (owing to history of cattle grazing), private owners are likely to extend the fence if Parcel 1 is acquired (further limiting movement).

The EIS must thoroughly document existing wildlife movement patterns, and anticipate changes in management such as fencing that will disrupt these existing migratory and movement routes for all of the parcels included in the proposed exchange.

12) Cultural Resources

The National Historic Preservation Act mandates that federal agencies initiate and conduct tribal consultation, and other duties, as early as possible in consideration of an “undertaking.” 36 CFR § 800. The land exchange proposal is an undertaking.

The EIS must include a comprehensive investigation and analysis of historic and cultural resources, and must include robust government-to-government consultation with representatives of all affected indigenous peoples with cultural connections to this landscape. As noted in previous reports of the values present in the South San Juan Adjacent roadless areas:

“Previous cultural resource surveys in this roadless area have identified numerous sites and properties. Prehistoric finds include everything from isolated artifacts to lithic groups. Historic resources and features related to mining and ranching activities and historic aspen art have also been identified in the area. Predicted sensitivity for cultural resource finds is moderate in meadows and along drainages; it is low to moderate in the dense forested areas. The Ute Mountain Ute Tribe expressed that the East Fork of the San Juan River has some historic significance to their peoples but they did not elaborate.” (Forest Plan at C-51)

Forest Service personnel with the appropriate expertise and experience must reach out to the Utes and other tribes with current and historic interests in the lands in this area in order to properly identify and consider how to best protect these interests, many of which are not revealed during public comments due to cultural sensitivities.

13) Climate Change Adaptation

Our rapidly warming climate is causing dramatic changes in the landscape, habitat, and hydrology. Retaining river corridors and intact, unfragmented habitat is crucial to an adaptation strategy in the face of climate change. The EIS must analyze the consequences to the ability of public lands to adapt to future shifts in hydrology and habitat owing to climate change if the Forest Service disposes of substantial areas of riparian corridors and roadless habitat.

14) End use of transferred federal parcels

The EIS must evaluate the end use of federal parcels that are transferred into private ownership, as this is a directly related connected impact of the land exchange decision. Given the project proponent's expressed desire to operate a domestic elk farm with 10-foot or higher fences on the Valle Seco parcel, that is a reasonably foreseeable intended use for the transferred federal parcels as well. The EIS must analyze the consequences of fenced, domestic elk farms on Parcels 1-11 given the stated land use preference of the proponent.

The EIS must also evaluate deed restrictions that the Forest Service can impose on any parcels that might be conveyed out of federal ownership that protect national forest resources. The Forest Service must analyze the reservation or retention of rights and interests as a means to mitigate the impacts of conveying any parcels out of public ownership.

15) Environmental justice and public participation are important components of this EIS.

The Forest Service must provide a safe and comprehensive public participation opportunity for all publics in this NEPA process. The proponent of the land exchange is Kelcy Warren, owner of the Bootjack Ranch at the foot of Wolf Creek Pass. Mr. Warren owns Energy Transfer Partners and the extraordinarily controversial Dakota Access Pipeline. In the course of the months long public protests against that project led by the Standing Rock Sioux Tribe and other indigenous tribes and organizations, Mr. Warren repeatedly displayed his disdain for Native Americans and for conservation organizations and values. He hired a private security firm comprised of ex-military mercenaries, TigerSwan, to harass and intimidate the public in North Dakota, specifically targeting indigenous people. Mr. Warren's behavior and opinions are well documented in numerous media accounts, copies enclosed.

How does the Forest Service intend to guarantee that this process will be safe for all members of the public to participate, and if and when Mr. Warren employs his mercenaries again to harass and intimidate the public, how will the Forest Service respond? How does the Forest Service propose to insulate and protect the public from similar tactics concerning this project?

Conclusion

The contemplated Valle Seco land exchange is not in the public interest and the concept should be abandoned. It violates numerous federal regulatory and statutory standards. It flies in the face of the San Juan Forest Plan. It requires rewriting the Colorado Roadless Rule. It violates the Wild and Scenic Rivers Act. It will necessitate an enormous commitment of time and resources by the San Juan National Forest to prepare an Environmental Impact Statement to comply with the National Environmental Policy Act. And it will engender a robust amount of public controversy.

Common sense suggests that the Forest Service should simply abandon this ill-conceived land grab, and instead just buy the Valle Seco parcel if so desired.

Sincerely yours,



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