



1309 East Third Avenue  
PO Box 2461  
Durango, CO 81302  
970.259.3583  
sanjuancitizens.org

October 13, 2020

Columbine Ranger District  
Attn: District Ranger James Simino  
367 S. Pearl Street  
Bayfield, CO 81122

Submitted via: <https://www.fs.usda.gov/project/?project=58742>

RE: Southern HD's Landscape Restoration Project (58742)

Columbine Ranger District Staff,

San Juan Citizens Alliance's (SJCA) comments reflect the numerous issues that we recommend should be reviewed and analyzed as part of the Southern HD's Landscape Restoration Project (SHDLRP or "the project") NEPA process.

We understand that it is an ongoing challenge for the district to "thread the needle" between 1) providing the "vision" for a project and sufficient complementing information to support the public in providing useful comments and 2) of providing too much project detail that can lead the public to believing "every detail has already been decided" on a project. With that known challenge as the backdrop, SJCA still was surprised that the Colorado Roadless Area issue was very much minimized while a possible travel management decision was incorporated into the scoping notice. Both of these issues are detailed below.

### **HD Mountains Roadless Area and the Colorado Roadless Rule (CRR)**

The mention of the "Colorado Roadless Area" (CRA) only once in the scoping notice, not all in the associated press release, and the complete absence of the HD Mountain Roadless Area on the provided map has fueled a high level of concern that the actual CRA, as well as the concepts and requirements related to planning and implementing any project in a CRA, are very much being overlooked by key Columbine District staff involved in this NEPA process. Our concerns are certainly not unfounded as 1) the approximately 50,000 acre HD Mountain range is dominated from a management point of view by the 29,000 acre HD Mountain Roadless Area, 2) the current NEPA process underway relative to the proposed Petrox pipeline has significant Roadless Area issues of which we have significant disagreements with the SJNF that this issues have been addressed adequately, and 3) elsewhere on the SJNF we find that the agency has from what we have observed a "lessened respect" for CRA's than is required by the letter of the Colorado Roadless Rule and by the

spirit of the protection of roadless lands in general. Beyond the San Juan National Forest we are finding common occurrences within the Rocky Mountain Region of forests either bypassing or attempting to bypass the statutory requirements of the Colorado Roadless Rule (CRR, 36 CFR 294). The rather recent and increasing rate of these incidences catalyzed many members of the Southern Rockies Conservation Alliance to meet with Acting Rocky Mountain Regional Director Jennifer Eberlien in August to discuss these concerns and follow-up communications have continued between the groups and Region 2 staff regarding the management of CRA's.

We find the non-inclusion of a roadless GIS layer on the map to be a very significant omission as it was a missed opportunity to inform/educate the public regarding its location in the HDs' and in the project area. It was also a missed responsibility to inform the public that issues regarding the SDH LRProject within the HD Mountain CRA must be addressed and most certainly are a very significant issue regarding the proposed project's design and implementation.

As we view the map it appears that perhaps more than half of the proposed 34,000 acrea SHD project is within the HD Mountain CRA, and even if it's less than 50%, it is a very significant percentage of the proposed project area. The CRR includes specific language per the projects and activities that can be undertaken within a CRA with much of this connected to maintaining or enhancing "roadless character."

The Colorado Roadless Rule limits the type of activities that can occur in roadless areas. Generally, selling, cutting, and removing timber are prohibited, with some limited exceptions, chiefly to reduce the fire threat to an at-risk community or municipal water supply. See 294.42(c)<sup>1</sup>. This is mostly limited to the first one-half mile from the at-risk community, or an additional one mile if the area is covered by a community wildfire protection plan (CWPP). 294.42(c)(1)(i), (ii).

Under the CRR, treatment in these areas:

"will focus on cutting and removing generally small diameter trees to create fuel conditions that modify fire behavior while retaining large trees to the maximum extent practical as appropriate to the forest type."

294(c)(1)(iii) and (c)(2)(i).

The scoping notice certainly does not provide sufficient detail to note which exception(s) to the prohibition on cutting trees in roadless areas would be invoked, nor does it detail any areas that might be covered by a Community Wildfire Protection Plan (CWPP). The district must explicitly state if an exception applies and which one.

Because the scoping notice provides essentially no detail regarding the baseline ecological condition or the percentage of various forest/vegetation type, including their structure per age and composition, it is fully guesswork to contemplate how and what the district is considering per treatments. With that as a backdrop, we will emphasize that trees in

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<sup>1</sup> This is for non-upper tier roadless areas which is the classification for the HD Mountain CRA.

roadless areas can be cut “to maintain or restore the characteristics of ecosystem composition, structure and processes”. 294.42(c)(3)<sup>2</sup>. That reality certainly constricts the use of timber harvest within the CRA.

Because it is not clear what stated outcomes are (except in a very general context) as defined by Desired Conditions and the possible management methods are undisclosed per their contextual use, we emphasize that for any cutting, roadless area characteristics must be maintained. 294.42(c). These characteristics are:

- (1) High quality or undisturbed soil, water, and air;
- (2) Sources of public drinking water;
- (3) Diversity of plant and animal communities;
- (4) Habitat for threatened, endangered, proposed, candidate, and sensitive species, and for those species dependent on large, undisturbed areas of land;
- (5) Primitive, semi-primitive nonmotorized and semi-primitive motorized classes of dispersed recreation;
- (6) Reference landscapes;
- (7) Natural-appearing landscapes with high scenic quality;
- (8) Traditional cultural properties and sacred sites; and
- (9) Other locally identified unique characteristics.

294.41.

SJCA is concerned about the use of mechanical equipment in some areas/conditions as they are likely to cause considerable negative impacts to the CRA. The cutting of vegetation with such equipment could potentially cover more area and be more intensive than any treatment done by hand crews. Heavy equipment, such as bulldozers, skidders, masticators, etc., could cause damage to soils by compacting or displacing them. Depending on the extent and intensity of treatment, both wildlife habitat and scenic qualities could be reduced.

The CRR generally prohibits road construction, including temporary roads, in roadless areas, with some exceptions. 36 CFR 294.43(c)(1). Even if a project qualifies for an exception, road construction must meet some additional criteria (294.43(c)(2)), including consistency with the land management plan (id. at (2)(iii)). With any new road construction, compliance with the SJNF LRMP 2013 would be questionable.

If treatment in the RA is still contemplated, the Forest Service needs to make clear which exception(s) to the prohibition on cutting timber will be used for the project, and if applicable, which exception to the prohibition on road construction would be invoked. It must also design and implement any treatment within the CRA to minimize the impacts to roadless area characteristics.

We recommend that no mechanical treatment occur in the CRA. Any motorized access should be only via existing routes to avoid creating or improving public motorized access

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<sup>2</sup> “[P]rojects [using this exception] are expected to be infrequent”. Ibid.

to the CRA. Any fire control lines must be constructed only by use of hand tools and be completely rehabilitated after work is completed. The visual effects of linear control lines must be considered within the context CRR and the visual resource ramifications.

At a minimum, the district should consider in detail as a reasonable alternative in the EA, a proposal that includes possible modifications to implement the “proposed action” (it’s described more as a vision than action) including the elimination of mechanical treatments in the CRA. Such an alternative might likely still accomplish the project’s purpose and need while providing additional protection for the CRA’s undisturbed character.

We note that the Rocky Mountain Region recently upheld an objection to the Landscape Vegetation Analysis (LaVA) project on the Medicine Bow National Forest in Wyoming where the EIS failed to consider an alternative that would have eliminated treatments in inventoried roadless areas.<sup>3</sup> Further, on the GMUG National Forest this year the Tenth Circuit set aside the North Fork coal mine exception to the Colorado Roadless Rule for failure to consider an alternative to protect key roadless values. *High Country Conservation Advocates v. United States Forest Serv.*, 951 F.3d 1217 (10th Cir. 2020).

In sum, the reality that much (most?) of the proposed project area is within the HD Mountain CRA brings an entire layer of protection and scrutiny to preserve and protect this amazing and diverse natural resource within our southwest Colorado “neighborhood.”

### **Travel Management Issues**

SJCA firmly believes that travel management (TM) related issues including the creation of new routes, the possible “adoption” of user-created routes, the change of use designation and other such TM issues should never be elements of a NEPA process whose central focus is forest restoration, wildfire mitigation and other issues tightly related to those lead issues. As agency staff know, as well as some members of the public, TM issues for the HD Mountain area were engaged in the Northern San Juan Basin EIS process in 2006 (soon after the 2005 TM Rule) as well as in the 2009 process during which the HD TM Map was developed. Perhaps there were more than these two engagements as well, but the central point is that TM issues and decisions in the HD’s (like elsewhere) should be on their own NEPA track. We are supportive of the occasional review of routes and use designations as outlined in the TM Rule, and we are supportive of them being entirely within a TM process.

From our viewpoint the concept of modifying a possible control line for prescribed fire use into an ATV or other trail is frankly a bit absurd. The absurdity is based on the fact that these two lineal features have entirely different purposes and therefore entirely different design criteria and features. If the locale was flat, level, open and otherwise featureless without water, wildlife, vegetation, human-use, cultural/historic values than perhaps there

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<sup>3</sup> See Forest Service Rocky Mountain Region, Medicine Bow Landscape Vegetation Analysis Project (LaVA) Summary of Reviewing Officer’s Instructions (June 10, 2020) at page 4, available at [https://www.fs.usda.gov/nfs/11558/www/nepa/106251\\_FSPLT3\\_5334929.pdf](https://www.fs.usda.gov/nfs/11558/www/nepa/106251_FSPLT3_5334929.pdf) (last viewed Aug. 31, 2020). The Medicine Bow NF ultimately approved the project but “exclude[d] inventoried roadless areas from treatment.” Medicine Bow Routt National Forest, Medicine Bow Landscape Vegetation Analysis Project Record of Decision (Aug. 13, 2020) at 3, available at [https://www.fs.usda.gov/nfs/11558/www/nepa/106251\\_FSPLT3\\_5334953.pdf](https://www.fs.usda.gov/nfs/11558/www/nepa/106251_FSPLT3_5334953.pdf) (last viewed Aug. 21, 2020).

would be some possible design overlap, but obviously the northwest flank of the HD Mountains and the adjoining lower elevation lands enjoy all or some of these characteristics so the overlay of a fire control line and a travel route seem entirely non-integral with each other. Perhaps another ATV route should be considered in the HD's, but never within this process.

### **Prescribed Fire and Mitigation Treatment Issues**

In general, are supportive of the Columbine District moving forward with the vision, planning and implementation of a restoration program within the HD's Mountain and adjacent federal, Tribal, state and private lands. We urge the agency to carefully review which "tool in the toolbox" (fire, mechanical or hand thinning, harvests, etc.) or a combination thereof will need to be utilized in specific locales to meet the change objection from current condition to desired condition.

In general, SJCA is supportive of "planned" fire within the fire adapted forests of the HD Mountains whether it's named prescribed fire, fire for resource benefit, managed natural ignitions, or other. Certainly, the general exclusion of fire for decades in the HD's has had an array of unfortunate ecological outcomes for a diversity of species and values across the landscape. While we are eager to see a re-introduction of fire to the landscape, there are certainly an array of challenges that must be addressed to move forward in dealing with a fire suppressed landscape including a public that is still mostly wedded to the "Smokey Bear" approach to wildfire and a territory that has inherent challenges of cultural resources, oil and gas infrastructure, WUI zones, a recreation heritage, etc. With a lot of "needles to thread" per the use of fire we suggest that the Columbine District fully engage the Four Rivers Resilient Forest Collaborative as a "tool" to engage the community for both their input as well as a resource for education and outreach.

We are particularly comfortable with "bringing back" a renewed fire regime that has several time frames as detailed in research, but generally in the 5-15 year range. Note - we generally use the term "Rx" for "planned fires" - and this includes "planned" as related to managing natural ignitions in locations where previous work on POD's has been undertaken as well as other risk assessment analyses as well as straight forward prescribed fires.

We emphasize that the use of Rx fire within the ponderosa forest seems particularly worthy and somewhat more "straight forward" than Rx fire within the mixed conifer forest, and particularly within mixed wet conifer. We would strongly recommend that the planning regarding Rx fire (and actually with all restoration/mitigation work) be very localized in its planning. Our experience is that the HD's is a range with rapidly and regularly changing veg/forest types due to elevation, aspect, soils, etc. The HD's is certainly the inverse of the Kaibab Plateau's (as an example) areas with thousands of acres of similar forest/veg type, elevation, soils, etc. - the HD's seem to be ever-changeable "around every corner." This incredible diversity that is somewhat "micro-niched" in the HD's is one of its critical and wondrous characters that must be carefully considered during all phases of planning and implementation of Rx fire, fire mitigation activities and restoration planning in general.

## **Climate Related Issues**

Though Appendix G in the 2013 SJNF Land and Resource Management plan incorporates some thinking per climate change and forest/veg types on the SJNF (as do some other chapters of the LRMP), the forest plan is already 7 years past in its publishing and much has changed and much more is known through ongoing research. The need to know the ecological baseline, to review the recent research, to weigh and balance the pluses and minuses of various vegetation treatments, to understand the available resources and to adequately involve the SW Colorado community are all (amongst others) on the “big to do” list for this project.

The scoping notice states: “What’s the Main Idea? Restoring the HD Mountains to more natural vegetation conditions.” We appreciate this approach of laying out the overall vision of the project, however, hopefully it is abundantly clear that “natural vegetation conditions” is not a formula pulled out of box nor is it condition that there is necessarily agreement upon either across disciplines or even somewhat across the spectrum of recent forest and climate-related-to-forests research. Just the development of what natural conditions “should be” across the HD’s while require some research review, analysis, IDT discussion and dialog with the public.

With that we recommend that the district pull in and utilize the latest research per changing forests, managed fire as it relates to forest/veg change, changing factors such as perhaps the decreasing ability to “whiteline” or to “burn to snow”,etc. We also recommend that in their planning for this project, especially as this is a long term and ongoing project, the district moves away from an adherence to “returning” to the historical range of variability (HRV). SJCA presumes that the HRV both no longer exists, “nor is it coming back.” As a reference point, in the Dolores Watershed and Resilient Forest Collaborative (DWRF) we have moved towards considering and designing projects based on an FRV, or a future range of variability. We have attached a (nearing final) draft of “DWRF Resilience Metrics and Desired Conditions - Vegetation - Ponderosa Pine” which includes some of this thinking in case it is of benefit to the SHD LRP interdisciplinary team.

## **Conclusion**

As the agency staff knows, the Columbine District is now within the boundaries of both the Rocky Mountain Restoration Initiative and the just approved Collaborative Forest Landscape Restoration Program. This reality will likely provide some additional opportunities per funding and other support and also require some additional coordination through many avenues.

We note also that Appendix H of the 2013 SJNF LRMP might provide some useful insight or reminders into the intricacies of the design of any type of “on the ground” project in the HD’s. A review of these stipulations, a bevy of which are attached to any fossil fuel project within the HD’s, will remind one of the wide array of issues that must be addressed to protect and sustain the diverse landscape of the HD’s.

Thank you for the opportunity to provide scoping comments on the SHD Project proposal. I’m available for any further discussion regarding the planning and implementation of this plan.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jimbo Buickerood".

Jimbo Buickerood  
Program Manager  
Lands and Forest Protection Program

cc: Cam Hooley, NEPA Columbine Coordinator