

December 19, 2020

Rocky Mountain Regional Office

Attn: Reviewing Officer

P.O. Box 18980

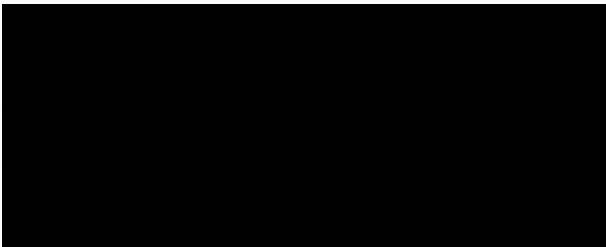
Golden, CO 80402

Sent via U.S. mail and electronic mail: r02admin-review@usda.gov.

Objections to DRAFT Record of Decision for the Pike and San Isabel National Forests Motorized Travel Management (MVUM) Analysis and Final Environmental Impact Statement (FEIS)

Unique ID: 3183

Name: John Reiber (NOTE: the Public Response Spread Sheet listed my Last Name and First Name as Anon)



Affiliation: Individual & Private Organization

Note: A copy of the original comments submitted in November 2019 is included for reference. (The responses to my objections can be found on PG. 360)

Dear Reviewing Officer

The following objections are being submitted regarding the Record of Decision (ROD) for implementing the selected alternative C for the Pike and San Isabel National Forests (PSINF) Public Motor Vehicle Use Final Environmental Impact Statement (FEIS).

OBJECTION 1) The responses given to the comments originally submitted were not fully addressed as required by NEPA. As can be seen by comparing the items shown in the attached original submitted document and the answers provided in the Public Response Spreadsheet, responses were provided to #1), 2), 3) and 4) however, no response was provided for #5), 6), 7), 8) and 9).

I request that the Reviewing Officer provide responses to the remainder of the concerns documented in the original submittal.

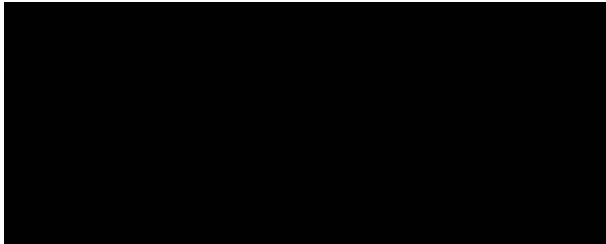
Objection 2) Regarding the Pike & San Isabel National Forests Travel Management ROD Alternative C: Sheet 2 of 5 Dated November 10, 2020. Roads are being designated as Special Use Permit that are located on private property e.g. the segment of road 437 shown in Sec 15 & 16, Twp 8S, Rng 78W, road 285 in Sec 27 & 34 Twp 8S Rng 78W and roads 192, 450 & 454 in Sec 3, 4, 9 & 10, TWP 8S Rng 78W. The Forest Service (FS) does not have the right to dictate the status of roads on private property. Additionally, Sheet 2 of 5 indicates that the FS decommissioned roads that do not have a number assigned to them and lie primarily or completely on private property e.g. the segment(s) of road shown in yellow in Sec 11, 13 & 14, Twp 8S, Rng 78W also the segment in Sec 21, Twp 8S, Rng 78W. Most, if not all, of the roads identified above were utilized for access to private mining claims prior to the FS being established by an act of Congress in 1905 and the FS does not possess easements for the road or segments of road that cross private property.

I request that the Reviewing Officer reconsider the decision to dictate the status of roads on private property unless they have acquired written (deeded) easements or through legal (adjudicative) procedures.

Objection 3) Per the "Forest Service NEPA Implementing Procedures – Summary of Public Comment. Several areas in this document state that alternatives must be developed in an "open and transparent manner". I do not believe that the FS contacted private land owners while developing the MVUM and I am unable to determine if any on-site evaluations were made. I am further unable to identify the criteria used to determine that a road should be decommissioned, assigned to Maintenance level 1, changed to Special Use Permit. Without on-site analysis and discussion with public and affected landowners, the decisions regarding road classification assignments are arbitrary and capricious and an abuse of discretion.

I request that the Reviewing Officer require the FS to identify how/why the determination was made on each segment of road and that they require the process to be completed in an open and transparent manner. To do so requires contact with land owners, such as myself, for discussion and collaboration, a process that is required for compliance with NEPA directives.

Name: John Reiber



Affiliation: Individual & Private Organization

Comments regarding the "Pike & San Isabel National Forests Motorized Travel Management (MVUM) Analysis #48214"

I own private land (patented mining claims) and also hold several unpatented claims and will be impacted by the changes recommended/shown on the Pike & San Isabel National Forest Travel Management DEIS Alternative C: Sheet 2 of 5 map . I own private property or hold valid unpatented claims in the following Sections (SEC) which may be impacted by the proposed changes: 3,4,5,8,9,11,14,15,16,17,18,19,20,21,22,23,25,27,28,29,30,33 & 34 of Township (TWP) 8S Range (RNG) 78W. Also in SEC 2,3,4,5,6,9,16 & 18 in TWP 9S RNG 78W.

I have worked hand in hand with the Forest Service on many occasions and believe that I, like the Forest Service, have the desire to protect the Forest and the public that utilizes the forest as well as taking care of my own private property.

I worked with Sara Maben when she was the District Ranger to repair road 437 by cutting in water bars in the road that was being washed out. I relocated/reinstalled a culvert under 437 at the base of Cameron Amphitheater that had been displaced by wash-out or vandalism.

I worked with Loretta McElhaney (Leadville Ranger District?) to plan and Implement a trail that allows access to the summits of Mt. Lincoln and Mt. Democrat as well as access on Mt. Bross so the public can experience the top of the 14ers. (I own the mining claims at the top and surrounding Mt. Lincoln & Mt. Democrat and am majority owner of the property at the summit of Mt. Bross)

I am working with Josh Voorhis, District Ranger, South Park Ranger District to resolve an issue regarding the Ora King Mill site. (Forest Service allowed parking, camping at a charge and installed Kiosks on private ground)

The changes to the roads proposed on the map - Pike & San Isabel National Forest Travel Management DEIS Alternative C: Sheet 2 of 5 - will restrict necessary access, limit the type of transportation used or add significant financial burden to access the patented and unpatented mining properties.

In TWP 8S 78W - 407,2,408,437,288A,288B,857,857A,857B,285,8,856 & unidentified road in SEC 21

In TWP 9S 78W - Roads 449,450,451,192,448,856

In TWP 8S RNG 77W - Road 199

I request/recommend that the Forest service consider the following changes:

- 1) Property owners who have a reason/right/responsibility to ensure the safety of their property(s) should be allowed access through Forest Service at no charge especially if the road access has historical status. Others who desire to use the road system for recreation or entertainment should pay for a Special Use Permit to access the roads designated as requiring a Special Use Permit. I request/recommend the creation of a new road designation of "Administrative and Private Property Owners only" or possibly "Administrative, Private Property Owners and Special Use Permit Only".
- 2) Road 2 (SEC 11,13,14 TWP 8S RNG 78W) has been recommended for Decommissioned status; I assume the FS will no longer maintain the road. I believe that I can as a property owner access the road to get to my property. If not, convert the road to a designation that requires no FS maintenance but is accessible to Property Owners.
- 3) Road 407 (SEC 10,11,12,13 -TWP 8S – RNG 78W) has been recommended to be changed to Highway legal vehicles only for most of the road and then Special Use permit only after private property is reached. I request that the road status be changed to Road open to all vehicles to the point that the road crosses into Private property (I currently have two gates at that point) and that the status for the remainder of the road be changed to Administrative and Private Property Owners only.
- 4) Road 437 (SEC 15,16,22,23 – TWP 8S – RNG 78W) has been recommended to be changed to Highway legal vehicles only for most of the road and then Special Use after private property is reached. I request that the road status be changed to Road open to all vehicles to the point that the road crosses into Private property as shown as the transition point to Special Use permit only (I currently have a gate at that point) and that the status for the remainder of the road be changed to Administrative and Private Property Owners only.
- 5) The road segment shown in SEC 21 TWP 8S RNG 78W is not identified by a number and has been recommended for Decommissioned status; I assume the FS will no longer maintain the road. I believe that I can as a property owner access the road to get to my property. If not, I recommend the status be changed to be Administrative and Private Property Owners only.
- 6) Based on the Legend shown on the map, I am unable to discern the status of road 857B (SEC 26,27 – TWP 8S – RNG 78W) The road is identified with a purple line with red dots but there is not such road identified in the legend. I request/recommend that the roads utilized to access private property on Mt. Bross, specifically roads 857,857B (SEC 26,27 – TWP 8S – RNG 78W) be open to all vehicles and I request/recommend that the road status for 285,288A and 288B (SEC 26,27,34 – TWP 8S – RNG 78W) be Special Use permit only for the public using the road(s) for entertainment but open for property owners or changed to "Administrative and Private Property Owners only".
- 7) Road 449 (SEC 9,10,11,16 – TWP 9S – RNG 78W) has been recommended to be changed to Highway legal vehicles only; I request/recommend that road 449 be changed to Road open to all vehicles.

- 8) Roads 192,450 and 451 (SEC 3,4,5,9,10 - TWP 9S – RNG 78W) are recommended to be Special use only. I request/recommend that the designation of these roads be changed to Administrative and Property owners only.
- 9) The segment of Road 199 in Sec 9&10 TWP 8S RNG 77W had been designated as Maintenance level 1 closed to all motor vehicles, both public and administrative. I request that consideration be given to allow Administrative and Property owners only.

I would like to discuss the Forest Service plan with folks at the Forest Service to ensure that I understand the objectives of the Forest Service and that the Forest Service understands my concerns and objectives. I am available to travel and would gladly meet in Pueblo, Fairplay, Lakewood or any other designated location.

I can be reached at [REDACTED]