

March 10, 2023

TWO SHOES RANCH

USDA Forest Service
Rocky Mountain Region
Attn: Reviewing Officer
1617 Cole Blvd., Bldg. 17
Lakewood, CO, 80401
Submitted online via: <https://cara.fs2c.usda.gov/Public/CommentInput?Project=56913>

RE: OBJECTION: Redstone to McClure Pass Trail Project

Dear Reviewing Officer:

Two Shoes Ranch & Cattle Company (Two Shoes) submits this six-page objection, under 36 C.F.R. § 218, to the Forest Service's Redstone to McClure Pass Trail Project Environmental Assessment (EA) and Draft Decision Notice and Finding of No Significant Impact (DN/FONSI). Two Shoes previously submitted written comments regarding this project during public-comment periods.

Two Shoes is the lead objector for the purposes of this objection and contact should be with Two Shoe's Ranch Manager, Mr. Ian Carny, who's phone number is (970) 987-2114 and email is ianc@lawhold.com. Two Shoe's owns several properties in the Crystal River and its address is Two Shoes Ranch & Cattle Company, LLC, 890 Thomas Road, Carbondale, CO 81623.

Public notice of the FEIS and DROD was published on January 27, 2023. Therefore, under 36 C.F.R. § 218.7, this objection is timely because Two Shoes submitted it electronically within 45 days of the draft's publication.

This letter follows the format of our initial letter regarding the Draft EA and is therefore connected to it. We have discussed the remedies that can be made for these omissions at the end of each section below. Two Shoes requests an objection-resolution meeting to address these concerns.

INTRODUCTION

The proposed Redstone to McClure Pass Trail is located within the Crystal River Valley, south of Carbondale, in Pitkin County, Colorado. The valley is surrounded by the White River National Forest and offers unique charm and secluded areas with untouched beauty and outstanding environmental qualities. The West Elk Scenic Byway (CO133) begins at Carbondale and its first leg goes through the Crystal valley to McClure Pass, with views of scenic peaks and a rural, uncrowded experience along the valley floor.

Unfortunately, this experience is being eroded by the increased demand for recreational opportunities brought about by the popularity of the Roaring Fork valley, and in particular the resort communities found there. It is apparent to us that this recreational demand from outside the Crystal has driven the need for this project, as witnessed by the substantial number of comments and concerns raised through the EA process. Most of these concerns come from property owners in

the Crystal valley, many of whom rightfully see this project as a threat to their lifestyle and property.

A full trail of the magnitude and scope envisioned will change the feeling of the Upper Crystal River Valley forever. Please remember if people want to recreate in the Crystal River Valley, there are many existing opportunities to do that, opportunities that are different and more off the beaten path than other areas of the Forest.

We have reviewed the Redstone to McClure Pass Trail Project Final Environmental Assessment and Record of Decision (hereinafter “EA”) and as with the draft Redstone to McClure Pass Trail Project Final Environmental Assessment, there are significant aspects of the EA that raise objections and we would like to list these for your consideration.

ISSUES ADDRESSED IN THIS OBJECTION:

Purpose and Need, Alternatives: Two Shoes raised concerns about the narrowly written Purpose and Need in the draft EA. This section reduces the viable trail alignment options to the No Action and the Proposed Action alternatives, thereby assuring that Pitkin County’s preferred alternative would be the only build option considered. Other alternative trail alignments were rejected through a superficial review void of any thoughtful analysis. As raised in our comments concerning the Draft EA, we continue to feel that two of the discarded trail alignment alternatives (Trail Along Highway 133 Only, Trail from Redstone to Hayes Creek Only) should be reinstated and explored along with the No Action and Proposed Action Alternative through an Environmental Impact Statement (EIS) process. There is already a six-mile existing trail next to Highway 133, and its close proximity to the highway has not affected its use, desirability, or CDOT’s ability to maintain the highway. There are currently many existing mountain biking and hiking trails which sufficiently serve the Crystal River Valley.

Recreational demand in the area is large and growing. The Forest Service must take this opportunity to consider how best to manage that demand, to control unauthorized use, and to ensure safety. To do that effectively, the agency should broaden the purpose and need for this project so that it achieves the agency’s own goals, not just Pitkin County’s goals. The Forest Service must also revise its EA to consider all reasonable alternatives and take a hard look at potential impacts to the sensitive values in the Crystal River Valley, especially wildlife and sensitive wildlife habitat. This approach of piecemealing segments of the trail and not looking at it in terms of its total impact sets a dangerous precedent. It encourages the County to do small trail segments, some of which will be on private land, and there will be no EA for the true trail impact.

The EA should be re-written to include a purpose and need that opens the whole trail to review rather than limiting the scope to a minor trail section. A trail alignment along the highway and the Redstone to Hayes Creek Section Only options should be considered with the other alternatives through an EIS process.

Cumulative Impacts: A major issue with the draft EA was its confinement to a small segment of the total trail thereby ignoring the impacts of the full 83-mile proposed trail alignment. This is despite the fact that Pitkin County has adopted the trail plan for the Crystal valley and a feasibility study for the entire trail has been conducted by Pitkin and Gunnison Counties. The trail segment studied from Redstone to McClure Pass is part of the overall Trail Plan. This plan is determined in

the EA to be a reasonably foreseeable action, but when discussing cumulative effects, which are touched on selectively and briefly in the Final EA, the document states that the impact of the entire trail is unknown. The EA does not explain what happens when the cumulative impacts of the overall project go unidentified or undetermined. The EA ignores the precedent you are setting for the rest of the trail impacts by assuming that seasonal closures alone will solve the problem. This is an assumption that is not supported by the data. In addition, seasonal closures will put pressure on other places where recreational activity is scarce and there are no seasonal closures. You can think of recreational use in the valley as a balloon. When you squeeze on one part of the balloon, the air goes to other parts of it. Like the air in the squeezed balloon, people will go where there is no enforcement and establish bandit trails through their use.

The proposed action should not be considered or implemented until a comprehensive study of the cumulative impacts of the entire Carbondale to Crested Butte Trail is completed, as NEPA requires intimately connected actions (trail segments in this case) to be evaluated and examined in a single EIS.

Projected Trail Use: Although existing human, dog and wildlife use on the old Wagon Road and McClure Pass Road sections is well documented in the EA, nothing is said about projected future use on this trail. The only remark made in the EA concerning future trail use is that the *“Proposed Action would likely increase the overall use of these routes by both local and nonlocal visitors and would likely increase the level of mountain bike use.”* In fact, the increased exposure to the trail will significantly increase its use and make more people aware of its existence, and likely will result in more use in the winter despite proposed, undefined closures. How can the EA judge between the two alternatives without at least an estimate of how many more people will use the new trail?

The EA should include a section on projected trail traffic and potential impacts reassessed using this data.

Conflicting Uses: The plan for the trail is to allow hiking, mountain biking and equestrian use on a trail platform that is 3 to 5 feet in width. This is an invitation for conflicts given the narrow nature of the trail and now allowing concessionaires to use the narrow trail with large groups of bikers. The EA gives no insight as to how this will be managed. As use increases there will likely be a need to widen the trail and upgrade the surface. In addition, the bicycle/equestrian interface is a significant use-related conflict that can result in dangerous encounters and possible injuries on such a narrow platform. The winding nature on several sections of this trail, coupled with the narrow trail platform, will also promote conflict between hikers and bikers.

The EA should be revised to include much more detail about the management measures needed to responsibly address increased use over time, as well as the capital improvements needed in the future to mitigate this expanded use, especially given the limited Forest Service budget.

Management of Closures and Restrictions: The County has granted the Forest Service \$100,000 a year to create two full-time enforcement officers that in theory will cover management of the trail. Because of the huge size of the White River National Forest, the unpredictable and insecure nature of County funding, and the ever growing demand for recreational use on Forest lands, Two Shoes is concerned that the two enforcement positions being created with County funds will not be sufficient to supervise use on the Proposed Action. There is no commitment to enforcement seven

days per week on a year-round annual basis with enforcement officers on site most of the day. Specific management concerns include:

Ebikes: Under the EA a portion of the new trail will be open to ebikes with other sections that prohibit them. This will be problematic for management of the trail, being virtually unenforceable without constant onsite supervision. The only options for ebikers at the end of the allowed section will be to continue on the highway or turnaround, neither of which provide the safe, quality recreational experience the trail is proposed to make available. As technology improves, it will be difficult if not impossible to distinguish between ebikes and conventional bikes traveling along a trail, further complicating enforcement of this prohibition.

Concessionaires: Concessionaires will be allowed to use the trail for group biking excursions. The most likely scenario is to bus groups of people up to the top of McClure pass, put them on mountain bikes, and let them glide their way down the trail to Redstone. This means that other users of the trail will be confronted unexpectedly with groups of bikers, many of them novices, streaming down the trail. This is dangerous for hikers and their dogs, as well as for equestrian users. This type of activity diminishes the peaceful, wildland experience that the trail currently enjoys and that the Proposed Action is supposed to enhance.

Winter Closures: Under the wildlife closure proposed as mitigation, the trail will be closed for up to 5 months out of the year. This closure includes peak user months according to existing observations. Once again enforcement will be challenging given the rural area and the introduction of recent technologies such as fat-tired bicycles that make riding over the snow a simple and fun activity. Also, people who are prevented from using the trail during closure will go somewhere else to recreate, something the EA does not address.

Proliferation of Bandit Trails: We have learned from the example of trails constructed on the Crown and the Hunter Creek/Smuggler Mountain area, that construction of the Crystal Trail will result in numerous “social” or “bandit” trails. These trails will further diminish the integrity of adjacent habitat and introduce disturbance into areas that have remained relatively free of recreationists. They also promote recreational biking in wilderness areas as well as other unauthorized uses and associated impacts. Who will monitor the creation of bandit trails, and how will they be kept track of? Who will be responsible to revegetate and reclaim them? The EA lacks answers to these important questions.

Given these very valid management concerns, how does the Forest intend to manage the trail in a responsible way? Does the Forest and/or the County intend to do daily checks on trail use, including weekends in the summer and winter? How many times a day will there be an enforcement presence? The people who use the trail now do so because of its serenity and uncrowded nature. The County’s Build Alternative will add several thousand annual bikers and hikers to the upgraded trail and will undoubtedly force these people to go elsewhere. Where will they go, and what impacts will that create? The answers to these important questions cannot be found in the EA.

The EA should be revised to include a comprehensive Trail Management Plan to address Ebikes, concessionaire use, enforcement of winter closures and the restriction of bandit trails as well as other concerns raised in this letter.

Impacts on Wildlife: The EA concludes that the Proposed Action will have negligible impacts on wildlife habitat. It bases this on the wildlife analysis presented within the County’s Trail Plan, conducted by the same consultant used for the EA. This conclusion ignores fragmentation and constant loss of habitat. Like a jigsaw puzzle, the full picture of cumulative impacts is not understood when you are only look at one small piece. In addition, the EA says that no sheep were seen on the cameras. This is totally misleading as the current sheep population is at a critical low. In fact, in the Crystal, according to the DOW post hunting population and sex ratio, the deer population in 2004 was 11,300 and has fallen dramatically to 5,931 in 2021. Likewise, the sheep pop in same study was 125 in 2003 and fallen to 40 in 2021. This proves the point that we are losing animals as the habitat is diminishing.

It Is important to preserve habitat for the increasing herd, as the Division of Wildlife and others are spending resources to achieve. The EA ignores other pertinent studies and experiences that had vastly different conclusions about the Proposed Action’s impacts on critical wildlife habitat. According to the habitat mapping in the EA on page 38, the proposed trail section crosses severe winter range, winter range and migration routes for elk. The proposed Action also crosses over or is adjacent to summer range for Bighorn Sheep and Elk. In addition, studies have shown elk disturbance in the summer months is as impactful as winter disturbances. Winter closures are seen as the panacea for solving this problem, although this does nothing to buffer impacts to Bighorn Sheep and Elk Summer Range and will be hard to successfully enforce in the closure months. Once elk and sheep abandon habitat due to the introduction of human activity they never return, as the “human fence” created by people, dogs and bikes continue to keep them away indefinitely. The EA also touts the series of wildlife enhancements that the County committed to in the Trail Plan as further mitigation for the impacts to wildlife. The EA then speculates that these mitigation measures may or could be effective without any evidence to substantiate this. These mitigation measures will not offset the impact of this trail and the unfortunate precedent you are setting for future trail approvals.

A better approach would be to manage the section of the trail as it currently exists, without increasing its use, as that would be easier to accomplish. It’s illogical to make a problem bigger and claim that it is easier to manage by doing so. The solution outlined in the EA relies to a large degree on winter closures, but winter closures create other problems, and there is no guarantee or permanent commitment that winter closures will be effective. The EA also ignores why the trails were decommissioned in the first place.

The Crystal River Caucus Master Plan states that the trail should be “*designed for user safety, wildlife and habitat protection and consider best science.*” The best available science is clearly not being followed in the EA. There is nothing sensitive about upgrading and publicizing existing decommissioned trails that pass through important and biologically diverse habitats, especially when the potential increase in use and cumulative effects have not been assessed.

The Roaring Fork Watershed Biodiversity and Connectivity Study has been completed by the non-profit Watershed Biodiversity Initiative and the Colorado Natural Heritage Program at Colorado State University. The Study provides the best available science for decision-makers to guide conservation on a landscape scale. The Study includes all the tributary drainages to the Roaring Fork Valley, including the Crystal River Valley. The Watershed Biodiversity Initiative has studied landscape ecology and spatial ecology, which examined threats to habitats lost and ecosystem fragmentation. Their study is essential to understanding the dispersed recreation

impacts that a trail will create. We believe that any section of the trail should not be considered without including the facts presented in this study. Reviewing the study's findings would be in keeping with the Crystal River Caucus Master Plan and OST's stated Purpose, which includes protecting significant wildlife habitat and corridors, and protecting public lands from the impacts of development.

The EA should be revised to address the conclusions of the Roaring Fork Watershed Biodiversity and Connectivity Study. The EA should also reassess impacts to wildlife from a cumulative perspective using the biodiversity study and the additional information discussed above.

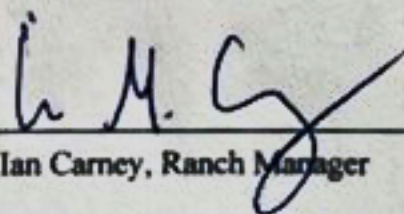
Climate Change: The EA discards impact to climate change saying that "no issues or impacts are expected" from the Proposed Action. All things created and used by humans make at least some contribution to climate change. Saying that this project will not have any impact on this very real and current problem is unsupportable and illogical, especially given the fact that this trail will encourage more visitors and more vehicle traffic to the area, which will clearly have an impact on climate change.

The EA lacks information on the Proposed Action impacts on the climate. A more detailed analysis of this issue must be done before concluding that the Proposed Action has no repercussions on global warming.

To conclude, Two Shoes believes that the Final EA and Record of Decision should be rescinded because it violates NEPA by (1) providing insufficient information to address the true impacts; (2) evaluating only a small section of a proposed regional trail without determining the cumulative impacts; and (3) lacking in projections of use and therefore basing its conclusions on speculative outcomes.

Decisions made through this EA will be a precursor to the actions taken on future sections of the trail despite the responsible party's decision to ignore them. We should have patience, act responsibly, and see what the potential future use and cumulative impacts of the complete trail will be before making any decisions or placing any improvements. Doing so gives the Forest Service and the community a chance to consider this trail section with facts and best science, both of which are NEPA requirements that have been neglected by the Final EA and Record of Decision. Two Shoes requests an objection resolution meeting to address these concerns.

TWO SHOES RANCH & CATTLE COMPANY, LLC



Ian Carney, Ranch Manager



Gideon Kaufman, Legal Counsel