



October 30, 2023

USDA Forest Service  
Rocky Mountain Region  
Attn: Reviewing Officer, C/O Director of Strategic Planning  
2nd floor, 1617 Cole Blvd. Building 17  
Lakewood, CO 80401

CC: Samantha Staley  
Grand Mesa, Uncompahgre and Gunnison National Forests  
Attn: Plan Revision Team  
2250 South Main Street  
Delta, CO 81416

Submitted online: <https://cara.fs2c.usda.gov/Public/CommentInput?project=51806>

**Re: Grand Mesa, Uncompahgre, and Gunnison National Forests Land Management Plan Objection**

American Whitewater and Outdoor Alliance hereby formally objects to specific findings and decisions within the revised Land Management Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forests (GMUG) and the associated Final Environmental Impact Statement (FEIS) and Record of Decision (ROD). We do so following the regulations in 36 CFR 219. The notice of opportunity to object was published in the Grand Junction Daily Sentinel on August 30, 2023 and the 60-day objection period thus ends on October 30, 2023.

A handwritten signature in black ink that reads "Kestrel Kunz".

**Kestrel Kunz, Lead Objector**

Protection Director, Southern Rockies Program  
American Whitewater  
PO Box 753  
Crested Butte, CO 81224  
802-299-8405  
[kestrel@americanwhitewater.org](mailto:kestrel@americanwhitewater.org)

A handwritten signature in black ink that reads "Louis Geltman".

Louis Geltman  
Vice President for Policy and Government Relations  
Outdoor Alliance



American Whitewater is a national 501(c)(3) non-profit organization with a mission to protect and restore our nation's whitewater resources and enhance opportunities to enjoy them safely. With over 6,000 individual and 100 affiliate club members, American Whitewater represents the interests of over 80,000 river enthusiasts nationally. As conservation-minded whitewater recreationists, we place a high value on protecting naturally functioning river ecosystems, including their fish and wildlife, geomorphic processes, and potential to provide clean and safe drinking water. Our members travel across the region and the country to recreate on the rivers and creeks in the GMUG National Forests and we have staff that live in the heart of the GMUG because it is a landscape that is so important to our members.

Outdoor Alliance is a coalition of ten member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.

American Whitewater and Outdoor Alliance's objections detailed herein pertain to plan components for eligible Wild and Scenic Rivers and to the Final Wild and Scenic River Eligibility Evaluation. In addition to our below objections, we also wanted to highlight items that we fully support in the Final Plan and plan revision process, including:

- We really appreciate the responsiveness of the GMUG National Forest planning team throughout the elongated Forest Plan revision process. The Forest Planner and other staff have been exceptionally responsive to email, phone and in-person meeting requests.
- We fully support the findings of additional eligible Wild and Scenic segments in the Final Plan, including the lower Taylor River, Uncompahgre River, Bear Creek and the East River meanders.
- We support the unsuitability of surface operations and underground mining in the Anthracite creek drainage as this will provide necessary interim protections for the eligible Wild and Scenic segment.
- We support the addition to FW-GDL-RMGD-11 that ensures new water infrastructure should consider safe boater passage.

**Statement of the issues and/or the parts of the plan revision to which this objection applies:**

Our objection applies to the following sections of the final plan and EIS:

1. Forestwide Direction for Eligible Wild and Scenic Rivers (Forest Plan, pp. 101, 106-107, 81)

- a. The plan components and lack of components for eligible Wild and Scenic Rivers and for other uses (Timber, Recreation and Trails) that apply to eligible Wild and Scenic Rivers rivers.
2. Appendix 11: Wild and Scenic River Eligibility Evaluation (Forest Plan, Appendix 11; Final EIS, pp. 606-609; Response to Comment Report; pp. 378-385)
  - a. The findings of eligibility and ineligibility in the evaluation, including the assessment of certain Outstandingly Remarkable Values.

The following objections are organized by objection topic and include, 1) a concise statement explaining the objection and suggestion of how the proposed plan decision may be improved, 2) identification of how American Whitewater and Outdoor Alliance believe that the plan revision is inconsistent with law, regulation, or policy, and 3) a statement that demonstrates the link between prior substantive formal comments submitted by the objector and the content of the objections, unless the objection concerns an issue that arose after the opportunity for formal comment.

#### **Forestwide Direction:**

1. The forestwide direction (standards, guidelines, etc.) that applies to eligible Wild and Scenic Rivers require additional clarity in order to be consistent with agency policy.
  - a. FW-STND-TMBR-03: On page 106 of the Final Plan it states that for additional plan direction for eligible Wild and Scenic Rivers see “FW-STND-TMBR-03”. However there is no mention of eligible Wild and Scenic Rivers under this standard, instead it is addressed in Appendix 8, where it is stated that only “wild” segments are not suitable for timber production. *Unsuitability for timber harvest in wild and scenic corridors should be explicitly included as a standard and should apply to all classifications of eligible Wild and Scenic Rivers.*
  - b. FW-GDL-REC-16: On page 106 of the Final Plan it states that for additional plan direction for eligible Wild and Scenic Rivers see “FW-GDL-REC-16”. However, nothing under this guideline including in tables 9 - 16 references eligible Wild and Scenic Rivers and their management. *This guideline should be changed to specify recreational opportunity spectrum settings for each classification of eligible rivers (recreational, scenic, wild).*
2. The 2012 Forest Planning Rule directs the Forest Service to include standards or guidelines for management of eligible rivers to protect the values that provide the basis for their eligibility determination.<sup>1</sup> Additionally, the Forest Service Handbook specifies that on scenic and recreational rivers, “a range of vegetation management and timber harvest practices are allowed, if these practices are designed to protect users, or protect, restore, or enhance the river environment, including the long-term scenic

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<sup>1</sup> CFR 36 219.10(b)(v)

character.”<sup>2</sup> [emphasis added] However, when describing the environmental consequences for timber harvest, the EIS states that, “However, even this small amount of potential timber production could result in more short-term impacts to scenic character and recreational access, alter the vegetation structure, and impacts to wildlife habitat for these areas in the preferred alternative...”<sup>3</sup> The Final Plan also states that due to other overlapping factors, 95% of scenic and recreational corridors are not suitable for timber harvest. To ensure consistency for all eligible Wild and Scenic Rivers and in order to comply with existing law and policy that mandates the protection of identified ORVs, all eligible river corridors should be removed from timber suitability. If this is not applied, then the Forest should make explicit in a standard that timber harvest in eligible corridors is held to a higher standard.

3. American Whitewater’s draft plan comments address the need for more specific standards and guidelines for management of eligible Wild and Scenic Rivers (p. 8-9), as well as in joint comments submitted by American Whitewater and Outdoor Alliance (p. 22-23).

#### **Daisy Creek/Poverty Gulch (Daisy Creek) and Slate River Eligibility:**

1. The Forest Service erred in its finding of no recreation ORV on Daisy Creek and the Slate River (Gunnison RD). *Daisy Creek from the headwaters to the confluence with the Slate River should be identified as having a recreation ORV and thus determined eligible. The Slate River from the headwaters to the FS boundary should be identified as having a recreation ORV and thus determined eligible.*
2. The Forest Service is required to determine all free-flowing streams that have at least one ORV as eligible Wild and Scenic Rivers.<sup>4</sup> The Handbook also clearly defines the recreation ORV as including boating and that these opportunities must be either popular or unique.<sup>5</sup> American Whitewater, the only national organization representing whitewater rivers, has submitted robust information on the popularity and quality of these two streams that has largely been ignored by the Forest Service. Additionally, the Forest Service received hundreds of comment letters specifically attesting to the popularity of these river segments. In our draft plan comments, *we included no less than ten print and online sources* exemplifying the high quality paddling opportunities on these two rivers. This information appears to be disregarded during the eligibility evaluation, including:
  - a. The Forest Service did not respond to any of our comments on Daisy Creek and the Slate River except for a brief mention that commenters advocated for these rivers.<sup>6</sup>

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<sup>2</sup> FSH 1909.12 84.3

<sup>3</sup> Final EIS, 608

<sup>4</sup> FSH 1909.12 82.7

<sup>5</sup> FSH 1909.12 82.73.a

<sup>6</sup> Response to Comment Report, 385

- b. In the process notes, it was stated that “Kayaking is limited, though there are a couple of waterfall drops that creek kayakers occasionally challenge themselves with on Daisy Creek.” And for the Slate, the notes only mention that boating and SUPing occur. These are factually incorrect or incomplete statements and indicate that published information provided by American Whitewater, Outdoor Alliance, and other commenters was not included in the evaluation.<sup>7</sup> As the leader objector and as someone who lives in Crested Butte, I can provide expert opinion that these two creeks are paddled by locals and visitors almost every single day that they are running in the spring. Additionally, a local resident of Crested Butte, Daniel Kreykes, published a letter-to-the-editor in the Crested Butte News on October 4, 2023, describing how important Daisy Creek and the Slate River are for kayaking.
    - c. The Draft Forest Plan did not include full descriptions for the recreation ORV for these streams, rather it included a blanket statement for Daisy Creek, Slate River, East River, and the Upper Taylor River that they were being reviewed for a river recreation ORV.<sup>8</sup> This approach made it impossible to review the data and information that the Forest Service was considering during the Draft Plan phase, arguably the most important phase of the plan revision process.
  3. American Whitewater included robust ORV descriptions in our Draft Plan comments (pp. 23-26) submitted on Nov. 23, 2021 and in joint comments submitted by American Whitewater and Outdoor Alliance on Nov. 22, 2021 (pp. 51-54).

### **Cow Creek Eligibility:**

1. American Whitewater and Outdoor Alliance support the eligibility determination for Cow Creek and its tributaries (Ouray RD), however the downstream terminus of the Cow Creek segment is arbitrary and not representative of the presence of the ORVs. *The eligible segment of Cow Creek should extend downstream to the Forest Service boundary or to the confluence with Owl Creek.*
2. The decision on segment length did not take public comment into consideration and did not include all rivers named on a standard USGS 7.5 minute quadrangle map, violating agency policy.<sup>9</sup> American Whitewater and our partners in the Outdoor Alliance GMUG Vision coalition specifically recommended Cow Creek from the headwaters to the confluence with Owl Creek (downstream from the USFS boundary) as eligible. The Forest states that all 876 named stream segments on the Forest were evaluated, however all of the available materials only reference the segment of Cow Creek within designated Wilderness. The Process Notes indicate that only the segment within

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<sup>7</sup> Wild and Scenic River Final Eligibility Process Notes, 17-18

<sup>8</sup> Final Plan, 11-5

<sup>9</sup> FSH 1909.12 82.2

Wilderness was evaluated<sup>10</sup> and we have found no other documentation stating that ORVs were evaluated on the downstream portion of Cow Creek.

3. In August 2020, American Whitewater co-authored and submitted the Outdoor Alliance GMUG Vision to the Forest Service as public comment during the plan revision process. In this proposal, we explicitly included an eligibility determination for Cow Creek from the headwaters to the confluence with Owl Creek.<sup>11</sup>

#### **Lower Taylor River Fishery ORV:**

1. While American Whitewater and Outdoor Alliance fully support the eligibility determination for the Taylor River from Taylor Park Reservoir to Almont with a recreation ORV, the Forest Service erred in a finding of no fishery ORV. *A fishery ORV should be added for the Taylor River for the entirety of the segment.* Additionally, there is an error in the “Lower Taylor River G-10” eligibility description on Final Plan page 11-41. *The Taylor River is located in the Gunnison District, Gunnison County.*
2. The Response to comments (p. 384) discusses that the USFS staff had analyzed the lower Taylor River to determine whether it had been designated as a Gold Medal Fishery and found that it had not been. The absence of Gold Medal status was used as their rationale for denying the fishery ORV. The USFS failed to note the gold medal fishery on the lower Taylor River that was designated on January 18, 2023.<sup>12</sup>
3. American Whitewater provided detailed comments on the importance and uniqueness of the Gold Medal Trout fishery in our Draft Plan comments (p. 13), indicating that only 0.3% stream miles in CO benefit from this designation. According to the GMUG’s own Final Plan, this means that the Taylor River (and Gunnison Rivers) are the only streams across the entire forest with Gold Medal status.

#### **Conclusion**

American Whitewater and Outdoor Alliance object to the lack of clear standards for management of eligible Wild and Scenic Rivers and we object to the ineligibility findings for the Slate River and Daisy Creek. We additionally object to the segment length of Cow Creek and request a fisheries ORV be added to the Lower Taylor River. American Whitewater, Outdoor Alliance, and our partners have consistently documented that these rivers are free-flowing and possess at least one outstandingly remarkable value. American Whitewater is *the* national expert on river recreation and we have provided numerous referenced sources to inform the ORV determinations in addition to our expert opinion. We cannot stress enough that people’s personal experiences boating these rivers is the best way to characterize the outstandingly remarkable values that exist.

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<sup>10</sup> Wild and Scenic River Final Eligibility Process Notes, 9-10

<sup>11</sup> Outdoor Alliance GMUG Vision, 47-48

<sup>12</sup><https://coloradooutdoorsmag.com/2023/01/18/colorado-gold-medal-waters-gunnison-and-taylor-rivers/>



Thank you for considering our objections herein. We would like to meet with the Reviewing Officer at a mutually convenient time to discuss the above concerns. Please inform us in writing of any responses to these objections or of any further opportunities to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Kestrel".

Kestrel Kunz, Lead Objector  
Protection Director, Southern Rockies Program  
American Whitewater  
PO Box 753  
Crested Butte, CO 81224  
802-299-8405  
[kestrel@americanwhitewater.org](mailto:kestrel@americanwhitewater.org)

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Louis Geltman  
Vice President for Policy and Government Relations  
Outdoor Alliance