



October 30th, 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

Subject: Grand Mesa, Uncompahgre, Gunnison National Forests Revised Land Management Plan
Responsible Official: Chad Stewart, GMUG Forest Supervisor
Submitted via online portal

Dear GMUG Planning Team,

Please see the following objections to the Grand Mesa, Uncompahgre, and Gunnison Forest Plan Revision Final EIS.

Jacey DePriest shall be the lead objector, per 36 CFR 219.54(c)(3).

A. THE FINAL PLAN MUST PROTECT LEGISLATIVELY PROPOSED SPECIAL MANAGEMENT AREAS (SMAs) IN THE SAN JUAN MOUNTAINS

The Sheep Mountain and Liberty Bell East SMAs, which are part of the Colorado Outdoor Recreation and Economy Act (CORE), have long established business, public, and elected official support. These SMAs were carefully designed to protect these highly valued landscapes, while allowing existing non-conforming uses such as heliskiing, a competitive long distance running race and mountain biking. These proposed areas, both legislatively and through the GMUG plan revision process, are home to outstanding and unique landscapes home to recreational, wildlife, and ecological values. These proposals are the results of decades of advocacy and public process. The 2012 Planning Rule grants the Forest Service authority to designate and protect these areas as Special Management Areas (SMAs) in forest plans.¹ Agency regulations make clear that the Forest Plan must “reflect[] the unit’s expected distinctive

¹ The regulations specifically require that “[e]very plan must have management areas or geographic areas or both. The plan may identify designated or recommended designated areas as management areas or geographic areas.” 36 CFR § 219.7(d). The responsible official with delegated authority may designate new areas or modify existing areas, when approving the plan, plan amendment, or plan revision. 36 CFR § 219.7(c)(2)(vii). SMAs are managed to emphasize specific values (e.g., ecological,

roles and contributions to the local area, region, and Nation, and the roles for which the plan area is best suited...” as well as “the unit’s unique capabilities, and the resources and management of other lands in the vicinity.”² The Forest Service should adopt the proposed SMAs with specific plan components to ensure the final forest plan provides clear, concise management direction for the Forest Service and the public.

Protecting high value public lands is also an important priority for the Biden-Harris Administration. President Biden has issued a call to action urging us to work together “to conserve, connect, and restore 30 percent of our lands and waters by 2030 for the sake of our economy, our health, and our well-being.”³ Agriculture Secretary Tom Vilsack also recently directed the Forest Service to protect our National Forests by restoring ecosystems, among other goals.⁴ The directive highlights important ecosystem services provided by protecting our national forests, including: “sequestering carbon, providing clean drinking water, stabilizing soil, buffering floods, protecting biodiversity, providing sustainable forest resources, protecting cultural resources and places of tribal importance, and enabling access to the outdoors for hundreds of millions of visitors.”⁵ Protecting these SMAs on the GMUG would support and further the Administration’s conservation goals.

Specifically for the Sheep Mountain SMA—The Town of Ophir obtains its drinking water from surface water intake in Waterfall Creek. Ophir is committed to maintaining watershed health and seeks Forest Service partnership by creating a SMA to protect and/or restore watersheds with a focus on building a resilient watershed and healthy forest. In August 2020 the Town of Ophir completed a Source Water Protection Plan. The Source Water Protection areas for these water sources include the Waterfall Creek watershed, and a 100-foot buffer around the pipeline from Waterfall Creek to Ophir’s treatment facility. The Town of Ophir has long been a strong supporter and contributor to the boundaries, and values of the Sheep Mountain SMA.

Proposed Recommendation: *The Forest Service should designate the proposed SMAs in the San Juan Mountains as reflected in the Colorado Outdoor Recreation and Economy Act (CORE)*

B. THE PLAN DOES NOT ADEQUATELY ANALYZE OVER-SNOW VEHICLES IN OPHIR VALLEY AND BRIDAL VEIL BASIN

The Town of Ophir covered management of over-snow vehicles in the northern half of Ophir Valley in their 2021 draft comments. Ophir is strongly committed to **non-motorized use in the forestlands that surround the valley**. The noise from snowmobile use in our steep valley has tremendous impacts to residents and wildlife. Ophir has a history of quiet recreation. Ophir also has a history of large, dangerous avalanches. Recreational snowmobilers travel through steep, significant avalanche terrain, and not only

geological, scenic, recreation, or other specific values). Management activities and uses are permitted in these areas only to the extent that they are in harmony with the purpose for which an area is specially designated. The plan or decision designating each area is supposed to provide specific objectives, standards, and guidelines for management of each area.

² 36 C.F.R. § 219.2(b)(1).

³ See U.S. Dept. of Interior, “America the Beautiful” webpage, available at <https://www.doi.gov/priorities/america-the-beautiful> (last accessed 7/6/22).

⁴ U.S. Dept. of Agriculture, “Climate Resilience and Carbon Stewardship of America’s National Forests and Grasslands,” Secretary’s Memorandum 1077-004 (June 23, 2022).

⁵ *Id.*

put themselves at risk, but at times, put themselves directly above other backcountry users on the same slope.

Under 36 CFR 212 subpart C of the Forest Service's travel management regulations, each national forest with adequate snowfall must designate and display on an "over-snow vehicle use map", a system of routes and areas where over-snow vehicle (OSV) use is permitted based on protection of resources and other recreational uses. OSV use outside the designated system is prohibited. Implemented correctly, the rule presents an important opportunity to enhance quality recreation opportunities for both motorized and non-motorized winter users, protect wildlife during the vulnerable winter season, and prevent avoidable damage to vegetation, air and water quality, wilderness values, and other resources. It is important that the revised forest plan provides a strong framework for management of OSV use and for subsequent winter travel management planning under subpart C.

Proper designation of areas in compliance with subpart C and the minimization criteria will require most national forests to undergo a paradigm shift in OSV management. Subpart C, specifically rejects this default "open unless designated closed" approach, and instead requires the Forest Service to "designate" specific areas and trails for OSV use (consistent with the minimization criteria), and prohibits OSV use outside of the designated system. See 36 CFR 212.80(a). In other words, subpart C requires forests to make OSV designations under a consistent "closed unless designated open" approach.

The Recreation Desired Condition (FW-DC-REC-01) states:

The GMUG provides a variety of high-quality, year-round recreation opportunities across a range of resilient recreation settings—from primitive to rural, and gradients between. Recreation opportunities and facilities (1) meet persisting and evolving needs of diverse user groups....

In reference to meeting persisting and evolving needs of diverse user groups, one should expect comprehensive programmatic plan level decisions for current and future suitability determinations for winter recreation opportunity spectrum settings (ROS). However, it seems the necessary plan level analysis was not carried out for many important winter recreation areas on the GMUG. See III FEIS at 207.

The existing inventory of ROS settings are determined by an 11-step process outlined in the national protocols (WinterROSInventoryMappingProtocol-ver12_Aug2019) as required by Forest Service Manual 2300, Chapter 10. The existing ROS inventory was created during the Plan assessments, and the Agency considered and incorporated existing Subpart C Travel Management decisions into the existing ROS inventory. For example, the routes and areas from the Grand Mesa's OSVUM were considered and used in the modeling. Other winter travel decisions and closures were also used in the mapping, including the 1995 Crested Butte Winter Travel EA and the 2005 Washington Gulch CE Wildlife closure areas such as Almont triangle were considered, and conversely, areas open to OSVs such as the area north of Ophir were used in the development of the existing and desired winter ROS settings. Existing travel management decisions are represented in the preferred alternative's desired winter ROS settings unless documented in the project record for other site-specific reasons. Desired Winter ROS settings were established as

documented in the Assessments, FEIS, project file and ROD in accordance with the 2012 Planning Rule. That process incorporated existing Travel Management Decisions such as the Grand Mesa's OSVUM, Crested Butte's 1995 EA, and the existing decisions around Ophir. Future Travel Management Plans or OSVUMS would be project-level decisions subject to 36 CFR 212.

As described above to fulfill requirements under subpart C, Forest Service must designate as open to motorized use only those discrete, delineated areas that are appropriate for cross-country OSV use and minimize environmental damage and conflicts with other recreational uses. These recreational uses are noted in a response to comment regarding Ophir Valley (III FEIS at 210) stating:

The planning team, including local FS staff, gave a hard look at the area [Ophir Valley/Bridal Veil] and weighed multiple resources, including wildlife, existing travel management decisions, and existing and desired recreation opportunities in this area. Though the area is used by backcountry skiers and is not heavily used with motorized OSVs, it does provide some more remote hybrid skiing opportunities that cannot be accessed on foot alone. Furthermore, much of the area is above tree-line, frequently used by an authorized heli-skiing operation, and the existing travel management decision designated this area as open to motorized OSVs. Thus the preferred alternative is to manage the desired Winter ROS setting as Semi-Primitive Motorized.

The Town of Ophir currently has an ordinance against motorized over snow vehicles in town limits. The FEIS response above demonstrates the lack of knowledge pertaining to current and future desired use in Ophir Valley. The Winter ROS decision made in Bridal Veil basin and the northern half of Ophir Valley was made in direct opposition to decades of non-motorized use, and a desired future to keep it as such. There has been no analysis done to base the existing and desired recreation opportunities in this area. To place half of a heli-skiing operations permitted area in a Winter semi-primitive non-motorized setting (operations still allowed under permit), while designating the other half of the permit zone as semi-primitive motorized is incongruent. ROS Settings are defined by distance from designated motorized routes and areas. For winter purposes, there aren't any official designated routes in the Ophir area. There is no current travel management plan for over snow vehicles (OSV). Ophir believes that the designation of areas for winter motorized traffic without this plan in place unduly influences future decision-making by the agency. Especially in light of OBJ-REC-06, which states: "Within 10 years of plan approval, to reinforce semi-primitive non-motorized settings, eliminate at least two unauthorized motorized travel routes."

Suggested Improvements

Recommendation: The final plan should provide further analysis on current and future desired conditions in the Bridal Veil Basin and Ophir Valley area for winter recreation.

C. IN FIRE AND FUELS MANAGEMENT, MANAGEMENT ACTION TO ADDRESS PUBLIC HEALTH AND SAFETY AND GREENHOUSE GAS EMISSIONS

In December 2022 Ophir residents experienced extreme smoke from five 40x40 slash piles from the TriState Powerline Vegetation removal project, containing wet, green vegetation. The Town was notified on a Friday afternoon, and piles were lit on Monday. The Town already had clearly expressed concerns to USFS and was working with San Miguel County on alternative solutions to burning the piles and were told the piles would not be burned until the following year.

Due to the topography of Ophir and its typical inversions and often windy winters, combined with green wet vegetation, these burning piles created poor air quality for residents and visitors over the Holidays and smoldered throughout the winter months. The County helped the Town install a Purple Air Monitor due to the severity of the smoke.

According to the article, *Emissions from prescribed burning of timber slash piles in Oregon*⁶

Field sampling of eleven biomass pile burns determined emission factors for a wide range of pollutants. Comparison of piles that were naturally wetted versus those that were dry showed statistically higher emission factors for PM_{2.5}, PAHs, VOCs, and PCDD/PCDF for the wet piles. Emission levels were negatively correlated with combustion quality, as represented by MCE. Variation of PE cover size and thickness showed no statistically significant difference in emission factor for any of the pollutants, suggesting that the PE was not contributing significantly to any of the measured pollutants. Time-resolved PM_{2.5} emissions were highest at the beginning of the burns; for the Dry pile tests, this startup period lasted for less than 4 min; for the Wet pile tests, it was four times longer, about 16 min. For the Wet pile tests, PM_{2.5} emission factors were higher than those of the Dry pile tests for at least half of the burn durations, after which they were similar. These tests suggest that use of PE as a biomass pile cover results in lower emission factors than those from piles exposed to moisture, reducing pollutant levels during slash pile burns. These emission factors, together with estimates of burn pile numbers, size, and fuel consumption, can be used by management and regulatory communities to minimize smoke impacts while limiting the potential hazard of biomass fuel loading.

Suggestion: The USFS creates management direction to protect the Health and Safety of residents and visitors by taking responsibility for their actions and not rely on a State Agency that will not be on-site for the duration of the project. The EPA has pollution standards and installs air quality monitors at their project sites for public health and safety; this could be a management strategy for pile burning.

Suggestion: This project was an example of poor communication and timing. This management action, FW-MA-FFM-10: Coordinate public education efforts regarding fire and fuels with local governments, Tribes, and partners, may need to be strengthened.

⁶<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC6355151/#:~:text=Depending%20on%20the%20season%20and,burns%2C%20presumably%20with%20less%20pollutants>

Suggestion: FW-MA-TMBR-13: Partner with local stakeholders and industry to innovate and support economically viable markets for both timber and nontimber forest products, including aspen, wood biomass, biochar, and small-diameter material (USDA Forest Service Climate Adaptation Plan 2022). Actively apply for agency funds dedicated to support emerging, alternative forest product markets (Resilience).

FW-MA-SOIL-08: Seek opportunities to support production of biochar (a charcoal soil amendment made from biomass) from waste woody biomass generated by fuel treatments and forest restoration. When applied as a soil amendment, biochar improves soils by reducing bulk density, increasing porosity, providing a substrate for microorganisms, improving water-holding capacity, retaining nutrients, and increasing organic matter, among other benefits. Producing biochar helps to mitigate climate change by storing carbon in long-lived material that would otherwise be released more quickly into the atmosphere and has the added benefits of reducing smoke and burn scars from disposal by pile burning (Rodriguez Franco et al. 2022). (Resistance, Resilience).

We highly recommend these Management Actions and would like to work with the USFS to support biochar and woody biomass systems that support clean and local energy, such as the systems used at Mount Bachelor, created by Wisewood Energy.

Suggestion: The following Management Actions and Guidelines should be strengthened/mandatory and considered for pile-burning projects.

FW-MA-AQ-07: An air quality analysis may be required for Forest Service approval of activities that would result in emissions. The appropriate complexity of the analysis is determined on a case-by-case basis at the project level, in consultation with air quality regulatory agencies and other federal land management agencies.

FW-MA-AQ-08: Provide early notification to the public about potential smoke from fire activities to promote awareness and protect human health and safety. Smoke from prescribed burning is managed per State of Colorado requirements via burn permits.

D. STEEP SLOPE TIMBER SUITABILITY IN OPHIR VALLEY NEEDS FURTHER ANALYSIS

The Town of Ophir strongly opposed the substantial increase of **suitable timber in Ophir Valley** proposed in the preferred alternative of the final draft plan. Ophir believes that GMUG National Forest is much more valuable for conserving biological diversity and recreation than it ever could be for timber production.

The majority of the areas designated suitable in Ophir Valley are steep slopes that are prone to avalanches and would be uneconomical to harvest. If future harvesting of timber were to occur on steep slopes it would make avalanche conditions, already an issue of much concern for public safety in our town, much more dangerous. The designation of areas as suitable timber could stand in the way of future protection for land around Ophir that is included in the Colorado Outdoor Recreation and Economy (CORE) Act, legislation that Ophir strongly supports.

Little to no analysis on the viability of the steep slopes in Ophir Valley has been done. This includes steep slope logging as a whole, which up until recently has not occurred frequently in the GMUG, as stated in FEIS III at 353, “[a] variety of logging systems can and have been used on steep slopes, such as skyline cable, helicopter, and others, but these have not been used frequently on the GMUG due to the cost and the value of the harvested trees.” An assumption is made that steep slope logging technology is cost effective and feasible for all logging operations within the GMUG forest. Further analysis also must be done on the reforestation of areas after steep slope logging, especially at higher elevations such as Ophir Valley. This uncertainty is pointed out in FEIS pg 146 which states, ““whether forests in the GMUG continue to regenerate naturally without management intervention, which is in turn dependent on currently uncertain impacts of climate change within the planning area.” This uncertainty must be explored given the large increase in suitability of steep slopes in the GMUG area.

Sincerely,

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Ophir Environmental Commission Chair

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