

Board of County Commissioners of the County of OURAY, State of Colorado

Notice of Objection pertaining to:
the Final Revised Land Management Plan and Final Environmental Impact Statement
for the Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests

October 30, 2023

Chad Stewart

Responsible Official for Record of Decision for Revised Land Management Plan

Forest Supervisor

Grand Mesa, Uncompahgre, and Gunnison National Forests Headquarters

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Frank Beum

Reviewing Officer for Revised Land Management Plan

Responsible Official for List of Species of Conservation Concern

Regional Forester

USDA Forest Service Rocky Mountain Region

1617 Cole Boulevard

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Randy Moore

Reviewing Officer for List of Species of Conservation Concern

United States Forest Service

Rocky Mountain Region

Attn: Reviewing Officer

c/o Director of Strategic Planning 2nd floor

1617 Cole Boulevard

Building 17

Lakewood, CO 80401

Submitted electronically via the project webpage:

http://www.fs.usda.gov/goto/gmug/forestplan_objections

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the Final Revised Land Management Plan and Final Environmental Impact Statement
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OBJECTOR CONTACT INFORMATION

Pursuant to 36 C.F.R. § 219.54 (c)(3), the Board of County Commissioners of the County of OURAY, State of Colorado (“Gunnison County” or “County”) is designated as the objector.

Lead Objector:

Board of County Commissioners of the County of OURAY, State of Colorado

Lynn M. Padgett, Ouray County Commissioner, designated by BOCC

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NOTICE OF OBJECTION

Ouray County files this objection to the Final Land Management Plan (“LMP”) for Grand Mesa, Uncompahgre, and Gunnison National Forests (“GMUG”) under the process identified in 36 C.F.R. § 219 Subpart B. Notice of availability of the Record of Decision (“ROD”), Final Environmental Impact Statement (“FEIS”), and the Final Land Management Plan (“LMP”, “Forest Plan” or “Plan”) was published in a newspaper of record on August 30, 2023. Accordingly, this objection is timely.

ELIGIBILITY TO OBJECT

Ouray County has participated in the planning process for the Final Revised Land Management Plan and Final Environmental Impact Statement since their inception. The County submitted comments to the United States Forest Service regarding the draft LMP and draft EIS on December 8, 2017; June 1, 2018; March 9, 2019; May 30, 2019; July 23, 2019; and November 26, 2021. We have submitted a separate timely objection notice and documentation to the GMUG via the electronic submission form regarding the Regional Forester’s Species of Conservation Concern List, Analysis, and Determination for the Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests, today, October 30, 2023.

Our Ouray County Cooperating Agency Comments on the August 2021 DRLMP and DEIS Public Documents – Grand Mesa, Uncompahgre, and Gunnison Forest Plan Revision #51806 were submitted on November 26, 2021 (Ex. A). Further, USFS entered into Memorandum of Understandings in 2018 (19-mu-11020400-005) and 2023 (23-MU-11020400-085), designating Ouray County as a Cooperating Agency for the planning process. *See* MOU (Ex. B). The issues

raised in this Objection either were raised in the aforementioned comments or were unavailable at the Draft Environmental Impact Statement (“DEIS”) stage.

- 1. OURAY COUNTY IS A CO-OBJECTOR WITH GUNNISON COUNTY ON THE MATTERS RAISED IN THE FINAL REVISED LAND MANAGEMENT PLAN (FRLMP) / FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS) OBJECTION NOTICE SUBMITTED BY GUNNISON COUNTY.**
 - **Gunnison County will be the lead objector for the substance of the objection notice and documentation they submitted.**
 - If there is any conflict between more broad objections raised by Gunnison County and specific situations raised by Ouray County within the Ouray Ranger District, we desire the U.S.F.S. to consider Ouray County’s suggested improvements specific to that situation with Ouray County as the sole and lead objector for that specific situation.
- 2. OBJECTION TO INCLUSION OF SENSITIVE AREAS HAVING GREATER THAN 40 PERCENT SLOPES AS “SUITABLE TIMBER”¹ IN THE PREFERRED ALTERNATIVE (known as modified “B”).**
- 3. OBJECTION TO GMUG CHANGING SLOPE LAYER REFERENCES BETWEEN DRLMP/DEIS AND FRLMP/FEIS WITHOUT PROVIDING DEM SOURCE REFERENCE OR FILE.**
- 4. OBJECTION TO INCLUSION OF SUITABLE TIMBER IN AREAS PRONE TO AVALANCHES AND/OR SIGNIFICANT ECONOMIC IMPORTANCE FOR VISUAL RESOURCE TOURISM, MINING, AND FENS.**

Review methodology: Ouray County is within the Ouray Ranger District. Ouray County examined GIS data created by GMUG which has been provided to the public and/or Cooperating Agencies for review with the FRLMP/FEIS, DRLMP/DEIS at a scale of 1:24,000-1:60,000 to understand the FRLMP/FEIS on the lands we are most familiar with. When certain layers were not available directly from GMUG (such as Ranger District boundaries) the USFS Geodata Clearinghouse was incorporated. The DEIS GIS files for Timber Suitability alternatives included the GMUG’s percent slope calculations.

FRLMP Footnote 11 of Appendix 8 page 8-7 refers to an “updated slope layer derived from a 10m DEM” as the source of discerning and omitting slopes greater than 40 percent for Alternative D (which is not the agency’s preferred DRLMP alternative). The Suitable Timber Areas of Alternative D match up with the slopes identified as less than 40 percent in the DRLMP/DEIS GIS data with slope percentage included in their attribute tables.

¹ Page 214 of FRLMP defines Suitable Timber/Areas suitable for timber production as: “Area that defines where timber harvest for the purpose of timber production may occur, subject to subsequent project-level, site-specific data, and analysis. This is a plan-level allocation decision. Timber harvest for purposes other than timber production may also occur here. Scheduled timber harvests occur on these lands, among other active management activities, to contribute to Forestwide desired conditions and multiple use goals.”

We took the GMUG calculated percent slope and intersected it with the GMUG's Final Alternative B Timber Suitability data (9/26/2022) to understand the slopes that the agency's preferred alternative maps as suitable timber.

The majority of Suitable Timber areas within Ouray County and adjacent San Juan County, within the Ouray Ranger District, are greater than 40 percent.

The majority of Suitable Timber areas within Ouray County are not only greater than 40 percent slopes, they are **also** adjacent to the US 550, County Road 18/Engineer Pass Road, County Road 20/A/B/C/Brown Mountain Corkscrew Roads. These areas are within the *San Juan Skyway Scenic Byway* Corridor, as mapped by GMUG in the FEIS overlay. A considerable area of Suitable Timber on slopes greater than 40 percent is also within the County Road 361/Camp Bird Road corridor (Ex. C) **These areas are within, adjacent, and abutting a large, complex array of deadly avalanche paths.**

The economic importance of the visual resources of these slopes within the Ironton/Million Dollar Highway and Alpine Loop (Camp Bird-Yankee Boy-Imogene Pass) to the tourism economy of Ouray County and the region, boasting more than 1 million visitors a year, cannot be overstated.

The potential for devastating and deadly avalanches is well documented in history books, a monument on U.S. Highway 550 honoring CDOT plow drivers killed doing their jobs, and research. The US 550 and County Road 361 corridors are considered by Colorado Avalanche Information Center to be among the most dangerous in the Colorado, the United States, and world.

Many of these areas are upslope of critical wetlands and fens, which are vulnerable not just to compaction but also to sedimentation. Most of these areas are within, adjacent, or abutting complex avalanche pathways which may increase if trees are removed. The economic costs of avalanche forecasting and mitigation also cannot be understated. These costs are incurred by Colorado Department of Transportation, which has been installing permanent control equipment along U.S. Highway 550 this year². The new owner of the Camp Bird and Revenue Mines on County Road 361 estimated at a joint work session on October 25, 2023 with the County Commissioners that avalanche forecasting and mitigation along County Road 361 will cost \$250,000 this winter (December – April).

Congress has directed the Forest Service to conduct long-term planning and management through the passage of the National Forest Management Act of 1976 (NFMA).³ No timber harvest for the **purposes of timber production may occur on lands not suited for timber production.**⁴ Timber harvest for purposes other than timber production is allowed, even on those lands not identified as Suitable for Timber Production in the

²² <https://www.codot.gov/news/2023/july/avalanche-control-project-on-us-550-to-begin>

³ P.L. 93-378 P.L. 94-588, 16 U.S.C. §1601 et al. (NFMA). NFMA amended the Forests and Rangelands Renewable Resources Planning Act (RPA), P.L. 93-378, 16 U.S.C. §§1600 et seq.

⁴ 36 C.F.R. §219.11. <https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol2/pdf/CFR-2012-title36-vol2-sec219-11.pdf>; accessed 11/24/2021.

forest plan. The plan "...may allow for timber harvest for purposes other than timber production... as a tool to assist in achieving or maintaining one or more applicable desired conditions or objectives of the plan in order to protect other multiple-use values, and for salvage, sanitation, or public health or safety. Examples of using timber harvest to protect other multiple-use values may include improving wildlife or fish habitat, thinning to reduce fire risk, or restoring meadow or savanna ecosystems where trees have invaded."⁵

The National Forest Management Act of 1976 (NFMA)⁶ states, "**The responsible official shall identify lands within the plan area as not suited for timber production if any one of the following factors applies... The technology is not currently available for conducting timber harvest without causing irreversible damage to soil, slope, or other watershed conditions..."⁷**

SUGGESTED IMPROVEMENTS (for Objections 2, 3, and 4):

- **Revise Suitable Timber Production areas to omit slopes greater than 40 percent within the Ouray Ranger District.**
 - Timber within these areas omitted will still be allowed to have harvests for multiple plan objectives such as salvage, sanitation, mitigating infestations of insects or diseases, or public health and safety.
 - The technology is not currently available and not scientifically proven to be a best management practice in these forest types.
 - The economic impact of timber harvest vs the economic engines of recreation and tourism has not been analyzed (see GUNNISON COUNTY OBJECTION).
- **Revise Suitable Timber Production areas to omit areas within, adjacent, abutting, and hydrologically upslope of fens mapped by Mountain Studies Institute and GMUG (2012, see Ouray County DRLMP/DEIS comments) and mapped as Potential Fens by Colorado Natural Heritage Program.⁸ The Suitable Timber areas in extreme northeast San Juan County proximal to Engineer Pass Road still intersect or abut these fen resources (Ex C).**
- **Revise Suitable Timber Production areas to omit areas that will create undue public health and safety and economic impacts. Alternative D (in contrast to Preferred Alternative B) generally avoids these areas except for polygons near County Road 361 and County Road 20A. These areas should be omitted for public safety, economic, and other reasons regardless of slope.⁹**

⁵ 36 C.F.R. §219.11. <https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol2/pdf/CFR-2012-title36-vol2-sec219-11.pdf> ; accessed 11/24/2021.

⁶ P.L. 93-378 P.L. 94-588, 16 U.S.C. §1601 et al. (NFMA). NFMA amended the Forests and Rangelands Renewable Resources Planning Act (RPA), P.L. 93-378, 16 U.S.C. §§1600 et seq.

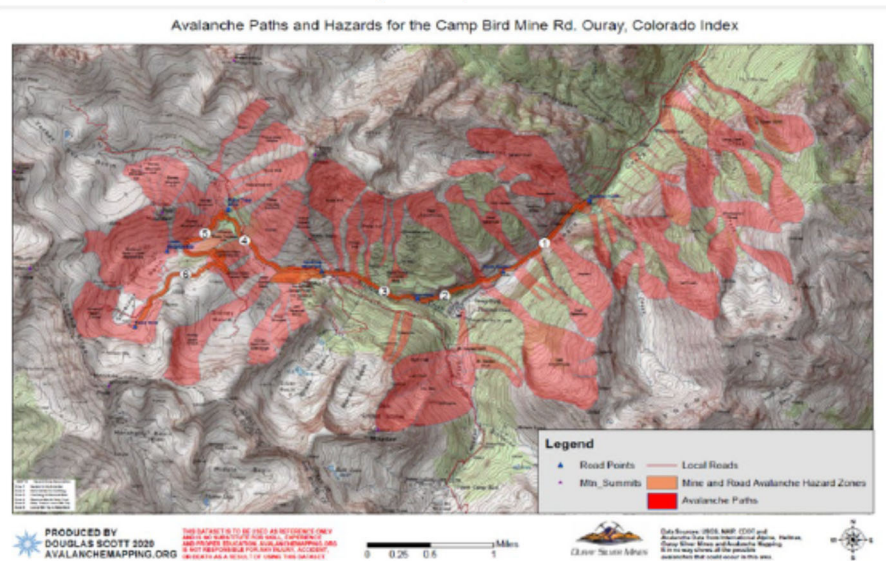
⁷ 36 C.F.R. §219.11. <https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol2/pdf/CFR-2012-title36-vol2-sec219-11.pdf> ; accessed 11/24/2021.

⁸ Detailed GIS layer for Potential Fens is available on request from CNHP or CODEX.

<https://cnhp.colostate.edu/projects/ecological-systems-of-colorado/details/?elementID=365208>. <https://codex.cnhp.colostate.edu/>.

⁹ Areas were identified by district staff as unsuitable for a variety of reasons, including: wet conditions; wetlands/riparian areas not otherwise identified in the GIS data as non-forested; steep slope in combination with other factors such as poor site quality;

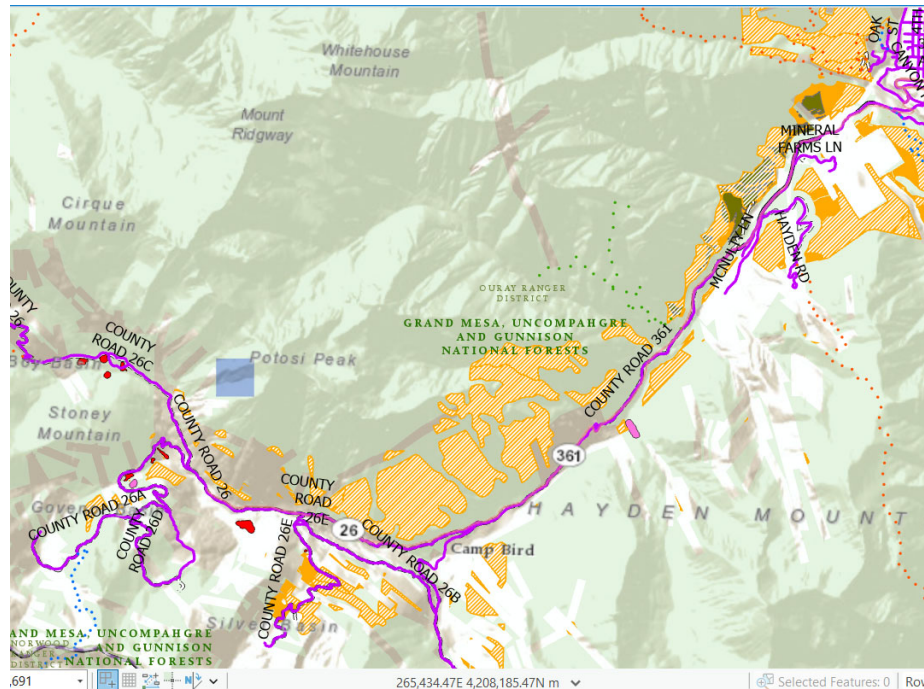
- The majority of Suitable Timber areas within Ouray County are not only greater than 40 percent slopes, they are **also** adjacent to the US 550, County Road 18/Engineer Pass Road, County Road 20/A/B/C/Brown Mountain Corkscrew Roads. These areas are within the *San Juan Skyway Scenic Byway* Corridor, as mapped by GMUG in the FEIS overlay. A considerable area of Suitable Timber on slopes greater than 40 percent is also within the County Road 361/Camp Bird Road corridor (Ex. C) These area are within, adjacent and abutting a large, complex array of deadly avalanche paths.
- The majority of Suitable Timber areas with Alternative B and those in Alternative D near County Road 361 and County Road 20A do not agree the USFS statement in FRLMP Appendix 8, page 8-9, indicating the GMUG intended to omit “Areas were identified by district staff as unsuitable for a variety of reasons, including: wet conditions; wetlands/riparian areas not otherwise identified in the GIS data as non-forested; steep slope in combination with other factors such as poor site quality; rocky; adverse skid conditions; poor site quality; slivers of land/isolation; landlocked; access issues; additional non-forested areas not otherwise identified in the GIS data; avalanche-prone; or location in developed recreation sites. “
- **The Preferred Alternative B Suitable Timber proposes timber production on slopes greater than 40 percent intersecting, adjacent, or abutting known avalanche paths mapped by Colorado Avalanche Information Center (CAIC).¹⁰**



Professional avalanche path map provided to Ouray Silver Mines Inc. by CAIC for planning winter avalanche forecasting and mitigation.

rocky; adverse skid conditions; poor site quality; slivers of land/isolation; landlocked; access issues; additional non-forested areas not otherwise identified in the GIS data; avalanche-prone; or location in developed recreation sites.

¹⁰ <https://avalanche.state.co.us/>



- Orange hatching shows FRLMP/FEIS areas included as Suitable Timber in the Preferred Alternative B on slopes greater than 40 percent in the same area. Solid orange is suitable timber on slopes less than 40 percent. Olive brown polygons show the suitable timber identified in Alternative D. In the map area, these may still intersect/abut avalanche paths or create new ones.

5. OBJECTION TO OVERSIMPLIFICATION OF IMPORTANCE AND UNIQUENESS OF FENS.

GMUG FRLMP/FEIS is improved from DRLMP/DEIS in recognizing fens as a groundwater-dependent ecosystem. However, the Desired Conditions, Objectives, Standards, and Management Approaches mostly found in Chapter 2, pages 18-24; and Chapter 4 Monitoring Question 10, page 156 fail to recognize that healthy functioning fens provide irreplaceable ecological functions and ecosystem services.

Fens provide habitat for species of conservation concern and other sensitive and unique species. They accumulate peat and should continue to. They have complex hydrology, soil, and vegetation specific to each individual fen, characterized by surface water, ground water, water quality, and chemistry, sediment, and temperature.

FW-STND-RMGD-07 (Chapter 2 page 19) specifies the riparian management zone consists of the greatest of three criteria. However, Chapter 4 Monitoring Question 10, page 156, says, “If Dwire or other project-level monitoring indicate minimum plan buffer for fen wetlands is insufficient, modify FW-STND-RMGD-07 buffer size and/or other plan direction for fen wetlands.”

Appendix 12, page 12-8 indicates that the 100-foot buffer is uncertain to protect healthy fen function, and yet will be the default until monitoring proves it inadequate.

Injuring fens could release methane if peat dries up and causes the loss of rare plants and ecosystems vulnerable to disturbance and climate change. "Fens are an important and unique wetland type. **Fens are peat-forming wetlands that rely on groundwater input and require thousands of years to develop, and cannot easily be restored** once destroyed. Fens are also hotspots of biodiversity. They often are home to rare plants, insects, and small mammals. Larger animals like deer and livestock graze in this type of wetland. Fens are valuable to humans as well. They are important as sites of groundwater discharge and are good indicators of shallow aquifers. Vegetation in all wetlands plays an important role in recycling nutrients, trapping eroding soil, and filtering out polluting chemicals such as nitrates. In addition, fens figure prominently in nearly all scenarios of CO₂-induced global change because they are a major sink for atmospheric carbon."-- Weixelman & Cooper 2009.¹¹

USFS recognizes that a 600-foot buffer (Appendix 12, page 12-8) is a minimum for fens with fen obligate species, perhaps a presumption that a fen is healthy and functioning if it supports obligates.

SUGGESTED IMPROVEMENTS:

- **Revise FW-STND-RMGD-07 for Fens** by separating out Fens from the non-fen wetlands, lakes, ponds, seeps/springs and reservoirs into its own row in Table 2 – and make the minimum buffer the larger 600-foot buffer for all fens that have not been field-inventoried to determine their specific surficial and groundwater-dependent extents, and characterize their individual complex hydrology, soil, and vegetation, including surface water, ground water, water quality and chemistry, nutrients, sensitivity to sedimentation, and temperature.
- Partner with recognized expert agencies such as the Colorado Natural Heritage Program to **gain updated field inventory and assessment of fens to enhance existing and planned geospatial information for monitoring and project-level analysis and determinations.**
- **Incorporate a standard that ensures that management actions that could alter the hydrology, ecosystem diversity, or function of fens from either direct impacts such as compaction or water supply or indirect impacts such as mobilizing nutrients or sediments that unbalance fragile chemistry or temperature will not be authorized.**¹²
- **Clarify FW-STND-RMGD-09:** regular 1-person snow machines used for grooming cross-country ski trails such as in Ironton or Grand Mesa have not been demonstrated to damage fens. Clarify grooming, to distinguish between heavy snow cats and common (lighter) snow machines. Clarify that FW-STND-RMGD-09 will not reverse the authorization for simple snow machine grooming that is

¹¹ USDA USFS. Webpage. https://www.fs.fed.us/wildflowers/beauty/California_Fens/what.shtml

¹² See Ouray County DRLMP/DEIS comments, November 26, 2021, Section V, pages 15-18 for numerous examples and references from multiple USFS Land Management Plans and Rocky Mountain Research Station. Ex A.

done in Ironton, Trout Lake, Slate River, and Grand Mesa to name a few examples around the GMUG.

6. STATEMENT OF SUPPORT FOR THE CONTINUATION OF THE EXISTING HARD ROCK 100-FOOT RACE.

- Through an email exchange with Dana Gardunio, an attempt to understand if the Proposed Alternative would change the existing Winter ROS (which has never been mapped before) and curtail Helitrax either for heliskiing or avalanche mitigation was made on 10/18/2023 (Ex. D).
- We understand from Dana Gardunio, “The existing permit in the Ouray District for avalanche mitigation for the Camp Bird Road - because it is for the purpose of facilitating safe mine access to the Ouray Silver Mine - would not be affected by the plan’s mapped ROS there.” We support no change from the existing special permit for avalanche mitigation for winter Revenue Mine access.
- **Our statement is to clarify our support for continuing the existing Hardrock 100 foot race, if it is interpreted as being non-conforming in the FRLMP/FEIS ROS.**

SUGGESTED IMPROVEMENTS:

- **None. Retain authorization for Helitrax avalanche mitigation for Revenue Mine access and for Hardrock 100 foot race.**

7. OBJECTION TO INCLUSION OF HAYDEN MOUNTAIN AS GENERAL FOREST INSTEAD OF THE CITIZEN-PROPOSED AND COUNTY-SUPPORTED HAYDEN SPECIAL INTEREST AREA.

8. OBJECTION TO SPIRIT GULCH/GREYHOUND/BARSTOW MINE ADMINISTRATIVE ACCESS ROAD AREA CHANGE TO SEMI-PRIMITIVE MOTORIZED SUMMER ROS.

- **Ouray County commented in support of Hayden Special Interest Area in the DLRMP/DEIS November 26, 2021 comments (pages 24-28) (Ex. A) and objects to this area not being a SIA in the FRLMP/FEIS.**
- We appreciate the Preferred Alternative of the FLRMP/FEIS does not have any suitable timber areas and retains the lands within the entire parcel as **semi-primitive non-motorized ROS in the winter.**
- **The entire area within the Proposed HAYDEN SPECIAL INTEREST AREA should be a summer ROS of semi-primitive NON-MOTORIZED, including Spirit Gulch.** There is an existing administrative-use only access road to the San Miguel Power Association sub-station and the Barstow Mine for Idarado/Newmont behind a locked gate at Spirit Gulch. **We object to the change in ROS for the portion of this area that changed from Summer Semi-Primitive Non-Motorized to Motorized.** We concur with the descriptions of the significant special natural characteristics and fragile alpine meadows and tundra contained in the Objection document submitted by Robyn Cascade of the Great Old Broads, pages 12-15, and recommend the change of the lands within Hayden Special Interest Area becoming an SIA instead of General Forest.

SUGGESTED IMPROVEMENTS for Objections 7 and 8:

- **Change Hayden Mountain from General Forest MA to Hayden Special Interest Area using the boundary previously provided to GMUG for DLRMP/DEIS and prior comments.**
- **Return the Summer ROS for this entire area, including Spirit Gulch, to Summer Semi-Primitive Non-Motorized, which is the existing condition and was the preferred action in Alternative B of the DLRMP/DEIS.**

9. OBJECTION TO CERTAIN CHANGES FROM SUMMER NON-MOTORIZED ROS TO MOTORIZED ROS.

- In our DRLMP/DEIS comments, Ouray County requested that GMUG Compare the Ouray County Public Access Routes to make sure historic public access routes were incorporated in the GMUG trails inventory (page 26, Ex. A). Our comment was intended to support the status quo and not to accidentally have a change in use due to omission. This comment may have been misunderstood by GMUG.
- We now find that GMUG has interpreted routes that are non-motorized or mechanized to be motorized. Between the DLRMP/DEIS and FLRMP/FEIS, there are areas where the summer ROS has changed to a motorized setting. We object to these instances where they are now in conflict with current trail/route uses.
- We may not yet have found all conflicts that have developed from changes between the DLRMP/DEIS and FLRMP/FEIS.

SUGGESTED IMPROVEMENTS

- We recommend an in-person conference to compare the historic public access routes and travel modes to the ROS settings for consistency.
- Return Spirit Gulch area and Barstow/Greyhound Road to a summer ROS of Semi-Primitive Non-Motorized.
- Return all Dallas Trail segments from County Road 17/Corbett Creek and west to Non-Motorized.
- De-conflict trail segments adjacent to existing Uncompahgre or Sneffels Wilderness which are shown as motorized ROS right up to the Wilderness boundary.

10. OBJECTION TO TRAIL DENSITY CALCULATIONS FOR WILDLIFE MANAGEMENT AREAS. SUGGESTED IMPROVEMENTS

- Provide transparent repeatable methodology and density calculations forest-wide.

SIGNED:



LYNN PADGETT, COMMISSIONER
ON BEHALF OF

Board of County Commissioners of the County of OURAY, State of Colorado
Upon Ratification

EXHIBIT A: Ouray County Cooperating Agency Comments on the August 2021 DRLMP and DEIS Public Documents – Grand Mesa, Uncompahgre, and Gunnison Forest Plan Revision #51806



BEN TISDEL

LYNN M. PADGETT

JAKE NIECE

BOARD OF COUNTY COMMISSIONERS

P.O. Box C • Ouray, Colorado 81427 • 970-325-7320 • FAX: 970-325-0452

November 26, 2021

Attn: Chad Stewart, GMUG Forest Supervisor; Tammy Randall Parker, Public Services Staff Officer; Samantha Staley, Forest Planner; Jonathan Tucker, Asst. Forest Planner; GMUG Forest Plan Revision Team
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Delta, CO 81416

Via email to: chad.stewart@usda.gov; tamera.randall-parker@usda.gov; samantha.j.staley@usda.gov; jonathan.tucker@usda.gov & Via electronic submission to GMUG Online Feedback Tool: [US Forest Service NEPA Projects Home \(ecosystem-management.org\)](https://www.usfs.gov/eng/forests/planning/gmug/online-feedback-tool/)

RE: Ouray County Cooperating Agency Comments on the August 2021 DRLMP and DEIS Public Documents – Grand Mesa, Uncompahgre, and Gunnison Forest Plan Revision #51806

Dear Responsible Official(s) and Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forests Planning Team,

Ouray County, through the Board of County Commissioners, is providing comments on the proposed Draft Revised Land Management Plan (DRLMP) provided to the public in mid-August, with Volumes I and II of the Draft Environmental Impact Statement (DEIS).

Ouray County comprises 542 square miles; 54 percent is private land, 36 percent is U.S. Forest Service (USFS) administered by the GMUG Ouray Ranger District, and 7 percent is Bureau of Land Management (BLM) administered by the Uncompahgre Field Office. Our two municipalities Ouray and Ridgway, and 4,900 residents, provide gateway services to public lands users. Our Master Plan, adopted in 1999, provides: "The overall goal of the Ouray County Master Plan is to allow gradual, long-term population and economic growth in Ouray County in a manner that does not harm the County's irreplaceable scenic beauty, wildlife, air, and water resources, and other environmental qualities and that does not unduly burden the County's residents or its governments." Our Master Plan emphasizes the importance of agriculture, local government relationships, economic development, housing, natural resources, rural character, tourism, transportation and infrastructure, visual resources, and wildlife and plant habitats.

Federal public lands are important to our local economy and cultural values. The ecological integrity and sustainability of the Forest, which provides our source waters and headwaters, and opportunities for agriculture, pristine habitats, recreation, responsible mining, and ecosystem services, is vital to our local economy and well-being.

Our Master Plan recognizes the importance of the dramatic topography found here. "Ouray County contains some of the most unique and beautiful scenery in Colorado. The diversity of the landscape ranges from jagged mountain peaks and mesas to river valleys and irrigated fields. Preservation of this visual beauty is of utmost importance to the citizens of the County. The citizens want to be assured that future development will not hinder, impair or destroy Ouray County scenic beauty."

Ouray County has been actively involved in the GMUG forest plan revision process. We have participated in cooperating agency meetings and have provided written comments for cooperating agency and public feedback periods numerous times. Our comments dated 5/30/2019 and 7/23/2019 appear in the GMUG public reading room, but we have submitted many more comments since the beginning of the scoping and assessment phases. All of our previous comments are incorporated by reference into this comment letter. Because the August 2021 Draft Revised Land Management Plan (DRLMP) is very similar to the May 2021 cooperating agency draft DRLMP, all of our comments dated July 16, 2021, and related follow-up emails to the GMUG planning team are incorporated by reference here. The collaborative joint comment letter dated July 16, 2021, and signed by the entire Boards of County Commissioners for Ouray, Gunnison, San Miguel, and Hinsdale Counties is also incorporated by reference here.

I. General Comments

We appreciate the incredibly hard work the planning team has put into the DRLMP/DEIS. As a cooperating agency and small county with limited staff and resources, we have put in a lot of effort to participating and trying to offer constructive comments respectful of the diversity of gateway communities and conditions across the 3 million acres of the GMUG. We are most concerned and knowledgeable about the portion of the Ouray Ranger District that intersects Ouray County. However, our citizens and visitors frequent adjacent Ranger Districts, which connect us hydrologically, and via trails, routes, or alpine 4WD roads. These adjacent areas are the high alpine basins in San Miguel County and the forks of the Cimarron and Uncompahgre Wilderness in Gunnison County.

In general, we support more of Alternative D than the agency preferred Alternative B, and we do not support Alternative C at all. However, Alternative D needs to be significantly modified to improve resiliency, conservation, recreation, water resource protection, Species of Conservation Concern, timber suitability, ecosystem services, and ecological sustainability. Ouray County urges USFS to select Alternative D with modifications as the preferred alternative.

Modifications needed to improve Alternative D include:

- Wildlife habitat enhancements should be the primary design purpose for vegetation management and timber harvesting within Wildlife Management Areas.
- Vegetation management and timber harvesting should prioritize the resiliency of our Wildland Urban Interface, and overall forest health objectives.
- The full acreage of lands identified by Colorado Parks and Wildlife (CPW) as High Priority Habitat (HPH) should be shared publicly in the supporting information of the Revised Forest Land Management Plan and EIS. The GMUG's rationale for which HPH lands were incorporated into a

potential Wildlife Management Area (WMA) in one or more alternatives and why the remainder of HPH lands were excluded from being considered in any alternative as a WMA should be provided. The rationale for including HPH as "General Forest" should be explained. GMUG should be transparent about why certain HPH was included within a proposed Wildlife Management Area in Alternative D or B, while other HPH is not.

- Similarly, the GMUG should share the forest-wide and WMA-specific trail density modeling used in the DRLMP and DEIS publicly. It is important to understand where there is HPH outside of WMAs and what the trail density is, as there will be pressure for new trails during the life of the plan. CPW has provided an amended trail density calculation methodology¹ that seems to provide more resolution and meaning for measuring trail and route density for WMAs in their November 24, 2021 comments. This recommendation should be modeled forest-wide and made publicly available for comparison. While revised CPW methodology appears to be improved, we and the public should be provided the actual trail density modeling. It appears that the revised methodology will treat motorized, mechanized, and primitive trails as creating the same density, regardless of the trail's or route's zone of influence. We believe the zone of influence can be different depending on noise, traffic type, traffic volume, the season of use, etc. It is unclear to us what the phrase "system routes" refers to. Are administrative use only trails and routes still calculated as "system routes?" We appreciate that the revised CPW model clarifies via a recommendation to the GMUG, "there shall be no net gain in system routes, both motorized and non-motorized, where the system route density already exceeds one linear mile per square mile, within the Wildlife Management Area (WMA) boundary.

Additions of new system routes within or adjacent to WMAs shall not cause the route density in a proposed project's zone of influence to exceed one linear mile per square mile within the WMA." However, there still doesn't seem to be an allowance for trails that switch back on steep slopes. Depending on the switchback tightness, it is possible that the zone of influence to wildlife is exactly the same as a straight trail, but the trail length could be doubled just from the switchbacks. We are interested in supporting WMAs in Ouray County, but we need to obtain and understand the HPH and route density models first. Understanding if WMAs could impact trails that Ouray County considers "public access routes"^{2,3} on our official County Road and Bridge map is very important to us. These public access routes were identified through a multi-year collaborative process which

¹ Colorado Department of Natural Resources: Colorado Parks and Wildlife. (November 24, 2021). *CPW Comments Draft Forest Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forests [letter]*. https://cara.ecosystem-management.org/Public/DownloadCommentFile?dmdId=FSPLT3_5697441 (links to GMUG Public Comment Reading Room document); accessed 11/25/2021. Pages 34 and 41-42.

² Ouray County. (2014). *Official Ouray County Road Map, July, 2014 - showing Public Routes ONLY, not a complete transportation map*. [Map]. Ouray County Board of County Commissioners and Bockes, Jeff. Retrieved July 12, 2021, from <https://ouraycountyco.gov/DocumentCenter/View/2476/2014-014-Exhibit-A---Ouray-County-Road-Map?bidId=> ; PDF. (Note: Official County Road Map, showing County maintained routes and other Public Routes in the county. NOT a complete transportation map, - private routes, etc. not shown. (Resolution 2014-014, Exhibit A).

³ Ouray County. (2014). *Ouray County Historic Route Index*. [Index]. Ouray County Board of County Commissioners and Bockes, Jeff. Retrieved July 12, 2021, from <https://ouraycountyco.gov/DocumentCenter/View/2477/2014-014-Exhibit-B---Ouray-County-Historic-Route-Index?bidId=> ; PDF. (Note: Chart showing historic and current mapping and other documents which support Public Routes shown on the Official Ouray County Road Map (Resolution 2014-014, Exhibit B).)

included representatives of the USFS GMUG and BLM Uncompahgre Field Office (UFO) as well as the Ouray Trail Group and Ouray County Historical Society. Some of these routes are primitive trails dating back to the late 1800s or early 1900s and are not USFS "system routes." Part of Ouray County's due diligence needs to include understanding if there will be pressure to close or reroute historic public access routes, which would be in conflict with existing county policies and regulations.

- Alternative D includes Recommended Wilderness or Special Management Areas that were either part of the CORE Act or the Community Proposal, where GMUG believes there has been support officially indicated to GMUG by the county it is located in. However, there are other parcels that were identified by GMUG in the wilderness inventory and/or evaluated in the wilderness evaluation – processes that pre-dated the Community Proposal – which were supported by the county they are located in, during the wilderness inventory and evaluation process. Where a county supported a recommendation of wilderness or special management/special interest for certain parcels within at least one alternative, these were not considered. An example is Lone Cone.
- Federally listed critical habitat of the Gunnison Sage-Grouse (GuSG) is primarily within General Forest MA in Alternatives C, B, and D. In Alternatives B and D, Lands Suitable for Timber and High Use Recreation Areas intersect GuSG critical habitat. GuSG critical habitat should be located within Wildlife Management Areas or equally protective MAs such as Designated Wilderness, Recommended Wilderness, Special Interest, or Special Management Areas where lands are actively managed to conserve or enhance GuSG habitat.
- Carbon sequestration and climate change adaptation should be addressed, so the effects of different alternatives are analyzed.
- Roadless areas should not allow motorized uses and should be excluded from Lands Suitable for Timber.
- Fens need to be treated with care for their unique and fragile groundwater-dependent hydrology and susceptibility to alterations of each fen's distinct chemistry from surficial disturbance. GMUG should incorporate fen inventory updates, monitoring, assessment into the Revised Forest Land Management Plan. GMUG should not allow any activity or project to alter a fen's hydrology, geochemistry, or peat accumulation.
- Apparent mismatches or GIS errors in calculations for the steepness of slopes, ROS, and Scenic Integrity with respect to existing wilderness and existing travel management should be reviewed and fixed.
- GMUG should retain, not degrade, pristine, primitive, and semi-primitive conditions. There appears to be a trend to degrade desired conditions between Alternative A (no action) across Alternatives B-D, including in Designated Wilderness.

- The Species of Conservation Concern list should leverage state natural resource agencies' expertise and take a less narrow approach to qualify rare, sensitive, and globally or state imperiled species as Species of Concern. GMUG's approach should not rely on how a species' range intersects the orientation of political boundaries, especially if three SCC indicators listed in FSH Chapter 10 12.52d.3.f.(1-4) are present. Native plants with documented occurrences should be considered to be present unless there have been significant alterations to habitat.
- Wild and Scenic River eligibility considerations ignore important existing Outstandingly Remarkable Values (ORVs) and only choose a subset of ORVs to manage for. Eligible segments should be managed to retain all existing ORVs.
- The cooperating agency and public comment process for the DRLMP/DEIS did not make all of the documents and supporting files available for the entire review and comment period, having a chilling effect on gathering well-informed and thoughtful input. Supporting data should be provided for increased transparency and understanding during the next iteration of presenting an agency preferred alternative (which should reflect a modified Alternative D).
- A new forestwide Standard that requires electric-assist bicycles (e-bikes) to stay on motorized routes is needed. Mechanized trails that currently allow bikes have not been built or analyzed for e-bikes. E-bikes will greatly increase trail use, with much heavier vehicle weights, faster speeds, and wider turning radii. Wildlife and user conflicts and erosion or trail sustainability issues will be exacerbated without such a standard in place. E-bikes, motor-assisted pedal bikes, and human-only powered mechanized travel need to be differentiated and defined in the plan, so that we have the correct analysis of affected environments and ecosystems in the final alternative and EIS.
- Potential impacts of unmanned aircraft systems (also known as "drones") on wildlife needs to be addressed and mitigated in the Revised Forest Land Management Plan. Forestwide direction and standards should be provided in order to prevent resource damage, unauthorized commercial uses of the forest, and harassment of wildlife and forest users. While FW-STND-REC-09 says that "consistent with Federal Law, drones shall be prohibited to be flown overhead *any visitor* to National Forest System Lands," drones can still harmfully harass wildlife such as ptarmigan, Gunnison Sage-Grouse, and big game, even when people are not present. CPW published a press release in August 2021 urging the public to stop harassing wildlife.⁴ Colorado Parks and Wildlife Field Services Assistant Director Heather Dugan explained in the press release, "The definition of harassment is causing any change in the behavior of the wildlife. So, if the animal runs, if it changes direction, if it stops eating, that's harassment. Any change in the animal is considered harassment and it's illegal." CPW is seeing more cases of people harassing wildlife with drones. Dugan stressed that the use of a drone for hunting is not only a violation of CPW Commission Regulations (see below), but also a violation of the Federal Airborne Hunting Act.

⁴ Colorado Parks and Wildlife urges public to avoid harassing wildlife when using drones [press release] (August 2021). <https://cpw.state.co.us/aboutus/Pages/News-Release-Details.aspx?NewsID=7911> ; accessed 11/26/2021.

FW-STND-REC-09 also says, "Public recreational use, including launching, landing, and operating of unmanned aircraft systems shall be prohibited within MA 1.1 (Wilderness), 1.2 (Wilderness to be Analyzed), 2.1 (Special Interest Areas), 2.2 (Research Natural Areas), 4.1 (Mountain Resorts), 4.2 (Recreation Emphasis Corridors), at developed recreation sites (campgrounds, designated campsites, trailheads, visitor centers, parking lots, overlooks, day-use areas, boat launches), on Forestwide roads and trails, and at trail summits." This language is improved over the previous plan revision draft previewed in May 2021 but needs to add language to protect wildlife species, consider timing limitations during especially sensitive periods for wildlife, and avoid disturbing hunters and anglers.

- Evidence of meaningful coordination and consultation with federally recognized Indian Tribes, especially the three Ute tribes, needs to be included in the Revised Forest Land Management Plan. The 2012 Planning Rule (36 CFR 219.4(b)(1-2)) requires the responsible official to coordinate land management planning with and review the planning and land use policies of federally recognized Indian Tribes, other Federal agencies, and State and local governments, where relevant to the plan area.
- Adaptive management monitoring, assessment, and evaluation to identify proactively when user thresholds are beyond desired conditions and/or causing resource damage are needed. Collaborative planning for future designated dispersed campgrounds and trails is needed.
- Please see our recent comment letter on scoping issues for the Blue Lakes Trail and affected portion of Sneffels Wilderness (attached as Appendix A). We are also attaching (Appendix B) our recent traffic counts on county roads which might be useful to GMUG for understanding use volumes on Ouray County Roads used to access the GMUG.

This topic is relevant for ROS and Scenic Integrity. The BOCC supports collaborative scoping and planning processes to identify sustainable trail opportunities that mitigate and minimize conflicts. We desire designated dispersed camping opportunities that will provide adequate sanitation and parking while avoiding recreational resource damage. We are excited about the award of a Regional Outdoor Partnership grant to work collaboratively with stakeholders and the Ouray Ranger District.

Specific to the recent RAT-COPMOBA proposal to scope new multi-modal trails in the Ouray Ranger District, we support concepts examined where proposed new trails do not cross private property without permission, avoid existing Wilderness or the proposed Whitehouse East, Whitehouse West, Baldy, and Bear Creek Addition parcels. We could support trails in the Ironton area if they exclude e-bikes. Our concern is that multi-modal trails must be sustainable for the speeds, payloads, and turning radii of mechanized bikes if allowed, and trails may not be possible if they must meet those standards. E-bikes can degrade our existing trails and create resource damage. We can support trails in the Cimarron area. If they are located in Gunnison County, like the conceptual Silver Jack Climb and Traverse routes, there should be a collaboration with Gunnison County stakeholders. The proposed summer ROS in the GMUG DRLMP Alternative D is semi-primitive non-motorized (SPNM) in these areas.

- Additional Conservation Watershed Networks and Priority Watersheds should be identified. Governor Creek in Governor Basin, which is a tributary to the Uncompahgre River is an excellent example of leveraging interagency and public-private partnerships working together to mitigate legacy mine-related pollution that is causing impairment. Imogene Creek and Red Mountain Creek should also be examined for inclusion as Priority Watersheds. We are attaching our recent letter to GMUG Ouray Ranger District regarding allowing USFS lands to participate in a Time Critical Removal Action in Governor Basin (attached as Appendix C). High alpine lakes and streams with native fish populations should be considered for Conservation Watershed Networks. Trout Unlimited and American Whitewater have data on Colorado River Cutthroat Trout (CRCT) populations in Ouray County, which includes alpine lakes and streams in Ouray County. We are unsure if this data is public, so please follow up with the expert agencies and organizations.
- Winter and Summer ROS and Scenic Integrity need to be examined for mistakes or inconsistencies. For example, in Ironton, the winter ROS should reflect that there is no motorized/mechanized winter recreation on the Ironton Nordic trails system, except for administrative use of one snowmobile for grooming. It appears this area is "Roaded Natural" for Alternatives B-D.

II. Timber Suitability

We understand that the 2012 Planning Rule has changed from the 1982 Planning Rule, which excluded areas from timber suitability if there they had questionable economic feasibility for timber production during the planning period (such as due to market and/or operational limitations). The suitability analysis for the 2012 Planning Rule retains timber stands that may not be economically feasible by including all areas deemed "capable" of producing timber. We understand that the change in process between these Planning Rules inherently leads to having an increased acreage of suitable timber across the forest under the 2012 Planning Rule requirements. However, the responsible officials of the GMUG DRLMP have the latitude under the 2012 Planning Rule to omit areas with steep slopes, which they define as greater than 40% slopes, as demonstrated in Alternative D. Alternative D also demonstrates that the GMUG can exclude lands where timber production is not compatible with desired conditions and objectives. Alternative B makes the assumption that new technology (e.g. highline logging, cable yarding, and tethered logging) will be likely to make timber sales economically feasible slopes greater than 40% in the future.

In Alternative B, six types of management areas were deemed to have incompatibilities with timber production and thus excluded suitable timber from these management areas. Alternative D demonstrates that there is discretion for the GMUG in these assumptions and decisions. In Alternative D, one additional management area and the areas within the Designated Trails overlay, Wild and Scenic Rivers overlay, and the Scenic Byways overlay were also omitted from Lands Suited for Timber Production along with slopes greater than 40% compared to Alternative B. Economic viability of timber production will vary with the travel distance and level of effort to get to a mill, and the wood type. There is no reason to assume new mills are likely to come online in the planning period. It is questionable to assume all of the forest types identified as Lands Suitable for Timber Production can be restocked within 5 years. There should be a cap on steep slopes (40%, although some science suggests 30%).

The GMUG maintains that the suitable timber identified in Alternatives B and C only have only 7 percent of the suitable timber occurring on slopes greater than 40% (DRLMP page 32). If this is true, it is misleading. Using GIS to compare the GMUG lands within Ouray County, where the lowest elevation GMUG forest land is at approximately 7,000 feet elevation, and most is above 9,000 feet elevation. For Alternative B within Ouray County, 26 percent of the lands identified as Suitable Timber is on slopes greater than 40%. For Alternative B within the entire Ouray Ranger District, which also contains lands on the gently sloping Uncompahgre Plateau in Montrose and Mesa Counties, 11.7 percent of the lands identified as Suitable Timber are on slopes greater than 40%. Almost all of the steep slopes are in the portion of the Ouray Ranger District intersecting the San Juan Mountains and Cimarron Range, while almost none of the steep slopes occur on the Uncompahgre Plateau.

In the Ouray County portion of the Ouray Ranger District, the mean slope percent of Alternative B Suitable Timber lands is 29.5% compared to 17% in Alternative D, where the slopes greater than 40% are omitted. The steep slopes with Alternative B Suitable Timber in Ouray County are concentrated above Hwy 550, above and visible from the San Juan Skyway Scenic Byway, on the west-facing slopes of Mount Abram, and east-facing slopes of Hayden Mountain. **Ouray County asserts that the methods used to identify Lands with Suitable Timber must omit the slopes greater than 40% and exclude the areas listed as excluded in Alternative D (page 230): Management Areas 1.2, 2.1, 2.2, 4.1, 4.2, 3.3; Wild and Scenic River overlay, Designated Trails overlay, and Scenic Byway overlay; and slopes greater than 40%. Lands prominent in the viewshed of a Scenic Byway should be excluded. Lands within Wildlife Management Areas (4B/4Bx and 3.2) and Colorado Roadless Areas should also be excluded from Lands with Suitable Timber.**

Forest Service Handbook FSH 1909.12, Chapter 10 – The Assessment, Section 13.33 refers to sources of information that should be used for assessing timber.⁵ This information, including GIS files, should be made available to cooperating agencies and the public during the planning process for review. This has not been done.

It is important to distinguish between Timber Production and Timber harvest. **Timber production** - The purposeful growing, tending, harvesting, and regeneration of regulated crops of trees to be cut into logs, bolts, or other round sections for industrial or consumer use. **Timber harvest** -The removal of trees for wood fiber use and other multiple-use purposes.⁶ GMUG DRFLMP adds an additional line to the definition of Timber production, "Managing land to provide commercial timber products on a regulated basis with planned, scheduled entries." (DLRMP page 164).

Congress has directed the Forest Service to conduct long-term planning and management through the passage of the National Forest Management Act of 1976 (NFMA).⁷ **No timber harvest for the**

⁵ <https://www.fs.fed.us/emc/nfma/TIPS/directives/ch10timber.shtml> ; accessed 11/24/2021.

⁶ <https://www.ecfr.gov/current/title-36/chapter-II/part-219#219.19> ; accessed 11/24/2021.

⁷ P.L. 93-378 P.L. 94-588, 16 U.S.C. §1601 et al. (NFMA). NFMA amended the Forests and Rangelands Renewable Resources Planning Act (RPA), P.L. 93-378, 16 U.S.C. §§1600 et seq.

purposes of timber production may occur on lands not suited for timber production.⁸ Timber harvest for purposes other than timber production is allowed, even on those lands not identified as Suitable for Timber Production in the forest plan. The plan "...may allow for timber harvest for purposes other than timber production... as a tool to assist in achieving or maintaining one or more applicable desired conditions or objectives of the plan in order to protect other multiple-use values, and for salvage, sanitation, or public health or safety. Examples of using timber harvest to protect other multiple-use values may include improving wildlife or fish habitat, thinning to reduce fire risk, or restoring meadow or savanna ecosystems where trees have invaded."⁹

Ouray County has reviewed the differences between alternatives B, C, and D for Lands Suitable for Timber Production. As mentioned above, it is imperative that the Alternative D methodology excluding slopes greater than 40% be utilized. NFMA states, "The responsible official shall identify lands within the plan area as not suited for timber production if any one of the following factors applies... The technology is not currently available for conducting timber harvest without causing irreversible damage to soil, slope, or other watershed conditions..."¹⁰ GMUG (page 231) says it is including slopes greater than 40 percent "under the assumption that new technology and approaches would likely make timber sales economically feasible in these areas." This is not the same thing as showing that the technology is currently available without causing irreversible damage to soil, slope, or other watershed conditions. The steep slopes identified in alternative B as Lands Suitable for Timber Production are directly upslope of fen complexes. NFMA directs the USFS to identify these lands as NOT suited for timber production at the planning stage. **Ouray County asserts that the methods used to identify Lands with Suitable Timber must omit the slopes greater than 40% and exclude the areas listed as excluded in Alternative D (page 230): Management Areas 1.2, 2.1, 2.2, 4.1, 4.2, 3.3; Wild and Scenic River overlay, Designated Trails overlay, and Scenic Byway overlay; and slopes greater than 40%. Lands prominent in the viewshed of a Scenic Byway should be excluded. Lands within Wildlife Management Areas (4B/4Bx and 3.2) and Colorado Roadless Areas should also be excluded from Lands with Suitable Timber.**

The steep slopes and forested land that is identified as lands NOT suited for timber production are still eligible for vegetation management and timber harvests where the primary purpose and design is to reduce wildfire risk, improve wildlife habitat, and improve safety. Should there be evidence that technology exists at some point in the future to conduct timber production activities, the plan can be amended. We noted that the plan does not require restocking or reseedling for timber harvests vs. timber production. The plan should address site-specific conditions that will trigger replanting requirements for timber harvests.

Ouray County supports the annual CCF production of 55,000 CCF found in Alternatives B and C and allows for a salvage proportion greater than zero. Alternative D does not allow for salvage, and

⁸ 36 C.F.R. §219.11. <https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol2/pdf/CFR-2012-title36-vol2-sec219-11.pdf> ; accessed 11/24/2021.

⁹ 36 C.F.R. §219.11. <https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol2/pdf/CFR-2012-title36-vol2-sec219-11.pdf> ; accessed 11/24/2021.

¹⁰ 36 C.F.R. §219.11. <https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol2/pdf/CFR-2012-title36-vol2-sec219-11.pdf> ; accessed 11/24/2021.

Alternatives B and C allow for 22% in the first 10 years and 9% in years 11-20. Ouray County supports a hybrid approach of modifying Alternative D to include identifying the Lands Suitable for Timber as discussed above but incorporating allowances for producing up to 55,000 CCF annually, and allowing for a small proportion of judicious salvage that does not harm key habitat components, such as for lynx.

III. DRLMP and DEIS Cooperating Agency and Public Comment Process Concerns: Lack of complete documents and supporting files available to review during the full extent of Cooperating Agency and Public comment periods.

While the U.S. Forest Service (USFS) and GMUG Planning Team solicited input from state agencies, forest users, local governments, and communities during the various scoping, assessment, and other phases of the plan development, we remain concerned that neither cooperating agencies nor the public have been given a bona fide full 90-day comment period with the DLRMP, DEIS, and a full suite of supporting GIS files. The U.S. Forest Service did not release the DEIS to cooperating agencies for "preview" during the cooperating agency comment opportunity between mid-May and mid-July. Other than portions of Chapters 1 and 2, we were not given the opportunity for a 60-day preview period with these 998 pages. The revised Wilderness Evaluation Report was not available during the cooperating agency feedback period that ended in July. It was posted the same day as the DRLMP and DEIS for the public comment period, 8/13/2021.¹¹

The USFS GMUG states, "The best decisions will be made with input from all people who care about the GMUG..."¹² In the USFS's own words, a "key facet of this new Planning Rule is that it emphasizes the Forest Service's responsibility to engage with the public and to work more closely with State, local, and Tribal Governments when national forest managers amend or revise their forest plans."¹³

- A. Please see Ouray County's Cooperating Agency extension request dated July 6, 2021; DLRMP comments dated July 16, 2021; DLRMP/DEIS public comment period extension request letter dated October 26, 2021; and Commissioner Padgett's email to Assistant Forest Planner Jonathan Tucker dated November 1, 2021 for specific concerns about timing and supporting documents/files/StoryMaps omissions during the DLRMP/DEIS comment periods for Cooperating Agencies and Public. **These are attached in Appendix C to this letter.**

The DLRMP "Appendix 1: Maps" lists five sets of "revised plan and alternatives maps" as being available online "in PDF format" and "as an interactive ArcGIS StoryMap".¹⁴

¹¹ <https://www.fs.usda.gov/project/?project=51806>; accessed 11/21/2021.

¹² U.S. Department of Agriculture (USDA) U.S. Forest Service (USFS) GMUG. *Get Involved - Forest Plan Revision* [webpage]. <https://www.fs.usda.gov/detail/gmug/landmanagement/planning/?cid=fseprd500301> ; accessed 11/21/2021.

¹³ U.S. Department of Agriculture (USDA) U.S. Forest Service (USFS). (September 2016). *Trifold overview to A Guide for State, Local, and Tribal Governments* [Brochure]. Author. Retrieved July 12, 2021, from https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd530776.pdf; PDF Page 1.

¹⁴ U.S. Department of Agriculture (USDA) U.S. Forest Service (USFS). (August 2021). "Draft Revised Land Management Plan Grand Mesa, Uncompahgre, and Gunnison National Forests Delta, Garfield, Gunnison, Hinsdale, Mesa, Mineral, Montrose, Ouray, Saguache, San Juan, and San Miguel Counties, Colorado. Last retrieved October 6, 2021, from https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd939801.pdf; PDF Page 180 (document page 170).

Appendix 1. Maps

Draft revised plan and alternatives maps include:

- Management areas and overlays
- Desired recreation opportunity spectrum settings (summer and winter)
- Desired scenic integrity objectives
- Suitability for timber production
- Designated wilderness management areas

These maps are available online:

- in PDF format at: <http://www.fs.usda.gov/goto/DraftForestPlan>
- as an interactive ArcGIS StoryMap at: <http://www.fs.usda.gov/goto/DraftForestPlan>

The following draft revised plan maps are included here:

- Coal suitability assessment
 - Coal potential in the GMUG for alternative A (figure 7)
 - Coal potential in the GMUG for alternative B (figure 8)
 - Coal potential in the GMUG for alternative C (figure 9)
 - Coal potential in the GMUG for alternative D (figure 10).

- B. DLRMP Appendix 1. **As of November 21, 2021, ArcGIS StoryMaps for Desired Scenic Integrity Objectives and Suitability for Timber Production is still not available.** The public and even members of cooperating agencies cannot fully digest pdf maps which appear to be at a scale of 1:1,000,000, and do not have access to software or experts who can manipulate ArcGIS shapefiles. The StoryMaps is helpful to understand the range of alternatives and allow for informed comments from those who spend time on the GMUG forest and know it intimately.
- C. **The solicitation of informed public comments lacks specificity and transparency.** The Schedule of Proposed Actions (SOPA) 07/01/2021 to 09/30/2021¹⁵ states that the DEIS Notice of Availability (NOA) was published in the Federal Register on 06/03/2021. A broad search for the DEIS NOA on the Federal Register (search: Document Type = Notice, Agency=Department of Agriculture, Keyword=" Grand Mesa," Date Range=01/01/2017 to 11/21/2021)¹⁶ turned up the Notice of Intent to revise the DRLMP dated 4/3/2018, however, the DEIS NOA for a public comment period in 2021 was not found. A link to the formal NOA notification in the Federal Register of the DEIS is not provided on the GMUG Forest Plan Revision Process and Products webpage either. With assistance from Samantha Staley, the following sentence was located on August 13, 2021, Federal Register under the heading "Environmental

¹⁵ U.S. Department of Agriculture (USDA) U.S. Forest Service (USFS). *Schedule of Proposed Actions (SOPA) 07/01/2021 to 09/30/2021* [webpage]. <https://www.fs.fed.us/sopa/components/reports/sopa-110204-2021-07.html> ; accessed 11/21/2021.

¹⁶ Federal Register: A Daily Journal of the United States Government. (August 13, 2021). Environmental Impact Statements; Notice of Availability A Notice by the Environmental Protection Agency on 8/13/2021 [webpage and pdf]. https://www.federalregister.gov/documents/search?conditions%5Bagencies%5D%5B%5D=agriculture-department&conditions%5Bpublication_date%5D%5Bgte%5D=01%2F01%2F2017&conditions%5Bpublication_date%5D%5Blte%5D=11%2F21%2F2021&conditions%5Bterm%5D=Grand+Mesa ; accessed 11/21/2021.

Protection Agency Environmental Impact Statements; Notice of Availability" (page 44711). The mention cryptically reads in one sentence, "EIS No. 20210116, Draft, USFS, CO, Grand Mesa, Uncompahgre, and Gunnison Forest Plan Revision, Comment Period Ends 11/12/2021, Contact: Samantha Staley 970-852-9812."¹⁷

- D. **The GMUG "Public Reading Room" for the Grand Mesa, Uncompahgre, and Gunnison Forest Plan Revision #51806 does not seem to show all comments and organization names. It appears the cooperating agency comments are not included in the public reading room. The GMUG created a separate "Public Reading Room" for Wilderness Inventory and Evaluation comments. This reading room has disappeared from the GMUG Planning website.**

IV. Forest Plan Vision, Roles, Contributions.

- A. **"The Big Picture" vision continues to be awkwardly worded and emphasizes benefits people obtain through ecosystem services and multiple uses while missing the mark to also recognize the intrinsic value of ecological sustainability and ecological integrity.** We suggest incorporating the 2012 Forest Planning Rule (2012 FPR) language (blue) found in 219.1.c: "...promote the ecological integrity of these national forests." Through collaboration, education, and shared stewardship, these national forest lands are managed "so that they are ecologically sustainable and contribute to social and economic sustainability; consist of ecosystems and watersheds with ecological integrity and diverse plant and animal communities; and have the capacity to provide people and communities with ecosystem services and multiple uses that provide a range of social, economic, and ecological benefits for the present and into the future. These benefits include clean air and water; habitat for fish, wildlife, and plant communities; and opportunities for recreational, spiritual, educational, and cultural benefits."¹⁸
- B. **"The Big Picture" should not use the term "resilient ecosystems" without defining it.** Is this referring to "viable populations," meaning "persisting over the long term with sufficient distribution to be resilient and adaptable to stressors and likely future environments?" Perhaps this language instead should reference "ecologically sustainable landscapes supporting ecological integrity to reliably provide beneficial ecosystem services and multiple uses."
- C. The DRLMP Glossary needs to change the provided definition of Ecological sustainability (currently, "Ecological sustainability: The capability of ecosystems to maintain ecological integrity.") and recognize that **Ecological integrity is a component of Ecological sustainability. Ecological sustainability is defined as the maintenance or restoration of the composition, structure, and processes of ecosystems, including the diversity of plant and animal communities and the productive capacity of ecological systems (2012 FPR 219.36).**¹⁹
- D. Maintenance and restoration of **ecological sustainability** should be the highest priority for the management of national forests and grasslands so these lands can contribute to economic and social

¹⁷ <https://www.federalregister.gov/documents/2021/08/13/2021-17325/environmental-impact-statements-notice-of-availability> ; accessed 11/23/2021.

¹⁸ National Archives Code of Federal Regulations. Displaying title 36, up to date as of 11/18/2021. Title 36 was last amended 9/24/2021. <https://www.ecfr.gov/current/title-36/chapter-II/part-219> ; accessed 11/21/2021.

¹⁹ U.S. Department of Agriculture (USDA) U.S. Forest Service (USFS). Curt Flather, Rocky Mountain Research Station, Ft. Collins, CO, et. al. (Undated Draft). *Ecological Sustainability* [document]. https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5130669.pdf ; accessed 11/21/2021.

sustainability by providing a sustainable flow of uses, values, products, and services (2012 FPR 219.2). The benefits sought from these lands depend upon long-term ecological sustainability, and planning will be based on the temporal and spatial scales necessary for sustainability.

- E. **Ecosystem diversity** and species diversity are components of **ecological sustainability** [2012 FPR 219.20 (a)].
- F. **The DRLMP Glossary contains the FPR definition of Ecological integrity:** "*The quality or condition of an ecosystem when its dominant ecological characteristics (for example, composition, structure, function, connectivity, and species composition and diversity) occur within the natural range of variation and can withstand and recover from most perturbations imposed by natural environmental dynamics or human influences.*" The definition in 2012 FPR 219.19 uses the word "influence" vs. "influences."
- G. The LRMP should accurately define "ecosystem," "ecosystem diversity," "resilient ecosystems," "ecosystem services," "ecological sustainability," and "ecosystem function," since scientific communities may think of these terms differently than intended and required by the 2012 FPR does in Title 36 Chapter II Part 219.²⁰ The 2012 FPR at 219.5.a.1 also requires assessments to evaluate "ecological" "sustainability." **The DLRMP Glossary should use the 2012 FPR 219.19 definitions of "Ecosystem" and "Ecosystem Services" and also include the 2012 FPR 219.19 definition of "Ecosystem diversity" provided in blue text below.**

Ecosystem. A spatially explicit, relatively homogeneous unit of the Earth that includes all interacting organisms and elements of the abiotic environment within its boundaries. An ecosystem is commonly described in terms of its:

(1) Composition. The biological elements within the different levels of biological organization, from genes and species to communities and ecosystems.

(2) Structure. The organization and physical arrangement of biological elements such as snags and down woody debris, vertical and horizontal distribution of vegetation, stream habitat complexity, landscape pattern, and connectivity.

(3) Function. Ecological processes that sustain composition and structure, such as energy flow, nutrient cycling and retention, soil development and retention, predation and herbivory, and natural disturbances such as wind, fire, and floods.

(4) Connectivity. (see connectivity above).

Ecosystem diversity. The variety and relative extent of ecosystems.

Ecosystem services. Benefits people obtain from ecosystems, including:

²⁰ National Archives Code of Federal Regulations. Displaying title 36, up to date as of 11/18/2021. Title 36 was last amended 9/24/2021. <https://www.ecfr.gov/current/title-36/chapter-II/part-219> ; accessed 11/21/2021.

(1) Provisioning services, such as clean air and freshwater, energy, fuel, forage, fiber, and minerals;

(2) Regulating services, such as long term storage of carbon; climate regulation; water filtration, purification, and storage; soil stabilization; flood control; and disease regulation;

(3) Supporting services, such as pollination, seed dispersal, soil formation, and nutrient cycling; and

(4) Cultural services, such as educational, aesthetic, spiritual, and cultural heritage values, recreational experiences, and tourism opportunities.

- H. The last bullet under Ecosystem Services and Multiple Uses (document page 9) mentions simply that hardrock miners contribute to "local and broader economies." **Please consider mentioning that hardrock minerals include base and precious metals that are critical mineral commodities essential to manufacturing renewable energy components. Please also mention that inactive/legacy mine reclamation to be an important sector in our local economy and an ongoing collaborative partnership between local, state, federal government agencies and NGOs to improve our watershed health and reduce impairments to our water quality.**
- I. We support and incorporate by reference the climate change and climate adaptation comments (pages 235-246) submitted by Matt Reed on behalf of High Country Citizens Alliance (HCCA) and two dozen conservation organizations.²¹

J. Forestwide Direction.

- A. Ouray County supports the technical forestwide direction requests contained in the Colorado Parks and Wildlife (CPW) Comments dated 11/24/2021. The technical comments and requests on forestwide direction are contained in the CPW Attachment 2.²² We are not ready to wholesale support the CPW original or revised route density methodology and related direction until the models of HPH and route density forestwide are made available for cooperating agencies and public to review.
- B. FW-OBJ-REC-03 was removed from the DRLMP between the working draft plan and this DRLMP. It stated, "Within 10 years of plan approval, ensure trails, parking lots, and trailheads associated with 14,000-foot peaks and other high-use areas include adequate maintenance schedules and infrastructure to deliver on desired sustainable recreation outcomes in light of increasing/changing use. Specifically, ensure trails to 14,000-foot peaks are reconstructed and/or realigned to be sustainable. Desired sustainable recreation outcomes include, but are

²¹ GMUG Public Reading Room: Matt Reed et al. (November 24, 2021). https://cara.ecosystem-management.org/Public/DownloadCommentFile?dmdId=FSPLT3_5697423 (links to GMUG Public Comment Reading Room document); accessed 11/24/2021.

²² Colorado Department of Natural Resources: Colorado Parks and Wildlife. (November 24, 2021). *CPW Comments Draft Forest Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forests [letter]*. https://cara.ecosystem-management.org/Public/DownloadCommentFile?dmdId=FSPLT3_5697441 (links to GMUG Public Comment Reading Room document); accessed 11/25/2021.

not limited to, positive visitor satisfaction and consistency with desired ROS (recreation opportunity spectrum) settings." The justification for removal was that GMUG recreation staff did not believe this was attainable within existing/forecasted budgets and partnerships. Please add this back into the plan, with a caveat that budgets and partnerships provide the resources necessary. It appears that there are several congressional legislative vehicles that could increase funding for this important work. Ouray County is willing to help identify collaborative funding sources and strengthen partnerships.

- C. We have briefly reviewed forestwide direction recommendations from CNHP, High Country Citizens Alliance (HCCA) and partners submitted by Matt Reed, and Back Country Hunters and Anglers submitted for this public comment period on the DLRMP/DEIS. We are generally supportive of their requests for specific standards and guidelines.

V. **Recognition and conservation of fens and groundwater-dependent ecosystems are inadequate in the DRLMP.**

- A. **Management objectives, standards, and guidelines oversimplify and do not provide suitable recognition of fens as groundwater-dependent, peat accumulating wetlands.** "Fens are an important and unique wetland type. Fens are peat-forming wetlands that rely on groundwater input and require thousands of years to develop, and cannot easily be restored once destroyed. Fens are also hotspots of biodiversity. They often are home to rare plants, insects, and small mammals. Larger animals like deer and livestock graze in this type of wetland. Fens are valuable to humans as well. They are important as sites of groundwater discharge and are good indicators of shallow aquifers. Vegetation in all wetlands plays an important role in recycling nutrients, trapping eroding soil, and filtering out polluting chemicals such as nitrates. In addition, fens figure prominently in nearly all scenarios of CO₂-induced global change because they are a major sink for atmospheric carbon."-- Weixelman & Cooper 2009²³
- B. **GMUG should consult the research and publications of USDA USFS Rocky Mountain Research Station including Research Ecologist Kathleen Dwire.**²⁴ (Example, paper attached as Appendix D).
- C. Providing a 100-foot surficial buffer around a fen's expression of wetland vegetation or seasonally saturated soil and putting them into the same Category 2 as seeps, springs, lakes, and reservoirs is not adequate to manage the complex hydrology and unique ecology of fens. GMUG's management prescription for fens should emphasize a commitment to continued monitoring and assessment, conservation, and enhancement of fen systems. Ouray County BOCC appreciates the clear and direct approach to recognizing the importance of fens, their special ecosystem services, and appropriate management approaches directed at the groundwater system vs. lumping these critical wetlands with those dominated by surface water hydrology.
- D. The language and management prescriptions for fens found in the May 2020 Rio Grand National Forest Land Use Plan should be incorporated with GMUG DRLMP FW-GDL-RMGD-13 into a clear groundwater-dependent ecosystem section above the riparian management zone section will help assure us that complexity and importance of fens as peat accumulators are recognized by

²³ USDA USFS. Webpage. https://www.fs.fed.us/wildflowers/beauty/California_Fens/what.shtml

²⁴ <https://www.fs.usda.gov/rmrs/people/kadwire>

GMUG beyond valley riparian systems and will be appropriately managed. GMUG simply provides a guideline, while Rio Grande NF provides a clear standard that it will not authorize that alter fen hydrology.²⁵

Rio Grande LMP²⁶:

Groundwater-Dependent Ecosystems (GDE)

Groundwater-dependent ecosystems are a vital component for the natural environment and can include fens, wetlands, seeps, springs, riparian areas, groundwater-fed streams and lakes, and aquifers. These are present throughout the Forest and vary in size and timing. These areas provide an important ecosystem component and provide later-season flows with cold water temperatures, help sustain the function of surface and subsurface aquatic ecosystems, and provide habitat important to the persistence of plant species of conservation concern.

Areas that retain moisture and associated vegetation types have long been recognized as important for both ecosystem function and human benefits. Riparian areas and groundwater-dependent ecosystems such as wetlands, springs, aquifers, and fens provide ecosystem services that are necessary for the long-term health and well-being of both aquatic and upland areas.

Services provided by these areas are vital to the water supplies of downstream users. Services include stabilizing streambanks and reducing erosion, mitigating the impacts of floods, improving water quality by trapping sediment and other pollutants, and sustaining late season base flows. These areas are also vital to a wide variety of plants and animals. Aquatic and terrestrial species depend on the forage and cover provided in these habitat types, and many rare plants occur only in these ecosystems.

Management Approaches

Principal strategies and program priorities to protect groundwater-dependent resources

Fens and watershed conditions that support healthy fens provide irreplaceable ecological functions. The Forest continues to inventory and evaluate fens, thereby enabling managers to maintain healthy watersheds and aquatic resources.

The Forest continues to work with other agencies and adjacent landowners in the conservation of groundwater-dependent ecosystems.

Desired Conditions

DC-GDE-1: Identified groundwater-dependent ecosystems provide habitat for species of conservation concern and other native species. **Fens continue to accumulate peat.** (Forestwide)

Standards

S-GDE-1: **Do not authorize management actions that alter the hydrology of groundwater-dependent habitat features.** (Forestwide)

Guidelines

G-GDE-1: **To maintain ecosystem diversity and function, design projects to avoid or mitigate negative impacts to the ecological services that groundwater-dependent ecosystems provide.** (Forestwide)

²⁵ Page 29 of the GMUG May 2021 DRLMP: "FW-GDL-RMGD-13: To maintain ecological integrity and support native species (including at-risk species), design projects to avoid physical or chemical alteration of springs, fens and wetlands (e.g., ditching, damming, dewatering, dredging, filling, flooding, nutrient loading and changes to pH)."

²⁶ USDA USFS. (May 2020). *Rio Grande National Forest Land Management Plan*. [Plan and EIS]. Retrieved July 5, 2021, from <https://www.fs.usda.gov/main/riogrande/landmanagement/planning#:~:text=These%20plans%20guide%20the%20direction%20of%20specific%20projects,Forest%20for%20the%20next%2010%20to%2015%20years>; PDF. Plan pages 45 and 46.

- E. The extensive USFS research and best practices identified for mountain fen conservation, buffers, and fen inventory/assessment/monitoring should be incorporated into forestwide direction that guarantees protection of these unique groundwater-dependent ecosystems.
- F. The DRLMP must include updating the 2012 GMUG fen inventory²⁷ forest-wide within 5 years of the revised plan decision and include monitoring and assessment questions in the DRLMP monitoring framework (Chapter 4). See *A User Guide to Assessing Proper Functioning Condition for Fen Areas in the Sierra Nevada and Southern Cascade Ranges in California*.²⁸
- G. Incorporate additional forestwide direction protective of fens similar to those in the preferred alternative of the Sierra National Forest DLMP. For example, the *Revised Draft Land Management Plan for the Sierra National Forest* contains a forestwide range goal of "Work with stakeholders ensures livestock grazing management strategies minimize negative effects to the structure and function of vegetation and aquatic and riparian ecosystems, especially for small-scale special aquatic features such as fens and springs, as well as habitat and refugia for at-risk species."²⁹ Fens in the Sierra National Forest DLMP are considered special aquatic features and are subject to: "Aquatic and riparian special habitats (desert springs, seeps, and fens) are considered "special aquatic features" and relevant plan components are in the "Riparian Conservation Area" section. Desired Conditions (TERR-SH-DC) 01 The integrity of special habitats is maintained or improved from current conditions. The composition, diversity, and structure of unique plant assemblages are maintained in all areas, including those with multiple-use activities. 02 Microclimate or smaller-scale habitat elements provide habitat and refugia for species with a specific geographic or restricted distribution. 03 Conditions remain suitable for the long-term sustainability of the suite of native plants adapted to special habitats and their associated symbiotic associations, such as insect pollinators."³⁰ Furthermore, fens are mentioned in five Standards (WTR-RCA-STD) in the Sierra National Forest DRMP³¹:
- In fen ecosystems, limit disturbance from livestock and packstock to no more than 20 percent annually. Reduce disturbance further if a fen is nonfunctional or functional at risk with a downward trend.
 - Prohibit or mitigate ground-disturbing activities that adversely affect hydrologic processes that maintain water flow, water quality, or water temperature critical to sustaining fen ecosystems and the plant species that depend on these ecosystems.
 - Prevent activities from causing significant degradation of fens from trampling, such as by livestock, packstock, wheeled vehicles, and people.
 - **Assess the hydrologic function of riparian areas, meadows, fens, and other special aquatic features during rangeland management analysis. Ensure that characteristics of special features are, at a minimum, at proper functioning condition or functioning at risk and trending toward proper functioning condition,**

²⁷ USDA USFS GMUG. Johnston et al. (April 6, 2012) Inventory of Fens in a Large Landscape of West-Central Colorado Grand Mesa, Uncompahgre, and Gunnison National Forests [Report]. https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5363703.pdf ; accessed 11/21/2021.

²⁸ USDA USFS. Weixelman & Cooper. (2009). *A User Guide to Assessing Proper Functioning Condition for Fen Areas in the Sierra Nevada and Southern Cascade Ranges in California*. https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5385279.pdf

²⁹ [Revised Draft Land Management Plan for the Sierra National Forest \(usda.gov\)](#); Page 78.

³⁰ [Revised Draft Land Management Plan for the Sierra National Forest \(usda.gov\)](#); Page 44.

³¹ [Revised Draft Land Management Plan for the Sierra National Forest \(usda.gov\)](#); Page 18-19.

as defined in the appropriate technical report. If systems are functioning at risk, assess appropriate actions to move them towards the proper functioning condition.

- Complete initial inventories of fens within active grazing allotments prior to completing the allotment environmental analysis. If there are more than 10 fens in an allotment, complete initial inventories of at least 25 percent of all the fens in the allotment, and establish a 5-year schedule to complete inventory of the remaining fens in the allotment.

Desired Conditions (WTR-RCA-MEAD-DC) which respect the importance and uniqueness of fens, are provided in the Sierra National Forest DLMP³², and these desired conditions should be included in the GMUG DRLMP:

- Wetlands and groundwater-dependent ecosystems (including springs, seeps, fens, wet meadows, and associated wetlands or riparian systems) support stable herbaceous and woody vegetation communities that are resilient to drought, climate change, and other stressors. Root masses stabilize stream channels, shorelines, and soil surfaces. The natural hydrologic, hydraulic, and geomorphic processes in these ecosystems sustain their unique functions and biological diversity.
 - Fen condition is within the natural range of variation. Fens are resilient with continual peat accumulation and carbon sequestration. The hydrologic regime and vegetation, soil, and water characteristics sustain the fen's ability to support unique physical and biological attributes.
- H. We support the excellent comments and analysis submitted to GMUG by Gay Austin (November 2021) regarding the Watershed Conservation Practices Handbook (FSH 2509.25, 5/5/06) sections relative to fens and her recommendations.

VI. Wild and Scenic River Eligibility Evaluation

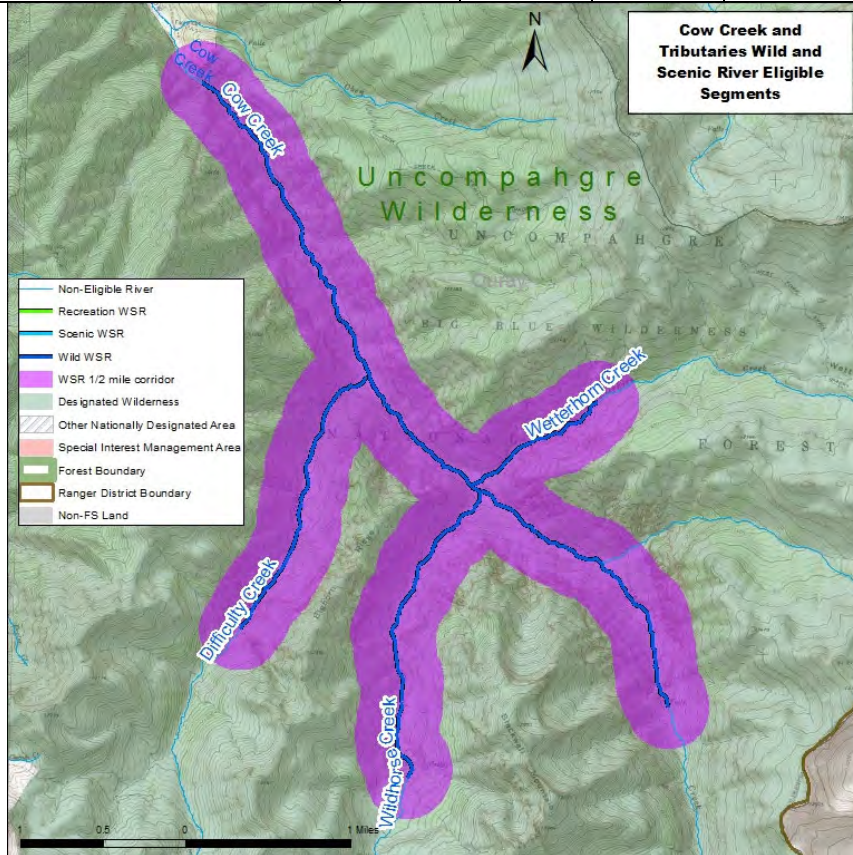
A. BOCC Unanimously Supports River Segments As Eligible for Wild & Scenic River Designation within Ouray County:

1. The Ouray County BOCC unanimously supports designating the four river segments found in Table 10.1 (excerpt below) and Figure 15 as eligible Wild and Scenic River segments, with the classification of Wild. We agree with comments submitted (November 2021) by High Country Conservation Advocates et al. regarding the DRLMP being too narrow in its consideration of ORVs for eligible segments. Cow Creek (24) and Tributaries Wetterhorn Creek (24-A), Wildhorse Creek (24-B), and Difficulty Creek (24-C) should be considered for the additional ORVs of wildlife, botany, and climate adaptation. We agree with others' comments that the USFS identification of essential boreal toad habitat merits a wildlife ORV. The presence of Tier 1 Rocky Mountain bighorn sheep (*Ovis Canadensis*), Black Swift (*Cypseloides niger*), and possibly boreal toad (*Bufo boreas boreas*) is justification for a wildlife ORV. CNHP ranks Cow Creek as possessing Very High Biodiversity significance, including excellent (A-ranked) occurrence of the globally imperiled (*G2G3/S2S3*) *Pseudotsuga menziesii*/*Paxistima myrsinites* lower montane forest and excellent (A-

³² [Revised Draft Land Management Plan for the Sierra National Forest \(usda.gov\)](#); Page 20-21.

ranked) occurrences of the globally vulnerable (G3/S3) *Populus angustifolia* - *Picea pungens*/*Alnus incana montane* riparian forest as well as excellent (A-ranked) occurrences of common riparian communities. A fair (C-ranked) occurrence of the state rare (G4/S2) New Mexico cliff fern (*Woodsia neomexicana*) is also documented. Please proceed in this direction in the final agency's preferred alternative.

Cow Creek (24) and Tributaries Wetterhorn Creek (24-A), Wildhorse Creek (24-B), and Difficulty Creek (24-C)	10.1	3,187	Ouray	Scenery, Geology (Add Botany, Wildlife, Climate Adaptation)	Wild
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DRLMP Figure 15 (USFS).

2. The Ouray County BOCC unanimously supports designating Bear Creek as an eligible Wild and Scenic River segment with the classification of Wild. Bear Creek is exceptional in the state reference area for a Scenery ORV, Geology ORV, and Recreation ORV. Bear Creek is free-flowing accessed via the extremely rugged Bear Creek National Recreation Trail. We agree with the description contained in the Great Old Broads for Wilderness comments on the DRLMP (November 2021). *"The scenery is spectacular with deep gorges, thundering waterfalls, dramatic cliffs, and golden aspen in autumn, qualifying Bear Creek for a Scenic ORV, which the GMUG recognizes in its Chapter 80 analysis. Geologic features including volcanic tuff pinnacles, iron-rich intrusions, and fossilized ripple marks qualify this segment for Geologic ORV. Recently published research by Dr. Dave Gonzales, a geology professor at Fort Lewis College, provides evidence of an Eocene paleocanyon cut into the San Juan*

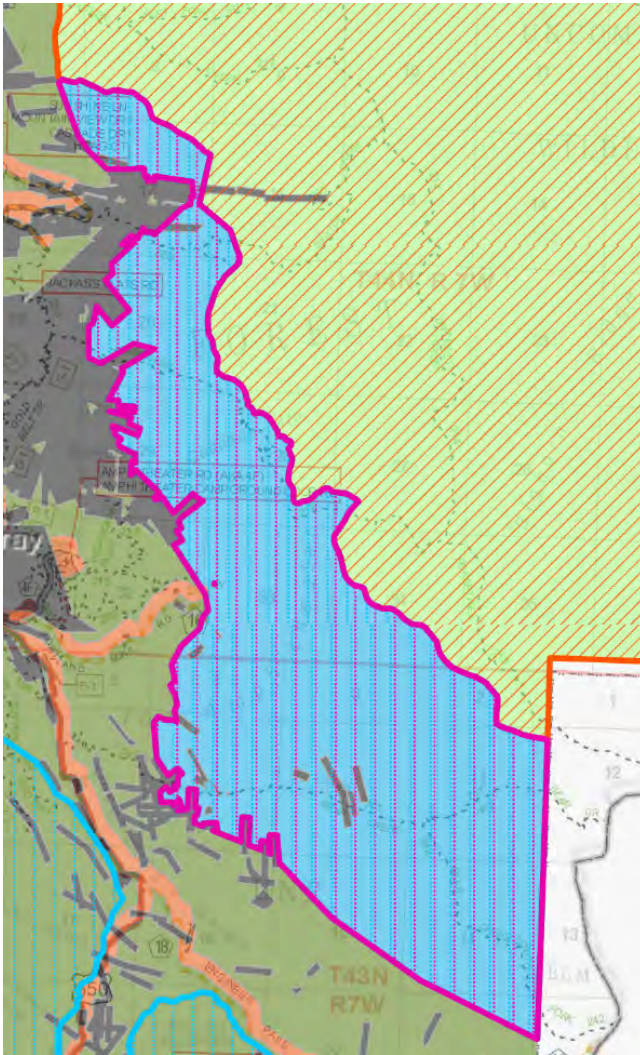
Formation volcanoclastics (Gonzales et al. 2021.) The mineralized waters of South Fork of Bear Creek possess that aqua quality similar to the Little Colorado and Havasu Rivers." We agree with other commenters that the Bear Creek NRT designation is related to the cascading waterfalls, dramatic cliffs of the gorge, and sections of bubbling flow over massive boulders. We disagree with the GMUG DRLMP/DEIS that the recreation along the Bear Creek NRT is not river-related. The NRT's unique and spectacular nature is related to both the geology and the river cutting through that geology to create a steep scenic gorge. The ripple marks in the Precambrian metasedimentary rock are astounding. Geology field camps from universities across the nation come to Bear Creek to examine the ripple marks and Precambrian rocks that are tilted to a near-vertical angle. GMUG has previously identified in a 2005 assessment that Bear Creek was eligible as a Wild and Scenic segment. Bear Creek intersects a Colorado Natural Heritage Program (CNHP) Potential Conservation Area with high biodiversity significance. Please proceed in this direction in the final agency's preferred alternative.

3. American Whitewater has documented the segment of the Uncompahgre River, free-flowing from Red Mountain Creek to the Ouray Ice Park, to a point just above the Ouray Hydro Impoundment qualifies as eligible. ORVs are Recreation, Geology, and Scenery. This reach is described as remote and technically challenging with Class IV-V whitewater for kayaking. Eligibility should not consider water quality or highway proximity as limiting factors. There are no road or trail intersections on this segment. A description and map of the segment, along with photos of kayakers, can be found here:
<https://www.americanwhitewater.org/content/River/view/river-detail/5769/gallery>.

VII. Management Area Direction

A. Areas to be Analyzed as Wilderness:

1. **Unanimous BOCC support to include the "Bear Creek Addition to the Uncompahgre Wilderness" in the agency's preferred alternative as "Area to be Analyzed as Wilderness (MA 1.2)." The preferred alternative should incorporate two of the "Community Conservation Proposal" proposed wilderness parcels as "Recommended Wilderness." In our July 6 letter, we indicated clear unanimous support from the Ouray County Board of County Commissioners (BOCC) for the Bear Creek Addition to the Uncompahgre Wilderness being incorporated into the agency's preferred alternative with a recommendation for designation of Wilderness. We subsequently provided Jonathan Tucker the GIS shapefile of this approximately 6,000-acre parcel, and it was determined that the lands within the proposed Bear Creek Addition parcel are considered in the DRLMP Alternative D. **In addition, for this parcel, the Summer and Winter Recreational Opportunity Spectrum (ROS) in the agency's preferred alternative should be the same as provided in Alternative D, Primitive. The Timber Suitability in the agency's preferred alternative should be the same as provided in Alternative D (no timber suitability identified).****

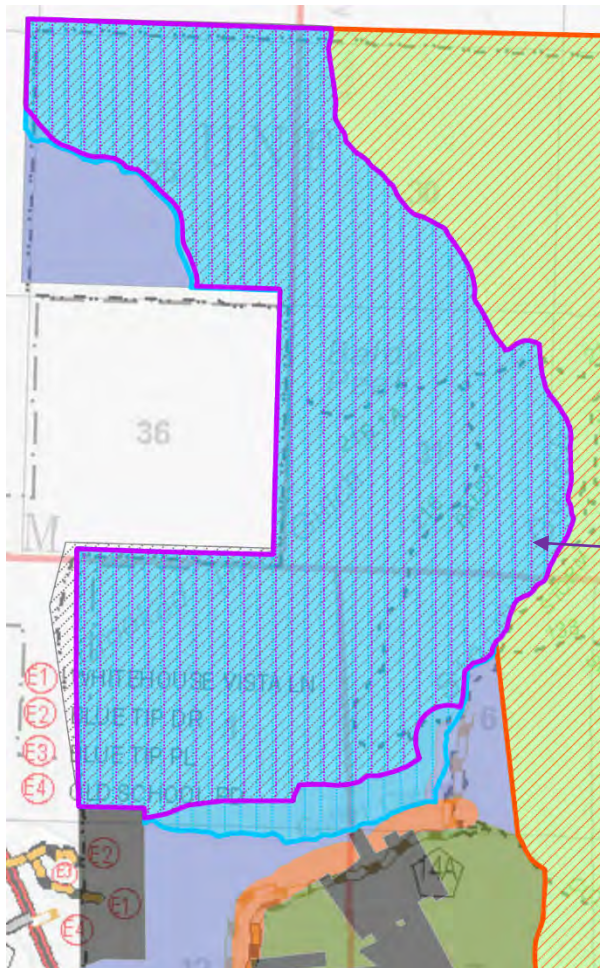


Left: Screen-shot of the proposed Bear Creek addition to the Uncompahgre Wilderness parcel (bright pink outline). It is very closely aligned to the Alternative D: Area to be Analyzed as Wilderness (MA 1.2) in bright blue. The base map is our County Road and Public Access Routes map.

We support the Ouray Silver Mines Inc. November 2021 public comments regarding allowing underground fringe leases of locatable minerals under unpatented claims located in the northern portion of the Bear Creek Recommended Wilderness parcel towards County Road 14. Fringe leases do not allow for surface disturbance. These uses are compatible with the wilderness characteristics of the exceptional Bear Creek parcel. We support continuing the existing annual Hardrock 100 foot race, which uses the Bear Creek National Recreation Trail one or two days a year.

2. **Unanimous BOCC support to include the "Baldy Addition to the Uncompahgre Wilderness" in the agency's preferred alternative as "Area to be Analyzed as Wilderness/Colorado Roadless Area (MA 1.2/3.1)." Since July 6, the Ouray County BOCC has carefully examined the 2,400-acre parcel called "Baldy Addition" to the Uncompahgre Wilderness" contained in the Community Conservation Proposal. We note that the "Baldy C&H" grazing allotment is mapped in both the existing designated Uncompahgre Wilderness while also extending into the 2,400-acre proposed Baldy Addition and therefore did not present a conflict. We identified that the extreme south/southeastern Community Conservation Proposal polygon extends beyond the "Baldy" Colorado Roadless Area parcel. We have modified the boundary from the Community Conservation Proposal (which you may have received from another source) to show the area we support being included in the final agency's preferred alternative as "Recommended Wilderness," matching the south/southeastern limit of the Baldy Roadless parcel. The lands within the proposed Baldy Addition to the Uncompahgre Wilderness are currently considered in the DRLMP Alternative D. **In addition, for this parcel, the Summer and****

Winter Recreational Opportunity Spectrum (ROS) in the agency's preferred alternative should be the same as provided in Alternative D, Primitive. The Timber Suitability in the agency's preferred alternative should be the same as provided in Alternative D (no timber suitability identified). Planned thinning and prescribed burn treatments designed for wildlife habitat enhancements are compatible with this designation.



Left: Screen-shot of the proposed Baldy addition to the Uncompahgre Wilderness parcel (bright purple outline). It is very closely aligned to the Alternative D: Area to be Analyzed as Wilderness/Colorado Roadless Area (MA 1.2/3.1) in bright blue; however, we would like the southeast portion of this parcel to be clipped to the existing Baldy-Colorado Roadless Area (diagonal gray hatching) as depicted in the bright purple outline. The basemap is the Ouray Draft Road Map 2009 - a transportation map showing public access routes.

*Baldy Roadless Area with a purple outline showing the portion of the community proposal's "Baldy Addition" that Ouray County BOCC supports as "Area to be Analyzed as Wilderness/Colorado Roadless Area" (MA 1.2/3.1).

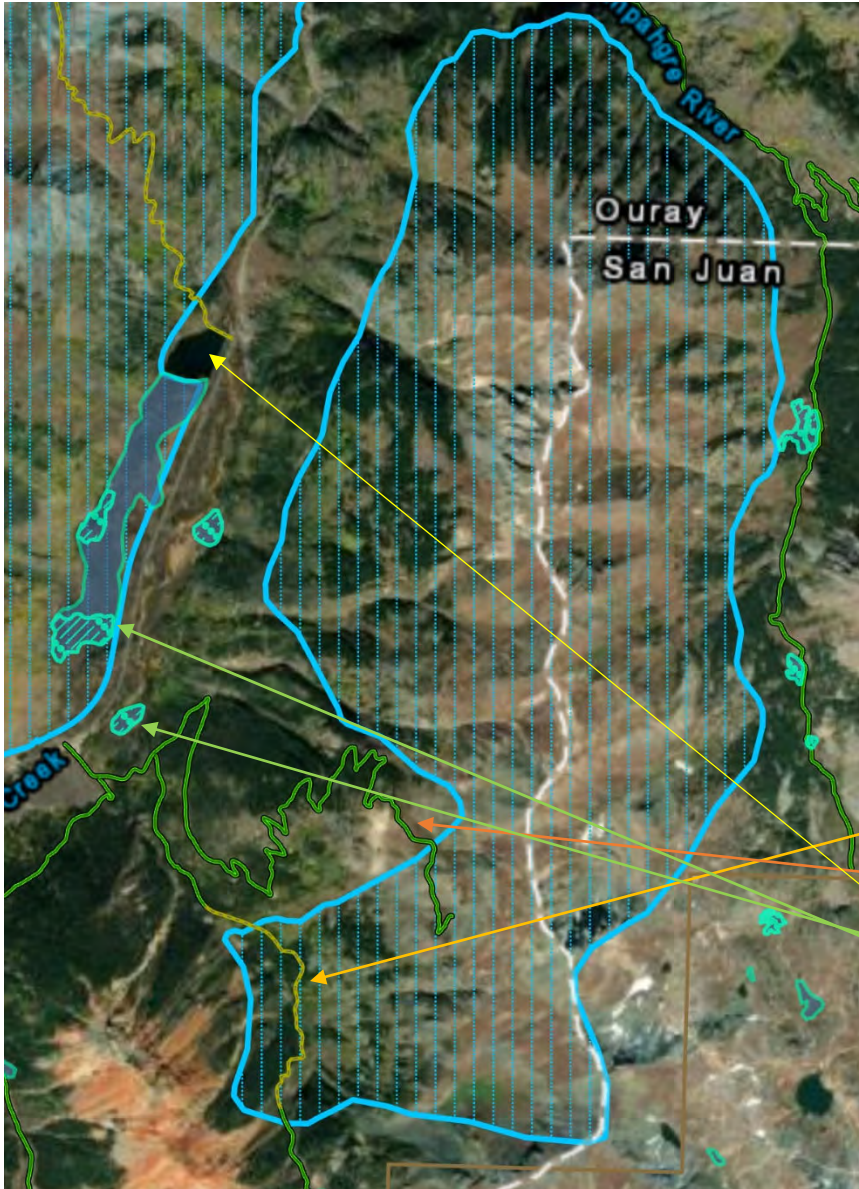
We have previously provided GMUG with Community Conservation Proposal fact sheets regarding the conservation values and outstanding wilderness characteristics for both the Baldy Addition and the Bear Creek Addition. We have also previously provided the shapefiles of the two wilderness parcels that we support being recommended as Wilderness.

We are grateful that both Alternatives B and D include the lands within the Colorado Outdoor Recreation and Economy (CORE) Act and preceding San Juan Wilderness Act as Recommended Wilderness. **Please ensure that the final alternative includes these CORE Act parcels as Recommended Wilderness. The final alternative should also include the CORE Act Special Management Areas (SMAs) as SMAs.**

B. Lands within the Community Conservation Proposal (previously known as Citizens' Conservation Proposal) Mount Abram Scenic Special Interest Area parcel:

1. The BOCC believes that the objectives of the Community Conservation Proposal for a Mount Abram Scenic Special Interest Area can be achieved through a combination of appropriate Management Area classification, winter/summer ROS classifications, and Timber Suitability. Preserving scenic resources is essential on this parcel. We support an SIO of "High" consistent with Alternative D and the San Juan Skyway scenic byway corridor. The lands within the Mount Abram Mountain parcel seem to be mismatched in the Alternative A existing Management Area (MA) classification vs. the existing ROS classifications. The existing ROS is semi-primitive non-motorized (SPNM), but the existing MA is provided in the GMUG's GIS as semi-primitive motorized. Alternatives B and D continue the mismatch to some degree.

Regardless, the agency's preferred alternative should be Semi-Primitive Non-Motorized Recreation Activities (MA: 3A). Both the summer and winter ROS in the agency's preferred alternative should be consistent with this existing characteristic and be SPNM. The Timber Suitability should be similar to Alternative D – no suitability above 40% slope. There are less than four acres of suitable timber within this parcel in Alternative D. However, Alternatives C and B identify hundreds of acres of suitable timber for slopes between 40-123%, which is incompatible with the special conservation and scenic values. The Ironton fen and wetland complex at the toe of these slopes provide important ecosystem services and is sensitive to hydrological disturbances and sedimentation. To preserve the non-motorized uses, scenic integrity, and special characteristics of this parcel and Ironton area, **the agency's preferred alternative should not include any Timber Suitability within this parcel. It is a fatal flaw of the DRLMP to manage the lands within the Abram parcel as "General Forest," which is currently the management category provided in Alternative B.**



At left is the Mount Abram Scenic Special Interest Area parcel (bright blue boundary center-right), described in the Community Conservation Proposal. The jade-green outlined areas are fens mapped by Colorado Natural Heritage Program (CNHP) and Mountain Studies Institute. The USFS geospatial clearing house trails TrailNFS_Publish layer shows the Gray Copper Gulch trail is non-motorized where it passes through the Abram parcel. The Brown Mountain Road shown penetrating the western boundary of the parcel is actually gated closed west of the parcel, and there is no motorized access.

- *Gray Copper Gulch Trail
- *Brown Mountain Road
- *Crystal Reservoir
- *Fen Complex (wetlands on the east side of US 550 not shown).

C. Lands within the Community Conservation Proposal (previously known as Citizens' Conservation Proposal) Hayden Mountain Special Interest Area parcel:

1. Most stakeholders, including Ouray County BOCC, do not want the Hayden Mountain parcel to be General Forest and prefer that Hayden Mountain retains its current management and trail system. Hayden has important big game and wildlife habitat. No Lands Suitable for Timber should be identified on Hayden Mountain, as almost all of the slopes are greater than 40%, and the lands are directly above a complex of wetlands and fens adjacent to Crystal Reservoir. Any timber harvesting should be primarily designed for wildlife habitat enhancement, forest health and safety objectives. Hayden Mountain is prominent in the San Juan Skyway Scenic Byway viewshed, and is one of the most photographed areas during fall colors. The northern

portion of the Hayden parcel especially should have an ROS of primitive with a very high scenic integrity.

2. In July 2021 during the abbreviated cooperating agency "preview" and input period, the Ouray County BOCC believed that the objectives of the Community Conservation Proposal for the Hayden Mountain Special Interest Area could be achieved through a combination of appropriate Management Area classification, winter/summer ROS classifications, and Timber Suitability. It is essential to preserve the scenic resources with the highest degree of scenic integrity possible to preserve (and not degrade) scenic resources on this parcel. The lands within the Hayden Mountain parcel also seem to be mismatched in the Alternative A existing Management Area (MA) classification vs. the existing ROS classifications. The existing MA category (Alternative A) is semi-primitive motorized in the southern half to primitive non-motorized in the northern half. However, the existing (Alternative A) is SPNM throughout the parcel. Alternatives B and D continue the mismatch by proposing a "General Forest" management category.

With further study, the BOCC can support the Hayden Mountain parcel as being a Special Interest Area to retain the management direction and characteristics of this parcel. When we are provided with the full trail/route density modeling and HPH that GMUG has received and considered from CPW, we may support Hayden Mountain as being a Wildlife Management Area.

Regardless, as requested in our cooperating agency comments, the agency's preferred alternative should be Semi-Primitive Non-Motorized Recreation Activities (MA: 3A). Both the summer and winter ROS in the agency's preferred alternative should be consistent with this existing characteristic and be SPNM. The Timber Suitability should be similar to Alternative D, modified as requested above, and with absolutely no timber suitability on slopes greater than 40%. There are less than 18 acres of suitable timber within this parcel in Alternative D. However, Alternative B identifies roughly 3,200 acres of suitable timber. The parcel is 10,400 acres total. The mean slope of the suitable timber in Alternative B within this Hayden Mountain Special Interest Area parcel appears to be 59%, using ArcGIS analysis tools. It appears that less than 300 acres out of the 3,200 acres of identified suitable timber in Alternative B are on slopes less than 40%. **The agency's preferred alternative B shows suitable timber in and adjacent to fen and wetland complexes which is unacceptable for protecting these critical resources and the CNHP Potential Conservation Area in the northeastern portion of the Hayden parcel and valley floor. There are no existing roads above where the so-called suitable timber is mapped, so to harvest, roads would have to be cut in. This area is incompatible with harvesting timber on slopes from 40-105%. The Ironton fen and wetland complex at the toe of these slopes provide important ecosystem services and is sensitive to hydrological disturbances and sedimentation. To preserve the non-motorized uses, scenic integrity, and special characteristics of this parcel and Ironton area, **the agency's preferred alternative should not include any Timber Suitability within this parcel. It is a fatal flaw of the DRLMP to manage the lands within the Hayden parcel as "General Forest," which is currently the management category provided in Alternative B instead of semi-primitive non-motorized.****

Below is a screenshot showing the geospatial relationships of CHNP and MSI fens, CNHP Potential Conservation Areas having high bio-diversity and special ecosystems, and the Timber Suitability identified in Alternative B. This parcel should be managed to retain roadless and primitive to semi-primitive characteristics, special habitats and ecosystems, and non-motorized public access routes.

While Spirit Gulch does have a double-track leading up to a private interest, it is our understanding that this route is currently unused and revegetating. The Mears trail and County Road 20W at the west edge of Long Park and Crystal Reservoir allow for mechanized use, but not motorized, which is controlled by a locked gate near the Crystal River dam and Highway 550. It appears that there are several existing non-motorized trails missing from the USFS NSF trails GIS file downloaded from the USFS national geospatial data clearinghouse the week of July 11, 2021, and also missing from the USFS trails and road MVUM GIS layers. **Please compare the County Road and public access route documents^{33,34,35} to your trails inventory within this parcel and the Abram parcel.** These maps were products resulting from several years of meetings of the interagency collaborative Public Access Group, which sought to identify historic public access routes in Ouray County, regardless of jurisdiction. USFS, along with the Ouray Trails Group and Ouray County Historical Society, participated in the Public Access Group. These non-USFS system public access routes are unmaintained and lightly used.

³³ Ouray County IT Department. (2009). *Ouray Draft Road Map 2009 - transportation map ONLY, NOT up to date w/current Official County Road Map*. [Map]. Bockes, Jeff. Retrieved July 12, 2021, from <https://ouraycountyco.gov/DocumentCenter/View/152/DRAFT-2009-Road-Map-transportation-only-not-Official-road-map?bidId=> ; PDF. (Note: This is A draft (2009) 48" x 36" map showing County Roads and Other roads (private, Forest Service, etc.), useful to navigate in Ouray County. See 'Official County Road Map for the current County- maintained routes.)

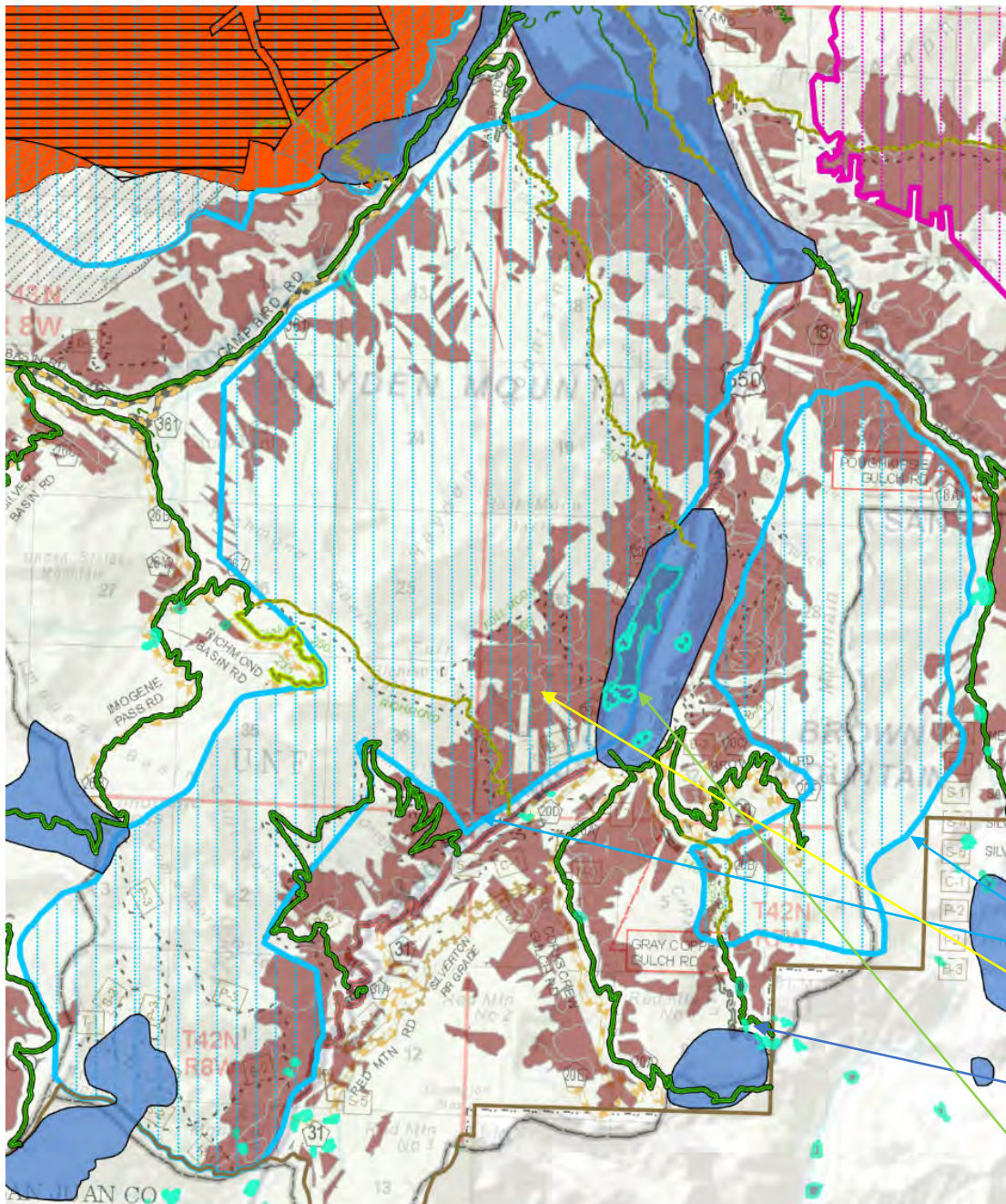
³⁴ Ouray County. (2014). *Official Ouray County Road Map, July, 2014 - showing Public Routes ONLY, not a complete transportation map*. [Map]. Ouray County Board of County Commissioners and Bockes, Jeff. Retrieved July 12, 2021, from <https://ouraycountyco.gov/DocumentCenter/View/2476/2014-014-Exhibit-A---Ouray-County-Road-Map?bidId=> ; PDF. (Note: Official County Road Map, showing County maintained routes and other Public Routes in the county. NOT a complete transportation map, - private routes, etc. not shown. (Resolution 2014-014, Exhibit A).)

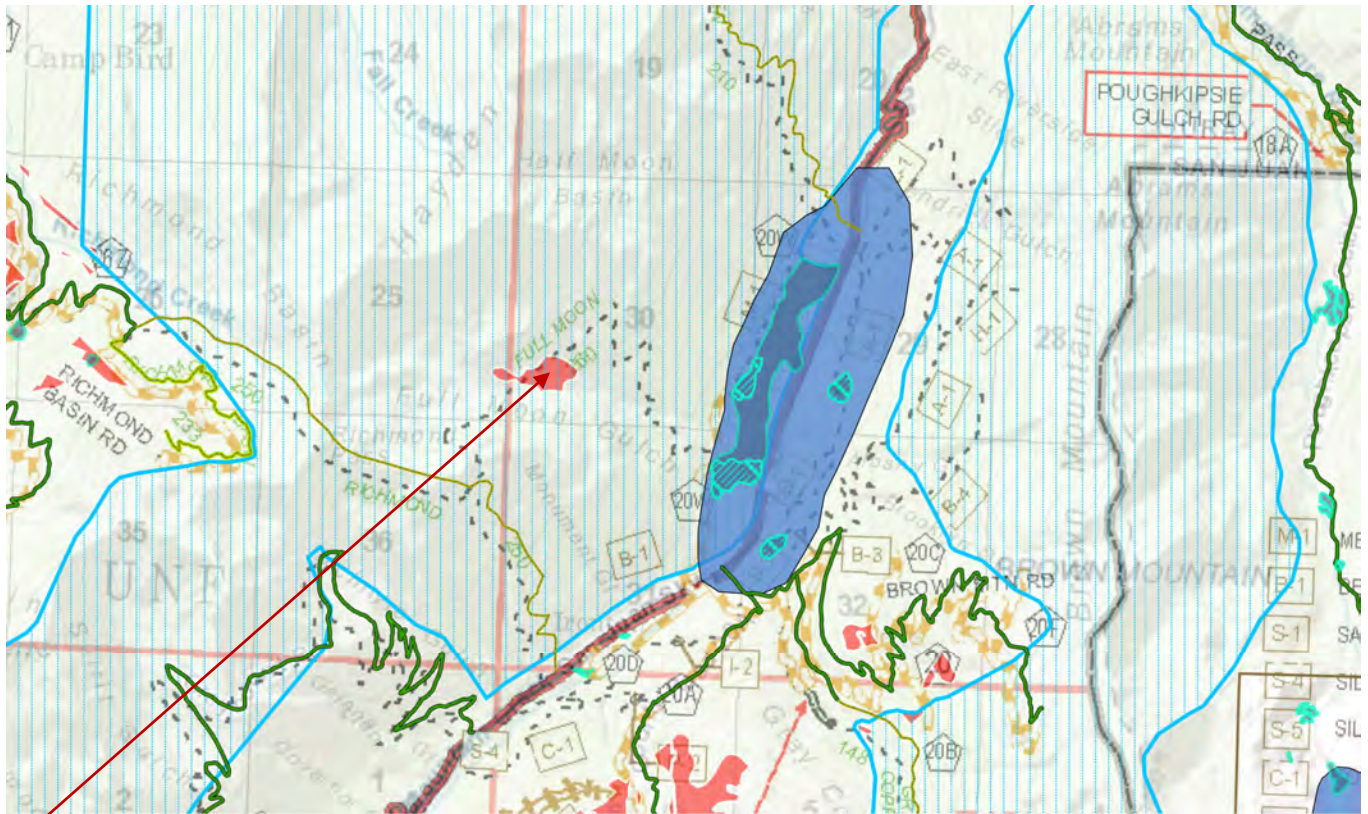
³⁵ Ouray County. (2014). *Ouray County Historic Route Index*. [Index]. Ouray County Board of County Commissioners and Bockes, Jeff. Retrieved July 12, 2021, from <https://ouraycountyco.gov/DocumentCenter/View/2477/2014-014-Exhibit-B---Ouray-County-Historic-Route-Index?bidId=> ; PDF. (Note: Chart showing historic and current mapping and other documents which support Public Routes shown on the Official Ouray County Road Map (Resolution 2014-014, Exhibit B).)

This figure is a screenshot showing the Abram parcel on the east (right) and the Hayden Mountain Special Interest Area parcel on the west (left). The agency's preferred Alternative B Timber Suitability is visible in brown. The timber identified is mostly greater than 40% slopes as discussed above and would compromise

critical fen and wetland complexes. These complexes are seeing an increased presence of moose. In blue are CNHP "Potential Conservation Areas," which are described as having special and sensitive biodiversity characteristics that should be conserved. The basemap is the Ouray Draft Road Map 2009 - a transportation map showing public access routes.

- *Abram parcel
- *Hayden parcel
- *DRLMP Alternative B Timber Suitability (brown)
- *CNHP PCAs (dark blue)
- *CNHP and MSI fens





*Alternative B Suitable Timber within the Hayden and Abram parcels consists of one 17.8-acre polygon. Compare to the roughly 3,200 acres of Alternative D Suitable Timber within just the Hayden parcel above. Despite GMUG's contention that a tiny percentage of suitable timber occurs on steep slopes, the agency's preferred alternative is predominantly steep-slope timber within the areas described in this comment letter.

Showing a 1:24,000 scale close-up of the Abram and Hayden parcels. Red is the DRLMP Alternative D Timber Suitability. There is only one 17.8-acre polygon within these parcels combined. This highlights how different Alternative D and B are for Timber Suitability. The DRLMP needs to re-think Timber Suitability for its preferred alternative. This close-up also shows Full Moon and other trails not within the NSF Trails, Trails MVUM, and Roads MVUM GIS data layers downloaded from the USFS national geospatial clearinghouse (<https://data.fs.usda.gov/geodata/edw/datasets.php>) around July 11, 2021.

3. **Existing designated Wilderness is downgraded from primitive to semi-primitive ROS in the current DRLMP agency's preferred alternative B.**

- A. The agency's preferred alternative B does not place existing designated Wilderness in the Primitive ROS. Alternative D does have existing Wilderness, the Baldy Colorado Roadless Area/proposed Baldy Addition to the Uncompahgre Wilderness, and the proposed Bear Creek Addition to the Uncompahgre Wilderness as Primitive ROS. **The Alternative D ROS should be incorporated into the agency's preferred alternative for existing Wilderness.** Wilderness areas are our most primitive areas and should remain primitive.
- B. The agency's preferred alternative B also does not keep proposed CORE Act/San Juan Wilderness Act Addition parcels known as Whitehouse Mountain East and Whitehouse Mountain West as Primitive ROS. **The Alternative D ROS should be incorporated into the proposed CORE Act/San**

Juan Wilderness Act Addition parcels – Whitehouse Mountain East and Whitehouse Mountain West.

- C. As part of the same downward pattern, the agency's preferred alternative seeks to move Hayden and Abram areas into the General Forest MA instead of continuing to manage as semi-primitive non-motorized, which we disagree with and discussed above.

Overall, the Alternative D ROS and Scenic Integrity, with modifications and corrections, should be incorporated into the agency's preferred alternative within the Ouray Ranger District.

Our comments in this letter and the multi-county collaborative letters jointly submitted in July 2021 and November 2021 reflect our recommendation for the GMUG to refine Alternative D into a revised agency preferred alternative. We will continue to work with the GMUG collaboratively and productively throughout the rest of the planning process. Please do not hesitate to contact us with any questions about our comments.

Respectfully submitted,



Ben Tisdel, Chair



Lynn M. Padgett, Vice-Chair



Jake Niece, Member

Attachments:

1. Appendix A: Ouray County comment letter on scoping issues for the Blue Lakes Trail and affected portion of Sneffels Wilderness dated October 19, 2021.
2. Appendix B: Recent Ouray County Traffic Counts
3. Appendix C: Ouray County letter to GMUG Ouray Ranger District regarding allowing USFS lands to participate in a Time Critical Removal Action in Governor Basin dated November 23, 2021.
4. Appendix D: Ouray County DRLMP public comment deadline extension request letter and documentation dated October 26, 2021.
5. Appendix E: *Brief Synopsis of Available Science on Buffer Effectiveness for Conservation of Mountain Fens, USFS Rocky Mountain Region (R2)* dated February 25, 2020. Author: USDA USFS Rocky Mountain Research Station Research Ecologist Kathleen Dwire.
6. Appendix F: Ouray County "Fatal Flaw" Cooperating Agency comments on the May 2021 DRLMP dated July 16, 2021.

cc. John Whitney, Western Slope Regional Director, U.S. Senator Michael F. Bennet; Helen Katich, Southwest Regional Representative, U.S. Senator John Hickenlooper

- 1. Appendix A: Ouray County comment letter on scoping issues for the Blue Lakes Trail and affected portion of Sneffels Wilderness dated October 19, 2021.**



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October 19, 2021

Ouray Ranger District, Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG)
Julie Jackson
Recreation Staff Officer, Ouray Ranger District
2505 S Townsend Ave
Montrose, CO 81401
Phone: 970-240-5429
Via email: julie.jackson@usda.gov

RE: Comments on the Blue Lakes Visitor Study Area survey

Dear Ms. Jackson,

Thank you for the opportunity to provide information and feedback to the U.S. Forest Service (USFS) regarding the Blue Lakes visitor study area through a survey via an ArcGIS Story Map website. On October 13, 2021, there were almost 40 comments pinned to the Blue Lakes Visitor Study ArcGIS Story Map.¹ We understand from the USFS GMUG Ouray Ranger District text narrative provided, that the Ouray Ranger District is gathering information and feedback on the Blue Lakes study area to help the Ouray Ranger District and GMUG officials determine a "Purpose and Need" and a "Proposed Action" for future actions in the Blue Lakes Area. According to the story map, the USFS will conduct a public "Scoping" (issue identification process) after a Proposed Action (PA) has been developed followed by an Environmental Impact Study (EIS).

We understand that information helpful to the USFS includes:

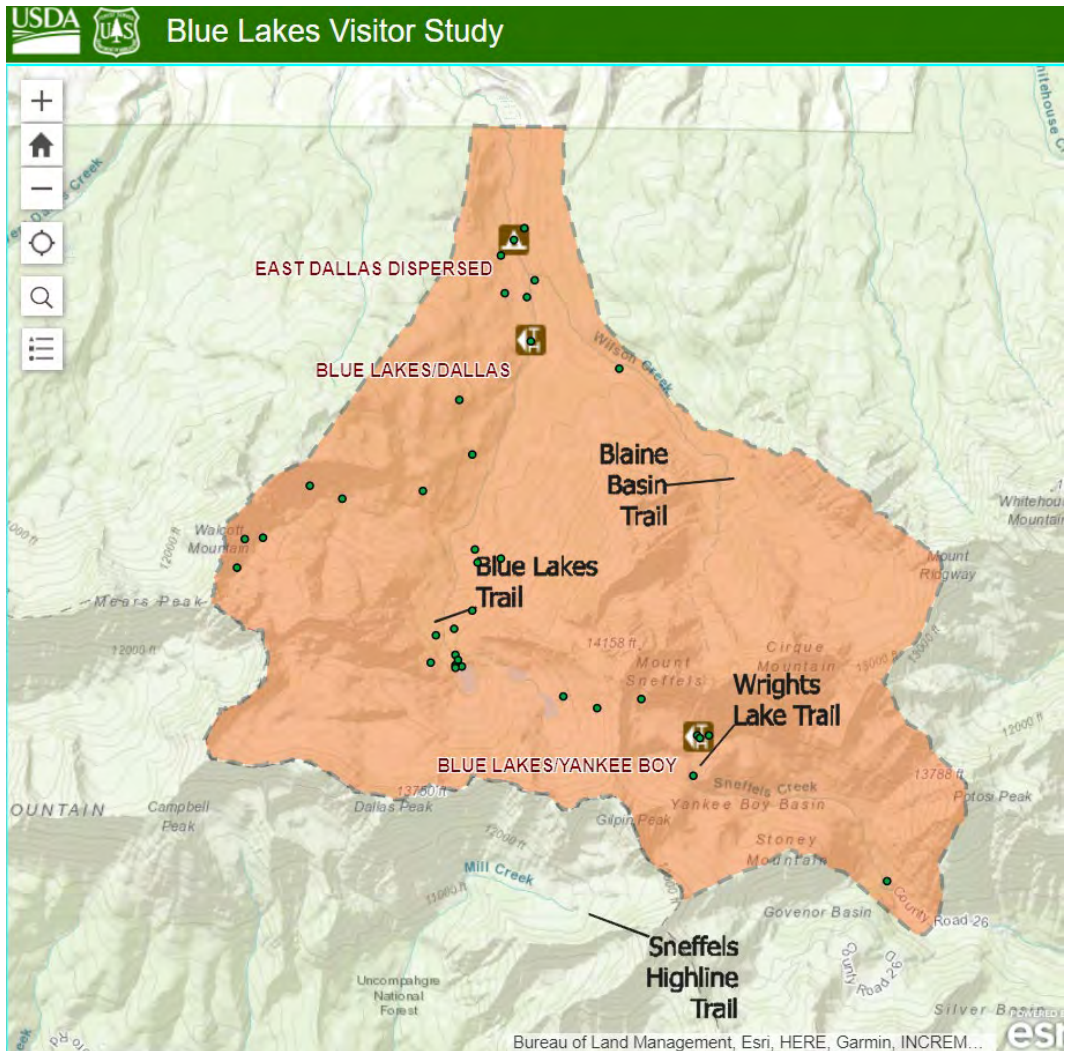
- *"What and where are you seeing issues in the area?"*
- *Are there specific management recommendations you would like to see implemented to address those issues? If yes, what would those be?*
- *The Blue Lakes are within the Mount Sneffels Wilderness. What is your definition of solitude when recreating within a wilderness area?*
- *What would be an acceptable number of people you would like to encounter when in the area?*
- *Is there resource information you are aware of that could prove useful to consider during planning (i.e., presence of species that could affect management decisions, cultural resource information, etc.)²*

The Ouray County Board of County Commissioners is choosing to provide information and feedback through this letter because our comments are related to the Blue Lakes Study Area (map below) as a whole and not at a single pin location.

We wonder if the 700 to 800 views of the Blue Lakes Study Area Story Map might have produced a greater number of comments if the GMUG had provided links to the relevant GMUG Mount Sneffels Wilderness and Blue Lakes #201 trail web pages, along with a narrative explaining existing uses and restrictions.

¹ <https://usfs.maps.arcgis.com/apps/MapJournal/index.html?appid=872dae462d8a47058078b784ce0df60a>; accessed October 13, 2021.

² <https://usfs.maps.arcgis.com/apps/MapJournal/index.html?appid=872dae462d8a47058078b784ce0df60a>; accessed October 13, 2021.



USFS GMUG Blue Lakes Visitor Study Area Map. Green pins are geo-located comments submitted via the web app, accessed on October 13, 2021.³

The number of day-use and camping visitors appears to have increased dramatically within the last 5 years. Conflicts and recreational resource damage is dramatic and distressing to the BOCC and local stakeholders. It has been publically discussed in various forums within Ouray County for several years, especially in 2020 and 2021. We think the September 2020 ArcGIS Story Map produced jointly by Abe Proffitt, USFS Ouray Ranger District and Western Colorado University⁴ provides a summary of the conditions and degradation being caused by recreational overuse of the Blue Lakes area, and should have been linked to the survey Story Map.

The Blue Lakes Study Area issues that must be addressed and resolved include:

- Recreational overuse and lack of “Leave No Trace” etiquette being adhered to by visitors have caused ecosystem degradation of the fragile alpine tundra, riparian, and lacustrine ecosystems;
- Unsustainable trail widening, braiding, and creation of social “spur” trails is creating erosion and harm of tundra, meadows, and water bodies providing native cutthroat trout habitat;
- Human sanitation issues and inappropriate human waste (and used toilet paper) accumulation from hundreds of daily visitors mars the environment and scenic beauty of the Sneffels Wilderness;

³ <https://usfs.maps.arcgis.com/apps/MapJournal/index.html?appid=872dae462d8a47058078b784ce0df60a>; accessed October 13, 2021.

⁴ <https://storymaps.arcgis.com/stories/16e526fc458f4c2aa989454c00141cde>; accessed October 13, 2021.

- Loss of wild or wilderness characteristics, especially solitude and pristine plant and wildlife habitat is a significant issue. There are dozen(s) of tents reported at the lakes, especially Lower Blue Lake, and hikers encountering literally hundreds of other campers on the trail in a single day. Current GMUG Wilderness restrictions limit group sizes to 15 people. This should be reconsidered, so that group sizes and the maximum number of humanity to be encountered in a single day or night provides a wilderness experience;
- Unsafe traffic volumes and inadequate vehicle parking (100 or more on a busy day) leading to overflow vehicles getting parked on County Road 361 and switchbacks, causing further choking and safety on this high-clearance, 4WD road;
- Blue Lakes being described and advertised on dozens of regional, state, and national websites as one of the top attractions/things to do in Ouray-Telluride;
- Lack of clear and specific communication and/or enforcement of current Blue Lakes use restrictions on the GMUG Mount Sneffels web page⁵. This page should, but does not, hot link directly to the GMUG Mount Sneffels Wilderness-specific wilderness regulations rather than requiring astute and patient web site users to accidentally find the Mount Sneffels-specific wilderness regulations⁶. The GMUG Mount Sneffels web page which simply states that
 - “Camp sites in the Blue Lakes are limited in number” (unfortunately, no map or information on the actual number of campsites or what marks campsites is provided);
 - “Campfires are prohibited in the Blue Lakes area”;
 - “No camping within 100 feet of water and designated trails in the Blue Lakes area.”
- Failure of GMUG to mention or cross-link the current Blue Lakes use restrictions on the GMUG Blue Lakes #201 (trail specific) web page is a lost opportunity for user education and outreach.⁷ The use restrictions above, and the prohibition of camping at the Blue Lakes – Yankee Boy Trail Head need to be mentioned more clearly and comprehensively on both the Mount Sneffels and Blue Lakes #201 web pages. The Mount Sneffels general web page provides “at a glance” information on Norwood Ranger District trails with no relevant info on Blue Lakes #201, which is in the Ouray Ranger District.⁸ There is a lack of GMUG enforcement of these regulations.
- Volume of complaints and Search and Rescue calls requiring Ouray County Sheriff and Ouray County Search and Rescue response.

Ouray County stakeholders and citizens are extremely distressed and motivated to be proactive in protecting the Blue Lakes area and greater Yankee Boy Basin areas, with preventing resource damage from lack of sanitation as a key priority. In 2019, the Colorado Tourism Office named Blue Lakes a “hot spot” because of visitor volume (300+ hikers, dozens of campsites, and 100 vehicles daily) and worked with local and regional stakeholders to provide Leave No Trace trainings⁹. In 2017, several local Ouray County Jeep Companies and other Business Professionals banded together to assemble the Six Basins Project, a 501(3)(C) organization created to protect and preserve the landscape and heritage of the six basins located within the Yankee Boy and Imogene areas. Through funds voluntarily collected with the rental of a Jeep or other OHV, additional grants and donations, Six Basins projects are providing user education through signage, improved sanitation in the 2017 existing restroom sites and constructing new restroom sites. They also desire to provide funding of law enforcement on County Road 361¹⁰.

In 2019, the Ouray Silver Mines provided Six Basins Project, Inc. with a 99-year lease for a new restroom site located at the Torpedo Eclipse Boarding House location, near the intersection of County Roads 26 and 361, the gateway to Imogene and Yankee Boy Basins. The US Forest Service signed a maintenance agreement with Six Basins for the USFS to clean and service the restroom, valued at over \$100,000. This restroom mitigates sanitation issues by being accessible to motorized day users as they motor on the alpine road system. This level

⁵ <https://www.fs.usda.gov/recarea/gmug/recarea/%3Frecid%3D80858>; accessed October 13, 2021.

⁶ https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3807986.pdf; accessed October 13, 2021.

⁷ <https://www.fs.usda.gov/recarea/gmug/recarea/?recid=32558>; accessed October 13, 2021.

⁸ https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3807986.pdf; accessed October 13, 2021.

⁹ https://www.telluridenews.com/the_watch/news/article_b24fcc2a-aeaa-11e9-99ed-431c7919228e.html; accessed October 14, 2021.

¹⁰ <https://sixbasinsprojectinc.com/>; accessed October 13, 2021.

of fundraising and cooperation demonstrates the local commitment to preventing recreational resource damage and the importance of the Yankee Boy Basin and Blue Lakes Study Area.¹¹

In 2021, the Ridgway Ouray Community Council (ROCC) collaborated with the Ouray Ranger District and San Juan Mountains Association (SJMA) to allow volunteer citizens to provide Leave No Trace education and outreach at the Blue Lakes/Dallas Trail Head. The USFS did not allow volunteers to have an educational presence at the Yankee Boy Basin/Blue Lakes Trail Head, which is the access point for a significant number of hikers and campers. **The end of season report from the Public Lands Committee of ROCC summarized that at the County Road 7/Blue Lakes Trail Head, there were 35 volunteer shifts totaling 238 hours on 25 separate calendar dates between June 25 and September 11, 2021, staffed at the trailhead. The 36 volunteers contacted 638 backpackers, and 3,111 day hikers, and 508 dogs.** Their report comments note that hunter OHVs went around the gate and entered the area.

- A volunteer on July 2, 2021, commented, “Only 3 of the 72 people who we met at the trailhead said they were hiking the Blaine Basin trail. The rest were going up to Blue Lakes.”
- A volunteer on July 24, 2021, commented, “... 126 people counted at trail head from 7AM to 10AM. I counted 93 cars parked all over on the way out at noon. I hiked part of the Dallas 200 to Blaine Basin and only encountered about 10 people between 10 and Noon.”
- On July 31, 2021, a volunteer commented, “Everyone was happy to see us there and thanked us. A backpacker told us that there were about 20 tents in the lower basin last night, Friday. Yikes, that's a lot of cat holes!” The ROCC spreadsheet shows that only 4 backpackers were counted by volunteers on July 31, suggesting that the majority of the tents backpacked in from the Yankee Boy Basin side.

Going forward to scoping, identifying a Purpose and Need, and Proposed Action, the Ouray County Board of County Commissioners advises that **GMUG should identify a range of actions and alternatives that incorporate monitoring, evaluation, assessment, and adaptation to ensure the desired conditions at Blue Lakes are achieved.**

Desired conditions should allow for protecting and restoring wilderness characteristics by controlling visitor use levels and sanitation; protecting water resources and native fish habitat; protecting and restoring fragile alpine tundra, wildflower meadows; and riparian ecosystems; ensuring proper human waste and toilet paper disposal; ensuring Leave No Trace practices are adhered to; and facilitating public safety and sustainable parking off of county and forest roads.

We recommend consideration of strategies such as:

- Resting and repairing the damaged Blue Lakes trails and habitat. The damage from overuse and abuse may require little to no use to restore the land and reduce the undesirable human imprints. ROCC volunteers suggested closing the Blue Lakes for two to three years to heal. Consider limiting Blue Lakes users to travelling only on existing official trails may be necessary.
- Limiting the number of day users and campers to restore and preserve wilderness characteristics with day use and overnight quotas and implementing a fee permit system. For example, Sierra National Forest has a Wilderness permit system, for the stated purpose of “*A daily entry quota system is in effect for all wilderness areas to protect the natural resources and to preserve the quality of the wilderness. The land can only support a certain number of visitors. When excessive use occurs all at one time, the opportunity for solitude decreases, vegetation gets damaged, erosion is accelerated, and the risk of water pollution increases.*”¹² Sierra National Forest’s quota system preserves 40 percent of Wilderness Permits for walk-ins and 60 percent for advance reservations.
- Incorporate a Leave No Trace Ethics and Etiquette informational brochure and signature page for users to sign when picking up backcountry/wilderness permits, similar to Sequoia National Forest.¹³
- Some citizens have advocated for Day Use Only for Blue Lakes, but there is documented negative impacts from the hundreds of daily day users.

¹¹ <https://ouraycountyco.gov/DocumentCenter/View/11965/D-----Six-Basins-Project-Variance---Section-243A> ; and photo of constructed restroom at: <https://www.facebook.com/SixBasinsProjectInc/about/> ; accessed October 13, 2021.


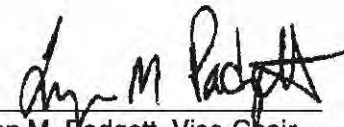
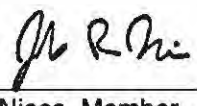
¹² https://www.fs.usda.gov/detail/sierra/passes-permits/?cid=fsbdev7_018115 ; accessed October 13, 2021.

¹³ https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsbdev3_058507.pdf ; accessed October 13, 2021.

- Ouray County and Ridgway value and protect dark skies, and any quota system should still allow for visitors to view and photograph the incredible night skies at Blue Lakes. This means banning overnight parking/vehicle camping at trail heads but allowing unoccupied vehicles to remain for permitted backpackers or photographers.
- Addressing sanitation with either a pit toilet convenient to hikers and designated camp sites and/or a requirement to pack out all human waste.
- Clearly designating a small number of dispersed campsites at one of the lakes while prohibiting camping at others.
- "Vehicle corrals" (marking parking lot limits with boulders or worm-fencing) at appropriate parking areas where traffic can safely turnaround and pass in opposite directions.
- Work to remove Blue Lakes as a must-see attraction from popular tourist web sites. For example, a Google search for "blue lakes hike top attraction things to do ouray telluride" turns up over 500,000 results. However, the first 30 results are mostly local or regional websites, including Telluride and Ouray visitor/chamber sites, trying to drive web traffic to themselves¹⁴. Explore a campaign to request omitting Blue Lakes Trail from these lists and sites. Explore public outreach, including on the GMUG web pages, All Trails, and Trip Advisor, to explain that due to overuse and abuse, any new protective policies that are in place and message that those seeking solitude and wilderness experiences should avoid Blue Lakes.
- Evaluate reducing the number of people and pack animals allowed in a group, currently 15 people and 25 pack animals. Public comment suggests that 15 people per group is too many. Perhaps 8 to 10 people (approximately 2 families) per group should be the max.
- Identify and strengthen partnerships and funding to sustainably fund education/outreach, an embedded alpine ranger, and enforcement of Leave No Trace and protective regulations.
- Rehabilitate and close widened areas and trail braids. Protect water quality and riparian areas by providing a primitive foot bridge over stream crossings. Evaluate where additional trail markers or signage can prevent hikers from inadvertently going off trail.

We appreciate the opportunity to provide comments on the Blue Lakes area, which is treasured by locals and visitors. We appreciate the GMUG Ouray Ranger District's willingness to address the overuse and abuse issues at Blue Lakes and **we are interested in Ouray County participating in the EIS process as a cooperating agency.**

Respectfully,

Ben Tisdel, Chair

Lynn M. Padgett, Vice-Chair

Jake Niece, Member

CC: John Whitney, Western Slope Regional Director, U.S. Senator Michael F. Bennet; John_Whitney@bennet.senate.gov
 Helen Katich, Regional Representative, Southwest, U.S. Senator Hickenlooper; helen_katich@hickenlooper.senate.gov

¹⁴ Examples of Blue Lakes Trail or hike being advertised/listed as a top attraction activity: <https://www.youtube.com/watch?v=Bb79EyXGKNw>; <https://www.outherecolorado.com/things-to-do/ouray/>; <https://www.visitheusa.com/destination/telluride>; <https://familydestinationsguide.com/best-things-to-do-in-telluride-co/>; https://www.triphobo.com/places/ouray-united-states/things-to-do?utm_source=5412&utm_medium=123&utm_campaign=dsa-things-to-do-usa-d-76543&qclid=Cj0KCQIwgp-LBhDQARisAO0a6aKU7eTaPJNSOW9l8Acl_2l8z-B4ktbGVsNAM2Dlzl9qRQmnM3ePz0aAg3_FALw_wcB; https://www.alltelluride.com/ouray_colorado/activities.php; <https://www.foxintheforest.net/things-to-do-in-ouray-colorado/>; <https://www.uncovercolorado.com/things-to-do-in-telluride-co/>; <https://weariwandered.com/fun-things-to-do-in-ouray-colorado-in-the-summer/>; <https://www.coloradohikesandhops.com/blog/million-dollar-highway-and-ouray-hikes>; <https://www.radfamilytravel.com/home/ouray-colorado-things-to-do-with-kids-teenagers>; <https://www.pinterest.com/pin/539446861612976074/>; <https://vacationidea.com/colorado/best-things-to-do-in-ouray.html>; <https://twooramingsouls.com/8-fun-things-to-do-in-ouray-co/>; http://www.hikingwalking.com/index.php/destinations/co/sw/ouray/blue_lakes/blue_lakes_detail; <https://www.telluride.com/play/activities/blue-lakes/>; <http://www.rockymountainhikingtrails.com/blue-lakes.htm>; https://www.tripadvisor.com/Attraction_Review-g33667-d102683-Reviews-Blue_Lakes_Trail-Telluride_Colorado.html; accessed October 14, 2021.
<https://www.alltrails.com/trail/us/colorado/lower-middle-and-upper-blue-lakes>
<https://www.alltrails.com/trail/us/colorado/blue-lakes-pass-via-yankee-boy-basin--2>

2. Appendix B: Recent Ouray County Traffic Counts

- 3. Appendix C: Ouray County letter to GMUG Ouray Ranger District regarding allowing USFS lands to participate in a Time Critical Removal Action in Governor Basin dated November 23, 2021.**



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November 23, 2021

Chad Stewart, USDA USFS GMUG Forest Supervisor
2250 South Main St
Delta, CO 81416

Dana Gardunio, District Ranger, GMUG
2505 S. Townsend Ave.
Montrose, CO 81401

Transmitted Via email: chadstewart@fs.fed.us; dana.gardunio@usda.gov

RE: Governor Basin Time Critical Removal Action

Dear Chad and Dana,

In October and during a few more recent meetings, the Ouray County Board of County Commissioners (BOCC), received updates from Ouray Silver Mines, Inc. (OSMI) and Uncompahgre Watershed Partnership (UWP) on the proposed **Governor Basin Time Critical Removal Action project** within the historic Sneffels Mining District of Ouray County. This project would reclaim abandoned mine lands and acidic waste dumps and tailings related to the Terrible and Virginus Mines which are mobilizing arsenic, cadmium, lead, and zinc into Governor Creek, a tributary of Sneffels Creek and Uncompahgre River¹. The contaminants have been measured in leachate and waste rock or tailings at levels that cause water quality impairment and negative impacts to human health or ecological receptors.² This collaborative project will restore alpine, riparian and aquatic habitat, and improve water quality in Governor, Sneffels and Canyon creeks. **The project has the full support of the Ouray County Board of County Commissioners.** On October 19, 2021 the BOCC adopted Resolution 2021-037 in support of this project (Attachment A). We look forward to the continued collaboration of local stakeholders, including OSMI, Trout Unlimited (TU), Uncompahgre Watershed Partnership (UWP), U.S. Environmental Protection Agency (EPA), the U.S. Forest Service (USFS) Grand Mesa, Uncompahgre, and Gunnison National Forests (GMUG) and Ouray Ranger District, to complete this worthwhile project. We understand the USFS is currently finalizing the work plan for the project. If the county can provide any assistance, please let us know. We look forward to additional updates on construction progress in 2022.

¹ Uncompahgre Watershed Partnership, August 2018, "Assessment Report: Governor Basin: Terrible, Virginus, and Humboldt Mine Sites Near Ouray, Colorado."

² Uncompahgre Watershed Partnership, August 2018, "Assessment Report: Governor Basin: Terrible, Virginus, and Humboldt Mine Sites Near Ouray, Colorado." Pages 15-16, 28-31, and 34.

We are also writing to encourage the GMUG and Ouray Ranger District to allow or delegate the proposed Tasks 4 and 5 or equivalent remediation/removal work on USFS land to the EPA so it can be performed contemporaneously with the other Tasks by TU as part of a Time Critical Removal Action co-funded by the Natural Resources Damage (NRD) Fund. It is important to include the work on the 1.51 acres of USFS Lands, which includes contaminated waste rock and tailings, at the same time as the adjacent OSMI lands during summer 2022. It will be cost-efficient to perform all of the Terrible and Virginius removal work in one effort and it also will achieve necessary improvements in water quality and watershed health as quickly as possible. The total footprint of the proposed remedial/removal action is estimated at 10.47 acres, with 8.96 acres on Ouray Silver Mines property and 1.51 acres on USFS lands. If the USFS lands are omitted from the proposed project, the gains in water quality and watershed health will be diminished (see maps below).

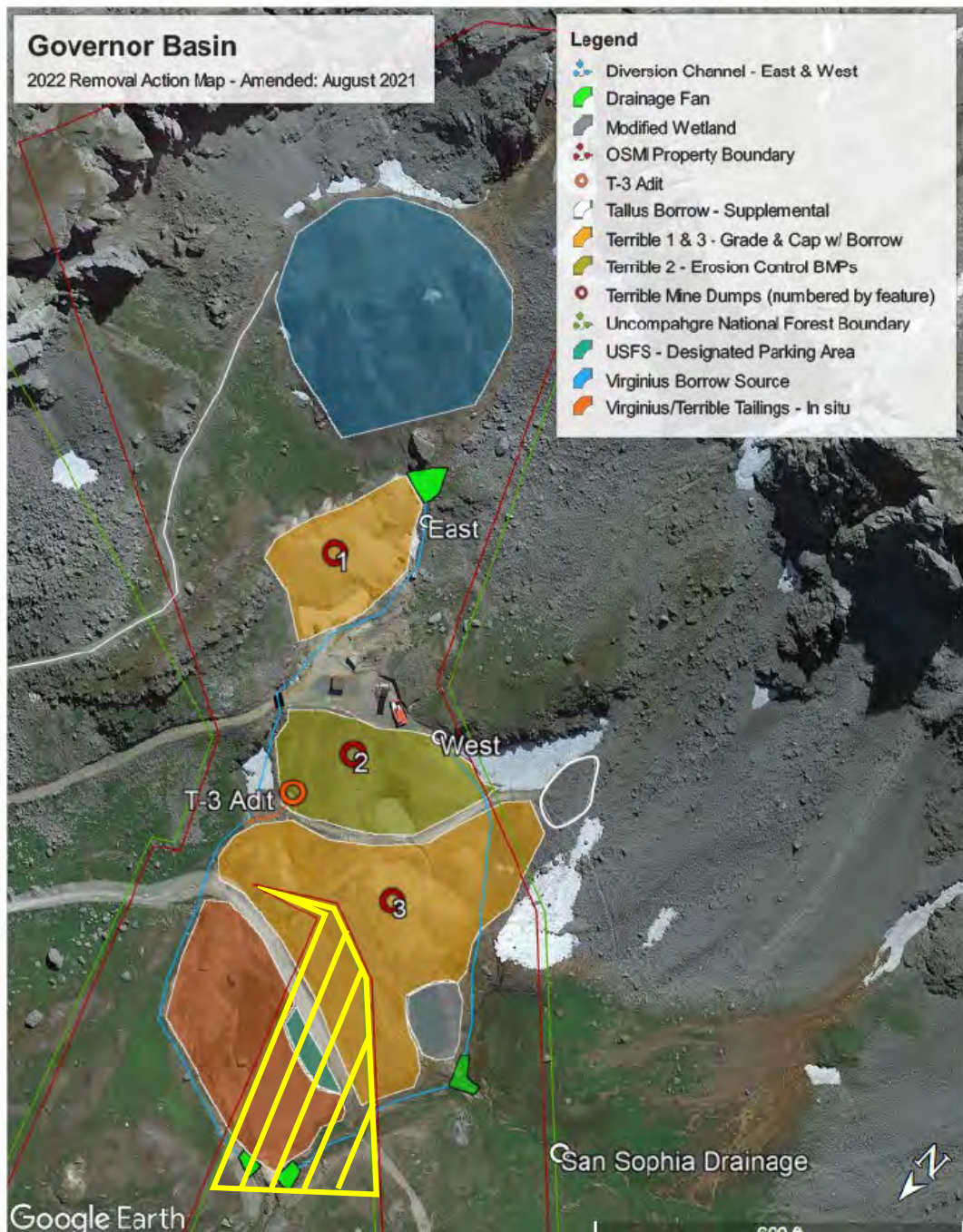
The Virginius and Terrible Mines sit at the head of Governor Basin (Site), the headwaters of Sneffels Creek, and later Canyon Creek, which is a tributary to the Uncompahgre River. The project area is situated 8 miles northwest of the City of Ouray, in Ouray County, Colorado. The project has a draft work plan and TU is wrapping up an RFP process seeking proposals from qualified contractors to perform the reclamation work during the short alpine summer window typical for elevations above 12,000 feet, in 2022.

This project is characterized as a cap and cover, focused on three waste dumps and redirecting flows from the draining adit at the Terrible Mine, with the borrow source originating from the Virginius Mine. In addition to the cap and cover, drainage controls and a modified wetland will address water on-site, and a small portion of the Site will receive in-situ soil amendments and revegetation.

Sincerely,



Ben Tisdel, Chair
Ouray County Board of County Commissioners



2022 Removal Action Map from the TU September 2021 RFP³, showing the USFS Boundary. Modified to provide bright yellow hatching showing the USFS's 1.5 acres.

³ https://www.uncompahgrewatershed.org/wp-content/uploads/2021/10/TU_Governor-Basin-Removal-Action_RFP-Revised.pdf, Page 13.

Figure 4. Detailed map of the Virginius and Terrible Mine sites. The Virginius waste rock is outlined in blue. The Terrible #1 mine dump is outlined in white, #2 mine dump in yellow, and #3 mine dump in red. Mixed tailings from the Virginius and Terrible veins are outlined in orange. The polygon boundaries are approximate. Imagery courtesy of Google Earth.



R

Showing the proposed project area, mine dumps and tailings where runoff flows into Governor Creek downslope to the north. Source: UWP Assessment Report, Governor Basin.⁶

⁴ Uncompahgre Watershed Partnership, August 2018, "Assessment Report: Governor Basin: Terrible, Virginius, and Humboldt Mine Sites Near Ouray, Colorado." Page 19.

⁵ https://www.uncompahgrewatershed.org/wp-content/uploads/2021/10/TU_Governor-Basin-Removal-Action_RFP-Revised.pdf

RESOLUTION No. 2021-037

230465



Page 1 of 2

Michelle Nauer, Clerk & Recorder

Ouray County, CO

10-20-2021 11:26 AM Recording Fee \$0.00

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO APPROVING ENVIRONMENTAL USE RESTRICTIONS 1) PREVENTING FUTURE LAND DISTURBANCES, AND 2) PROVIDING FOR PUBLIC ACCESS TO THE GOVERNOR BASIN RESTORATION PROJECT ON LANDS OWNED BY OURAY SILVER MINES

WHEREAS, the Uncompahgre Watershed Partnership (UWP), with the support of Ouray Silver Mines, Incorporated (OSMI) and Trout Unlimited (TU), secured funding from the Colorado Natural Resource Damages (NRD) Program to complete a restoration project in Governor Basin, as outlined in "History and Rationale to Support Ouray County Resolution for Governor Basin Restoration Project" attached hereto as "Exhibit A"; and

WHEREAS, the NRD Program required recorded environmental use restrictions preventing future surface-based mining on the property and any other land disturbances that could interfere with the restoration project located on lands owned by OSMI; and

WHEREAS, the NRD Program required OSMI to provide for public access and use of all properties in the project area on lands owned by OSMI; and

WHEREAS, the Governor Basin Restoration Project, which includes waste from the Virginius and Terrible Mines, is located at 37.96923, -107.77513 in Governor Basin, approximately 10 miles southwest of Ouray, in Ouray County Colorado.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners finds the requirements of the NRD program appropriate and consistent with the goals of the Governor Basin Restoration Project. Therefore, the Board of County Commissioners of Ouray County hereby adopt the following:

- 1) Surface disturbance that could interfere with the Governor Basin Restoration Project on lands owned by Ouray Silver Mines Incorporated is prohibited.
- 2) Public access and use of all properties in the Governor Basin Restoration Project on lands owned by Ouray Silver Mines Incorporated shall be permitted.

Adopted this 19TH day of OCTOBER, 2021.

Voting for: COMMISSIONERS TISEL, PADGETT + NIECE
Voting against: NONE

Attest:

BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO

Ben Tisdell, Chair

Lynn M. Padgett, Vice-Chair

Jake Niece, Commissioner Member

Michelle Nauer, Clerk and Recorder
By: Hannah Hollenbeck, Deputy Clerk of the Board

"Exhibit A"

History and Rationale to Support Ouray County Resolution for Governor Basin Restoration Project

Prepared by Ashley Bembenek, Uncompahgre Watershed Partnership, on September 24, 2021.

In April 2018, the Colorado Department of Public Health and Environment provided a letter to Ouray County stakeholders. The letter listed projects completed in Ouray and San Miguel counties using Idarado Natural Resource Damages ("NRD") funds¹, identified the remaining balance of NRD funds, and encouraged Ouray County stakeholders to lead a public process to recommend projects to use the remaining NRD funds.

In the months that followed, Ouray County facilitated the public process to recommend projects to the NRD program. Two projects were identified through the public process. The Trust for Land Restoration will use NRD funds to acquire and conserve lands on and near the Silver Mountain Mine. The Uncompahgre Watershed Partnership, along with Ouray Silver Mines Incorporated ("OSMI") and Trout Unlimited ("TU"), will complete a restoration project to reduce environmental contamination attributed to the Revenue and Terrible mines in Governor Basin ("Project" or "Governor Basin Restoration Project").

In June 2019, the NRD trustees² adopted a resolution approving the use of Idarado NRD funds for the Project. The NRD trustees' resolution for the Project includes seven conditions that must be met to prior to the use of NRD funds. Ouray County, NRD staff, and local project partners have decided that a county resolution is the most efficient way to accomplish two of the conditions.

These conditions are 1) to prevent surface disturbance in the restored areas and 2) allow for public access and use on lands owned by OSMI. The attached resolution was drafted to satisfy the requirements of the NRD Trustees. The resolution was reviewed and is supported by UWP, OSMI, TU, and NRD staff. If Ouray County adopts the resolution, UWP will be granted the NRD funds for the Project. Project construction is planned for the summer of 2022.

Governor Basin is located roughly 10 miles southwest of Ouray in the headwaters of the Canyon Creek Watershed. Governor Basin is home to the Revenue and Terrible mines; both are historic abandoned mines. Waste rock and tailings from these mines create human-health and environmental risks in the basin and substantial water quality impacts that extend downstream. The Governor Basin Restoration Project will reduce these impacts by consolidating and treating mine waste and tailings, redirecting surface water flows to prevent contamination, and use designated parking areas and fences to prevent recreationists from contacting contaminated materials. The Project will treat approximately 10.5 acres.

¹ In 1983, the State of Colorado filed suit against Idarado Mining Company for natural resource damages under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). In 1993, the State and Idarado entered into a consent decree outlining the remedial action plan for the Idarado site. As part of the consent decree, the state received approximately \$1.1 million dollars for NRD restoration activities in Ouray and San Miguel counties.

² The State Attorney General and the Directors of the Departments of Public Health and Environment and Natural Resources serve as the NRD Trustees.

4. Appendix D: Ouray County DRLMP public comment deadline extension request letter and documentation dated October 26, 2021.



BEN TISDEL
LYNN M. PADGETT
JAKE NIECE

BOARD OF COUNTY COMMISSIONERS

P.O. Box C • Ouray, Colorado 81427 • 970-325-7320 • FAX: 970-325-0452

October 26, 2021

Attn: Chad Stewart, GMUG Forest Supervisor; Samantha Staley, Forest Planner; Jonathan Tucker, Asst. Forest Planner;
GMUG Forest Plan Revision Team

2250 South Main St

Delta, CO 81416

Via email to: chadstewart@fs.fed.us; samantha.j.staley@usda.gov; jonathan.tucker@usda.gov

Dear Supervisor Stewart,

On behalf of the Board of County Commissioners of Ouray County, thank you for the opportunity to provide comments regarding the GMUG Forest Plan Revision. The Board is respectfully requesting the public comment period on the Draft Land Use Plan and Draft Environmental Impact Statement (EIS) **be extended by 60 days to allow more time for the Cooperating Agencies and our public to review the documents and GIS files in the context of the revised assessments and the 2012 Planning Rule.**

Counties, as Cooperating Agencies, have a wide lens and must examine all portions of the plan, not just a few subsections or special interest topics. Ouray County is nearly 50 percent federal public lands and management of public lands has ramifications for our local economy, quality of life and county operations such as Road and Bridge, Search and Rescue, EMS, Justice and Public Safety, Environmental Health, and more.

You are aware that there is significant need and willingness to learn about the how Recreational Opportunity Spectrum (ROS) and Scenic Integrity Objectives change between alternatives. We are grateful that additional webinars are being scheduled in mid-late October, but they are occurring just a few weeks prior to the comment deadline. **If the goal is to identify potential errors or obtain quality comments from the gateway communities and forest users most familiar with the forest, more time is needed.**

The full draft EIS document and GIS files needed to understand the context and details of the Draft Plan and alternatives were not available to the Cooperating Agencies until well after the initial Draft Plan was released to the public, and not at all during the Cooperating Agency review period. The extra time requested will allow for the provision of helpful, informed and targeted input. We appreciate the helpful webinars and virtual open houses held since the release of the public documents, and story maps, but the bulk of this information was not available to the Cooperating Agencies or our public until 45 to 60 days into the 90-day public comment period.

It is unfortunate that Cooperating Agencies, were not afforded 60 days prior to August 13, 2021, to preview the Draft EIS or GIS files in companion with the Draft Plan since we do review all parts of the Draft Plan, Draft EIS, and supporting materials in depth. The GMUG plan revision is one of the first to use the 2012 Planning Rule, providing an additional need for Cooperating Agency and public education neither the Cooperating Agencies nor the public were allowed to obtain pertinent GIS files which aid our review. **The goal for all parties should be to have relevant and informed comments that will improve the plan and discover any errors, omissions, or unintended consequences.**

Thank you for your consideration of our request of a **60-day public and Cooperating Agency comment extension for 60 days after the original November 12, 2021 deadline.** The extension is necessary to provide you with informed and helpful comments on the topics and alternatives covered in the Draft Plan.

Respectfully,

Ben Tidel, Chair

Lynn M. Padgett, Vice-Chair

Jake Niece, Member

Lynn Padgett

From: Tucker, Jonathan -FS <jonathan.tucker@usda.gov>
Sent: Tuesday, August 10, 2021 8:34 AM
To: Lynn Padgett
Cc: Staley, Samantha -FS
Subject: RE: Upcoming webinars

Hi Lynn,

Thanks again for the call yesterday.

I can request the SIO files but it's going to be a while at least until we can get that. Our GIS expert is having some computer issues and is a bit backed up with several other requests we have.

As far as the open house for Ouray county, I can certainly run that idea by leadership and get their take. I think I can say for sure that I could probably attend and help out but I don't want to speak for others without asking first.

I appreciate the idea of a safe in person meeting.

- Tucker



Jonathan Tucker
Asst Forest Planner

Forest Service
Grand Mesa
Uncompaghre and
Gunnison National
Forests

p: 970-573-1876

Jonathan.Tucker@usda.gov

2250 South Main St

Delta, CO 81416

www.fs.fed.us



Caring for the land and
servicing people

From: Lynn Padgett <lpadgett@ouraycountyco.gov>
Sent: Tuesday, August 10, 2021 8:27 AM
To: Tucker, Jonathan -FS <jonathan.tucker@usda.gov>
Subject: RE: Upcoming webinars

Dear Jonathan,

Thanks for this clear email. Just a quick question on the cooperating agency BOX files – is there a chance the USFS could add the scenic integrity GIS files? Is it true that the only new map content is the Wilderness areas map, but all other maps and GIS are the same?

I can explore Ouray County hosting a mandatory mask in-person open house at our 4H event center. We could also limit the number of participants to the number of chairs set 6 feet apart for your powerpoint. Should I pursue this with our facilities manager and our BOCC? I think it would be so helpful to have an in-person opportunity.

Thanks,
Lynn



Lynn Padgett

Ouray County Commissioner, District 1
lpadgett@ouraycountyco.gov
cell-970.258.0836

From: Tucker, Jonathan -FS [<mailto:jonathan.tucker@usda.gov>]
Sent: Monday, August 9, 2021 4:46 PM
To: amber.swasey@mesacounty.us; bocc@gunnisoncounty.org; bocc@sanjuancountycolorado.us; bocc@sanmiguelcountyco.gov; btisdel@ouraycountyco.gov; Connie <chunt@ouraycountyco.gov>; cpagano@gunnisoncounty.org; dsupes@deltacounty.com; eksmith@gunnisoncounty.org; fjarman@garfield-county.com; fredjarman@garfield-county.com; hhollenbeck@ouraycountyco.gov; hilaryc@sanmiguelcountyco.gov; Jami Scroggins <administrator@hinsdalecountycolorado.us>; jhouck@gunnisoncounty.org; jmusser@montrosecounty.net; jniece@ouraycountyco.gov; Jon <jwaschbusch@montrosecounty.net>; Josh <Jost@gunnisoncounty.org>; kcaddy@montrosecounty.net; krish@sanmiguelcountyco.gov; kristineborchers@yahoo.com; lancew@sanmiguelcountyco.gov; Linda Frasier <linda.frasier@mesacounty.us>; lpadgett@ouraycountyco.gov; lynnp@sanmiguelcountyco.gov; mcadmin@mesacounty.us; mikeb@sanmiguelcountyco.gov; mlane@deltacounty.com; mspearman@saguachecounty-co.gov; rmason@gunnisoncounty.org; Robbie <rlevalley@deltacounty.com>; rrash@montrosecounty.net; scott.mcinnis@mesacounty.us; shansen@montrosecounty.net; starri@sanmiguelcountyco.gov; stephanie.reecy@mesacounty.us; tlovato@saguachecounty-co.gov; Wendy <wmaez@saguachecounty-co.gov>
Cc: Staley, Samantha -FS <samantha.j.staley@usda.gov>; Phillips, Kim- FS <Kimberlee.Phillips@usda.gov>; Randall-Parker, Tamera- FS <tamera.randall-parker@usda.gov>; Stewart, Chad -FS <chad.stewart@usda.gov>; Edwards, Anthony -FS <anthony.edwards@usda.gov>; Mccombs, Matthew -FS <matthew.mccombs@usda.gov>; Eno, Megan -FS <megan.eno@usda.gov>; Gardunio, Dana - FS <Dana.Gardunio@usda.gov>; Edwards, William -FS <william.edwards@usda.gov>; Broyles, Levi -FS <levi.broyles@usda.gov>; jlavorini@nationalforests.org; eolsen@nationalforests.org
Subject: Upcoming webinars

Hello,

The GMUG is excited to announce that it has finalized a publication date (August 13) of the long-awaited draft forest plan and draft environmental impact statement.

Documents posted at 7:10 am on 9/8/2021 (4th week of public comment period). No scenic integrity GIS or Interactive StoryMaps referenced as being part of the draft Plan Maps on Draft plan pg 180.

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Grand Mesa,
Uncompahgre and
Gunnison National
Forest

2250 South Main St
Delta, Colorado 81416
(970) 874-6600

Ranger Districts**Rocky Mountain Region****Contact Us****Draft Revised Forest Plan and DEIS**

Welcome to the newest addition to our planning website! [Click here to go back to our main forest planning page.](#)

On August 13, 2021, we published the Draft Forest Plan and Draft Environmental Impact. This began a 90-day comment period where you can voice your support and concerns with the plan and help inform the final product. Comments are due by November 12, 2021.

The GMUG National Forests with the National Forest Foundation will be hosting a series of virtual webinars and open houses to provide an orientation to the draft documents and to host community conversations.

Upcoming dates, links and past recordings of the events are located here.

Use the links below to navigate to the document or map you're interested in viewing.

GMUG Draft Land Management Plan**GMUG Plan Revision Draft EIS Volume I****GMUG Plan Revision Draft EIS Volume II**

Quick Guide to the Draft Plan

Forest Plan Revision Timber FAQs**Forest Plan Revision Timber WUI FAQs**

*Geographic Area maps provide a zoomed-in view of smaller, discrete areas on the forest: the Uncompahgre Plateau, the Grand Mesa, etc.

Management area maps and GIS data***Alternative A Forestwide******Alternative A Geographic Area******Alternative B Forestwide******Alternative B Geographic Area******Alternative C Forestwide******Alternative C Geographic Area******Alternative D Forestwide******Alternative D Geographic Area******Wilderness Management Area***

******Downloadable Management Area GIS data******

Scenic Integrity Objective (SIO) maps***Alternative A Forestwide******Alternative B Forestwide******Alternative C Forestwide******Alternative D Forestwide*****Summer Recreation Opportunity Spectrum maps and GIS data*****Alternative A Forestwide******Alternative A Geographic Area******Alternative B Forestwide******Alternative B Geographic Area******Alternative C Forestwide******Alternative C Geographic Area******Alternative D Forestwide******Alternative D Geographic Area*****Quick Links**

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Key Contacts

Please contact us:

sm.fs.gmugplanning@usda.gov

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*****Downloadable Summer and Winter ROS GIS data*****

Winter Recreation Opportunity Spectrum maps and GIS data

- Alternative A Forestwide***
- Alternative A Geographic Area***
- Alternative B Forestwide***
- Alternative B Geographic Area***
- Alternative C Forestwide***
- Alternative C Geographic Area***
- Alternative D Forestwide***
- Alternative D Geographic Area***

*****Downloadable Summer and Winter ROS GIS data*****

Timber Suitability maps and GIS data

- Alternative A Forestwide***
- Alternative A Geographic Area***
- Alternative B Forestwide***
- Alternative B Geographic Area***
- Alternative C Forestwide***
- Alternative C Geographic Area***
- Alternative D Forestwide***
- Alternative D Geographic Area***

*****Downloadable Timber Suitability GIS data*****

Interactive Storymaps (coming soon!)

Lynn Padgett

From: d1bocc@mtngeogeek.com
Sent: Wednesday, November 3, 2021 8:06 PM
To: 'Lynn Padgett'
Subject: FW: Story maps are live!

From: USDA Forest Service <forests@public.govdelivery.com>
Sent: Thursday, September 23, 2021 11:54 AM
To: d1bocc@mtngeogeek.com
Subject: Story maps are live!

Happy Autumn everyone,

We're excited to announce the availability of three interactive online story maps. Click [here](#) to view in detail the wild and scenic river process, the wilderness process and management area framework by alternative. You can switch back and forth on the tabs to compare the alternatives to one another. We hope you find these useful in your analysis and in submitting your comments. You can view the rest of our draft plan documents [here](#) and submit your comment [here](#).

Stay tuned for the recreation story map that will compare recreation settings across the Forests. We look forward to hearing from you and remember the deadline to submit comments is November 12th.

-The GMUG planning team

Update your subscriptions, modify your password or email address, or stop subscriptions at any time on your [Subscriber Preferences Page](#). You will need to use your email address to log in.

This service is provided to you at no charge by [US Forest Service](#).

This email was sent to d1bocc@mtngeogeek.com using GovDelivery Communications Cloud on behalf of: USDA Forest Service · 1400 Independence Ave., SW · Washington, DC 20250-0003 · 1-800-832-1355



Lynn Padgett

From: d1bocc@mtngeogeek.com
Sent: Wednesday, November 3, 2021 8:06 PM
To: 'Lynn Padgett'
Subject: FW: Recreation Story Map now live and Recreation Settings Public Meeting 10/19 5:30-7 pm

From: USDA Forest Service <forests@public.govdelivery.com>
Sent: Friday, October 8, 2021 8:02 AM
To: d1bocc@mtngeogeek.com
Subject: Recreation Story Map now live and Recreation Settings Public Meeting 10/19 5:30-7 pm

Hi again friends and neighbors of the GMUG National Forests,

It is with great excitement that we announce the availability of our final interactive storymap. Click [HERE](#) to view the recreation story map. This is a useful tool for comparing Summer and Winter recreation settings for each of the alternatives. It can also be used to see the differences from the 1983 plan direction and our current inventories. Lots of information to unpack here, but we hope this will help inform your site-specific comments on areas you support or areas where you'd like to see something different. You can influence the final alternative by submitting your comment [HERE](#). Don't forget to get it in by November 12th, 2021, the deadline for the 90-day comment period.

On Tuesday October 19 from 5:30 to 7:00 pm, the National Forest Foundation and the GMUG planning team will be hosting an additional engagement session geared specifically to Recreation Settings. This topic has generated a lot of interest and even some confusion. This will be an opportunity to seek clarity and ask questions regarding the Recreation Opportunity Spectrum before the comment period closes on November 12. You can attend the meeting by clicking [HERE](#) or at the link below.

We hope you're enjoying your National Forests this Autumn whether it's leaf peeping, hiking, hunting or whatever you like the most! Stay tuned for more potential opportunities to engage in the forest plan revision.

showing public materials provided as of November 1, 2021.

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(970) 874-6600[Ranger Districts](#)[Rocky Mountain Region](#)[Contact Us](#)Draft Revised Forest Plan and DEISWelcome to the newest addition to our planning website! [Click here to go back to our main forest planning page.](#)

On August 13, 2021, we published the Draft Forest Plan and Draft Environmental Impact. This began a 90-day comment period where you can voice your support and concerns with the plan and help inform the final product. Comments are due by November 12, 2021.

The GMUG National Forests with the National Forest Foundation will be hosting a series of virtual webinars and open houses to provide an orientation to the draft documents and to host community conversations.

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[GMUG Draft Land Management Plan](#)[GMUG Plan Revision Draft EIS Volume I](#)[GMUG Plan Revision Draft EIS Volume II](#)[Quick Guide to the Draft Plan](#)[Forest Plan Revision Recreation Opportunity Settings FAQs](#)[Forest Plan Revision Timber FAQs](#)[Forest Plan Revision Timber WUI FAQs](#)[\(New Addition\) Interactive Story Maps and GIS Data Downloads](#)

*Geographic Area maps provide a zoomed-in view of smaller, discrete areas on the forest: the Uncompahgre Plateau, the Grand Mesa, etc.

Management area maps and GIS data[Alternative A Forestwide](#)[Alternative A Geographic Area](#)[Alternative B Forestwide](#)[Alternative B Geographic Area](#)[Alternative C Forestwide](#)[Alternative C Geographic Area](#)[Alternative D Forestwide](#)[Alternative D Geographic Area](#)[Wilderness Management Area](#)***[Downloadable Management Area GIS data](#)******[Downloadable Management Area Overlays GIS data](#)******[Downloadable Continental Divide National Scenic Trail GIS data](#)***Scenic Integrity Objective (SIO) maps[Alternative A Forestwide](#)[Alternative B Forestwide](#)[Alternative C Forestwide](#)[Alternative D Forestwide](#)***[Downloadable Scenic Integrity Objective GIS data](#)***Summer Recreation Opportunity Spectrum maps and GIS data[Existing Inventory Forestwide](#)[Existing Inventory Geographic Area](#)[Alternative B Forestwide](#)[Alternative B Geographic Area](#)[Alternative C Forestwide](#)[Alternative C Geographic Area](#)**Quick Links**[Forest Plan Revision Home](#)
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Alternative D Forestwide

Alternative D Geographic Area

******Downloadable Summer and Winter ROS GIS data******

Interactive Recreation Storymap (coming soon!)

Winter Recreation Opportunity Spectrum maps and GIS data

Existing Inventory Forestwide

Existing Inventory Geographic Area

Alternative B Forestwide

Alternative B Geographic Area

Alternative C Forestwide

Alternative C Geographic Area

Alternative D Forestwide

Alternative D Geographic Area

******Downloadable Summer and Winter ROS GIS data******

Existing Winter Travel Management

Timber Suitability maps and GIS data

Alternative A Forestwide

Alternative A Geographic Area

Alternative B Forestwide

Alternative B Geographic Area

Alternative C Forestwide

Alternative C Geographic Area

Alternative D Forestwide

Alternative D Geographic Area

******Downloadable Timber Suitability GIS data******

5. Appendix E: *Brief Synopsis of Available Science on Buffer Effectiveness for Conservation of Mountain Fens, USFS Rocky Mountain Region (R2)* dated February 25, 2020. Author: USDA USFS Rocky Mountain Research Station Research Ecologist Kathleen Dwire.

Brief Synopsis of Available Science on Buffer Effectiveness for Conservation of Mountain Fens, USFS Rocky Mountain Region (R2)

Kate Dwire, Research Ecologist, USFS Rocky Mountain Research Station, Ft. Collins CO
February 25, 2020

Background

Designated, fixed width 'riparian' buffers along streams and around wetlands vary by USFS region and among forests within regions. For example, in the USFS Rocky Mountain Region (R2), designated buffers are set at 100'; in the USFS Northern Region (R1), designated buffers vary, depending on location and fish habitat (100', east of the continental divide; 300', west of the divide). Riparian buffer distance widths were designated to protect streams and lotic (flowing water) aquatic habitat; the same buffer width distances were then applied to lentic (still water) habitats, such as wetlands and lakes to include all 'riparian habitat'. Considerable scientific information is available on the effectiveness of riparian buffers in protecting streams and fish habitat (Wenger 1999; Mayer et al. 2005); however, few studies have examined the extent to which riparian buffers protect the various valued functions and characteristics of wetlands. Fens are groundwater-supported, peat-accumulating wetlands, with characteristics distinct from other wetland types. Fens occur in various geomorphic landscape settings (e.g. slope, basin), may have distinctive water chemistry (acidic (poor), basic (rich)) and are dominated by forest, shrub, or herbaceous vegetation components. Different fen types could respond differently to management treatments.

Valued Characteristics and Functions of Mountain Fens

Fens are irreplaceable ancient ecosystems, requiring thousands of years to develop; the fens on the GMUG NF are likely 8000-10,000 thousand years old (Chimner and Cooper 2002). Once degraded, restoration of fens can be challenging and expensive (Cooper et al. 1998).

Ecosystem services of functioning fens include contribution to local and regional biodiversity; provision of habitat for amphibians and rare plants; water storage; and carbon sequestration (functioning fens are sinks for atmospheric carbon). Evaluation of buffer effectiveness has usually focused on one or more selected ecosystem service or value (Glaves et al. 2013). While a fixed buffer width could provide effective protection of one value or function, it may not be adequate to protect others (Jones 2003).

The protection of the groundwater source(s) and the peat body itself are critical to maintain fen functions and valued characteristics, particularly habitat value, and water and carbon storage. Buffers must also be large enough to retain sediment and nutrient input from upland management activities.

Potential Threats of Forest Management Activities on Mountain Fens

Alteration of Hydrology:

Fens are sustained by groundwater discharge and are highly sensitive to changes in groundwater flow (Drexler et al, 2013). Interruptions and alterations in groundwater flow paths can lower the fen water table, leading to desiccation of the peat body, changes in habitat for rare plant species, and reductions in water and carbon storage. Alterations of groundwater sources can also influence groundwater chemistry (pH, ion/cation concentrations, metals), which is critical for maintenance of the most vulnerable and rare fens (rich and poor fens) and the habitats they provide for rare biota (Chadde et al. 1998; Heidel et al. 2017). Groundwater sources are challenging to characterize but must be taken into consideration during project planning in areas containing fens and other wetlands (Basin Hydrology

2017). The impact of forest harvest on groundwater sources as well as the effectiveness of buffers in protecting groundwater sources are largely unknown

Sediment and Nutrient Input:

Forest harvest activities frequently result in sediment and nutrient inputs to streams and wetlands (Welsch et al. 1995; Wenger 1999; Mayer et al. 2005), which can alter water and soil properties and influence vegetative composition. There is strong scientific support that fixed buffer widths mitigate these impacts, but the science is less conclusive regarding fen wetlands.

In NW Montana, Jones found that a 100' wetland buffer was not adequate to protect vulnerable fens (poor and rich fens) from nutrient enrichment, which then altered the fen vegetation and habitat conditions for rare fen plants of concern. On the Grand Mesa, GMUG Botanist Barry Johnston (retired) monitored four fens adjacent to the Skinned Horse timber sale from 2007 – 2011 (pre and post-harvest). He found that with a 100' buffer, annual variation in fen vegetation was within the expected natural range of variability. Three fens showed increases in sediment in 2011, which was attributed to a dust-on-snow event; nutrient levels were not measured (Johnston et al. 2011).

Sloping fens and basin fens adjacent to steep hillslopes naturally receive sediment inputs but pulses due to management activities in the surrounding uplands should be avoided as a best management practice (Welsch et al. 1995).

Impacts of Prescribed Burning and Wildland Fire:

In parts of the USA (Middleton et al. 2006; Austin and Newton 2019) and Europe (Glaves et al. 2013), prescribed fire is routinely used in peatlands to maintain certain vegetative characteristics, usually related to wildlife habitat. The effectiveness of buffer width in preventing impacts of upland prescribed fire treatments (sediment and nutrient input) on mountain fens is largely unknown. However, functioning fens with high water tables, saturated soils, and moist fuels do not burn readily. Mountain fens have developed in the context of upland fire regimes, and most have withstood numerous natural wildfires. Some have partially burned or received sediment pulses during natural events. However, for impacted fens, e.g. those with desiccated portions and/or exposed peat soils, wildfire can have long-term negative impacts (Sulwinski et al 2017).

Unknowns:

- Impacts of heavy logging equipment on subsurface hydrology and groundwater sources?
- Effectiveness of buffers in protecting groundwater sources from heavy logging equipment?
- Impacts of large-scale canopy removal on groundwater sources, surface and sub-surface hydrology?
- Impacts of different treatments on nutrient and sediment inputs to fens?
- Effectiveness of buffers in protecting fens (and fen vegetation) from sediment and nutrient pulses resulting from upland management treatments?
- Will different fen types respond differently to upland treatments?

Recommendations:

- Keep all heavy equipment away from fens and out of the 100' buffer to minimize soil compaction and impacts on subsurface chemistry and flow paths;
- Identify vulnerable and highly valued fens, including large fens, iron fens, calcareous fens, acid fens, fens that support rare biota. Prioritize fens in treatment areas and provide special consideration/ protection to large fens, unusual fens, and fens in 'pristine' condition.

- Monitor water levels and water quality in a selected group of high priority fens to assess impacts of management activities.
- Design projects and treatments to avoid impacting the function/ ecological services and biotic resources of fens.
- Ensure continued viability of fen habitats for species of conservation concern.

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6. Appendix F: Ouray County “Fatal Flaw” Cooperating Agency comments on the May 2021 DRLMP dated July 16, 2021.

This document is included so that it may be part of the public record. Our November 26, 2021 comments supercede our July 16, 2021 comments where there are conflicts.



BEN TISDEL

LYNN M. PADGETT

JAKE NIECE

BOARD OF COUNTY COMMISSIONERS

P.O. Box C • Ouray, Colorado 81427 • 970-325-7320 • FAX: 970-325-0452

July 16, 2021

Attn: Chad Stewart, GMUG Forest Supervisor; Tammy Randall Parker, Public Services Staff Officer; Samantha Staley, Forest Planner; Jonathan Tucker, Asst. Forest Planner; GMUG Forest Plan Revision Team
2250 South Main St
Delta, CO 81416

Via email to: chadstewart@fs.fed.us ; tamera.randall-parker@usda.gov ; samantha.j.staley@usda.gov ;
jonathan.tucker@usda.gov

RE: Ouray County Cooperating Agency "Fatal Flaw" Comments on the May 17, 2021 DRLMP Document

Dear Responsible Official(s) and Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forests Planning Team,

Thank you for the opportunity to preview the proposed Draft Revised Land Management Plan (DRLMP) provided to us in mid-May. On May 17, 2021, we received the DRLMP and the first two chapters of the Draft Environmental Impact Statement (DEIS) coincidental with the May 17 cooperating agency meeting. On June 7, 2021, draft GIS files for the draft Recreational Opportunity Spectrum (ROC), draft Timber Suitability, and draft Management Areas were made available to cooperating agencies to assist us in our review.

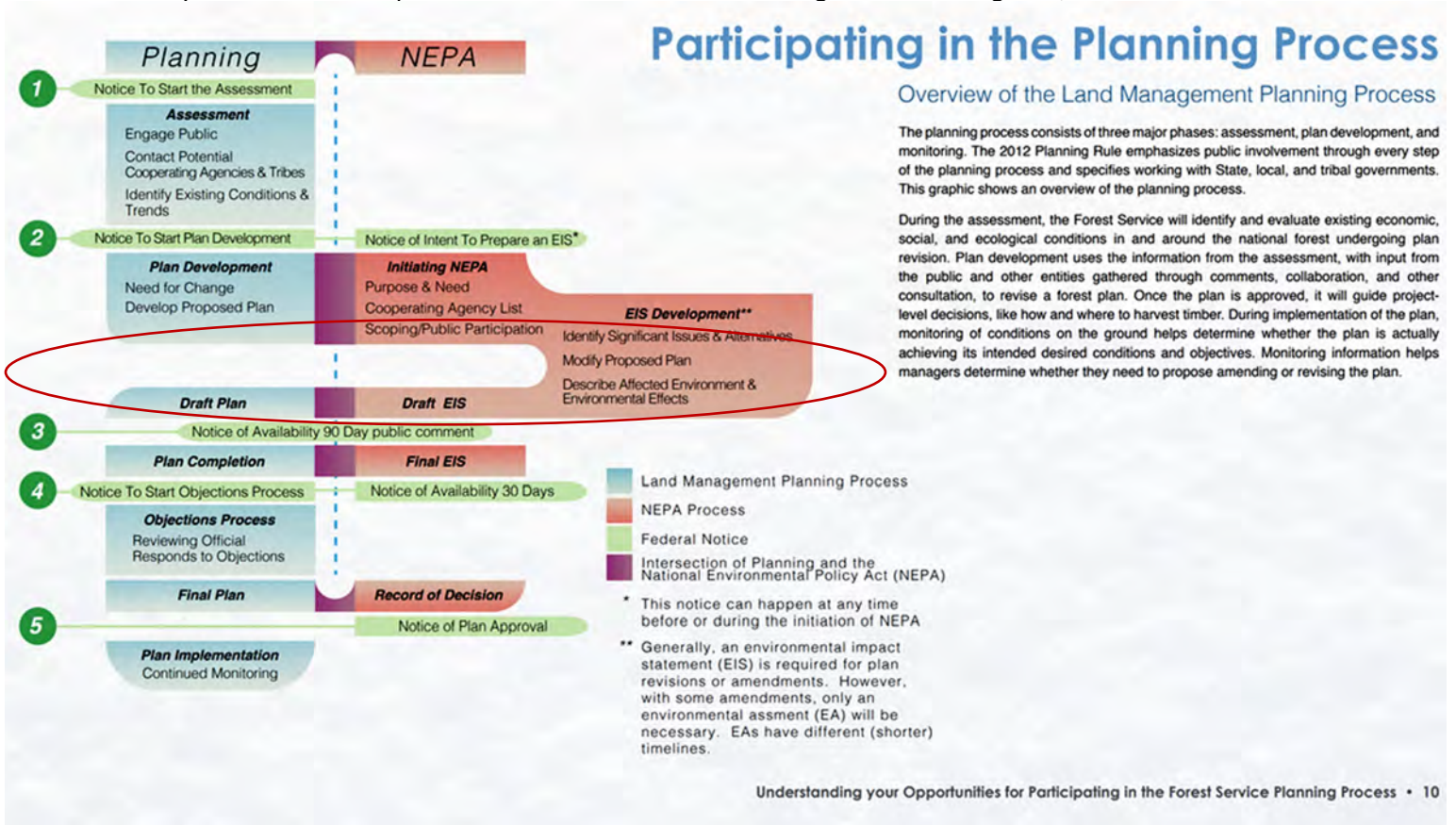
It is important to note that this DRLMP is developed under the requirements set forth in the 2012 Forest Planning Rule. In the U.S. Forest Service's own words, a "key facet of this new Planning Rule is that it emphasizes the Forest Service's responsibility to engage with the public and to work more closely with State, local, and Tribal Governments when national forest managers amend or revise their forest plans."¹

We understand the different responsibilities and authorities of our agencies in the forest plan revision process and that the U.S. Forest Service (USFS) has the final decision. The plan revision process presented by the USFS² shows that EIS Development occurs after developing the proposed plan and initiating NEPA. It also shows that the EIS Development is where the Significant Issues & Alternatives are developed, the proposed plan is modified, and the Affected Environment and Environmental Effects are analyzed. The availability of the Draft

¹ U.S. Department of Agriculture (USDA) U.S. Forest Service (USFS). (September 2016). *Trifold overview to A Guide for State, Local, and Tribal Governments* [Brochure]. Author. Retrieved July 12, 2021, from https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd530776.pdf; PDF Page 1.

² USDA USFS, Washington D.C. Office. (September 2016). *Understanding Your Opportunities for Participating in the Forest Service Planning Process A Guide for State, Local, and Tribal Governments* [Rep]. Federal Advisory Committee on Implementation of the 2012 Land Management Planning Rule. Retrieved July 12, 2021, from https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd520672.pdf; PDF Page 10.

Plan and Draft EIS are contemporaneous in the 2012 Planning Rule process diagram created by the Federal Advisory Committee on Implementation of the 2012 Land Management Planning Rule, circled below:



Source: *Understanding Your Opportunities for Participating in the Forest Service Planning Process A Guide for State, Local, and Tribal Governments* prepared by the Federal Advisory Committee on Implementation of the 2012 Land Management Planning Rule, September 2016.

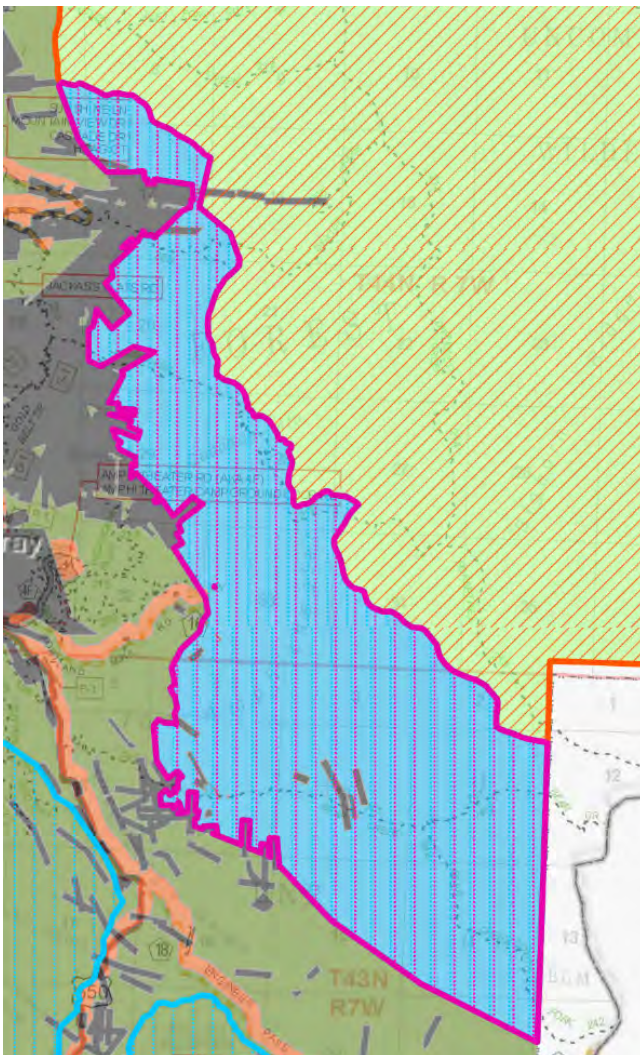
In a July 6, 2021 letter from the Ouray County Board of County Commissioners (BOCC) to the GMUG Forest Supervisor and Planning Team, we requested an extension of the cooperating agency review period so that the DRLMP could be considered contemporaneously alongside the EIS.³ We also hoped to have the full set of GIS files to facilitate our review, including scenic integrity objectives. As requested by Forest Supervisor Chad Stewart, we are attempting to identify "fatal flaws" or issues that would cause us to not support the plan at a very high level. Therefore, we did not dive into the specific management approaches for each resource. The exception is fens because fair treatment of these unique and critical ground-water dependent systems separately from surface-water dominated riverine riparian wetlands is missing from the DRLMP. The following

³ On July 6, 2021, Ouray County BOCC wrote to the GMUG Forest Supervisor, "In order to provide helpful, informed, and targeted input regarding the alternatives and content of the draft plan, it is essential that we understand how the draft Plan's different alternatives affect the forest, ecosystems, and have different socio-economic and environmental consequences. Therefore, we are respectfully requesting that the 60-day cooperating agency comment period be extended to 60-days from the date the USFS provides us with the draft EIS, not just the first two chapters. The amount of effort on behalf of the GMUG Planning Team to revise the GMUG Forest Plan under the 2012 Planning Rule is apparent and commendable. It is exciting to be close to the draft Plan and draft EIS milestone. We appreciate the GMUG's commitment to working closely with state and local cooperating agencies."

flaws or issues we have identified so far should not be considered comprehensive or exhaustive. When we have more time with the complete DLRMP and DEIS, maps, and all related GIS files, we may have new concerns.

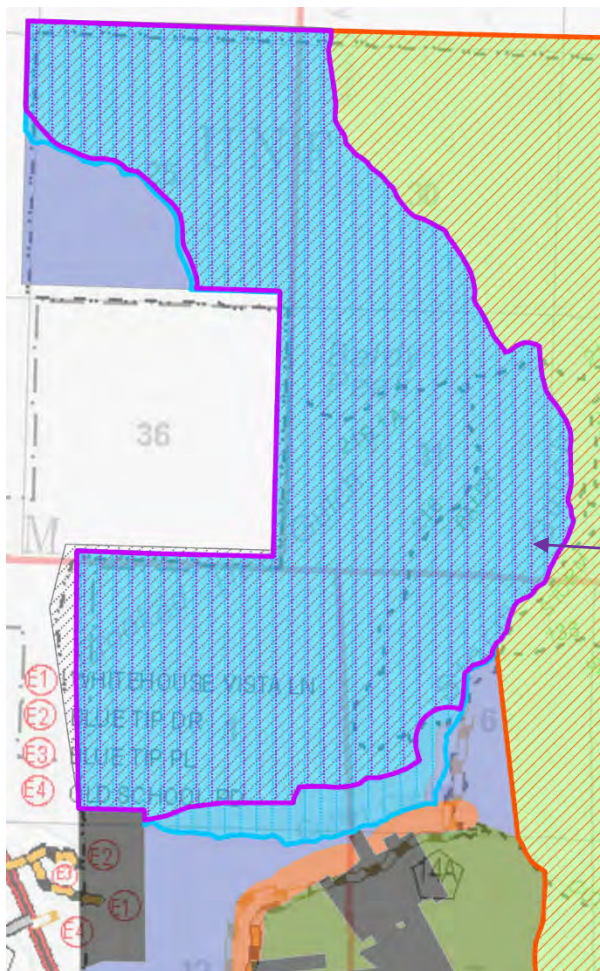
1. Areas to be Analyzed as Wilderness:

A. Unanimous BOCC support to include the "Bear Creek Addition to the Uncompahgre Wilderness" in the agency's preferred alternative as "Area to be Analyzed as Wilderness (MA 1.2)." The preferred alternative should incorporate two of the "Citizens' Proposal" proposed wilderness parcels as "Recommended Wilderness." In our July 6 letter, we indicated clear unanimous support from the Ouray County Board of County Commissioners (BOCC) for the Bear Creek Addition to the Uncompahgre Wilderness being incorporated into the agency's preferred alternative with a recommendation for designation of Wilderness. We subsequently provided Jonathan Tucker the GIS shapefile of this approximately 6,000-acre parcel, and it was determined that the lands within the proposed Bear Creek Addition parcel are considered in the DRLMP Alternative D. **In addition, for this parcel, the Summer and Winter Recreational Opportunity Spectrum (ROS) in the agency's preferred alternative should be the same as provided in Alternative D, Primitive. The Timber Suitability in the agency's preferred alternative should be the same as provided in Alternative D (no timber suitability identified).**



Left: Screen-shot of the proposed Bear Creek addition to the Uncompahgre Wilderness parcel (bright pink outline). It is very closely aligned to the Alternative D: Area to be Analyzed as Wilderness (MA 1.2) in bright blue. The base map is our County Road and Public Access Routes map.

B. Unanimous BOCC support to include the "Baldy Addition to the Uncompahgre Wilderness" in the agency's preferred alternative as "Area to be Analyzed as Wilderness/Colorado Roadless Area (MA 1.2/3.1)." Since July 6, the Ouray County BOCC has carefully examined the 2,400-acre parcel called "Baldy Addition" to the Uncompahgre Wilderness" contained in the Citizens' Proposal. We note that the "Baldy C&H" grazing allotment is mapped in both the existing designated Uncompahgre Wilderness while also extending into the 2,400-acre proposed Baldy Addition and therefore did not present a conflict. We identified that the extreme south/southeastern Citizens' Proposal polygon extends beyond the "Baldy" Colorado Roadless Area parcel. We have modified the boundary from the Citizens' Proposal (which you may have received from another source) to show the area we support being included in the final agency's preferred alternative as "Recommended Wilderness," matching the south/southeastern limit of the Baldy Roadless parcel. The lands within the proposed Baldy Addition to the Uncompahgre Wilderness are currently considered in the DRLMP Alternative D. **In addition, for this parcel, the Summer and Winter Recreational Opportunity Spectrum (ROS) in the agency's preferred alternative should be the same as provided in Alternative D, Primitive. The Timber Suitability in the agency's preferred alternative should be the same as provided in Alternative D (no timber suitability identified).**



Left: Screen-shot of the proposed Baldy addition to the Uncompahgre Wilderness parcel (bright purple outline). It is very closely aligned to the Alternative D: Area to be Analyzed as Wilderness/Colorado Roadless Area (MA 1.2/3.1) in bright blue; however, we would like the southeast portion of this parcel to be clipped to the existing Baldy-Colorado Roadless Area (diagonal gray hatching) as depicted in the bright purple outline. The basemap is the Ouray Draft Road Map 2009 - transportation map showing public access routes.

*Baldy Roadless Area with a purple outline showing the portion of the community proposal's "Baldy Addition" that Ouray County BOCC supports as "Area to be Analyzed as Wilderness/Colorado Roadless Area" (MA 1.2/3.1).

- C. Attached are the fact sheets regarding the conservation values and outstanding wilderness characteristics for both the Baldy Addition and the Bear Creek Addition. We will provide the shapefiles of the two wilderness parcels that we support being recommended as Wilderness.
- D. We are grateful that both Alternatives B and D include the lands within the Colorado Outdoor Recreation and Economy (CORE) Act and preceding San Juan Wilderness Act as Recommended Wilderness. Please ensure that the final agency's preferred alternative includes these CORE Act parcels as Recommended Wilderness.

2. **Lands within the Community Conservation Proposal (previously known as Citizens' Conservation Proposal) Abrams Mountain parcel:**

- A. The BOCC believes that the objectives of the Community Conservation Proposal for an Abrams Mountain Scenic Special Interest Area can be achieved through a combination of appropriate Management Area classification, winter/summer ROS classifications, and Timber Suitability. We have not been provided information on the scenic integrity to comment on that at this time, but preserving scenic resources is essential on this parcel. The lands within the Abrams Mountain parcel seem to be mismatched in the Alternative A existing Management Area (M.A.) classification vs. the existing ROS classifications. The existing ROS is semi-primitive non-motorized (SPNM), but the existing M.A. is provided in the GMUG's GIS as semi-primitive motorized. Alternatives B and D continue the mismatch to some degree. **Regardless, the agency's preferred alternative should be Semi-Primitive Non-Motorized Recreation Activities (MA: 3A). Both the summer and winter ROS in the agency's preferred alternative should be consistent with this existing characteristic and be SPNM. The Timber Suitability should be similar to Alternative D – no suitability above 40% slope.** There are less than four acres of suitable timber within this parcel in Alternative D. However, Alternatives C and B identify hundreds of acres of suitable timber for slopes between 40-123%, which is incompatible with the special conservation and scenic values. The Iron-ton fen and wetland complex at the toe of these slopes provide important ecosystem services and is sensitive to hydrological disturbances and sedimentation. To preserve the non-motorized uses, scenic integrity, and special characteristics of this parcel and Iron-ton area, **the agency's preferred alternative should not include any Timber Suitability within this parcel. It is a fatal flaw of the DRLMP to manage the lands within the Abram parcel as "General Forest," which is currently the management category provided in Alternative B.**



At left is the Abrams parcel (bright blue boundary center-right), described in the Community Conservation Proposal. The jade-green outlined areas are fens mapped by Colorado Natural Heritage Program (CNHP) and Mountain Studies Institute. The USFS geospatial clearing house trails TrailNFS_Publish layer shows the Gray Copper Gulch trail is non-motorized where it passes through the Abrams parcel. The Brown Mountain Road shown penetrating the western boundary of the parcel is actually gated closed west of the parcel, and there is no motorized access.

- * Gray Copper Gulch Trail
- * Brown Mountain Road
- * Crystal Reservoir
- * Fen Complex (wetlands on the east side of US 550 not shown).

3. Lands within the Community Conservation Proposal (previously known as Citizens' Conservation Proposal) Hayden parcel:

A. The BOCC believes that the objectives of the Community Conservation Proposal for the Hayden Mountain Scenic Special Interest Area can be achieved through a combination of appropriate Management Area classification, winter/summer ROS classifications, and Timber Suitability. We have not been provided information on the scenic integrity to comment on that at this time, but it is essential to preserve scenic resources on this parcel. The lands within the Hayden Mountain parcel also seem to be mismatched in the Alternative A existing Management Area (M.A.) classification vs. the existing ROS classifications. The existing M.A. category (Alternative A) is semi-primitive motorized in the southern half to primitive non-motorized in the northern half. However, the existing (Alternative A) is SPNM throughout the parcel. Alternatives B and D

continue the mismatch by proposing a "General Forest" management category. **Regardless, the agency's preferred alternative should be Semi-Primitive Non-Motorized Recreation Activities (MA: 3A). Both the summer and winter ROS in the agency's preferred alternative should be consistent with this existing characteristic and be SPNM. The Timber Suitability should be similar to Alternative D – no suitability above 40% slope.** There are less than 18 acres of suitable timber within this parcel in Alternative D. However; Alternative B identifies roughly 3,200 acres of suitable timber. Calculating using ArcGIS tools, the mean slope of the suitable timber in Alternative B within this Hayden parcel appears to be 59%. It appears that less than 300 acres out of the 3,200 acres of identified suitable timber in Alternative B are on slopes less than 40%. The agency's preferred alternative B shows suitable timber in and adjacent to fen and wetland complexes which is unacceptable for protecting these critical resources. There are no existing roads above where the so-called suitable timber is mapped, so to harvest, roads would have to be cut in. This area is incompatible with harvesting timber on slopes from 40-105%. The Ironton fen and wetland complex at the toe of these slopes provide important ecosystem services and is sensitive to hydrological disturbances and sedimentation. To preserve the non-motorized uses, scenic integrity, and special characteristics of this parcel and Ironton area, **the agency's preferred alternative should not include any Timber Suitability within this parcel. It is a fatal flaw of the DRLMP to manage the lands within the Hayden parcel as "General Forest," which is currently the management category provided in Alternative B instead of semi-primitive non-motorized.**

Below is a screenshot showing the geospatial relationships of CHNP and MSI fens, CNHP Potential Conservation Areas having high bio-diversity and special ecosystems, and the Timber Suitability identified in Alternative B. This parcel should be managed to retain its roadless and primitive to semi-primitive characteristics, special habitats and ecosystems, and non-motorized public access routes.

While Spirit Gulch does have a double-track leading up to a private interest, it is our understanding that this route is currently unused and revegetating. The Mears trail and County Road 20W at the west edge of Long Park and Crystal Reservoir allow for mechanized use, but not motorized, which is controlled by a locked gate near the Crystal River dam and Highway 550. It appears that there are several existing non-motorized trails missing from the USFS NSF trails GIS file downloaded from the USFS national geospatial data clearinghouse the week of July 11, 2021, and also missing from the USFS trails and road MVUM GIS layers. **Please compare the County**

Road and public access route documents^{4,5,6} to your trails inventory within this parcel and the Abrams parcel. These maps were products resulting from several years of meetings of the interagency collaborative Public Access Group, which sought to identify historic public access routes in Ouray County, regardless of jurisdiction. USFS, along with the Ouray Trails Group, participated in the Public Access Group.

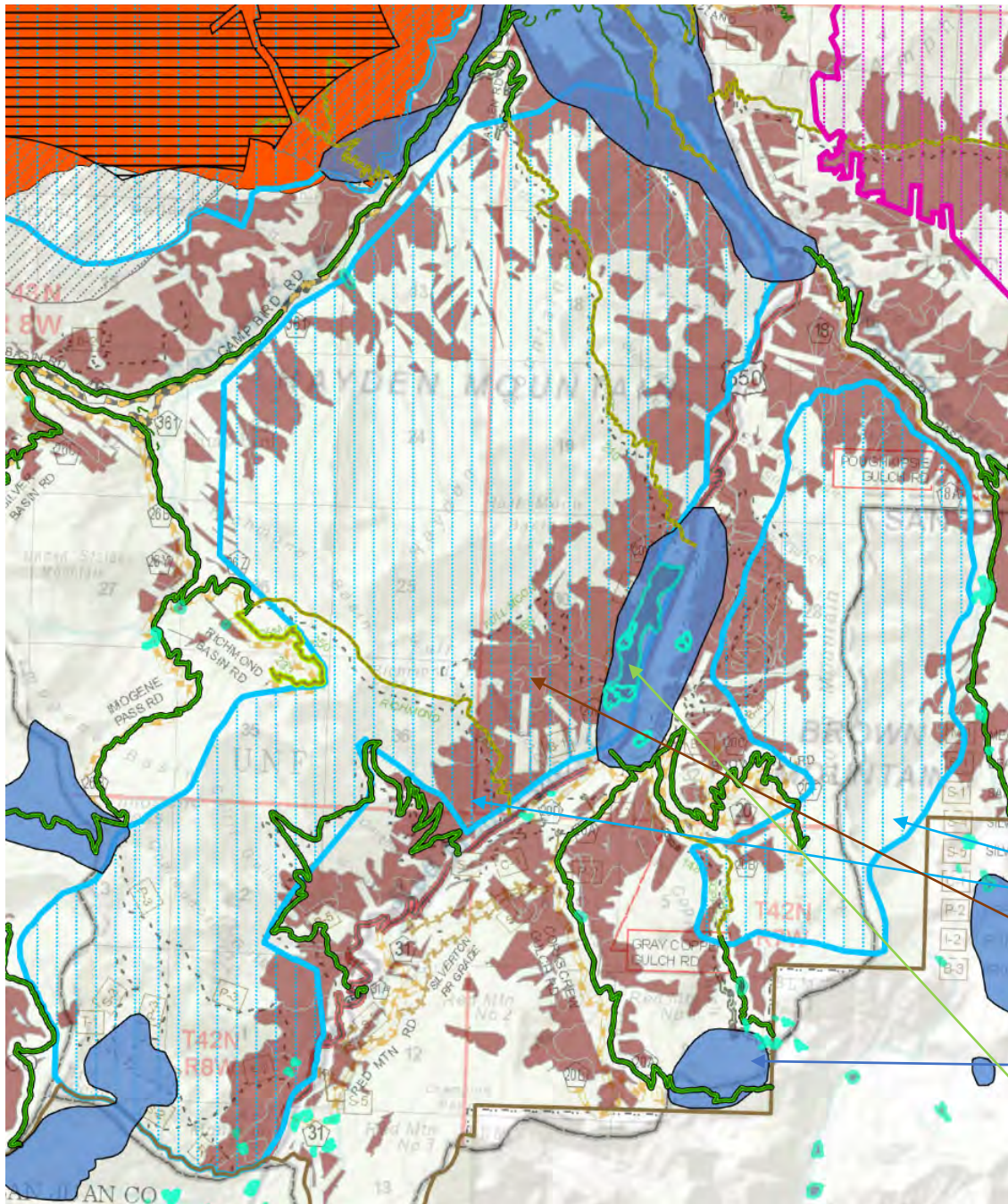
⁴ Ouray County IT Department. (2009). *Ouray Draft Road Map 2009 - transportation map ONLY, NOT up to date w/current Official County Road Map*. [Map]. Bockes, Jeff. Retrieved July 12, 2021, from <https://ouraycountyco.gov/DocumentCenter/View/152/DRAFT-2009-Road-Map-transportation-only-not-Official-road-map?bidId=> ; PDF. (Note: This is A draft (2009) 48" x 36" map showing County Roads and Other roads (private, Forest Service, etc.), useful to navigate in Ouray County. See 'Official County Road Map for the current County- maintained routes.)

⁵ Ouray County. (2014). *Official Ouray County Road Map, July, 2014 - showing Public Routes ONLY, not a complete transportation map*. [Map]. Ouray County Board of County Commissioners and Bockes, Jeff. Retrieved July 12, 2021, from <https://ouraycountyco.gov/DocumentCenter/View/2476/2014-014-Exhibit-A---Ouray-County-Road-Map?bidId=> ; PDF. (Note: Official County Road Map, showing County maintained routes and other Public Routes in the county. NOT a complete transportation map, - private routes, etc. not shown. (Resolution 2014-014, Exhibit A).)

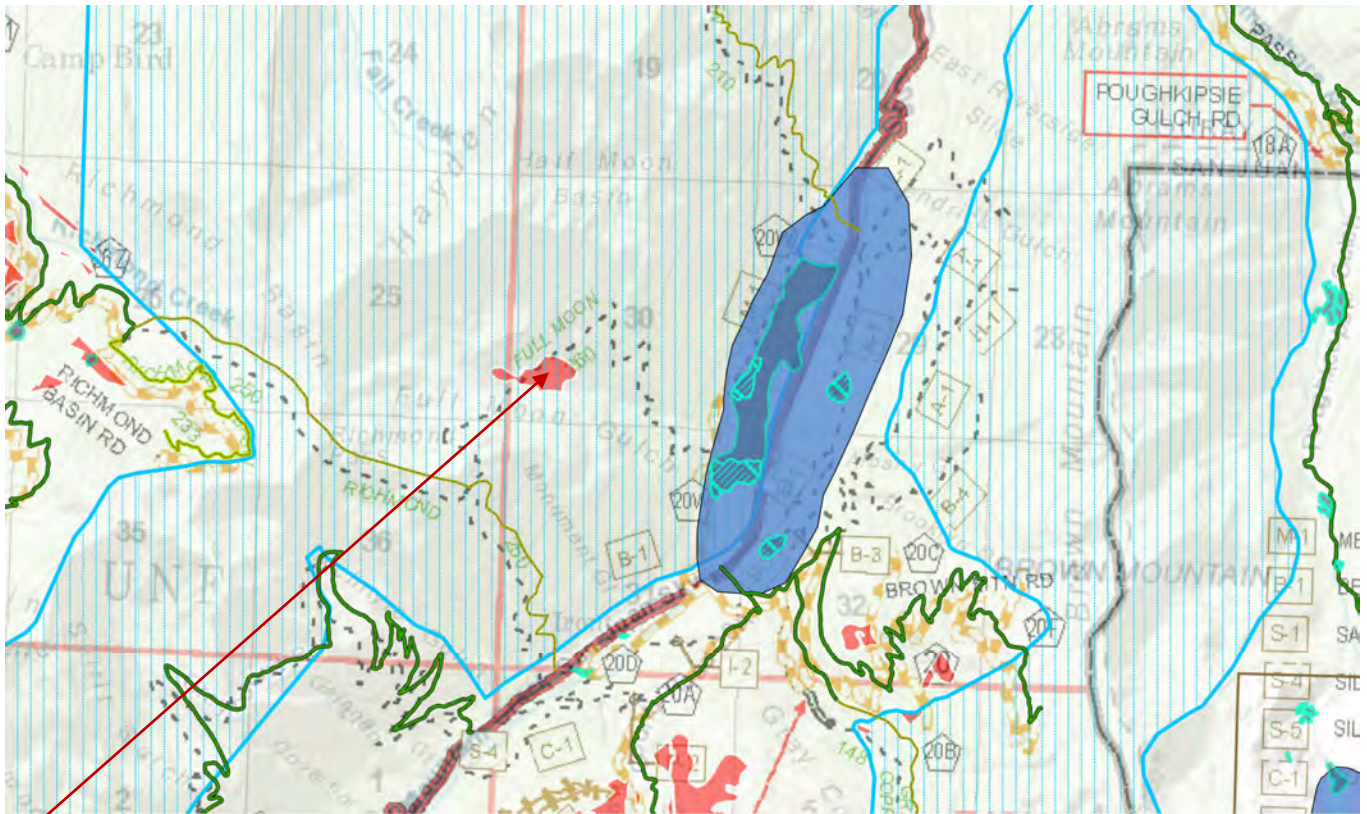
⁶ Ouray County. (2014). *Ouray County Historic Route Index*. [Index]. Ouray County Board of County Commissioners and Bockes, Jeff. Retrieved July 12, 2021, from <https://ouraycountyco.gov/DocumentCenter/View/2477/2014-014-Exhibit-B---Ouray-County-Historic-Route-Index?bidId=> ; PDF. (Note: Chart showing historic and current mapping and other documents which support Public Routes shown on the Official Ouray County Road Map (Resolution 2014-014, Exhibit B).)

This figure is a screenshot showing the Abrams parcel on the east (right) and the Hayden parcel on the west (left). The agency's preferred Alternative B Timber Suitability is visible in brown. The timber identified is mostly greater than 40% slopes as discussed above and would compromise critical fen and wetland complexes. These

complexes are seeing an increased presence of moose. In blue are CNHP "Potential Conservation Areas," which are described as having special and sensitive bio-diversity characteristics that should be conserved. The basemap is the Ouray Draft Road Map 2009 - transportation map showing public access routes.



- *Abrams parcel
- *Hayden parcel
- *DRLMP
- Alternative B Timber Suitability
- *CNHP PCA
- *CNHP and MSI fens



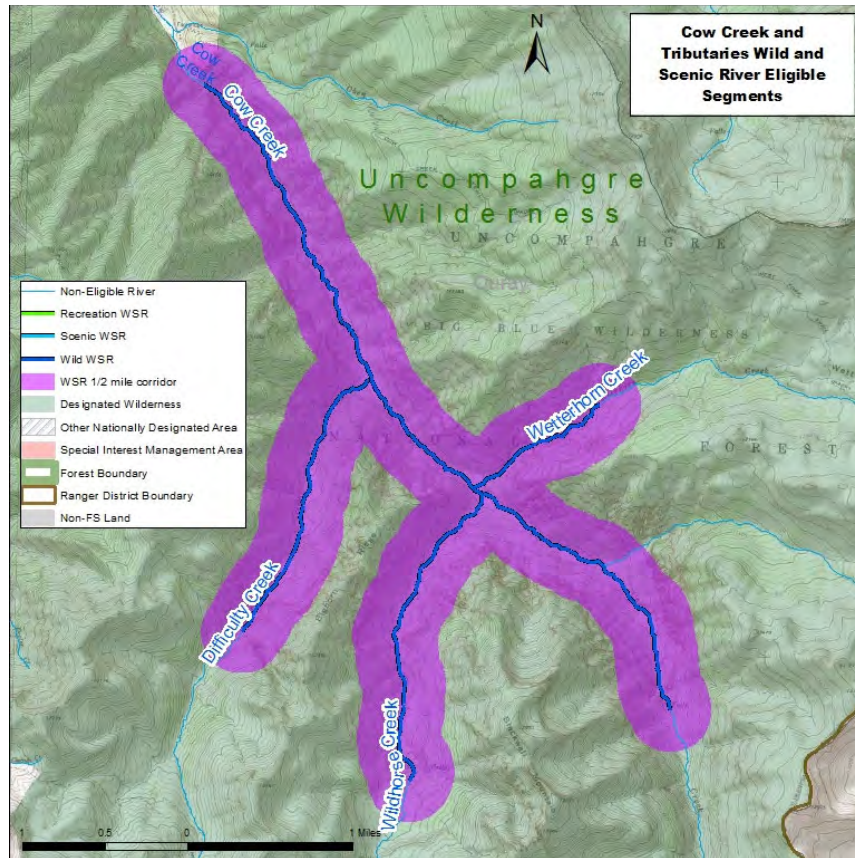
*Alternative B Suitable Timber within the Hayden and Abrams parcels consists of one 17.8-acre polygon. Compare to the roughly 3,200 acres of Alternative D Suitable Timber within just the Hayden parcel above. Despite GMUG's contention that a tiny percentage of suitable timber occurs on steep slopes, the agency's preferred alternative is predominantly steep-slope timber within the areas described in this comment letter.

Showing a 1:24,000 scale close-up of the Abrams and Hayden parcels. Red is the DRLMP Alternative D Timber Suitability. There is only one 17.8-acre polygon within these parcels combined. This highlights how different Alternative D and B are for Timber Suitability. The DRLMP needs to re-think Timber Suitability for its preferred alternative. This close-up also shows Full Moon and other trails not within the NSF Trails, Trails MVUM, and Roads MVUM GIS data layers downloaded from the USFS national geospatial clearinghouse (<https://data.fs.usda.gov/geodata/edw/datasets.php>) around July 11, 2021.

4. BOCC Supports River Segments Found Eligible for Wild & Scenic River Designation within Ouray County:

- A. The Ouray County BOCC unanimously supports identifying the four river segments found in Table 10.1 (excerpt below) and Figure 15 as eligible Wild and Scenic River segments, with the classification of Wild. Please proceed in this direction in the final agency's preferred alternative.

Cow Creek (24) and Tributaries Wetterhorn Creek (24-A), Wildhorse Creek (24-B), and Difficulty Creek (24-C)	10.1	3,187	Ouray	Scenery, Geology	Wild
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DRLMP Figure 15 (USFS).

5. Further consultation and refinement of the Species of Conservation Concern List with Colorado Parks and Wildlife is needed:

- A. Ouray County BOCC considers Colorado Parks and Wildlife (CPW) as the agency experts on Species of Concern. During our review of the DRLMP we noted that there are distinct differences, mostly omissions, of species of conservation concern in the GMUG May 2021 DRLMP and the Rio Grand National Forest RLMP signed in May 2020. For example, Rocky Mountain Big Horn Sheep are on the Rio Grand NF list but not the GMUG.
- B. GMUG should do further consultation and coordination with Colorado Parks and Wildlife to develop the Species of Conservation Concern list. We are concerned about what appear to be omissions of white-tailed ptarmigan, black swift, pinyon jay, Rocky Mountain, and Desert Big Horn Sheep, Townsend Big-eared bat, hoary bat, little brown bat. These three bats can be indicators for impacts of mining, wind energy, white-nose syndrome, or habitat loss for myotis species.

6. Management objectives, standards, and guidelines oversimplify and do not provide suitable recognition of fens as ground-water dependent, peat accumulating wetlands:

- A. Providing a 100-foot surficial buffer around a fen's expression of wetland vegetation or seasonally saturated soil and putting them into the same Category 2 as seeps, springs, lakes, and reservoirs is not adequate to manage the complex hydrology and unique ecology of

fens. GMUG's management prescription for fens should emphasize a commitment to continued monitoring and assessment, conservation, and enhancement of fen systems. Ouray County BOCC appreciates the clear and direct approach to recognizing the importance of fens, their special ecosystem services, and appropriate management approaches directed at the ground-water system vs. lumping these critical wetlands with those dominated by surface water hydrology.

- B. The language and management prescriptions for fens found in the May 2020 Rio Grand National Forest Land Use Plan should be incorporated with GMUG DRLMP FW-GDL-RMGD-13 into a clear ground-water dependent ecosystem section above the riparian management zone section will help assure us that complexity and importance of fens as peat accumulators are recognized by GMUG beyond valley riparian systems and will be appropriately managed. GMUG simply provides a guideline, while Rio Grande NF provides a clear standard that it will not authorize that alter fen hydrology.⁷

Rio Grande LMP⁸:

Groundwater-Dependent Ecosystems (GDE)

Groundwater-dependent ecosystems are a vital component for the natural environment and can include fens, wetlands, seeps, springs, riparian areas, groundwater-fed streams and lakes, and aquifers. These are present throughout the Forest and vary in size and timing. These areas provide an important ecosystem component and provide later-season flows with cold water temperatures, help sustain the function of surface and subsurface aquatic ecosystems, and provide habitat important to the persistence of plant species of conservation concern.

Areas that retain moisture and associated vegetation types have long been recognized as important for both ecosystem function and human benefits. Riparian areas and groundwater-dependent ecosystems such as wetlands, springs, aquifers, and fens provide ecosystem services that are necessary for the long-term health and well-being of both aquatic and upland areas.

Services provided by these areas are vital to the water supplies of downstream users. Services include stabilizing streambanks and reducing erosion, mitigating the impacts of floods, improving water quality by trapping sediment and other pollutants, and sustaining late season base flows. These areas are also vital to a wide variety of plants and animals. Aquatic and terrestrial species depend on the forage and cover provided in these habitat types, and many rare plants occur only in these ecosystems.

Management Approaches

Principal strategies and program priorities to protect groundwater-dependent resources

Fens and watershed conditions that support healthy fens provide irreplaceable ecological functions. The Forest continues to inventory and evaluate fens, thereby enabling managers to maintain healthy watersheds and aquatic resources.

The Forest continues to work with other agencies and adjacent landowners in the conservation of groundwater-dependent ecosystems.

Desired Conditions

⁷ Page 29 of the GMUG May 2021 DRLMP: "FW-GDL-RMGD-13: To maintain ecological integrity and support native species (including at-risk species), design projects to avoid physical or chemical alteration of springs, fens and wetlands (e.g., ditching, damming, dewatering, dredging, filling, flooding, nutrient loading and changes to pH)."

⁸ USDA USFS. (May 2020). *Rio Grande National Forest Land Management Plan*. [Plan and EIS]. Retrieved July 5, 2021, from <https://www.fs.usda.gov/main/riogrande/landmanagement/planning#:~:text=These%20plans%20guide%20the%20direction%20of%20specific%20projects,Forest%20for%20the%20next%2010%20to%2015%20years>; PDF. Plan pages 45 and 46.

DC-GDE-1: Identified groundwater-dependent ecosystems provide habitat for species of conservation concern and other native species. **Fens continue to accumulate peat.** (Forestwide)

Standards

S-GDE-1: **Do not authorize management actions that alter the hydrology of groundwater-dependent habitat features.** (Forestwide)

Guidelines

G-GDE-1: To **maintain ecosystem diversity and function, design projects to avoid or mitigate negative impacts to the ecological services that groundwater-dependent ecosystems provide.** (Forestwide)

7. **Existing designated wilderness is downgraded from primitive to semi-primitive ROS in the current DRLMP agency's preferred alternative B.**
 - A. The agency's preferred alternative B does not place existing designated wilderness in the Primitive ROS. Alternative D does have existing wilderness, the Baldy Colorado Roadless Area/proposed Baldy Addition to the Uncompahgre Wilderness, and the proposed Bear Creek Addition to the Uncompahgre Wilderness as Primitive ROS. **The Alternative D ROS should be incorporated into the agency's preferred alternative for existing Wilderness.** Wilderness areas are our most primitive areas and should remain primitive.
 - B. The agency's preferred alternative B also does not keep proposed CORE Act/San Juan Wilderness Act Addition parcels known as Whitehouse Mountain East and Whitehouse Mountain West as Primitive ROS. **The Alternative D ROS should be incorporated into the agency's preferred alternative for the proposed CORE Act/San Juan Wilderness Act Addition parcels – Whitehouse Mountain East and Whitehouse Mountain West.**
 - C. As part of the same downward pattern, the agency's preferred alternative seeks to move Hayden and Abrams areas into the General Forest MA instead of continuing to manage as semi-primitive non-motorized, which we disagree with and discussed above.

8. **The GMUG DRLMP preferred alternative and content organization reflects too much of an emphasis on human-centered roles, vision, and values while failing to recognize the intrinsic value of functioning ecosystems as providing ecosystem services independent of human commodity use.**
 - A. GMUG's DRLMP distills its distinctive roles into "Public Enjoyment" and "Commodity Use and Community Connections." This is important because these statements create the basis for the desired conditions and the lumping of the required 2012 Planning Rule topics in the plan. This may be why the agency's preferred alternative B reflects the Timber Suitability of Alternative C rather than a balanced hybrid of Alternatives D and C.
 - B. In contrast, the Rio Grande LMP adds three goals to its strategic framework that balance the forest as a resource to humans and its intrinsic value to native ecosystems, watershed health, and as a buffer for climate change through carbon sequestration: "Maintain and restore sustainable, resilient terrestrial ecosystems," "Protect and restore watershed health, water resources, aquatic ecosystems, and the systems that rely on them," and "Actively contribute to social and economic sustainability in the broader landscape and connect citizens to the land."
 - C. The organization of the GMUG DRLMP, which puts ecosystem services into multiple uses, reflects the idea that the forest's distinctive roles are transactional. Moving Ecosystem Services with Ecological Sustainability would be more appropriate. Sustainable, resilient, and high-functioning

ecosystems provide ecosystem services with current and future intrinsic benefits to all species. The 2012 Planning Rule also emphasizes "Sustainable Recreation" as a required topic.

- D. The GMUG DRLMP should review comments received through the scoping process on distinctive roles of the forest and add goals (allowed by the 2012 Planning Rule) reflecting the desires articulated for watershed health, soil health, forest health, ecological sustainability, and resiliency as our climate changes.**

9. Collaborative planning for future designated dispersed campgrounds and trails.

- A. While outside of the DRLMP, we include this topic because it may be relevant for the ROS. The BOCC supports collaborative scoping and planning processes to identify sustainable trail opportunities that mitigate and minimize conflicts. We desire designated dispersed camping opportunities that will provide adequate sanitation and parking while avoiding recreational resource damage. We are excited about the award of a Regional Outdoor Partnership grant to work collaboratively with stakeholders and the Ouray Ranger District.
- B. Specific to the RAT-COPMOBA proposal, we support concepts examined where proposed new trails do not cross private property without permission, avoid existing Wilderness or the proposed Whitehouse East, Whitehouse West, Baldy, and Bear Creek Addition parcels. We could support trails in the Iron-ton area if they exclude e-bikes. Our concern is that multi-modal trails must be sustainable for the speeds, payloads, and turning radii of mechanized bikes if allowed, and trails may not be possible if they must meet those standards. E-bikes can degrade our existing trails and create resource damage. We can support trails in the Cimarron area. If they are located in Gunnison County, like the conceptual Silverjack Climb and Traverse routes, there should be a collaboration with Gunnison County stakeholders. The proposed summer ROS in the GMUG DRLMP Alternative D is semi-primitive non-motorized (SPNM) in these areas.
- C. Overall, the Alternative D ROS should be incorporated into the agency's preferred alternative within the Ouray Ranger District.**

10. Definition of e-bikes, motor-assisted pedal bikes, and mechanized travel is needed.

- A. **We request that GMUG define or classify e-bikes, motor-assisted pedal bikes, and human-only powered mechanized travel so that we have the correct analysis of affected environments and ecosystems in the final alternative and EIS.**

11. Coordination with federally recognized Indian Tribes is needed.

- A. The 2012 Planning Rule (36 CFR 219.4(b)(1-2)) requires the responsible official to coordinate land management planning with, and review the planning and land use policies of, federally recognized Indian Tribes, other Federal agencies, and State and local governments, where relevant to the plan area. **We request that GMUG outreach to Tribes using the Colorado Commission of Indian Affairs and the Bureau of Indian Affairs, and continue to directly contact tribal leadership.** We are ready and willing to assist with connecting with the Tribes.

Through this cooperating agency DRLMP review process, we understand that the agency's preferred Alternative B is intended to be replaced with elements of Alternative C and D based on further analysis. Our comments in this letter and a letter jointly submitted by Ouray, Gunnison, Hinsdale, and San Miguel Counties reflect our

recommendation for the GMUG to refine Alternative D into a revised agency preferred alternative. This effort should be made before releasing a DRLMP and DEIS to the general public in order to improve the DRLMP and gain broader acceptance.

Respectfully submitted,


Ben Tisdel, Chair


Lynn M. Pudgett, Vice-Chair


Jake Niece, Member

Attachments:

1. Bear Creek Addition to Uncompahgre Wilderness fact sheet prepared by Community Conservation Proposal, updated 2020.
2. Baldy Addition to Uncompahgre Wilderness fact sheet prepared by Community Conservation Proposal, updated 2020.
3. Hayden fact sheet prepared by Community Conservation Proposal, updated 2019.
4. Abrams fact sheet prepared by Community Conservation Proposal.
5. Ouray County BOCC GIS shapefile (.shp) of Bear Creek Wilderness Addition parcel boundary unanimously supported by the BOCC.
6. Ouray County BOCC GIS shapefile (.shp) of modified Baldy Wilderness Addition parcel boundary unanimously supported by the BOCC.
7. Ouray County BOCC GIS shapefile (.shp) of Hayden and Abrams parcel boundaries discussed in this document.

cc. John Whitney, Western Slope Regional Director, U.S. Senator Michael F. Bennet; Helen Katich, Southwest Regional Representative, U.S. Senator John Hickenlooper

EXHIBIT B: MOUs Between Ouray County, Colorado and USDA USFS GMUG NF.

USFS GMUG Forest Plan Revision -
Cooperating Agency MOU
19-MU-11020400-005

MOU
MOAS

12-31-2023



FS Agreement No.	19-MU-11020400-005
Cooperator Agreement No.	

**Memorandum of Understanding between the
United States Forest Service Grand Mesa, Uncompahgre and Gunnison National Forests**

And

The Board of County Commissioners of the County of Ouray, Colorado

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the Board of County Commissioners of the County of Ouray, Colorado, hereinafter referred to as "County" and the United States Department of Agriculture (USDA), Forest Service, Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG NF), hereinafter referred to as the "U.S. Forest Service."

Background: As provided for by the National Environmental Policy Act (NEPA), as well as the 2012 Planning Rule (36 CFR 219), the U.S. Forest Service must prepare an Environmental Impact Statement (EIS) to revise the GMUG National Forests' Land Management Plan (Forest Plan). The EIS process is meant to inform both the U.S. Forest Service and the public about the environmental impacts of the plan revision before a final decision is made.

Title: Grand Mesa, Uncompahgre and Gunnison National Forests Plan Revision – Colorado County Cooperating Agency Agreement

I. PURPOSE:

The purpose of this MOU is to document the cooperation between the parties to elicit the above County within the State of Colorado to become a cooperating agency with the U.S. Forest Service, acting as lead agency, for the purpose of preparing a revised Forest Land and Resource Management Plan (Plan) and an Environmental Impact Statement (EIS). The U.S. Forest Service recognizes that the County has knowledge, experience and expertise, with respect to environmental, economic, and social impacts/conditions to inform the proposed plan revision process as defined at 36 CFR 219, otherwise known as the 2012 Planning Rule. The County

recognizes that the U.S. Forest Service has final decision-making authority regarding the scope of the analysis. In particular, the U.S. Forest Service is seeking assistance from the County to help provide knowledge and information that will help address management issues related to, but not limited to, land use plans, local social and economic conditions and natural resource management concerns related to range, roads, timber, wildlife, fire, recreation, land and water conservation. Additionally, the U.S. Forest Service invites the submittal of other information, data and comments from the County pertaining to the Forest Plan revision process. The establishment of this MOU further promotes responsible, transparent and timely dialogue during the Plan revision analysis between the County and the U.S. Forest Service in accordance with the following provisions.

II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

The County has significant portions of the GMUG National Forest within its borders. It is in the interest of the County to provide information and expertise for use in the development of the revised Forest Plan, including the formulation and analysis of options/alternatives. As a cooperating agency, the County may assist in reviewing the components of the plan and the monitoring program/proposals as they relate to individual county resources and jurisdiction.

The U.S. Forest Service has a mutual interest in incorporating information and expertise provided by the County for a complete analysis of impacts and formulation of a full spectrum of alternatives during the Forest Plan revision.

Through this cooperative effort, the U.S. Forest Service and the County will be more likely to develop a higher quality revised Forest plan, and gain a greater understanding of how the revised Forest Plan may impact or affect the associated ecological, social and economic concerns of the County and its residents. Both parties will benefit through increased communication, sharing of information, and cooperation in implementing their respective missions as a part of the Forest Plan revision process.

In consideration of the above premises, the parties agree as follows:

III. THE COUNTY SHALL:

Be identified as a cooperating agency for the revision of the Forest Plan coincident with the initiation of the formal environmental review process under the National Environmental Policy Act.

- Designate a representative and an alternate to participate in the Forest Plan revision process. Ensure County designees are full-time or permanent part-time employees of the County government (or their designated employee with authority to act on their behalf), acting in their official capacity (41 CFR 102-3.40(g)).
- Provide the U.S. Forest Service with relevant existing ecological, social and economic resource information for the Forest Plan revision process.
- The County may provide individual or collective comments on any aspect of the Forest Plan revision process.
- Provide timely response to any reviews agreed upon by both the U.S. Forest Service and the County.
- Assist with public meetings and with distributing Forest Plan revision information and documents to the public as the parties agree.

IV. THE U.S. FOREST SERVICE SHALL:

- Be the Lead Agency for the GMUG National Forests Forest Plan Revision.
- Consider the County's input in the development of issues, options and alternatives addressed in the Plan revision process.
- Consider any appropriate County land use management plans as well as other applicable plans as part of the revision process.
- Provide information and drafts to the County with adequate time for review. For products that will be released for an *informal* public comment period *not* required by NEPA, provide the County with such drafts two weeks prior to the public release; this early review would provide the County a longer review period. For products that will be released for a *formal* public comment period that *is* required by NEPA (the Draft EIS), provide the County with such drafts one month prior to the public release for a preliminary two-week review period; this early review would provide the County the opportunity to provide input that could be incorporated into the Draft EIS. The county would subsequently have the same 90-day comment period as the public.

V. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this instrument.

Ouray County Program Manager Contact	Ouray County Administrative Contact
Name: Connie Hunt, County Administrator Address: PO Box C City, State, Zip: Ouray, Co 81427 Telephone: (970)325-7263 FAX: (970)325-0452 Email: chunt@ouraycountyco.gov	Name: Connie Hunt, County Administrator Address: PO Box C City, State, Zip: Ouray, Co 81427 Telephone: (970)325-7263 FAX: (970)325-0452 Email: chunt@ouraycountyco.gov

Principal U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
Name: Shane Walker, Planning & Information Staff Officer Address: 2250 Main St. City, State, Zip: Delta, CO 81416 Telephone: (970)589-9207 FAX: (970) 874-6686 Email: mwalker@fs.fed.us	Name: Merna Fehlmann, Agreements Specialist Address: 2250 South Main Street City, State, Zip: Delta, CO 81416 Telephone: (970) 874-6606 FAX: (970) 874-6698 Email: mfehlmann@fs.fed.us

NOTICES. Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or the County is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Program Manager, at the address specified in the MOU.

To the County's Principal Contact at the address shown in the MOU or such other address designated within the MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

PARTICIPATION IN SIMILAR ACTIVITIES. This MOU in no way restricts the U.S. Forest Service or the County from participating in similar activities with other public or private agencies, organizations, and individuals.

ENDORSEMENT. Any of the County contributions made under this MOU do not by direct reference or implication convey U.S. Forest Service endorsement of products or activities.

NONBINDING AGREEMENT. This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity. The parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purpose(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer anything of value.

Specific, prospective projects or activities that involve the transfer of funds, services, property, and/or anything of value to a party requires the execution of separate agreements and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperator availability of funds and other resources; agency and cooperator administrative and legal requirements (including agency authorization by statute); etc.

This MOU neither provides, nor meets these criteria. If the parties elect to enter into an obligation agreement that involves the transfer of funds, services, property, and/or anything of value to a party, then the applicable criteria must be met. Additionally, under a prospective agreement, each party operates under its own laws, regulations, and/or policies, and any Forest Service obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of these prospective agreements must comply with all applicable law.

Nothing in this MOU is intended to alter, limit, or expand the agencies' statutory and regulatory authority.

USE OF U.S. FOREST SERVICE INSIGNIA. In order for the County to use the U.S. Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted from the U.S. Forest Service's Office of Communications. A written request must be submitted and approval granted in writing by the Office of Communications (Washington Office) prior to use of the insignia.

MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no U.S. member of, or U.S. delegate to, Congress shall be admitted to any share or part of this agreement, or benefits that may arise therefrom, either directly or indirectly.

FREEDOM OF INFORMATION ACT (FOIA). Any records or documents generated/shared as a result of this MOU shall become part of the official record. Documents not marked/flagged proprietary or confidential by the originating office may be released to the public upon request by either party of this MOU. Any request for proprietary/confidential documents will be referred to the originating agency for processing either under the Freedom of Information Act (5 U.S.C. 552) or the Colorado Open Records Act § 24-72-201 *et seq.*, C.R.S.

TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All cooperators, their employees, volunteers, and contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.

TRIBAL EMPLOYMENT RIGHTS ORDINANCE (TERO). The U.S. Forest Service recognizes and honors the applicability of the Tribal laws and ordinances developed under the authority of the Indian Self-Determination and Educational Assistance Act of 1975 (PL 93-638).

PUBLIC NOTICES. It is the U.S. Forest Service's policy to inform the public as fully as possible of its programs and activities. The County is encouraged to give public notice of the receipt of this agreement and, from time to time, to announce progress and accomplishments.

The County's Principal Contact may call on the U.S. Forest Service's Office of Communication

for advice regarding public notices. The County is requested to provide copies of notices or announcements to the U.S. Forest Service Program Manager and to the U.S. Forest Service's Office of Communications as far in advance of release as possible.

U.S. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS AND ELECTRONIC MEDIA. The County shall acknowledge U.S. Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this MOU.

NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. The County shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:

"This institution is an equal opportunity provider."

TERMINATION. Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.

DEBARMENT AND SUSPENSION. The County shall immediately inform the U.S. Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.

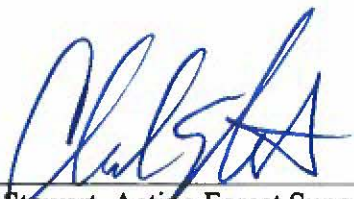
MODIFICATIONS. Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change.

COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of the last signature and is effective for five years or at the end of the Forest Plan revision process at which time it will expire, unless extended by an executed modification, signed and dated by all properly authorized, signatory officials..

AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU.



Don Batchelder, Chairperson
Board of County Commissioners
November 20, 2018
Date



Chad Stewart, Acting Forest Superintendent
U.S. Forest Service, GMUG
12/4/18
Date

The authority and format of this instrument has been reviewed and approved for signature



Merna Zekman
Agreements Coordinator
12/14/18
Date

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA Is an equal opportunity provider and employer.



FS Agreement No. 23-MU-11020400-085

Cooperator Agreement No. _____

MEMORANDUM OF UNDERSTANDING
Between
OURAY, COUNTY OF
And The
USDA, FOREST SERVICE
GRAND MESA, UNCOMPAHGRE AND GUNNISON NATIONAL FORESTS

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between Ouray, County of, hereinafter referred to as “the County,” and the United States Department of Agriculture (USDA), Forest Service, Grand Mesa, Uncompahgre and Gunnison National Forests, hereinafter referred to as the “U.S. Forest Service.”

Background: As provided for by the National Environmental Policy Act (NEPA), as well as the 2012 Planning Rule (36 CFR 219), the U.S. Forest Service must prepare an Environmental Impact Statement (EIS) to revise the Grand Mesa, Uncompahgre and Gunnison National Forests Land Management Plan (Forest Plan). The EIS process is meant to inform both the U.S. Forest Service and the public about the environmental impacts of the Forest Plan before a final decision is made.

Title: Forest Plan Revision

- I. PURPOSE:** The purpose of this MOU is to document the cooperation between the parties to elicit the County to become a cooperating agency, with the U.S. Forest Service acting as lead agency, for the purpose of preparing a revised Forest Plan and EIS. The U.S. Forest Service recognizes that the County has knowledge, experience, and expertise with respect to environmental conditions to inform the proposed Forest Plan revision process as defined at 36 CFR 219, otherwise known as the 2012 Planning Rule. The County recognizes that the U.S. Forest Service has final decision-making authority regarding the scope of the analysis. In particular, the U.S. Forest Service is seeking assistance from the County to help provide knowledge and information that will help address management issues related to, but not limited to, land use plans, local social and economic conditions, and natural resource management concerns related to range, roads, timber, wildlife, fire, recreation, land and water conservation. Additionally, the U.S. Forest Service invites the submittal of other information, data, and comments from the County pertaining to the Forest Plan revision process. The establishment of this MOU further promotes responsible, transparent, and timely dialogue during the Forest Plan revision analysis between the County and the U.S. Forest Service in accordance with the following provisions.



II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

The County has significant portions of the Grand Mesa, Uncompahgre, and Gunnison National Forests within its borders. It is in the interest of the County to provide information and expertise for use in the development of the revised Forest Plan, including the formulation and analysis of options/alternatives. As a cooperating agency, the County may assist in reviewing the components of the Forest Plan and the monitoring program/proposals as they relate to individual agency resources and jurisdiction.

The U.S. Forest Service has a mutual interest in incorporating information and expertise provided by the County for a complete analysis of impacts and formulation of a full spectrum of alternatives during the Forest Plan revision.

Through this cooperative effort, the U.S. Forest Service and the County will be more likely to develop a higher quality revised Forest Plan and gain a greater understanding of how the revised Forest Plan may impact or affect the associated ecological concerns of the County. Both parties will benefit through increased communication, sharing of information, and cooperation in implementing their respective missions as a part of the Forest Plan revision process.

In consideration of the above premises, the parties agree as follows:

III. THE COUNTY SHALL:

- A. Be identified as a cooperating agency for the Forest Plan revision coincident with the initiation of the formal environmental review process under NEPA.
- B. Designate a representative and an alternate to participate in the Forest Plan revision process. Ensure that the County designees are full-time or permanent part-time employees of the County (or their designated employee with authority to act on their behalf), acting in their official capacity (41 CFR 102-3.40(g)).
- C. Provide the U.S. Forest Service with relevant existing ecological, social, and economic resource information for the Forest Plan revision process.
- D. Provide individual or collective comments on any aspect of the Forest Plan revision process.
- E. Provide timely response to any reviews agreed upon by both the U.S. Forest Service and the County.



- F. Maintain the confidentiality of documents and deliberations during the period prior to public release of any NEPA documents, in order to implement the National Environmental Policy Act of 1969, 43 CFR 46.225(d)
- G. Assist with public meetings and with distributing Forest Plan revision information and documents to the public as the parties agree.

IV. THE U.S. FOREST SERVICE SHALL:

- A. Be the lead agency for Forest Plan revision.
- B. Consider the County input in the development of issues, options, and alternatives addressed in the Forest Plan revision process.
- C. Consider any appropriate County plans as part of the Forest Plan revision process.
- D. Provide information and drafts to the County with adequate time for review. For products that will be released for an informal public comment period not required by NEPA, provide the County with such drafts two weeks prior to the public release. This early review would provide the County a longer review period. For products that will be released for a formal public comment period that is required by NEPA (the Proposed Plan/Draft EIS), provide the County with such drafts one month prior to the public release for a preliminary two-week review period. This early review would provide the County the opportunity to provide input that could be incorporated into the Draft EIS. The County would subsequently have the same 90-day comment period as the public.

V. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

- A. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

Principal Cooperator Contacts:

Cooperator Program Contact	Cooperator Administrative Contact
Connie Hunt County Administrator 541 4th Street Ouray, CO 81427 Telephone: 970-325-4961 Email: chunt@ouraycountyco.gov	Hannah Hollenbeck Administrative Specialist 541 4th Street Ouray, CO 81427 Telephone: 970-325-7320 Email: hhollenbeck@ouraycountyco.gov



Principal Forest Service Contacts:

Forest Service Program Manager Contact	Forest Service Administrative Contact
Samantha Staley Forest Planner 2250 Main Street Delta, CO 81416 Telephone: 970-852-9812 Email: samantha.j.staley@usda.gov	Amy Sharp Grants Management Specialist 1617 Cole Boulevard Lakewood, CO 80401 Telephone: 605-515-8812 Email: amy.sharp@usda.gov

B. NOTICES. Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or the County is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Program Manager, at the address specified in the MOU.

To the County at the County’s address shown in the MOU or such other address designated within the MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

C. PARTICIPATION IN SIMILAR ACTIVITIES. This MOU in no way restricts the U.S. Forest Service or the County from participating in similar activities with other public or private agencies, organizations, and individuals.

D. ENDORSEMENT. Any of the County’s contributions made under this MOU do not by direct reference or implication convey U.S. Forest Service endorsement of the County's products or activities.

E. NONBINDING AGREEMENT. This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity. The parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purpose(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer anything of value.

Specific, prospective projects or activities that involve the transfer of funds, services, property, to a party requires the execution of separate agreements and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperator availability of funds and other resources; agency and cooperator administrative and legal requirements (including agency authorization by statute); etc. This



MOU neither provides, nor meets these criteria. If the parties elect to enter into an obligation agreement that involves the transfer of funds, services, property, and/or anything of value to a party, then the applicable criteria must be met. Additionally, under a prospective agreement, each party operates under its own laws, regulations, and/or policies, and any U.S. Forest Service obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of these prospective agreements must comply with all applicable law.

Nothing in this MOU is intended to alter, limit, or expand the agencies' statutory and regulatory authority.

- F. USE OF U.S. FOREST SERVICE INSIGNIA. In order for the County to use the U.S. Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted from the U.S. Forest Service's Office of Communications. A written request must be submitted and approval granted in writing by the Office of Communications (Washington Office) prior to use of the insignia.
- G. MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no U.S. member of, or U.S. delegate to, Congress shall be admitted to any share or part of this agreement, or benefits that may arise therefrom, either directly or indirectly.
- H. FREEDOM OF INFORMATION ACT (FOIA). Public access to MOU or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552).
- I. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All cooperators, their employees, volunteers, and contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.
- J. TRIBAL EMPLOYMENT RIGHTS ORDINANCE (TERO). The U.S. Forest Service recognizes and honors the applicability of the Tribal laws and ordinances developed under the authority of the Indian Self-Determination and Educational Assistance Act of 1975 (PL 93-638).



K. PUBLIC NOTICES. It is the U.S. Forest Service's policy to inform the public as fully as possible of its programs and activities. The County is/are encouraged to give public notice of the receipt of this agreement and, from time to time, to announce progress and accomplishments. Press releases or other public notices should include a statement substantially as follows:

"Grand Mesa, Uncompaghre, and Gunnison National Forests of the U.S. Forest Service, Department of Agriculture, Forest Plan Revision."

The County may call on the U.S. Forest Service's Office of Communication for advice regarding public notices. The County is/are requested to provide copies of notices or announcements to the U.S. Forest Service Program Manager and to the U.S. Forest Service's Office of Communications as far in advance of release as possible.

L. U.S. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS AND ELECTRONIC MEDIA. The County shall acknowledge U.S. Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this MOU.

M. NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. The County shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:

"This institution is an equal opportunity provider."

N. TERMINATION. Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.



- O. **DEBARMENT AND SUSPENSION.** The County shall immediately inform the U.S. Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should the County or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.

- P. **MODIFICATIONS.** Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 60 days prior to implementation of the requested change.



- Q. **COMMENCEMENT/EXPIRATION DATE.** This MOU is executed as of the date of the last signature and is effective through **August 22, 2028** at which time it will expire.

- R. **AUTHORIZED REPRESENTATIVES.** By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU.

In witness whereof, the parties hereto have executed this MOU as of the last date written below.

 9/12/2023

 JAKE NIECE, Chair, Board of County Commissioners Date
 Ouray County

  Digitally signed by CHAD STEWART
Date: 2023.09.14 07:02:28 -06'00'

 CHAD STEWART, Forest Supervisor Date
 U.S. Forest Service, Grand Mesa, Uncompahgre and
 Gunnison National Forests



The authority and format of this agreement have been reviewed and approved for signature.

AMANDA MARR Digitally signed by AMANDA MARR
Date: 2023.08.29 12:28:14 -06'00'

AMANDA MARR

Date

U.S. Forest Service Grants Management Specialist

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

**EXHIBIT C: SHOWING SUITABLE TIMBER IN FLRMP/FEIS ALT B WITH SLOPES
GREATER THAN 40 PERCENT.**

**EXHIBIT D: OCTOBER 18, 2023 EMAIL REGARDING WINTER ROS AND
HELITRAX.**

Lynn Padgett

From: Lynn Padgett
Sent: Monday, October 30, 2023 10:08 PM
To: 'Dolgio Nergui'
Subject: FW: [External Email]RE: Helitrax questions and forest plan revision affects

From: Gardunio, Dana - FS, CO <Dana.Gardunio@usda.gov>
Sent: Wednesday, October 18, 2023 4:37 PM
To: Lynn Padgett <lpadgett@ourayco.gov>
Cc: Staley, Samantha - FS, CO <samantha.j.staley@usda.gov>; Tucker, Jonathan - FS, CO <jonathan.tucker@usda.gov>; Stewart, Chad - FS, CO <chad.stewart@usda.gov>; Eno, Megan - FS, CO <megan.eno@usda.gov>
Subject: Re: [External Email]RE: Helitrax questions and forest plan revision affects

Hi again Lynn. I wanted to add that a related question has come up regarding whether the avalanche mitigation by helicopter under special use permit would be consistent with primitive ROS. The existing permit in the Ouray District for avalanche mitigation for the Camp Bird Road - because it is for the purpose of facilitating safe mine access to the Ouray Silver Mine - would not be affected by the plan's mapped ROS there. Note, that mitigation is also done outside the edge of the plan's recommended wilderness in the vicinity.

From: Gardunio, Dana - FS, CO
Sent: Wednesday, October 18, 2023 9:20 AM
To: Lynn Padgett <lpadgett@ourayco.gov>
Cc: Staley, Samantha - FS, CO <samantha.j.staley@usda.gov>; Tucker, Jonathan - FS, CO <jonathan.tucker@usda.gov>; Stewart, Chad - FS, CO <chad.stewart@usda.gov>; Eno, Megan - FS, CO <megan.eno@usda.gov>
Subject: RE: [External Email]RE: Helitrax questions and forest plan revision affects

Hi Lynn. Apologies for not returning your calls yet. I've been in a Section 106 Training the last couple of days, so email has been the best way to communicate.

To answer your questions, in the preferred alternative, the recommended wilderness units (MA 1.2) in the San Juans and their corresponding ROS (primitive) reflect the CORE Act boundaries for recommended wilderness, the same as in the 2021 draft plan. Per the 2021 draft and now final forest plan (FW-STND-RECWLD-02), recommended wilderness would be managed consistent with adjacent congressionally designated wilderness, and as per congressionally designated wilderness – excludes motorized recreation. (Note the allowance for non-conforming uses is the same as in congressionally designated wilderness – they follow a specific process that must demonstrate the use wouldn't impair wilderness characteristics, and the Regional Forester has authority to approve/not).

The primitive ROS prescription is detailed in the forest plan, table 12 (p. 89). Primitive ROS specifies minimum measures consistent with wilderness management, and specifically precludes motorized equipment for nonmotorized recreation. By contrast, semi-primitive nonmotorized ROS provides for limited motorized recreation for the purpose of facilitating nonmotorized recreation access, e.g., helicopter skiing (table 13, p. 90). Semi-primitive nonmotorized ROS is applied in the preferred alternative to, for example, the Sheep Mountain area - consistent with the provisions of the CORE Act for uses such as helicopter skiing in what would be the CORE Act's Sheep Mountain SMA. The Sheep

Mountain/Hope Lake area overlap with winter ROS in the preferred alternative is detailed in the EIS, Vol 1, Table 175, p. 677.

Note that in the preferred alternative, a limited amount of primitive ROS is mapped in winter to areas beyond recommended wilderness, having taken into account the various citizen preservation proposals endorsed by the counties that recommended additional wilderness/primitive setting management.

After a plan is signed, existing special use authorizations must be made compliant with the forest plan upon their renewal. (This is detailed on page 65 of the draft Record of Decision).

Below you mention allocation of the Wildlife Management Areas - the plan's WMAs (MA 3.2) do not restrict types of recreation use such as helicopter skiing; WMAs limit system roads and trails above a certain density.

The special use permit itself if administered by the Norwood Ranger District. We do not make those available online because of PII, but you could certainly obtain it from Helitrax or request it through our FOIA process so that we can redact the appropriate information before sharing. Megan Eno, the Norwood District Ranger, was going to check the files to see if there are any NEPA documents available for the permit that might be helpful. It's possible the authorization was approved under a Categorical Exclusion so there may not be much in terms of analysis.

Please let us know if you have more questions

From: Lynn Padgett <lpadgett@ourayco.gov>

Sent: Monday, October 16, 2023 3:42 PM

To: Tucker, Jonathan - FS, CO <jonathan.tucker@usda.gov>

Cc: Gardunio, Dana - FS, CO <Dana.Gardunio@usda.gov>; Staley, Samantha - FS, CO <samantha.j.staley@usda.gov>

Subject: [External Email]RE: Helitrax questions and forest plan revision affects

Importance: High

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;

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Hi all, my concerns are if there is any winter ROS or recommended wilderness or wildlife management area that will interfere with the existing Helitrax special use permit/operations plan.

I want to make sure that their forecasting/mitigation operation and heliskiing operation is not jeopardized or changed by the revised forest plan's preferred alternative.

For example: the "Cirque Mountain" area near Yankee Boy basin is mapped as MA 1.2/3.1 and the winter ROS for Alt B is mapped as both primitive (in 1.2/3.1) and semi-primitive non-motorized.

The second potential conflict area we identified with respect to Heli-trax existing USFS permit and ops plan is in the Weehawken area. This area also looks like the MA is 1.2 or 1.2/3.1 and winter ROS is primitive in the preferred alternative.

Can you clarify if Heli-trax will be able to retain their existing GMUG forest permit and operations plan if the current preferred alternative of the FLMP/FEIS are approved?

I can't find a copy of the NEPA/EIS of the Telluride Heli-trax permit or decision online anywhere.

Best,
Lynn Padgett

From: Tucker, Jonathan - FS, CO <jonathan.tucker@usda.gov>

Sent: Monday, October 16, 2023 1:11 PM

To: lpadgett@ourayco.gov

Cc: Gardunio, Dana - FS, CO <Dana.Gardunio@usda.gov>; Staley, Samantha - FS, CO <samantha.j.staley@usda.gov>

Subject: Helitrax questions

Hi Lynn,

I received your voice mail from last Friday regarding the forest plans impacts on Helitrax permitted operations on the GMUG national forests. I am CC'ing Ranger Gardunio from the Ouray RD here to make sure she is aware of your concerns on behalf of Helitrax. Do you have any specific questions that we can address? I want to be sure that everyone is in the loop before we respond to questions specific to a permittee that I'm not very familiar with.

Hope you're enjoying Autumn!

Tucker



Jonathan Tucker
Asst Forest Planner

Forest Service
Grand Mesa
Uncompahgre and
Gunnison National
Forests

p: 970-573-1876

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