

Comment Regarding the Blue Lakes Visitor Use Management Plan

Patrick McKay, Esq.
Vice President, Colorado Offroad Trail Defenders
December 1, 2023

I am a Jeep and off-road vehicle enthusiast from Highlands Ranch, Colorado, and a non-practicing Colorado licensed attorney currently working as a software developer. I serve as the Vice President of Colorado Offroad Trail Defenders (COTD), a non-profit organization dedicated to keeping offroad trails open to full-size four wheel drive vehicles and maximizing opportunities for offroad motorized recreation. I am also an Advisory Board member of Colorado Offroad Enterprise, a related organization based in Buena Vista, CO which focuses on trail adoptions and community outreach to preserve high quality opportunities for motorized recreation in the central Colorado mountains. I am a frequent visitor to the San Juan Mountains, and did a 4-day backpacking trip to Blue Lakes in 2015.

These comments are submitted on behalf of both myself and Colorado Offroad Trail Defenders as an organization. As an organization, COTD is primarily interested in preserving the high quality opportunities for four-wheel-drive recreation in the project area, as well as overall recreational access to public lands.

We are strongly opposed to the proposal as currently drafted, as it will impose an unnecessary and highly restrictive permit system on one of the most popular hiking trails in the San Juan mountains, as well as impose severe restrictions on dispersed camping throughout the project area.

While we are glad to see that this proposal will not close or directly restrict motorized traffic on any of the roads and motorized trails in the project area, it will negatively affect all public lands users by restricting camping and will almost entirely eliminate all public access to the popular Blue Lakes Basin by establishing a permit system so strict that it borders on absurd. By the Forest Service's own documentation, the vast majority of resource damage occurring in the basin is caused by overnight camping, yet the Forest Service is proposing to restrict day-hiking to only 40 people per day, compared to current use levels of hundreds of day hikers a day. There is simply no rational justification for this draconian restriction on day hiking on one of the most popular hiking trails in the San Juans. Almost all of the benefits of the proposed action could be achieved by limiting overnight camping alone, without any restrictions on day hikers.

The only real justification the Forest Service gives for the draconian limits on day hiking to Blue Lakes is to keep the number of visitor encounters low by artificially limiting the supply of permits to a tiny fraction of current visitation levels. The encounter numbers the Forest Service is targeting are completely unrealistic for one of the most sought-after destinations in the area. Rather than relying on artificially restricting encounter levels through permits, the Forest should instead revise its ROS designations for the area to reflect a realistic level of expected encounters.

Limiting day-use permits to a mere 40 people per day will instantly make Blue Lakes one of the hardest to visit destinations on public lands in the entire western United States. By contrast, the Wave in Arizona allows approximately twice as many daily permits, which are issued through a lottery system that results in thousands of people competing for each permit with miniscule odds of ever winning one. The proposed permit system will make Blue Lakes at least twice as competitive as the Wave, yet the Forest Service has provided virtually no details on how this permit system will be implemented. Will it be a reservation system? A lottery? Will permits only be available months in advance, or will some be held back to be reservable a short time before? How will no-shows and cancellations be handled? The current proposal provides none of these crucial details.

With the tiny number of permits currently proposed, if a simple reservation system is used, all day-use permits for the summer season can be expected to sell out within seconds of being made available on Recreation.gov. The same can be expected with the even more limited overnight permits. Since that system will likely be considered unworkable, it seems almost inevitable that both overnight and day-use permits for Blue Lakes will have to be issued through a lottery system, which will make it nearly impossible for most people to ever visit this beautiful location. Again using the example of the Wave, it is a common experience for people to enter the permit lottery for years and never win a permit, making it impossible for most people who would wish to, to ever visit it. How is that more desirable than simply having more encounters between visitors on the trail?

While a limited number of permits makes sense for overnight camping at Blue Lakes since there is a limited number of sustainable campsites in the area, there are no such physical limitations on the number of day hikers the area can handle. Setting the number of day-hiking permits at 40 is completely arbitrary and utterly insufficient to satisfy the demand. We strongly urge the Forest Service to re-think this entire permit scheme, and either dramatically increase the number of day-hiking permits to something closer to current use levels, or else drop the day-hiking permit requirement entirely.

If the Forest Service insists on continuing with its current proposal for day-hiking permits, then it should provide significantly more details on how this permit system will be implemented and allow another opportunity for the public to comment on these details. Leaving such crucial details to a separate follow-on NEPA process is unacceptable, because it prevents the public from being able to give any meaningful input at this stage of the process when the decision of whether to implement the permit requirement at all is being made.

We believe that if this draconian permit system is implemented, it will significantly reduce the quality of recreation opportunities available in the region and it will also cause severe adverse effects to other popular recreation destinations in the area. The most likely site to be adversely affected by hikers displaced from Blue Lakes is the popular Ice Lakes Basin in the San Juan National Forest. The trail to Ice Lakes is already known to be overcrowded and the San Juan National Forest is rumored to be considering a permit system for that area as well. Hikers displaced from Blue Lakes will seek out a similar alternate destination, of which the Ice Lakes Basin is the most similar because it also features bright blue alpine lakes accessed by a popular and well-maintained hiking trail. Increased visitation to Ice Lakes caused by hikers displaced

from Blue Lakes will likely push Ice Lakes over the brink of its carrying capacity, forcing the San Juan National Forest to implement a permit system there as well. That will in turn cause cascading user displacement to other similar but less popular destinations like Columbine Lake. And so on and so forth. The Forest Service must therefore thoroughly analyze the likelihood that establishing a permit system at Blue Lakes will cause a cascading series of user displacement, overcrowding, and further restrictions at other similar destinations in the region like Ice Lakes and Columbine Lake.

As for other elements of the plan, while we are not categorically opposed to limiting dispersed camping to designated sites along roads in the project area, we ask that the Forest Service take care to designate all existing campsites as authorized sites so as not to cause a reduction in the total number of available campsites. We are concerned about the rule prohibiting camping above timberline, as that would effectively prohibit camping along NFSR 853.1B1, the spur road to Wrights Lake, where camping is currently allowed per the MVUM. It would also prohibit people from sleeping in their cars at the Mount Sneffels Trailhead at the end of the Yankee Boy Basin Road. People have been camping at Wrights Lake and sleeping in their cars at the Mount Sneffels trailhead for many years with minimal environmental impact and should continue to be allowed to do so. We propose that that plan be amended to still allow camping at these two locations above timberline.

We have no objection to delineating official parking areas at Wrights Lake and the Mount Sneffels trailhead, but motorists should continue to be allowed to park along the sides of the Yankee Boy Basin Road and Wrights Lake Road to stop and sight-see, which is critical to allow people to properly enjoy the area. For example, people may wish to briefly stop and walk off the side of the road to admire the view or look at some wildflowers. Or, to use a personal example, on one visit to Yankee Boy Basin in 2020, I parked for a while at the junction between the Yankee Boy Basin Road and Wrights Lake Road to fly my drone. Such temporary stops would be impossible if parking is prohibited along most of the length of these roads.

We therefore oppose making the official parking areas at the top of Yankee Boy Basin Road and at Wrights Lake the only places where parking is allowed along these roads. Generally people may park along four-wheel-drive roads wherever there is room to do so without blocking the road or causing resource damage, and that should continue to be allowed. We note that restricting parking to designated areas could also pose a safety risk, as the Yankee Boy Basin road is a difficult four-wheel-drive road and it is common for people to drive as far as they feel comfortable then park and continue on foot. If people can only park at the end of the road, it may force some motorists to continue driving past where they feel comfortable doing so in order to reach a legal parking area, which could cause accidents or vehicle damage. At most, parking should only be restricted to designated areas in the immediate vicinity of the end of the Yankee Boy Basin Road and Wrights Lake, while allowed anywhere along the remainder of these roads.

Thank you for your consideration.

Sincerely,

Patrick McKay
Vice President, Colorado Offroad Trail Defenders