

Heather Noel, Acting Forest Supervisor
c/o Michael Beach
Eagle-Holy Cross Ranger District
PO Box 190
Minturn CO 81645

RE: Eagle-Vail Trail #2351 Extension CE

April 12, 2024

Dear Ms. Noel:

Please accept these comments from Wilderness Workshop on proposed authorization and construction of a trail connecting the existing EagleVail Trail, NFST #2351 to Village Road in the Town of Avon, as described in the March 21, 2024 letter to interested parties.¹

The Forest Service must consider and disclose potential wildlife impacts. The project area provides important elk habitat, as well as habitat for deer, black bear, and numerous other species. Local habitat is subject to increasing fragmentation and intense recreational impacts.² Indeed this proposed trail would expand a system that is already impacting prime elk habitat, critical for elk calving.³

In addition to considering and disclosing potential impacts to wildlife, the Forest Service must also consider and disclose mitigation measures and data regarding the effectiveness of such measures. If a trail is approved, seasonal use restrictions should be implemented.

¹ Interested parties letter available at <https://usfs-public.app.box.com/v/PinyonPublic/file/1483658185213>.

² Eagle County, Colorado has seen a decline in the population of several species of wildlife, including elk and mule deer. The elk population has dropped by 50% since 2007, and the cow-to-calf ratio has declined from 60 calves per 100 cows 40 years ago to the mid- to upper 30s today. Factors contributing to the decline include development (permanent changes to the landscape can destroy elk habitat) and recreation (trails can carve up elk habitat, decrease calf survival rates, and displace elk). *See e.g.*, Millhouser, Paul. *Evaluating Landscape Connectivity and Habitat Fragmentation Effects on Elk in the Roaring Fork and Eagle Valleys*. Rocky Mountain Wild, 2019 (finding that “human influence, as reflected by habitat fragmentation and reduction of landscape connectivity, was the driving force in the declining elk population. Absent changes in management practice, the population is in the best case likely to remain near its current relatively low level, and may well decline further.”), available at <https://drive.google.com/file/d/1qAuyd7BEMMIYcGFDlvKCOJU2V12hM6os/view>. *See also* Zoe Goldstein, *How can Eagle County save its declining elk population? To protect elk, changes need to be made to recreation and development habits*, Vail Daily (Nov. 28, 2023), available at <https://www.vaildaily.com/news/how-can-eagle-county-save-its-declining-elk-population/>; Scott Miller, *Colorado wildlife officials say elk herd numbers may not be sustainable over the next 20 years*, Vail Daily (Nov. 2, 2023), available at <https://www.vaildaily.com/news/colorado-wildlife-officials-say-elk-herd-numbers-may-not-be-sustainable-over-the-next-20-years/>.

³ *See* “How can Eagle County save declining elk population” *supra* N.2 (“The EverKrisp Trail is an example of a trail that runs through prime elk habitat, as it makes up critical elk winter and calving habitat.”).

However, seasonal use restrictions do not eliminate impacts.⁴ The Forest Service must consider whether impacts, even with potential mitigation measures, rise to the level of significance.

The Forest Service must also consider this trail within the broader context of the Eagle Valley and the White River National Forest. As discussed above, development and recreation are having significant impacts on wildlife populations. *See* N.2 *supra*. These issues are the single biggest management challenge facing the Forest Service.⁵ Indeed, wildlife managers have questioned whether we can even sustain the decimated current wildlife populations moving forward given so much development and recreation.⁶

Given the insatiable demand for new recreation opportunities in the Eagle Valley, at some point the Forest Service will have to say no to new trail development to ensure protection of other resources, including wildlife habitat. Before authorizing this new trail, the agency must consider if recreation is already having significant impacts on wildlife, and whether this would contribute more to those significant impacts or if this trail could push current impacts beyond the threshold of significance. The agency must take a hard look at potential impacts and begin thinking about how best to balance the need for this project (and projects like this) against the impacts of development. The agency has a legal obligation to consider these issues before approving this project.

The Forest Service should undertake a thorough analysis, certainly an EA and maybe an EIS, to look at the potential impacts that this trail would have on area resources. That analysis should include discussion of the growing network of nearby and connected recreational infrastructure, including discussion of the direct, indirect, and cumulative impacts that infrastructure has on wildlife and other important resources.

We are unaware of any valley-wide trail plan or programmatic analysis that considers impacts of the growing network of trails throughout the valley.⁷ It is time for the Forest Service to look at the trail system holistically and figure out where new trails are appropriate and where other resources necessitate protection from development. A recent

⁴ *Id.* (quoting local wildlife manager: “We can put a seasonal closure on it for the sake of wildlife, but we still have to be okay with it being a net loss, because you’re not going to have 100% efficacy of your closure, and then it’s going to be seasonally unavailable for animals that might actually use it for far more than just calving season or a couple months out of the winter.”).

⁵ Jason Blevins, *Colorado’s White River National Forest is the country’s busiest national forest, with a \$1.6B impact. But can it keep it up?*, Colorado Sun (Dec. 20, 2022) (“Fitzwilliams also sees alarm bells in the soaring visitation and economic numbers. It’s time to direct more funding into the forest, he says, and build a new plan that weighs record traffic and economic contributions alongside the ecological capacity of a stressed forest.”), available at <https://coloradosun.com/2022/12/20/white-river-national-forest-recreation-economy/>.

⁶ *See* “wildlife officials say elk herd numbers may not be sustainable” *supra* N.2 (“Habitat loss is among the biggest problems.”).

⁷ Note, we made this exact same comment to the White River National Forest in August of 2017 when the agency was considering authorization of a connector between the Stone Creek and Meadow Mountain Trails. Still there is no broader plan or programmatic analysis that takes a hard look at potential impacts of more recreation on other sensitive forest resources in this area. The Forest Service cannot continue to punt on these issues.

study reviewing the ecological impact of recreation on public lands in Western Colorado published by the University of Utah's Recreation Ecology Lab recommends that before approving new recreational development "managers should conduct landscape-level analysis to assess ecological disturbance and integrity."⁸ That is exactly what the Forest Service should do in this case.

Due to unwavering demand for more recreation and the significant impacts recreation can have on ecological values, authors of the same study urge managers to "employ the precautionary principle in recreation management decisions as impacts are difficult to reverse even if they are not anticipated. Put another way, managers should first ensure there are adequate conditions for wildlife and other public lands resources to thrive and from there determine if additional recreation can be accommodated and where."⁹ Given declining wildlife populations in the Eagle Valley, it is unclear that current conditions in the area are adequate for wildlife and other public land values to thrive.

Now is the time to take a hard look at these issues, before more trails are developed and authorized for long term use. The Forest Service must consider and disclose cumulative impacts of all this recreation while there is still decision space.

The Forest Service should also consider alternatives to the proposed trail, and the agency should compare the proposed action and reasonable alternatives to a no action alternative. The scoping letter suggests a need to connect Eagle Vail with Avon. Of course, there is already a bike path along the river connecting the two. This would add a soft surface, singletrack alternative to the existing bike path. However, that will result in increased impacts to other forest resources that have not been analyzed or considered. The Forest Service must more clearly articulate the need for this new trail in light of a thorough discussion of potential impacts.

The Forest Service must also consider and disclose how this trail will be funded and maintained. The interested parties letter suggests that an existing special use authorization granted to the Eagle Vail Metro District would be amended to include operation and maintenance of the new trail, but the responsibilities and obligations of that agreement must be disclosed. The White River National Forest already has a backlog of trail and road maintenance. The agency simply cannot afford to build and maintain more. Continuing to add new trails is unsustainable absent additional resources to maintain those trails in the future.

The Forest Service should consider using resources necessary to develop and maintain this trail to enforce regulations and restrictions related to existing trails. This project will, in effect, legalize user-created trails. That seems to be the approach that land managers consistently take when faced with increasing recreational pressure. But it is not good

⁸ Christopher Monz, *The Ecological Consequences of Wildland Recreation: A Review of Knowledge and Implications for Public Lands in Western Colorado*. Utah State University, Recreation Ecology Lab, Department of Environment and Society, The Ecology Center and The Institute of Outdoor Recreation and Tourism (May 2023), at 16 (attached as Exhibit 1).

⁹ *Id.*

public policy. Simply bowing to recreational pressure will have impacts, potentially significant impacts, on other important resources that have not been disclosed or analyzed. Now is the time to disclose and analyze those impacts.

Sincerely,

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Exhibits: 1