

January 12, 2026

Krystina Smith
Grand Mesa, Uncompahgre, and Gunnison National Forest
Norwood Ranger District
P.O. Box 388
Norwood, CO 81423

Re: Telluride Mountain Club Trail Proposal 2023

Dear Krystina Smith:

Beveridge and Diamond, P.C. represents the Idarado Legacy Homeowner's Association (Idarado HOA) and submits these comments on their behalf in response to the United States Forest Service (USFS) March 2025 Draft Environmental Assessment (Draft EA) prepared under the National Environmental Policy Act (NEPA) regarding the 2023 Telluride Mountain Club (TMtC) Trail Proposal (Proposal), particularly the proposed South Side Perimeter Trail (SSPT). Established in 2004, the Idarado HOA is a coalition of homeowners just east of Telluride, Colorado. With its stunning natural environment, outstanding recreational opportunities, and unique quality of life, the Telluride area is a special and irreplaceable place for residents and visitors alike. The Idarado HOA convenes regularly, fosters community-wide communication, and has engaged in beneficial projects like supporting the development of the Idarado Legacy Trail.

As longtime residents of Telluride, the Idarado HOA takes seriously its role in fighting threats that would unduly impact the area's natural resources, particularly those threats of new development with disproportionate effects on unique resources for no-to-marginal benefit. Measured and conscientious development of recreational opportunities is critically important for people who work, live, and visit this area and to protect and preserve the natural environment, including wildlife. The Idarado HOA, and its members previously submitted comments during the scoping phase of the proposed trail expansions. These previous comments are incorporated here by reference.

Since that time, representatives for the Idarado HOA have reached out to the USFS and the TMtC as the proponents of the Proposal, without response or engagement in return. For that reason, in advance of a final decision on the EA, the Idarado HOA provides these supplemental

comments with the benefit of additional time to review the Draft EA and consider other comments already in the record. These concerns have only increased with this additional time and information, and the Proposal's deficiencies are serious. Therefore, the Idarado HOA requests that these supplemental comments be included in the administrative record for the Proposal. If the USFS moves forward with this unlawful proposal, it will irreparably damage local natural resources and the Telluride community through overlooked and unmitigated project impacts.

Overview

The EA is fundamentally flawed. The USFS must course correct and remedy the EA's serious deficiencies to comply with NEPA and the USFS's other legal obligations, most notably under the Endangered Species Act (ESA), the Clean Water Act (CWA), the National Forest Management Act (NFMA), and the National Historic Preservation Act (NHPA).

In its environmental review, the USFS relied on overly broad analyses based on misguided and unfounded assumptions. That broad analysis glossed over the unique impacts associated with various different actions identified in the EA. The USFS also ignored and prematurely dismissed significant effects of its Proposal, particularly regarding the SSPT. The EA's failure to consider obvious SSPT alternatives and its cursory analysis further undermined the NEPA process.

The USFS inexplicably identified only three alternatives: Alternative 1 - No Action Alternative, Alternative 2 - the complete Proposed Action, or Alternative 3 – the same as Alternative 2 without only one of the proposed new trails (the Sheep Mountain Traverse). Both Alternatives 2 and 3 conflict with the management goals of the prevailing Grand Mesa, Uncompahgre, and Gunnison National Forest Plan (GMUG Plan), and remain disconnected from the natural, geographic, and socioeconomic realities of the Telluride area. Because the USFS so severely limited its alternatives analysis, the agency impermissibly ignored feasible options such as improving or completing existing trails or rerouting alignments to avoid wetlands and steep slopes. One such alternative, which the USFS failed to even acknowledge, provides for the minor expansion of the existing Idarado Legacy Trail to accomplish the same alleged objective as the SSPT with a fraction of the potential impacts. *See Exhibit A.*

Further, the Draft EA failed to adequately analyze foreseeable impacts from its proposals that will contribute to significant human impacts to the environment. The Idarado HOA previously submitted comments identifying concerns regarding traffic congestion, safety issues, increasingly limited parking availability, trespass on private lands, and wetland and species impacts. The USFS knows that the "Bridal Veil Trail is one of the region's most frequented trails," and stated that constructing the SSPT is an attempt to "decrease car traffic." Draft EA at 18-19. As described in more detail below, however, the Draft EA did not identify any viable parking alternatives, and instead relied on the Town of Telluride to accommodate known and increasing traffic and parking burdens associated with outdoor recreation. The Draft EA overlooked the Telluride region's recreational parking and traffic issues which are already

overtaxed, leading visitors to illegally park along key mining roads to access trailheads, creating safety issues and impacting local residents and visitors' experiences alike. Draft EA at 18-19. The Draft EA also failed to account for how new recreational overflow to the proposed SSPT from "one of the region's most frequented trails," would impact wildlife through noise or changes to protected species' behavior patterns which could further fragment available habitat. Other potentially significant impacts, including sedimentation, aquatic resource degradation, and noise, are either entirely ignored or rely on unsupported assumptions that underplay real-world consequences.

While the Idarado HOA supports recreational activities in the area, new developments must be adequately analyzed to avoid unintended resource impacts. Any regulatory changes expanding recreational opportunities in the area should be drafted carefully in collaboration with the local community, and in a way that does not exacerbate current traffic and parking challenges, increase safety concerns, or create unnecessary and unstudied environmental effects. The USFS must meaningfully engage with the comments it has received from the Idarado HOA and others, including the significant concerns raised by Colorado Parks and Wildlife, to avoid producing a final EA that violates NEPA and other of USFS's statutory obligations.

As it stands, the Draft EA skirts the USFS's obligations under NEPA and prevents the agency's ability to conduct informed decision making. These deficiencies also undermine public participation by depriving affected and interested parties of the information necessary to understand and comment on the project's impacts. Therefore, at a minimum, the USFS must thoroughly revise the Draft EA including considering an appropriate range of alternatives that accurately reflect the needs of the local communities while upholding the agency's management responsibilities under the GMUG Plan. The USFS must not finalize the Draft EA without addressing the serious and pervasive deficiencies identified herein and throughout the public comment period.

Supplemental Specific Comments on the Draft EA

Consistent with the above general comments, the Idarado HOA identifies specific shortcomings below based on its review of the Draft EA, including problems with the EA's underlying assumptions, impact analyses, and internally inconsistent findings. The Idarado HOA strongly urges the USFS to revise the Draft EA and meaningfully analyze the project's environmental effects, incorporate site-specific data, and demonstrate compliance with applicable statutory and regulatory requirements.

A. The Draft EA is deficient under NEPA.

NEPA requires agencies to "ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document" and to base conclusions on reliable data and methods. 42 U.S.C. § 4332(2); 7 C.F.R. § 1b.9(h). NEPA directs agencies to analyze all "reasonably foreseeable environmental effects" of the proposed action, disclose the basis for

their findings, and “study, develop, and describe technically and economically feasible alternatives” to the proposed action. 42 U.S.C. §§ 4332(2)(C)(i), (F). The agency must also integrate into its effects analysis any impacts that trigger obligations under other federal environmental laws, such as the Clean Water Act (CWA) and the Endangered Species Act (ESA).

The Draft EA falls far short of these mandates. The following sections detail the Draft EA’s flawed assumptions, internal contradictions, and inadequate alternatives assessment. The USFS should amend the EA to address these deficiencies. Failure to do so will render the agency action arbitrary and capricious or otherwise not in accordance with the law under the Administrative Procedure Act. 5 U.S.C. § 706(2)(A).

1. Flawed and Unsupported Assumptions

The Draft EA unlawfully relied on unsupported assumptions and failed to obtain and analyze site-specific data. The Proposal involves dispersed new trail development and redevelopment throughout San Miguel County. Given the admitted “large extent of the project area” (Draft EA at 63), there are heavily varied soil types, terrain, slopes, construction hurdles, access limitations, hydrologic resources, wildlife impacts, etc. for each trail. Yet, there is limited site-specific information, and no such information regarding the SSPT. Instead, the USFS applied broad assumptions and generalized impacts, distorting actual environmental impacts, and rendering the analysis largely irrelevant. For instance, without providing adequate justification, the USFS assumed that all hand-built trail construction would have a total disturbance of 7-10 feet, with a permanent disturbance width of 3-7 feet for the length of each trail.¹ Draft EA at 23. The USFS applied these assumptions for each trail regardless of slope, site-specific geohazards, or each trail’s unique hydrologic resources, geology, and erosion factors. Across the entire proposed project, slope percentage varies from 0 percent to 90 percent. Draft EA at 63-64. The limits of construction, and impacts from soil disturbance and vegetation clearing and management are closely tied to slope, and the USFS should have analyzed project impacts based on trail-specific slope. For trails like the proposed SSPT, a two-mile new development over steep slopes, inferences from assumptions that ignore consequential factors like slope, are of limited use. Therefore, the USFS’s improper assumption regarding varied, trail-specific disturbances generalizes the effects analysis past the point of utility.

To further complicate the USFS’s effects analyses, the agency not only assumed a general limit of disturbance, but rested its analysis on assumed compliance. Hydrology and Soils Specialist Report at 7 (“TMTc will collaborate with the GMUG to review the [GMUG Plan] and ensure applicable [Project Design Criteria], [Mitigation Measures], and [Best Management Practices], such as fugitive dust control, water quality measures, and erosion control are adhered to.”). Assuming the proposed project will comply with erosion control and construction practices

¹ These assumptions are also internally inconsistent as the temporary and permanent acreage disturbance for the Hydrology and Soils Specialist Report applied a 12-foot and 5-foot trail corridor, respectively. Hydrology and Soils Specialist Report, at 6.

absent actual evidence and analysis reduces NEPA's procedural requirements to a matter of belief, and fails to provide interested parties with scientific data and information needed to meaningfully comment on project impacts.

The Draft EA also assumed the project's action area is limited to the extent of construction and permanent disturbance, 7-10 feet and 3-7 feet respectively for hand-built trails like the SSPT. Draft EA at 23. Despite these trails occurring in high-to-very-high runoff areas (Draft EA at 63-64), the USFS did not review any potential impacts from project-related sediment. Based on the inherent ground disturbance in trail development, and limited efficiency of soil and erosion controls on steeper slopes, project-related sedimentation will likely exacerbate existing geohazards like rockslides and mudslides, which are already significant concerns in the area, and could also impact protected aquatic species and resources in the region.

Moreover, by limiting the scope of impacts to the trail width, the USFS failed to account for other wildlife impacts based on the zone of human influence and disturbance like noise or presence. The controlling GMUG Plan Management Approaches FW-MA-SPEC-07.e and FW-MA-TRLS-03, state the USFS should use Colorado's 2021 Developing Trails with Wildlife in Mind document when considering new trails. GMUG Plan at 42, 100. This "best practices guide" requires agencies to "understand zones of human influence and disturbance" which is defined as the "area beyond a route's physical footprint in which on-trail activities affect wildlife behavior and habitat use." Developing Trails with Wildlife in Mind at 16-19. The Draft EA analysis failed to meaningfully address wildlife impacts from recreational use and limited project effects to trail construction. Draft EA at 49-50; Biological Assessment at 23 ("[T]he distribution of impacts would be along long, narrow alignments seldom greater than 8 ft wide."); *compare* Exhibit A at 6 ("The creation of a single track trail physically disturbs a small amount of habitat, but the major concern is the resulting human disturbance to wildlife associated with the creation and use of new trails from any type of use.").

The USFS improperly relied on the assumption that impacts would be limited to the width of the trail in analyzing project effects to federally protected species, like the threatened Canadian lynx (*Lynx canadensis*). The Biological Assessment (BA) briefly admitted the "[d]evelopment of proposed trails would likely lead to increases in human presence and use of the Project Area" and "result in the temporary and incidental displacement of individual lynx," but summarily dismissed any individual impacts stating "[a]ny individuals displaced by trail construction would be expected to relocate to comparable habitat adjacent to the Project Area." BA at 26-27. The USFS provided no support for the assumed reoccupation of the SSPT area, which is especially concerning given the anticipated heavy use of the trail. The Draft EA also failed to reconcile lynx-related impacts with the BA's statement that "[i]ncreased levels of human presence and activity could discourage use of habitat by lynx and hare within the vicinity of proposed trails." BA at 27. Moreover, these very concerns were highlighted for the USFS by Colorado Parks and Wildlife. Exhibit A at 7 ("The creation of the proposed perimeter trail will further displace wildlife that uses the area.")

The USFS's assumptions unlawfully understate foreseeable project impacts, undermine the NEPA process, and fail to adequately address known and anticipated impacts to natural resources and protected wildlife. The USFS should amend the Draft EA to correct its unsupportable assumptions and accurately assess the proposed project's potential effects.

2. *Internal Inconsistencies*

The Draft EA's conclusions are internally inconsistent regarding wetlands and streams, blasting, protected species presence, and traffic and parking impacts.

Wetlands and Streams

The USFS's wetlands and streams impact analysis is internally inconsistent.

- The Draft EA both identified wetland and stream resources throughout the project area, but did not identify any resources specific to the SSPT. Outside of surveyed resources, the EA stated there were "isolated occurrences of riverine wetlands" throughout the proposed project, which should include the SSPT. Draft EA at 58. However, the USFS did not identify any resources that the SSPT would cross, and did not provide any site-specific analysis.
- The Draft EA stated all wetlands would be "bridged to the appropriate width necessary to avoid fringe wetland impacts" (Hydrology and Soils Specialist Report, Appendix B), and acknowledged that "[w]here avoidance is not feasible, both temporary and permanent [wetland] impacts may be incurred." Draft EA at 59.
- The Draft EA stated "[n]o impacts to Waters of the U.S. would occur through implementation of the proposed action" (Hydrology and Soils Specialist Report, Appendix B), and that the project proponent must obtain stormwater discharge or dredge and fill permits under CWA §§ 402, 404, "if necessary." Hydrology and Soils Specialist Report at 8.

Wetlands cannot be both impacted and not, require a permit and not, exist but not be identified. The USFS has essentially hedged its bets by broadly acknowledging that wetlands may be present and potentially be impacted, but without doing the work necessary to identify *where* those wetlands occur throughout the project area so that it can understand the potential impacts of the specific and unique trails it proposes. These sweeping generalizations are insufficient to comply with NEPA and the CWA.

Blasting

The USFS stated rock blasting may be necessary for new trail construction. Draft EA at 23. The USFS did not identify any potential locations where blasting might be necessary, did not analyze or limit potential blasting methods or consider time restrictions, and did not analyze any noise or

vibration impacts associated with blasting activities. Blasting has the potential to increase geohazards like rockslides, and the noise and vibrations may have significant impacts on protected species in the area which would increase the range of impacts well beyond the assumed 3-10 feet. Draft EA at 23. Even so, the USFS did not analyze *any* impacts associated with blasting activities. The USFS cannot simply assume negligible impacts because the project may or may not ultimately require blasting. Again, the USFS has failed to do the work necessary to fully analyze and understand the potential impacts of the specific actions it proposes, and instead makes general assertions that are insufficient to comply with its obligations under NEPA.

Protected Species Presence

The Draft EA concluded there are no individual protected species in the entire project area based on one limited survey in the Summer of 2024. Draft EA at 47. The survey was a “100-percent pedestrian biological survey.” BA at 12. This is wholly insufficient. The USFS provided no justification for relying on a pedestrian survey to determine threatened or endangered species presence. It is waxing farcical to suggest a pedestrian survey could prove the absence of a notoriously illusive species like the Canada lynx.

Regardless, the BA did state that “Canadian lynx has been documented within the greater vicinity” of the Project Area, which triggered additional analysis. BA at 12. However, the Draft EA incorrectly relied on the pedestrian survey to conclude “no lynx present” and therefore unlawfully ignored documented occurrences, and limited the protected species analysis to lynx habitat disturbance. Draft EA at 47. Without site-specific surveys, using approved Canada lynx survey methods, the USFS cannot assume species absence in highly suitable habitat within the species’ current range, especially in light of documented occurrences in the area. *See, e.g.*, Exhibit A at 6 (“All proposed trails fall within summer range and overall range for black bears and high use summer and winter range for lynx.”)

Lastly, without providing additional information, the USFS assumed no impacts to lynx in winter as “trail use in colder months is anticipated to be limited.” Draft EA at 50. However, the Draft EA also stated that “given that most access roads to the proposed trails do not require 4WD, as well the large range of authorized non-motorized activities on the proposed trails (e.g., cross-country skiing, backcountry skiing), the access roads to the proposed trails are expected to experience year-round use.” Draft EA at 43. The BA identified snowshoeing and cross-country skiing as activities that “could discourage use of habitat by lynx...within the vicinity of proposed trails.” BA at 27. The BA even found that “impacts would be largely imperceptible during the winter months *except along the vector of trail alignments.*” BA at 24 (emphasis added). Colorado Parks and Wildlife emphasized in comments that “[t]he loss of *any* habitat cumulatively impacts the wildlife resource.” Exhibit A at 6 (emphasis added). CPW further noted that “[t]he creation of a single trail physically disturbs a small amount of habitat, but the major concern is the resulting human disturbance to wildlife associated with the creation and use of new trails from *any* type of use.” *Id.* (emphasis added).

The USFS should require approved survey methods for relevant species, and amend the Draft EA to accurately analyze project impacts to lynx individuals as well as habitat, including from winter recreational use.

Traffic and Parking

The alleged purpose of the SSPT is to “decrease car traffic to the popular Bridal Veil Falls parking area and spread out trail users in this typically high-traffic zone.” Draft EA at 18-19. The Traffic Report, however, concluded that for the Bridal Veil Road area, “it is likely that vehicle traffic would remain unchanged, and actual visitation to the trails in [this area] would remain constricted by existing, limited parking.” Traffic and Parking Technical Report (“Traffic Report”) at 12. In other words, the USFS itself has concluded that the SSPT will not serve its stated purpose.

Although the Traffic Report also noted that parking is “generally available at the trailheads or terminuses of other existing trails that this proposed trail connects to (e.g., Town of Telluride, Bridal Veil Road lower parking lot)” it also concluded that existing trailhead parking capacity for the SSPT is “[zero].” Traffic Report at 8. These claims cannot be reconciled, especially considering that the ever-increasing recreational trend for the Telluride region will place greater demands on traffic and parking infrastructure. Recreation Technical Report at 8 (recreation demand anticipated to grow 20 percent by 2026).

The fact that the SSPT will not serve the stated project purpose (according to the USFS’s own statements), and that there is “zero” parking capacity for the trail should have alerted the USFS to the need to consider additional information and alternatives. As it stands now, the information provided in the Draft EA is insufficient to support proceeding with the SSPT. In fact, it dictates the opposite without, at minimum, a full traffic study and consideration of alternatives and parking options for the SSPT.

3. *Inadequate Range of Alternatives*

The Draft EA’s narrow scope of alternatives undermines the NEPA process. There are only three alternatives: (1) the “No Action” alternative; (2) the entire proposed action; and (3) the entire proposed action minus one new trail, the Sheep Mountain Traverse. Draft EA at 15-24. Despite each trail having wetland, soil, and wildlife impacts, the USFS arbitrarily proposed omitting the Sheep Mountain Traverse to “reduce potential resource impacts [t]o the extent possible while maintaining the remaining proposed trail alignments.” Draft EA at 24. The USFS did not provide any additional justification or insight into why it focused only on the Sheep Mountain Traverse for elimination in Alternative 3.

The USFS did not consider eliminating the proposed SSPT, and did not consider viable alternatives to the SSPT such as extending the existing Idarado Legacy Trail, which would accomplish the same alleged purpose of alleviating Bridal Veil Falls trailhead congestion, but with fewer impacts as there would be limited new development. Cherry-picking one of the

proposed new recreational trails without adequate justification fails to comply with NEPA's requirement to consider reasonable alternatives. The alternatives analysis is not a box-checking exercise. By failing to consider reasonable alternatives, the USFS has not met NEPA's requirements.² The USFS should amend its Draft EA to identify additional reasonable alternatives such as eliminating the SSPT and extending the existing Idarado Legacy Trail.

B. The Draft EA is deficient under the NFMA.

The NFMA requires that project permits for use and occupancy of National Forest System lands comply with the governing Land Management Plan. 16 U.S.C. § 1604(i); 36 C.F.R. § 219.15(b). The USFS must describe how the proposed action is consistent with applicable plan components. 36 C.F.R. § 219.15(d). It has failed to do so.

The EA ignored or contradicted the GMUG Plan by proposing trail development outside designated Recreation Emphasis Areas (EMREC), impacting Canada lynx and its habitat, failing to use existing, impacted areas for additional development, and arbitrarily limiting the scenic integrity analysis.

1. Trail Development Outside Designated Recreation Emphasis Areas

EMRECs are those areas “that currently experience extremely frequent, season-long dispersed camping and other recreational use.” GMUG Plan at 125. Within these areas “other multiple uses and management activities are considered secondary to the primary objective of delivering desired sustainable recreation outcomes.” *Id.* at 126. These areas also have “moderate-to-high levels of social interaction as a distinct component.” *Id.*

Importantly, under the GMUG Plan's Management Area Allocations the existing Bridal Veil Trail is identified as an EMREC. The USFS proposed the SSPT as an alternate means to access “one of the region's most frequented trails,” but the proposed SSPT occurs outside a designated EMREC and the USFS has not proposed designating or expanding EMRECs for the SSPT. *See* Management Area Allocations GMUG Final Plan Map. Proposing the SSPT without undertaking the process of designating or expanding an associated EMREC is inconsistent with the GMUG Plan and warrants a Forest Plan amendment. The USFS's failure to take the appropriate steps to ensure the SSPT is consistent with the GMUG Plan is a procedural and substantive defect separate from the Project's NEPA deficiencies.

² This omission likely also violates the CWA, which prohibits authorizing discharges of dredged or fill material where “a practicable alternative would have less adverse impact on the aquatic ecosystem”, or the least environmentally damaging practicable alternative (LEDPA). 40 C.F.R. § 230.10(a). USFS admits the proposed project will have hydrology impacts to wetlands (EA at 9), but fails to provide any analysis regarding wetland features associated with the SSPT. EA at 59. Because the proposed SSPT traverses streams and wetlands, the EA must evaluate alternatives that would mitigate or eliminate such impacts, consistent with both NEPA and the CWA's LEDPA standard.

Moreover, GMUG Plan MA-GDL-EMREC-05 states “[t]o concentrate and minimize ecological impacts, new developments and facilities should use existing, impacted areas where possible.” GMUG Plan at 127. As discussed above, the Draft EA failed to analyze using the existing Idarado Legacy Trail to accomplish the alleged purpose of the SSPT. Expanding the Idarado Legacy Trail would significantly reduce any ecological impacts from developing an entirely new trail. USFS’s failure to consider the Idarado Legacy Trail not only undermined NEPA’s required alternatives analysis, but also ignored the GMUG Plan’s new development guideline.

2. Noncompliance with Wildlife and Habitat Standards

Between 1998 and 2000, the USFS, Bureau of Land Management, National Park Service, and U.S. Fish and Wildlife Service (USFWS) jointly compiled the best available science and information about lynx across the contiguous United States. This effort led to the publication of the 2006 Lynx Conservation Assessment and Strategy (LCAS), which identified possible risk factors to lynx and lynx habitat, established a basis for assessing the adequacy of existing Forest Plans, and recommended lynx conservation measures. One of the primary risk factors included recreational uses and other human developments that could affect lynx productivity. The USFS later superseded the LCAS in 2008 and issued the Southern Rockies Lynx Amendment (SRLA) to eight Land and Resource Management Plans including the GMUG Plan. In the SRLA, the USFS acknowledged that “[m]aintaining habitat connectivity is particularly important in the Southern Rockies Amendment area, which is separate from lynx habitat to the north in Wyoming and distant from populations of lynx in the Northern Rockies and Canada.” SRLA ROD at 17.

The USFS also included SRLA conditions on human use projects, like recreation management, in lynx habitat and LAUs into the GMUG Plan. The relevant objectives are as follows:

- Objective HU 01: Maintain the lynx’s natural competitive advantage over other predators in deep snow, by discouraging the expansion of snow-compacting activities in lynx habitat.
- Objective HU 02: Manage recreational activities to maintain lynx habitat and connectivity.
- Objective HU 03: Concentrate activities in existing developed areas, rather than developing new areas in lynx habitat.

GMUG Plan at 4-7 and 4-8.

The SSPT conflicts with each objective.

- The BA stated the proposed action would not expand snow compaction activities (BA at 24), but both the BA and Draft EA acknowledged continuous winter recreational use of the proposed trails for cross-country skiing and other activities that would likely increase snow-compaction in previously undeveloped areas. Draft EA at 43; BA at 27.

- The BA alleged habitat connectivity would not be reduced (BA at 24), but both the BA and Draft EA ignored project impacts beyond the trail's physical footprint which could affect wildlife behavior and habitat use and arbitrarily dismissed the species likely avoidance of areas in the project vicinity for den sites and security habitat selection. Draft EA at 50.
- Lastly, the USFS again ignored using existing developed areas, like the Idarado Legacy Trail, in lieu of entirely new developments like the proposed SSPT.

3. Omission of Scenic Integrity Objective Analysis

The Draft EA identified the SSPT as having a high Scenic Integrity Objective (SIO). Draft EA at 27. A "high" SIO means "[m]anagement activities are unnoticeable, and the landscape character appears unaltered." GMUG Plan at 192. Here, the USFS limited the SIO analysis to only the 0.7-1.0 mile stretch of the SSPT occurring on USFS land. The USFS improperly omitted SIO impacts from the adjacent 1.0-1.3 miles of the proposed SSPT.

C. USFS must conduct NHPA surveys.

Section 106 of the NHPA requires that any federal agency with "direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State" or "any Federal department or independent agency having authority to license any undertaking" must study ways to avoid or mitigate any adverse impacts the undertaking could have upon historic properties or other cultural resources. 54 U.S.C. § 306108.

The Advisory Council on Historic Preservation's regulations establish a four-step consultation process that agencies must complete before issuing a permit, license, or approval for an undertaking. *See* 36 C.F.R. Part 800. First, the agency must determine if the project is a federal undertaking, thereby triggering Section 106. 36 C.F.R. § 800.3(a). Second, the agency must identify the scope of potential effects and any historic properties and cultural resources that may be in the area. 36 C.F.R. § 800.4. Third, the agency must determine whether the project will adversely impact any identified historic properties. 36 C.F.R. § 800.5. Finally, the agency must identify mitigation steps for any adverse impacts and reach a Memorandum of Agreement with the State Historic Preservation Office, or Tribal Historic Preservation Officers for affected Native American tribes, and other relevant parties. 36 C.F.R. § 800.6.

The USFS has yet to survey around 11.6 miles of proposed trails, including the SSPT. Draft EA at 70. Without access to the survey results, the USFS cannot understand and the Idarado HOA cannot meaningfully comment on potential cultural resource impacts.

D. Conclusion

The Idarado HOA recognizes the importance of increasing recreational opportunities on public lands. However, such development must carefully consider foreseeable impacts and should be proportionate to the perceived benefit. As it stands, the only viable option is the no-action alternative. Any development should not occur without first remediating USFS's flawed EA. The Idarado HOA strongly encourages USFS to consider eliminating the proposed SSPT, or at least utilizing existing trails to minimize disturbance.

The Idarado HOA respectfully requests USFS to redress the issues identified herein, and welcomes further discussions with USFS.

Sincerely,



Nessa E Horewitch Coppinger
Principal

Exhibit A



COLORADO

Parks and Wildlife

Department of Natural Resources

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Uncompahgre National Forest
Norwood Ranger District
Megan Eno - District Ranger
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April 4, 2025

RE: Draft Environmental Assessment for Telluride Trail Proposal Project #65616

Dear Megan Eno,

Thank you for the opportunity to comment on the Draft Environmental Assessment (EA) for the Telluride Mountain Club Trail Proposal Project. Colorado Parks and Wildlife (CPW) has a statutory responsibility to manage all wildlife species in Colorado. This responsibility is embraced and fulfilled through CPW's mission, which is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources.

This proposal by the Telluride Mountain Club involves creating and developing up to 15 miles of new non-motorized trails and rehabilitating up to 5.5 miles of existing trails. These trails would be located on lands managed by the United States Forest Service, the municipality of Telluride, and San Miguel County.

CPW supports projects that provide additional recreation infrastructure and further our mission to provide enjoyable and sustainable outdoor recreation opportunities while also perpetuating the wildlife resources of the state. Every year, CPW provides approximately 15 million dollars to motorized and non-motorized trail organizations across the state to plan, maintain, and construct trail systems. For CPW to provide funding for the construction of new trails, proper consideration of wildlife resources with appropriate design features and criteria to avoid, minimize, and mitigate wildlife impacts must be analyzed in the planning process.

CPW would like to offer the following comments on the draft EA and the potential effects of the proposed alternatives to wildlife resources.

Overall comments:

CPW has concerns that the EA is biased and does not adequately analyze the impacts of the proposed action. The EA also does not analyze issues raised by CPW during scoping. Additionally, CPW is concerned that the range of alternatives is insufficient. The only difference between Alternative 2-Proposed Action (which includes construction of approximately 15 miles of new trail and rehabilitation



Jeff Davis, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Dallas May, Chair · Richard Reading, Vice-Chair · Karen Bailey, Secretary · Jessica Beaulieu
Marie Haskett · Tai Jacober · Jack Murphy · Gabriel Otero · Murphy Robinson · James Jay Tutchton · Eden Vardy

of 5 miles of trail) and Alternative 3- Elimination of Sheep Mountain Traverse is the removal of the proposed approximately three miles of new trail of the Sheep Mountain Traverse.

CPW understands that the drafting of EAs takes time and effort, and these requests put a strain on the limited resources of a Ranger District or Field Office. This EA was contracted out to SE Group, who wrote the draft. On the surface, this draft covers all the elements needed in an EA. However, CPW is concerned that the EA is biased towards the preferred alternative and may not have received the typical level of review by the Ranger District. This is evident in the Purpose and Need statement, which reads: “The purpose of the proposed project is to address the growing demand for outdoor trail-based recreation in the Telluride region. Specifically, there is a need to enhance trail connectivity, trail variety, trail accessibility, and public safety for different user groups on NFS lands surrounding Telluride, Colorado. There is also a need for the Forest Service to review and respond to the proposed action on NFS lands.”

CPW understands that the people of Telluride and the Telluride Mountain Biking Club desire more free trails in the area. Conducting a non-biased EA to examine these impacts is necessary to inform decision-makers within the Forest Service. Taking scientific approaches to resource management allows for the Forest Service to abide by the Multiple-use Sustained-yield Act of 1960 which mandates the FS to manage for recreation and wildlife, along with other uses and resources, in a sustainable manner.

Alternatives Not Analyzed

During the scoping period, CPW provided comments¹ (Attachment A) on potential alternatives to the trail alignments proposed in scoping and carried forward in the draft EA. Under Section 4.2, CPW is listed as an agency contacted that has expertise and was identified for increased outreach during the NEPA process. However, in Section 4.3 - Agencies and Organizations Who Commented During Scoping, CPW is not recognized as a commenting agency, even though CPW submitted comments during scoping. In addition, none of CPW’s comments or suggestions were analyzed or included in the draft EA.

CPW also provided suggested trail realignments during scoping that varied from the proposed plan and requested analysis of those realignments. The rationale behind these CPW-proposed realignments was mainly to reduce human disturbance by keeping new trails in close proximity to existing disturbances, reducing the additional indirect disturbance associated with increased human presence, thereby maintaining functional habitat for big game and reducing animal displacement. None of these suggested realignments were analyzed in the Draft EA.

Impacts on Wildlife

The Draft EA examines potential impacts of construction activities associated with implementing new trails and trail alignments but does not analyze the effects on big game resulting from new recreation activities and increased human presence in previously undisturbed lands. Please analyze the impacts of recreationists' access to these new areas on the natural environment and whether the buffer distances included in our scoping letter will result in complete habitat loss to big game in the Ilium Flume area and the “Triangle” area.

¹ USFS_TellurideMtnClub_TrailsProposal_CPWComments_03182024



In Section 3.3.1, Other Species of Interest, Rocky Mountain Elk, the EA states, "Following implementation, elk population and habitat is expected to remain stable. There may be a long-term shift for elk to avoid the newly established trails. However, the availability of expansive adjacent suitable habitat diminishes this impact." CPW is concerned by this statement in the wildlife analysis section of an EA. CPW has provided comments on this project regarding concerns for continued habitat fragmentation and displacement of wildlife from their habitats. This EA fails to adequately analyze the stated impact of displacement and further dismisses this concern, citing "adjacent suitable habitat". For specific trails and parcels affected by this project, the lack of functional habitat is our primary concern. In addition, as demonstrated with data provided by CPW in our previous letter, it has been observed that disturbance created by recreational activities can disturb and displace big game to the point where apparently "suitable habitat" is no longer functional habitat. This is the case in much of the Telluride area. Continued habitat fragmentation and displacement of wildlife with justifications such as the one in this EA have led to observed long-term declines in wildlife populations in Colorado. In our scoping comments, CPW recommended that the USFS evaluate the proposed trail alignments for the anticipated wildlife disturbances and loss of functional habitat. CPW does not feel that this analysis has occurred.

In Appendix 2 - Design Criteria, GMUG Forest Plan - standards and guidelines were included for minimizing impacts to raptors and migratory birds. These guidelines are intended to correspond with raptor and breeding bird surveys that would identify active nests. The EA does indicate that a migratory bird survey was conducted to determine the presence and absence of certain species. However, no breeding bird surveys were conducted in areas that will receive ground disturbance and, therefore, the potential removal of a nesting migratory bird or within a specific buffer to determine if any active raptor nests may be impacted yearly from a new trail addition.

The project design criteria include that no construction activities will occur in elk severe winter range from December 1 to April 30. CPW appreciates that this timing limitation is carried forward for construction activities. However, this timing stipulation is intended to be implemented yearly to reduce disturbance to elk during the most sensitive period of the year, when these animals are at their weakest body condition. It is not intended to be used just for trail construction but for trail use as recreationists displace big game as well.

Colorado Parks and Wildlife appreciates the opportunity to be actively involved in this planning process. Please contact Land Use Specialist Peter Foote at (970) 375-6713 or me at (970) 252-6010 if you have any questions regarding the comments made in this letter.

Sincerely,



Rachel Sralla
Area Wildlife Manager
Area 18 Montrose

CC: SW Region File; Area 18 File; SW Deputy Region Manager - Matt Thorpe; SW Region Land Use Coordinator - Peter Foote



Attachment A

CPW's Comments During Scoping – March 18, 2024



Jeff Davis, Director, Colorado Parks and Wildlife

Parks and Wildlife Commission: Dallas May, Chair · Richard Reading, Vice-Chair · Karen Bailey, Secretary · Jessica Beaulieu
Marie Haskett · Tai Jacober · Jack Murphy · Gabriel Otero · Murphy Robinson · James Jay Tutchton · Eden Vardy



COLORADO

Parks and Wildlife

Department of Natural Resources

Montrose Service Center
2300 South Townsend Avenue
Montrose, Colorado 81401
P 970.252.6000 | F 970.252.6053

March 18, 2024

Uncompahgre National Forest
Norwood Ranger District
Attn: Ms. Krystina Smith
P.O. Box 388
Norwood, CO 81423

RE: Telluride Mountain Club Trail Proposal 2023 #65616

Ms. Smith,

Thank you for the opportunity to provide scoping comment on the Telluride Mountain Club Trail Proposal for the creation of up to 15 miles of new non-motorized trail and up to 5.5 miles of existing trail rehabilitation. Colorado Parks and Wildlife (CPW) has a statutory responsibility to manage all wildlife species in Colorado. This responsibility is embraced and fulfilled through CPW's mission which is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. CPW encourages the USFS to afford the highest protection for Colorado's wildlife species and habitats. CPW has reviewed the proposal, visited the site, and offers the following comments on potential impacts to wildlife.

Overall comments:

CPW understands that the purpose of the proposed action is "to address the growing demand for outdoor trail-based recreation in the Telluride region." CPW asks USFS to evaluate the impacts to wildlife and wildlife habitat that would be caused by implementation of part or all of the proposed action. CPW encourages USFS to evaluate the proposal for sustainable recreation opportunities that allow for user experience after primarily protecting natural areas and critical wildlife habitats and to minimize impacts to wildlife.

CPW requests clarification of the parameters of scoping for the Environmental Assessment of the proposed action. The news release dated February 14, 2024 indicates "over 15 miles of new trails and approximately 5 miles of trail rehabilitation" but the USFS project page states "construct 11 miles of non-motorized trail and rehabilitate approximately 4.7 miles of trail".

The proposed trails are scattered throughout the Telluride area primarily in high mountain ecosystems with vegetation varying from spruce/fir forests, quaking aspen, open grass meadows, and riparian zones. All trails, except for the ones proposed for rehabilitation, are new trails that are being proposed to fulfill an expressed need for user management and enhanced experience.



The area surrounding the project sites vary. Some areas are in close proximity to and associated with semi-urban residential housing, while others are located in minimally impacted open space. Overall, the area associated with the trail locations is summer range, winter range, and overall range for elk. The trails proposed for the Ilium Valley and the western portion of the Telluride valley are within High Priority Habitat - Elk Severe Winter Range and Migration Corridors. For mule deer, the proposed trails are in summer range with the Ilium Valley trails. All proposed trails fall within summer range and overall range for black bears and high use summer and winter range for lynx. The area also provides habitat for mountain lions, coyotes, foxes, snowshoe hares, raptors, songbirds, and other small mammals.

The loss of any habitat cumulatively impacts the wildlife resource. These impacts can be especially detrimental in areas such as Telluride where development and human disturbance limits sanctuary and escape areas. Habitat loss is not always the physical removal or destruction of habitat. Habitat can be lost to wildlife when the amount of human presence creates enough stress on wildlife to cause avoidance of an area. This is sometimes referred to as “functional habitat loss”. The creation of a single track trail physically disturbs a small amount of habitat, but the major concern is the resulting human disturbance to wildlife associated with the creation and use of new trails from any type of use.

The scientific literature has documented disturbance associated with trail based human activity that is a contributing factor in habitat fragmentation. Elk, deer, and other wildlife will move away from human presence and activity. The average distance that animals move away from an anthropomorphic activity is referred to in this letter as the “disturbance distance.” The average disturbance distance across multiple publications for deer and elk is 660 meters for non-motorized trail users including hikers and bikers (Wisdom et al 2018) (Table 1).

Table 1. Reported displacement distances of mule deer and elk from motorized and non-motorized use in meters (m).

Author	Species	Motorized	Non-motorized
Rogala et al (2011)	Elk	51-800m	
Citui et al (2012)	Elk	500m	
Preisler et al (2013)	Elk	1000m	200-500m
Wisdom et al (2018)	Elk	500-1500m	558-879m
Wisdom (2005)	Elk	1500m	500-1500m
Taylor and Knight (2003)	Deer		390M
Edge (1982)	Elk	750m	
Sawyer (2009)	Deer	2610m	
Average (meters)		1000	660

Elk and deer generally do not become habituated to hiking or mountain biking (Wisdom et al 2004, Wisdom 2018, Taylor and Knight 2003). Due to avoidance of human activities associated with roads and trail based recreation (OHVs, mountain biking, hiking), elk increase their daily activity levels and movements, which reduces the time spent feeding or resting (Ciuti et al. 2012, Naylor et al. 2009, Wisdom et al. 2004). This increased energy and lactation demand, decreased forage intake, and displacement to areas with poorer quality forage result in a decrease in body condition, which affects

individual health, survival and reproduction (Bender et al 2008, Johnson et al 2004). Avoidance of recreationalists effectively decreases the carrying capacity of an area (Taylor and Knight 2003).

When route densities increase to the point that the predicted behavioral avoidance zone overlaps or intersects with another route, habitat effectiveness is severely reduced or eliminated and can result in a barrier to wildlife use and seasonal migrations. The cumulative effects of multiple routes with intersecting and overlapping avoidance buffers can impact a substantially larger area compared with the habitat loss from the direct disturbance of the individual routes.

When trail planning is conducted in large geographic areas, CPW recommends low density route densities (1mi/sq. mi) so that habitat effectiveness is maintained. In areas such as the Telluride Valley where there are geographic and land ownership limitations to route planning, CPW recommends that routes be concentrated as much as possible to achieve the objective of avoiding disturbance to undeveloped areas as much as possible. CPW recommends that USFS evaluate the proposed trail alignments for the anticipated wildlife disturbances and loss of functional habitat. Despite the existing infrastructure and trails within the Telluride area, there are still places on public land that provide habitat for wildlife. In particular, the Ilium Valley and the area known as “the Wedge” provide important habitat to a variety of non-game, small game, and big game wildlife. This proposal includes new trails which would impact these areas and will add to the cumulative disturbances to wildlife that can impact both individuals and herds.

Trail-specific comments:

Mountain Village to Valley Floor Single Track Connector

This trail cuts through a portion of USFS property locally known as “the wedge.” The wedge is part of the movement corridor utilized by elk and mule deer for movement between summer and winter range. It provides important habitat and cover for elk during much of the year. At present, the Valley Floor Trail runs along the northern edge of the wedge where this connector trail is proposed. Further, the Jurassic and Boomerang trail runs along the southern boundary of the wedge.

Based upon disturbance distance studies, the creation of the proposed connector trail would further negatively impact a large portion of the wedge and reduce its effectiveness as hiding or thermal cover for the large ungulates. This undisturbed piece of USFS land currently serves as one of the last security areas for the valley elk herd. These undisturbed areas will become more important as the north side of the valley floor as the Society Turn area becomes more developed. Creation of the proposed connector trail would cause enough disturbance that this area would likely lose its effectiveness for elk habitat. A connector trail along Highway 145 between the western terminal of the Valley Floor Connector Trail and the Meadows Trail or improving the Boomerang Trail would be of lesser impact than this proposed connector trail. Please include these recommended trail alignments within the analysis to meet the purpose and need.

South Side Perimeter Trail

This proposed trail would cut through a currently minimally impacted area owned by the Idarado Mining Company and the USFS. At present, the housing development along Pandora Lane along with traffic on the Legacy Trail have a disturbance impact on elk utilizing the area. The creation of the proposed perimeter trail will further displace wildlife that utilizes the area. CPW recommends enlargement and

improvement of the Legacy Trail to handle increased human activity. If a new trail is constructed, CPW recommends that the new trail be created as close to existing infrastructure, tailings piles, or existing disturbance corridors as possible to reduce habitat fragmentation and habitat effectiveness impacts. Please include these recommended trail alignments within the analysis as an alternative to meet the purpose and need.

Sheep Corrals to Sunshine Trail/Historic Ilium Flume Trail

Creation of these two trails will create disturbance zones that overlap, having an impact on more habitat and wildlife than the creation of one trail would, and therefore it is important to look at their cumulative impacts on wildlife and wildlife habitat.

The proposed Sheep Corrals to Sunshine Trail is within the disturbance zone of San Miguel County Road 63L and might have less impact on wildlife, but the inclusion of the Historic Ilium Flume Trail expands the human disturbance zone and reduces the sanctuary cover available between the valley and existing development on the west meadows properties.

The least disturbance and harm to wildlife would be created by removing the Ilium Flume Trail from consideration and bringing the Sheep Corrals to Sunshine Trail segment closer to San Miguel County Road 63L. If a connecting section of trail is needed for public safety reasons, then CPW recommends aligning the proposed Ilium Flume Trail downslope so that it is within close proximity to the county road or within the county road Right-of-Way until it connects to the Galloping Goose Trail. Please include these recommended trail alignments within the analysis as an alternative to meet the purpose and need.

Sunshine Parking and Connector Trail/Sunshine Trail (Uphill)

The Sunshine Parking and Connector Trail are within the disturbance zone of Highway 145 and the summer use of the Sunshine Campground. CPW agrees that there would be limited adverse impacts to wildlife in the area by its construction.

The construction of the proposed new uphill Sunshine Trail will impact existing habitat. Based upon the disturbance distances provided, the proposed new uphill trail will fragment the habitat in an area which currently provides habitat connection for big game from the Ilium valley to USFS lands east of Highway 145. CPW recommends the evaluation of realignment of the existing Sunshine Trail to better allow for two way traffic and an improved user experience. Rehabilitation of the existing trail to create a more sustainable and more diverse user opportunity would reduce the additional habitat and wildlife impacts that the addition of the proposed uphill trail would create. Please include these recommended trail alignments within the analysis to meet the purpose and need.

Sheep Mountain Traverse

This proposed trail alignments will increase the zone of disturbance well beyond the existing routes into what is currently a minimally disturbed area with few other existing routes. CPW recommends that neither Option A or B is accepted and that the proposed route be moved closer to the existing disturbance zone of the Galloping Goose Trail. CPW acknowledges that different user groups desire different recreation experiences, and sees an opportunity to reduce habitat fragmentation while allowing for these different experiences. Please include these recommended trail alignments within the analysis to meet the purpose and need.

Sunshine Mesa Backcountry Trail Rehabilitation

CPW supports the rehabilitation of these existing trails. CPW supports sustainable outdoor recreation and the opportunity to improve the trail for diverse user groups as well as watershed health.

Again, thank you for the opportunity to comment on the Telluride Mountain Club trail proposal. Please contact District Wildlife Manager Mark Caddy at 970-209-2368 if you have any questions regarding our comments.

Sincerely,

Mark W. Caddy
District Wildlife Manager
Norwood District
Colorado Parks and Wildlife
P.O. Box 532
Norwood, CO 81423

cc: SW Region File; Area 18 File; Rachel Sralla, Area Wildlife Manager; Peter Foote, Land Use Coordinator; Alyssa Kircher, Terrestrial Biologist

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