

July 24, 2026

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

Re: Telluride Mountain Club Trail Proposal Project Objection

Dear Ms. Smith:

Beveridge and Diamond, P.C. represents the Idarado Legacy Homeowner's Association (Idarado HOA) and submits this objection letter on their behalf in response to the United States Forest Service (USFS) June 2026 Final Environmental Assessment (Final EA) and Draft Decision Notice and Finding of No Significant Impact (Draft FONSI) prepared under the National Environmental Policy Act (NEPA) regarding the 2023 Telluride Mountain Club (TMtC) Trail Project (Project), particularly the planned 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 and Draft EA comment period for the proposed trail expansions. These previous comments are incorporated here by reference. The Idarado HOA further elaborated on previously submitted comments in a January 12, 2026 submission to USFS. While this submission was outside the official comment period, it was nearly six months before USFS published the Final EA and Draft FONSI and provided further detail on comments USFS should have been considering anyway as they were raised during the original

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comment period. Despite ample time, the USFS also ignored or dismissed the January 12, 2026 submission.

Following the close of the prior public comment period, representatives for the Idarado HOA reached out to the USFS and the TMtC as the Project proponents, without meaningful response or engagement in return. For that reason, in advance of a final decision on the Draft FONSI, the Idarado HOA provides this objection letter. All the objections raised here have been raised to the USFS during official comment periods. These concerns have only increased with time, and the Project's deficiencies are serious. Therefore, the Idarado HOA requests that the USFS carefully consider these objections and reassess the Project to adequately satisfy the USFS's legal obligations. If the USFS moves forward with this unlawful Project, it will irreparably damage local natural resources and the Telluride community through overlooked and unmitigated project impacts.

## **Overview**

The Final EA and Draft FONSI are fundamentally flawed. The USFS must course-correct and remedy these 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 Final EA. The USFS also ignored and prematurely dismissed significant effects of the Project, 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 to, essentially, project or no project, 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.*

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Further, the Final EA failed to adequately analyze foreseeable impacts from the Project 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.” Final EA at 17-18. As described in more detail below, however, the Final 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 Final 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. Final EA at 17-18. The Final EA also failed to account for how new recreational overflow to the 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 Final EA and Draft FONSI skirt the USFS’s obligations under NEPA and prevent 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 Final 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 FONSI without addressing the serious and pervasive deficiencies identified in this objection and throughout the public comment period.

### **Specific Objections to the Final EA**

Consistent with the above general comments, the Idarado HOA identifies specific shortcomings below based on its review of the Final EA, including problems with the EA’s underlying assumptions, impact analyses, and internally inconsistent findings. The Idarado HOA strongly

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urges the USFS to revise the Final EA and Draft FONSI and meaningfully analyze the project's environmental effects, incorporate site-specific data, and demonstrate compliance with applicable statutory and regulatory requirements.

**A. The Final 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 Final EA falls far short of these mandates. The following sections detail the Final EA's and Draft FONSI'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 Final EA unlawfully relied on unsupported assumptions and failed to obtain and analyze site-specific data. The Project involves dispersed new trail development and redevelopment throughout San Miguel County. Given the admitted “large extent of the project area” (Final EA at 60), 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.<sup>1</sup> Final EA at 21. 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 Project, slope percentage varies from 0 percent to 90 percent. Final EA at 61-62. The limits of construction,

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<sup>1</sup> 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.

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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 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 Project will comply with erosion control and construction practices 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 Final 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. Final EA at 21. Despite these trails occurring in high-to-very-high runoff areas (Final EA at 61-62), 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. This narrow framing also ignores safety concerns related to nearby hazards, like the multiple mining tailings ponds scattered along the SSPT's route. These ponds will likely pose a risk to recreationalists and animals, but the USFS fails to analyze the risk and instead assumes that Idarado Mining Company will install more fencing and add warning signage and that such measures would be effective. Final EA at 108.

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 Final EA analysis failed to meaningfully address wildlife impacts from recreational use and limited project effects to trail construction. Final EA at 44-51; 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

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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 Final 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 Final EA and Draft FONSI to correct its unsupportable assumptions and accurately assess the Project’s potential effects.

## 2. *Internal Inconsistencies*

The Final 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 Final 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 Project, which should include the SSPT. Final EA at 56. However, the USFS did not identify any resources that the SSPT would cross, and did not provide any site-specific analysis.
- The Final 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.” Final EA at 57.

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- The Final 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. Final EA at 21. 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. Final EA at 21. 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 Final EA concluded there are no individual protected species in the entire project area based on one limited survey in the Summer of 2024. Final EA at 46. 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 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. Final EA at 46. Without site-specific surveys, using approved Canada lynx survey methods, the USFS cannot assume species absence in highly suitable habitat within the

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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 “recreational frequency is expected to be low.” Final EA at 48. However, the 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.” Final EA at 40-41. 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 Final EA and Draft FONSI 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.” Final EA at 17-18. 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 Final 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 Final 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. Final EA at 14-23. Despite each trail having wetland, soil, and wildlife impacts, the USFS arbitrarily omitted the Sheep Mountain Traverse and all alignments of that trail "[b]ased on public and internal comments and field work verification in 2025." Final EA at 14. The USFS did not provide any additional justification or insight into why it removed only the Sheep Mountain Traverse, or whether USFS conducted any field work verification for other proposed trails.

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.<sup>2</sup> The USFS should amend its Final EA and Draft FONSI to identify additional reasonable alternatives such as eliminating the SSPT and extending the existing Idarado Legacy Trail.

## **B. The Final EA and Draft FONSI are 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.

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<sup>2</sup> 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 Project will have hydrology impacts to wetlands (Final EA at 9), but fails to provide any analysis regarding wetland impacts.

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. Instead, the USFS, absent any analysis, concluded that “[m]y decision to implement the Telluride Mountain Club Proposal Project is consistent with the intent of the 2024 GMUG Forest Plan.” Draft FONSI at 13. The USFS unlawfully offloaded its analytical burden by assuming compliance: “Site-specific [project design criteria] and Forest Plan standards and guidelines will be applied, as appropriate, to meet Forest Plan goals and desired conditions.” Draft FONSI at 13. The NFMA demands more. The USFS cannot circumvent substantive analytical requirements by assuming future compliance. The NFMA requires USFS to ensure proposed uses are consistent with approved Forest Plans. By indefinitely deferring this requirement, the USFS obfuscates the NFMA’s intended public and programmatic process and introduces unnecessary uncertainty into federal forest management.

*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 planned SSPT will occur 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. Developing 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.

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 Final 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 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. Final EA at 47-48; BA at 27.
- The BA alleged habitat connectivity would not be reduced (BA at 24), but both the BA and Final EA largely 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. Final EA at 47-48.

- 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 Final EA identified the SSPT as having a high Scenic Integrity Objective (SIO). Final EA at 26-27. 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. Final EA at 79. 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 Final EA and Draft FONSI. The Idarado HOA strongly encourages USFS to consider eliminating the proposed SSPT, or at least utilizing existing trails to minimize disturbance.

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

Respectfully submitted,



Respectfully submitted,  
Nessa Horewitch Coppinger  
Principal

## **Exhibit A**



# COLORADO

## Parks and Wildlife

Department of Natural Resources

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March 18, 2024

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Norwood Ranger District  
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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,

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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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