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Comments: Please see attached letter for Gunnison County's comments.

[ATTACHMENT FOLLOWS. NOTE PDF CONVERSION MAY RESULT IN FORMATTING ERRORS. SOME FOOTNOTES HAVE BEEN EMBEDDED IN THE TEXT FOR CODING PURPOSES.]

November 23, 2021

VIA ELECTRONIC SUBMISSION ONLY

Grand Mesa, Uncompahgre and Gunnison National Forests Attn: Plan Revision Team 2250 South Main Street

Delta, CO 81416

Re: Gunnison County Comments Regarding Draft Revised Land Management Plan and Draft Environmental Impact Statement

Dear Plan Revision Team,

On behalf of the Board of County Commissioners of Gunnison County ([ldquo]Gunnison County[rdquo] or [ldquo]County[rdquo]) and as a Cooperating Agency, we submit the following comments to the United States Forest Service[rsquo]s ([ldquo]USFS[rsquo]s[rdquo] or [ldquo]Forest Service[rsquo]s[rdquo]) Grand Mesa, Uncompahgre and Gunnison National Forests ([ldquo]GMUG[rdquo]) Draft Revised Land Management Plan ([ldquo]Forest Plan[rdquo] or [ldquo]Plan[rdquo]) and the associated Draft Environmental Impact Statement ([ldquo]DEIS[rdquo]). This letter provides comments in addition to those submitted by the County on December 8, 2017, July 29, 2019, and August 2, 2019, which are incorporated by reference into this correspondence. Because the USFS has designated the County as a Cooperating Agency in this process, please do not consider the comments contained in this letter to be the only, or final, comments that the County may submit regarding the Forest Plan during the planning process. Gunnison County reserves the right to submit additional or different comments as the planning process progresses and as a Cooperating Agency.

INTEREST OF GUNNISON COUNTY

Gunnison County is the fifth-largest county by land area in Colorado, with a total area of 3,260 square miles. Land under the jurisdiction of the USFS consists of almost 2,000 square miles of this area, including the Gunnison National Forest, which is a substantial part of the GMUG.

Recognizing that public lands are an important part of the economy, health, and well-being of its citizens, Gunnison County has, throughout its history, promoted responsible use and enjoyment of USFS lands within its borders by the public, most often in cooperation with the USFS and other stakeholders. In addition, pursuant to Colorado law, the County retains, and exercises, authority to regulate land use planning, environmental quality, and protection of lands within its borders. See, e.g., Colo. Rev. Stat.[sect][sect] 18-9-117, 29-20-101, 30-28-101 et seq., 30-11-107 et seq., 38-1-202, 42-1-102, 42-4-106, 43-1-217, 43-2-112, 43-2-201, 43-2-201.1; Bd. of Cty. Comm'rs v. BDS Int'l, LLC, 159 P.3d 773, 785 (Colo. App. 2006); Asphalt Paving Co. v. Bd. of Cty. Comm[rsquo]rs, 425 P.2d 289, 293 (Colo. 1967). For any or all of these reasons, there can be no doubt that Gunnison County is an important, if not critical, stakeholder and interested party in the appropriate development of a Forest Plan for the GMUG.

COMMENTS ON THE DRAFT

Gunnison County provides the following comments on the draft of the Forest Plan and the corresponding DEIS issued by USFS in August 2021.

I. GUNNISON COUNTY URGES USFS TO SELECT ALTERNATIVE D, WITH MODIFICATIONS.

As USFS is aware, the National Environmental Policy Act ([ldquo]NEPA[rdquo]) is our [ldquo]basic national charter for the protection of the environment,[rdquo] achieving its purpose through [ldquo]action forcing procedures ... requir[ing] that agencies take a hard look at environmental consequences.[rdquo] See 40 C.F.R. [sect] 1500.1; Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 350 (1989) (citations omitted) (emphasis added).

Accordingly, in adopting the proposed Forest Plan for the GMUG, the USFS must [ldquo]rigorously explore and objectively evaluate all reasonable alternatives[rdquo] to the proposed action in comparative form, so as to provide a [ldquo]clear basis for choice among the options[rdquo] open to the agency. See 40 C.F.R. [sect] 1502.14. At a minimum, the agency must identify and analyze its preferred alternative, as well as addressing all other reasonable alternatives to the proposed action. See Colorado Env'tl. Coal v. Salazar, 875 F. Supp. 2d 1233, 1245 (D. Colo. 2012).

Gunnison County thus urges USFS to identify Alternative D, with modifications discussed below, as its preferred alternative. As the DEIS appears to acknowledge, see DEIS at 14, Alternative D most closely fits with the Gunnison Public Lands Initiative ([ldquo]GPLI[rdquo]), a proposal submitted by the County and a local coalition of public land use organizations, users and stakeholders formed to protect public lands, enhance, and sustain the local economy that relies upon public lands, and to support historic and sustainable public land use.

The draft Forest Plan recognizes that [ldquo]recreation is the GMUG[rsquo]s number one economic contributor[,] [rdquo] thus outweighing the economic benefits of other land uses, including timber harvesting and mineral extraction.¹ See Plan at 8. This is not to say that non-recreational uses, particularly ranching and livestock grazing, should not be part of the multi-use planning for the GMUG. Indeed, and in particular, ranching and livestock grazing protect and promote historic and cultural uses of the GMUG, promote rangeland health and sustainability, and, due to in no small part to the cooperation and efforts of the County[rsquo]s livestock stakeholders and partners, address ecological species of concern, particularly the Gunnison sage-grouse. However, the remaining alternatives (with the possible exception of the [ldquo]no action[rdquo] alternative) unnecessarily and inappropriately elevate timber and mineral production over recreational opportunities while also failing to properly address environmental considerations, particularly climate change.

Alternative D, on the other hand, promotes and protects both recreation [ndash] which, again, is the number one economic contributor to local economies in the GMUG [ndash] as well as tackling the environmental considerations required under NEPA [To be clear, the County suggests that USFS should further modify Alternative D to accomplish these and other objectives, as further explained below.] By way of example, and unlike Alternatives B and C -- which designate little to no additional wilderness areas -- adoption of Alternative D would result in 261,000 acres of additional recommended wilderness, including all of the Gunnison County-recommended areas. This is precisely the type of promotion of sustainable use for future generations, as well as protection and promotion of our historical and cultural values and resources through multi-stakeholder collaboration, that GPLI envisions. And, because GPLI was vetted by numerous and disparate interests, it represents a consensus that balances all of these appropriate considerations much better than the remaining alternatives.

Alternative D also increases primitive and non-motorized recreational opportunities while maintaining (but, importantly, not expanding) motorized use. Alternative D elevates Recreational Opportunity Settings ([ldquo]ROS[rdquo]), particularly primitive uses, well above the remaining draft alternatives. And, while Gunnison County supports existing motorized travel in the GMUG, including winter travel in the Gunnison National Forest, it does not wish to see those uses further expanded with this Plan, again consistent with its partnerships that led to the GPLI. Although motorized use should continue to remain an appropriate recreational opportunity in the GMUG, its negative impacts on wildlife habitat, noxious weed spread, water, and cultural resource protection, and other forms of recreation are well documented by USFS such that it makes little sense to expand such uses as part of a 21st century Forest Plan. See, e.g., DEIS at 218 ([ldquo]The recreational structure of Alternative D would be the most protective of wildlife because it would include less motorized use and less developed use than any other alternative. This would likely equate to less harassment of wildlife, less accidental wildfire ignition, and less human-wildlife conflict associated with animals becoming accustomed to human food.); id. at 271 ([ldquo]Summer motorized transport poses the greatest risk of invasive weed transport. In general, the potential for weed infestation threats would be heavily correlated to the amount of open summer motorized routes (alternative C with the most, followed by A, then B, then D)[rdquo]); id. at 291 ([ldquo]Among the action alternatives, Alternative D represents a minimization of acreages that would be available for expansion of the road and trail network (including temporary roads), particularly for motorized vehicles and timber harvest. As a result, Alternative D would likely have the fewest overall impacts to watershed resources.[rdquo]); id. at 320.

Given the emphasis of Alternative D on conservation, effects to and potential inadvertent discoveries of cultural resources from management activities would be expected to decrease. Moreover, a positive effect of wilderness creation would be decreased management activities and by extension, fewer direct effects to cultural resources.[rdquo]); id. at 307-08 ([ldquo]Alternative C provides direction to manage the highest percentage, compared to the other alternatives, of the GMUG land base, as motorized use [increases] during the summer and winter months, which would result in greater access and recreation spending. However, this could have negative impacts on wildlife that visitors rely on for fishing and hunting and could have longer-term negative impacts on recreation spending.[rdquo]) (Emphasis added).

Indeed because Alternative D would still allow motorized recreation, particularly in the winter in the Gunnison National Forest, [ldquo]it may negatively impact recreation spending, though likely minimally.[rdquo] See id. at 308. Thus, Gunnison does not support a substantial decrease in motorized access in the GMUG, but it does support, consistent with the GPLI, limitations on ROS allocations for future or expansion of existing areas for motorized use. Thus, in addition to selecting Alternative D as its preferred alternative, USFS should modify FW-DC-REC-02 to acknowledge that increased ROS allocations for motorized travel is inconsistent with maintaining a [ldquo]sustainable balance with other resources[rdquo], as well as amend FW-GDL-REC-12 to indicate that motorized recreation expansion is disfavored as a forest management tool, particularly in the Gunnison National Forest.

The above are not the only benefits that Gunnison County sees in Alternative D. As the draft Plan recognizes, Alternative D uniquely includes Special Management Area ([ldquo]SMA[rdquo]) designations and MA-SMA-OBJ-01: The initiation within three years of travel management to implement suitability designations within these special management areas. As the County has expressed throughout this process, it is our opinion that the SMA tool will allow USFS to tailor travel management for specific areas rather than one- size-fits-all approaches. This in turn will maximize conservation but still allow for multi- modal sustainable recreation and economic opportunities within these Areas.

To the extent that Alternative B is USFS[rsquo]s preferred alternative, we join GPLI in its stated concerns contained in its November 12, 2021, submitted comments that this alternative dramatically departs from GPLI[rsquo]s recommendations. We also concur with its concern that the draft Plan does not accurately portray GPLI[rsquo]s recommendations, particularly with regard to Off-Highway Vehicle (OHV) and mechanized vehicle suitability. As explained by GPLI:

It is very important that the Forest Plan[rsquo]s prescriptions for use in SMAs -- currently reflected in Table 21 of the Draft Plan -- are accurate. Upon examination of Table 21, there are several prescriptions for GPLI areas that are incorrect. We reference again the GMUG[rsquo]s own assessment of the GPLI Proposal that [ldquo]the proposal was designed to not close any roads or trails[hellip][rdquo] In the OSV suitability column in Table 21, Cabin Creek, McIntosh, Pinnacles, and Signal Peak should be [ldquo]None identified.[rdquo] Those are areas within the GPLI Proposal where the Forest Service has not yet analyzed for winter travel planning, and where the GPLI Working Group has decided not to affirmatively restrict OSV [Over Snow Vehicle] use, but instead to defer to the agency[rsquo]s winter travel management process when that occurs. We note also that for Cabin Creek, McIntosh, Pinnacles, Signal Peak, and Flat Top, the GPLI Proposal calls on the Secretary to develop and implement, as appropriate, seasonal closures for OHVs, OSVs, and bicycles to protect wildlife and wildlife habitat.

Other specific recommended changes include:

- * Deer Creek -- OSV suitability should be [ldquo]Yes, with existing restrictions.[rdquo]
- * Double Top Recreation Management Area -- Motorized suitability should be changed to [ldquo]No New.[rdquo] Mechanized suitability should be changed to [ldquo]No new.[rdquo]
- * Flat Top Wildlife Conservation Area -- OSV suitability should be [ldquo]Yes, with existing restrictions.[rdquo] Motorized suitability should be [ldquo]No New.[rdquo] GPLI has never intended to close motorized routes in that area.
- * Palisades Special Management Area -- This has been separated into two areas in the most recent version of the GPLI Proposal -- McIntosh and Pinnacles. The prescriptions proposed in Table 21 for Palisades are fine for the McIntosh proposal, but summer motorized and mechanized suitability should be [ldquo]No new[rdquo] for Pinnacles.
- * Poverty Gulch Protection Area -- Poverty Gulch is two SMAs in the GPLI Proposal -- North and South, and these areas have different prescriptions. North Poverty should be [ldquo]No new[rdquo] for summer motorized and mechanized suitability. North Poverty OSV suitability should be [ldquo]Yes.[rdquo] South Poverty OSV should be [ldquo]No.[rdquo]
- * Rocky Mountain Biological Research Area -- The GPLI Working Group has changed the name of this area to the Rocky Mountain Scientific Research and Education Area. Summer motorized should be [ldquo]No new.[rdquo] Mechanized suitability should be [ldquo]Limited new.[rdquo] OSV suitability should be [ldquo]Restricted.[rdquo]
- * Beckwith[rsquo]s Special Management Area -- Summer motorized should be changed to [ldquo]No new.[rdquo]

Under the 2012 planning rule, forest plans must [ldquo]reflect . . . the unit[rsquo]s expected distinctive roles and

contributions to the local area, region, and Nation [hellip].rdquo U.S. Forest Service lands within Gunnison County, and the experiences those lands offer, are distinct. This landscapersquo's unique ecological and recreational niche within the National Forest System and the broader landscape drives the Working Group and the GPLI Proposal fits squarely within the requirements and purpose of the 2012 Planning Rule. Coupled with its broad support created and informed by an exhaustive community-based process with formal and informal public input, the GPLI Proposal provides for a balanced approach that prioritizes community values in a way that reflects broader public interest.

In sum, the County urges USFS to indicate that Alternative D constitutes its preferred alternative in its final Plan.

This is not to say, however, that Gunnison County promotes Alternative D wholesale. The County also urges USFS to modify Alternative D in the final Plan as follows:

II. ALTERNATIVE D STILL UNNECESSARILY EXPANDS TIMBER PRODUCTION AREAS.

In addition to identifying potential negative effects of expanded motorized use, the DEIS also concedes the possible adverse impacts of increased timber harvesting. See, e.g., DEIS at 399 (acknowledging impacts of timber harvesting on Gunnison sage- grouse); id. at 269 ([ldquo]Alternatives that propose relatively more amounts of timber harvest (B and C) and any associated road construction or reconstruction, and fuel treatments, could increase the amount of non-native species present (spread due to ground disturbance) and may increase the likelihood of introducing weeds into otherwise weed- free areas (again because of ground disturbance).rdquo]). Despite this, and despite the special management area³ emphasis of Alternative D, the Countyrsquo's preferred alternative still allows for 757, 800 acres of designated timber production area. The County understands that this is more than $\frac{1}{14}$ of the area of the entire GMUG, and is a dramatic increase over the [ldquo]no actionrdquo] alternative (550,000 acres). It appears to the County that the draft Plan -- and all of the Plan alternatives -- over designate land suitable for timber production, including in parts of the Forests that have steep topography or are otherwise not economically suitable for timber harvesting, such as in Gunnison Sage-grouse habitat or in extremely remote, hard-to-get-to areas [There exists, after all, tools short of such expansive suitable area designation for USFS to address forest management, wildland fire danger, difficult harvesting topography, and insect depredation. For example, wildfire considerations do not require timber suitable area designation.] The County also fails to see where USFS has engaged in the necessarily robust environmental analysis and rationale for such expansive suitable use designation. Indeed, the County understands that current timber processing capacity could not handle the potential volume of unprocessed timber that such a large designation implicates, suggesting to the County that USFS has not adequately considered this issue.

As stated in the separate and forthcoming comments being submitted by Gunnison, Ouray, and San Miguel Counties which Gunnison County supports and adopts:

We continue to support a responsible timber production program that contributes to forest-wide desired conditions and multiple use goals, such as providing mosaics of habitats for wildlife species, managing fuels, and contributing to the economic sustainability of local communities. This must be balanced with other forest uses. Suitable timber designations were a major obstacle to designating lands for uses other than timber production during the previous decade of collaborative community discussions which resulted in the CORE Act and GPLI proposals. Local users and stakeholders determined that the uses, wildlife habitat and natural resources

protected and enhanced by the citizen-initiated proposals were desired. Most, if not all, of these areas had a low probability for timber production and yet single interest industry representatives were able to effectively delay these broadly supported designations from moving forward.

See Cmts. of Gunnison, Ouray, San Miguel Ctys. at 2.

Gunnison County thus urges USFS to re-evaluate its timber designation conclusions, regardless of which Alternative it prefers and ultimately selects. In addition, USFS should re-evaluate provisions in the draft Plan that appear to unnecessarily elevate timber production over other resource considerations and forest resiliency, such as its evaluation of sustained yield under FW-STAND-TMBR-06 and apparent lack of express clearcutting standards under FW-STND-TMBR-07 [Gunnison County understands that USFS has received detailed comments from other stakeholders encouraging the agency to re-evaluate the timber emphasis in the draft Plan. The County is generally supportive of such comments.] USFS should also include a Guideline in TMBR that within a reasonable time USFS adopt specific outcomes and qualitative metrics that prioritize the use of timber and vegetation management to protect and promote wildlife outcomes and habitat protection, water quality, and climate impacts over timber economics.

III. ALTERNATIVE D STILL LACKS FULL AND ROBUST CLIMATE IMPACT ANALYSIS.

As USFS is undoubtedly aware, [Idquo][t]he impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct.[rdquo] See Ctr. for Biological Diversity v. Nat[rsquo]l Highway Traffic Safety Admin., 538 F.3d 1172, 1217 (9th Cir. 2008). After all, climate change affects all aspects of life in Gunnison County, whether that be recreational opportunities, economic development or long-term and sustainable ranch and rangeland health. Although the draft Plan and DEIS admittedly contain greenhouse gas emission and climate change analysis, they appear to focus more on climate impacts associated with wildland fire than with other potential impacts, particularly from mineral extraction. In particular, Gunnison County previously suggested that USFS a guideline to the air quality provisions of the draft Plan ([Idquo]AQ[rdquo]) to the effect that the USFS will endeavor to explore with producers, technology and options to reduce methane emissions from existing active and inactive mining operations that includes methane capture. However, the County does not see where this suggestion was accepted by USFS; it therefore reiterates it here.

IV. THE PLAN SHOULD EMBRACE ADAPTIVE RANGELAND, FORAGE, AND GRAZING MANAGEMENT AS AN OBJECTIVE.

Gunnison County urges USFS to expressly adopt, as an additional Rangeland, Forage, and Grazing (RNG) Objective, within three to five years of Plan approval, full adaptive grazing management in collaboration with our ranching partners to fully protect and promote historic, economic and cultural grazing use of public lands that at the same time addresses critical wildlife habitat, particularly with regard to the Gunnison Sage Grouse. The County considers the adaptive and cooperative management techniques presently used in Gunnison County (on USFS, BLM and private land) to serve as a model for how to both allow for grazing and to protect species of concern. Thus, the Plan should expressly address and adopt adaptive grazing as an RNG Objective.

V. GUNNISON COUNTY SUPPORTS THE WDLF PROVISIONS OF THE DRAFT PLAN, BUT ALTERNATIVE D SHOULD MORE VIGOROUSLY ADDRESS DOMESTIC ANIMAL IMPACTS ON BIGHORN SHEEP.

Finally, Alternative D includes Wildlife Management Area ([ldquo]WDLF[rdquo]) designations, desired conditions, standards, and objectives that the county fully supports, particularly in the Gunnison National Forest. As USFS is aware, prioritization of wildlife habitat core and corridor areas through such areas recognize that protection of wildlife habitat remains critical across multiple jurisdictions; wildlife, after all, recognize no forest or wilderness boundaries. Although all alternatives arguably include such designations, Alternative D[rsquo]s emphasis on wilderness designation, SMAs, and other conservation tools best promote the WDLF provisions in the plan.

Notwithstanding the foregoing, and although Alternative D is perhaps the most wildlife protective of USFS[rsquo]s proposed Plan alternatives, the County remains concerned that it does not adequately address the challenges faced by bighorn sheep due to intermixing with domestic sheep and goats and associated disease risk. The County thus suggests that USFS add consultation and coordination with Colorado Parks and Wildlife to FW-STND-SPEC-13, FW-GDL-SPEC-14 (similar to what is suggested in FW-GDL- SPEC-15) to ensure proper and continued monitoring of these Standards and Guidelines to protect and promote maximum viability of the species.

CONCLUSION

Gunnison County appreciates the opportunity to provide the foregoing comments and will continue to work with USFS as a Cooperating Agency in the development of the GMUG Forest Plan.

As Chair of the Board of County Commissioners, the Board has authorized me to submit these comments on behalf of the Board.

Best regards,

Jonathan Houck, Chair

Gunnison County Board of County Commissioners