Data Submitted (UTC 11): 9/25/2023 6:00:00 AM
First name: Gaspar
Last name: Perricone
Organization: Colorado Wildlife Conservation Project
Title: Chair
Comments: Dear Forest Supervisor Bacon,

Please find attached an objection letter from Colorado Wildlife Conservation Project and the following member organizations who also have standing to object.

Backcountry Hunters and Anglers

Coloradans for Responsible Wildlife Management

Colorado Bowhunters Association

Colorado Outfitters Association

Colorado State Muzzleloading Association

Colorado Trappers and Predator Hunters Association

Colorado Wildlife Federation

Congressional Sportsmen's Foundation

Keep Routt Wild

Mule Deer Foundation

Muley Fanatic Foundation

National Wildlife Federation

Safari Club International

Theodore Roosevelt Conservation Partnership

Sincerely,

Gaspar Perricone

Chair

Colorado Wildlife Conservation Project

Russ Bacon, Reviewing Officer

Attn: Objections

USDA Forest Service,

Medicine Bow-Routt National Forests and Thunder Basin National Grassland

2468 Jackson Street Laramie, WY 82070-6535

russell.bacon@usda.gov

Re: Objection letter for the Mad Rabbit Trails Project #50917 by the Medicine BowRoutt National Forests and Thunder Basin National Grassland[rsquo]s Hahns Peak/Bears Ears Ranger District

Objection letter submitted digitally via: https://www.fs.usda.gov/project/?project=50917

Name of Objector Gaspar Perricone gaspar.perricone@gmail.com

submitting on behalf of the objectors, Colorado Wildlife Conservation Project and the member organizations identified below:

Backcountry Hunters and Anglers

Coloradans for Responsible Wildlife Management

Colorado Bowhunters Association

Colorado Outfitters Association

Colorado State Muzzleloading Association

Colorado Trappers and Predator Hunters Association

Colorado Wildlife Conservation Project Colorado Wildlife Federation

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CWCP and member organization objection standing per 36 CFR Part 218 Subpart A and B:

CWCP and identified member organizations qualify as an entities, as defined in [sect] 218.2, who have submitted timely, specific written comments regarding a proposed project or activity that is subject to these regulations during any designated opportunity for public comment. CWCP submitted a comment letter electronically on behalf of itself and the above member organizations on November 10, 2022, during the period when the responsible official was seeking written comments. The letter is included in Appendix A.

Name of Project: Mad Rabbit Trails Project

Responsible Official: Michael J. Woodbridge, District Ranger Hahns Peak/Bears Ears

Ranger District, Medicine Bow-Routt National Forests and Thunder Basin National Grassland

Location: Medicine Bow-Routt National Forests, Hahns Peak/Bears Ears Ranger

District

Statement that Demonstrates Connection between Prior Specific Written Comments on the Proposed Project and Content of the Objection.

Statements are provided within each section below, referencing connection to prior comments.

Dear Mr. Bacon,

We, the above signed organizations, represent tens of thousands of conservationists and sportspersons who care deeply about long-term fish and wildlife conservation and backcountry habitats in Colorado. We wrote in unified opposition to the Proposed Action in the October 2022 Mad Rabbit Trails Project Draft Environmental Assessment (EA).

We concluded that letter with, [ldquo]This is an ill-conceived project that presents severe impact to local wildlife and species habitat in an area already subject to intense recreation pressures year-round. At the very minimum, the Forest Service should prepare an Environmental Impact Statement that includes the entire region from Mount Zirkel Wilderness to Sarvis Creek Wilderness areas to appraise the cumulative impacts of all recent projects in the region. This would include the previously constructed trails in the Buffalo Pass area, recent ski area expansion, and proposed road improvement projects.

Barring this, the project should be halted.[rdquo]

We are very disappointed that the draft Final Environmental Assessment (FEA) did not reflect the serious wildlife impacts already occurring in the project area that will only be exacerbated by the Mad Rabbit project. The draft decision to issue a Finding of No Significant Impact (FONSI) is not supported by the analysis and does not comply with NEPA or the Colorado Roadless Rule. We believe that the proper action in face of the evidence is to retract the FONSI and prepare an EIS in order to properly evaluate the cumulative impacts.

1. First, we object to the FONSI due to numerous evaluation and process deficiencies. This is a relevant objection due to our expressed concerns enumerated in our section called Evaluation and process deficiencies. Our objections include:

1.
1. The USFS has declined to perform the much-needed EIS for a proper programmatic review and cumulative effect analysis for the area, stating it is relying on the 1998 Forest Plan instead. The FEA states that the Forest Plan is the underlying basis for much of the FEA. FEA at 5. However, the Forest Plan is woefully out of date, having been published in 1998. The National Forest

Management Act states that forest plans shall be [ldquo]revised [hellip] at least every 15 years.[rdquo] See 16 U.S.C. 1064 (f)(5). The Forest Plan is out of compliance with this statute and cannot be considered as evidence on whether to prepare an EIS or FONSI.

1.

1. The Mad Rabbit Trails Project is described in Forest Service external and internal documents as the second phase of a comprehensive trails system, following the earlier Buffalo Pass Trails Project. These are all part of a comprehensive trail network known as the 2A Steamboat Trails Alliance proposal (STA). Splitting up a single comprehensive project into phases to be evaluated on a piece-meal basis violates NEPA processes and is designed to circumvent preparation of a full EIS containing a programmatic NEPA evaluation and proper cumulative analysis.

1.

1. The project is part of the above overall trails proposal explicitly designed to attract 180,000 incremental summer visitors to the Steamboat area, each staying on average over 4 nights. STA at 37. Many of the planned trails are in a Colorado Roadless Area. Prorating for the portion of the project represented by the Mad Rabbit Trails Project adds over 1,700 summer visitors per day during the summer months attracted by the incremental 42 miles of mountain bike trails. The Colorado Roadless Rule (CRR) is clear: [ldquo]Proposed actions that would significantly alter the undeveloped character of a Colorado Roadless Area require an EIS.[rdquo] Furthermore, the CRR specifies semi-primitive recreation as the densest recreation allowed on CRAs. This is defined in the USFS Recreation Opportunity Spectrum as meeting a maximum of 15 parties in a day. The density of new visitors on this 42 miles of trails will undoubtedly far exceed this standard. The USFS did not perform a traffic analysis for the new Mad Rabbit trails. To comply with the Colorado Roadless Rule, an EIS is required.

1.

1. The Forest Service only minimally evaluated less impactful alternatives, including placing trails on other already developed public lands or moving the trails outside of species calving areas and summer range, or to the south of US 40. All of these alternatives were brought to the US Forest Service[rsquo]s attention. Not considering these alternatives that would avoid specific impacts is counter to NEPA practices and counter to Colorado[rsquo]s [ldquo]Guide to Planning Trails with Wildlife in Mind, which the Forest Service claims is a guiding document.

1.

1. The Forest Service proposes to close and rehabilitate 36 miles of illegally created trails to attempt to compensate for impacts associated with the new trail building. This is inappropriate for several reasons.

First, the Forest Service has allowed unsanctioned trails to persist on forest lands in derogation of its administrative duties. Stepping up to do its job now should not be credited as [ldquo]mitigation[rdquo] for yet additional impacts from new trails construction. Rehabilitation of unauthorized trails can be performed by a Categorical Exclusion and initiated by a Decision Memo. An EA or EIS is not required. The Forest Service refusal to rehabilitate these unsanctioned trails unless they are allowed to build new trails is a poor management practice

and is inconsistent with the Forest Service[rsquo]s responsibilities for protecting its resources.

Second, it is arbitrary to make an equivalence between closing of undocumented trails with rare usage on one hand, and minimization of impacts from trails proposed for high-volume tourism on the other. Human disturbance to wildlife is dependent on the frequency and type of activity, not purely the length of a trail. The Forest Service has not performed any traffic analysis on either the trails proposed to be decommissioned, or on the newly proposed trails.

Third, the FEA proposal specifies removal of trails in the Mad Creek CRA, while building new trails in the Long Park CRA. All evaluations of the Colorado Roadless Rule in the FEA look at CRA impact in the aggregate. This violates the CRR, as the rules apply to each CRA independently. The CCR states, [ldquo][ldquo]Proposed actions that would significantly alter the undeveloped character of a Colorado Roadless Area require an EIS.[rdquo] Note that this rule uses Colorado Roadless Area in the singular, and does not allow the trading of impacts from one CRA to another.

1. Elk Concerns

1.
1. There is a worrisome decline in the health of the local elk population and their reproductive success. Since the Draft EA was released, elk in northwest Colorado have experienced a severe winterkill that Colorado Parks and Wildlife (CPW) calls

[ldquo]unprecedented.[rdquo] According to CPW, [ldquo]This past winter had the most severe snow conditions residents saw in the past 70 years for the northwest corner of the state, ranging from Rangely to Steamboat Springs and the Wyoming state line [ndash] even surpassing the severe winter of 1983-84. Multiple heavy snowstorms with strong winds generated hard-packed snow that severely buried food for elk, mule deer and pronghorn.[rdquo] CPW further states, [ldquo]The Severe Winter Zone is an area known for some of the largest elk herds in the nation, and severe winter conditions have resulted in high elk calf and above-average cow mortality. Survival rates are the lowest CPW has ever documented and below what CPW previously thought possible in elk.[rdquo]

Yet, this unprecedented decline, which includes the E-2 herd, is not mentioned anywhere in the FEA. Adding more trails in sensitive habitat, such as elk production areas and elk summer concentration, will only exacerbate the problem. While most winterkill occurs at the very end of a winter season, survivability is often dependent on the size of an ungulate[rsquo]s fat stores accumulated during summer and fall. A study of Rocky Mountain elk by Cook (2004) found, [ldquo]Summer-autumn nutrition significantly affected calves and their mothers. Growth of calves in the low and medium nutrition groups ceased by mid-September and late October. By December, calves in the high nutrition group were 40% and 70% heavier than calves in the medium and low groups, respectively. Cows in the high nutrition group accumulated about 75% and 300% more fat than cows in the medium and low groups by mid-October. Eighty percent of cows in the low nutrition group failed to conceive, and those in the

medium group bred 10-14 days later than cows in the high group.[rdquo] Additionally, [ldquo]Summer-autumn nutrition largely determined calf body size at the start of winter and, consequently, determined the proportion of winter survived. Survival of cows over winter was as related to body fat at the onset of winter as it was to nutrition during winter. Thus, our data suggest that the limiting effects of summer-autumn nutrition on populations may be greater than often assumed, perhaps greater than those during winter in some ecosystems.[rdquo] [Emphasis ours]. For the recovery of these herds, it is important that human disturbance be minimized in critical habitat, whether winter or summer.

1.
1. The proposal did not implement seasonal timing restrictions for all trail users from

May 15 through June 30, though this is recommended in Colorado[rsquo]s Guide for Building Trails with Wildlife in Mind. Over 14 miles of proposed trails (Trails 19, 20, 21, 22, and 30) through CPW-mapped elk production areas have no closure at all.

This is inconsistent with the Guide[rsquo]s finding that it is a best management practice to

[ldquo]implement seasonal timing restrictions for all trail users from May 15 through June 30[rdquo] for [ldquo]trails within elk production areas.[rdquo] Additionally, the trails that do have a seasonal closure have a conditional seasonal closure, that will not go into effect if there is [ldquo]12[rdquo] or more average snowpack depth.[rdquo] FEA at 104. This is a new condition, added since the DEA. There is no science supporting that elk production area closures are unnecessary at 12[rdquo] snow depth. However, there is peered reviewedresearch showing a 5% probability of mortality of an elk calf each time it is disturbed, which can occur as far as 1500 meters away from mountain biking activity. Not implementing seasonal restrictions will make E2 elk herd recovery even more difficult.

1.
1. The area in question has already seen deleterious impacts from previous recreation in the area. Below is a chart from CPW showing the declining calf:cow ratio of the resident herd in GMU 14/214, the location of the project area.

This shows a steady decline in reproductive success of the resident elk herd, with the last data point at 29%. This data was acquired pre-winterkill, so the actual value may be significantly lower. It is not clear if the population can rebound with such a low value. This is pre-Mad Rabbit, but is reflective of the cumulative impacts when Mad Rabbit is added.

1.
1. The Forest Service justifies this project as meeting their 1998 Forest Plan objective of elk Habitat Effectiveness (HE) of 50% in the Middle Yampa Geographical Area by using an obsolete 1983 Elk HE model that specifically excludes any impact from recreational trails. The FEA states, [ldquo]There is no change in habitat effectiveness from the no action related to the Mad Rabbit proposal. Trails are not part of the calculation for

habitat effectiveness.[rdquo] FEA at 40. This makes the use of the elk HE model chosen by the Forest Service to be inaccurate and inappropriate for analyzing impact from the Mad Rabbit Trails project. It is insufficient for determining whether to prepare an EIS or FONSI. This is also inconsistent with USFS[rsquo] NEPA regulations that require the Service to [ldquo]use the best available scientific information to inform the planning process.[rdquo] 36 C.F.R. [sect] 219.3.

1. Social and economic issues

a. The project is highly controversial and local public opinion has shifted decidedly against this project. We previously commented that, [ldquo]A recent survey of Routt County residents showed overwhelming support for a balanced approach to recreation and conservation (>70%). The least chosen option ([ldquo]recreation is more

Important than conservation[rdquo]) gathered only 3% of the respondents.[rdquo]

Since that time there is more evidence of the shift of public opinion. Since the DEA was published, the City of Steamboat Springs has initiated a public survey regarding how its residents desire the accommodations tax be spent. This is the proposed funding mechanism for many of the non-motorized trails in Mad Rabbit, as defined in the 2A Steamboat Trails Alliance document specified in the 2A ballot proposal of 2013. Residents were asked to select two priorities for the accommodations tax going forward. (Page 49). Only 18% of the residents chose [ldquo]Keep Acommodations Tax as-is to fund new tourist and resident amenities,[rdquo] even though they could choose two options. This choice was the most similar to the current way Mad Rabbit is proposed to be funded, and shows a major erosion of support for funding trails to attract tourists. While the survey did not ask specifically about Mad Rabbit, keeping accomodations tax as-is is the closest to signifying support for projects similar to Mad Rabbit.

Secondly, the Routt County Board of County Commissioners voted unanimously to request an EIS for Mad Rabbit. They have submitted their objection to the Forest Service. All Commissioners representing constituents across the County, including Steamboat Springs, supported the request. They are reflecting the concerns of citizens across Routt County.

This is an ill-conceived project that presents severe impact to local wildlife habitat in an area already subject to intense recreation pressures year-round. We have shown above the issues related to wildlife, NEPA, and the Colorado Roadless Rule. A decision of FONSI cannot be justified.

We respectfully request a decision of No Action and that a full EIS be prepared.

Sincerely.

Gaspar Perricone

Representing CWCP and the listed member organizations

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