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Title: Executive Director

Comments: US Forest Service Rocky Mountain Region Attn: Reviewing Officer

C/O Director of Strategic Planning 2nd floor 1617 Cole Blvd. Building 17

Lakewood, CO 80401

RE: Objection to GMUG RMP

Dears Sirs:

Please accept this correspondence as the objections of the Trails Preservation Alliance ("TPA"), Colorado Snowmobile Association ("CSA") and the Colorado Off-Highway Vehicle Coalition ("COHVCO") to the GMUG National Forest Resource Management Plan and related analysis and decision documents. Collectively this group of documents will be referred to in this objection as "the Decision." The Organizations believe it is important to note that we are largely supportive of the Decision as we have been actively participating in the development of the plan since its inception. Our objections are seeking to: address minimal data issues that have come to light since the decision was released; obtain management flexibility on issues to avoid future conflicts regarding maintenance of the opportunities provided; and more fully understand the basis and concern around route density standards in designated Wildlife areas.

1. Who we are.

The TPA is a volunteer organization created to be a viable partner to public lands managers, working with the USFS and the Bureau of Land Management (BLM) to preserve the sport of trail riding and multi-use recreation. The TPA acts as an advocate for the sport and takes the necessary action to ensure that the USFS and BLM allocate a fair and equitable percentage of public lands access to diverse multi-use recreational opportunities. COHVCO is a grassroots advocacy organization representing approximately 150,000 registered off-highway vehicle ("OHV") users in Colorado seeking to represent, assist, educate, and empower all OHV recreationists in the protection and promotion of multi-use and off-highway motorized recreation throughout Colorado. COHVCO is an environmental organization that advocates and promotes the responsible use and conservation of our public lands and natural resources to preserve their aesthetic and recreational qualities for future generations. Colorado Snowmobile Association ("CSA") was founded in 1970 to unite winter motorized recreationists across the state to enjoy their passion. CSA currently has 2,500 members. CSA has become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of snowmobiling by working with Federal and state land management agencies and local, state and federal legislators. TPA, CSA and COHVCO are referred to collectively in this correspondence as "The Organizations."

Objection 2. Colorado Trail Defenders and CORE objection.

The Organizations are aware that the Colorado Trail Defenders and CORE are providing a separate objection addressing RMP boundaries in several locations and possible impacts to existing trails that could result from these boundary issues. This objection is based on site specific issues that have arisen around poor trail mapping

in those areas. The Organizations are aware that the low quality of existing trail and boundary mapping was an issue that was rapidly identified in the scoping efforts and draft plan. USFS has worked hard to address these issues, which is appreciated by everyone, but it appears our efforts on this issue were incomplete previously. We are objecting to allow for these important routes to be preserved and not lost simply due to low quality data. The Organizations vigorously support this objection and simply have not reproduced it here to avoid duplication of efforts and documents being submitted.

#### Proposed resolution of objection #2

Adjacent boundary designations should be amended to reflect to correct location of motorized routes in the area to avoid closure of these routes due to conflict with management standards.

Objection3(a).WildernessProposalshavebeenoverweightedinthedecision asPresidentBiden's 2022 Camp Hale Proclamation addressing areas proposed as Wilderness.

Prior to addressing the recommended Wilderness areas in the GMUG decision in greater detail, the Organizations would like to commiserate with USFS managers on the ongoing Wilderness discussions on the GMUG. We are intimately familiar with the highly contentious and passionate nature of these discussions as we have been participating in these political efforts for decades. The pressure can be immense, artificial in nature and often based on exceptionally poor-quality data and research. We are also very concerned that the highly political nature of these efforts causes important components of decisions to be overlooked, such as the fact that much of the areas again proposed to be recommended Wilderness in the decision have been hard released for multiple use previously by Congress. The value of these hard releases cannot be overlooked as exemplified by recent decisions on areas outside the GMUG that have stopped well short of Wilderness designations despite decades of Congressional efforts seeking designation of these areas as Wilderness. While we understand the Decision represents a political decision by the agency that reduces short term conflict for the agency in the management of these areas, this decision is not supported by relevant federal law. The Organizations are also aware that while the Decision reduces short term conflict over these areas for the agency, it expands long term conflict in these areas for our Organizations. Federal law in these areas have sought to reduce ALL conflict around these areas permanently and the Decisions proposed resolution does not comply with this requirement. Planners must apply existing federal law in planning rather than proposals to amend existing federal law.

The limited value of failed Congressional actions throughout southwestern Colorado to designate areas as Wilderness was recently again exemplified. These failures are highly relevant to our objections as often advocates for Wilderness designations comically overvalue the weight in planning that should be provided for various proposals. Evidenced of the consistent overvalue of Congressional Proposals in planning was again provided as on October 12, 2022 President Biden signed a Presidential Proclamation designating more than 53,000 acres outside Minturn, Colorado as the Camp Hale/Continental Divide National Monument.<sup>1</sup>In this Proclamation, summer and winter motorized usage of the area was specifically protected and no limitation on road or trail construction was mandated.This Proclamation was a major step in protecting important recreational opportunities in Camp Hale as almost all this planning area has been proposed to be Wilderness by Congress in the last two decades. The scale of this win is apparent after even a brief comparison of the various Legislative management proposals for the Camp Hale area include Congressional designation of most of these areas as Wilderness under the Hidden Gems Proposal<sup>2</sup> as far back as 2010. This map was provided as part of the original round of legislative efforts on Hidden Gems.

[Figure 1: Hidden Gems Wilderness Proposal]

Both Thompson Divide (Thompson creek/Assignment Ridge), Ten Mile and Camp Hale have been partially or fully addressed in several versions of Congresswoman DeGette Wilderness proposal.<sup>3</sup> These Proposals would have prohibited all motorized usages permanently in the Thompson Divide and Ten Mile areas. Subsequent

Legislative Proposals then sought to designate large portions of the Camp Hale Area as a National Historic Area, mandating no new trails be allowed and only recognizing snowmobile usage as a characteristic of the area.<sup>4</sup> Under the Proclamation, there is no cap on trail development and all forms of motorized usage are protected. This Proclamation was a major win for multiple use recreational interests as multiple use access to all these areas would have been lost if they had been designated as Wilderness.

The value of the Proclamation is further evidenced by the recent Legislative efforts also have identified more than 200,000 acres known as the Thompson Divide area for management targeting the reduction of greenhouse gas emissions. This generalized requirement was very concerning as motorized recreation is directly tied to the production of very small amounts of greenhouse gases. This requirement posed a serious long-term threat to the motorized usage of the Thompson Divide area. Under the Proclamation, this threat was removed as the Thompson Divide area was excluded from oil and gas leasing for the next 20 years instead of the permanent Legislative designation requiring mitigation of greenhouse gases as a management goal. Again, a major win that would not be reflected if Congressional Proposals were looked at in isolation.

The value of removing these recommended Wilderness areas in reducing long term conflict is provided by the fact we will also be able to approach future Wilderness Proposals with a clear recognition from the President that previously proposed Legislative protections for recreation were insufficient to be supported by a larger group. We hope the failure of the extreme wilderness Proposals would result in more recreational benefits in the future as extreme proposals have not been supported. The win for motorized usages from the Proclamation should

not be overlooked and provides a concrete example of why we are concerned about any forest planning being based on legislative proposals. These proposals have a long history of failing and often what is finally moved forward is FAR more favorable for recreation than any that was proposed in legislation. Resolutions of conflicts around management of Proposed Wilderness such as those provided in the Proclamation are not furthered by a short-term reduction in conflicts such as those provided in the Decision. When management decisions are based on failed legislative efforts, this is a problem. When a management Proposal seeks to weigh legislative proposals more heavily than existing federal law, that is even more problematic.

3(b). Recommended Wilderness boundaries are based on inaccurate mapping of trails whichThe Organizations are aware that there is immense political pressure on the GMUG planners around the issue of Wilderness on the GMUG. While we are very involved in these political efforts and discussions this is based on the immense impacts that Wilderness designations could have on our interests and public access to the forest. We are aware that many of the Proposed Boundaries for recommended Wilderness on the GMUG are asserting to be based on a corridor width for existing trails of only 20ft in width. Many of these boundaries seem to have simply been moved over from various legislative proposals. We are aware that a corridor of this narrow width is totally insufficient to allow for maintenance of the trail, which could lead to closures in the long term.

As has previously addressed on the GMUG, corridor width for the protection of the CONST has been set in miles, not feet. As has previously been recognized in GMUG planning as well, often trail maps are not exceptionally accurate in their ability to reflect the actual location of trails. We have found and resolved many trails and boundary issues that were off by hundreds of feet in USFS data. Trail mapping is simply not that accurate. With the corridors that are proposed, many of the existing legal trails would be moved into recommended Wilderness simply due to boundaries not being accurately reflected in USFS data. For this reason alone, we are objecting

to any recommended Wilderness Boundary that is close to an existing legal route on the Forest. We would ask that any boundaries for Recommended Wilderness be drawn to allow for lower quality data issues and to allow

for maintenance of the routes.

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1. (b). Comically poor data quality has been exhibited throughout the Citizen Wilderness legislative process.

As we have previously noted, the Organizations welcome the changes that the Forest has undertaken to develop the most accurate application of current management boundaries in the Decision. This has resulted in significant changes to existing management boundaries allowing recreation to continue on tens of thousands of acres on the GMUG. This same low-quality data appears to have been applied in various legislation addressing Wilderness and often times it has been our experience that these legislative proposals have developed even lower quality data than that relied on for the forest. We have a long history of attempting to ground truth boundaries and usage designations for decades to confirm assertions that there is no impact to existing usages from these proposals. Early in the community engagement efforts on the Wilderness proposals, our requests for information such as shape files for boundaries and areas simply went unanswered. Once these basic requests for information were provided, our efforts to ground truth information has not given us any confidence that existing recreation has been avoided with the Proposals.

The following provisions of the objection are provided as an example of the exceptionally poor quality of data that has been used for the development of the various legislative proposals for Wilderness on the GMUG and throughout the region. This low-quality data appears to have carried through Wilderness Proposals only compounding our concerns about relying on various Wilderness Proposals as a planning tool. Our most recent efforts to ground truth information in the Proposals has occurred on the San Juan NF and this ground truth effort indicated major concerns remain with the accuracy of data in Wilderness Proposals. The map of our ground truth efforts around the Paradise Valley area on the SJNF are reflected below. 5

[Figure 2]

The conflicts reflected in the map are immediately concerning as the Paradise Valley area is an exceptional snowmobile area heavily used by local riders as it is reasonably accessible and legal. Loss of a 650-acre riding area has been simply brushed aside in previous efforts but remains very concerning to us. Further more this was an area where the Wilderness boundary was asserted to be drawn based on FSR 679 but when this was ground truthed the boundary in this small area ranged from less than 10 meters to hundreds of meters from FSR 679. This gives us little confidence in the accuracy of any data used in various legislation and directly evidences why these Proposals may not properly be used for management decisions.

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1. (b). Corridor standards for trails should be consistent regardless of adjacent management.

The Organizations are also aware that many of the Congressional proposals for Wilderness are within almost unheard of distances of globally important recreational trails. Often corridors provided in Legislative Proposals around these globally significant recreational routes are only 10- 15 ft in width and are based on unsubstantiated assertions of compliance with generalized existing USFS standards for management of trails and other uses near Wilderness.<sup>6</sup> We have been

unable to substantiate where these standards came from or confirm these standards with any USFS staff and they are FAR narrower than trail corridors we are familiar with. Rather we continued to simply be provided unsigned memos without even an agency letterhead asserting general standards for trail corridors. This is simply unacceptable to us as the history of factual accuracy has been exceptionally weak around these Wilderness Proposals only making possible loss of corridor even more of a concern. This is a major concern for us as many of these boundaries in the decision appear to mirror the boundary in the various legislative proposals that have failed.

The stark difference in the USFS standards asserted to be applied in these Legislative Proposals is the fact that most trail corridors we are aware of in planning are approaching at least  $\frac{1}{4}$  mile in width. In the Decision several references to trail corridor width around the CONST are made for corridors that are miles in width<sup>7</sup>. The Organizations must also object to the sole application of any generalized standard for trail management corridors adjacent to a Wilderness boundary as this type of generalized boundary is insufficient to override the clearly identified documentation and reasoning for Congress placing particular boundaries in particular locations as often these decisions are exceptionally well documented and are driven by the Congressional determination of the site specific buffer necessary for the trail in relation to the Wilderness that was designated.

#### Proposed resolution of objection #3

The Decision must be returned to the forest for the development of recommended Wilderness areas that align with previous site-specific decisions currently provide in federal law. While legislative proposals should be addressed, they are insufficient to overrule existing federal law until they are passed into law.

Objection 4(a). Many of the areas recommended Wilderness designation have been previously released for multiple use or further designation by Congress despite ongoing legislative proposals.

Our first landscape level concern involves the relationship of the site-specific inventory of much of the GMUG by Congress and the site-specific hard release of many of the same areas from further review for possible designation as Wilderness in the future by Congress. The hard release of these areas by Congressional action is critically important to our interests and efforts, as hard release language by Congress is seen as the strongest manner that Congress can express a wish to release an area from future designation as Wilderness with. The previous site-specific release of areas by Congress from future designation as Wilderness overrides the fact that there may be legislation now before Congress to redesignate these areas in a citizen-based Wilderness proposal. These concerns are irrelevant as a matter of law until they are passed into law. Any other conclusion lacks any basis in law or fact. If the hard release of any area by Congress was found to be insufficient to avoid redesignation as possible Wilderness in subsequent planning this would be deeply concerning for us and impact our ability to collaboratively attempt to release areas from possible designation as Wilderness in the future.

The Organizations are aware there is great pressure on land managers to recognize legislative drafts that have been before Congress, sometimes for decades, in planning. The Congressional decision NOT to designate these areas as Wilderness that actually passed Congress and became law must be properly weighted against the existence of a legislative proposal that has not passed either house of Congress and often completely lacks even a sponsor in the House of Representatives. Any argument that a stalled legislative proposal should carry more weight than a site-specific analysis and decision that has actually passed Congress regarding the ineligibility of the area for future designation is probably lacking legal and factual basis. The Organizations submit that many of the citizen Wilderness proposals that are currently addressing GMUG lands are not moving because they are simply badly out of balance and would designate Wilderness in areas that were released in previous Wilderness legislation.

There is a long and vigorous history of Congress specifically addressing the non-Wilderness management of public lands on the GMUG and of those protections provided outside designated Wilderness needed to be able to move land management legislation through Congress. It is troubling that many of the areas that have been specifically identified for non-Wilderness multiple use management in order to develop a balanced land management bill that would move through Congress were recommended for Wilderness. Congressional protections of multiple use on lands recommended for Wilderness include:

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1. Congress specifically finding that Non-wilderness multiple uses being identified for protection areas not designated as Wilderness;
2. Congress specifically stating that there shall be no restrictions of usages outside Wilderness areas to create buffer areas for the Wilderness;
3. Congress specifically crafting boundaries to protect existing usages outside the Wilderness; and
4. Removal of primitive area designations.

While addressing issues involving legislative history may seem unnecessary, it is important as many of the areas recommended for addition to the Wilderness system have been the basis of ongoing discussions for possible Wilderness designations since well before the Wilderness Act was originally passed in 1964. As a result, the lack of success around recent efforts to add these areas is important but also the history of each Wilderness areas that were designated and also areas that were not designated is important as well. In addition to the determinations of why these areas were found unsuitable for Congressional designation, these areas have been the basis of extensive inventory by the USGS and Bureau of Mines pursuant to [sect]3b of the Wilderness Act as these were existing Primitive Areas when the Wilderness Act was passed in 1964. Given the specific review and release of many of these areas from further designation by Congress, the Organizations must question how the same areas could be recommended for Wilderness in the USFS planning process, despite what has been more than 50 years of review of possible basis for designation.

Any assertion of a legal basis for management of areas recommended Wilderness in the Decision as proposed in the various legislative efforts instead of recognizing existing federal law ignores the weak legislative support for these types of proposals in Colorado. The history of both the

Continental Divide Proposal, and earlier versions of this legislation that trace back to the original Hidden Gems Proposal and San Juan Wilderness Proposals by Senator Bennett clearly shows the lack of support for the expanded designations across larger communities. When Wilderness Proposals from Congresswomen DeGette's Office are addressed, the failure of Congress to move on the proposed changes for management of these areas spans more than 30 years. Rather than being a basis for management of these areas as recommended Wilderness these proposals provide a concrete basis for management of these areas in compliance with existing

federal law mandating multiple use.

A brief history of the San Juan Wilderness Legislation reveals a long history of nonsupport for the proposal in Congress, as there has never been a house sponsor even named for the Proposal.<sup>8</sup> Even in the Senate, the San Juan Proposal has moved to hearings on several occasions and while it has gotten out of committee, the larger Senate has never even voted on this Proposal. This is a strong indication of the lack of support for the Proposal. Even more troubling is the fact that the San Juan Legislation has not even been introduced in the Senate since 2013. The Organizations submit that the 5-year hiatus for the legislation speaks volumes to the true amount of support for the Legislation.

While the Continental Divide Legislation does not address lands on the GMUG, it provides further basis for the caution that land managers should be approaching any proposal with. The Legislative history of the Continental Divide Legislation provides no basis for management decision as this Proposal has been submitted in various forms for almost a decade and has also not moved beyond committee hearing, and many years has been unable to even get a hearing. This Legislation was originally proposed in Congress in 2010 with claims of broad support and extensive vetting of the Proposal through the Hidden Gems based discussions. Vetting of the proposal provided to be less than complete and many problems were immediately identified and as a result the Central Mountains version of Hidden Gems was reworked several times as exemplified by the Rocky Mountain Recreation and Wilderness Preservation Act of 2012.<sup>9</sup> This did little to build community support for the Proposal. Recently the legislative name was changed and minor changes to the proposal were undertaken, and this version again failed to move. Existing federal law must be honored until such time as it is successfully amended.

The Organizations would be remiss if the troubling legislative history of other proposals that have incorporated San Juan and Continental Divide boundaries was not addressed, such as Congresswoman Dianna DeGette's Colorado Wilderness Act that was originally introduced in 1999 was not mentioned<sup>10</sup>. These Proposals have also failed to move beyond a committee hearing despite being introduced for almost two decades as well. As result, managers now have a clearly identified basis to not incorporate these legislative proposals into planning as there is clearly defined track record of minimal public support for the Proposals. The failure of these proposals in Congress simply does not create a valid basis for planning actions by Congress.

This lack of support for the San Juan and Continental Divide version of Hidden Gems, is further evidenced by the fact that while these proposals have languished in Congress for more than two decades in one form or another, other land use legislation including Wilderness designations has been developed and rapidly moved through Congress regarding Colorado public lands. This legislation would be the Hermosa Watershed Legislation of 2013, which was developed, passed into law and subsequent planning completed in a decade less time than San Juan and Continental Divide have been languishing in Congress without larger support. While the mandates of the Hermosa Watershed Legislation are not legally binding on the GMUG, the factual differences are highly relevant to the value of land management legislation that does not move. In 2013, the Hermosa Watershed Legislation<sup>11</sup> was not even a Legislative Proposal but this legislation was developed from the ground up, passed both houses of Congress and was signed by the President

while other pieces of legislation remained stalled. <sup>12</sup> While the Hermosa Watershed Legislation does not impact GMUG planning the rapid movement of this legislation through Congress speaks volumes to the lack of support around the other pieces of Legislation that have been in existence for much longer and simply never moved. Their value in planning is marginal at best.

While USFS policy asserts that citizen Wilderness proposals be addressed in the planning process, USFS policy cannot contradict the site-specific determinations of Congress in existing federal laws. The Organizations vigorously assert that even without site specific Congressional determinations for any area, the mere recognition

of a Wilderness Proposal is not enough review to support inclusion of any area as recommended Wilderness in the final alternative. The entirety of the history of these citizen Proposals must be reviewed in the planning process. This is exemplified in the GMUG plan as many of the recommended Wilderness areas have been the basis of citizen Wilderness Proposals since before 1980. This is directly evidenced by the 1980 Colorado Wilderness Act<sup>13</sup> when the boundaries of many of these areas were established and drawn to protect many of the same usages that remain in these areas to this day. The boundaries proposed for many areas on the GMUG in planning are the same areas that Congress specifically excluded from Wilderness when the areas were designated, as exemplified by the discussions of why wilderness boundaries are in the locations they currently are as provided on page 7 of House Report 96-617 issued in conjunction with the passage of the 1980 Colorado Wilderness Act. Those provisions are discussed in greater detail in subsequent portions of these comments and a copy of this full report is attached as Exhibit 5.

The second landscape level concern around merely designating recommended Wilderness based on citizen proposals for Wilderness is a policy concern and involves a consistent position taken by land managers that the public should work together attempt to bring solutions to issues to them. When land managers are recommending areas for possible designation that have been previously released by Congress, the managers are now working against the public collaborations that were the basis for the release of the area back to non-wilderness multiple use. If there is a consensus position regarding the management of areas that has been achieved and passed into law by Congress it should be enforced with regard to all interests, regardless of the position. Consensus positions should be supported and defended by land managers in Colorado as there has been a lot of balancing and collaboration that has gone into the Congressional action for management of public lands for decades. When land managers recommend Wilderness for areas that have been specifically inventoried by Congress and found ineligible, land managers are undermining a consensus position that was achieved. Despite insisting that collaborative efforts targeting consensus management are needed here, managers would be undermining the very consensus they seek to obtain by trying to recommend Wilderness in many areas on the GMUG. Additionally, recommending Wilderness based on these failed legislative proposals would undermine the public process as the legislation is simply badly out of balance in terms of land use and as a result has little support from the general public.

4(b) Congressional determinations providing hard releases of areas for non-wilderness management are not addressed in the Decision prior to recommending many of the same areas for Wilderness.

As previously noted, there is a long history of site-specific Congressional determinations around usages of lands on the GMUG and throughout Colorado. These determinations are simply never mentioned in the decision despite the fact it is existing federal law which must be recognized in planning under basic principles of law and under Forest Service requirements for the development of Wilderness areas in planning. Forest Service guidance documents governing Wilderness inventory specifically require federal determinations of areas for non-wilderness usages MUST be recognized as follows:

"In addition, the Team shall identify on the same map (or a series of maps), at a minimum, the following lands:

4. National Forest System lands statutorily designated for management for nonwilderness purposes. Indicate effective dates, if any." <sup>14</sup>

Given the repeated decisions of Congress specifically identifying areas on the GMUG for multiple use and unsuitable for designation as Wilderness the Organizations assert strict application of the above standard has resulted in an RMP recommendation that conflicts with federal laws specifically governing these areas.

This site-specific clarity of Congressional action regarding non-wilderness usages on large areas of the GMUG and throughout the state is exemplified in the 1980 Colorado Wilderness Act that created the Colligate Peaks, Raggeds and Fossil Ridge Wilderness areas. Given the high levels of relevance of this legislation to these



discussions of the 1980 Colorado Wilderness Act, a copy has been enclosed for your convenience as exhibit 3. The 1980 Colorado Wilderness Act specifically spoke of the need to protect non-wilderness multiple use in areas it was not designating as Wilderness as follows:

"SEC. 101. (a) The Congress finds that-

(3) the Department of Agriculture's second Roadless Area Review and Evaluation of National Forest System lands in the State of Colorado and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy mineral, timber, grazing, dispersed recreation and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws.....

(b)(2) The purposes of this title are to Insure that certain other National Forest

System lands in the State of Colorado are available for non-wilderness multiple uses." 15

The desire of Congress to return non-Wilderness uses to areas not designated as Wilderness is evidenced by the fact that this desire was stated twice in the 1980 version of the Colorado Wilderness Act. Additional clarity regarding the desire of Congress to return multiple use to areas that were not designated as Wilderness in the 1980 legislation is also provided by Section 107 of the 1980 Colorado Wilderness legislation, which clearly states as follows:

"(3) areas in the State of Colorado reviewed in such Act; for study by Congress or remaining in further planning upon enactment of this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and"16

Given the long history of clear Congressional action regarding the non-Wilderness management of so much of the GMUG planning area, any assertion that these areas may be recommended as Wilderness is impermissible as it directly contradicts both federal law and Forest Service inventory requirements to recognize these area designations in the decision-making process.

Clearly these previous Legislative actions developed high levels of public participation and consensus and must be honored. The fact that one group did not get exactly what they wanted in consensus efforts previously does not create the need for new consensus efforts without a serious change in the circumstances in the area. Also, recommendations of Wilderness in these areas must at least recognize the previous legislative determinations and explain why these determinations are not controlling for these areas any longer and why these areas may again be recommended for designation as Wilderness by Congress.

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1. (c). Many of recommended Wilderness areas directly violate Federal law prohibiting buffer areas around Wilderness areas on the GMUG.

As identified above there have been significant Congressional actions to address the management of many areas within the GMUG planning area for more than 50 years. The 1980 Colorado Wilderness Act specifically released all areas not designated as Wilderness back to non[shy] wilderness multiple use. The 1993 Colorado Wilderness acts implemented additional protections for usages of areas outside the designated Wilderness areas with the addition of the "no buffer" concept to further protect multiple usage in boundary areas. Congress has

specifically reviewed these areas and determined where the boundaries should be located. Fossil Ridge, Collegiate Peaks, Uncompahgre, Powderhorn and Raggeds Wilderness areas were created by the 1980 and 1993 Colorado Wilderness Act, and both of these pieces of legislation specifically required no buffer requirements as the 1993 Colorado Wilderness Act as follows:

"(e) BUFFER ZONES. -Congress does not intend that the designation by this Act of wilderness areas in the State of Colorado creates or implies the creation of protective perimeters or buffer zones around any wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area." 17

While federal law is exceptionally clear on the usages that are allowed outside Wilderness areas this clarity is not addressed despite the fact that almost every Wilderness area on the GMUG is subject to these restrictions in the federal laws that designated the Wilderness. Again, these are specific Congressional determinations that must be addressed in Wilderness inventory under USFS requirements as follows:

"5. Evaluate the degree to which the area may be managed to preserve its wilderness characteristics. Consider such factors as:

c. Specific Federal or State laws that may be relevant to availability of the area for wilderness or the ability to manage the area to protect wilderness characteristics;" 18

Despite this clear mandate, many of the recommended Wilderness designations are based on the idea that such a boundary change would make preservation of Wilderness characteristics of the areas easier to manage. Asserting such a basis for management designation would be exactly the type of buffer that is specifically prohibited under the Colorado Wilderness Act and its amendments. The complete failure to recognize existing federal law requiring "no buffers" for Wilderness is exemplified by the repeated recognition of the positive effects of an area to provide additional buffers for existing Wilderness areas in the inventory is exemplified by the following portions of the inventory. Many of these areas are now recommended Wilderness in the decision. In the Tellurium GII inventory provisions the buffer is recognized as follows:

"As is, this area provides an effective buffer between travel routes and Collegiate Peaks Wilderness."19

In the Taylor Canyon GIS inventory provisions the buffer is recognized as follows:

"As is, this area provides an effective buffer between NFSR 742 and both Fossil Ridge Wilderness and Fossil Ridge Recreation Management Area."20

In the Slumgullion PS inventory provisions the buffer is recognized as follows:

"As is, this area provides an effective buffer between NFSR 709/private property and West Elk Wilderness."21

The failure of the decision to address the "no buffer" provisions for Colorado Wilderness areas currently existing in federal law is vigorously opposed by the Organizations. This situation has existed since original inventories of the GMUG for Wilderness suitability and has never been addressed and has returned in the decision. While we understand the immense amount of pressure being applied to the USFS staff on this issue, this also does to absolve the duty of planners to comply with existing federal laws.

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1. (c). A large portion of the GMUG has been inventoried as primitive areas and subsequently hard released for multiple use by Congress.

In addition to the extensive Congressional action specifically drawing many of the boundaries of Wilderness areas on the GMUG, Congress additionally reviewed the inventory of three primitive areas that were existing in the southern portions of the GMUG when the Wilderness Act was passed in 1964. These three primitive areas were identified as the Uncompahgre Primitive area, Uncompahgre Adjacent Primitive area and the Wilson Mtn Primitive areas. When the 1980 Colorado Wilderness act was passed these inventories were reviewed for possible designations by Congress and areas that were found suitable for designation were designated as Wilderness. The remainder of these primitive areas were abolished and returned to multiple use. Again, many of the areas in the decision that are identified as recommended Wilderness are in these primitive area boundaries that have been released by Congress.

The 1980 Colorado Wilderness Act clearly abolished exiting primitive areas designations areas as follows:

"The previous classifications of the Uncompahgre Primitive areas and Wilson Mountain Primitive area are hereby abolished" 22

In the 1980 Colorado Wilderness Act, Congress then clearly identified in [sect]101 of this Legislation the fact that any areas not designated as Wilderness was to be released back to non-wilderness multiple use as follows:

"(b) The purposes of this title are to-

(2) insure that certain other National Forest System lands in the State of Colorado be available for nonwilderness multiple uses."

The Organizations submit that any assertion that the primitive area designations existing on the GMUG and specifically released for non-wilderness multiple use could again be recommended for Wilderness by the USFS defies both legal and logical defense. Despite specific federal law on this issue, these previous designations are not even addressed in the decision.

These types of determinations regarding primitive areas are again clearly identified to be within the scope of the Wilderness Inventory process as follows:

"The Interdisciplinary Team shall record all lands included in the inventory on a map of the planning area. In addition, the Team shall identify on the same map ( r a series of maps), at a minimum, the following lands:

1. Existing designated wilderness and primitive areas....

National Forest System lands statutorily designated for management for nonwilderness purposes. Indicate effective dates, if any."23

While Congress has designated extensive portions of the GMUG as possible primitive areas in the past and then removed these designations with a specific requirement of using these areas for non-wilderness multiple usage in areas not designated as Wilderness, these determinations are again not addressed in the decision prior to Wilderness recommendations.

We have enclosed the complete inventory of each of these primitive areas as Exhibit 4 to allow planners to fully understand the detail and scope of these inventories and understand the scope of what was released by Congress for non-wilderness multiple use and is not addressed in the current decisions Wilderness recommendations. After a detailed review of these reports, it should be noted that many of the pre-existing usages recognized in these reports and inventory that prohibited Congressional designation of these areas as Wilderness in 1980 have existed in these areas since at least the early 1970s. These usages and management challenges often remain in the areas that were recognized by the Department of Interior and Bureau of Mines, adding more credibility to the USFS inventories of these areas subsequently undertaken. Again, we simply cannot understand a fact pattern where Congress could specifically decline an area for designation as Wilderness, protect the non-Wilderness multiple use and then land managers would again recommend the same areas for designation in the planning process. Such a position simply lacks rational basis in facts or law.

1.

1. (d). Specific boundaries of the Uncompahgre (Big Blue) and Mt. Sneffels Wilderness were drawn with great detail by Congress.

In addition to the release of the large primitive areas that predated the 1964 Wilderness Act and comprised a large amount of the southern portions of the GMUG, the 1980 Colorado Wilderness act addressed the specific locations for the boundaries of both the Uncompahgre and Mount Sneffels Wilderness with unusually high levels of detail. The value of this level of detail should not be overlooked and again would draw any assertion of suitability for these areas as recommended Wilderness in the RMP into question. While Congress has provided exceptionally high levels of detail in why boundaries were placed where they are in existing federal law, this

detailed information is not addressed in the decision and many of these areas are again re[shy] recommend for wilderness designation. These new recommended Wilderness boundaries on the southern portion of the forest are as follows:

[Figure 4]

Section 9 of the House Report issued for the 1980 Colorado Wilderness Act provides a large amount of highly site-specific detail into the scope of analysis undertaken by Congress in developing this legislation and why boundaries are in the locations they are in. This bill memo provides:

"9. Lizard Head, Mount Sneffels, and Big Blue Wildernesses: These three separate wilderness proposals of 40,000, 16,200, and 100,000 acres, respectively, comprise what many feel is the most scenic and spectacular area in the entire State of Colorado, and is sometimes called the "Switzerland of America". The area's outstanding beauty and wild nature has been officially recognized since 1932

when the Wilson Mountains and Uncompahgre Primitive Areas were established by administrative regulation. In accordance with section 3 (b) of the Wilderness Act, the wilderness character of the two primitive areas was reviewed, and a wilderness recommendation on five separate tracts was forwarded to Congress in 1974. The RARE II process resulted in further wilderness recommendations on lands contiguous to three of the five tracts. The Committee reviewed the Administration's recommendations and determined that the 16,200-acre Mount Sneffels proposal was adequate to protect the highly scenic country north of Telluride. To the south west, the Committee proposes a 40,000-acre Lizard Head Wilderness to link up the Administration's Mount Wilson and Dolores Peak recommendations and include the headwaters of the Dolores River plus the landmark Lizard Head and Wilson Meadows. These additional lands largely lie within the existing Wilson Mountains Primitive Area and have important wildlife values as well as superlative wilderness qualities. The Committee therefore determined that wilderness should replace the current primitive area designation.

Similarly, the Committee recommends a 100,000-acre Big Blue Wilderness to join the Administration's Big Blue and Courthouse Mountain proposals. The Committee additions include the heart of the eastern part of the Uncompahgre Primitive Area and such outstanding natural features as Matterhorn Peak, Wetterhorn Peak, Precipice Peak, Dunsinane Peak, Cow Creek and portions of the West, Middle and East Forks of the Cimarron River. The Committee feels the addition of these lands is vital to the overall integrity of any Big Blue Wilderness, and especially notes their outstanding scenic and watershed values. At the same time, the Committee recognizes that the public currently relies on motorized access to certain key areas, and therefore amended the bill to exclude lands in the vicinity of Nellie Creek and to excise two road corridors which extend part of the way up the Middle and West Fork Cimarron River drainages. Another boundary adjustment was made on the extreme western end of the area near Baldy Peak to exclude about 1,500 acres

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A complete copy of this House Report memo outlining the high levels of site specific analysis that was undertaken by Congress is attached as Exhibit 5 to this objection for your reference. Given that many of the uses that Congress wanted to avoid impacting are still existing in these areas and have been specifically protected by federal law the Organizations must ask why manager would ever want to violate the clear statements of Congress as to the location of these Wilderness boundaries.

When both the Mt Sneffels and Lizard Head Wilderness Areas were designated as Wilderness in 1980, the following provisions were included in the preamble of that statute:

"(3) the Department of Agriculture's second Roadless Area Review and Evaluation of National Forest System lands in the State of Colorado and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws."25

The Organizations must question why areas that have been specifically released by Congress for multiple use management and consistently found unsuitable for designation as Wilderness would

ever be found now available for Wilderness designation. The Congressional release of Primitive areas, such as Sunshine, Wilson Mesa, Whitehouse and Liberty Bell are highly relevant due to the proximity of many of the new proposed Wilderness Area additions to both the Mt. Sneffels and Lizard Head Wilderness and that these areas

were specifically excluded by Congress from Wilderness management previously.

Resolution of objection issue #3 & #4.

1. Planners must apply existing federal law rather than unsuccessful proposals to amend federal law in the planning process. Remove recommended Wilderness designations in areas already previously hard released by Congress and remove any recommended Wilderness designations from areas within  $\frac{1}{4}$  mile of existing routes and comply with existing site-specific Congressional decisions made in these areas.
2. Redraw recommended Wilderness Boundaries to avoid conflict with existing statutory designations and decisions regarding boundaries and concepts such as buffers around existing Wilderness areas.

Objection 5. Most areas of Recommended Wilderness were found unsuitable for designation as Upper Tier Roadless areas in the 2012 Colorado Roadless Rule Process.

The Organizations wish to highlight the repeated exclusion of many areas now sought to be identified as recommended Wilderness in the RMP from lower levels of management in previous administrative reviews. Most recently these areas were found unsuitable for upper tier designation as part of the development of the 2012 Colorado Roadless Rule. Again, USFS requirements for the Wilderness Inventory process require inclusion of this information as follows:

"The Interdisciplinary Team shall record all lands included in the inventory on a map of the planning area. In addition, the Team shall identify on the same map (or a series of maps), at a minimum, the following lands:

1. Areas identified in the Forest Service Roadless Area Conservation Final Environmental Impact Statement (Volume 2, November 2000)}, or in a Forest Service State-specific roadless rule, or identified as undeveloped or for primitive nonmotorized management in the current land management plan."

While Roadless inventory information is specifically required in the inventory process at no point in the GMUG wilderness inventory is the conclusions of the 2012 Roadless Rule inventory for the proposed area even mentioned. Throughout the Roadless area inventory process many conclusions regarding the unsuitability of areas for recommended Wilderness were again reached in the development of the 2012 Roadless Rule. The systemic conclusions that many of these areas were never suitable for inclusion in the Wilderness system started with the RARE and RARE 2 inventories due to the high levels of existing usages of these areas included high levels of recreational value. These areas would include the Wilson Mesa area, Sunshine, Whitehouse, Liberty Bell and many other areas.<sup>26</sup> While the site-specific information from the RARE and RARE 2 process is available for review if your office should desire such a discussion, these conclusions are not discussed at length in these comments as they are repetitive to the conclusions of the Colorado Roadless Rule development in 2012. The Organizations must ask why these areas, which have never been suitable for designation as Wilderness, despite almost 50 years of inventory, would now be thought suitable for designation as Wilderness? The question about the need for Wilderness designations becomes more concerning when Congressional action has previously returned these areas to multiple use management.

The Organizations were heavily involved in the development of the 2012 Colorado Roadless Rule, where both additional management flexibility was to be provided in Roadless areas and additional protection of less developed areas was explored. Unlike the single standard of management in the national roadless rule, in the Colorado Roadless Rule process, generally two categories of management inventory were explored, which were Colorado Roadless areas and Upper Tier

Roadless areas. In an Upper Tier roadless area, management was closer to a Congressionally Designated Wilderness and in Colorado Roadless Area management direction was moved towards higher levels of usage and flexibility. Extensive site-specific inventories of areas were again provided as part of development of the Colorado Roadless Rule to ensure that current information about any area was relied on in the inventory process. As a result of this process, significant portions of the areas now recommended Wilderness were inventoried for possible inclusion in upper tier roadless designations under the 2012 Colorado Roadless Rule development. Similar to the RARE inventory conclusions almost every area proposed to be recommended Wilderness was found unsuitable for management as upper tier only a few years ago. The Organizations must question why the heightened restriction of Wilderness management is thought to be warranted, when lower levels of protection have already been identified as unsuitable several times. Clearly this is information that must be included in the Wilderness inventory and has not been.

In the Colorado Roadless Rule development extensive portions of public lands were inventoried for various levels of management. Alternative 2 (preferred) the designation of Upper Tier Roadless management is reflected in areas highlighted in yellow on the map below and alternative 4 of the Proposal provided a more extensive acreage of areas for possible upper tier designation, which is reflected in the red freckled areas on the map below.<sup>27</sup> The stark differences between the scope of alternative 2 and alternative 4 of the inventories are reflected in the map below:

Figure 5 & 6]

The Organizations must note that almost EVERY area now recommended Wilderness with a HIGH designation was reviewed under Alternative 4 of the Roadless Rule EIS and found to be unsuitable for the lower level of protection and management of an Upper Tier management designation. In the site-specific descriptions of each of these areas, a detailed discussion of the reasons for designation of these areas either as CRA or Upper Tier was provided. The overlap of the CRA process and RARE inventories conclusions is significant and weighs heavily against the recommendation of any of these areas as Recommended Wilderness in the draft RMP.

The Organizations must object to any assertion that these areas are suitable for Wilderness recommendations in a Forest Plan, when these areas were recently inventoried and found unsuitable for the lower level of protection provided by an Upper Tier Roadless designation. Any assertion of factual basis for such management would not be supported by the extensive site-specific inventory and review that was created as part of the Colorado Roadless Rule development. The Colorado Roadless Rule process was another administrative confirmation that these areas do not warrant heightened protections and should be managed for multiple use but such a discussion is simply not provided in the Decision.

Proposed resolution of objection #5

Redraw recommended Wilderness Boundaries to avoid conflict with existing decisions regarding the location of upper tier and Colorado Roadless areas.

Objection 6(a). Route density standards as part of Wildlife management areas.

The Organizations vigorously support the management and protection of wildlife in the planning process and recognize that the GMUG has done a commendable job of balancing all uses previously. The Organizations are very concerned that these standards are included as the result of political pressure rather than a sound scientific and management basis for addressing problems effectively. We also vigorously support the decisions grandfathering of designated motorized trails in the designated wildlife areas. Every one of these trails has been through several rounds of site specific NEPA since the adoption of the travel management Executive Orders in 1972 by President Nixon. These decisions have been the basis of extensive site specific NEPA and site specific NEPA is always more reliable and higher quality information and planning than landscape level NEPA.

The Organizations would be more supportive of the decision to apply density standards in the manner proposed if we thought this would reduce conflict between wildlife, recreation, and other forms of development over the life of the Plan. If the designation of wildlife areas could reduce conflict and streamline planning in trail development areas also designated in the Plan, that would be a major step forward. It has also been our experience that this type of balancing does not occur as we continue to fight about wildlife in all phases of site-specific planning regardless of special designations. We are not optimistic that the designation of these areas will have this effect and as a result believe these new designations will increase conflict rather than reduce it. This concern is since numerous Wilderness areas have been designated on the GMUG to provide wildlife habitat. While these designations have occurred, they have really done nothing to reduce conflict on wildlife, or proposed wilderness, in other areas of the forest.

The Organizations are concerned that even with the grandfathering of these routes in the current decision, any wildlife planning area where routes are above the mile per mile route density will be put at risk of closure in any subsequent travel planning process. The Organizations are also concerned that many of the new dedicated wildlife management areas are being developed in current management areas that are permitting route density of up to 4 miles of routes per square mile. The Organizations are also very concerned that existing planning provides for standards that are largely aspirational. The decision moves these standards from aspirational to mandatory. The

decision provides no analysis to support the restriction of existing management to these lower density levels now required for the protection of wildlife.

While we support the existing management in the areas now designated as Wildlife Management areas, the application of landscape level mandatory route density standards will result in poor management analysis in the future. This management model is an attempt to apply landscape data to site specific concerns and this is often unsuccessful as many factors may be present on the landscape and not present on the localized area and vice versa and this disconnect can result in exceptionally bad decisions. By comparison, statistically in the US men are about 7% taller on average than women.<sup>28</sup> While this statistical confirmation is entirely accurate for addressing population level questions, this landscape level information is largely useless for predicting the if a particular man is taller than a particular woman. There are a wide range of factors that impact the particular height of every man or woman that simply cannot be captured in landscape level analysis as there are too many localized factors and issues that .

This similar situation existing with attempting to make site specific habitat quality and travel management decisions based on route density standards. There are simply too many local variables as not all roads are created the same. Not all roads have similar levels of usage, which greatly impacts their ability to disrupt wildlife. By definition roads are significantly different than trails. Trails have wildly different levels of usage again impacting their ability to disrupt wildlife.

The application of mandatory route density standards in the decision fails to address hugely effective mitigation efforts that have been undertaken around roads, exemplified by the recent success of wildlife overpasses and



fencing efforts throughout the region, which has been done in partnership with a diverse range of interests. As an example, the State of Utah has effectively developed wildlife overpasses and large fencing projects to mitigate impacts of routes in Wildlife crossing areas. The State of Utah in partnership with the Western Governors Association has well

documented that these efforts have saved hundreds of animals of all species in every location that they have been introduced as Utah DOT has recognized as follows:

"It is estimated that a minimum of 102 accidents will be prevented each year through this collaborative effort. Utah State University will study this project over the next five years to provide feedback to the partners on the effectiveness of their efforts and to provide information on how best to design solutions to similar problem areas for wildlife and motorists."<sup>29</sup>

CPW has effectively developed similar overpasses and fencing outside Kremmling Colorado with similar results, which CPW has summarized in their research brief as follows:

"The study established that the mitigation investments on SH 9 resulted in a 92% reduction in WVC crashes and a 90% reduction in carcasses. In addition to improving safety for motorists, the study demonstrated the success of the crossing structures in maintaining connectivity for mule deer across SH 9 for all age and gender classes of the population. The research documented 112,678 mule deer successful passages across the seven structures, with an overall success rate of 96%. The study also established the value of the wildlife crossing structures and other mitigation for a number of other species, including elk, pronghorn, moose, bighorn sheep, white-tailed deer, black bear, mountain lion, bobcat, coyote, and other meso and small mammals."<sup>30</sup>

Clearly these overpass and fencing efforts have provided direct benefits that would never be captured in the application of route density standards for management. At best this is the horrible twisting of a hugely successful project into something largely irrelevant to land managers as this type of a success would not be reflected in a route density analysis. In addition to the

above CPW research, COOT has decades of research addressing the variable level of impacts roads have on wildlife and the evolution of management tools to address these issues. <sup>31</sup>

Too often route density is simply a surrogate for the identification of issues that are occurring

around the route. With the decision to close or limit routes in these areas how would efforts such as this be developed or applied in these areas? The decision simply fails to address this issue and these are partnerships the decision should be facilitating rather than ignoring moving forward.

6(b). Application of trail density of routes and trails are recommended against by Colorado Parks and Wildlife.

While we are aware there is a large amount of public concern voiced around the need for route

density standards, this is not the management process that CPW recommends for wildlife areas for roads or trails. This is directly evidenced by the fact that the 2021 CPW Trails and Wildlife planning tool recommends avoiding route density analysis.<sup>32</sup> The 2021 Trails and Wildlife Guide outlines this conclusion as follows:

"There are two important considerations to keep in mind with route density:

[bull]Site-specific factors, such as topography, may influence the quality of habitat, and are not accounted for in the calculation for route density.

\* Route density calculations do not necessarily account for how trails are spatially distributed across the landscape(Figure 6).

The overarching intent of the route density consideration is to minimize habitat fragmentation and loss of habitat functionality for wildlife. It is important to note that this consideration is meant as a starting point for conversation about how to minimize wildlife impacts, and is not regulatory in nature. Also, route density only applies to specific high priority and sensitive habitats and species-there are many areas in the state where it isn't (see Appendix B for more detail). Consultation with

local agency staff and on the ground evaluation of the habitat are important to avoid any misapplications of route density. Remember that these strategies are part of a larger suite of BMP recommendations; it's always important to consider how other strategies can be applied to minimize and/or mitigate impacts on wildlife."33

As CPW has publicly endorsed a large and collaborative process for the management of trails instead of the application of hard limits on density, there is clearly a different course of management for these areas. The application of route density standards without addressing the tools that have been found to be hugely successful and outlined in the CPW Trails and Wildlife Guide, such as seasonal closures, education of users and mitigation of other factors such as off leash dogs is again problematic as it conflicts with best available science. The Organizations must object as this entire management model is now rendered useless in favor of the application of a landscape tool that is poorly suited for the problem it is trying to solve.

G(c). Changes from existing plan to decision regarding the use of density standards are not addressed.

The Organizations must object to the inclusion of the mandatory mile per mile route density requirement for the management of wildlife areas given the complete lack of discussion or authority to support this management standard. The decision does recognize that these new standards will impact a significant portion of the forest but fails to provide any analysis of possible impacts to other uses moving from a standard that was largely aspirational in nature to a standard that is now mandatory in these areas. Not only is the mandatory density standard poorly suited to achieve the goals it is seeking to address, the decision fails to address why there is a need to significantly restrict trails access in these areas from management levels that are currently provided. No analysis is provided to address why the highly flexible and variable standards in the current plan are dropped in favor of a single mandatory standard in the decision. This decision impacts a major portion of the planning area and simply is never analyzed.

Under the existing RMP the following aspirational route density standards are provided for: Mile per mile in management 8b wilderness closed to moto34

2 miles per mile in 8c- wilderness closed to moto 35

4 miles per mile in 2a - semi primitive moto 36

4 miles of routes in 2b 37

Wildlife areas had wide range of management designation under 4b, 4c, 4d, Sa, Sb and these aspirational standards have proven to be effective. The success of these voluntary management standards was outlined in great detail in our comments on the draft RMP.

While these standards have been found to be effective, these varying standards are dropped in favor of a single highly restrictive mandatory management standard in the wildlife areas. The scale of the impact of this management change is reflected in the EIS as follows:<sup>38</sup>

The significant impact that these changes could have on public access to more than 400,000 acres of public lands is immense and not consistently applied across the forest when various maps are reviewed. Often the impacts of these changes are disproportionately centered in particular areas

that are not adjacent to other restrictive management standards such as Congressionally designated Wilderness. As an example, the existing RMP provides the following management area map 2, on the Colorado Plateau.

[Figure 7]

Under the new RMP the large amounts of wildlife area management designation is reflected in the light blue designations on the map

[Figure 8]

Section 9 of the House Report issued for the 1980 Colorado Wilderness Act provides a large amount of highly site-specific detail into the scope of analysis undertaken by Congress in developing this legislation and why boundaries are in the locations they are in. This bill memo provides:

"9. Lizard Head, Mount Sneffels, and Big Blue Wildernesses: These three separate wilderness proposals of 40,000, 16,200, and 100,000 acres, respectively, comprise what many feel is the most scenic and spectacular area in the entire State of Colorado, and is sometimes called the "Switzerland of America". The area's outstanding beauty and wild nature has been officially recognized since 1932

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"It is estimated that a minimum of 102 accidents will be prevented each year through this collaborative effort. Utah State University will study this project over the next five years to provide feedback to the partners on the effectiveness of their efforts and to provide information on how best to design solutions to similar problem areas for wildlife and motorists."<sup>29</sup>

CPW has effectively developed similar overpasses and fencing outside Kremmling Colorado with similar results, which CPW has summarized in their research brief as follows:

"The study established that the mitigation investments on SH 9 resulted in a 92% reduction in WVC crashes and a 90% reduction in carcasses. In addition to improving safety for motorists, the study demonstrated the success of the crossing structures in maintaining connectivity for mule deer across SH 9 for all age and gender classes of the population. The research documented 112,678 mule deer successful passages across the seven structures, with an overall success rate of 96%. The study also established the value of the wildlife crossing structures and other mitigation for a number of other species, including elk, pronghorn, moose, bighorn sheep, white-tailed deer, black bear, mountain lion, bobcat, coyote, and other meso and small mammals."<sup>30</sup>

Clearly these overpass and fencing efforts have provided direct benefits that would never be captured in the application of route density standards for management. At best this is the horrible twisting of a hugely successful project into something largely irrelevant to land managers as this type of a success would not be reflected in a route density analysis. In addition to the

above CPW research, COOT has decades of research addressing the variable level of impacts roads have on wildlife and the evolution of management tools to address these issues. 31



Too often route density is simply a surrogate for the identification of issues that are occurring

around the route. With the decision to close or limit routes in these areas how would efforts such as this be developed or applied in these areas? The decision simply fails to address this issue and these are partnerships the decision should be facilitating rather than ignoring moving forward.

6(b). Application of trail density of routes and trails are recommended against by Colorado Parks and Wildlife.

While we are aware there is a large amount of public concern voiced around the need for route

density standards, this is not the management process that CPW recommends for wildlife areas for roads or trails. This is directly evidenced by the fact that the 2021 CPW Trails and Wildlife planning tool recommends avoiding route density analysis.<sup>32</sup> The 2021 Trails and Wildlife Guide outlines this conclusion as follows:

"There are two important considerations to keep in mind with route density:

[bull]Site-specific factors, such as topography, may influence the quality of habitat, and are not accounted for in the calculation for route density.

\* Route density calculations do not necessarily account for how trails are spatially distributed across the landscape (Figure 6).

The overarching intent of the route density consideration is to minimize habitat fragmentation and loss of habitat functionality for wildlife. It is important to note that this consideration is meant as a starting point for conversation about how to minimize wildlife impacts, and is not regulatory in nature. Also, route density only applies to specific high priority and sensitive habitats and species—there are many areas in the state where it isn't (see Appendix B for more detail). Consultation with

local agency staff and on the ground evaluation of the habitat are important to avoid any misapplications of route density. Remember that these strategies are part of a larger suite of BMP recommendations; it's always important to consider how other strategies can be applied to minimize and/or mitigate impacts on wildlife."<sup>33</sup>

As CPW has publicly endorsed a large and collaborative process for the management of trails instead of the application of hard limits on density, there is clearly a different course of management for these areas. The application of route density standards without addressing the tools that have been found to be hugely successful and outlined in the CPW Trails and Wildlife Guide, such as seasonal closures, education of users and mitigation of other factors such as off leash dogs is again problematic as it conflicts with best available science. The Organizations must object as this entire management model is now rendered useless in favor of the application of a landscape tool that is poorly suited for the problem it is trying to solve.

G(c). Changes from existing plan to decision regarding the use of density standards are not addressed.

The Organizations must object to the inclusion of the mandatory mile per mile route density requirement for the management of wildlife areas given the complete lack of discussion or authority to support this management standard. The decision does recognize that these new standards will impact a significant portion of the forest but fails to provide any analysis of possible impacts to other uses moving from a standard that was largely aspirational in nature to a standard that is now mandatory in these areas. Not only is the mandatory density standard poorly suited to achieve the goals it is seeking to address, the decision fails to address why there is a need to significantly restrict trails access in these areas from management levels that are currently provided. No analysis is provided to address why the highly flexible and variable standards in the current plan are dropped in favor of a single mandatory standard in the decision. This decision impacts a major portion of the planning area and simply is never analyzed.

Under the existing RMP the following aspirational route density standards are provided for: Mile per mile in management 8b wilderness closed to moto34

2 miles per mile in 8c- wilderness closed to moto 35

4 miles per mile in 2a - semi primitive moto 36

4 miles of routes in 2b 37

Wildlife areas had wide range of management designation under 4b, 4c, 4d, Sa, Sb and these aspirational standards have proven to be effective. The success of these voluntary management standards was outlined in great detail in our comments on the draft RMP.

While these standards have been found to be effective, these varying standards are dropped in favor of a single highly restrictive mandatory management standard in the wildlife areas. The scale of the impact of this management change is reflected in the EIS as follows:38

The significant impact that these changes could have on public access to more than 400,000 acres of public lands is immense and not consistently applied across the forest when various maps are reviewed. Often the impacts of these changes are disproportionately centered in particular areas

that are not adjacent to other restrictive management standards such as Congressionally designated Wilderness. As an example, the existing RMP provides the following management

As noted in the decision EIS, the changes in wildlife management route density standards could impact more than 400,000 acres of land on the forest. While the Organizations welcome the summary of the scale of the impact, the decision fails to provide discussion of how moving from largely aspirational standards of route density to mandatory standards of route density on this number of acres would impact public access for a wide range of issues. This analysis must be provided and has not been.

G(d). Route density is not best available science and supported by quality data as required by NEPA.

This lack of integrity in the development and implementation of this new mandatory mile per mile standard is a direct violation of the new NEPA provisions added in the Fiscal Responsibility Act of 2023. These NEPA provisions are now specifically applying generally applicable data quality standards that have historically been present to the NEPA process. While these new NEPA specific requirements are recent additions specifically to NEPA these provisions require application of statutory requirements that have been in place for decades including Crowdsourcing and Citizen Science Act of 201639 and Data Quality Act of 2001. 40 As an example, the Data Quality Act provided the following general standards for all government efforts:

"(D) ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document;

"[euro] make use of reliable data and resources in carrying out this Act; 41

The NEPA provisions added in the Fiscal Responsibility Act of 2023 further clarify the applicability of existing provisions of the Data Quality Act and Crowdsourcing and Citizen Science Act to the NEPA process as follows:

"(3) SOURCES OF INFORMATION.-In making a determination under this subsection, an agency-

"(A) may make use of any reliable data source; and

(B) is not required to undertake new scientific or technical research unless the new scientific or technical research is essential to a reasoned choice among alternatives, and the overall costs and time frame of obtaining it are not unreasonable."42

The Organizations are unable to identify any information in the EIS that could satisfy these requirements with regard to the route density standards or the move from an aspirational management standard for route density to a mandatory and often lower route density standard. The Organizations objections extend beyond the mere impact of route densities but continue into the lack of discussion around how the density of one mile per mile was identified as necessary. The Organizations are unable to identify any research that discusses the varying impacts of moving from one mile per mile density to two miles of trail per square mile or three miles of routes per square mile. Analysis such as this would be critical in supporting the decision to move from these higher intensity developments limits to the lower intensity development efforts.

Proposedresolutionofobjection#6.

The Proposal must be returned to the Forest for further analysis of route density standards in Wildlife areas to provide sufficient analysis for proposed standards or to create standards that can be supported by peer reviewed analysis.

#### 7. Conclusion.

The Organizations are generally supportive of the decision and would thank the USFS for the years of effort that have gone into the development of the current decision. We believe the simplicity of the new decision will be a major step forward when compared to current planning documents. It has been a long road for everyone involved. We are seeking these objections to be resolved as we are concerned that the current decision will expand conflict around management of these areas on the forest.

The Organizations believe it is important to note that we are largely supportive of the Decision as we have been actively participating in the development of the plan since its inception. Our objections are seeking to: address minimal data issues that have come to light since the decision was released; obtain management flexibility on issues to avoid future conflicts regarding maintenance of the opportunities provided; and more fully understand the basis and concern around route density standards in designated Wildlife areas.

#### Proposed resolution of objection #2

Adjacent boundary designations should be amended to reflect to correct location of motorized routes in the area to avoid closure of these routes due to conflict with management standards.

#### Proposed resolution of objection #3&4.

The Decision must be returned to the forest for the development of recommended Wilderness areas that align with previous site-specific decisions currently provide in federal law. While legislative proposals should be addressed, they are insufficient to overrule existing federal law until they are passed into law. Planners must apply existing federal law rather than unsuccessful proposals to amend federal law in the planning process. Remove recommended Wilderness designations in areas already previously hard released by Congress and remove any recommended Wilderness designations from areas within  $\frac{1}{4}$  mile of existing routes and comply with existing site-specific Congressional decisions made in these areas.

Redraw recommended Wilderness Boundaries to avoid conflict with existing statutory designations and decisions regarding boundaries and concepts such as buffers around existing Wilderness areas.

#### Proposed resolution of objection #5

Redraw recommended Wilderness Boundaries to avoid conflict with existing decisions regarding the location of upper tier and Colorado Roadless areas.

#### Proposed resolution of objection #6.

The Proposal must be returned to the Forest for further analysis of route density standards in Wildlife areas to provide sufficient analysis for proposed standards or to create standards that can be supported by peer reviewed analysis.

The Organizations would welcome a discussion of these opportunities and any other challenges that might be facing the GMUG moving forward at your convenience. Please feel free to contact Chad Hixon at (719)221-8329

or Scott Jones, Esq. at (518)281-5810 and his email is

scott.jones46@yahoo.com.

Respectfully Submitted,

[Signature] [Signature]

Scott Jones, Esq

CSA Executive Director

COHVCO Authorized Representative

Chad Hixon

TPA Executive Director

[Footnotes]

1FACTSHEET:President BidenDesignates CampHale-ContinentalDivideNationalMonument | TheWhite House

2

3 A brief summary of the 2018 effort on this issue from Congresswoman DeGette office is available here:  
DeGetteBillWillSave Colorado'sRemainingWildernessAreasfromPlunder at a  
TimeWhenTheyAreUnderGreaterThreat | Congresswoman Diana DeGette(house.gov)

4See, Title III of 5173 of 117 Congress - CORE Act Bennett Thompson Divide

5 A complete copy of this map is attached as Exhibit "1" to this objection

6 As an example of this problematic decision making in the development process for legislation, we have attached an email and attachments from 2018 where we discussed this issue with Senator Bennett's representatives as Exhibit 2. Other examples can be made available but have not been included simply to avoid voluminous submissions of information.

7 As an example, please see the discussion of the CONST corridor starting on pg. 597 of the FEIS.

8 More information on this Proposal is available here: <https://www.congress.gov/bill/112th-congress/senate/shy/bill/1635?q=%7B%22search%22%3A%5B%22s1635%22%5D%7D&r=1>

9 More information on this legislation is available here: <https://www.congress.gov/bill/112th-congress/house/shy/bill/1701?q=%7B%22search%22%3A%5B%221701%22%5D%7D&r=79>

10 More information on this legislation is available here: <https://www.congress.gov/bill/106th-congress/house/shy/bill/829?q=%7B%22search%22%3A%5B%22degette+colorado+wilderness+act%22%5D%7D&r=12>

11 A complete history of the passage of the Hermosa Watershed Legislation into law is available here: <https://www.govtrack.us/congress/bills/113/hr1839/text>

12 Various press coverage of the passage of the Hermosa Watershed legislation as part of the National defense Authorization act of 2014 is available here: <https://www.bennet.senate.gov/?p=re1ease&id=3209>

13 See PL 96-560

14 See, USFS Wilderness Inventory Handbook at 1909.1271 (3)(4)

15 See, PL 96-560 at [sect]101.

16 See, PL 96-560 at [sect]107.

17 See, PL 103-77 @ [sect]3(2)(3). Similar provisions are found in section 110 of the 1980 Colorado Wilderness Act.

18 See, USFS Wilderness Inventory Handbook at 1909.1271 (S).

19 See, USFS GMUG Wilderness Evaluation at pg. 31.

20 See, USFS GMUG Wilderness Evaluation at pg. 36

21 See, USFS GMUG Wilderness Evaluation at pg. 70

22 See, Public Law 96-560 at [sect]102(b).

23 See, USFS Wilderness Inventory Handbook at 1909.1271 (1) & (4).

24 GMUG decision map - San Juan Geographic area

25 See, PL 96-560 @ [sect]101(a)(3).

26 See, USDA Forest Service; FE/5Road/essAreaReview andEvaluation;Appendix E; January 1979 at pg. 216 & 220.

28 Human Height - Our World in Data

29 A complete copy of this joint State of Utah and Western Governors research report is attached as Exhibit 6 to this objection.

30 A copy of this brief is attached as Exhibit 7 to this objection.

31 A complete copy of these documents is available here for review as they are far too voluminous to attach as an exhibit. Colorado Wildlife Prioritization Studies - Colorado Department of Transportation (codot.gov)

32 A complete copy of the 2021 CPW Trails and Wildlife Guide is available here: Colorado's Guide to Planning Trails with Wildlife in Mind (without appendices) (state.co.us) but has not been included in this objection due to the size of the document.

33 See CPW 2021 trails and wildlife guide at pg. 25.

34 See 1983 RMP at pg. 228

35 See 1983 RMP at pg. 235

36 See 1983 RMP at pg. 112

37 See 1983 RMP at pg. 122

38 See, Decision FEIS at pg. 324.

39 See, 15 USC [sect]3724

40 See, PUBLIC LAW 106-554 [sect]515

41 (42 U.S.C. 4332(2))