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Comments:
I am writing to express my strong opposition to the proposed winter closure of Jones Gulch, as outlined by the U.S. Forest Service (USFS) in the scoping letter dated October 7, 2024. As a member of the ski community and the patroller community, this closure would impact the communities I am a part of here. After a thorough review of the available data, relevant studies, and the information provided in the scoping letter, I believe that this closure is unnecessary, lacks robust scientific justification, and may lead to unintended negative consequences.

1. Redundancy with Existing Legal Protections

The scoping letter acknowledges that "winter access to the Jones Gulch area is already limited by a signed, closed boundary at Keystone Ski Resort, and very few skiers access the area from other locations." This admission reinforces the point that existing measures, such as the Colorado Skier Safety Act and the Keystone Ski Resort boundary closures, are already in place to protect the area. Implementing an additional closure appears redundant and unnecessarily punitive, adding layers of regulation without offering tangible environmental benefits.

2. Minimal Recreational Use and Impact

The Forest Service states that "very few skiers access the area from other locations," confirming that Jones Gulch experiences minimal recreational use. While the scoping letter mentions that "Forest Service monitoring over the last decade has documented skiing regularly occurring within the proposed closure area," information obtained through a Freedom of Information Act (FOIA) request reveals internal comments such as "I am not sure how long this area has been monitored for" and "it's been monitored inconsistently for the last 12+ years." This inconsistency in monitoring undermines the claim of regular intrusion and suggests that the actual impact of human activity is minimal.

3. Weak and Contradictory Scientific Justification

The scientific basis for the closure is weak and relies heavily on personal correspondence rather than robust, peer-reviewed research. The USFS monitoring and management strategy for Jones Gulch appears to be based on a personal communication from biologist K. Broderdorp, who suggested that "as few as three skiers per week entering a stand may reduce the effectiveness of snowshoe hare habitat" (K. Broderdorp, USFWS, 9-13-2016, pers. comm.). Relying on anecdotal and non-scientific evidence to justify a critical management decision is troubling and undermines the validity of the proposed closure.

Furthermore, there is contradictory evidence within USFS documents and related studies regarding the impact of recreational activities on lynx habitat. While the closure is justified on the basis of preventing snow compaction that could potentially harm lynx or their prey, studies cited within the same documents (e.g., Kolbe et al., 2007; Bunnell et al., 2006) do not conclusively support this claim. In fact, some research suggests that compacted snow routes do not significantly enhance access for competitors or increase competition in a manner that would adversely affect lynx populations (USFWS, 2007, pp. 53-55). The selective use of evidence to justify the closure while ignoring other relevant studies further weakens the argument for the closure.

4. Misleading Public Communications and Signage

A concerning aspect of the USFS's approach is the use of misleading signage at Jones Gulch. The signs state:

"Skiing and riding in the forest below will drive the hares away. Lynx need solitude and untracked snow to survive." This messaging exaggerates the impact of skiing and snowboarding on snowshoe hare populations, implying that any level of human activity would have a detrimental effect. However, recent studies, such as Olson et al. (2018), suggest that lynx and their prey can coexist with low to moderate levels of dispersed recreation, including skiing.

The claim that "lynx need solitude and untracked snow to survive" is misleading. While lynx prefer areas with deep snow, which provides a competitive advantage over other predators, they have been observed using areas near human activity, including ski trails. This indicates a level of adaptability not reflected in the signage. The overly general and exaggerated messaging appears to create a sense of urgency or threat that may not be fully supported by scientific evidence. Such tactics could be perceived as an attempt to manipulate public perception to justify unnecessary restrictions, which is inappropriate for public communications and undermines trust in management decisions.

5. Inconsistent Management Practices

The scoping letter mentions that Jones Gulch is "one of the only safe, forested carnivore travel routes in southeast Summit County." However, similar areas like Vail Pass and Loveland Pass, which also serve as important wildlife corridors and have higher levels of recreational use, remain open without additional closures. The selective targeting of Jones Gulch lacks consistency with broader regional management practices, raising questions about the fairness and necessity of the proposed closure. Documented lynx activity outside of Copper Mountain and near Janet's Cabin is not being targeted by the USFS, which sees significantly more human activity than Jones Gulch.

6. Public Safety Concerns

Enforcing the closure in the remote and challenging terrain of Jones Gulch poses significant safety risks. The scoping letter does not address how enforcement will be managed effectively without endangering the public. The penalties for violating the closure are severe-a fine of up to $5,000 for individuals, $10,000 for organizations, or imprisonment for up to six months, or both. Last year, the Forest Service proposed charging an individual who voluntarily called for assistance after becoming confused on the trail map between Independence Bowl and the front side of the resort. This incident demonstrates that the USFS may pursue punitive actions against those who enter the area accidentally or in distress. Such harsh penalties could deter individuals from seeking help when needed, potentially leading to delayed rescues and increased danger.

7. Inefficient Resource Allocation

Implementing and enforcing the proposed closure would require substantial resources from the USFS and local agencies. The scoping letter suggests that this closure is part of the "Independence Bowl Management Plan," which calls for "a suite of management tools." Allocating significant time and funding to enforce a closure based on inconsistent monitoring data and minimal environmental benefit diverts resources from other critical areas where they could have a more substantial positive impact. Ski Patrollers are not land enforcement officers and should be focused on guest safety and medical care. The management plan relies heavily on the ski patrollers of Keystone Resort to work with the Sheriff to enforce this closure.

8. Contradictory Evidence from Recent Studies

Recent studies, including Olson et al. (2018), have found that lynx can coexist with certain levels of winter recreation. The scoping letter does not reconcile these findings with the proposed closure. Instead, it relies on generalized statements without addressing the nuances of the latest research. Additionally, studies cited within USFS documents (e.g., Kolbe et al., 2007; Bunnell et al., 2006) do not conclusively support the claim that snow

compaction from skiing adversely affects lynx populations. A more balanced management approach that considers current scientific evidence would be more appropriate.

9. Questionable Data Use and Monitoring Practices

The scoping letter mentions "Forest Service monitoring over the last decade," but FOIA-obtained internal comments reveal uncertainties: "I am not sure how long this area has been monitored for" and "it's been monitored inconsistently for the last 12+ years." The lack of consistent monitoring and transparency about data collection methods raises concerns about the validity of the information used to justify the closure. Decisions of this magnitude should be based on reliable, scientifically sound data that are openly shared for public review.

I urge the USFS to reconsider the proposed winter closure of Jones Gulch. A more balanced, evidence-based approach would better serve both wildlife conservation efforts and public access interests. I recommend:

-Providing Specific Scientific Evidence: Before implementing closures, the USFS should present detailed, peer-reviewed studies specific to Jones Gulch or directly applicable to its conditions. The USFS has been unable to provide any documentation regarding lynx use in the area even when requested by the FOIA process.

-Ensuring Consistency in Management Practices: Align management strategies for Jones Gulch with those of similar areas in the region to ensure fairness and effectiveness.

-Assessing Resource Allocation: Re-evaluate the allocation of resources to ensure they are used efficiently and in areas where they can have the most significant positive impact.

- Addressing Public Safety Concerns: Develop enforcement strategies that do not inadvertently compromise public safety, and ensure that individuals feel safe seeking assistance if needed.

Thank you for considering my comments. I hope the USFS will take these concerns into account and work towards a solution that respects both environmental conservation and public access.

References:

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