

Data Submitted (UTC 11): 10/1/2019 6:00:00 AM  
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Organization: Department of Natural Resources  
Title: Executive Director  
Comments: October 1, 2019

Objection Reviewing Officer

United States Department of Agriculture

United States Forest Service

Rocky Mountain Region

1617 Cole Boulevard, Building 17

Lakewood, CO 80401

RE: Objection to the Revision of the Land Management Plan for the Rio Grande National Forest

To whom it may concern:

Please accept this Objection to the United State Forest Service (USFS) Rio Grande National Forest Land Management Plan (LMP) and Final Environmental Impact Statement (FEIS), submitted by the State of Colorado acting through its Department of Natural Resources (Colorado DNR - Lead Objector). Colorado DNR participated in the planning process as a formal cooperating agency including participation from our Division of Parks and Wildlife (CPW), Division of Water Resources (DWR) and Colorado Water Conservation Board (CWCB). We appreciate the attention to the comments provided by DWR and CWCB. Our objection reflects outstanding issues raised by CPW to maintain and enhance wildlife habitat that we seek to resolve.

CPW provided input on multiple occasions throughout the planning process, and submitted written comments on the Assessment Reports and the Need for Change Document (2016), Proposed Action (2016), and Draft LMP (2017). We appreciate several changes that were made between the Draft and Final, including the incorporation of Standard VEG 7. CPW staff were part of numerous discussions, meetings, and field trips that led directly from CPW research to VEG S7. This standard was developed to provide direction on timber salvage in beetle killed forests with respect to lynx habitat and use. We also appreciate that Rocky Mountain Bighorn Sheep were classified as a Species of Conservation Concern in the Final LMP per our recommendation in 2017.

On August 21, 2019, Governor Polis signed Executive Order (EO) D-2019-011, Conserving Colorado's Big Game Winter Range and Migration Corridors. This EO recognizes the contribution that big game species make to the economy and quality of life for every Coloradan, and empowers CPW to identify important migration corridors and seasonal habitats for big game. As CPW collects new information and identifies important seasonal habitats and migration corridors, it is important to have specific plan components associated with these habitats incorporated into the Final LMP to support continued sustainable wildlife populations and connectivity within the Rio Grande National Forest.

Objection of issues in the LMP

1. Changes and removal of Standards and Guidelines between the Draft and Final LMP

## 2. Removal of Management Area 5.41 and Lack of Protection for Winter Ranges, Production Areas, and Migration Corridors Necessary for CPW to Sustain Big Game Population Objectives

### Standards and Guidelines

Throughout the planning process and in CPW's 2016 and 2017 comments on the Draft LMP, CPW recommended specific Desired Conditions, Objectives, Standards and Guidelines to maintain and enhance wildlife habitat including big game winter ranges, production areas, and migration corridors. As outlined in the comments on the Draft LMP in 2017, we identified our concerns with the lack of Standards and Guidelines to achieve the Desired Conditions and Objectives specified in the Draft LMP, and we recommended the addition of specific Standards and Guidelines to meet the Desired Conditions and Objectives for wildlife. Despite our concerns and recommendations, the Final LMP contains even fewer Standards and Guidelines than the Draft LMP. The USFS FSH 1909.12-2015-1 outlines the plan components necessary in each LMP. Standards and Guidelines are required to be incorporated into the LMP to help achieve or maintain the Desired Conditions, and to avoid or mitigate undesirable effects. The use of Management Approaches is discretionary. There is a disproportionate use and reliance upon unenforceable Management Approaches (as opposed to enforceable Standards and Guidelines) to achieve Desired Conditions in the Final LMP.

As discussed in our comments on the Draft LMP, crucial winter habitats are known to be a limiting factor on big game populations in western Colorado and other high mountain areas of the western United States (Bergman et al. 2015, Bishop et al. 2009, Bartman et al. 1992, Hobbs 1989). To maintain habitat effectiveness of big game winter range, CPW recommended that the Final LMP incorporate a Standard requiring seasonal closures of routes within big game winter range. This Standard is necessary to manage activities and uses on the forest that conflict or reduce winter range capacity and use by big game species. These Standards were in the Draft LMP as S-WLDF-3 and S-WLDF -12 (forest wide). To resolve our Objection:

\* Incorporate Standards S-WLDF-3 and S-WLDF-12 back into the Final LMP with the corrected dates of December 1-April 15.

Additionally, in our 2017 comments on the Draft LMP, CPW recommended that USFS adopt a Standard that limits road and trail densities in winter ranges, production areas, and migration corridors in order to maintain habitat effectiveness, to meet CPW's big game population objectives outlined in Data Analysis Unit (DAU) plans, and to maintain and enhance recreational hunting opportunities. Specifically, we "recommended a road and motorized trail density of 1 mile/square mile or less in production areas, winter concentration areas, and severe and critical winter range for big game." We recommended converting DC-WLDF-9 into a Standard rather than a Desired Condition, and requiring compensatory mitigation to offset proposed developments on the Forest when the densities exceed 1 mile/square mile to maintain habitat effectiveness (forest wide). This recommendation is based on a body of research documenting displacement of big game from roads and trails and a decline in habitat effectiveness for big game as road and trail densities increase (Wisdom et al. 2018, Preisler et al. 2013, Sawyer et al., 2013, WAFWA 2013, Rogala et al. 2011, Wilber et al. 2008, Rowland et al. 2005, Rowland et al. 2000, Phillips and Alldredge 2000)

Route density limitations are integrally tied to other resource uses (such as oil and gas development and well pad densities, recreation management, travel management, etc.), and should be considered as a package during the land allocation decisions adopted during the LMP revision process. The LMP currently includes land allocation decisions that overlap with important winter ranges, production areas, and migration corridors identified by CPW without consideration of how the functionality and connectivity of these important habitats will be maintained. To resolve our Objection:

\* Change the Draft LMP DC-WLDF-9 to a Standard that states road and trail density will be 1 mile/square mile or less in production areas, migration corridors, and winter ranges for big game, and that compensatory mitigation

will be required if this standard is exceeded, and incorporate it in the Final LMP

#### Removal of Management Area 5.41-Big Game Winter Range and Lack of Protection for Winter Range, Production Areas, and Migration Corridors Necessary for CPW to Sustain Big Game Population Objectives

The Draft LMP included Management Area 5.41-Big Game Winter Range, and we were encouraged that the USFS recognized the importance of these habitat types. This Management Area (MA) incorporated and relied on CPW expertise, data, and published maps on big game species seasonal distribution, migration, and use on the Forest. Additionally, this MA had a Desired Condition to limit route density and a Standard (5.41-S-1) to prohibit travel during the winter to maintain habitat effectiveness for big game. However, this MA was removed from the Final LMP. We are concerned that the loss of this MA will affect CPW's wildlife management objectives. To resolve our Objection with the removal of MA 5.41 from the Final LMP, we request that the USFS:

- \* Incorporate the Standards we articulated above for production areas, migration corridors, and winter ranges, and;
- \* Commit to incorporating the most up to date CPW mapped habitats for big game species including: production areas, migration corridors, and winter ranges, during project level implementation.

#### The Cooperating Agencies' Role

In addition to these issues, Colorado wishes to express its concern that the cooperating agencies were not given an opportunity to review and comment on the Final LMP - specifically, the final version of Modified Alternative B. In the years that passed between the time that the cooperators commented on the Draft Preferred Alternative B, in 2017, and its final rollout in August 2019, substantial changes were made to Agency preferred Alternative B, including the elimination of Management Area 5.41 Big Game Winter Range and deletion of Standards and Guidelines.

This process is not consistent with the MOUs signed between the cooperators and the USFS, which require the RGNF to provide the cooperating agency with meaningful opportunities for participation. Moreover, it is inconsistent with the purpose of the cooperating agency relationship, which is intended to result in better decisions by fostering trust and cooperation between various federal, state, and local governments. We hope that future LMP planning processes in Colorado respect the input and needs of the cooperating agencies.

Thank you for your attention to our concerns. We look forward to working with you during the implementation of the LMP by applying the standards and guidelines in the Final LMP to the habitats mapped by CPW. We greatly appreciate USFS's partnership with Colorado in managing lands and wildlife for multiple uses while conserving species and habitat.

Sincerely,

Dan Gibbs

Executive Director

Department of Natural Resources

cc: Doug Vilsack, DNR Assistant Director Parks, Wildlife, and Lands

Amy Moyer, DNR Assistant Director for Water

Dan Prenzlowl, Director Colorado Parks and Wildlife

Cory Chick, CPW Southwest Region Manager

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Brian Mage, CPW SW Region Land Use Coordinator

Jon Holst, CPW SW Energy Liaison

Attachments