

July 23, 2020

Derek Padilla, District Ranger
San Juan National Forest – Dolores Ranger District
Attention: Rico Trails Project
29211 Highway 184
Dolores, CO 81321

Submitted via the project web page at: <https://www.fs.usda.gov/project/?project=56748>

Note: Could not use this - says “invalid project”

Also sent via email to: keith.fox@usda.gov, thomas.b.rice@usda.gov and dpadilla@fs.fed.us

RE: Rico Trails Project - Comments on the June 2020 *Revised* Draft Environmental Assessment

Hi Derek,

Following are comments on the June 2020 *Revised* Draft Environmental Assessment for the Rico Trails Project. These comments are being submitted on behalf of myself, Robert H Marion, and on behalf of Colorado Backcountry Hunters and Anglers (CBHA).

We still believe that this project proposal has many issues that need modification and further study analysis and justification.

In this comment letter, only new issues/comments are discussed. Our previous comments on this project are also considered a part of our comments – Comments on the Feb 2020 Draft EA for the Rico Trails Project dated 3/25/20 and Rico Trails Project – Comments on the September 2019 Scoping Notice dated 10/7/19.

1. The Forest Service should prepare an EIS.

In the Introduction, the *Revised* Draft EA states – “The Forest Service prepared this environmental assessment (EA) to determine whether to prepare an environmental impact statement or a finding of no significant impact.” In our previous comment letter dated 3/25/20, we presented numerous significant impacts (of high intensity), areas of significant controversy, areas of uncertainty, effects on the human and physical environment, etc which demonstrate that this Rico Trails Project should not be decided based on a finding of no significant impact (FONSI). As outlined in the Comment letter from WildEarth Guardians regarding the Feb 2020 Draft EA (in the section entitled “An EIS is necessary”), this project requires an EIS. They stated: “Because this project may have a significant impact on the environment, the Forest Service should prepare an environmental impact statement (“EIS”). The Council for Environmental Quality’s (“CEQ”) regulations require agencies to prepare an EIS if a project *may* significantly affect the human environment. CEQ’s regulations define significance in terms of context and intensity, which includes *inter alia* the scope of beneficial and adverse impacts, unique characteristics of the geographic area, degree of controversy, degree of uncertainty, and

degree to which an action may affect species listed or critical habitat designated under the Endangered Species Act. 40 C.F.R. § 1508.27 (defining “significantly”). This project may significantly affect the human environment for the following reasons (although this is not an exclusive list)” - the WildEarth Guardians letter itemizes under 9 bullet-points all of the reasons an EIS is needed.

Following is some information regarding the 9 bullet points in the WildEarth Guardians comment letter:

- Will have a significant impact in **context** of the affected region, affected interests, and locality. As just one example, this project falls within the geographic scope of the Forest Service’s recently completed July 2018 travel management decision for the Rico West Dolores Roads and Trails (Travel Management) Project, for which the agency prepared an EIS. To excise this project from the analysis in the EIS prepared for that project ignores the broader context. This particular project will significantly affect the locale, especially when considered in light of the motorized trails in the Rico West Dolores area. See our previous comments for more examples.
- Will have a severe impact in terms of **intensity**, in light of the impacts listed in our comments.
- Will cause **significant impacts, both beneficial and adverse**. See the following section and previous comments identifying direct, indirect, and cumulative impacts.
- Will significantly affect **public health and safety**. The proposal for new mountain bike trails and new motorized trails increases the risk of conflict with non-motorized uses including hiking, horse-back riding, and backcountry hunting. This is a major public safety concern.
- Involves a **geographic area with unique characteristics**. The unique geography and beauty of the project area is a reason many people visit Rico and the Rico West Dolores area. This project proposes to increase human development and motorized use that would destroy those unique geographic characteristics.
- Will result in **effects on the human environment that are likely to be highly controversial**. To the extent this project proposes to make additions/changes to travel in the RicoWest Dolores area that was decided in the agency’s July 2018 travel management decision, which itself was based on an EIS, it should expect and understand this is a highly controversial proposal. This includes controversy regarding the impacts of motorized and mountain bike use on wildlife, wildlife habitat, and other trail users. It includes controversy regarding the proposal to build new trails on a system replete with an over-sized and unsustainable motorized and non-motorized trail system, ignoring the impacts of that system on the natural environment.
- Involves **effects that are highly uncertain or involve unique or unknown risks**, including the induced growth of motorized and mountain bike use on the project area that will result from this proposal to add new motorized and non-motorized trails, inviting more visitors to the area. There is no thorough analysis of future use and no data presented. This also includes impacts to cultural resources, which are not disclosed or analyzed in this revised draft EA.
- **May establish a precedent for future actions with significant effects**, by closely following what appeared to be a comprehensive travel management process with a piecemeal approach to increasing motorized and mountain bike use in the area. This diminishes trust with the public and establishes the wrong incentive by rewarding certain special interest groups to the detriment and at the cost of other uses. It also sets a precedent that a project may justify its “need” based solely on requests from special interest groups. The Forest Service states this project is needed to “respond to requests from the Rico Trails Alliance and the San Juan Trail Riders for additional trails” and recreation opportunities. Such a precedent will open the door to future requests and establish expectations that particular stakeholders have more

value in the eyes of the agency.

• Is **related to other actions with individually insignificant but cumulatively significant impacts**, most obviously implementation of the Rico West Dolores Roads and Trails (Travel Management) Project. The Forest Service states it is analyzing the Spring Creek motorized trail proposal as identified in the Rico West Dolores Travel Management Plan, but fails to consider how this project will be accomplished along with the implementation needs of the Rico West Dolores TMP.

For these reasons the Forest Service should prepare an EIS.

2. The only Alternative that the June, 2020 Revised Draft Environmental Assessment supports is the No-Action Alternative.

If one desires to fully consider all of the Environmental Consequences of the decision on this Project, the Environmental Consequences analysis provided in the June, 2020 Revised Draft EA supports a decision that chooses the No-Action Alternative (Alternative 1). It does not support the other two Alternatives. See the following for elaboration on this conclusion:

a- The Hydrology section and the Cultural Resources section say that No-Action results in less environmental consequences.

b- The Recreation section says that the No-Action Alternative results in less environmental consequences – and the needs of the project are met – it states in the EA “existing recreation opportunities and recreation experience would continue at current levels. Informal use of the Rio Grande Southern and Circle Trail routes would continue with no direction on specific routes or maps of the trails.” Alternative 2 and 3 will cost a lot of money and result numerous negative environmental consequences for very little gain for the users. With no-action, mountain bike riders can still do the desired loops and trails (as they have been) – this is stated in the EA. With Alternatives 2 and 3 there will still be more unauthorized routes created until the Forest Service eliminates cross-country travel for mountain bikes. Also, a motorized trail connection from Stoner Mesa to Taylor Mesa currently exists via the Eagle Peak Trail # 629.

c- The Wildlife and Fisheries section also says that the No-Action Alternative results in less environmental consequences – the only negative effect discussed is due to unauthorized routes – and, as mentioned above, there will still be unauthorized route travel until the Forest Service eliminates cross-country travel for mountain bikes. The only positive issue here if the No-Action Alternative is not chosen is the seasonal closure for Ryman trail proposed in Alternative 3 - which would “protect geographically important elk production areas identified by CPW”.

3- The Forest Service did not address the detailed Draft EA Comments regarding the deficiencies in the Purpose and Need Statement

The Forest Service dismissed all of the Draft EA comments on the deficiencies in the Purpose and Need statement with a few broad brush statements (see p. 1) that said – “Basically the Rico West Dolores project focused on providing an appropriate network of motorized routes that balanced resource protection and recreation experience”, and that it did not focus on the issues in the current Rico Trails project.

The Forest Service ignored all of the valid and appropriate comments regarding deficiencies in the Purpose and Need. This is not right! They need to be addressed.

A few examples are:

- a- The Rico West Dolores project stated – “regarding the Circle Trail, - Lands east of the Town of Rico toward Blackhawk Mountain contain no Forest Service roads, trails or other developed recreation facilities. As described above, this country provides remote backcountry blocks of land without trails. At this point in time, there are no immediate needs for public road or trail access for this area”.
- b- We realize that the USFS changed the focus of the Rico West Dolores project to primarily address motorized uses – but that project definitely addressed non-motorized uses. In the RWDTMP FEIS Appendix E – “Refinements to the Proposed Action for Scoping for Alternative B”, it describes changes to the original (Dec 2014) Proposed Action. In item 14 in Appendix E it stated – “Ultimately, the ID Team decided not to carry forward most of the proposals in the original Proposed Action for new nonmotorized trails in order to keep the focus of analysis on motor vehicle roads and trails. A few nonmotorized trails were carried forward in the analysis because they were directly tied to changes in motor vehicle use, or they are currently on-the-ground and managed for nonmotorized use (emphasis added).” Circle trail and Rio Grande Southern trail are both trails that were on the ground at that time – and, based on the above statement from the Decision, were considered in that analysis.
- c- See additional information in our previous comment letter.

4- Ryman Trail – designation of type of use allowed

On p. 2 in the Revised Draft EA it states – “Commenters expressed similar concerns caused by mountain bikers impacting wildlife on the Ryman Creek trail. An alternative proposal would be to remove mountain bike use from that trail allowing only foot and equestrian traffic. This was not considered in the proposed action because changing the allowed use on the trail would not agree with the trail objective, and the Forest Service IDT did not identify this option as providing a measurable improvement to wildlife habitat over the proposed action due to current low use and limited projected increase of use.”

For other trails in the Rico Trails Project, this project has considered changes that alter the trail use that was specified in the previously existing “trail objective”. Why is that a problem for the Ryman trail? That is the whole purpose of new projects – to put in place changes. This is an invalid reason.

The opinion of the Forest Service IDT that the Ryman trail will have “limited projected increase of use” needs analysis/data to support it – trail use data over the past 10 years. As stated in our previous comment - “This has certainly not been the case for Salt Creek Trail – which provides a very similar route from the ridgeline down to the Dolores River. Over the past 5 years the mountain bike use of Salt Creek Trail has increased dramatically! The only reason that Ryman trail is not used frequently by the mountain bikers now is that it is in terrible shape and very difficult to ride – many places require walking. This is confirmed in the comment letters submitted by mountain bike riders for the scoping phase of this project.”

We really think that you should designate Ryman Creek trail as open to hikers and horses only. Since Salt Creek Trail and Scotch Creek road provide similar loop opportunities as Ryman Creek Trail, Ryman Creek trail is not needed by mountain bike riders (three routes down from the Colorado trail that are within a few miles of each other are not needed or justified). Ryman trail is very close to Salt Creek trail and both are not needed by mountain bike riders. The only opportunity that is forfeited if Ryman Trail is closed to mountain bikes is a loop using Ryman and Salt Creek Trails. As discussed in my previous comment letter, USFS research on the effect of mountain bikes on elk and elk habitat has demonstrated that mountain bikes displace wildlife much more than hikers and horses. The addition of mountain bike loops and the rerouting of Ryman that is proposed in this project (loops utilizing Circle Trail, Rio Grande Southern Trail, Scotch Creek Road, etc) will substantially increase the amount of mountain bike travel on the Ryman Trail. This will result in an unacceptable displacement of wildlife and loss of excellent habitat. In our previous comment letter, a summary of the USFS/Wisdom research states that the bottom line is that *“for a given time frame of recreation, not only do mountain bikers adversely impact big game 4 times as much as hikers, they impact 50% to 75% more animals”*.

The proposal that the Ryman Creek Trail be closed to all user groups from May 15- June 30 is an excellent proposal. The closure of this trail would create a much larger and more effective security area for elk (in excess of 6,000 acres). If Salt Creek trail were to be similarly managed with a seasonal closure; that would more than double the security area acreage for elk production, increase habitat effectiveness, and be a major benefit for elk and other wildlife. Compliance with seasonal closures can be a problem without enforcement. This may be an issue for Ryman Creek closure if the Salt Creek trail were to remain open because they share a trailhead parking area and Salt Creek Trail spurs off of Ryman Creek Trail. The best and most passive way to enforce seasonal closures is to have a physical barrier at the parking lot (e.g. gated access). That way there is no confusion with the public about which trails are open and when.

5- Reason for changing status of section of Stoner Creek trail

In the previous Draft EA the segment of the Stoner Creek Trail (NFSR #625) from the east end of West Twin Springs Trail (#739) to the intersection with East Twin Springs Trail (NFSR #741), approximately 1.9 miles, would be decommissioned. In the *Revised* Draft EA this was changed to leaving it open to motorized travel. No analysis or reason was given - no discussion in the Environmental Consequences or anywhere in the EA. If it was preferred previously, it should still be preferred.

6- Incorrect statement regarding wildlife in EA

On p. 15 in the *Revised* Draft EA it states – “Although, non-motorized recreation has the potential to displace animals to the same degree as motorized recreation”. This statement is not correct. Any use of this premise in the analysis or decision making needs to be corrected. As discussed in our previous comments, USFS/Wisdom research has clearly demonstrated that motorized recreation is much more harmful to elk and habitat. How can you continue to ignore USFS and other researchers data and facts?

7- Other minor errors in EA

Table 1 – first line item – 2.7 miles for NFSR 625 is incorrect – is about 1 mile

Table 2 - first line item – 2.7 miles for NFSR 625 is incorrect – is about 1 mile

8- Conclusion

The Rico Trails Project needs an EIS. If this project is decided with the existing EA, the only decision that is justified by the June 2020 *Revised* Draft EA is the No-Action Alternative.

Regards,

Signed by Robert Marion

Robert Marion

Habitat Watchman, Colorado Backcountry Hunters and Anglers