



July 24, 2020

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Attn: Rico Trails Project  
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**Re: Comment on Rico Trails Project *Revised* Draft Environmental Assessment**

To District Ranger Derek Padilla and Recreation Staff Officer Tom Rice:

WildEarth Guardians respectfully submits these comments to the U.S. Forest Service concerning the agency's *revised* draft Environmental Assessment (EA) for the Rico Area Trails Project. Guardians previously submitted comments on the draft EA on March 25, 2020, and they are included below. The revised EA makes two changes: (1) Ryman Creek Trail would have a seasonal closure from May 15 to June 30 to improve habitat conditions for elk production, and (2) the existing segment of Stoner Creek Trail between East and West Twin Spring Trails would remain open as currently designated. We strongly support the first revision item. As noted below, use of trails—and especially the engines from motorized—within this project area harms elk, and elk production numbers in this region have been on the decline.

From our prior comments:

The proposed project includes new trails and modifications to existing trail alignments for motorized and non-motorized uses near Rico, Colorado on the San Juan National Forest. The proposed project would include 10.4 miles of new designated trails (3.4 miles of new single-track motorized Spring Creek trail, 4.4 miles of new non-motorized Rio Grande Southern trail, and 4.4 miles of new non-motorized Circle trail), re-alignment of the existing Ryman Creek Trail, and decommissioning 1.9 miles of motorized and 9.7 miles of non-motorized trails in the vicinity of Spring Creek and Stoner Creek.

WildEarth Guardians is a nonprofit conservation organization with offices in Colorado and five other states. We have more than 264,000 members and supporters across the United States and the world. Guardians works to protect and restore wildlife, wild places, wild rivers, and the health of the American West. WildEarth Guardians has organizational interests in the proper and lawful management of the motorized and non-motorized trail systems and associated impacts on the San Juan National Forest's wildlife and wild places. We also have an organizational interest in ensuring the Forest Service complies with all environmental laws.

As noted in our previous scoping comments<sup>1</sup>, we were surprised to see this new travel management proposal for the Rico area, given the Forest Service’s recently completed travel management plan for the Rico West Dolores area that included consideration of motorized trails and roads within the Rico Area Trails project area. *See* July 30, 2018 Record of Decision, Rico West Dolores Roads and Trails (Travel Management Project). Guardians submitted comments throughout the planning process for that decision, and we hereby incorporate those comments and objections, including the attachments, hereto.<sup>2</sup> WildEarth Guardians also agrees with and supports the comments submitted by Robert Marion on behalf of himself and Colorado Backcountry Hunters and Anglers.

## 1. The Forest Service should prepare an EIS.

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):

- 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.
- Will have a severe impact in terms of **intensity**, in light of the impacts listed below.
- Will cause **significant impacts, both beneficial and adverse**. See the following section identifying direct, indirect, and cumulative impacts.
- Will significantly affect **public health and safety**. The proposal for new mountain bike 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. This project proposes to

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<sup>1</sup> *See* WildEarth Guardians’ Oct. 7, 2019 Scoping Comment submitted to Derek Padilla and Tom Rice (incorporated here by reference, including Attachments A, B, and C).

<sup>2</sup> June 20, 2016 WildEarth Guardians Comment on Rico-West Dolores Roads and Trails Project DEIS, submitted to Derek Padilla and Deborah Kill (hereafter, RWD DEIS Comment), including: (1) Attachment A, Switalski & Jones, *Off-road vehicle best management practices for forestlands: A review of scientific literature and guidance for managers*, 8 Journ. Of Cons. Planning 2012; (2) Attachment B, The Wilderness Society, *Transportation Infrastructure and Access on National Forests and Grasslands: A Literature Review* (May 2014); and (3) Attachment C, The Wilderness Society, *Achieving Compliance with the Executive Order “Minimization Criteria” for Off-Road Vehicle Use on Federal Public Lands* (May 2016). August 21, 2017 WildEarth Guardians Comment on Rico West Dolores Roads and Trails Project SDEIS (hereafter, RWD SDEIS Comment), including Attachments A through D. December 22, 2017 WildEarth Guardians OBJECTION – Rico West Dolores Roads and Trails (Travel Management) Project, including Attachments 1 & 2. January 10, 2018 WildEarth Guardians OBJECTION – Rico West Dolores Forest Plan Amendment Objection.

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 changes to 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 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 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 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. This also includes impacts to cultural resources, which are not disclosed or analyzed in this 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 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. Draft EA at 1. 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

For these reasons the Forest Service should prepare an EIS.

## **2. Inadequate statement of purpose and need.**

The Council on Environmental Quality's (CEQ) regulation implementing NEPA explains that the statement of purpose and need "shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." 40 C.F.R. § 1502.13. We noted in our scoping comments that the Forest Service must disclose information supporting the claimed need to "provide connectivity and loop opportunities" and "provide better route alignments and protect sensitive resources," especially considering the agency just completed a travel management process for this project area and in light of the existing motorized connection between Stoner Mesa and Taylor Mesa via the Eagle Peak Trail #629. Yet in this analysis, the agency still fails to explain any changes since its decision in July 2018 that justifies a second travel management project within the same area.

As noted above, the stated need to respond to requests from particular stakeholders establishes a dubious practice of entertaining project proposals simply because certain interest groups demand them. The agency should assess whether there is a real need for this proposal, in terms of working towards objectives, desired conditions, and goals of the 2013 Forest Plan. It should also weigh any potential need for increased recreation with the resources required to analyze (via this NEPA process), implement, and maintain the proposed trails into the future. As is, the statement of purpose and need for this proposal lack any justification or explanation from the Forest Service itself, much less data showing a demand or need for these trails. Given the limited resources of the agency, this statement of purpose and need is flawed.

### **3. Improper reliance on voluntary actions from cooperating organizations.**

The Forest Service describes the Rico Trails Alliance and San Juan Trail Riders as cooperating organizations that are important partners for construction and maintenance activities to sustain the trail network. It notes that the project proponents were involved in the review of proposed trail segments. It also notes that these project proponents will work with the Forest Service on the implementation and monitoring of proposed trails and design features. The agency should disclose the risk in relying on the voluntary cooperation and ability of these organizations to continue maintenance of the proposed trail system into the future, and how potential loss of voluntary support may result in a trail system that is not sustainable. The Forest Service should disclose to the public any memorandums of agreement or working contracts for the cooperating organizations' involvement in this project.

Allowing project proponents to assist with the design features to ensure measures are effective for resource protection improperly grants interested stakeholders a say in project design, despite lacking the expertise, authority, and duty to protect those resources. At the end of the day, the Forest Service has the duty and responsibility to justify the need for this project, explain why the use of limited agency resources are warranted at this time, ensure proper implementation, determine whether design features provide sufficient mitigation, and ensure all future maintenance and monitoring.

### **4. Failure to consider reasonable alternatives in detail.**

The Forest Service must consider reasonable alternatives that would meet the stated purpose and need, including an environmentally preferred action alternative that minimizes impacts to wildlife, wildlife habitat, and water quality by not designating any new motorized trails and does not add any new trails (motorized or non-motorized) to the existing trail system. Here, the Forest Service identifies only a no action alternative and the proposed action. But it fails to assess the impacts of the no action alternative. The Forest Service fails to consider in detail the impacts of the no action alternative, especially to the four resources it claims to have considered in detail in the EA. The Forest Service should also consider an action alternative that does not involve construction of new motorized trail within big game security area.

Relatedly, the Forest Service fails to identify an accurate baseline for comparison of impacts. Assuming without verifying the validity of the status quo defeats the purpose of the analysis required by the Travel Management Rule and NEPA, and will make it much harder to make any positive change towards establishing a balance of uses in the future.

## 5. Failure to consider and disclose direct, indirect, and cumulative impacts.

The Forest Service must disclose and analyze the direct, indirect, and cumulative impacts of its proposal, including but not limited to a discussion of the following impacts. Direct effects “are caused by the action and occur at the same time and place.” 40 C.F.R. § 1508.8(a). Indirect effects “are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.” 40 C.F.R. § 1508.8(b). Here, the Forest Service ignores many direct, indirect, and cumulative impacts that are likely to result from the proposed new motorized and non-motorized trails. *See, e.g.*, 70 Fed. Reg. 68264, 6826-68265 (Nov. 9, 2005) (noting the “growing popularity and capabilities of OHVs” and the need for a designated motorized system for motor vehicle use to ensure “sustaining the health of NFS lands and resources”).

### *Disclose Site-specific Impacts*

The Forest Service states that it considered effects to four resources in detail, and that **summaries** of the associated analyses follow. Under NEPA, the Forest Service should disclose to the public its detailed analyses, including any assessment of site-specific impacts. This includes when, where, and how the Forest Service will use various Design Elements to mitigate adverse impacts at specific locations. Given that this is the last opportunity for public comment, the Forest Service should make that analysis and disclose that information now. Without these site-specific details, the public is unable to provide meaningful comment on the proposal.

### *Motorized Use*

Our scoping comments highlighted how motorized use on the forest comes at a great expense to wildlife and the landscape. The Forest Service claims this proposal involves only 3.4 miles of new motorized single track. But the agency improperly hides crucial details.

The existing Spring Creek Trail (#627) was designated as **non-motorized** in the 2018 Rico West Dolores Travel Management Project Record of Decision. The Forest Service now proposes to decommission 3.5 miles of that non-motorized trail located at the bottom of the Spring Creek drainage and construct new (motorized) trail in an adjacent ridge top location. It also proposes to change 0.75 miles of Stoner Creek Trail (#625) from non-motorized to motorized. The following maps are screen shots from the maps attached to the EA. Left: no action, with blue dotted line as non-motorized designations under the 2018 decision. Right: proposed action, green showing proposed decommissioning, red proposed new motorized trail construction, and yellow changed designation from non-motorized to motorized.



Even though the Forest Service proposes 3.4 miles of new motorized single track, it proposes to decommission only 1.9 miles of motorized trail resulting in a net increase of 1.5 miles of motorized trail on the landscape. The agency fails to disclose or address the impact of the net increase in motorized trails on a landscape already riddled with motorized trails.

The Forest Service notes that the realignment of Spring Creek Trail was identified as a “future action” in Attachment 2 to the 2018 Travel Management ROD. But the reference to Spring Creek Extension in Attachment 2 does not include any details about the length, offsets, or changes to designations made in that ROD, and it defers any decision and analysis to “new and pending additional analysis and public involvement.” Thus, the 2018 analysis left open some type of extension as a possibility but did not identify this proposal as a future action.

### *Wildlife*

To start, the Forest Service improperly refers to a Wildlife and Fisheries Biological Assessment and Evaluation that is not part of this draft EA and is not available on the project website for its detailed analysis of impacts to wildlife and fisheries. This violates the disclosures required under NEPA and precludes meaningful public comment. The Forest Service is required to disclose its analysis in the NEPA document itself (here, the draft EA and its attachments).

Motorized use negatively impacts wildlife, including big game, resulting in impacts such as wildlife distribution shifts away from trails; increased flight responses, movement rates, and energetic costs; reduced foraging times; and reduced carrying capacity. *See* Wisdom, M.J. et al., *Elk responses to trail-based recreation on public forests*, 411 *Forest Ecology and Management* (2018) (Attachment 1). Motorized use is likely to have a greater impact than non-motorized recreation on wide-ranging mammals. *Id.*

The Forest Service proposes to construct a new motorized trail in big game security area. And the Forest Service recognizes that the addition of the motorized Spring Creek trail would likely increase motorized use in the area. Yet it does not identify any Design Elements for wildlife to address impacts to big game, or more specifically to elk.



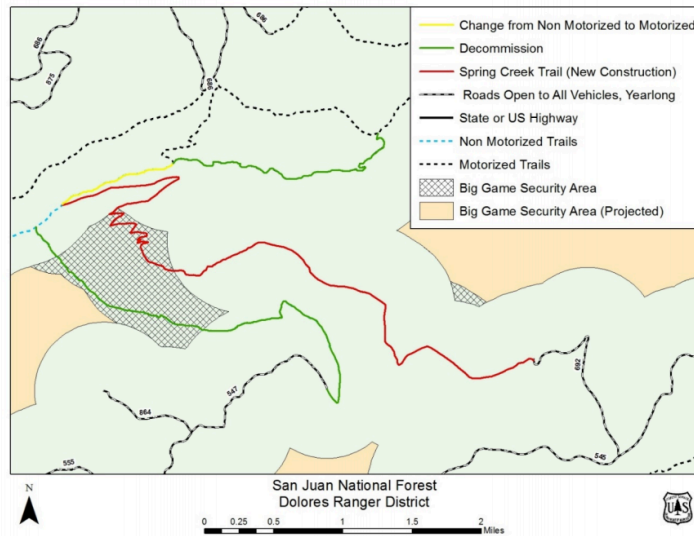


Figure 1 – Big game security areas – existing and projected (Proposed Action)

The Forest Service proposes to remove existing motorized use from trails to “offset” these impacts, for example from the lower Stoner Creek Trail or the segment of Stoner Mesa Trail between East and West Twin Springs trail. Draft EA at 2. As noted above, this offset ignores a net increase of 1.5 miles of designated motorized trail, and fails to explain why new motorized trail is necessary in big game security area. The agency also fails to acknowledge existing prohibitions on motorized single-track use from the 2018 decision (November 1 until May 31), and fails to acknowledge the flaws in the 2018’s decision not to apply more protective seasonal restrictions to protect elk consistent with the 2013 Forest Plan direction.

The declining elk population in analysis unit E-24 is extremely disturbing, as is the Forest Service’s lack of response despite its claimed adaptive management approach in the 2013 Forest Plan and 2018 Rico West Dolores Travel Management Plan. Given the elk population is in decline, under a precautionary principle and in light of best available science, wise management weighs in favor of proceeding with caution. There is no reason that the Forest Service should wait until it uncovers conclusive evidence that over-use and over-development of the landscape – including motorized use of trails that cut through important elk habitat – is harming elk before managing to protect elk and its habitat. This is especially true given that the Forest Service is not monitoring or seeking out this information. Because the cause is unknown, the elk population deserves the benefit of the doubt and the Forest Service should manage the Rico West Dolores landscape in a way that protects elk and its habitat from disturbance – including from further development of motorized and non-motorized trails.

Despite acknowledging the declining elk population, the Forest Service asserts without providing justification that current elk habitat conditions across the Dolores Ranger District are capable of maintaining habitat effectiveness with respect to cover, forage, security areas, and movement corridors. The reality of declining elk population numbers should give the agency pause in continuing to make this assertion, which was based on modeling. The agency should consider whether that modeling, or some of the assumptions it relies on, is flawed.

#### *Seasonal Restrictions on Motorized Use*

Our scoping comments urged the Forest Service to disclose and explain how this project will comply with seasonal restrictions for motorized use set out in the 2018 Rico West Dolores Travel Management Project Record of Decision. But the analysis here incorrectly states that the Rico West Dolores Travel Management Project EIS determined that seasonal closure would not have a measurable effect on big game production areas effectiveness, and therefore a seasonal closure for motorized trails was not justified. This is incorrect. Alternative B Modified from the 2018 Travel Management ROD applied seasonal restrictions that prohibit single track motorized use of trails from November 1 until May 31. Attachment 2 to the 2018 ROD expressly states that the Spring Creek Extension would be open to motorcycles only, seasonal.

#### *E-bikes*

The Forest Service states that it classifies e-bikes as motorized, and thus would allow e-bikes on motorized trails only. The agency should disclose the impacts from e-bikes, including an explanation of how impacts from e-bikes on the proposed new Spring Creek Trail might differ from that of traditional motorized single-track machines. It should consider how certain it may need to tailor certain Design Elements and design features to account for this unique and growing use of motorized trails on national forest lands.

#### *Floodplains and Water Quality*

The Forest Service discloses where the proposed trails will intersect flood prone areas, but fails to provide a meaningful analysis of how the current trail system impacts those floodplains. It states that erosion and sediment transport would continue, without even attempting to quantify current levels of erosion or sedimentation. For the proposed action, the analysis does not explain how the footbridges will be designed to not affect the floodplain or flood prone areas. It states that reconstruction along Ryman Creek will use and improve existing crossings to not adversely impact flood prone areas. There is no disclosure about the potential for sediment loading at these locations, how often the agency anticipates flooding occurring, or how the trails will be designed so as to mitigate or prevent adverse impacts from the trails to these floodplains. These are conclusory statements that lack explanation for how, specifically, the crossings will be designed and constructed at each location to achieve the assumed results.

Similarly, in terms of water quality there is no assessment of how the current trail system impacts water quality. The Forest Service uses general statements to conclude that construction activities will result in short-term increased erosion on and near the trails. It does not attempt to quantify how much erosion, how that compares to the current trail system, or what specific Best Management Practices will be implemented (and where) so as to ensure compliance with water quality standards. Without basis, the Forest Service concludes decommissioning the non-motorized trail along Spring Creek will improve conditions along the stream, ignoring how construction (and future use) of a motorized trail along a ridgeline that drains into Spring Creek. This analysis fails to disclose impacts to water quality, and the lack of explanation precludes meaningful public comment about the impacts of the proposed action as compared to the no action alternative.

#### *Induced Increase Use of Trails*



Without providing any support for its assertion, the Forest Service concludes the magnitude of recreation in the Rico Trails area will remain low in comparison to other trail use in the area due to the “technical nature” of the existing trails. It fails to consider how improved technology and a growing motorized use contingency might actually seek out technical trails, undercutting the agency’s assumption. The Forest Service fails to consider how the proposal will induce increased use of the trail network. It recognizes that the proposed Spring Creek motorized route will offer a new loop experience that “many enjoy” but does not consider the next logical conclusion, which is that motorized use is likely to increase in that area precisely because of a new loop opportunity.

As the Town of Rico noted in its scoping comments submitted in October of 2019, additions to the existing trail network “has the potential to enhance our economy by bringing many more users to the area.” The Forest Service states that it did not consider an alternative that restricted mountain bikers from Ryman Creek to reduce impacts to wildlife because it did not agree with the trail objective, and the IDT did not think this would provide measurable improvement to wildlife due to current low use and limited projected increase of use. But it fails to explain the basis for limited projected increase of use.

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#### *Recreation and Conflicts of Use*

The Forest Service’s analysis of impacts from the no action alternative ignore and fail to assess current use of the existing trail system by claiming no project effects would occur under this alternative. The Forest Service fails to analyze how the proposal will induce motorized use of the Spring Creek Extension trail and thereby result in increased conflicts among motorized and non-motorized use in that region. The Forest Service also fails to consider how new mountain bike trails increase the risk of conflict with non-motorized uses including hiking, horse-back riding, and backcountry hunting. This is a major public safety concern. At bottom, the agency’s assessment of direct and indirect effects to the recreation experience is cursory at best. It fails to disclose the types of conflicts that may arise among various types of recreation, how to avoid or minimize those conflicts, or how the proposed action might exacerbate those conflicts.

#### *Cultural Resources*

Again, the Forest Service inaccurately describes the no action alternative as consisting of no project activities. But actions would continue under the no action alternative, including the existing motorized and non-motorized trail designations. Because it fails to accurately identify the baseline/no action alternative, the NEPA analysis is flawed. The agency states that existing condition of cultural resources would continue along existing trends, without disclosing or describing what the existing condition is much less current trends. This precludes meaningful public comment.

#### *Ensure and Explain Effectiveness of Mitigation*

The Forest Service must explain how the proposed design features will be effective at mitigating impacts. The generalized Design Elements do not provide the information necessary to understand how and assess whether these general approaches will make sense in light of the specific trail locations proposed. In reality, application of the Design Elements to the site-specific aspects of this proposed action are left to the future, after the close of public comment. The proposal to identify

specific design features for resource protection at the implementation stage is contrary to NEPA and fails to disclose necessary information to the public.

#### *Funding for Implementation and Future Trail Maintenance*

The Forest Service must consider and disclose existing funding to support the proposed project, as well as the long-term funding expectations to maintain the proposed trails. This includes resources for new trail and bridge construction, maintenance, and enforcement. Reliance on volunteer commitments is speculative and not a reasonable basis for supporting the addition of new motorized trails on this system. Although the agency notes potential local economic benefit from increased tourism and associated local spending, the Forest Service makes no mention of the increased demands on Forest Service resources or increased growth in motorized use of the trail system in this area, and the attendant impacts, that this proposal presents. This information has direct bearing on the anticipated direct, indirect, and cumulative impacts, since without funding the Forest Service can provide no assurances that the Design Elements will come to fruition and therefore the anticipated mitigation is highly speculative.

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#### *Cumulative Impacts*

Cumulative effects are “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions.” 40 C.F.R. § 1508.7. Cumulative effects “can result from individually minor but collectively significant actions taking place over a period of time.” *Id.* Under the Forest Service’s own rules, cumulative effects analysis begins with consideration of the direct and indirect effects likely to result from the proposal, and then looks for present effects from past actions that are relevant based on a cause-and-effect relationship with the direct and indirect effects of the current proposal. 36 C.F.R. § 220.4(f). The Forest Service must assess the extent that the proposed action’s effects “will add to, modify, or mitigate” the past effects. *Id.* Here, the Forest Service must assess the cumulative effects that will result from this project when added to the impacts from the 2018 Rico West Dolores Travel Management Plan (assessed in a 2018 EIS). This project will have a significant impact on wildlife, wildlife habitat, water quality, and the landscape when considered in the cumulative with the effects from that decision.

The analysis fails to address cumulative impacts to water quality and flood plains. Reliance on the 2018 Rico West Dolores Travel Management Plan EIS is misplaced, because that analysis ignored site-specific details and did not consider the additional impacts from this project. The analysis fails to address cumulative impacts to elk from this project, when combined with the grazing and recreational use that is expected to continue on this landscape, including recreational use authorized under the 2018 Rico West Dolores Travel Management Plan. The draft EA forgoes analysis of impacts to cultural resources, instead deferring any disclosure or analysis to a future process under 36 CFR § 800.6. This fails to comply with NEPA’s requirement to disclose and analyze cumulative impacts, including impacts to cultural resources. Relying on that future process, the Forest Service concludes without basis that the proposed action will therefore not result in any adverse cumulative effects. In light of the lack of any analysis or explanation in the draft EA, this conclusion is unreasonable.

**6. Fails to demonstrate compliance with the Travel Management Rule minimization criteria.**

The Forest Service has a substantive duty to prohibit OHV use off of the designated system of motorized roads, trails and outside of designated areas, and to locate motorized trails with the objective of minimizing impacts to forest resources, harassment of wildlife and disruption of wildlife habitat, and conflicts among uses. *See* 36 C.F.R. §§ 212.5, 212.50, 212.55, 261.13. In this analysis, the Forest Service fails to disclose the minimization criteria, much less explain how it located the new motorized trail consistent with the minimization criteria.

**7. Improperly rewards special interests that cause damage to the forest with new motorized trails.**

It is unreasonable for the agency to propose the addition of 3.4 miles of new motorized Spring Creek Trail despite the damage from motorized trail use elsewhere on the Dolores Ranger District (see comments submitted on the Rico West Dolores Travel Plan, documenting trail damage), limited agency resources to maintain existing trails, and declining elk population numbers. Without further explanation, the Forest Service's proposal for a new motorized trail is not reasonable.

**8. Fails to demonstrate compliance with the National Historic Preservation Act, National Forest Management Act, Clean Water Act, and other environmental laws.**

Explain how the proposed action, and in particular the Rio Grande Southern trail alignment, will comply with the National Historic Preservation Act (NHPA). The Forest Service notes the proposed action will adversely affect three historic properties within the APE, but does not address or disclose those adverse effects and defers any analysis here. This precludes meaningful public comment and fails to demonstrate compliance with NHPA.

The Forest Service states this project is consistent with the 2013 San Juan Forest Plan. 16 U.S.C. § 1604(i). It must explain this determination, especially in light of the proposed new motorized trail construction within big game security area, and because one large elk security area will be reduced as a result of a **new** motorized trail. The agency must also explain the project complies with its own directives for creating new non-motorized and motorized trails, including the Forest Service Handbook and Forest Service Manual.

To demonstrate compliance with the Clean Water Act, the Forest Service must explain how the proposed construction of and subsequent use of motorized and non-motorized trails will not cause or contribute to a violation of water quality standards. This is especially true given the lack of analysis disclosed in the section purporting to assess impacts to water quality. Reliance on the Design Elements that require the Forest Service to follow National BMPs, without identifying which BMPs will be used on the various trails, is inadequate.

**Conclusion**

As noted in our scoping comments, we urge the Forest Service to consider the big picture and realize the encroaching human development on the forest has drastic negative impacts to wildlife and wildlife habitat. Guardians supports maintaining Ryman Creek Trail as open only to hikers and equestrian uses, given the numerous other opportunities for loops including Salt Creek Trail and

Scotch Creek road. We also support changing the existing motorized designation to non-motorized for the 2 miles of Stoner Creek Trail #625 running from the end of West Twin Springs Trail #739 to the intersection with East Twin Springs Trail #741.

A handwritten signature in black ink that reads "Marla Fox". The signature is written in a cursive, flowing style.

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