

To: Statezny, James P -FS <jstatezny@fs.fed.us>
Cc: Woods, Caitlin - FS <caitlinwoods@fs.fed.us>; Davilman, Lacie - FS <ldavilman@fs.fed.us>; Cadenhead, Andrew - FS <acadenhead@fs.fed.us>; Dow, John R - FS <jrdow@fs.fed.us>
Subject: RE: Wildcat Canyon Expectations

Jamie,

I've taken a look at the Wildcat Canyon project initiation and expectations letter and my initial reaction is that this project and action plan has a very low chance of success for a variety of reasons. The background information is incomplete, and the action plan is flawed and will likely lead to further resource damage and continued unenforceable illegal motorized activity. The action plan expectation of using categorical exclusion(s) also seems to be intended on minimizing public input, even after pointing out in the first paragraph of the letter that this area is highly contentious and is located in a municipal watershed. Clearly, extraordinary circumstances exist that should warrant analysis and documentation in an EA or an EIS. In addition to the presence of extraordinary circumstances, the proposed action of decommissioning existing NFSRs does not fall within any of the categories listed in 36 CFR 220.6 (d) and (e), which disqualifies this action from the use of a categorical exclusion. Specifically, 36 CFR 220.6(e)(20) makes it clear that decommissioning National Forest System roads does not qualify for the use of a categorical exclusion. The use of any other category of approved categorical exclusions to decommission NFSRs would in my opinion be an abuse of the Council of Environmental Quality regulations.

The background information in the letter left out some important and relevant details as follows:

- Prior to the Hayman fire, the extreme 4-wheel drive clubs enjoyed recreating in wildcat canyon for decades, and they have shown an eager willingness to be involved in the ongoing planning, maintenance and management of these routes.
- The South Park/South Platte Ranger Districts failed to act on the requests from Park County in 2010 and again in 2014 to grant easements for all the wildcat canyon road segments within Park County. The motorized recreation community saw this failure as an intentional attempt by some forest service employees to try to permanently eliminate motorized recreation in wildcat canyon. As a result, trust in the forest service was lost, and many extreme 4WD user groups no longer are willing to cooperate with the motorized prohibitions in the canyon. Attached is the 2014 Park County Request letter and application for easements for your review.
- As recently as November, 2013, the forest service (South Platte RD) indicated an expectation for the Park County road segments in wildcat canyon to be re-opened as county roads, and state OHV funds were requested for essential maintenance work in the canyon. Evidently, there are some in the forest service that believe these roads can and should be reopened, and there are others that don't seem to want it to happen. This issue is controversial even within the forest service and needs to be resolved by analyzing various alternatives in an EA or EIS, with opportunities for public input throughout that process.
- There is no official documentation in the project record from Park County to support the claim mentioned in the expectations letter that Park County ever

withdrew their easement requests. Without that documentation, this claim is unsubstantiated and should not be used as a valid excuse for not providing easements to the county. Maybe an update letter from the county is needed before making assumptions on their current official stance. Or maybe the county is still waiting on the FS to grant the easements, and if that is the case, we should proceed to prepare the easement documents and get them signed per the decision in the Hayman EA/FONSI.

- There is nothing in the Wild and Scenic River Act that prohibits or even discourages motorized uses, so the implication in the letter that motorized recreation is incompatible with a Scenic designation is not correct.

Overall, this action plan will likely result in a further deterioration of the little trust that is left between the motorized recreation groups and the Forest Service. If public/private partnerships is an important part of the forest service strategy, maybe a good next step would be to respond to the public EIS scoping comments and include the potential reopening of the wildcat canyon roads in Park county in the ongoing MVUM EIS analysis. This strategy offers the best chance of success for protecting the resources in Wildcat canyon, and this is what John and I have done as of now. Keep in mind that since Erin has already approved the Alternatives as is, her input and approval will be necessary for any changes to Alternative D.

There are possibilities for improving/building environmentally friendly extreme full size motorized trails on both sides of the river to meet some of the expectations of this user group, preferably under county jurisdiction, and with the user group's cooperation, maybe the bulk of the work and management could be given over to them, similar to what Teller county has already done. But this will never happen if the forest service tries to slip through a categorical exclusion to decommission these existing ML1 NFSRs. I am opposed to the action plan as described in this expectations letter, and I am in favor of either proceeding with granting easements to Park County if they still want easements or continuing with the NEPA analysis of these routes as spelled out in Alternative D of the MVUM EIS.

Let me know if you have any questions.

Gary

P.S. The conversion of these roads to motorized trails was requested by the public during the EIS scoping comment period. Therefore, we have a responsibility to address those comments, and by including these trail options in Alternative D of the MVUM EIS, we are responding to those public comments. I believe that the right thing to do is to analyze these routes via the NEPA analysis process and let the deciding official make a fully informed decision. Anything less than this will invite public criticism and the possibility of a lawsuit.

<image001.png> **Gary Morrison, P.E.**
Engineer/Transportation Planner
Forest Service
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<image002.png><image003.png><image004.png>
Caring for the land and serving people

From: Statezny, James P -FS
Sent: Monday, May 14, 2018 3:38 PM
To: Morrison, Gary -FS <garymorrison@fs.fed.us>
Cc: Woods, Caitlin - FS <caitlinwoods@fs.fed.us>; Davilman, Lacie - FS
<ldavilman@fs.fed.us>; Cadenhead, Andrew - FS <acadenhead@fs.fed.us>
Subject: FW: Wildcat Canyon Expectations

Hey Gary,

Cait & I got this message from Josh last week. At some point we'll have to respond but you're an integral part of the feedback and the 3 of us should be included through the entire project. I attached an email that you sent last July talking about your concerns. Can you look at the expectations document and let me know how you feel about this?

Thanks,

<image001.png> **Jamie Statezny**
> **Region 2 Transportation O&M Engineer**
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<image002.png><image003.png><image004.png>
Caring for the land and serving people

From: Voorhis, Josh -FS
Sent: Monday, May 07, 2018 4:22 PM
To: Hessler, Mike -FS <mhessler@fs.fed.us>; Hyatt, Jeff -FS <jeffhyatt@fs.fed.us>; Lamb,

From: Morrison, Gary -FS
Sent: 11 Jul 2019 14:04:53 +0000
To: Statezny, James P -FS
Cc: Davilman, Lacie - FS
Subject: FW: Wildcat Canyon project

Jamie,

This is the kind of situation that makes me want to retire yesterday. The South Platte and South Park RDs have evidently made a unilateral decision to move forward in decommissioning these roads and they haven't adequately involved Engineering or the motorized community in that process. Where is this project in SOPA, and where is the NEPA? I'm embarrassed and ashamed when the public comes to me about a volatile and hot topic such as this and tells me things that I am completely unaware of. The motorized community is outraged that the district is decommissioning these roads without adequately addressing concerns from Park County, from the public and my own concerns that I have expressed in the past (see my emails dated 5/30/2018 and 7/20/2017) . If our leadership wants to know why the motorized community does not want to cooperate with the forest service, this is a great example of why they don't trust us. I don't blame them for their outrage.

I've looked in Pinyon and on our website for any information concerning Wildcat Canyon and have found nothing. Where is the NEPA analysis and the signed NEPA document? Where is the project folder? Why isn't there anything on our website about this project for the public to see? Why did they move forward with this project without involving the engineering shop?

I'd like some answers to these questions so that I can convey adequate information to the public when asked. Please let me know what you find out, and if possible, provide me with a public link on our website that I can point people to. Thanks.



Gary Morrison, P.E.
Engineer/Transportation Planner

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Caring for the land and serving people

From: Woods, Caitlin - FS
Sent: Wednesday, July 10, 2019 2:10 PM
To: Banks, Brian -FS <brian.banks@usda.gov>; Dollus, Scott -FS <scott.dollus@usda.gov>; Statezny, James P -FS <james.statezny@usda.gov>
Cc: Morrison, Gary -FS <gary.morrison@usda.gov>; Voorhis, Josh -FS <josh.voorhis@usda.gov>
Subject: RE: Wildcat Canyon project