

**Central Colorado Wilderness Coalition * Colorado Mountain Club * Conservation Colorado *
Continental Divide Trail Coalition * Friends of Mt. Evans & Lost Creek Wildernesses * Great
Old Broads for Wilderness * Quiet Use Coalition * Rocky Mountain Recreation Initiative *
Rocky Mountain Wild * Sierra Club * Sierra Club – Rocky Mountain Chapter * Wild
Connections * WildEarth Guardians * The Wilderness Society**

September 8, 2016

Mr. John Dow, AICP
Land Management Planner
Pike-San Isabel National Forest
U.S. Forest Service
2840 Kachina Dr.
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Re: Scoping Letter on the Pike San Isabel National Forest's Travel Management Planning Process

Dear Mr. Dow:

We appreciate your consideration of these scoping comments in response to the Pike San Isabel National Forest's (PSI) Notice of Intent to Develop an Environmental Impact Statement for its Travel Planning Process. The planning area encompasses incredibly popular recreational destinations for quiet, non-motorized visitors; important habitat for a variety of fish, wildlife, and plant species, including several that are threatened and endangered; ecologically and socially important wild, roadless lands; and sensitive aquatic and riparian resources. While the ecological integrity of the PSI is quite high compared to other landscapes in the lower 48 states, substantial areas of this public forest have been intensively managed during the past century. This intensive management left behind an excessively large legacy road system that is ecologically unsustainable and unaffordable. These management activities and associated road building, coupled with accelerating climate change impacts and inadequate management of motorized use, present significant opportunities to restore the ecological integrity and wild, roadless character found on many places across the forest. In addition, poorly managed off-road vehicle (ORV) recreation is severely impacting water, species, and wildlands and is resulting in user-conflicts across the forest. The PSI's Travel Management Planning (TMP) process is a unique opportunity to both establish an ecologically and fiscally sustainable road system that meets the needs of the public and improve management of ORV recreation to ensure this use is within the carrying capacity of the forest.

Respectfully,

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I. Organizations Interests

Central Colorado Wilderness Coalition (CCWC), founded in 2002 in Colorado Springs, chose as its mission to protect, defend, and preserve for future generations the ecological integrity of wild places in central Colorado and promote permanent protection of those areas through wilderness designation.

The Colorado Mountain Club (CMC) is one of the largest outdoor recreation and conservation organization in Colorado. Founded in 1912, the CMC is organized to unite those who cherish, study, and explore the Rocky Mountains to stimulate public interest in the mountains, collect and disseminate information about the mountains on behalf of literature art, recreation, and science, and protect the ecosystems and landscapes of the Rocky Mountains. CMC's mission is based on the philosophy that outdoor enthusiasts are driven by the desire to protect the places they cherish and the club currently serves a membership of over 5,500.

Conservation Colorado's mission is to educate and mobilize people to protect Colorado's environment and quality of life. Conservation Colorado is a grassroots, statewide organization working to protect Colorado's air, land, water, and people, and we have an extensive history in Colorado of collaborating on the key environmental issues of the day, including 50 years of advocacy for wilderness and public lands conservation.

The Continental Divide Trail Coalition (CDTC) was formed in 2012 to work with the federal land management agencies in the completion, management and protection of the CDT. The CDTC is a 501(c)(3) nonprofit organization with 2000 members nationwide. In May 2013, CDTC was designated as the leading partner in the completion of the CDT by the U.S. Forest Service, National Park Service and Bureau of Land Management during a Memorandum of Understanding signing in Washington, D.C. To date, CDTC has been successful in coordinating over \$2 million in volunteer labor, improving and completing hundreds of miles of the CDT, building positive relationships with the federal land managers and local clubs, organizing the first border-to-border surveys of the Trail, implementing an Adopt-A-Trail program, implementing Gateway Community programs and convincing Congress to appropriate over \$6.5 million for the CDT. CDTC's goal in this process is to ensure the US Forest Service is evaluating the appropriate issues in assessing impacts, both positive and negative, to the CDT and its values. In 2009, the CDT Comprehensive Plan was amended and new direction affecting the management and stewardship for the CDT became effective. Any evaluation of impacts of this or any other similar type of planning should utilize this document to guide the process.

The Friends of Mount Evans & Lost Creek Wilderness (FOMELC) is a 100% volunteer based non-profit organization founded in November 2005 to offer volunteer opportunities for all ages, physical abilities, interests and schedules. We work closely in cooperation with the Clear Creek, South Platte and South Park Ranger Districts of the United States Department of Agriculture, Forest Service as well as various partners throughout Colorado. We provide Wilderness advocacy through participation in stewardship, education and outreach in the Mount Evans & Lost Creek Wilderness areas of the Arapaho and the Pike National Forests. In addition, members of FOMELC perform trail patrols, clear downed timber, work on

trail maintenance and trail repair, mitigate invasive weeds, and various other tasks in Wilderness to assist the USFS in their management goals.

Great Old Broads for Wilderness is a national organization, based in Durango, Colorado, that engages and ignites the activism of elders to preserve and protect wilderness and wild lands. With over 8,000 members and supporters, Broads gives voice to the millions of older Americans who want to protect their public lands as Wilderness for this and future generations. We bring experience, commitment, and humor to the movement to protect the last wild places on Earth. Our local South Park Broadband chapter has followed and engaged with public lands planning, management, and stewardship on the PSI for over 5 years.

The Quiet Use Coalition (QUC) works to preserve and create quiet use areas on our public lands and waters, while protecting natural soundscapes and wildlife habitat. Based in Salida, Colorado, this nineteen-year-old non-profit organization and its members have a deep connection to and knowledge of the PSI lands, and have contributed over 7,000 hours in volunteer labor assisting Forest Service staff in managing those lands.

The Rocky Mountain Recreation Initiative (RMRI) works to protect Colorado wildlands by promoting ecologically-based trail design that minimizes habitat fragmentation and human disturbance in Colorado's undeveloped landscapes. RMRI works with a statewide network of conservationists, sportsmen and wildlife biologists to assure that trail planning on Colorado's public lands incorporates the principles of conservation biology in the service of landscape integrity and preserving the quiet solitude of Colorado's remote backcountry.

Rocky Mountain Wild works to protect, connect, and restore wildlife and wildlands in the Southern Rocky Mountain region. We envision a biologically healthy future for our region – one that includes a diversity of species and ecosystems, thriving populations of wildlife, and a sustainable coexistence between people and nature. Protecting biodiversity is a BIG job, and we know that we can't do it alone. We are actively building a diverse community of educators, students, activists, philanthropists, and citizen scientists to help us make our vision a reality. From providing guidance on our board of directors to helping us collect data in the field, our community makes our work possible – and fun.

The Sierra Club Rocky Mountain Chapter was formed over 50 years ago to explore, enjoy, and protect Colorado. The Sierra Club's members and supporters are more than 2.4 million across the country with more than 55,000 here in Colorado. Inspired by nature, we work together to protect our communities and the planet. The Sierra Club Rocky Mountain Chapter works at the state level, and is also comprised of 10 local groups who focus their work at the municipal and county levels. We're involved in everything from hiking to environmental education and conservation. We are here to repair the follies of our past, protect the current national treasures Colorado holds in nature from damage or destruction, and plan for a future that is better than our present.

Wild Connections works to identify, protect and restore lands of the Upper Arkansas and South Platte headwaters to ensure the survival of intact roadless areas, native species and ecological richness, and to help forge a link in an unbroken chain of North American wildlands. This vision is embodied in the Wild Connections Conservation Plan, a science-based conservation plan for the PSI created by citizens using information from roadless area inventories, biological data and input from local workshops.

WildEarth Guardians is a non-profit organization dedicated to maintaining, protecting, and restoring the native ecosystems of New Mexico and the American West. Guardians has an organizational interest in the proper and lawful management of these National Forests. Our members, staff, and board members participate in a wide range of hunting, fishing and other recreational activities on these National Forests, including the CNF. Guardians represents approximately 43,000 total members and e-activists.

The Wilderness Society is a national, not-for-profit conservation organization with over 700,000 members, activists, and Facebook supporters. Founded in 1935 by Robert Marshall, Aldo Leopold, and Benton MacKaye, we provide scientific, economic, legal, and policy guidance to land managers, communities, local conservation groups, and state and federal decision-makers. In doing so, we hope to ensure the best management of our public lands. Our members in Colorado and throughout the United States are deeply interested in travel planning on the PSI as it pertains to quiet recreation, wildlife and wildlands conservation, cultural resource preservation, water quality protection, and the ability to enjoy public lands for inspiration and spiritual renewal.

II. Process Expectations

A. Engaging Multiple Constituencies

It is important for the Forest Service to engage multiple constituencies, including but not limited to both motorized and non-motorized recreationists. It is important to remember that motorized recreation impacts quiet recreation experiences, and that this impact is asymmetrical. By default, planning only for motorized vehicles relegates quiet recreation to the margins on the landscape, which is not fair. To mitigate this problem, plan for all types of recreational experiences and settings (not just for ORV riding) when feasible. The Bitterroot National Forest Record of Decision for travel planning includes the following statement, which summarizes this issue well:

“I concluded early in the analysis that motorized recreation opportunities on the Bitterroot National Forest could not be assessed without also considering opportunities for nonmotorized recreation. Motorized and nonmotorized recreation experience are linked in the sense that one affects the other. This is particularly true for the effects of motorized use on nonmotorized user experiences. Providing quality recreation opportunities for both types of users requires the consideration of motorized use within the context of the full spectrum of uses.”¹

¹ Bitterroot National Forest Travel Management Planning Project, Record of Decision, p. 1 (May 2016).

We encourage the PSI to approach its TMP process similar to the Bitterroot.

B. Establishing Clear Expectations with the Public

The Forest Service should be commended for the public outreach to this point. The dedicated website makes a variety of materials available to the public across formats to help them understand potential alternatives and the routes and areas at play. Making the alternatives and results of the travel analysis process available in GIS format has been incredibly helpful. Adding Google Earth KMZ files, in particular, is helpful for the public to understand in a high level of detail potential changes to areas of concern. The public materials such as the posters to support the scoping public open houses were clear and explained both the substance, process and timeline of travel management planning. On the constructive side, details that help the public differentiate between the alternatives could be clearer. One must drill down into the mileage details to be able to determine macro differences between the alternatives. The descriptive labels on the preliminary alternatives are somewhat opaque and difficult to understand, especially if someone is not steeped in the history of the lawsuit and settlement agreement.

As a general matter, the agency should communicate its resource “sideboards” for any outreach and education materials that it develops for this process (website content, fact sheets, slideshows, presentations, etc.) to establish appropriate expectations on where recreational opportunities will and will not be emphasized or allowed. We recognize this is stated in the scoping notice but reiterating this point at public meetings could help. Ensuring the public understands that the agency must comply with sideboards will help avoid frustrations that can result from misperceptions that more of the landscape is available for motorized recreational development and use than actually is. Important sideboards to emphasize with the public include:

- The intent for the PSI’s designated transportation system to comply with all applicable laws;
- The need to consider effects on resources with the objective of minimizing the impacts resulting from the designated motorized trails and areas pursuant to 36 C.F.R. § 212.55(b);
- Important resources that are impacted by the transportation system that must be considered include areas important for non-motorized recreation; aquatic resources such as rivers, wetlands, and watersheds that are not functioning properly due to roads and trails; core wildlife habitat areas; areas with high biological diversity and ecological value; and wilderness and roadless areas.

C. Format of Public Meetings

We encourage the Forest Service to utilize an open house-style format for any public meetings associated with this process. An open house format will help prevent grandstanding at public meetings, thereby minimizing conflict and aggression. Additionally, many members of the public may be uncomfortable with public speaking, especially in a hostile environment. An open house format could help ensure that the agency hears from these individuals. In terms of the open house format, the Forest Service could host workstations staffed by agency personnel who are available to answer questions.

Resource maps, like those mentioned in the previous section, can be made available to help illustrate and explain resource constraints and other social and environmental concerns.

III. Factors to Consider and Alternatives to Analyze in the Environmental Analysis

A. NEPA Obligations

We want to briefly remind the agency of its basic NEPA obligations. These include the need to analyze a reasonable range of alternatives, take a hard look at the environmental consequences of these alternatives, and conduct a rigorous cumulative impacts analysis.

The literature review attached as Appendix 1 surveys the extensive and best-available scientific literature (including the Forest Service's 2000 General Technical Report synthesizing the scientific information on forest roads)² on a wide range of road-related impacts to ecosystem processes and integrity on National Forest lands. The agency should refer to this literature review to inform its impacts analysis.

The PSI must analyze the site-specific impacts for any roads, trails, and areas that it is proposing to designate for public motorized use that are not part of the baseline system. This would include Maintenance Level 1 roads that the agency is proposing to open to public motorized use and user-created routes that the agency is proposing to add to the system. Site-specific impacts would include the localized direct and indirect impacts these changes to the system will have on water, wildlife, fish, cultural resources, non-motorized opportunities and other resources.

The Forest Service also agreed to several NEPA-related issues in its recent litigation settlement. These include the following:

1. The Forest Service will explain how it considered general criteria set forth in 36 C.F.R. § 212.55(a) in designating roads, trails and areas, and how it considered specific criteria in 36 C.F.R. § 212.55(b) ("the minimization criteria") in designating trails and areas
2. The Forest Service will include language in its purpose and need statement about compliance with applicable laws, the need to consider effects on resources with the objective of minimizing the impacts resulting from the designated motorized trails and areas, and the need to ensure that routes are properly analyzed for environmental impacts. We are pleased to see the agency include this language in its purpose and need statement.

² Hermann Gucinski *et al.*, *Forest Roads: A Synthesis of Scientific Information*, Gen. Tech. Rep. PNW-GTR-509 (May 2001), available at <http://www.fs.fed.us/pnw/pubs/gtr509.pdf>.

3. The Forest Service will provide a no action alternative that only includes the route system depicted on the most recent MVUM prior to the agreement to represent the baseline system, excluding the routes designated for interim closure (Exhibit A). We are also pleased the agency complied with this element of the settlement.
4. The Forest Service will consider a range of reasonable alternative actions that would result in varying numbers and spatial allocations of routes designated for motorized vehicle use. The Forest Service agrees that it will analyze an alternative that does not include in the proposed action any of the contested routes or route segments.

Stipulated Settlement Agreement at 3-4, *The Wilderness Soc’y v. U.S. Forest Serv.*, No. 1:11-cv-00246-WYD (D. Colo. Nov. 13, 2015). Attached as Appendix 2.

B. Executive Orders 11644 and 11989 and the Travel Management Rule Minimization Requirements

1. Regulatory and Policy Background

In response to the growing use of dirt bikes, snowmobiles, all-terrain vehicles, and other off-road vehicles (ORVs) and the corresponding environmental damage, social conflicts, and public safety concerns, Presidents Nixon and Carter issued Executive Orders 11644 and 11989 in 1972 and 1977, respectively, requiring federal land management agencies to plan for ORV use based on protecting resources and other uses. Exec. Order No. 11644, 37 Fed. Reg. 2877 (Feb. 8, 1972), *as amended by* Exec. Order No. 11989, 42 Fed. Reg. 26,959 (May 24, 1977). When designating areas or trails available for ORV use, agencies must locate them to:

- (1) minimize damage to soil, watershed, vegetation, or other resources of the public lands;
- (2) minimize harassment of wildlife or significant disruption of wildlife habitats; and
- (3) minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands.

Exec. Order No. 11644, § 3(a). The Forest Service has codified these “minimization criteria” in subparts B and C of its travel management regulations. 36 C.F.R. §§ 212.55, 212.81(d). The agency has struggled, however, to properly apply the minimization criteria in its travel management decisions, leading to a suite of federal court cases invalidating a number of decisions.³

Collectively, these cases confirm the Forest Service’s substantive legal obligation to meaningfully apply and implement – not just identify or consider – the minimization criteria when designating each area and trail, and to show in the administrative record how it did so. In June of 2015, a Ninth Circuit Court of

³ See *WildEarth Guardians v. U.S. Forest Serv.*, 790 F.3d 920, 929-32 (9th Cir. 2015); *Friends of the Clearwater v. U.S. Forest Serv.*, No. 3:13-CV-00515-EJL, 2015 U.S. Dist. LEXIS 30671, at *37-52 (D. Idaho Mar. 11, 2015); *The Wilderness Soc’y v. U.S. Forest Serv.*, No. CV08-363-E-EJL, 2013 U.S. Dist. LEXIS 153036, at *22-32 (D. Idaho Oct. 22, 2013); *Cent. Sierra Envtl. Res. Ctr. v. U.S. Forest Serv.*, 916 F. Supp. 2d 1078, 1094-98 (E.D. Cal. 2013); *Idaho Conservation League v. Guzman*, 766 F. Supp. 2d 1056, 1071-74 (D. Idaho 2011).

Appeals decision confirmed that the Forest Service is “under an affirmative obligation to actually show that it aimed to minimize environmental damage when designating trails and areas.” *WildEarth Guardians*, 790 F.3d at 932 (quotations and citations omitted). The agency may not rely on compliance with forest plan direction as a proxy for application of the minimization criteria because doing so conflates separate and distinct legal obligations. *See WildEarth Guardians*, 790 F.3d at 930-31 (“generalized statements” in EIS for forest plan revision are inadequate; instead, “the Forest Service must provide a more granular minimization analysis to fulfill the objectives of Executive Order 11644”); *Friends of the Clearwater*, 2015 U.S. Dist. LEXIS 30671, at *46 (“Merely concluding that the proposed action is consistent with the Forest Plan does not . . . satisfy the requirement that the Forest Service provide some explanation or analysis showing that it considered the minimizing criteria and took some action to minimize environmental damage when designating routes.”). “What is required is that the Forest Service document how it evaluated and applied [relevant] data on an area-by-area [and route-by-route] basis with the objective of minimizing impacts as specified in the [Travel Management Rule].” *WildEarth Guardians*, 790 F.3d at 931; *see also id.* at 932 (“consideration” of the minimization criteria is insufficient; rather, the agency “must apply the data it has compiled to show how it designed the areas open to snowmobile use ‘with the objective of minimizing’” impacts). Specific recommendations for properly applying and implementing the minimization criteria – based on this and other direction from the courts – are included below.

2. Recommendations

The ORV executive orders require the Forest Service to **minimize** impacts – not just identify or consider them – when designating areas or trails for ORV use, and to demonstrate in the administrative record how it did so. To satisfy its *substantive* duty to minimize impacts, the PSI must apply a transparent and common-sense methodology for meaningful application of *each* minimization criterion to *each* area or trail being considered for designation. That methodology must include several key elements.

First, proper application of the minimization criteria is not solely an office exercise. Rather, the Forest Service must gather site- and resource-specific information and actually apply the criteria to minimize resource damage and use conflicts associated with each designated area. This necessarily will require the PSI to incorporate monitoring data and other information identifying resource or recreational use conflicts compiled by the agency or submitted by the public. *See* 36 C.F.R. §§ 212.52(a), 212.81(d) (requiring public participation in the designation of areas for OSV use); *Idaho Conservation League*, 766 F. Supp. 2d at 1074-77 (invalidating travel management plan that failed to utilize monitoring and other site-specific data showing resource damage).

Second, application of the minimization criteria should be informed by the best available scientific information and associated strategies and methodologies for minimizing impacts to particular resources. *See Friends of the Clearwater*, 2015 U.S. Dist. LEXIS 30671, at *24-30, 40-52 (invalidating route designations that failed to consider best available science on impacts of motorized routes on elk habitat effectiveness or to select routes with the objective of minimizing impacts to that habitat and other forest resources).

Switalski and Jones (2012) published a comprehensive literature review and best management practices (BMPs) for ORV use on forestlands. The BMPs provide guidelines, based on peer-reviewed science, for ORV designation decisions that are intended to minimize impacts to soils, water quality, vegetation, and wildlife, and conflicts with other recreational uses. The forest should incorporate these BMPs into its application of the minimization criteria.⁴ These BMPs are provided as Appendix 3. In addition to generalized BMPs, application of the minimization criteria should incorporate any site- or resource-specific scientific information or analysis. Such information might include, for example, wildlife population, habitat, monitoring data, or visitor use data.

Third, proper application of the minimization criteria must address both site-specific and larger-scale impacts. *See, e.g., Idaho Conservation League*, 766 F. Supp. 2d at 1066-68, 1074-77 (invalidating travel plan that failed to consider aggregate impacts of short motorized routes on wilderness values or site-specific erosion and other impacts of particular routes). For example, the Forest Service must assess and minimize landscape-scale impacts such as habitat fragmentation; cumulative noise, and air and water quality impacts; and degradation of wilderness-quality lands and associated opportunities for primitive forms of recreation. The agency also must assess and minimize site-specific impacts to soils, vegetation, water, and other public lands resources, sensitive wildlife habitat, and important areas for non-motorized recreation.

Fourth, the Forest Service should account for predicted climate change impacts in its application of the minimization criteria and designation decisions.⁵

Fifth, application of the minimization criteria must take into account available resources for monitoring and enforcement of the designated system. *See Sierra Club v. U.S. Forest Serv.*, 857 F. Supp. 2d 1167, 1176-78 (D. Utah 2012) (NEPA requires agency to take a hard look at the impacts of illegal motorized use on forest resources and the likelihood of illegal use continuing under each alternative). To ease enforcement obligations and ensure user compliance in the first place, ORV designation decisions should establish clear boundaries and simple, consistent restrictions designed to minimize resource damage and user conflicts.

Sixth, the Forest Service must demonstrate application of the minimization criteria with respect to any open area designations. To satisfy the minimization requirements, per the Forest Service Manual

⁴ The Bitterroot National Forest recently referenced and applied these BMPs in its travel management planning process. *See Bitterroot National Forest Travel Management Planning Project*, Record of Decision, pp. 18- 22 (May 2016).

⁵ *See, e.g., 77 Fed. Reg. 77,801, 77,828-29* (Dec. 24, 2014) (Council on Environmental Quality's revised draft guidance on consideration of climate change in NEPA states: "Climate change can increase the vulnerability of a resource, ecosystem, human community, or structure, which would then be more susceptible to climate change and other effects and result in a proposed action's effects being more environmentally damaging.... Such considerations are squarely within the realm of NEPA, informing decisions on whether to proceed with and how to design the proposed action so as to minimize impacts on the environment, as well as informing possible adaptation measures to address these impacts, ultimately enabling the selection of smarter, more resilient actions.").

direction, any open area designations must be discrete, delineated areas that are appropriate for cross-country ORV use. The Forest Service Manual on travel planning provides direction on designating open areas that proves helpful in terms of minimization compliance: “areas should have natural resource characteristics that are suitable for cross-country motor vehicle use or should be so altered by past events that motor vehicle use might be appropriate. Examples might include sand dunes, quarries, the exposed bed of draw-down reservoirs, and other small places with clear geographic boundaries.” FSM 7700, Ch. 7715.73.

It will likely be difficult to minimize impacts from ORV open play area designations and, as such, we discourage the agency from designating such areas. Most forests across the country did not designate open play areas when undertaking subpart B travel planning. The PSI currently does not legally permit any ORV open play areas on its MVUMs. If the agency does propose to designate an open play area, we urge the Forest Service to limit its designation to extremely narrow circumstances and only site them in locales that are seriously altered by past events, such as quarries or old dump sites.

Lastly, we want to highlight a report that was recently released by The Wilderness Society titled “Achieving Compliance with the Executive Order “Minimization Criteria” for Off-Road Vehicle Use on Federal Public Lands: Background, Case Studies, and Recommendations.” In this report, we provide the policy framework for designating ORV trails and areas on federal lands, along with a series of recommendations based on recent case law and ten case studies from the Forest Service, BLM, and National Park Service that demonstrate both agency failures to comply with the executive order minimization criteria and good planning practices that could be incorporated into a model for application of the criteria. This report is provided as Appendix 4.

C. Motorized Facilitated Dispersed Camping and Game Retrieval

1. Regulatory and Policy Background

The Travel Management Rule at 36 C.F.R. § 212.51(b) states: “In designating routes, the responsible official may include in the designation the limited use of motor vehicles within a specified distance of certain designated routes, and if appropriate within specified time periods, solely for the purposes of dispersed camping or retrieval of a downed big game animal by an individual.”

The Forest Service directives for travel management state that units must “[a]pply the provision for big game retrieval and dispersed camping *sparingly*....” FSM 7703.11(4) (emphasis added). As explained in the Federal Register notice announcing the dispersed camping rule: “Responsible officials may include in the designation the limited use of motor vehicles within a specified distance of *certain* designated routes, and if appropriate within specified time periods, solely for the purposes of dispersed camping or retrieval of a downed big game animal . . .” 73 Fed. Reg. 74,612, 74,612-13 (Dec. 9, 2003) (emphasis added).

We maintain that the designation of cross-country driving corridors for the purposes of motorized facilitated dispersed camping and game retrieval constitutes an area designation. As such, the Executive Order's minimization criteria apply. We discuss the requirements under the Executive Orders in detail in section III(B)(1) of this letter.

The Forest Service Manual encourages units to consider designating routes to dispersed camp sites rather than authorizing cross-country travel. FSM 7715.74 (Consider designating routes, including existing terminal facilities (FSM 7716.1), to dispersed camping sites, instead of authorizing off-route motor vehicle use.)

Various iterations of the Rocky Mountain Region's Urban Front Country order began to eliminate any significant allowance for motorized travel off of designated routes over ten years ago in response to the 2005 Travel Management Rule. This was formally captured and conveyed to the public with the initial distribution of the MVUMs in 2009. Subsequent MVUMs clarified via "Blanket Statements" that motorized travel for the purpose of dispersed camping was limited to one vehicle length from a designated route.

2. The PSI should not allow for cross-country driving to facilitate motorized dispersed camping and game retrieval.

Although the Travel Management Rule allows forest officials to make limited exceptions for cross-country motorized travel for dispersed camping and game retrieval, we urge the Forest Service to not allow these exceptions as it undermines the spirit and functionality of the rule. We are pleased that the agency is proposing to continue to not allow off-road driving to retrieve downed big-game. This has been the management situation on the forest for the past 32 years. Driving a limited distance such as 300' could result in significant resource damage. It seems likely that most game will be shot greater than 300' from a designated road or trail, given the nature of game movement during hunting season. Therefore, establishing a limited distance for game retrieval is not likely to provide significant assistance in retrieving a downed animal.

The PSI currently only allows motorized vehicle use for dispersed camping within one vehicle length (30 feet) of a designated route, where it is not prohibited, unsafe or will result in resource damage. The Forest Service should retain this policy of the past 11 years for managing motorized travel for dispersed camping. The public should continue to be allowed to park along the side of designated roads and walk into the forest to access dispersed sites, and/or use a motor vehicle on designated "spur" roads to established dispersed campsites.

Not allowing off-route driving makes NEPA analysis, minimization compliance (per the Executive Orders and the Travel Management Rule), and archaeological compliance (per National Historic Preservation Act) easier. It also simplifies enforcement of the published MVUM (limits confusion as to where motorized use is allowed) and makes protection of forest resources more easily accomplished. Not allowing off-route driving is essential in order to properly manage the high volume of use the PSI

receives as an urban forest. It is important to retain consistency for off route motorized travel for the purpose of dispersed camping and game retrieval. Clear-cut rules are more easily implemented than rules with exceptions.

3. Motorized Route Designations to Facilitate Dispersed Camping

Conversations with Forest Staff has led us to believe that the PSI will not specifically consider the addition of new roads to the system to accommodate dispersed motorized camping in this travel management planning process. We agree and recognize that addressing dispersed camping will add complexity to an already difficult. We can accept and support a decision to not conduct a forest-wide analysis regarding the designation motorized routes to facilitate dispersed camping as part of this process. We do, however, encourage the Forest Service to identify and designate *a limited number* of short spur roads in order to responsibly and appropriately accommodate dispersed motorized camping.

For several reasons we believe this travel planning process must consider dispersed motorized camping routes on a limited basis. First, motorized travel and use for the purpose of dispersed camping can result in negative impacts to natural resources and desired visitor experiences. This use is extremely popular on the PSI and is impacting resources and visitor experiences. Second, part of the lawsuit that challenged the MVUMs was based upon the alleged designation of and addition to the MVUMs of a large number of new roads; the primary purpose of these roads was to accommodate dispersed motorized camping. As we maintained in our court documents, there was no apparent documented NEPA process and no specified public comment period justifying the inclusion of these routes on the MVUMs. These routes are still on the no action alternative and many are included in Alternatives C and D. Thus, this process will be considering whether or not to keep these routes as part of the system primarily for dispersed motorized camping.

We strongly encourage the PSI to continue its policy to allow campers to park one vehicle length from a designated route and to provide the necessary education and enforcement to ensure its effectiveness. We are very concerned, however, that not all Districts understand, interpret and apply this restriction consistently with regards to motorized use for camping or other purposes. There is no Forest wide consistency regarding how Districts are dealing with motorized off route travel for the purpose of dispersed motorized camping. Some Districts are actively educating and enforcing this restriction, and making welcome efforts to sign and close routes being used for motorized facilitated dispersed camping that are not on the MVUM. Some Districts have initiated separate planning processes in an attempt to identify and designate new routes for dispersed motorized camping. Some Districts have taken no action and are seemingly ignoring frequent and visible violations of the prohibition at 36 C.F.R. § 261.13. Some Districts are signing and marking non-system undesignated routes on the ground to facilitate and encourage off route travel for the purpose of dispersed motorized camping; these routes are not on the MVUM and are not being proposed for addition to the designated system in this planning process. We have even noted an instance (FR 559.A) on the San Carlos District that questionably added routes to the MVUM in 2009 are now marking additional extensions of those routes as open for motorized dispersed

camping. We strongly oppose the practice of signing non-system routes on the ground as open to motorized use.

This Travel Planning Process must clarify policy and provide clear and consistent direction regarding motorized travel and parking for the purpose of dispersed motorized camping. If a comprehensive analysis of designated routes for camping is not going to occur as part of this analysis, direction must be provided to set future dates on when additional analysis will be completed. The Supervisor's office must use the current travel planning process to ensure a consistent interpretation and implementation of its policy to manage motorized dispersed camping among the Ranger Districts.

Recommendations:

- Do not allow for cross-country driving off of designated routes to facilitate motorized dispersed camping and big game retrieval.
- Retain the current policy to allow drivers to park one car length off of the road.
- We agree that the PSI should not attempt to conduct a forest-wide analysis to designate routes to facilitate motorized dispersed camping as part of the current travel planning process. Time is limited and the issue is too complex. The PSI should provide future dates for when the agency will undertake a process to designate routes for motorized facilitated dispersed camping. For the reasons stated above, however, we do encourage the PSI to identify and designate *a limited number* of short spur roads in order to responsibly and appropriately accommodate dispersed motorized camping. When considering this limited number of routes for dispersed camping, we request that the agency consider the information in Appendix 5.
- The PSI's Supervisor's Office must provide clear and consistent direction regarding motorized travel and parking for the purposes of motorized facilitated dispersed camping.

D. Consistency with the Land and Resource Management Plan

The travel plan should be consistent with forest planning objectives as set forth in the PSI's 1984 forest land and resource management plan (Forest Plan). The Forest Plan includes direction that is relevant to travel planning. This direction pertains to Management Areas 2A, 5B, and 3A as well as direction pertaining to water quality and wildlife habitat. We cannot stress strongly enough our opposition to the Forest Service amending its Forest Plan as part of the current travel planning process to accommodate motorized uses. We discuss these issues here.

1. Forest Plan Management Area 3A: Semi-Primitive Non-Motorized Management Areas

The PSI's Forest Plan established Management Area 3A where motorized use is not allowed. These areas are for semi-primitive non-motorized uses only. They provide quality opportunities for quiet use activities such as hiking, horseback riding, hunting, country skiing and mountain biking in areas outside of wilderness away from motorized use. The Forest Plan details the 3A management prescription area at III-125—133. The plan at III-126 states that 3A areas are "never open for motorized recreation activities". The Plan at III-133 provides direction to "Close local roads to public motorized use, and

prohibit off-road vehicle (ORV) use.” It is clear from the Forest Plan that public motorized use is not permitted in 3A management areas, and that semi-primitive non-motorized recreation is emphasized.

The Forest Plan also provides standards and guidelines to keep public use and capacity levels of 3A semi-primitive non-motorized recreation areas at relatively low public use levels (III-126—127). These include a maximum of 30 encounters with other parties per day, 11 encounters with other parties per mile of route, and 8 encounters with other parties per acre. Motorized use alone in some of the 3A areas frequently exceeds these levels of use *per hour*. Motorized use enables quicker and easier access to areas on and adjacent to motorized routes, and increases the overall volume of human use in areas near motorized routes. Public expectations are that 3A areas are to be managed so that they receive relatively low levels of public use.

There are numerous locations where the Final EIS for the PSI’s 1984 Forest Plan stated that motorized use compromises desired semi-primitive non-motorized recreation opportunities (FEIS S-4, II-30), and that public motorized use is the primary cause for a reduction in areas outside of wilderness where non-motorized recreation is emphasized or compatible; (FEIS IV-18) and that 3A areas will be managed to constrain public motorized use in order to protect non-motorized recreation values (FEIS IV-16).

Alternatives A, C and D propose to keep open a number of roads and road segments as open to public motorized use including Roads 110, 110.J, 133, 398 and Trail 1318 within 3A areas. Any proposal to designate a route as open to public motorized use in 3A management areas would require a Forest Plan amendment, which we strongly oppose for the reasons explained below in section III(D)(6) of this letter. According to the Forest Plan (III-84) only 121,765 acres of land are managed as 3A areas on the forest. This is only a little more than 4% of the total forest areas. This is a relatively small amount of land in which those seeking desired quiet recreational experiences can enjoy their activities relatively free from conflicts with motorized recreation.

These 3A areas are suitable for quiet recreationists such as mountain bikers, many of which value experiences free from motorized impacts but are prohibited from accessing designated Wilderness areas. The 3A management area on the Leadville District is an example. Lost Canyon is a very popular mountain bike use area due to numerous permitted Leadville Race Series events, which attracts thousands of mountain bikers to the area. The continued improper allowance of public motorized use on and off FR 398 negatively impacts the desired experiences of these quiet recreationists by creating unwanted noise, dust, safety concerns and other conflicts.

Quiet recreationists are also being negatively impacted by continued improper motorized use in the 3A areas along Rock Creek and the Ben Tyler Trail on the South Park Ranger District, on the Snowslide Trail 1318 on the San Carlos District and in the South Halfmoon Creek area on the Leadville District. The Forest Plan raised public expectations that 3A areas would be managed for wildlife habitat effectiveness and that disturbances would be reduced in these areas to as not to result in significant negative effects on wildlife (III-128). Both the Forest Plan and the FEIS frequently mention hunting as one of the valued opportunities which 3A areas provide. There are numerous studies which indicate that

the presence of public motorized use compromises wildlife habitat and hunting opportunities. Modifying 3A boundaries to accommodate public motorized use will negatively impact wildlife and hunting.

The Forest Service has mismanaged some 3A areas by improperly permitting public motorized recreational use in them. The current travel planning process is the opportunity to right these wrongs by ensuring these areas are managed exclusively for non-motorized activities by closing motorized routes located in these areas. Unfortunately, multiple alternatives propose to retain these routes as open to public motorized use (and perhaps even designate new routes in 3A areas). Any motorized designations in 3A areas would severely compromise public trust in the Forest Service, require a forest plan amendment and cause tremendous controversy.

2. Management Area 2A: semi-primitive motorized recreation

We want to remind the agency of the following standards and direction in the 1984 Forest Plan. The PSI's existing Forest Plan includes the following road density standards for Management Area 2A (Semi-Primitive Motorized Recreation):

- Do not exceed an average open local road density of 2 miles/square mile in fourth-order watersheds (Forest Plan at III-114);
- Do not exceed an average motorized trail density of 4 miles per square mile on fourth-order watersheds (*Id.* at III-115); and
- Do not exceed an average motorized trail density of 2 miles per square mile in non-forested areas of fourth-order watersheds (*Id.* at III-115).

3. Management Area 5B: Big game winter range management prescription areas

Management Area 5B in the PSI's Forest Plan emphasizes forage and cover on winter ranges for deer, elk, bighorn sheep, and mountain goats. The Forest Service laid out a transportation and recreation management goal for this management area in the PSI Forest Plan:

"New roads other than short-term temporary roads are located outside of the management area. Short term roads are obliterated within one season after intended use. Existing local roads are closed and new motorized recreation use is managed to prevent unacceptable stress on big game animals during the primary big game use season."

Id. at III-149. The Forest Plan lists several relevant standards and guidelines for this management area that relate to roads and motorized recreation. *Id.* at III-158 and 159. Much of the plan direction related to this Management Area 5B relates to seasonal closures. We encourage the PSI to review and comply with these in the travel planning process.

4. Other Forest Plan Direction Relevant to Motorized Use and Travel Planning

The Forest Plan also includes the direction listed below related to aquatic resources and wildlife habitat. The direction below that is relevant to winter habitat is separate from the direction about 5B Management Areas in the Forest Plan. For the management direction below related to winter habitat, we refer the PSI to the CPW GIS data available online here: <http://cogcc.state.co.us/data2.html#/downloads>. We also request that the PSI consult with CPW on these areas.

- Forest Plan prohibits dispersed camping within 100 feet of streams and lakes. Forest Plan at III-23.
 - We believe dispersed motorized camping close to surface water has a potential to introduce sediment, campfire ash, human waste and other pollutants into fish habitat.
- Forest Plan states that elk calving and mule deer fawning areas should be protected from disturbance between May 15 and June 30. Forest Plan at III-29. The plan states that Bighorn Sheep lambing concentration areas should be protected from disturbance between April 1 and June 15. *Id.*
 - We believe motorized routes that intrude into these areas must be seasonally closed to protect habitats.
- Forest Plan states that big game winter range should be protected from disturbance during the time occupied by animals. *Id.* at III-159.
 - We believe designated motorized roads and trails within big game winter concentration areas should be seasonally closed from December 1 through April 15.
- Forest Plan states that new road designation should not occur within big game winter range areas, and that any new roads which are designated must meet specific criteria. *Id.* at III-158.
 - We believe that new roads and motorized trails must not be designated within big game winter concentration areas within critical winter range; and/or within 5B management areas where big game winter range is emphasized.

5. Proposed Forest Plan Amendment

The scoping notice for the PSI travel management planning process states that a forest plan amendment may be necessary depending on which roads and trails are designated open. 81 Fed. Reg. at 48,376. We do not support any travel management decisions that would necessitate an amendment to the Forest Plan on the eve of the comprehensive revision currently scheduled to begin in 2020. A decision to open routes in areas currently closed to motorized uses under the forest plan could short-circuit and prejudice the upcoming forest plan revision process. For instance, under the 2012 planning rule governing the revision process “[i]dentify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation.” 36 C.F.R. § 219.7(c)(2)(v). Many areas currently closed to motorized uses will be included in the wilderness inventory. Designating motorized routes within those areas now may diminish their wilderness potential and prejudice the wilderness recommendation process. The

upcoming plan revision process is the appropriate place to make any decisions about the management of areas currently closed to motorized uses. Thus, the PSI should not pursue a forest plan amendment as part of the travel management planning process.

Should the PSI proceed with a forest plan amendment, the amendment is subject to the 2012 planning rule provisions at 36 C.F.R. part 219, and not the provisions of the 1982 planning rule under which the Forest Plan was developed. 36 C.F.R. § 219.17(b)(2) (following a 3-year transition period that expired May 9, 2015, “all plan amendments must be initiated, completed and approved under the requirements of this part”). Thus, the Forest Service must ensure that the amendment satisfies the substantive requirements of the 2012 planning rule. Those requirements include providing for ecological sustainability by “maintain[ing] or restor[ing]”: (a) “the ecological integrity of terrestrial and aquatic ecosystems and watersheds,” including “structure, function, composition, and connectivity;” (b) air and water quality, soils and soil productivity, and water resources; and (c) “the ecological integrity of riparian areas,” including their “structure, function, composition, and connectivity.” 36 C.F.R. § 219.8(a). Plans also must provide for: (a) “the diversity of plant and animal communities;” (b) “the persistence of native species;” and (c) “the diversity of ecosystems and habitat types.” 36 C.F.R. § 219.9. In providing for social and economic sustainability, plans must account for “[s]ustainable recreation; including recreation settings, opportunities, and access; and scenic character.” 36 C.F.R. § 219.8(b)(2). The decision document for the plan amendment “must include . . . [a]n explanation of how the plan components meet [those substantive] requirements.” 36 C.F.R. § 219.14(a)(2). In satisfying the substantive requirements, the agency must “use the best available scientific information to inform the planning process.” 36 C.F.R. § 219.3. A forest plan amendment to facilitate designation of routes within sensitive areas currently closed to motorized use is unlikely to satisfy these substantive requirements. Those non-motorized areas serve important functions in maintaining the integrity and diversity of the PSI’s ecosystems and plant and animal communities and in providing for sustainable recreation.

In addition to its substantive provisions, the 2012 planning rule prescribes the process for a plan amendment:

The process for amending a plan includes: Preliminary identification of the need to change the plan, development of a proposed amendment, consideration of the environmental effects of the proposal, providing an opportunity to comment on the proposed amendment, providing an opportunity to object before the proposal is approved, and, finally, approval of the plan amendment. The appropriate NEPA documentation for an amendment may be an environmental impact statement, an environmental assessment, or a categorical exclusion, depending upon the scope and scale of the amendment and its likely effects.

36 C.F.R. § 219.5(a)(2)(ii); *see also id.* § 219.13(b)(1) (explaining that “[t]he responsible official shall . . . [b]ase an amendment on a preliminary identification of the need to change the plan”). The rule also establishes requirements for public participation, directing the agency to reach out to stakeholders early and throughout the process using collaborative processes where appropriate and feasible. 36 C.F.R. §

219.4(a)(1). It is unclear, based on the proposed action and scoping notice, if and how the PSI would satisfy these procedural requirements. Indeed, the scoping notice is unclear as to whether a forest plan amendment might accompany the travel management planning process. The description of the proposed action fails to identify any preliminary need to change the current plan, as required by the rule. To the extent the need to change the current plan would be to accommodate motorized uses in sensitive areas, that is not a legitimate need to change the current plan. The PSI should not pursue a forest plan amendment.

Recommendations:

- Ensure that designations made in the travel planning process comply with the 1984 Forest Plan. This includes plan direction related to Management Areas 2A for semi-primitive motorized recreation, 3A for semi-primitive non-motorized recreation, Management Area 5B for big game winter range, and the other management direction listed above. We offer recommendations above for ensuring the PSI complies with its plan direction.
- Do not propose changes in the motorized route system that will require the PSI to amend the Forest Plan, as this will add complexity and controversy to the TMP process that will result in delays.

E. Compliance with Subpart A of the Travel Management Rule

1. Regulatory and Policy Background

To address its unsustainable and deteriorating road system, the Forest Service promulgated the Roads Rule in 2001. 36 C.F.R. part 212, subpart A, 66 Fed. Reg. 3206 (Jan. 12, 2001). The rule directs each National Forest to conduct “a science-based roads analysis,” generally referred to as the travel analysis process. 36 C.F.R. § 212.5(b)(1); *see also* Forest Service Manual 7712 and Forest Service Handbook 7709.55, Chapter 20 (providing detailed guidance on conducting travel analysis). Based on that analysis, forests must “identify the minimum road system [MRS] needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands.” 36 C.F.R. § 212.5(b)(1). The Rule defines the MRS as:

the road system determined to be needed [1] to meet resource and other management objectives adopted in the relevant land and resource management plan . . . , [2] to meet applicable statutory and regulatory requirements, [3] to reflect long-term funding expectations, [and 4] to ensure that the identified system minimizes adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance.

Id.

Forests also must “identify the roads . . . that are no longer needed to meet forest resource management objectives and that, therefore, should be decommissioned or considered for other uses, such as for trails.” *Id.* § 212.5(b)(2).⁶

While subpart A does not impose a timeline for agency compliance with these mandates, the Forest Service Washington Office, through a series of directive memoranda, ordered forests to complete the initial travel analysis process and produce a travel analysis report (TAR) by the end of fiscal year 2015, or lose maintenance funding for any road not analyzed.⁷ The memoranda articulate an expectation that forests, through the subpart A process, “maintain an appropriately sized and environmentally sustainable road system that is responsive to ecological, economic, and social concerns.” They clarify that TARs must address *all* system roads – not just the small percentage of roads maintained for passenger vehicles to which some forests had limited their previous Roads Analysis Process reports or TARs. And they require that TARs include a list of roads likely not needed for future use. Nationwide, TARs are currently undergoing review by the Washington Office to ensure consistency with regulatory requirements and the directive memoranda. See Memoranda from Leslie Weldon to Regional Foresters re: Completion of Travel Management and Next Steps (Sept. 24, 2015).

Once the TARs are finalized, the next step is “to use the travel analysis report to develop proposed actions to identify the MRS” and unneeded roads for decommissioning at a scale of the 6th HUC watershed or larger and undertake appropriate NEPA review. 2012 Weldon Memorandum.⁸ “The MRS for the administrative unit is complete when the MRS for each subwatershed has been identified, thus satisfying Subpart A.” *Id.*

2. The travel planning process is precisely the type of project for which the PSI should identify the MRS and implement the TAR in the NEPA analysis.

Now that the PSI has completed its TARs, it is time for the Forest Service to take the next step under subpart A: identify the MRS through this project subject to NEPA and implement the TAR’s findings. See 2012 Weldon Memo (“The next step in identification of the MRS is to use the travel analysis report to develop proposed actions to identify the MRS . . . at the scale of a 6th code subwatershed or larger. Proposed actions and alternatives are subject to environmental analysis under NEPA. Travel analysis should be used to inform the environmental analysis.”). This project, a forest-wide transportation plan,

⁶ The requirements of subpart A are separate and distinct from those of the 2005 Travel Management Rule, codified at subpart B of 36 C.F.R. part 212, which address off-highway vehicle use and corresponding resource damage pursuant to Executive Orders 11644, 37 Fed. Reg. 2877 (Feb. 9, 1972), and 11989, 42 Fed. Reg. 26,959 (May 25, 1977).

⁷ Memorandum from Joel Holtrop to Regional Foresters *et al.* re Travel Management, Implementation of 36 C.F.R., Part 212, Subpart A (Nov. 10, 2010) (Appendix 10); Memorandum from Leslie Weldon to Regional Foresters *et al.* re Travel Management, Implementation of 36 C.F.R., Part 212, Subpart A (Mar. 29, 2012) (Appendix 10); Memorandum from Leslie Weldon to Regional Foresters *et al.* re Travel Management Implementation (Dec. 17, 2013) (Appendix 10).

⁸ For instance, Watershed Restoration Action Plans developed under the Watershed Condition Framework should include essential projects that implement TAR recommendations, and every project at the scale of the 6th HUC watershed or greater that implicates the road system should include in its purpose and need statement identification of the MRS and unneeded roads for decommissioning and implementation of actions identified in the TAR.

provides the appropriate geographic scale for the Forest Service to identify the MRS. The Forest Service's Washington Office directed forests to use the TAR to identify the MRS for proposed actions at the scale of a 6th code subwatershed or larger. 2012 Weldon Memo at 2. *See also* 2012 FAQs (noting that "travel analysis and identification of the MRS could be done at the same scale, if that scale is at the ranger district or unit level."). Plus, consideration of the MRS factors at 36 C.F.R. § 212.5(b)(1) only makes sense on a large enough geographic scale.

The PSI's TARs identify the environmental risks and social benefits for each ML 1-2 road, and the cumulative costs associated with each District's transportation system. The PSI's TARs identify roads that are likely part of the MRS and those that are not. The TARs identify roads that are likely unneeded and can be removed from the system, and they identify high benefit roads that should be retained if environmental risks can be mitigated. These TARs include important information for the agency to consider in the subpart B travel planning process. Indeed, the TARs themselves include the following stated objectives of the travel analysis process:

- "To inform a forest travel management plan..."
- "To help identify the minimum road system needed for public and agency access in order to achieve forest and resource management goals and safeguard ecosystem health..."
- "To identify opportunities and provide recommendations for improving the Forest Transportation system."⁹

In the following section, we offer recommendations for integrating the TARs with the travel planning process.

- a. The Forest Service must consider unneeded roads for closure or decommissioning.

Subpart A directs the agency to "identify the roads on lands under Forest Service jurisdiction that are no longer needed." 36 C.F.R. § 212.5(b)(2). *See also Center for Sierra Nevada*, 832 F. Supp. 2d at 1155 ("The court agrees that during the Subpart A analysis the Forest Service will need to evaluate all roads, including any roads previously designated as open under subpart B, for decommissioning."). The Forest Service must ensure that the actions proposed under the travel plan are consistent with subpart A. The forest must assess each alternative in relation to the TAR as well as the factors for an MRS. The decision to close, decommission, convert to another use such as trails, or maintain certain roads should reflect the results from the risks and benefits analysis in the TAR.

We are glad to see the proposed alternatives C and D consider the information from the subpart A TARs but we are concerned these alternatives do not fully incorporate the findings and recommendations from the TARs. Many of the PSI's TARs state that "[t]hose roads with a low benefit are potentially not

⁹ Pike-San Isabel National Forest Travel Analysis Process Report Addendums. These stated objectives are found under step 1 of the process in a section titled "Setting up the Analysis."

needed for management and access on the forest, at least not at their current maintenance level.”¹⁰ The PSI’s TARs also state that “[r]oads with low benefits will generally not be a part of the minimum road system.”¹¹ The PSI identified about 468 miles of low value roads as likely not needed for future use in its TARs. This amounts to about 13% of the Maintenance Level 1 and 2 roads. We expect the PSI to either close and decommission these routes. At the very least, the PSI should not designate unneeded roads as open for public motorized use on the MVUM. However, Forest Road 182 on the South Park District, for example, was recommended to be converted to a non-motorized trail in the 2015 South Park District TAR Addendum; yet, this route was proposed to remain open as a designated road in Alternatives A, C and D. We request that the PSI ensure the proposed travel plan alternatives reflect the findings in the TARs. To the extent that the final decision in this project differs from what is recommended in the TAR addendums, the Forest Service must provide an explanation for that inconsistency.

The agency may feel the level of NEPA in this forest-wide travel planning process is not appropriate for analyzing site-specific impacts of active decommissioning. We remind the agency that it has a useful tool for advancing road decommissioning: Categorical Exclusion (CE) #20. 36 CFR § 220.6(e)(20). CE #20 is reserved for decommissioning and obliteration of non-system roads and trails. To utilize CE #20, the PSI could simply remove any unneeded roads from the transportation system, thereby making them non-system roads in this process. Removing roads from the system would not result in any ground-disturbing activity. Once these unneeded roads are converted to non-system roads, the PSI can utilize CE #20 to implement the on-the-ground decommissioning activity. Taking the approach will help expedite on-the-ground implementation of the final TMP decision as well as the pace and scale at which road-related restoration work occurs.

- b. The Forest Service must mitigate risks associated with roads identified as likely part of the MRS

The PSI identified several roads as high risk, high value in its TARs. The PSI’s TARs state that “[g]enerally, high benefit roads, if associated risks can be adequately mitigated, will be part of the minimum road system for the forest.”¹² For any roads identified as high risk, high value in the TARs, it is important that the PSI offer mitigation strategies to address the risks associated with these roads. We expect the PSI to discuss these proposed mitigation strategies in its DEIS. If the PSI does not propose mitigation strategies, we request that these roads not be designated for public motorized use.

Recommendations: Pursuant to the plain language of the agency’s own regulations and directive memoranda interpreting those regulations, the Forest Service must consider the TARs and identify the MRS when analyzing this project under NEPA.¹³ To this end, we request that the agency:

¹⁰ Leadville District Draft TAR, p. 5-7. 2014; *See also* Pikes Peak District Draft TAR, p. 5-8. 2014; *See also* Salida District Draft TAR, p. 5-7, 2013.

¹¹ *Id.*

¹² *Id.*

¹³ *See, e.g.*, 2012 Weldon Memo at 2 (“Travel analysis should be used to inform the environmental analysis.”)

- Analyze an alternative that proposes to close and decommission all roads identified as low value in the forest-wide TAR as well as the TAR addendums.
- For any road that the agency proposes to designate for public motorized use that was identified as low value in the TAR addendums, provide an explanation in the EIS for the inconsistency.
- Identify the MRS in this process.
- Remove unneeded roads from the transportation system, thereby making them non-system roads. (This may entail properly coding these routes in the INFRA database.) By removing the roads from the system, the agency can then utilize CE #20 to actively decommission these non-system roads to a more natural state in a subsequent NEPA process that involves ground disturbing activity.
- Propose mitigation strategies in the DEIS that adequately address high risk roads identified in the TARs. Roads without mitigation strategies to address identified risk should not be designated for public motorized use.

F. Watersheds and Water Quality

1. Regulatory and Policy Background

a. Clean Water Act – 303(d) Impaired Streams

The Clean Water Act (CWA) authorizes each state to develop water quality standards for the state's waters. 33 U.S.C. §§ 1311(b)(1)(C), 1313. Where waters fail to meet water quality standards, they are considered "impaired waters" and subject to Total Maximum Daily Loads (TMDL). These listed water bodies are referred to as 303(d) listed streams. 33 U.S.C. § 1313(d). The PSI has several 303(d) impaired stream segments. A tremendous amount of research has found that roads and ORVs impact water quality in terms of sediment runoff. See Appx. 1 at 1-8.

b. Forest Service Best Management Practices for Water Quality

In 2014, the Forest Service released a national set of Best Management Practices (BMPs) for water quality to better control non-point sources of pollution.¹⁴ The BMPs are grouped into eleven resource categories, and one of these categories is for road management activities. The purpose of the road management BMPs is to "avoid, minimize, or mitigate adverse effects to soil, water quality, and instream riparian resources that may result from road management activities."¹⁵ The road management BMPs cover the following activities that are relevant to the PSI's subpart B planning process: travel management planning, design, construction, operation, maintenance, reconstruction, storage, decommissioning, and stream and waterbody crossings.

¹⁴ USDA Forest Service, National Best Management Practices for Water Quality Management on National Forest System Lands. 2014.

¹⁵ USFS National Best Management Practices for Water Quality Management. 2014. p. 104.

c. Watershed Condition Framework

In 2010, the Forest Service launched the Watershed Condition Framework (WCF). The WCF is designed to implement integrated restoration on priority watersheds on national forests and grasslands. The purpose of the WCF is to improve aquatic and terrestrial conditions at a watershed level that Forest Service management activities can influence. The WCF involves a 6-step process in which national forests and grasslands will (1) classify the condition of all 6th-level watersheds (10,000 to 40,000-acre watersheds), (2) prioritize watersheds for restoration, (3) develop watershed action plans for the high-priority watersheds, (4) implement restoration projects in those watersheds, (5) track restoration accomplishments, and (6) monitor and verify the success of their efforts. In Step 1, watersheds are classified into three watershed condition classes: Class 1 – Functioning Properly, Class 2 – Functioning at Risk, and Class 3 – Functionally Impaired. The Forest Service applied 12 core national indicators (e.g., water quality, aquatic biota, soils) and 24 attributes associated with those indicators to make classification decisions. “Roads and Trails” is one of the 12 indicators; its associated attributes include open road density, road maintenance, proximity to water, and mass wasting. See Figure 1 for a map that shows how all of the Forest Service watersheds in Colorado scored in terms of the road and trail indicator. You will notice that most of the watersheds on the PSI scored “fair” in terms of their road and trail indicator.

d. Forest Service Manual 2500 - Watershed Protection and Management Manual, Ch. 2520

The Forest Service’s Manual on Watershed Protection and Management offers relevant guidance. The stated objective of the policy is to “protect, manage, and improve riparian areas while implementing land and resource management activities” and “manage riparian areas in the context of the environment in which they are located, recognizing their unique values.” FSM 2500, ch. 2526.02. Two provisions in particular offer substantive direction that is relevant to the travel planning process when proposing road, trail, and area designations for motorized use in riparian areas. First, units are directed to “[g]ive preferential consideration to riparian-dependent resources when conflicts among land use activities occur.”¹⁶ Second, units are directed to “[g]ive special attention to adjacent terrestrial areas to ensure adequate protection for the riparian-dependent resources.”¹⁷

2. The PSI should protect and improve water quality and watershed condition in the travel planning process.

¹⁶ FSM 2500, ch. 2526.03(2) (“Manage riparian areas under the principles of multiple-use and sustained-yield, while emphasizing protection and improvement of soil, water, and vegetation, particularly because of their effects upon aquatic and wildlife resources. Give preferential consideration to riparian-dependent resources when conflicts among land use activities occur.”)

¹⁷ FSM 2500, ch. 2526.03(5) (“Give special attention to land and vegetation for approximately 100 feet from the edges of all perennial streams, lakes, and other bodies of water. This distance shall correspond to at least the recognizable area dominated by the riparian vegetation (36 CFR 219.27e). Give special attention to adjacent terrestrial areas to ensure adequate protection for the riparian-dependent resources.”)

The impact from roads on water quality is profound and well-documented. See Appx 1 at 1-9. The PSI should use the travel planning process as an opportunity to improve water quality across the forest. It is imperative that the PSI consider Clean Water Act 303(d) listed streams that are impaired due to sediment and/or temperature in this process, which there are several across the forest. The Forest Service must be careful that it does not exceed its TMDL when making motorized designations or it will find itself in violation of the CWA. We request that the PSI analyze the impacts to impaired stream segments when proposing to add new routes to the system. We request that the PSI find opportunities to close and decommission roads and motorized trails that pose a risk to 303(d) impaired streams where the limiting factor is sediment or temperature. For those existing system roads and motorized trails that the PSI is proposing to retain in this process, we also request that the agency consider mitigation mechanisms for those system routes that are posing a risk to impaired stream segments.

The Forest Service should ensure that it complies with its water quality BMPs in the travel planning process. Scientific evidence shows that route density and riparian crossings impact watershed health. See Appx. 1 at 1-4 and 7-8. When making motorized designations, give special attention to the 100' riparian buffer and give preferred consideration to riparian-dependent resources when conflicts among land use activities occur.

The PSI should use the travel planning process as an opportunity to improve the condition of its watersheds. To do this, the PSI should integrate the WCF into the travel planning process. We recommend that the PSI consider the extent to which each alternative will impact each watershed's condition class score. According to the Forest Service's Watershed Condition Classification (WCC), the PSI has 13 watersheds that are functioning as "impaired" and 32 watersheds that received a "poor" score for the road and trail indicator. The map attached as Figure 1 displays the WCF road and trail indicator score for Forest Service watersheds across Colorado, including the PSI. The Forest Service should analyze an alternative that does not designate any new roads or trails for public motorized in watersheds that are functioning "impaired" or that received a "poor" score for the road and trail indicator. The agency should also analyze an alternative that proposes to close and decommission routes (i.e., system roads, motorized trails, and unauthorized routes) located in these watersheds in order to improve watershed condition. If closure and decommissioning is not a valid option, the PSI should consider BMP mitigation techniques to improve watershed condition. Lastly, for those watersheds that are functioning "properly" or "at risk", the Forest Service must be careful that any new motorized designations do not degrade watershed health, thereby downgrading the watershed's condition class.

Recommendations:

- When proposing to add roads and trails for public motorized use to the transportation system, analyze the impacts on 303(d) impaired streams and watershed condition under the WCF.
- Analyze an alternative that does not add any roads and trails for public motorized use in watersheds that are functionally "impaired," watersheds where the road and trail indicator

received a “poor” ranking, or if the route would further impact a 303(d) listed stream with sediment or temperature as the limiting factor.

- Analyze an alternative that would close and decommission roads in watersheds that are functionally “impaired,” watersheds where the road and trail indicator received a “poor” ranking, or that are impacting an impaired stream with sediment or temperature as the limiting factor.
- Ensure that any new motorized designations do not degrade watershed health resulting in a downgrading of a watershed’s condition class.
- The PSI must comply with its water quality BMPs in this process. Do not add routes to the system that are located within a 100’ riparian buffer.
- Refer to our spreadsheet in Appendix 6 that lists specific routes that should be closed to public motorized in order to protect and restore water quality.

G. Flora and Fauna Protection

1. Regulatory and Policy Background

There are several relevant authorities regarding the management of fish, wildlife, and plants on national forests.

The National Forest Management Act (NFMA) requires the Forest Service to “provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives.” 16 U.S.C. § 1604(g)(3)(B). The NFMA regulations further state that “Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species.” 36 C.F.R. § 219.19.

The Endangered Species Act directs the agency “to conserve endangered and threatened species and to utilize their authorities in furtherance of the purposes [of the ESA]” and to “cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species.” 16 U.S.C. § 1531(c)(1), (2). The agency must “insure” that travel planning “does not jeopardize the existence of any endangered species or threatened species or result in the destruction or adverse modification” of critical habitat of such species. 16 U.S.C. § 1536(a)(2). This obligates the Agency to engage in “consultation” with the U.S. Fish and Wildlife Service. 16 U.S.C. § 1536(c)(1).

Executive Order 11644 as amended, and echoed in the Travel Management Rule, requires the agency to locate areas and trails open to ORV use so as to “minimize damage to soil, watershed, vegetation, or other resources,” and to “minimize harassment of wildlife.”

2. The PSI should protect and improve conditions for flora and fauna in the travel planning process.

The travel management decision may adversely affect 12 threatened or endangered species expected or known to occur on the Forest, and another five threatened or endangered species which do not occur but are expected to be impacted by events in the Forest. Two species, Preble's meadow jumping mouse and Mexican spotted owl, have designated critical habitat within the Forest. Furthermore, there are 69 Forest Service Region 2 sensitive species expected to occur on the Forest. Increased motorized activity in areas known to be occupied by these species and/or within designated critical habitat could be detrimental to their persistence. For example, from the 2012 Threatened, Endangered, and Forest Sensitive Species on the Pike and San Isabel National Forests report:

"OHV use can negatively impact conditions in riparian areas through damage to riparian vegetation and stream banks, leading to increased sedimentation. Recreation activities have greatly influenced the travel system throughout the Forest Trails and user-created new routes that have become established over time (and eventually viewed by the public as system roads or trails) have impacts to wildlife and plant populations by fragmenting and decreasing habitat effectiveness and capability within the Forest."¹⁸

"Roads have facilitated the spread of invasive and noxious weeds which have changed species composition of the Forest, increased competition with native plant species, and altered fire regimes, which has adversely affected many plant and wildlife species addressed here."¹⁹

"Many roads are located in low-lying areas adjacent to watercourses because of the gentler terrain. The location of these roads is problematic for several reasons. Roads impact aquatic systems in complex ways including blocking fish passage, introducing fine sediment and nonnative species, damaging riparian vegetation necessary for channel stability, altering the amount of shading and cover, direct channel infringement and increasing access and predation by anglers (Switalski et al. 2004)."²⁰

Finally,

"Each of the above activities have incrementally impacted many fish, wildlife, and plant species addressed in this assessment directly, indirectly, and cumulatively through fragmentation, habitat loss, harassment of animals, and loss of effectiveness through human disturbance."²¹

Therefore, the Forest Service must consult with the U.S. Fish and Wildlife Service to determine whether the Travel Plan will jeopardize the endangered or threatened species or destroy or adversely modify its critical habitat. FSM 2670.31(5) ("Initiate consultation or conference with the FWS or NOAA Fisheries when the Forest Service determines that proposed activities may have an effect on threatened or

¹⁸ U.S. Forest Service. June 2012. Threatened, Endangered, and Forest Service Sensitive Species on the Pike and San Isabel National Forests. Available online: https://fs.usda.gov/Internet/FSE_DOCUMENTS/fsm9_.pdf, p. 82.

¹⁹ *Id* at 88.

²⁰ *Id* at 89.

²¹ *Id* at 81.

endangered species; are likely to jeopardize the continued existence of a proposed species; or result in the destruction or adverse modification of critical or proposed critical habitat.”). The Forest Service should provide recommendations for the management of each threatened or endangered or sensitive species as it relates to travel management, ideally supported by scientific literature or by application of the precautionary principle.

In addition to federally listed threatened or endangered species, the PSI should also consider CPW’s recently completed its State Wildlife Action Plan (SWAP), which is a strategy for conserving wildlife in Colorado.²² Fragmentation is cited repeatedly in CPW’s Action Plan as a threat to the viability of several priority species and the habitat on which they depend. The Action Plan also stresses the importance of maintaining and restoring connectivity as an important conservation strategy for addressing this threat. It is well documented that roads fragment habitat, arguably more than any other human modification. We believe this travel planning process provides an excellent opportunity to achieve the goals of the SWAP.

Recommendations:

- Consult with wildlife specialists at CPW to ensure impacts on wildlife are minimized and/or mitigated. Specifically, consult with CPW to address elements raised in the SWAP.
- Consult with the USFWS to determine whether the travel plan will jeopardize endangered or threatened species or adversely modify its critical habitat.
- Analyze an alternative that does not designate any new motorized roads and trails for public motorized use in designated critical habitat or in areas where T&E species are known to occur.
- Analyze an alternative that decommissions low value roads and motorized trails in designated critical habitat.
- Refer to our spreadsheet in Appendix 6 that lists specific routes that should be closed to public motorized use in order to protect flora and fauna.

H. Non-Motorized Recreation

1. Regulatory and Policy Background

NEPA requires the agency to analyze the impacts of motorized recreation on non-motorized recreational users. 42 U.S.C. § 4332(C) (requirement to evaluate environmental impacts of proposed action). This includes both the impacts that motorized recreation has on the experiences sought by quiet, non-motorized recreational users as well as the economic impact non-motorized recreation has on local economies in and around the PSI. The Executive Order 11644 as amended imposes a substantive duty to minimize conflicts between recreational users. An important experience sought by non-motorized users is natural quietude. The 2009 Forest-wide TAR states on page 39 that noise from road use can adversely affect quiet (non-motorized) recreation. NEPA requires the agency to consider the impacts of noise from

²² Colorado Parks and Wildlife. 2015. State Wildlife Action Plan: A Strategy for Conserving Wildlife in Colorado. Denver, Colorado. Available online: <http://cpw.state.co.us/aboutus/Pages/StateWildlifeActionPlan.aspx>.

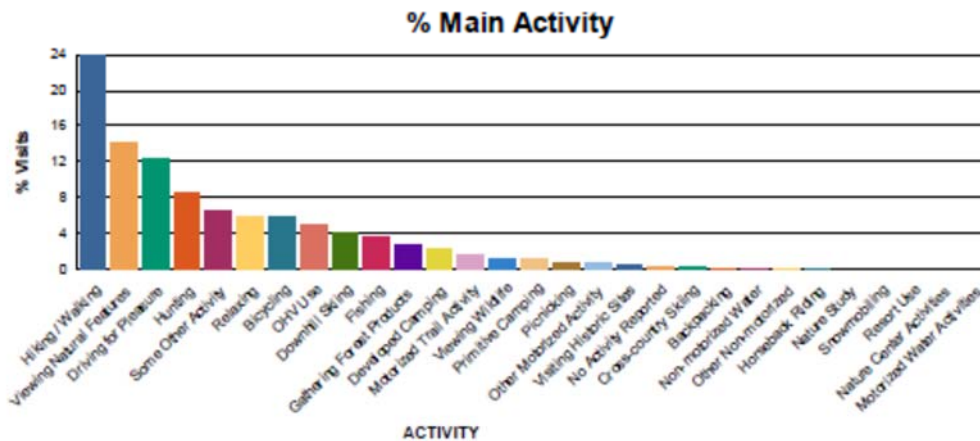
ORVs on non-motorized users in the environmental analysis and, to the extent noise may disturb non-motorized users, the Forest Service must minimize this conflict.

2. The Forest Service must analyze the social impacts that motorized recreation has on non-motorized recreational users.

The PSI is a recreational playground for communities along the front range as well as other mountain communities. As you can see based on the information below, non-motorized recreation is by far the dominate use on the PSI. (USDA Forest Service 2011b). Based on the most recent NVUM survey, only about 6.5% of visitors participate in ORV use as their primary recreation activity. Meanwhile, nearly 30% participate in hiking and bicycling as their primary recreation activity. Another 14% stated that viewing natural features is their primary activity. Given the large variance between motorized and non-motorized forms of recreation, the Forest Service should make sure that it sets aside significant portions of the forest for non-motorized recreation in this planning process. We request that the agency consider the NVUM data in its impacts analysis, including the number of non-motorized versus ORV recreationists.

Activity Participation

Activity	% Participation*	% Main Activity‡	Avg Hours Doing Main Activity
Viewing Natural Features	54.9	14.0	2.9
Hiking / Walking	49.1	24.0	3.9
Driving for Pleasure	41.9	12.3	2.6
Viewing Wildlife	38.2	1.2	4.0
Relaxing	37.0	5.9	9.1
OHV Use	10.8	4.9	3.2
Motorized Trail Activity	10.7	1.8	4.5
Picnicking	10.2	0.7	3.1
Hunting	9.5	8.5	20.1
Visiting Historic Sites	8.8	0.5	2.3
Fishing	8.3	3.7	4.0
Some Other Activity	8.3	6.5	3.8
Bicycling	6.2	5.7	3.7
Developed Camping	5.7	2.4	32.5
Nature Study	5.1	0.0	11.8
Nature Center Activities	4.8	0.0	0.0
Downhill Skiing	4.3	4.1	4.6
Gathering Forest Products	4.0	2.7	2.3
Primitive Camping	3.4	1.1	17.5
Backpacking	2.2	0.1	64.3
Cross-country Skiing	1.1	0.2	3.7
Other Motorized Activity	1.0	0.6	3.5
Resort Use	0.8	0.0	0.0
Other Non-motorized	0.4	0.0	1.0
Non-motorized Water	0.3	0.1	5.4
No Activity Reported	0.2	0.3	
Horseback Riding	0.1	0.0	4.8
Motorized Water Activities	0.1	0.0	0.0
Snowmobiling	0.0	0.0	0.0



The use of ORVs is often incompatible with nonmotorized uses. (Switalski and Jones, 2012.) This incompatibility could result in non-motorized users not returning to a given area once their experience is ruined by an objectionable encounter with ORV users. The TMP process will sanction where ORVs are allowed to drive and these designations will remain for years, if not decades. In effect, these designations will dictate where non-motorized users can recreate to seek solitude away from the noise of ORVs. Appendices 3 and 7 offer an annotated bibliography of recreation use conflicts between

motorized and non-motorized users. Through conversations, media interviews and other testimonials, non-motorized users have indicated time and again that when motor vehicle use begins in an area, non-motorized users go elsewhere. The Forest Service must not sacrifice the benefits of non-motorized forms of recreation that have persisted long before the increase of ATV riding in the 1990s in this planning process.

3. The Forest Service must analyze the economic impact from non-motorized recreation on local economies in and around the PSI.

Hiking, fishing, backpacking, camping, hunting, mountain biking, pack and saddle and other forms of non-motorized recreation are tremendously popular and provide extraordinary benefits to local economies in and around the PSI. As discussed in the previous section, if not properly planned, ORV recreation could displace many non-motorized users. This displacement of non-motorized recreationists could have an adverse economic impact on the local economies in and around the PSI.

A report submitted to the Wallowa-Whitman National Forest as part of their travel planning effort shows that hiking, camping, hunting, and other traditional, non-motorized recreation on this forest provide greater benefits to the local economy than motorized recreation. The report is provided as Appendix 8. In fact, quiet recreation on the Wallowa-Whitman National Forest, a rural forest in eastern Oregon, generates \$2.9 to \$5.4 million per year in labor-related income and supports 137 to 252 local jobs. The total economic impact from quiet recreation on the forest is as high as \$18.8 million per year in local sales and output. The study points out that it is not just those working in the tourism industry that benefit from quiet recreation, but also those in a wide range of sectors. Across the sectors, quiet recreation generates \$2.9 to \$5.4 million per year in income for employees, self-employed persons, and private business owners. We recommend that the Forest Service consider using the methodology in the report developed by Lindberg for the Wallowa-Whitman National Forest to complete a similar economic impact analysis for the PSI. We also provide a model that Lindberg developed that can be utilized to calculate the economic impact from an assortment of recreation types. The PSI could use the calculator to compute the economic benefit of non-motorized recreation.²³ We provide the Lindberg model and methodology in Appendix 8.²⁴ The economic impact that the various alternatives will have on the communities in and around the PSI should be made available in the DEIS. This analysis should show, to the extent practicable, how increasing motorized use or neglecting to decommission and fully obliterate unneeded roads that are impairing water quality may displace non-motorized users, and how proposing activities that could benefit quiet recreation could help the local economy. We feel this information is incredibly important given the popularity of the PSI for residents along the front range to participate in non-motorized activities, and the economic impact these visitors certainly have on local economies in and around the PSI.

²³ It is important to note that the model was developed in 2009 and draws from National Visitor Use Monitoring Survey data at that time. The PSI has NVUM data from 2011.

²⁴ The Wilderness Society contracted with Dr. Kreg Lindberg to develop a tool and report that would help forests calculate the economic impact of recreation using NVUM data. The report captures the methodology as applied to the Wallowa-Whitman National Forest in Oregon, but the methods are nation-wide and the data can be customized for the PSI.

4. Suggestions for considering the experiences sought by quiet, non-motorized recreationists.

We offer suggestions throughout our letter that the agency should consider in order to effectively plan for the experiences sought by non-motorized recreational users. This includes the area specific recommendations in section III(Q) below, suggestions for minimizing user-conflicts in section III(B)(2), and suggestions for down-sizing the extensive road system to prioritize limited maintenance funding towards high-value roads that provide access to popular destinations in section III(K). We offer two more suggestions here.

Natural quiet is an important landscape value. An objective of travel management planning should be to preserve and restore natural quiet to the majority of the landscape. The Forest Service should analyze effects of plan alternatives on natural quiet and human-powered experiences, settings, and outcomes. To this end, The Wilderness Society is working with the Wildlife Conservation Society to develop a GIS-based tool that predicts the propagation of noise for all directions throughout an area of interest. The tool incorporates the majority of the factors important for predicting noise propagation from motorized recreation, including wind and atmospheric effects, ground and vegetation effects, and sound source characteristics. The tool will be particularly useful when designating ORV routes in close proximity to areas that are important for providing non-motorized backcountry opportunities, as it will gauge the degree to which noise may propagate across the landscape and disturb non-motorized users. The tool should be ready in the coming months and will be freely available for the Forest Service to use. The model is designed for ESRI systems. We will make the model available to the Forest Service once it is complete.

We recommend that the Forest Service use a benefits-based management approach. To do this, the agency identifies landscape-scale recreational planning zones, and the desired recreational experience for each of these zones including recreation character and settings. Once the recreational experiences, settings, and outcomes are identified for each zone, the Forest Service should then consider the designation of roads, trails, and areas accordingly. The agency should then assign appropriate Road Management Objectives (RMO) and Trail Management Objectives (TMO) for each route within the zone. The Forest Service should also establish measurable parameters that enable monitoring and adaptive management within the zone. The BLM's Royal Gorge Field Office is a nearby example that took a benefits-based zoning approach when developing the Gold Belt Travel Plan.²⁵ The BLM conducted their travel planning analysis at the sub-unit level to respond to the need to consider the special qualities and travel use opportunities that exist in different portions of the planning area. A total of twenty-one different sub-units were identified and analyzed. Travel plan designations were made according to the desired condition of the area, which was based on natural resource concerns and recreation

²⁵ BLM Royal Gorge Field Office Gold Belt Travel Plan Record of Decision is online here:

http://www.blm.gov/style/medialib/blm/co/field_offices/royal_gorge_field.Par.9075.File.dat/Gold_Belt_EA.pdf. The discussion about sub-unit areas starts on page 21.

opportunities. We encourage the PSI to refer to the Gold Belt Travel Plan as an example of how to approach benefits-based, experiential approach to travel planning.

In section III(Q)(8) below, we offer general locations accompanied by specific examples on the PSI where user conflicts between recreational users are occurring that should be addressed. In particular, we request that the Forest Service manage these areas primarily for non-motorized recreation in order to minimize conflicts.

Recommendations:

- Analyze the social impacts that motorized recreation has on non-motorized recreational users, including desired experiences and settings, particularly when designating ORV routes in close proximity to areas that are important for providing non-motorized backcountry opportunities.
- As the agency designs alternatives that propose motorized trail designations, consider the NVUM recreation survey data and the fact that non-motorized forms of recreation significantly outpace the number of ORV users.
- Analyze the economic benefit from non-motorized recreation on local economies in and around the PSI. For each alternative, analyze the economic impact on local economies if these non-motorized users are displaced by ORVs.
- Consider the impacts that noise from ORVs have on the experiences sought by non-motorized users. TWS will share our GIS-based sound propagation model when it becomes available for the agency to utilize.
- Use a benefits-based approach when conducting travel planning that focuses on achieving an established set of desired conditions/outcomes for areas across the forest. Refer to the BLM Royal Gorge Field Office's Gold Belt Travel Plan as an example of how to approach benefits based, experiential approach to travel planning.
- Analyze an alternative that does not designate new motorized routes in the special areas outlined in section III(Q).
- Analyze an alternative that decommissions unneeded routes in the special areas outlined in section III(Q).

I. Connectivity and Fragmentation

1. Scientific Rationale and Background

Habitat fragmentation leads to a reduction in landscape connectivity by reducing the occurrence or the effectiveness of natural ecosystem processes and preventing wildlife species from moving across the landscape (Crooks and Sanjayan 2006). Biologists are in agreement that habitat fragmentation is one of the greatest threats to the persistence of individual wildlife species and overall biodiversity (Wilcove 1998). Habitat fragmentation consists of two different processes that simultaneously and negatively affect wildlife species: (1) a reduction in the overall habitat available to wildlife species – habitat loss; and (2) the creation of isolated patches of habitat separated from what was once the contiguous landscape (Crooks and Sanjayan 2006). Habitat loss and fragmentation can occur as a result of a variety

of human activities on the landscape. On public lands, industrial energy development, logging, mining, off-road vehicle (ORV) trails (both designated and illegally created), and roads are the land use changes that drive fragmentation. Attached as Appendix 9 is a brief literature review that covers the science behind connectivity and provides the scientific rationale for addressing connectivity as a driving issue in this planning process.

2. Regulatory and Policy Background

NEPA requires that agency to consider connectivity in this planning process. The direct and cumulative impacts analysis is particularly relevant. When designating trails and areas for motorized use, Executive Orders 11644 as amended by 11989 require the PSI to minimize harassment of wildlife and disruption of wildlife habitat. Exec. Order No. 11644, § 3(a). This would include fragmentation associated with trail and area designation.

3. Recommendations for ensuring connectivity in the planning area

The current travel planning process offers an opportunity to reduce fragmentation and improve the permeability of species to move through the PSI. Inversely, the travel planning process could further fragment the forest. For each alternative, the PSI should analyze the impacts that the transportation system will have on connectivity. The PSI should conduct total motorized route density analyses (i.e., open and closed system and non-system (county, state, and private) roads and motorized trails) on the appropriate scale to gauge the extent to which each alternative will be improving or impairing connectivity. Unroaded and lightly roaded lands are important to help ensure permeability through a landscape. The PSI should analyze an alternative that does not designate any new motorized routes in unroaded or lightly roaded landscapes. The PSI should also find opportunities to close and decommission unneeded routes in these lands. Unroaded and lightly roaded lands include Colorado Roadless Areas and Forest Plan Management Area 3A Areas.

Lastly, a few sources of scientific information exist for the planning area that pertain explicitly to connectivity. We request that the Forest Service cite and utilize these sources as it develops alternatives and analyzes impacts in the DEIS. Each may help to prioritize key linkage zones (specific geographies where the protection of connectivity should be a management priority), inform efforts to coordinate and consult with CPW and with adjacent federal units undergoing planning (i.e., BLM Royal Gorge Field Office and Rio Grande National Forest), and guide development of a travel management plan that facilitates connectivity that is based on the best available scientific information.

a. Colorado Parks and Wildlife Big Game Corridor and Movement Data

CPW Species Activity Data is available for download through ArcGIS Online here:

<http://www.arcgis.com/home/item.html?id=190573c5aba643a0bc058e6f7f0510b7>. This data identifies wildlife movement and migration corridors for a wide range of species. The movement and migration data sets for individual species are available here:

- Bighorn Sheep - [Click to Download](#)
- Elk - [Click to Download](#)
- Mule Deer - [Click to Download](#)
- Pronghorn - [Click to Download](#)

b. Southern Rockies Ecosystem Project's *Linking Colorado's Landscapes* Report

In partnership with the Colorado Department of Transportation, the Federal Highway Administration, The Nature Conservancy, and Colorado State University, the Southern Rockies Ecosystem Project launched Linking Colorado's Landscapes in fall 2003. The purpose of this work was to identify and prioritize wildlife linkages across the state of Colorado to promote safe passage for wildlife. This report documents the process used to define the locations of important wildlife linkages and to prioritize these areas for further assessment, and describes the decision-making process that led to the selection of high priority linkages. The project took into consideration several species identified linkages on the PSI. Map 3 in the report (pp. 41) displays the final prioritized linkages across the state. Maps 6-17 display species specific linkages across the state, including linkages on the PSI. The report is available online here: <http://rockymountainwild.org/site/wp-content/uploads/LCL-Phase-1-Report.pdf>.

Recommendations:

- Using the information above, we request that the PSI analyze the extent to which each alternative improves or impairs connectivity across the PSI.

J. Climate Change

1. Scientific Rationale and Background

The effect of climate change on transportation infrastructure

It is expected that climate change will be responsible for more extreme weather events, leading to increasing flood severity, more frequent landslides, changing hydrographs (peak, annual mean flows, etc.), and changes in erosion and sedimentation rates and delivery processes.²⁶ Roads and trails in national forests, if designed to an engineering standard at all, were designed for storms and water flows typical of past decades, and may not be designed for the storms in future decades. Hence, climate-driven changes may cause transportation infrastructure to malfunction or fail (ASHTO 2012, USDA Forest Service 2010). The likelihood is higher for infrastructure in high-risk settings—such as rain-on-snow zones and landscapes with unstable or highly erosive geology (USDA Forest Service 2010).

The primary soil type across a large portion of the Pikes Peak and South Platte Districts, and a small area of the South Park District, are decomposed granites. Decomposed granite is highly erosive. Roads and trails that are poorly located can result in erosion and sediment flows into streams. Extreme wet

²⁶ U.S. Environmental Protection Agency's website, which summarizes the impacts from climate change on the southwest. <https://www3.epa.gov/climatechange/impacts/southwest.html>.

weather events can interact with erosive nature of the soils causing severe impacts on the transportation infrastructure.

The effect of transportation infrastructure on climate change adaption

The effect of climate change synergizes with that of habitat fragmentation to make forests less resistant and resilient (Noss 2001). Fragmented forests interfere with the ability of species to track shifting climatic conditions over time and space, are more prone to takeovers by invasive species and fire ignitions, and display less inertial capacity (Noss 2001; Opdam and Wascher 2004; Laurance and Williamson 2001).

2. Regulatory and Policy Background

NEPA requires the agency to consider climate change in this process. The Council on Environmental Quality (CEQ's) recent guidance on consideration of greenhouse gas emissions and the effects of climate change in NEPA reviews acknowledges that climate change "is a fundamental environmental issue, and its effects fall squarely within NEPA's purview." Council on Environmental Quality, *Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews* at 2 (Aug. 5, 2016). CEQ explains that

[i]dentifying important interactions between a changing climate and the environmental impacts from a proposed action can help Federal agencies and other decision makers identify practicable opportunities to reduce GHG emissions, improve environmental outcomes, and contribute to safeguarding communities and their infrastructure against the effects of extreme weather events and other climate-related impacts.

Id. § 1.

The guidance makes clear that agencies are obligated under NEPA to analyze both the potential effects of a proposed action on climate change and also the effects of climate change on a proposed action and its environmental impacts. *Id.* at 4. With respect to the latter, CEQ recognizes:

Climate change can make a resource, ecosystem, human community, or structure more susceptible to many types of impacts and lessen its resilience to other environmental impacts apart from climate change. This increase in vulnerability can exacerbate the effects of the proposed action. . . . Such considerations are squarely within the scope of NEPA and can inform decisions on whether to proceed with, and how to design, the proposed action to eliminate or mitigate impacts exacerbated by climate change. They can also inform possible adaptation measures to address the impacts of climate change, ultimately enabling the selection of smarter, more resilient actions.

Id. § III(B)(2). The effects of climate change are already occurring and are expected to increase, resulting in shrinking water resources, extreme flooding events, invasion of more combustible non-native plant

species, soil erosion, loss of wildlife habitat, and larger, hotter wildfires. These impacts have been catalogued in recent scientific studies by federal agencies, including the National Climate Assessment,²⁷ and highlighted by President Obama. See Exec. Order No. 13,653, § 1 (Nov. 1, 2013). “GHGs already in the atmosphere will continue altering the system into the future, even with current or future emissions control efforts.” CEQ NEPA Guidance § III(B). In other words, climate change impacts are and will continue to be part of the new normal, and NEPA analyses and land management decision-making must account for this reality.

Climate change effects must be integrated into the NEPA analysis as part of the environmental baseline. Agencies are required under NEPA to “describe the environment of the areas to be affected or created by the alternatives under consideration.” 40 C.F.R. § 1502.15. The affected environment sets the “baseline” for the impacts analysis and comparison of alternatives. As the Ninth Circuit has held, “without establishing the baseline conditions . . . there is simply no way to determine what effect the proposed [action] will have on the environment and, consequently, no way to comply with NEPA.” *Half Moon Bay Fisherman’s Marketing Ass’n v. Carlucci*, 857 F.2d 505, 510 (9th Cir. 1988). Excluding climate change effects from the environmental baseline ignores the reality that the impacts of proposed actions must be evaluated based on the already deteriorating, climate-impacted state of the resources, ecosystems, human communities, and structures that will be affected. Accordingly, existing and reasonably foreseeable climate change impacts must be included as part of the affected environment, assessed as part of the agency’s hard look at impacts, and integrated into *each* of the alternatives, including the no action alternative. See CEQ NEPA Guidance § III(B)(1). Put differently, simply acknowledging climate impacts as part of the affected environment is insufficient. Rather, agencies must incorporate that information into their hard look at impacts and comparison of alternatives.

Given that climate change and its impacts are here to stay, NEPA analyses also must address mitigation measures to facilitate adaptation and resilience. See CEQ NEPA Guidance § III(B)(4); 40 C.F.R. § 1500.2(e) (requiring agencies to “[u]se the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment”). For the PSI travel management planning process, appropriate mitigation measures might include, for example, closing or otherwise adjusting routes to promote landscape connectivity and facilitate new and changing wildlife migration patterns and habitat needs, or to limit vectors for the spread of invasive species.²⁸

Executive Order 13,653 provides direction on “Preparing the United States for the Impacts of Climate Change.” The Order recognizes that “[t]he impacts of climate change – including an increase in prolonged periods of excessively high temperatures, more heavy downpours, an increase in wildfires, [and] more severe droughts . . . – are already affecting communities, natural resources, ecosystems, economies, and public health across the Nation,” and that “managing th[o]se risks requires deliberate

²⁷ Available at <http://nca2014.globalchange.gov/>.

²⁸ Importantly, mitigation alone is not a substitute for a properly crafted environmental baseline and a hard look at impacts. See *N. Plains Res. Council v. Surface Transp. Bd.*, 668 F.3d 1067, 1084-85 (9th Cir. 2011).

preparation, close cooperation, and coordinated planning . . . to improve climate preparedness and resilience; help safeguard our economy, infrastructure, environment, and natural resources; and provide for the continuity of . . . agency operations, services, and programs.” Exec. Order 13,653, § 1. To that end, the Order requires agencies to take various actions aimed at making “watersheds, natural resources, and ecosystems, and the communities and economies that depend on them, more resilient in the face of a changing climate.” *Id.* § 3. For example, “recognizing the many benefits the Nation’s natural infrastructure provides, agencies shall, where possible, focus on program and policy adjustments that promote the dual goals of greater climate resilience and carbon sequestration.” *Id.* Agencies also must develop and implement adaptation plans that “evaluate the most significant climate change related risks to, and vulnerabilities in, agency operations and missions in both the short and long term, and outline actions . . . to manage these risks and vulnerabilities.” *Id.* § 5(a).

The Forest Service’s 2014 adaptation plan recognizes that the wide range of environmental and societal benefits provided by our national forests “are connected and sustained through the integrity of the ecosystems on these lands.”²⁹ The plan highlights USDA’s 2010-2015 Strategic Plan Goal 2 of “[e]nsur[ing] our national forests . . . are conserved, restored, and made more resilient to climate change, while enhancing our water resources.”³⁰ And consistent with section 5(a) of Executive Order 13,653, the plan identifies numerous climate change risks – including increased wildfire, invasive species, water temperatures, extreme weather events, and fluctuating precipitation and temperature – that “pose challenges to sustaining forests and grasslands and the supply of goods and services upon which society depends, such as clean drinking water, forest products, outdoor recreation opportunities, and habitat.”³¹ With respect to transportation infrastructure specifically, the plan recognizes that, “[w]ith increasing heavy rain events, the extensive road system on National Forest Service lands will require increased maintenance and/or modification of infrastructure (e.g., larger culverts or replacement of culverts with bridges).”³² The adaptation plan points to a number of actions and strategies to address these risks, including Forest Service Manual 2020, which we address next.³³ Lastly, several sections of Forest Service Manual 2020 offer relevant direction for the PSI to consider. The Manual directs units to “[r]estore and maintain resilient ecosystems that will have greater capacity to withstand stressors and recover from disturbances, especially those under changing and uncertain environmental conditions and extreme weather events.” FSM 2020.2(2). The Manual also states that “ecological restoration should be integrated into resource management programs and projects.... Primary elements of an integrated approach are identification and elimination or reduction of stressors that degrade or impair ecological integrity.” FSM 2020.3(4). Roads are certainly a stressor that can degrade or impair ecological integrity.

3. Recommendations for Creating a Climate Ready Transportation System

²⁹ USDA, Forest Service, *Climate Change Adaptation Plan*, p. 58 (May 24, 2012), available at http://www.usda.gov/oce/climate_change/adaptation/Forest%20Service.pdf.

³⁰ Forest Service, *Climate Change Adaptation Plan*, p. 58. USDA’s updated FY2014-FY2018 Strategic Plan retains Goal 2.

³¹ Forest Service, *Climate Change Adaptation Plan*, pp. 60-64.

³² Forest Service, *Climate Change Adaptation Plan*, p. 62.

³³ Forest Service, *Climate Change Adaptation Plan*, p. 60.

Travel planning is an ideal opportunity for the PSI to address the environmental problems associated with its road system, thereby improving the ability of the forest to absorb stresses from climate change and maintain function. There are many actions that the Forest Service can take in travel planning to ensure that its transportation system is climate ready. To prevent or reduce road failures, culvert blow-outs, and other associated hazards, forest managers should, among other things:

- Undertake a Watershed Vulnerability Analysis;
- In the implementation action plan, emphasize replacing undersized culverts with larger ones or with bridges with adequate spans along routes that are most at risk of failure from wet weather events;
- Prioritize maintenance and upgrades (e.g., installing drivable dips and more outflow structures; implementing [Best Management Practices for Water Quality](#)) for those routes identified as high benefit and high risk in the TARs;
- Obliterate roads that are no longer needed, prioritizing those roads that pose erosion or resource hazards; and
- Do not designate motorized routes in locations with highly erosive soils.

(USDA Forest Service 2010, USDA Forest Service 2012, USDA Forest Service 2011a, Table 4; USDA Forest Service 2012, p. 22-23). The Olympic National Forest in Washington State offers a useful example. The Olympic developed a 2003 travel management strategy and a report entitled [Adapting to Climate Change in Olympic National Park and National Forest](#). The report recommended decommissioning and obliterating one-third of its road system and created a strategy for addressing barriers to fish migration (USDA Forest Service 2011).

As discussed above, impacts from climate change will synergize with other anthropogenic disturbances to make forests less resistant and resilient. Fragmented forests are particularly problematic in terms of hindering the ability of species to adapt to climate change. The PSI should find opportunities to reduce fragmentation with the goal of enhancing permeability through the forest. To improve permeability, we encourage the PSI to:

- Use the information cited in section III(I)(3) of this letter to identify known wildlife movement corridors across the forest and consider opportunities to make these movement areas non-motorized.
- Consult with Colorado Parks and Wildlife to identify additional areas that are important for wildlife movement.

K. Financial Sustainability Considerations

1. Regulatory and Policy Background

The PSI is obligated to address the fiscal sustainability of its transportation system in this travel planning process. Subpart B of the Forest Service's Travel Management Rule requires units to consider "the need

for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated; and the availability of resources for that maintenance and administration.” 36 C.F.R. § 212.55(a). A major driver behind the promulgation of the 2001 Roads Rule was to achieve a transportation system that is fiscally sustainable. 36 C.F.R. § 212.5(b) (“The minimum system is the road system determined to be needed to meet resource and other management objectives adopted in the relevant land and resource management plan (36 CFR part 219), to meet applicable statutory and regulatory requirements, to reflect long-term funding expectations . . .”). Subpart A of the Travel Management Rule obligates units to identify the MRS needed for safe and efficient travel and for the protection, management, and use of National Forest system lands. *Id.* § 212.5(b)(1). As explained above, the minimum road system must, among other things, reflect long-term funding expectations. *Id.* § 212.5(b)(1). The 2012 Weldon Memo echoes this direction. (Memorandum from Leslie Weldon to Regional Foresters et al. on Travel Management, Implementation of 36 CFR, Part 212, subpart A (Mar. 29, 2012)). The goal of subpart A is “to maintain an appropriately sized and environmentally sustainable road system that is responsive to ecological, economic, and social concerns.” See 2012 Weldon Memo at 1 (“The national forest road system of the future must continue to provide needed access for recreation and resource management, as well as support watershed restoration and resource protection to sustain healthy ecosystems.”). See also 2010 Memorandum from Joel Holtrop, U.S. Forest Service Washington Office, to Regional Foresters et al. Both memos are attached as Appendix 10. As explained above in sections III(E)(1) and (2) of this letter, subpart B travel planning processes are precisely the opportunity to implement TARs and identify the MRS in an effort to achieve a fiscally sustainable road system.

2. The current fiscal situation with the PSI’s road system

Nationwide, the national forests contain over 370,000 miles of system roads (excluding tens of thousands of additional miles of unclassified, non-system, temporary, and user-created roads). That is nearly eight times the length of the entire U.S. Interstate Highway System. This road system is primarily a byproduct of the era of big timber; as such, it is often ineffective at meeting 21st-century transportation and access needs. Much of the system is also in a state of serious disrepair: as of 2015, the national forest road system had a nearly 3-billion-dollar maintenance backlog. USDA Forest Service, National Forest System Statistics FY 2015.

The fiscal situation facing the PSI’s transportation system reflects the national state of affairs. Based on the information in the TAR Addendums, we estimate that the PSI receives about \$419,538 in revenues annually for road maintenance work, but the cost of the road system is about \$1.6 million. Based on the information in the TARs, we also estimate that the PSI can currently afford to maintain only 24% of its transportation system. Additionally, the following excerpt from the 2009 Forest-wide Roads Analysis Report (RAR), which looked at Maintenance Level 3-5 roads is also enlightening in terms of the fiscal challenges facing the PSI’s road system:

[T]he current deferred maintenance cost is estimated to be approximately 12.5 million dollars. For comparison purposes, the deferred maintenance cost per mile for ML3 PSI roads has risen

*from \$16,506 per mile in FY2003 to the current \$20,936 per mile. That is a 27% increase within a three-year period, or an average of a 9% increase per year of degradation to the ML3 roads on the PSI.*³⁴

The funding situation has not improved since this report was released in 2009 and so the maintenance backlog for many of these ML 3 roads is likely even higher now. In addition to the maintenance backlog, the Forest Service must consider the overall costs to adequately mitigate risks if it chooses to retain high risk roads, which the TAR Addendums discuss.³⁵

3. The PSI should address the fiscal sustainability of its transportation system

As discussed above, the PSI's forest-wide RAR (which looked at ML 3-5s) and the district-level TAR Addendums (which looked at ML 1-2s) offer compelling information about the state of the PSI's road system. It is imperative that the Forest Service use the travel planning process to put the PSI on a trajectory towards balancing costs with revenues.

We request that the PSI integrate the fiscal analysis from the forest-wide RAR and district TAR Addendums but request that the PSI expound upon the analysis in the following ways to make it more accurate. The PSI must analyze the short-, mid- and long-term costs associated with implementing each alternative and the availability of funds to adequately enforce the travel plan. When determining the total cost of a proposed motorized travel system, the Forest Service should include both the cost of maintaining roads and motorized trails, as well as costs associated with managing the motorized recreation systems, such as signage, trailhead management, enforcement, monitoring, and map production. To this end, we want to share a study that was completed by Dr. Michael Wing, Professor of Engineering in the Forest Engineering Department at Oregon State University. Dr. Wing developed an easily reproducible model for estimating the costs of a travel management alternative. His model includes the ability to input figures associated with both roads and trails. (See Appendix 11.)

The issue of enforcement cannot be overstated since all the conclusions typically reached during the environmental analysis are based upon the assumption of compliance. Therefore, the capacity to enforce compliance must be included in the analysis as required by the Travel Management Rule where it directs travel planners to consider maintenance and administration; law enforcement falls under the latter. Furthermore, law enforcement officers should be consulted as to the feasibility of enforcing the designated system under each alternative. Routes that terminate in flat open spaces, or meet closed roads and trails, or enter protected areas create more enforcement burdens for officers and increase the cost of patrols. These factors should be analyzed in the DEIS.

³⁴ Pike San Isabel National Forest Forest-Wide Travel Analysis Process Report, August 2009. Available online at: http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5323696.pdf. p.16.

³⁵ Leadville District Draft TAR, p. 5-7. 2014; Pikes Peak District Draft TAR, p. 5-8. 2014; Salida District Draft TAR, p. 5-7, 2013.

If the PSI were to implement the TARs' recommendations, it could afford just 34% of its transportation system. To balance the cost and revenues, the PSI will clearly need propose transportation systems that go further than what is recommended in the TAR Addendums. To this end, we request that the PSI analyze an alternative that decommissions all roads identified as low value in the TARs. In this alternative, we also request that the PSI identify additional changes to its transportation, other than lowering maintenance levels of passenger vehicle roads, that will reduce maintenance costs.

Recommendations:

- Motorized routes should only be designated in those areas that can be appropriately maintained, monitored and enforced with the current and projected funds available.
- Analyze the cost to implement the proposed plan alternatives. Use spending and backlog financial data from recent years in providing this estimate, including estimates provided in the above referenced forest-wide RAR and district-level TARs. Include not only route maintenance costs in the fiscal analysis, but also other management costs such as monitoring, signage, enforcement, and other factors discussed in this section.
- Analyze an alternative that attempts to balance costs with revenues when designing and designating its transportation system in this process. We understand this will be difficult but the PSI should at least attempt to put the transportation system on a trajectory towards sustainability. To this end, the PSI should analyze an alternative that brings costs at least within 60% of revenues.

L. Presidential Memorandum on Mitigating Impacts from Development

1. Policy Background

On November 3, 2015, President Obama issued a Presidential Memorandum titled "Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment." The Presidential Memorandum establishes the overarching policy that agencies must "avoid and then minimize harmful effects to land, water, wildlife, and other ecological resources (natural resources) caused by land- or water-disturbing activities, and to ensure that any remaining harmful effects are effectively addressed, consistent with existing mission and legal authorities."³⁶ In short, the policy is *avoid, minimize, and compensate* in that order.³⁷ Agencies must develop a clear and consistent approach to applying this mitigation hierarchy to their activities and the projects they approve. In doing so, they should recognize that there are places identified in existing policy and law that have irreplaceable character³⁸ where the agency should avoid impacts rather than minimize or compensate for impacts,

³⁶ Memorandum, Section 1.

³⁷ *Id* at Section 2(f).

³⁸ Section 2(d) defines *irreplaceable natural resources* as resources recognized through existing legal authorities as requiring particular protection from impacts and that because of their high value or function and unique character, cannot be restored or replaced.

even if doing so would be potentially practicable.³⁹ Agencies should use large-scale plans⁴⁰ and analyses, including those of Federal, State, tribal, local, or non-governmental origin⁴¹, to inform the identification of areas for potential development, protection and restoration of natural resources, and protection of irreplaceable natural resource values.⁴²

In developing projects, plans and policies, agencies are directed to apply the following principles.⁴³ In furtherance of transparency, accountability, and consistency, agencies should ensure consistent implementation of policies and standards across the country, including identifying and making public locations on Federal land of authorized impacts and their associated mitigation projects. Also, agencies should set measurable performance standards at the project and program level to assess whether mitigation is effective and should clearly identify the party responsible for all aspects of required mitigation measures. They should also develop and use tools to measure, monitor, and evaluate the effectiveness of avoidance, minimization, and compensation policies.

Specific to mitigation, policies should establish a “net benefit goal or, at a minimum, a no net loss goal for natural resources the agency manages that are important, scarce, or sensitive” and should in particular consider the added environmental benefit that would not have been achieved absent mitigation. Moreover, when evaluating mitigation, the agencies should consider the durability of the measures over the long-term, taking into account the ecological relevance of the affected resources and climate change. Specific to compensation for unavoidable project impacts, the agencies should prioritize compensatory actions that are done prior to the harmful impacts (e.g., banking), as well as describe measures taken to ensure that the compensatory actions are durable.

The Presidential Memorandum requires that large-scale plans and analysis inform the identification of areas where development may be most appropriate, where high natural resource values result in the best locations for protection and restoration, or where natural resource values are irreplaceable. Large-scale plans include, but are not limited to, land management plans and travel management plans.

2. Recommendations

We acknowledge that it can be difficult to implement such high level policy into a real-world planning process. We offer some recommendations for complying with this memorandum here. First, the Presidential Memorandum reinforces the ORV Executive Order direction to locate trails and areas to minimize damage to natural resources and user conflict, and then mitigate impacts when they are

³⁹ Memorandum, Section 1 and Section 3(b)

⁴⁰ Section 2(e) defines *large scale plan* as “any landscape- or watershed-scale planning document that addresses natural resource conditions and trends in an appropriate planning area, conservation objectives for those natural resources, or multiple stakeholder interests and land uses, or that identifies priority sites for resource restoration and protection, including irreplaceable natural resources.”

⁴¹ Memorandum, Section 3(a)

⁴² *Id* at Section 1.

⁴³ *Id* at Section 3.

unavoidable. Second, there are places across the PSI that qualify as an irreplaceable resource where the agency should avoid impacts, and only resort to mitigation or compensation where avoidance is not possible. These places include, but are not limited to, Special Interest Areas identified in the PSI's Forest Plan, the Continental Divide National Scenic Trail, threatened and endangered species critical habitat, upper tier Colorado Roadless Areas, citizen-proposed wilderness areas, and rivers and river segments that are eligible for inclusion on the National System of Wild and Scenic Rivers. Third, in terms of mitigation, road decommissioning and the creation of new non-motorized areas can help counter expansions in the motorized footprint in places with important, scarce, or sensitive resources.

M. Monitoring, Enforcement, Adaptive Management, and Implementation

Executive Order 11644 requires the Forest Service to “[m]onitor the effects of the use of off-road vehicles....” and, “[o]n the basis of the information gathered, [the FS] shall from time to time amend or rescind designations of areas....” Exec. Order No. 11644, § 8(a). In terms of roads, the Forest Service is instructed to “[a]ssess effects of forest transportation facility options on ecological processes and ecosystem health, diversity, and productivity.” FSM 77212.03(2).

It is important that the PSI plan for adaptive management in the travel plan. To this end, we request that the PSI analyze an alternative that designates routes that are conditional upon compliance with the travel plan. This would entail the PSI establishing thresholds of non-compliance for select routes that, once exceeded, trigger action. For this to work, the agency will need to include a monitoring component that identifies parameters that demonstrate user-compliance or non-compliance. Motorized users must comply with the travel plan in order for the route to remain open for public motorized use.

The San Juan NF offers a helpful example. The San Juan included trigger language in their travel management plan for the Lakes Landscape to monitor continued violations in the nearby Weminuche Wilderness. (USDA Forest Service 2008.) The decision laid out that the agency would conduct three-years of monitoring to ensure compliance with the travel plan designations in the place where the wilderness trespass issues were occurring. The decision states that if violations continued to occur, then the route at issue would be closed to motorized use. Monitoring found that violations continued to occur so the Forest Service eventually closed the route to public motorized use without conducting further NEPA. Attached as Appendix 12, we provide the decision notice for the Lakes Landscape TMP as well as a press release from 2011 announcing the impending closure.

In particular, we request that the Forest Service analyze an alternative that would include a monitoring protocol with associated trigger language for Forest Roads 184 and 233. We point out here that we have requested the Forest Service to analyze an alternative that would close these roads to public motorized use, and we expect to see this analyzed as well. However, for any alternative in the EIS that proposes to designate these roads as open to motorized use, the designation should be based on monitoring with adaptive management protocols in place. Road 184 must be monitored to evaluate whether use along the road is compromising and negatively impacting the values for which Browns Canyon National Monument was created. If monitoring finds that the Monument's values are being compromised, the

road should be closed to public motorized use. FR 233 continues to attract unauthorized and illegal use and behavior such as off route motorized use, trash dumping, destruction of vegetation, unsafe recreational shooting, and other violations, despite efforts by the District to properly manage this area. If monitoring finds that illegal use and behavior continues along FR233, then the Forest Service must close the road. We encourage the agency to employ the monitoring and adaptive management approach to other routes that are designated for public motorized use.

We also request that the PSI develop a Travel Management Implementation Action Plan to accompany the travel plan and MVUM. The Forest Service's Washington Office developed a route designation implementation guide for units to use when developing implementation action plans. This guide is available online here:

http://www.fs.fed.us/recreation/programs/ohv/ohv_route_area_implementation_guide.pdf. We encourage the PSI to use this guide to develop its own plan. In particular, the implementation action plan should address signage, decommissioning both system and non-system routes, mitigation, enforcement, and education. Additionally, the implementation plan should specify that administrative routes available only to certain permitted users should be managed, that permittees are responsible for ensuring routes remain gated and locked, and that permittee are responsible for any maintenance required for continuing use of the route except in exceptional cases, in consultation with the Forest Service. The action plan should lay out timelines and targets for implementing its decision, particularly signage and decommissioning. The Forest Service should prioritize decommissioning unauthorized routes that have not been added to the system, or that were not analyzed in this process, based on potential for unauthorized use and resource damage.

Recommendations:

- Establish a travel management implementation action plan as part of this process. The implementation action plan should:
 - Establish timelines and targets for implementing the following types of actions: decommissioning, signage, conversions, and improvements/upgrades.
 - Include a monitoring component with measures for compliance and non-compliance with the travel plan designations.
 - Address public outreach and education, enforcement, and thresholds that trigger adaptive actions once exceeded. The plan should develop a process and criteria for adding routes in the future to the system. For a good example, see the travel plan for the BLM Royal Gorge Field Office in Colorado; Appendices 6 and 7 in travel plan describes the BLM's process for future road and trail additions, including the criteria to be met before a route is added to the system.⁴⁴
- Analyze an alternative that provides for adaptive management. Specifically, analyze an alternative that identifies thresholds of non-compliance that, once exceeded, trigger a closure

⁴⁴ BLM Royal Gorge Field Office Travel Management Plan. Appendices 6-7. Available online:

http://www.blm.gov/style/medialib/blm/co/field_offices/royal_gorge_field/travel_management/arkansas_river_travel.Par.0100.File.dat/EA_Appendices_06072007.pdf.

without further NEPA analysis. Include a monitoring component that identifies parameters that demonstrate user-compliance or non-compliance. Analyze an alternative that includes this adaptive management approach for FR 184, 233 and other designated routes that the Forest Service deems appropriate.

N. Conversion of roads to motorized trails open to all motorized vehicles

Alternative D proposes to convert 57 road segments, totaling over 108 miles, to full-sized motorized trails open to all vehicles. The modes of use on these motorized trails would remain the same as that which is allowed on the roads; however, this is not entirely clear and must be clarified. The rationale behind these proposed changes is not entirely clear. We request that the Forest Service provide the public with substantive general and route specific reasons that explain why these proposed conversions are needed. For example, will these trails be open to all modes of use ranging from full-sized passenger cars and dirt bikes to hikers?

In general, we are not supportive of this type of road-trail conversion as this is a change in label only. The risks and impacts associated with roads do not suddenly disappear once they become relabeled as motorized trails. Additionally, we are concerned about potential route deterioration and resulting resource impacts due to the relatively lower amounts of overall funding allocated toward maintaining and repairing trails as opposed to roads. Although there are external sources of funding available to maintain and repair ORV trails, these sources and their allocation as grants are neither guaranteed nor reliable. Many of the crews funded by these grants only work seasonally, and thus a full-sized motorized trail may not receive timely required maintenance during periods when these crews are not on staff. We also have concerns that the maintenance and construction standards for trails are not as high as they are for roads. Lower maintenance standards could result in increased resource impacts, such as erosion and increased runoff into nearby waterways. We have concerns that lower maintenance standards for trails might permit modifications of features such as road bridges to be replaced or removed with more impactful and damaging trail fords through waterways. We remind the agency that the Executive Order minimization criteria will apply to these trail designations.

Adding new motorized trails to the designated trail system will proportionally reduce the limited amount of funding available to maintain all other existing trails. This is especially true since it would appear that a full-sized motorized trail will generally require more funding to maintain than a Trail Class 2 hiking trail or motorcycle trail for example.

In the PSI Forest Plan, the maximum allowed route density for trails is normally much greater than the maximum allowed route density for roads in many management prescription areas. Converting roads to trails could allow a greater density of motorized routes in certain areas. Motorized trails are commonly not included in density analyses. A road relabeled as trail may still receive the same volume of use, and have the same presence on the ground, as it did when it was a road. Use of these routes and the impacts they have (on wildlife and other resources) may not be fully considered if the routes were to be labeled as trails instead of roads. We request that the PSI conduct a total motorized route density

(TMRD) analysis in the environmental analysis. The TMRD analysis will include open and closed system and non-system (county, state, local, private) roads as well as motorized trails. This will ensure an accurate reflection of the impacts that the motorized route network is having across the landscape. Justification for a TMRD analysis is provided as Attached 2 to Appendix 1.

The PSI did not consider motorized trails in its travel analysis process. Converting roads to motorized trails will falsely appear to improve overall motorized travel system modifications identified in a TAR. For example, it will appear as though the PSI is moving toward the minimum road system; mitigating risks associated with specific routes; reducing deferred maintenance and stretching limited funding allocated for road maintenance. These seemingly positive changes, however, only exist on paper as the actual on the ground impacts from the presence and use of roads relabeled as trails remain.

Converting roads to ORV trails may also result in the unintended consequence of attracting more ORV use on these routes than currently occurs. ORV recreationists may be tempted to visit and travel on these routes to experience what they might perceive as a “new” ORV trail created specifically for their recreational use.

Conversion of roads to ORV trails could require those with highway licensed vehicles to purchase a Colorado OHV registration sticker in order to legally drive on an ORV trail. This would unnecessarily force highway licensed vehicle users to join and support a small (<3% of the CO population) sub-group of the general public that has chosen and can afford to purchase, haul, store, maintain and use personal ORVs such as ATVs and dirt bikes for recreational use. The majority of the population who chose to own and use more common and practical highway licensed vehicles could suddenly be required to purchase a yearly OHV sticker in order to travel a few routes they were previously allowed to travel on. These full-sized licensed vehicle users would not receive many benefits from, or choose to endorse, the State OHV registration program. We do not believe these licensed vehicle users should be required to purchase OHV registration stickers simply because of the administrative reclassification of a road to a trail.

The Forest Service will need to determine if private land owners with property accessed by a road proposed to be converted to a motorized trail agree with these changes. We believe the opinion of these land owners should receive appropriate consideration and analysis.

Our concern is that the problems and risks associated with roads will not magically go away simply because the roads are relabeled as trails and considered as part of a different category of routes. We believe the problems and risks associated with all motorized travel routes need to be fully considered, addressed and either fully mitigated or eliminated.

Recommendations:

- Provide a specific rationale explaining why these road-to-trail conversions are necessary.
- Clarify what modes of use will be allowed on these proposed motorized trails.

- We offer a long list of potential impacts associated with these conversions. Analyze these impacts in the EIS, including total motorized route density, as well as impacts to water and wildlife.
- Ensure compliance with the Executive Order minimization criteria.
- We request that the Forest Service refrain from converting roads to motorized trails that are open to all vehicles, including passenger vehicles.

O. Parking Areas and driveways in the proposed action

The PSI appears to be proposing to designate parking areas and “driveways” to access these parking areas as part of the travel planning process.

We request that the Forest Service clarify the definition and application of the proposed addition of new and conversion of existing routes to parking areas, which appear in some of the proposed alternatives. The EIS must provide information about these proposed parking areas, including their purpose, size, location, any restrictions associated with the areas, and environmental impacts. What type of designation is a driveway and parking area? The Travel Management Rule only allows for the designation of roads, trails, or areas. Also, if these parking areas are, in fact, an area designation, then the Forest Service must ensure compliance with the Executive Orders’ minimization criteria. Similarly, the Forest Service must also provide more information regarding the proposed “driveways” to access these parking areas. The placement of a dot on the map is not enough information for the public to evaluate the relative benefits and risks of these proposed designations. Are there management and maintenance standards which apply to parking areas which differ from those that apply to roads? We believe that parking areas could have similar impacts as those related to dispersed motorized camping corridors alongside roads and trails. We have concerns that the relabeling of system roads as parking areas will potentially result in overlooking the identified risks associated with these routes simply because they are no longer considered roads. The need for these parking areas and driveways must be clearly identified and properly managed.

We could envision parking areas being identified, implemented and managed as a way to consolidate and concentrate large numbers of individual dispersed parking or camping locations into a smaller number of larger areas to better accommodate and manage these uses. We believe that when larger parking or camping areas are created, it is useful to implement restrictions on dispersed parking or camping on adjacent lands. This can provide additional necessary incentive for the public to modify their behavior and use the new facilities which have been created.

P. Seasonal Closures to Protect Big Game Winter Range per the Settlement Agreement

We are pleased to learn that the PSI has chosen to seasonally close routes to protect big game in its winter range habitat after consulting with CPW as a requirement of the lawsuit settlement. We understand these additional seasonal closures will be implemented with a newly issued Forest Order, in

a process separate from the current Travel Management Process. It is not clear whether the exact routes that will be seasonally closed in the Forest Order are reflected in Alternative C or D. It is difficult for the public to fully consider and analyze seasonal closures in those alternatives, or to recommend additional seasonal closures in this Travel Management Process, without knowing the details provided in forthcoming Forest Order. Given this, upon issuance of the Forest Order, we request an opportunity to comment on the seasonal closures that are proposed in the current travel planning process.

Q. Special Areas

There are several areas across the PSI where motorized route designations will conflict with management direction and/or the area's unique character. The Forest Service should not designate any new motorized routes in these areas and the agency should examine opportunities to close and decommission existing system routes that are located in these areas to restore their ecological integrity and/or primitive character. These areas include semi-primitive and primitive non-motorized areas in the PSI's 1984 Forest Plan, Research Natural Areas, Special Interest Areas, National Scenic Trail Zones including the Continental Divide National Scenic Trail, Endangered and Threatened Species Critical Habitat, Colorado Roadless Areas, citizen-inventoried and proposed wilderness areas, designated and eligible Wild and Scenic River corridors, and Colorado Natural Heritage Program Potential Conservation Areas. Using GIS, we overlaid the PSI's transportation with these priority special areas to determine which routes cross into these areas. The results of this analysis are provided as Appendix 6 in the attached spreadsheet. We also provide the results of the travel analysis process for each of these routes so that the PSI has all of this information together in a single document. When designing alternatives regarding which routes to designate for public motorized use, we request that the agency utilize the priority special areas listed below as well as our spreadsheet in Appendix 6.

1. Forest Plan Management Area 3A: Semi-Primitive Non-Motorized Management Areas

The PSI Forest Plan established Management Area 3A where motorized use is not allowed. These areas are for semi-primitive non-motorized uses only. They provide quality opportunities for quiet use activities such as hiking, horseback riding, hunting, country skiing and mountain biking in areas outside of wilderness away from motorized use. We discuss 3A Management Areas in section III(D)(1) above. These areas should be managed exclusively for non-motorized uses. We recommend that the agency refrain from analyzing any alternative that would designate motorized routes in these areas as we believe it is in violation of the Forest Plan.

2. Colorado Roadless Areas

Undeveloped natural lands provide numerous ecological benefits. They safeguard biodiversity, enhance ecosystem representation in protected areas (Dietz *et al.* 2015), facilitate connectivity (Loucks *et al.* 2003; USDA Forest Service 2001; Crist *et al.* 2005; Wilcove 1990; The Wilderness Society 2004; Strittholt and DellaSala 2001; DeVelice and Martin 2001; Belote *et al.* 2016), and provide high-quality or undisturbed water, soil, and air resources (Anderson *et al.* 2012; DellaSala *et al.* 2011). They also serve

as ecological baselines to facilitate better understanding of our impacts to other landscapes and as reference areas for ecological restoration (Arcese and Sinclair 1997).

Forest Service roadless lands, in particular, are heralded for their conservation values. Those values are described at length in the Colorado Roadless Rule and include high quality or undisturbed soil, water, and air; sources of public drinking water; diversity of plant and animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land; primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation; reference landscapes; natural-appearing landscapes with high scenic quality; traditional cultural properties and sacred sites; and other locally identified unique characteristics (e.g., uncommon geological formations, unique wetland complexes, exceptional hunting and fishing opportunities). 36 C.F.R. § 294.41. Numerous articles in the scientific literature similarly recognize the contribution of roadless and undeveloped lands to biodiversity, connectivity, and conservation reserve networks. For example, Loucks *et al.* (2003) examined the potential contributions of roadless areas to the conservation of biodiversity, and found that more than 25% of Inventoried Roadless Areas (IRAs) are located in globally or regionally outstanding ecoregions⁴⁵ and that 77% of IRAs have the potential to conserve threatened, endangered, or imperiled species. Arcese and Sinclair (1997) and Aycrigg *et al.* (2016) highlighted the contribution that IRAs could make toward building a representative network of conservation reserves in the United States, finding that protecting those areas would expand ecosystem representation, increase the area of reserves at lower elevations, and increase the number of large, relatively undisturbed refugia for species. Crist *et al.* (2005) looked at the ecological value of roadless lands in the Northern Rockies and found that protection of national forest roadless areas, when added to existing federal conservation lands in the study area, would: (1) increase the representation of virtually all land cover types on conservation lands at both the regional and ecosystem scales, some by more than 100%; (2) help protect rare, species-rich, and often-declining vegetation communities; and (3) connect conservation units to create bigger and more cohesive habitat “patches.”

Roadless lands are also responsible for higher quality water and watersheds. Anderson *et al.* (2012) assessed the relationship of watershed condition and land management status, and found a strong spatial association between watershed health and protective designations. DellaSala *et al.* (2011) found

⁴⁵ Loucks *et al.* utilized an ecosystem ranking system developed by Ricketts *et al.* (1999):

Ricketts *et al.* (1999) classified the biological importance of each ecoregion based on species distribution, i.e., richness and endemism, rare ecological or evolutionary phenomena such as large-scale migrations or extraordinary adaptive radiations, and global rarity of habitat type, e.g., Mediterranean-climate scrub habitats. They used species distribution data for seven taxonomic groups: birds, mammals, butterflies, amphibians, reptiles, land snails, and vascular plants (Ricketts *et al.* 1999). Each category was divided into four rankings: globally outstanding, high, medium, and low. The rankings for each of the four categories were combined to assign an overall biological ranking to each ecoregion. Ecoregions whose biodiversity features were equaled or surpassed in only a few areas around the world were termed “globally outstanding.” To earn this ranking, an ecoregion had to be designated “globally outstanding” for at least one category. The second-highest category, or continentally important ecoregions, were termed “regionally outstanding,” followed by “bioregionally outstanding” and “nationally important” (Ricketts *et al.* 1999).

that undeveloped and roadless watersheds are important for supplying downstream users with high-quality drinking water, and that developing those watersheds comes at significant costs associated with declining water quality and availability. The authors recommend a light-touch ecological footprint to sustain healthy watersheds and the many other values that derive from roadless areas.

Roadless areas also have social values. By definition, roadless areas afford a type of quiet and primitive recreation that cannot be found near roads. Given that more than 370,000 miles of roads currently exist in National Forests, the remaining roadless lands possess rare and critical ecological and social values. Any and all motorized routes within in a Colorado Roadless area would compromise the ability to propose that area for Wilderness designation. For example, FR 184 within the Aspen Ridge upper tier Colorado Roadless area raised concerns about proposed designation of that area as Wilderness. Trail 1333.A and motorized use on Tanner Peak have conflicted with the proposed Grape Creek Wilderness Area.

Designation of motorized uses within Colorado Roadless Areas would impact the ecological and social values of roadless lands, which are documented above. If the Forest Service proposes to designate motorized use in a Colorado Roadless Area, it must analyze the impacts of these designations on the roadless area characteristics listed above. Even though motorized use is allowed within Colorado Roadless Areas, it should be limited and contained in order to preserve those criteria for which the Roadless Area was originally set aside. Further, the responsible National Forest officials are required to minimize conflicts between users and impacts on soil, water, vegetation, wildlife and other resources. Exec. Order No. 11644, § 3(a). Not designating motorized routes in Colorado Roadless Areas will help ensure these areas are managed for non-motorized uses thereby helping to ensure compliance with the minimization criteria.

Motorized routes greater than 50 inches must not be designated in Colorado Roadless Areas. We recognize that the Travel Management Rule defines a “trail” as “a route 50 inches or less in width or a route over 50 inches wide that is identified and managed as a trail” and that the agency may designate a trail over 50 inches in a Roadless Area. 36 C.F.R. § 212.1. We contend that trails over 50 inches wide are essentially “roads” and should not be approved. They have the same effect on an ecosystem as a road and allow the same types of vehicles into an area as a road.

We request that the agency analyze an alternative that does not designate any motorized routes in Colorado Roadless Areas, particularly upper tier roadless areas.

3. Wild and Scenic Rivers

While there are no designated Wild and Scenic Rivers on the PSI, one river is found eligible for inclusion in the National System of Wild and Scenic Rivers per the Forest Plan (II-84). The entire river is to be managed to preserve its character for wild, scenic or recreation river classification; it is the portion of the South Platte River from the forest boundary near Kassler to Elevenmile Dam. The designation encompasses a one-half mile wide corridor (one-quarter mile on each side) along this section of river.

The entire length of this section of the South Platte River is divided into several segments that are classified as either wild, scenic or recreational. Several segments are classified as “wild.”

The Wild and Scenic Rivers Act and agency policy guidance are designed to protect eligible river corridors. The Act prescribes a broad national policy to identify, protect, and preserve free-flowing rivers with outstandingly remarkable values. 16 U.S.C. §§ 1271-72, 1273(b), 1276(d)(1). Under the Act, “[e]very wild, scenic or recreational river in its free-flowing condition . . . shall be considered eligible for inclusion in the national wild and scenic rivers system.” *Id.* § 1273(b). Eligible river corridors must be managed to protect and preserve their free-flowing nature, outstandingly remarkable values, and potential classification as wild, scenic, or recreational. Forest Service Handbook (FSH) 1909.12, ch. 80, § 82.5 (2006);⁴⁶ Forest Service Manual (FSM) 2354.21 (2009). For eligible wild rivers, that generally includes managing them to preserve their primitive, non-motorized character.⁴⁶ The overarching policy objectives of the Wild & Scenic Rivers Act and Forest Service guidance together create a presumption that eligible wild river corridors be managed to maintain their primitive character by precluding motorized travel. The PSI’s Forest Plan directs the agency to “[p]rotect river segments that have been determined eligible for potential addition to the National Wild and Scenic Rivers system from activities which could diminish or change the free-flowing character, water quality, or the scenic, recreational, fish and wildlife, and other values which make the river eligible for designation.” Forest Plan at III-16. The Plan then offers specific direction regarding roads: “[p]rohibit construction of roads within the river study area if it would have direct and adverse effects on the values which make the river eligible for potential inclusion into the system” and “[m]aintain current motorized access character and avoid any changes to the potential wild and scenic river classification” *Id.* This national and forest plan direction compel the Forest Service to not designate motorized use within eligible river segments that are classified as “wild.”

There are proposals to provide public motorized access to the South Platte River in the Wildcat Canyon area near Hackett Gulch. The Hayman Fire Travel Management Plan would possibly allow Park County to assume jurisdiction of closed routes which intrude into the designated river corridor. The higher maintenance levels, volume of use, and construction requirements generally associated with county roads may modify motorized access character and have adverse effects on the values which make the river eligible for inclusion as a Wild and Scenic River. Unlicensed ORV use is generally prohibited on county roads in Colorado, but Park County could decide to open any roads under its jurisdiction to ORV use. Allowing Park County to assume jurisdiction on closed roads could remove USFS control over the type and volume of ORV use on roads in the river corridor. The increased dust, noise, safety concerns and pollution associated with ORV use would have negative impacts on the Wild and Scenic nature of the South Platte River and the surrounding corridor.

⁴⁶ See 16 U.S.C. § 1273(b) (eligible wild river areas include free-flowing rivers that are “generally inaccessible except by trail, with watersheds or shorelines essentially primitive” and “represent vestiges of primitive America”); FSH 1909.12, ch. 80, § 82.3 Exhibit 01 (inter-agency guidelines for classification of eligible wild rivers prescribe “[n]o . . . provision for vehicular travel within the river area”); *id.* § 82.51 (motorized travel “is generally not compatible with this classification”); FSM 2354.42o (“Normally, motorized use will be prohibited in a wild river area.”).

Designating new motorized routes within the corridor that is designated as an eligible Wild and Scenic River and categorized as a “wild” will require a forest plan amendment. As discussed throughout this letter, we oppose modification of the plan specifically to accommodate public motorized access.

Further, we oppose any proposal to turn over jurisdictional control to Park County of any Forest Service routes within the wild and scenic corridor. The overall popularity and volume of motorized use, including 4WD vehicle and ORV use, has increased tremendously in recent years. Water quality, scenic, recreational, fish and wildlife values would be negatively impacted by increased levels of motorized use in the river area. Allowing motorized access across the river and in the designated corridor would significantly modify the motorized access character that existed when the Forest Plan was issued.

4. Citizen Conservation Plans and Wilderness Proposals

a. Wild Connections Conservation Plan

Attached as Appendix 13 is long-standing citizens’ management proposal that was published in 2006 in anticipation of the PSI forest plan revision under the 1982 planning rule. The Wild Connections Conservation Plan is the product of many contributors, including volunteers who over the course of several years mapped the boundaries of some 100 roadless areas within the PSI. Working with members of the public representing various recreational and user groups and experts who reviewed the plan applying the science of conservation biology, Wild Connections produced a comprehensive citizens’ management alternative proposal, containing recommendations for the whole of the PSI.⁴⁷ Recognizing that protection of biological resources must be carried out on a regional scale, the Plan identifies a number of large, geographically based complexes, such as the Rampart Range, Pikes Peak Massif, and Sawatch Range, and proposes a series of management recommendations for different areas within each Complex. Using a “thematic” approach corresponding with then-current National Forest planning regulations, the Plan divides each Complex into areas where natural processes should dominate, areas where limited management for other purposes would be appropriate, and other areas where more intensive recreational use and active management could occur.

Because roads are the dominating factor in causing habitat fragmentation on public lands, and because the dramatic increase in motorized recreation over the past four decades has been a major factor in causing habitat degradation and recreational user conflict, we believe that the prescriptions and recommendations contained in the Wild Connections Plan are particularly appropriate for consideration in a travel management plan. Many of these areas share substantial overlap with Colorado Roadless Areas. The agency should maintain the roadless character of these areas by managing them for non-motorized uses.

⁴⁷ The Wild Connections Conservation Plan will be evaluated and updated prior to the upcoming PSI forest plan revision. While the original data is accurate to the best of our knowledge, conditions on the ground may have changed. Wild Connections welcomes input regarding these discrepancies. The Conservation Plan is also available online at <http://www.wildconnections.org/conservation/wccpconservationplan.html>.

b. Central Colorado Wilderness Coalition's Wild Eleven Wilderness Proposal

The coalition of volunteers and non-profit groups that comprise the CCWC built upon the work of Wild Connections and its 150 citizen mappers who inventoried 100 roadless areas in the PSI and nearby BLM lands. From that long roadless area list and with diligence and care, CCWC selected eleven diverse and exemplary wilderness candidates, called the Wild Eleven, to promote for designation as part of the National Wilderness Preservation System. A map of the Wild Eleven proposal is attached as Figure 2 to this letter.

Five of these areas are managed by the Forest Service: Buffalo Peaks Wilderness Additions, Farnum Peak, Pikes Peak West, Thirty-nine Mile Mountain, and Weston Peak. Two are managed by the BLM: McIntyre Hills and Table Mountain. Badger Creek, Beaver Creek, Browns Canyon, and Grape Creek contain lands administered by both agencies.

Currently, three of the co-administered areas—Badger, Beaver, and Grape, as well as McIntyre Hills—are legislatively proposed for wilderness designation in the Colorado Wilderness Act of 2015, sponsored by Rep. Diana DeGette of Colorado. Congresswoman DeGette's bill, H.R. 3336, is available online at <https://www.congress.gov/bill/114th-congress/house-bill/3336/text>.

c. Quiet Use Coalition's Quiet Use Area Proposal

On January 28, 2000, the QUC submitted bound hard copies of a formal proposal to the PSI's Salida and Leadville Ranger District's entitled "Quiet Use Coalition Proposals to U.S. Forest Service." The 38-page proposal detailed modifications to the Forest Service's route system in sixteen areas in order to set aside quiet, non-motorized areas within the San Isabel National Forest for the enjoyment of non-motorized recreationists. The original proposal included maps, descriptions, rationale and supporting documentation. Much of this proposal is still relevant today, sixteen years after it was originally submitted to the Forest Service; however, some elements of this proposal need updating. QUC will be updating this proposal and resubmitting it to the PSI during the scoping period. A complete copy of the 2000 version of the proposal is available upon request. Meanwhile, a brief summary of the areas and recommendations in the proposal is provided as Appendix 14.

d. Rampart Range Wildlands

With the exception of dead-end spur roads, the Rampart Range Wildlands (RRW) are roadless. Most of this land is part of the Rampart East Roadless Area (RERA), with the northern portion classified as Upper Tier under the Colorado Roadless Rule. We were disheartened when parts of the RRW were seemingly arbitrarily excluded from the RERA, particularly around Forest Roads 327 and 300.C, and in the upper portion of North Monument Creek. It is our position that the whole area should be managed to maintain its roadless character, including those parts that are not officially recognized as part of the RERA.

We are particularly concerned about minimizing the impacts resulting from designated motorized routes, about resource damage caused by unauthorized user-created routes into the roadless area, and the need to protect natural resources. We believe that preserving the natural and roadless character of RRW balances the needs of the broad range of recreationalists in this part of the forest, as there are ample opportunities for motorized recreation in nearby areas, including around Devil's Head, Rainbow Falls, and North Divide.

5. Continental Divide National Scenic Trail

The Continental Divide National Scenic Trail (CDNST) was designated by Congress in 1978 as a unit of the National Trails System. The 3,100 mile CDNST traverses the Continental Divide between Mexico and Canada. It travels through 25 National Forests, 21 Wilderness areas, 3 National Parks, 1 National Monument, 8 BLM resource areas and through the states of Montana, Idaho, Wyoming, Colorado and New Mexico.

The general rule provided by the National Trails System Act (NTSA) with respect to use of motorized vehicles on National Scenic Trails, including the CDNST, is as follows:

(c) national scenic or national historic trails may contain campsites, shelters, and related-public-use facilities. Other uses along the trail which will not substantially interfere with the nature and purposes of the trail may be permitted by the Secretary charged with the administration of the trail. ... The use of motorized vehicles by the general public along any national scenic trail shall be prohibited.

16 USC § 1246 (7)(c).

An exception to the ban on motorized vehicles on the CDNST is as follows:

Other uses along the ... Continental Divide National Scenic Trail, which will not substantially interfere with the nature and purposes of the trail, and which, at the time of designation, are allowed by administrative regulations, including the use of motorized vehicles, shall be permitted by the Secretary charged with administration of the trail.

16 USC § 1246 (7)(c). Accordingly, motorized vehicles may only be permitted on the CDNST if (1) the use of such vehicles will not substantially interfere with the *nature and purposes* of the trail and (2) such use, at the time of designation, was allowed by administrative regulations. The 2009 CDNST Comprehensive Plan states that the "nature and purposes of the CDNST" are "to provide for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the CDNST corridor." See U. S. Forest Service, *Continental Divide National Scenic Trail Comprehensive Plan*. 2009. IV.A.

Allowing motorized vehicles on the CDNST would substantially interfere with the nature and purpose of the trail. We therefore highly discourage the PSI from designating any motor vehicle use along the CDNST. In addition, we encourage the PSI to establish a minimum one-half mile buffer on either side of the CDNST within which motorized use would not be allowed. Any motorized designations being considered within this buffer should be evaluated to ensure that it does not substantially interfere with the nature and purpose of the CDNST. Establishing a one-half mile buffer would be consistent with the agency's direction for managing the Trail. See FSM 2353.44(2)(b) ("establish a management area for the segments of the CDNST that traverse that unit that is broad enough to protect natural, scenic, historic, and cultural features (FSH 1909.12)"). See also FSM 2353.44(b)(2)(e) ("Identify and preserve significant natural....resources along sections of the CDNST 'corridor' that traverse the unit.") See also 2353.44(b)(7) ("The one-half mile foreground viewed from either side of the CDNST travel route must be a primary consideration in delineating the boundary of a CDNST management area.")

We request that the agency analyze an alternative that would not designate any motorized use on the CDNST or within a quarter-mile buffer.

6. Colorado Natural Heritage Program Potential Conservation Areas

The Colorado Natural Heritage Program (CNHP) has identified Potential Conservation Areas (PCAs) across Colorado that document lands with high ecological value. The CNHP provides the following explanation for these PCAs:

In order to successfully protect populations or occurrences, it is necessary to delineate conservation areas. These potential conservation areas focus on capturing the ecological processes that are necessary to support the continued existence of a particular element of natural heritage significance. Potential conservation areas may include a single occurrence of a rare element or a suite of rare elements or significant features.

The goal of the process is to identify a land area that can provide the habitat and ecological processes upon which a particular element or suite of elements depends for their continued existence. The best available knowledge of each species' life history is used in conjunction with information about topographic, geomorphic, and hydrologic features, vegetative cover, as well as current and potential land uses. The proposed boundary does not automatically exclude all activity. It is hypothesized that some activities will cause degradation to the element or the process on which they depend, while others will not. Consideration of specific activities or land use changes proposed within or adjacent to the preliminary conservation planning boundary should be carefully

*considered and evaluated for their consequences to the element on which the conservation unit is based.*⁴⁸

Maps and GIS data for these PCAs is available for download online here:

<http://www.cnhp.colostate.edu/download/gis.asp>. For each PCA, the CNHP developed a report that provides more detail about the ecological value of the area. These reports are available online here: http://www.cnhp.colostate.edu/download/gis/pca_reports.asp. We encourage the PSI to give these PCAs, particularly those areas that received an Outstanding Biodiversity Significance or Very High Biodiversity Significance Ranking, special consideration. We recommend that the PSI refrain from designating motorized routes in any PCA where this use could pose a risk to the biological resource for which the PCA was established. The Forest Service should also consider opportunities to close unneeded routes in these PCAs to restore their ecological integrity.

7. Research Natural Areas (RNAs)

The Forest Service Manual sets out the objectives of the RNA system:

- (1) Maintain a wide spectrum of high quality representative areas that represent the major forms of variability found in forest, shrubland, grassland, alpine, and natural situations that have scientific interest and importance that, in combination, form a national network of ecological areas for research, education, and maintenance of biological diversity.
- (2) Preserve and maintain genetic diversity, including threatened, endangered, and sensitive species.
- (3) Protect against human-caused environmental disruptions.
- (4) Serve as reference areas for the study of natural ecological processes including disturbance.
- (5) Provide onsite and extension educational activities.
- (6) Serve as baseline areas for measuring long-term ecological changes.
- (7) Serve as control areas for comparing results from manipulative research.
- (8) Monitor effects of resource management techniques and practices.

FSM 4063.02. The Forest Service is required to maintain RNAs for “Research and Development, study, observation, monitoring, and those educational activities that do not modify the conditions for which the Research Natural Area was established.” *Id.* The Forest Service must therefore ensure that RNAs on the forest are managed so that the ecological condition for which the RNA was created is maintained over the life of the plan.

There are two Research Natural Areas on the PSI: Hurricane Canyon and Saddle Mountain RNAs. In order to maintain the ecological conditions for which these RNAs were created and to achieve the

⁴⁸ Colorado Natural Heritage Program. 2005. Data Dictionary for Potential Conservation Area Transcription Reports from the Colorado Natural Heritage Program. p. 1. Available online at: <http://www.cnhp.colostate.edu/download/dictionary/Data%20Dictionary%20for%20PCA%20Reports.pdf>.

objectives of the RNA system as outlined in FSM 4063.02, the Forest Service must not designate motorized use in these RNAs.

8. Areas that Are Important for Quiet, Non-Motorized Recreation

Listed below are general locations accompanied by specific examples on the PSI where user conflicts between recreational users are occurring that should be addressed in the travel planning process. In particular, we request that the Forest Service manage these areas primarily for non-motorized recreation in order to minimize conflicts and consider the social and economic impacts of designated motorized recreational uses in the areas.

- Multiple use trails where the predominant use is quiet use, but where ORV use also occurs.
Example: Pass Creek Trail, Salida District. Continental Divide National Scenic Trail “Crest Trail”, Salida District.
- Designated recreational facilities (designated campgrounds, trailheads, picnic areas, etc.) where the predominant use is by quiet recreationists but where ORVs also park, stage, drive through or pass adjacent to, resulting in conflicts due to noise, dust, and safety concerns. Examples:
 - Round Mountain Campground, FR 203, South Park Ranger District.
 - Cottonwood Trailhead, FR 181 Federal Quarry Road, Salida District.
 - Halfmoon Campgrounds, FR 110 Halfmoon Road, Leadville District.
 - Horseshoe Campground, FR 18.2A, South Park District.
 - Hall Valley Campground, FR 120.2B, South Platte District.
 - Watchable wildlife locations
 - Colorado Birding Trail locations
- Popular dispersed motorized camping areas for quiet users along roads which receive ORV use.
Example: Hikers and climbers camping along FR 390 (Clear Creek Road) on the Leadville District.
- Roads popular for winter snow based recreation without seasonal wheeled vehicle closures (large 4WDs or ATVs rut and degrade snow surface). Example: FR 110 (Halfmoon Road) on the Leadville District.
- Unlicensed ORV mixed use safety/noise/dust conflicts with licensed passenger vehicles on ML-3 roads. Examples:
 - FR 344 (South Cottonwood Road) on the Salida District.
 - There are numerous roads on the Leadville and Salida Districts, where there is no record of a required mixed use analysis.
- Roads primarily used as quiet use trails, as they access a quiet use trail and are too rough for most vehicles to drive (so most people walk on the road to access the trailhead). Examples:
 - FR 125.B (Mount Elbert Road) on the Leadville District which provides access to South Mt. Elbert Trail.

- FR 133 (Rock Creek Road) on the South Park District, which provides access to Trail 606 Ben Tyler Trail in the Lost Creek Wilderness.
- Areas popular with quiet recreationists which are impacted by unmanaged unauthorized motorized use. Example: Legal hunters in the Lodgepole flats area on the Leadville District.
- Recreation Proposals for Hiking, Biking, and Other Forms of Non-Motorized Recreation.
 - Example: Governor Hickenlooper's "16 in 2016" proposal for new trails in the PSI, particularly the Ring the Peak Trail and likelihood for increase non-motorized use on FR 376.A to accommodate this Trail. It is likely that these trails will result in a substantial increase in non-motorized use, which could lead to conflicts with motorized recreational users. More information about the 16 in 2016 proposed trails can be found on Colorado Department of Natural Resource website here: <https://cdnr.us/#/cothebeautiful>.

9. Wildlife Protections

We discuss areas that are important for wildlife in the following sections of this letter:

- III(D) – Forest Plan direction related to wildlife;
- III(G) – endangered and threatened species;
- III(P) – seasonable closures to protect big game.

IV. Sustainable Recreation Management - Other Important Considerations

A. Over-snow vehicle use

The Forest's Service's new rule governing over-snow vehicle (OSV) use – subpart C of the Travel Management Rule – requires national forests with adequate snowfall to designate a system of areas and routes for OSV use. Our understanding is that the PSI will address only wheeled off-road vehicles (pursuant to subpart B of the Travel Management Rule) in this planning process. While we are generally supportive of the forest not overloading the current process with comprehensive winter travel planning, we are concerned about OSV management and use on the PSI and want to ensure that the forest is actively working towards compliance with subpart C. We believe this can be accomplished through three steps: (1) addressing certain hotspots where significant resource impacts and/or recreational use conflicts are occurring now; (2) providing a good framework for comprehensive winter travel planning through the upcoming forest plan revision; and (3) initiating a winter travel planning process within 1 year of the record of decision on the revised forest plan.

1. Winter travel planning requirements under subpart C⁴⁹

⁴⁹ These requirements are described in more detail in our June 28, 2016 pre-scoping letter entitled "Planning for Over-Snow Vehicle Use on the Pike-San Isabel National Forest."

Under subpart C, forests with adequate snowfall must designate and display on an “over-snow vehicle use map” a system of areas and routes where OSV use is permitted based on protection of resources and other recreational uses. 36 C.F.R. § 212.81. OSV use outside the designated system is prohibited, moving forests into a “closed unless designated open” management paradigm. *Id.* § 261.14. When designating areas or trails for OSV use, the Forest Service must apply the executive order minimization criteria, which are described in detail in section III(B) above.⁵⁰ Minimization of impacts associated with OSV area allocations is particularly important because subpart C permits the Forest Service to designate larger areas open to cross-country travel than in the summer-time travel planning context. The rule, however, requires that designated areas be “discrete,” “specifically delineated,” and “smaller . . . than a ranger district.” 36 C.F.R. § 212.1 (definition of “area”). Accordingly, the Forest Service must specifically delineate discrete areas where cross-country travel is permitted and locate any such areas to *minimize* resource damage and user conflicts. Under the plain terms of the ORV executive orders, the Forest Service also must apply the minimization criteria to *all* trails designated for OSV use – even if those trails are located in areas of the forest that would be designated as open to cross-country OSV use. When designated and placed on a map, trails focus the impacts of OSV use to those locations and generally increase the number of OSV users visiting the area.

Upon public notice, subpart C permits the Forest Service to grandfather previous decisions made with public involvement that restrict OSV use to designated areas and routes. 36 C.F.R. § 212.81(b). Prior to grandfathering existing winter travel management decisions by adopting them on an OSV use map, however, the Forest Service must ensure that the administrative record for those decisions demonstrates that the agency applied the minimization criteria when making OSV area and route designations. In addition, the agency must ensure that previous decisions are not outdated – that they adequately reflect current OSV technology, recreational use trends, climate change impacts, etc. – and that they follow the required “closed unless designated open” approach by limiting OSV use to discrete open areas and routes where snowfall is adequate.

2. OSV management on the PSI

According to a data obtained through a 2014 FOIA request by Winter Wildlands Alliance, over 1.6 million acres – or about 73% -- of the PSI is currently open to OSV use, and only about 160,000 acres outside designated wilderness is closed to that use.⁵¹ Since 1993 (for the San Isabel) and 1992 (for the Pike), national forest visitor maps have depicted certain areas as open or closed to OSV use, and included written direction regarding that use. Yet we have been unable to identify any information in the 1984

⁵⁰ 36 C.F.R. §§ 212.55, 212.81(d). Subpart C originally gave the Forest Service discretion whether to address OSV use. Winter Wildlands Alliance successfully challenged the exemption of OSVs from mandatory travel planning in court, resulting in a 2013 decision finding that subpart C violated the executive order requirement to designate a system of areas and trails – based on the minimization criteria – on *all* national forest lands for *all* types of off-road vehicles. *Winter Wildlands Alliance v. U.S. Forest Service*, No. 1:11-CV-586-REB, 2013 U.S. Dist. LEXIS 47728, at *27-36 (D. Idaho Mar. 28, 2013). The court directed the agency to promulgate a new rule consistent with the executive orders, resulting in the current subpart C regulations.

⁵¹ Winter Wildlands Alliance, *Winter Recreation on National Forest Lands*, pp. 14-15, 32-33 (2015), available at <http://winterwildlands.org/wp-content/uploads/2015/06/2015-Winter-Rec-Report.pdf>.

Forest Plan or elsewhere suggesting that the Forest Service considered – much less applied or implemented – the executive order minimization criteria when making those allocations. Nor do there appear to be specific open area designations for all areas where OSV is currently permitted.

PSI INFRA trails data indicate very few officially designated snow trails available for OSV use. There are, however, numerous routes which are actively being groomed and/or delineated (by markings on the ground and/or on maps) as OSV routes. Grooming a route, marking it on the ground, and delineating it on a map all encourage, concentrate, and facilitate increased use. We have been unable to locate documentation designating these routes pursuant to the executive order minimization criteria, NEPA, and other requirements of subpart C.

3. Recommended approach

As described above, existing OSV management on the PSI clearly is not in compliance with subpart C or the executive order minimization criteria. We understand that it may not be feasible at this point to add subpart C to the travel planning process that is underway. Nevertheless, we would like to see the forest chart a course for how it will address the issue through upcoming planning processes and actively work towards compliance. We believe this can generally be accomplished by providing a good framework for comprehensive winter travel planning through the upcoming forest plan revision, and then initiating a winter travel planning process within 1 year of the record of decision. However, even under that scenario, the forest will not have a compliant winter travel management plan for a decade or more. Therefore, the forest must address certain hotspots where significant resource or use conflict is occurring now.

2. Conflict areas that must be addressed expeditiously

Within the PSI, a high volume of winter use takes place on the Salida and Leadville Ranger Districts, where higher elevations and more consistent snowpack support a variety of both motorized and non-motorized snowsports. While there are winter use areas on the Pike National Forest, the areas of highest conflict between user groups and natural resources (primarily wildlife habitat) are concentrated on the San Isabel. The most significant hotspots are the Monarch Pass area, Tin Cup and Cottonwood Pass, the Twin Lakes and Leadville areas, in big game winter range and lynx habitat, and along the Continental Divide National Scenic Trail. Given growing use trends and conflicts, these areas need to be addressed expeditiously.

The Monarch Pass area includes several popular winter recreation access points along Highway 50, including Monarch Pass, Monarch Park, Waterdog Lakes, and Old Monarch Pass, which facilitate a variety of both motorized and non-motorized uses. There are several high-quality backcountry ski areas, snowshoe trails, snowmobile routes, and dog-sled activity utilized by both private and commercial interests. The proximity to Salida and Monarch Mountain ski area make Monarch Pass a popular destination for both local users and visitors, but the area is often crowded on weekends and conflicting

uses overlap more and more each year. The nearby Fooses Creek is a popular cross-country skiing and snowshoeing area that includes backcountry ski terrain easily accessed off Highway 50.

Farther north in the Collegiate Peaks, Tin Cup and Cottonwood Pass areas see high volumes of snowmobile use as well as ski and snowshoe access, and more recently fat tire biking. Grooming operations facilitate both commercial and private access to areas along the Collegiate Peaks Wilderness boundary and several roadless areas which support sensitive wildlife habitats and high-alpine ecosystems.

In the Twin Lakes and Leadville areas, winter recreation is accessible from Highway 24 and many groomed trails and county roads. There is a high volume of both motorized and non-motorized winter use, and the area is gaining popularity through a series of winter events and races hosted in Leadville. Additionally, there are seven back-county huts in the area which primarily cater to non-motorized users.

There are numerous 3A Semi-Primitive Non-Motorized management prescription areas identified in the 1984 Forest Plan (at III-123) that are closed to public motorized use. Yet OSVs frequently intrude into these areas. One such area is southeast of Leadville near Empire Reservoir and the Leadville Backcountry Yurts.

The best available science shows that OSV use can have significant adverse impacts on wintering ungulate populations.⁵² The 1984 PSI Forest Plan identifies numerous 5B Big Game Winter Range management prescription areas and includes a Standard/Guideline that the areas be closed to snowmobile use (at III-152). Yet there are numerous locations on the forest where OSV use occurs within 5B areas. More recently, Colorado Parks and Wildlife (CPW) has identified numerous locations on the forest that are winter concentration areas for big game such as deer and elk. Given that wildlife use patterns have changed in the 32 years since the release of the current Forest Plan, we recommend closing to OSV use all CPW identified winter concentration areas for big game.

Reintroduced lynx, a federally threatened species, have established themselves in areas along the Continental Divide on the Salida and Leadville Districts. There are conflicts, and conflicts are likely to increase, between important lynx habitat and unmanaged OSV use.⁵³

Outside of Wilderness, the Continental Divide National Scenic Trail (CDNST) is generally located in areas that are currently open to OSV use. In many places, the CDNST creates a corridor through vegetation that facilitates OSV use. For instance, OSVs often use the CDNST near Twin Lakes and south of Tennessee Pass. In other areas, portions of the CDNST are actively groomed and/or marked as OSV trails. These areas include portions of the trail near St. Elmo and Hancock, at Monarch, and at Marshall Pass. These uses are generally inconsistent with non-motorized management of CDNST corridor, may

⁵² Adam Switalski, Snowmobile Best Management Practices for Forest Service Travel Planning: A Comprehensive Literature Review and Recommendations for Best Management, *Journal of Conservation Planning* 12 (2016) 1-28 (See Appendix 3).

⁵³ Switalski 2016 (documenting adverse impacts of OSV use in lynx habitat).

result in widening of the trail footprint, and detract from the experience of non-motorized winter recreationists who utilize the trail.

These areas could be addressed in a number of ways. For instance, the forest could initiate a separate, simultaneous subpart C planning process that is limited in its geographic scope to these areas; it could add limited subpart C planning to the subpart B planning process; or it could close or restrict use pursuant to 36 C.F.R. part 261, subpart B and § 212.52(b) until the conflicts and impacts can be addressed through the forest planning and/or subsequent winter travel planning processes. The Forest Service should be explicit that any interim actions to address OSV conflicts are subject to adjustment in upcoming planning processes designed to assure compliance with subpart C.

3. Forest plan revision framework, followed by winter travel planning

To achieve compliance with subpart C, the Forest Service should ensure that the upcoming forest plan revision provides a good framework for winter recreation management, including OSV use. This will necessarily require identifying a need for change that addresses OSV use in the larger winter recreation context. It should also include identification of a winter-specific Recreation Opportunity Spectrum (ROS) and suitability determinations for OSVs. For instance, the forest plan should identify as unsuitable for OSV use areas with terrain, snowpack, or other conditions that generally limit the use, as well as areas where there are clear resource conflicts (e.g., deer or elk winter range, lynx habitat, recommended wilderness areas, areas designated for conservation purposes, etc.). This is particularly relevant on a forest like the PSI, which has many low-elevation and other terrain-limited areas. Subpart C requires that areas and routes for OSV use be limited to administrative units or parts of units “where snowfall is adequate for that use to occur.” 36 C.F.R. § 212.81(a). Particularly with climate change already leading to reduced and less reliable snowpack, low-elevation and other areas that lack regular and consistent snowfall should be found unsuitable for OSV use. This in turn will help to focus subsequent winter travel planning efforts and make efficient use of Forest Service resources both during planning and, later, enforcement.

With respect to ROS, the current system is best suited for managing summertime motorized uses, with many areas traditionally classified as backcountry motorized, semi-primitive motorized, and roaded natural providing high-quality and popular opportunities for non-motorized recreation in the wintertime. For example, many visitors enjoy the opportunity to cross-country ski on snow-covered forest roads without having to contend with OSV activity in the area. At the same time, skiers and snowshoers do not always mind sharing trails or areas with OSVs *so long as they expect to encounter motorized uses*. ROS classifications provide a good tool for visitors to determine where on the forest they should go to achieve their desired experience. However, forest visitors’ experiences, expectations, and desires differ in winter as compared to summer, and ROS classifications should account for those distinctions.⁵⁴

⁵⁴ See Forest Service Handbook 1909.12, ch. 20, § 23.23a(1)(d)(1) (recognizing that development and implementation of winter-specific ROS may be necessary); Flathead National Forest, Draft Revised Forest Plan at 62 (“[ROS] settings change as snow

Programmatic, plan-level decisions such as suitability and winter-time ROS can then be implemented through site-specific winter travel management planning that designates particular areas and routes for OSV use. It is not acceptable for a forest to default to allowing OSV use across an entire area allocated as suitable for winter motorized use, and the plan should make clear that a suitability determination “is not a commitment to allow such use but only an indication that the use might be appropriate.” Forest Service Handbook 1909.12, ch. 20, § 22.15(1). Similarly, OSV area designations and ROS categories are distinct, albeit related, management tools. While motorized ROS classifications provide a good starting point for where to designate OSV areas and trails, the Forest Service should not assume that OSV use is appropriate across the entirety of those areas. Instead, the agency needs to designate discrete, specifically delineated areas *within* the motorized ROS classifications and areas suitable for winter motorized uses that are located to minimize environmental damage and conflicts with other recreational uses. To ensure that site-specific winter travel planning is conducted expeditiously, the revised plan should include a commitment to initiate winter travel planning within 1 year of the record of decision.

B. Mountain Biking

Participation in mountain biking is growing rapidly, which is causing resource impacts and conflicts with other trail users. Indeed, we have experienced these impacts and conflicts firsthand. We offer this observation not with malice, as many of us who signed this letter, as well as members of our organizations, participate in mountain biking. Rather, we say this with a desire to see the Forest Service initiate a planning process to better manage mountain biking, and all trail users for that matter, across the forest. Specifically, we would like to see mountain biking limited to designated routes. We do not recommend that the Forest Service attempt to make route designations for mountain bike use as part of this travel planning process, as we believe doing so would overextend the scope of the project, slowing it down considerably. We do, however, urge the agency to consider initiating a more comprehensive recreation planning process to address mountain biking, preferably immediately following the subpart B planning process. This process should take into consideration all non-motorized trail users, including hikers and pack & saddle. This subsequent process would limit mountain biking to a system of designated routes. This would provide safe and desirable opportunities for bikers, help with the continual expansion of user-created routes, and maximize limited recreational resources. If the trail system is properly designed and located, it should help with user conflicts as well. And, to be clear, non-motorized uses should absolutely be considered in this process (i.e., NEPA impacts analysis, minimization compliance, and locating motorized designations), but designating non-motorized routes for these uses should be addressed in a subsequent planning process.

blankets the Forest’s landscapes. While some settings become less accessible and more remote, others change from non-motorized to accommodating [OSVs]. Although the full range of settings, primitive to rural, are still present, their location, distribution and percentages change significantly during the winter months.”). The Flathead Draft Plan provides an example of what those classifications might look like. *Id.* at 62-63.

In addition, limiting mechanized use to designated routes would provide needed consistency across boundaries on adjacent public lands. Two of the three adjacent Forests (the White River and the Grand Mesa, Uncompahgre and Gunnison) limit mechanized use to designated routes. Recent travel management processes on adjacent Royal Gorge Field Office BLM lands have also limited bicycle use to designated routes. The Fourmile travel management plan, one of the most recent travel plans on the PSI, also limited bicycle use to designated routes.

V. Conclusion

We extend our appreciation to the Forest Service for considering these comments in advance of releasing the scoping notice for its travel management planning process. We request that you please include this letter in the official record for the travel management planning project. Our intent in providing these comments is to work cooperatively with the Forest Service and the larger interested public to ensure that the PSI – as a public trust resource – is properly managed for the long-term public interest for the benefit of existing and future generations. The travel planning process presents an opportunity to design, designate, and implement a transportation system that is fiscally and ecologically sustainable, protects wildlands, wildlife, water and other natural resources that are currently intact and also restore those values that have suffered from a history of intensive use.

Our comments address a host of topics that we expect the PSI to address in the travel planning process. We request that the agency please contact us if it is considering eliminating a recommendation proposed in our letter from detailed study in an alternative to give us a chance to clarify any confusion or misunderstandings that may be cause for elimination. We look forward to working with the Forest Service as the travel planning process moves forward. We are available to discuss our comments raised in the letter.

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