

December 21, 2020

USDA Forest Service Rocky Mountain Regional Office
Attn: Reviewing Officer
P.O. Box 18980
Golden, CO 80402

RE: Pike and San Isabel National Forests Motorized Travel Management (MVUM) Analysis and Draft Record of Decision (ROD) Objection

Douglas County Government appreciates the opportunity to comment during the NEPA process for the US Forest Service proposed Travel Management Plan and Motor Vehicle Use Map changes. Thank you for your consideration of our comments throughout the last decade as you have worked through the Travel Management Plan and Motor Vehicle Use Map revision process. Douglas County has submitted comments at the various public comment period for ten years. As no accommodation of our main concern has been made throughout this process, we are exercising our last recourse option to file an objection in hopes of making a positive change near the culmination of the process.

Douglas County's main outstanding concern with the draft ROD is over the decommissioning of FS Road 327, mile marker 1.8-4.7. This road segment is located in the northern portion of the Pikes Peak District of the Pike National Forest. The County again requests that this road remain open for full use. Please see our previous response letters, dating back to 2010, making the same request and providing Douglas County standing.

Douglas County has interest in motorized travel in the Pike National Forest as nearly 27% of Douglas County is National Forest land. Many of the County's residents and visitors live, work, recreate or travel through the National Forest in Douglas and adjoining counties.

Douglas County has a great working relationship with the Forest Service and regularly works with the South Platte and Pikes Peak Districts, as well as the Forest Supervisor's office in Pueblo. We partner with the Forest Service in road and infrastructure maintenance on many miles of County and USFS system roads. We regularly work with the Forest Service on new projects, such as a parking area at the base of Dakan Road; supplying staff and other resources for the Southern Shooting Partnership (SSP) tasked with addressing recreational shooting issues on public lands within this region; law enforcement; emergency management; fuels treatment, fire breaks and other topics of mutual concern.

While we respect the Forest Service and the Travel Analysis Process (TAP) by which the Forest Service generally evaluates and addresses concerns related to roads and motorized trails, Douglas County's leadership and elected officials are very disappointed with the almost complete disregard for the County's requests during this decade long process. These requests were articulated in four letters provided in 2010, 2011, 2016 and 2019 during public comment periods of the Travel Management Plan and Motor Vehicle Use Map process. Once again, Douglas County is objecting to the decommissioning of Forest Service Road 327, between mile

markers 1.8 through 4.7. The following paragraphs will re-articulate the County's reasons for this request and contest some of the TAP analysis responses.

- **Fuels Mitigation:** FS RD 327 is the only road servicing something on the order of 19 sections of heavily forested, steep terrain adjacent to several Douglas County communities. The enclosed/attached graphic shows the relation of FS RD 327 to these communities. It also shows the Colorado State Forest Service fire hazard ratings for this area. The entire area serviced by this road is high to extreme. We requested in our 2010 letter that the roadless area NOT be expanded to include this area nor FS RD 327. We requested that FS RD 327 remain open for fuels mitigation and hazard reduction.

We understand that the Colorado Roadless Rule largely precludes fuels treatment in designated roadless areas. As the fires this season in California and Colorado and the 2002 Hayman fire in areas immediately contiguous to this unburned and untreated area have demonstrated, unmanaged forests, once ignited, often burn in unnatural high-intensity crown fires. They are very difficult to control, especially in the steep terrain without road access found in this area.

They are unnatural because management practices over the last 120 years have called for fire suppression. Fire suppression eliminated the natural fire regime of periodic low-intensity ground fires that cleaned out the understory and litter, opened up the canopy, resulted in a lower tree density, and kept the species composition trending toward the more fire tolerant ponderosas and away from the more fire susceptible and flammable Douglas firs. Forestry professionals these days understand that long-term fire suppression is mismanagement and creates an unhealthy forest of high to extreme fire danger.

Consequently, after more than a century of mismanagement, the Colorado Roadless Rule now codifies continued mismanagement in that it largely precludes the thinning or treatment of overgrown, unhealthy forests caused by man. The stated intent of the roadless rule's prohibition on fuels treatment is to maintain a primitive and 'untouched' appearance of the national forest in designated roadless areas. Unnaturally overgrown areas with an abnormal species composition do not have the desired natural, untouched appearance. We need the ability to manage these forests. They need to be managed to restore them to a healthy, natural condition such as what would have been if man had not intervened to suppress fire for over a century.

The well-intentioned pursuit of a natural and untouched appearance of roadless areas could be reestablished with proper management. Without it, when (not if, but when) these areas burn, they will become highly unnatural. As demonstrated by the Hayman fire, huge areas of forests were killed off via the high-intensity crown fires caused by the unnaturally dense conditions, high ground litter accumulation and abnormal species composition. If these forests had been allowed to burn naturally over the decades, these conditions would not exist and a 'hands off' management approach would be workable now. But because the fire suppression philosophy model of management was imposed

for so long, the unnatural conditions will kill off vast acreage of ponderosas when it burns, ponderosas that would otherwise live in a healthy forest regime.

Additionally, areas of high-intensity fire frequently sterilize the soil and kill off the seed base of not only trees, but graminoids, forbs and shrubs as well. They often create a hydrophobic soil layer that will not absorb or retain precipitation. This causes flash flooding and massive topsoil loss, stripping the already nutrient-deficient soils of the nutrients needed for vegetative regeneration.

The nutrients, sediment and ash wash into the drainages and rivers causing massive water-quality problems and clog the waterways and downstream reservoirs with silt, sand, gravel, boulders and debris. One of the major reasons for the establishment of the national forest system, and part of the management plan of this very area, is to protect watersheds. When (not if) this area burns, it will cause massive problems in the drainages and water systems.

The West Plum Creek watershed was designated by the Natural Heritage Foundation as one of the last, best piedmont stream complexes in the state. It is home to the numerous rare and listed species including the Preble's meadow jumping mouse and five rare native fish.

A Hayman type fire would cause major hydrology, water quality, turbidity and sedimentation problems in this watershed. The downstream watershed authorities are constantly battling nutrient loading limits; this type of event would almost certainly cause massive exceedance of state and federal limits and would likely push them into an impaired water status.

As the Hayman fire also demonstrated, the resulting flash flooding from only a ¼" rainfall event, caused culverts, driveways and roadways to wash out. This was a threat to human life, caused major property damage, and required significant emergency rebuilding efforts by private individuals and government agencies at multiple levels. Ecological impacts were severe.

Significant numbers of wildlife supported by the habitat in this area would almost certainly be unable to escape, and would be killed. Those that were able to outrun the flames would be displaced. Recovery of habitat in areas of unnatural high-intensity crown fires would be slow. Human intervention such as reseedling, replanting trees, breaking up the hydrophobic soil layer, log removal, construction of sediment retention structures, etc. is required to restore these areas in a reasonable timeframe. Even then it is slow, and topsoil and nutrient loss reduces the capacity of the land to regenerate healthy forests, shrubs and understory even with the use of restoration practices. Populations in this area are already under pressure from development, fragmentation, and disturbance. Losing many square miles of habitat exacerbated by the slow recovery after high-intensity fire will be a massive blow to population numbers and dynamics within the region. How does long-term destruction of the forest, killing off terrestrial and aquatic wildlife and damage to the watershed accomplish the goal of maintaining a

primitive and untouched resource that practical fuels management would preserve? As those charged with managing Douglas County for all its residents and visitors, and with almost 27% of Douglas County being national forest, we would much rather see a few stumps and saw marks in the designated roadless area than have a denuded and soilless landscape with choked creeks and rivers with drastically diminished terrestrial and aquatic wildlife populations.

As required under the Colorado Roadless Rule to allow for fuels mitigation in designated roadless areas, Douglas County does have a Community Wildfire Protection Plan (CWPP). This plan includes the communities of Woodmoor Mountain, Valley Park and Perry Park. These three communities are Wildland/Urban Interface (WUI) communities incorporated into the County's CWPP. Once again, Douglas County request fuels mitigation in the area serviced by FS RD 327 to protect these communities from grave wildfire risk. The Colorado Roadless Rule allows for mitigation within a mile and a half of these communities; we request the Forest Service initiate treatment of these areas. The County is certainly willing to work with the Forest Service to accomplish this goal. We understand fuels mitigation will have to be pursued in a process separate from this MVUM draft ROD Objection.

The TAP response to Douglas County's request to leave this road open to fuels mitigation was (unique comment identifier 2008-4); "Decommissioning of routes does not preclude future vegetation treatments in an area." While this statement is technically true, it is impractical and disingenuous. As this area is now designated as a roadless area, road building for fuels mitigation is precluded except within ½ mile of a WUI community with a CWPP. Fuels thinning methods for steep terrain include helicopter logging, cable logging and cable-assist tethered logging. Helicopter logging is generally too expensive and impractical, and still needs ground support and forward operating logistics. The other two methods definitely do as well. Realistically, fuels mitigation will not occur without roads; there is an established road into the most extreme area of fuels loading and fire risk. It must remain open. No others will be permitted under current designations.

Douglas County leadership understands that the US Forest Service is the agency tasked by federal code with management of the nation's national forests, and we respect that charge. We also understand the legal constraints that sometimes influence your decisions. However, your decisions to designate the area around FS RD 327 as roadless and your decision to decommission the same, contrary to repeated County and other stakeholder requests, have exacerbated the risk to Douglas County residents, their property, wildlife, natural water systems, water interests and Douglas County resources that will have to be called upon in emergency response, rebuilding and reclamation during and after the fire that will eventually occur.

We believe this is management approach is irresponsible. It demonstrates an unwillingness to partner with an interested local government. It places Douglas County, its residents and visitors, private property, our natural resources, infrastructure and our financial resources at risk. It further limits our options for resolution and our joint ability

to reduce this risk. How much responsibility and liability is the Forest Service willing to incur by disregarding repeated warnings and requests from governments & stakeholders that would suffer loss in the event of a fire yet are willing to partner in the required road maintenance and mitigation efforts?

- **Fire Response and Search and Rescue (SAR):** Various entities charged with emergency response have used this road for emergency response including search and rescue and firefighting. As an example, some years ago a small plane flying from Centennial Airport at night crashed in this vicinity. The pilot was killed, and the plane ignited a fire. FS RD 327 was critical to get tenders & brush trucks in to fight the fire and to extricate the pilot's body. Douglas County would like to retain the ability to access this area via FS RD 327 as it is the only motorized route servicing such an inaccessible area.

The TAP response to this request was (unique comment identifier 2008-5), "In accordance with the Forest Plan, closed and restricted roads may be used for and to accomplish administrative purposes in case of emergency (Forest Plan, Page III-75)." While the TAP does not indicate that the portion of FS RD 327 slated for decommissioning is to be immediately scheduled for obliteration, it is at risk of becoming unserviceable. Forest Service documents describing the purpose of decommissioning and the five possible dispositions of decommissioned roads states the following:

Road decommissioning is defined as: "Activities that result in the stabilization and restoration of unneeded roads to a more natural state." (36 CFR 212.1, FSM 7705 – Transportation System) The Forest Service Manual (7712.11- Exhibit 01) identifies five levels of treatments for road decommissioning which can achieve the intent of the definition. These include the following:

1. *Block entrance*
2. *Revegetation and waterbarring*
3. *Remove fills and culverts*
4. *Establish drainageways and remove unstable road shoulders*
5. *Full obliteration recontouring and restoring natural slopes (Napper, n.d.)*

The MVUM map legend shows that decommissioned roads are no longer Forest System routes. It seems that technically or legally, this road would no longer be classified as a road at all, not even a closed one. It is certainly not a restricted road. The very definition of a decommissioned road articulates that is to be returned to a more natural state. This definition further implies that it will cease to be a road.

Even if the road is only blocked and remains physically present, it will likely become unserviceable in a short time due to revegetation, natural processes and erosion in the absence of maintenance. If any of the other dispositions of decommissioned roads is selected for FS RD 327, the road will be rendered unserviceable. For example, revegetation, removing fills and culverts or establishing drainageways will render the road unserviceable. And as this area is now a designated roadless area, there is nothing to prevent Forest Service staff from obliterating the road in the future. So, once again,

the TAP response is disingenuous and unrealistic. This road will not remain serviceable and available for emergency response very long if decommissioned.

- **Non-motorized Trail Connections:** In previous comments, Douglas County mentioned that trail 627 appeared on previous USFS maps as an officially designated trail. It connected FS RD 327 to Sandstone Ranch. Douglas County recently purchased Sandstone Ranch. The County would like to reestablish a non-motorized trail connection from Sandstone Ranch to FS RD 327 once again. In deference to best management practices, Douglas County has worked with stakeholders and consultants to develop a sustainable route that works with the topography near the alignment of the historic 627 trail. On August 7, 2019, Douglas County sent an official request/application letter to Oscar Martinez, Pikes Peak District Ranger requesting this non-motorized trail connection. To date, no action has been taken on this request. The County was not expecting an immediate response, but rather wanted to initiate the process which we understood would take time to complete.

Douglas County brought up this trail connection request in several of our comment letters dating back to 2010. The TAP response was (unique comment identifier 2800-6); “Managing nonmotorized recreation is beyond the scope of this undertaking.” We fully understand that the TMP/MVUM process deals only with motorized recreation. However, the County has repeatedly mentioned the importance of access to non-motorized trail 627 or a more sustainable alternative via FS RD 327. This response completely disregards and overlooks the intent of the County’s request to maintain public access through the entire length of FS RD 327 for the purposes of motorized access to Trail 627 or its alternative. In our most recent comment letter in the MVUM process (Nov. 4, 2019), we stated that we had an active application open for a non-motorized trail connection to FS RD 327. The County was not requesting action on the trail application as part of the MVUM process; we were requesting FS RD 327 remain open as a necessary connection to the proposed trail for which the County has an open application to the Forest Service. The TAP analysis response completely misconstrued and delegitimized the County’s request.

- **Hunting Access, Wildlife and Disease Management:** The area serviced by FS RD 327 is very steep and difficult to traverse. It is the only road servicing over 19 sections or more. Access from the lower country adjacent to National Forest is very limited. Most Douglas County residents do not have horses or backcountry horsemanship skills. This makes hunting very difficult without nearby motorized route access. Retrieval of big game animals harvested in this steep terrain is even more problematic without vehicular access. Decommissioning of FS RD 327 will effectively eliminate the ability to hunt most of this country for most people.

In addition to the loss of recreational opportunities, we also lose the tool of hunting for wildlife and disease management. There are significant populations of deer, elk, bear and mountain lion in this area. From time to time, populations get out of balance and must be thinned. Hunting is the most viable and long-standing method of population

control. If we cannot get a reasonable level of harvest in this area, we lose our ability to reduce populations when necessary. Additionally, chronic wasting disease (CWD) has been a concern in recent years. Keeping populations thinned and dispersed is the key to managing this disease.

Bears and mountain lions can get habituated to humans when they get frequent meals from human food or domestic livestock without the negative reinforcement of being hazed or hunted. Elimination of any practical means of hunting in this area eliminates the ability to de-habituate, or reverse the trend of habituation, in a large and important portion of Douglas County. With the elimination of trapping and the use of bait and dogs for bear hunting, traditional active hunting becomes the only means left to accomplish this goal and to eliminate depredating animals. We have also gotten wind of an effort to develop a ballot initiative in the next election cycle to ban lion hunting with dogs, making the situation worse.

Finally, with the passage of the ballot initiative requiring gray wolf reintroduction, as wolves eventually move into this area, hunting will become necessary to manage population numbers and remove depredating individuals. Data and experience from states with wolves show they have a very high reproductive rate and spread rapidly. In Idaho for example, 2/3 of problem wolves are dealt with by trapping (Hough, 2019), a method that is unavailable in Colorado with limited exceptions. Hunting defaults to the last viable method of controlling wolf populations and eliminating problem individuals.

Motorized access via FS RD 327 makes hunting viable in multiple square miles of otherwise generally inaccessible terrain. If future non-motorized trail access along the former Trail 627 route or alternative from Sandstone Ranch Open Space to FS RD 327 will open additional opportunities while still preserving many contiguous sections of roadless area for wildlife refuge functions.

In summary, for the reasons articulated above, Douglas County is filing this Objection to the proposed decommissioning of Forest Service Road 327 between mile markers 1.8 through 4.7 as articulated in the MVUM draft ROD. We have worked through the normal channels and repeatedly provided comments through the TMP/MVUM process since 2010. As our requests have largely been dismissed, our only recourse at this stage of the process is to file the formal Objection. Douglas County strives to be a good partner with the Forest Service. We work together and collaborate on many projects and issues. We would like to work with you to come to a positive, workable resolution to this issue as well.

On that note, the most suitable outcome of this matter would be for the Forest Service to leave FS RD 327 fully open to motorized use. Douglas County has repeatedly offered to assist with road maintenance as we do on numerous other USFS system roads.

A less desirable outcome would be to make FS RD 327 an administrative road or somehow permit or deed it to Douglas County. While the recreational and hunter access limitations would remain and wildlife management opportunities would be reduced, the fuels mitigation,

emergency response and trail connection opportunities would remain. While this is not our preferred alternative, it is more desirable than decommissioning. Again, the County offers to assist with road maintenance. If it could be deeded or permitted to the County, subject to approval by the Board of County Commissioners, the County would entertain acceptance of complete maintenance of the road.

Once again, we would like to thank the US Forest Service for their diligent work on the lengthy and challenging TMP/MVUM process and for the opportunity to comment on these proposals. Douglas County is a willing partner and hopes to come to a mutually beneficial solution to this issue. We are open to further partnership on future opportunities.

Respectfully,

BOARD OF DOUGLAS COUNTY COMMISSIONERS



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Encl: MVUM Fire Risk Map
Douglas County Comment Letter Apr. 20, 2010
Douglas County Comment Letter Oct. 4, 2011
Douglas County Comment Letter Nov. 4, 2019

References

- Hough, A. (2019). *Analysis of Potential Impacts and Management of Gray Wolf Reintroduction*. White Paper, Douglas County Government, Division of Open Space and Natural Resources, Castle Rock, Colorado.
- Napper, C. (n.d.). *Road Decommissioning*. Retrieved December 17, 2020, from United States Department of Agriculture United States Forest Service: https://www.fs.fed.us/t-d/programs/im/road_decommission/road_overview.shtml#:~:text=Road%20decommissioning%20is%20defined%20as,road%20decommissioning%20which%20can%20achieve