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Comments:

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USDA Forest Service Rocky Mountain Region

Attn: Objection Reviewing Officer

P.O. Box 18980 Golden, CO 80402

Submitted online via: <https://cara.ecosystem-management.org/Public//CommentInput?Project=50041>

RE: Berlaimont Estates Access Route FEIS and ROD

Dear Reviewing Officer:

I submitted comments during the comment period on the Draft EIS. Those comments raised issues related to the unreasonableness of this proposal, concerns about the Forest Service's plan to amend its existing Forest Plan to strip protections for wintering wildlife, declining populations of wildlife in the Eagle Valley, the loss of winter range, the impacts of fragmentation on wildlife and critical winter range, traffic, fire risks, sprawl, and the Forest Service's obligation to protect wildlife and public lands. I submit the following objection on the Final EIS and Draft ROD related to the same issues.

This is excerpted from the FEIS: "The importance of elk winter range north of I-70 in the Eagle Valley has increased in recent years as a result of habitat loss and fragmentation from human development activities. South-facing slopes are particularly valuable habitat because of enhanced snow-shedding characteristics. The relatively mesic conditions on side slopes of most ridges in the analysis area support more vigorous mountain shrub communities with a greater abundance of serviceberry and mountain mahogany, two important winter browse species. Habitat effectiveness of this winter range is relatively high because of motorized road closures, including the closure of FSR 780 to all motorized use, including snowmobiles, from November 24 to May 21. This closure was implemented specifically to protect this large, isolated block of elk and deer winter range within MA 5.41 from human disturbance." FEIS 232-3.

The Forest Service clearly acknowledges how important this habitat is and how important seasonal closures are. But then the agency proceeds to ignore this information in its reasonable use analysis for ANILCA and in its decision.

Rather than coming to the logical conclusion that this winter wildlife habitat is too critical just now to open up and pave, the USFS is proposing to approve a new road through this critical winter range and to open that road year-round to facilitate more sprawl in the backcountry. I strongly object to this unreasonable and harmful proposal. More of the same will only achieve the same results. We're losing our wildlife and our public lands, and we need to change course rather than doing the same things all over again. The Forest Service isn't managing our public lands and minimizing impacts on public land values as required by its regulations. The Forest Service is rolling over for a speculative real estate developer because it is being advised by a bunch of attorneys in Lakewood who either care more about private property rights than the public interest or fear Hogan & Hartson more than the taxpayers who employ them.

The Forest Service has discretion to make a different decision, but the agency is ignoring that. Much of this decision hinges on the Forest Service's determination that Berlaimont's proposed use is reasonable. Somehow the agency arrived at that conclusion even though 90% of the inholdings examined looked nothing like this. Even

still, the agency has discretion to look at other relevant criteria in determining reasonableness. Here the Forest Service ignored the most relevant criteria. For example, the Forest Service did not consider declining wildlife populations. Is it reasonable to put a subdivision in the middle of critical winter range when deer and elk populations are absolutely on the ropes? The answer is no.

The Forest Service also focused exclusively on similarities between the Berlaimont proposal and the one other inholding that even arguably looked like it: Lake Agnes/Lichen Ranch. But the agency arbitrarily ignored the myriad of differences (e.g., the road to Lake Agnes is dirt, it is only 1.5 miles long, it only climbs 600 feet, and there is no evidence that development at Lake Agnes required a complete change the Forest Plan and elimination of critical wildlife closures). The Forest Service arbitrarily ignored all of these other relevant criteria to come to the improper conclusion that Berlaimont is a reasonable use.

Rather than considering Berlaimont in the context of all that we know now (wildlife are in crisis, largely due to development of winter range and recreational impacts; subdivisions in the WUI put people and property in unreasonable risk due to more severe fires resulting from climate change), the Forest Service simply ignored all of those important considerations in its reasonable use determination. Instead, the agency basically said that this resembles bad decisions we made in the past, so it must be reasonable. The agency is charging down the same path we've been on for 100 years, promising to make the same mistakes, disregarding lessons we should have learned, and disregarding the needs and the interest of the public in the protection of public lands and wildlife.

The Forest Service should restart this process, and take a hard look at the reasonableness of this proposed development. It is completely unreasonable to put something like this in the middle of sensitive winter range. Approving the Berlaimont proposal violates the public trust and undermines the mission of the U.S. Forest Service. The appropriate remedy here would be denial of the project or, alternatively, starting this process over and taking a hard look at the reasonableness of the proposal. As it is, the U.S. Forest Service arbitrarily ignored consideration of important criteria that confirm how unreasonable this proposal really is.

-Jesse Drees