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Organization:

Title:

Comments: The reason this project is being created, is for more beginner terrain. Problems with that philosophy-sending beginner skiers to the back side under the allure of beginner terrain is false, has anybody walked the proposed ski runs, I have ridden them horseback, pretty steep, along with the 50 foot cliff that is in the middle, another problem once the beginner's get to the backside and realize it isn't for them, then they have to catch a lift to top of the mtn and take at least one blue to get back to the original beginner terrain on the front side I think the forest service has shown their cards on key words as I have experienced first hand "beginner", "Safety" and "better Overall Family Experience"

A "beginner snowmobiler" can hardly traverse the snowmobile path now, how will they negotiate the new even steeper bypass???

Problems:

1. Colorado Cutthroat re-introduction has been struggling due to the Ski resorts spring extended run off of packed ski runs and dust from Hermosa road, a outside company was hired to twist the data from the USFS report of the meeting/field day, I personally attended this meeting in Hermosa park, I did not see anyone, other than forest staff and I. The assessment was conducted and cattle were not mentioned but, the run off was a key issue contributing to sediment in Hermosa Creek, along with road traffic dust, which inhibits spawning in the gravel beds, there was NO mention of cattle grazing or historic logging practices. When does "Historic" ever end? It has been over 100yrs, yes, 1920's when "Overgrazed" by Harris. Does the land not repair itself? Why did the USFS hydro team go in and change the stream flow with a huge excavator (covered in Meeting/field day) after acquiring it from the previous ski resort owner's, wasn't that supposed to repair it??? How is the USFS and Ski resort stepping around 36 CFR 294.40 which covers tree removal and roads? Hermosa Creek is listed and the upper tier also, this project falls in this category? or more specifically 36 CFR 294.43? Direct cut and Paste " 294.43 Prohibition on road construction and reconstruction.

(a) General. A road may not be constructed or reconstructed in a Colorado Roadless Area except as provided in paragraphs (b) and (c) of this section.

(b) Upper Tier Acres. Notwithstanding the prohibition in paragraph (a) of this section, a road may only be constructed or reconstructed in Colorado Roadless Area upper tier acres if the responsible official determines that the conditions in subsection 1 or 2 are met.

(1) A road is needed pursuant to reserved or outstanding rights, or as provided for by statute or treaty, or

(2) A road is needed to protect public health and safety in cases of an imminent threat of flood, fire or other catastrophic event that, without intervention, would cause the loss of life or property.

(3) For any road construction/reconstruction authorized pursuant to this provision, subject to the legal rights identified in 36 CFR 294.43(b)(1), the responsible official must determine:

(i) Motorized access, without road construction is not feasible;

(ii) When proposing to construct a forest road, that a temporary road would not provide reasonable access;

(iii) Road construction is consistent with the applicable land management plan direction;

(iv) Within a native cutthroat trout catchment or identified recovery watershed, road construction will not diminish, over the long-term, conditions in the water influence zone and the extent of the occupied native cutthroat trout habitat; and

(v) That watershed conservation practices will be applied to all projects occurring in native cutthroat trout habitat."

2. The proposal states that the improvement Drift Fence will be removed and below spring ex-closure, denied access, without re-imburement to us as the allotment/improvement owners. Why has nobody contacted us on this?? The Law 43 CFR 4120. 3-6 and also Public Law 94-579 Sec 402(g) which states, "Whenever a permit or lease for grazing domestic livestock is canceled in whole or in part, in order to devote the lands covered

by PUBLIC LAW 94-579-OCT. 21, 1976 90 STAT. 2775 the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States a reasonable compensation for the adjusted value, to be determined by the Secretary concerned, of his interest in authorized permanent improvements placed or constructed by the permittee or lessee on lands covered by ' such permit or lease, but not to exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Except in cases of emergency, no permit or lease shall be canceled under this subsection without two years' prior notification" The Ski area has fair market valuation/bid for the construction of said fence, I have spring ex-closure expense. In the spirit of getting along on the mountain, we went ahead and conducted work for ski resort, due to the enormous expense.

3. A fence agreement was made between USFS/Us concerning this fence. I expressed my concerns that the complete build, stated in the agreement, would be for nothing if this project goes through. The USFS Ranger and my Range Con stated that "you agreed to it and let's look at the here/now, not down the road" My Wife, Kids and I completely overhauled this fence last year, as we have on all the priority fences, due to these allotments being vacant for 5 years with NO maintenance and complete disrepair/sections missing.

4. On a SIGNED contract/agreement between USFS, Us and Ski Resort, this fence is to be maintained by the ski resort in exchange for the expansion of downhill bike trails, the maintenance has not been done (documented), but, bike trails have been constructed and money is being made on them. If this goes through, does this mean that the previous approved bike trails, by way of signed agreement, are to be removed? What about this agreement, Jed Botsford and the resort Higher ups are aware of it????

5. The "New" fence alignment cuts out the only 2 sources of water for the lower portions of the pasture "Pasture Creek" Nothing in the plan addresses this huge problem for cattle water. Also that falls under a different NEPA/FEIS which would take into account the water issue stated above, on both of these cattle allotments, fences have been moved/removed as a matter of convenience to whoever/whenever, THIS IS A CLEAR VIOLATION OF 43 CFR 4120. 3-6 along with NEPA

6. There is no mention of how/what is going to be done concerning taking away "part" of my allotment. This has happened previously under the flag of "temporarily" and has yet to be returned on other portions/pastures of my allotment. IE. Upper Hermosa "Harris Park"-trout re-introduction, Sig Creek - stream mitigation, the on-going fish Barrier/re-introduction in the Only gather pasture on this allotment and the 2008 Hermosa Landscape grazing analysis-in which all milestones have been met by us and our cattle, but, USFS didn't complete their required work as stated in the ROD. Both short term monitoring and long term since inception till last year 2020, when a independent company was hired to do the work and it was found that we surpassed standards despite being told we had to stock over 90% numbers in a drought year. Once again PUBLIC LAW 94-579???

7. Has anybody bothered to look at was agreed to in the past and/or still pending? The agreements I have on file? Others, like using USFS "Hermosa" road for a ski run for "beginners" in exchange current snowmobile bypass was constructed?? 2008 FEIS on fence construction due to be completed ASAP and still not done, why?

8. The forest service planted trees 2 yrs ago in this area, now they are going to be chopped with a shovel? Isn't that a waste of money and time?

9. I am held to a different standard on the same land....IE. fence construction materials waste, past agreements, trash found, not driving through wetlands, etc.... Why?

10. In the supporting section of the proposed action. I do not see a copy of application as it pertains to 36 CFR 251. 61- Specifically "other uses" that are established PRE-RESORT and the trampling of these other uses eg. Grazing, other winter sports activities and general public being allowed on public land.

Thank you for your time,