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Organization: Rocky Mountain Wild

Title: Conservation Biologist - Leadership Team

Comments: Dear Forest Supervisor Russ Bacon,

I am writing on behalf of Rocky Mountain Wild, to object to the Mad Rabbit Trails Project, project # 50917. Our organization, Rocky Mountain Wild, was a co-signer onto a comment letter regarding the Mad Rabbit Trails Project Draft EA, submitted November 10, 2023. We object to the Mad Rabbit Trails project, project #50917. We expressed our concerns in that letter regarding elk impacts, numerous evaluation and process deficiencies, a questionable purpose and need, and social and economic issues.

We are very disappointed that the draft Final Environmental Assessment (FEA) did not address the concerns we raised in our letter. Furthermore, the draft decision to issue a Finding of No Significant Impact (FONSI) is not supported by the analysis and does not comply with NEPA or the Colorado Roadless Rule. The Forest Service should retract the FONSI and prepare an EIS in order to adequately evaluate the cumulative impacts of the Mad Rabbit Trails Project.

We are particularly concerned that the FEA did not adequately analyze the direct, indirect, and cumulative impacts on the elk populations that will be impacted by the project.

The FEA did not address or include the most recent information on the declining health of the E-2 Bear's Ears elk herd. The calf:cow ratio of the resident herd is at 29%, the lowest level recorded by CPW. This may be due to the cumulative impacts of existing development and recreation. Furthermore, this herd is part of the Severe Winter Zone where severe winter conditions resulted in high elk calf and above-average cow mortality.

The FEA declined to implement seasonal timing restrictions on all trails traversing elk production areas, despite substantial research in Colorado and elsewhere suggesting that human disturbance due to recreation in elk calving areas can have significant negative impacts. Over 14 miles of proposed trails (Trails 19, 20, 21, 22, and 30) through CPW-mapped elk production areas have no closure at all, in violation of best practices and Colorado's Guide for Building Trails with Wildlife in Mind. Without seasonal closures in elk calving areas, disturbance from the proposed trails is likely to have significant negative impacts on elk populations.

The Forest Service also declined to implement a number of measures to limit the impacts on elk recommended by Colorado Parks and Wildlife and the Colorado Department of Natural Resources, and made it clear that they expect significant negative impacts to elk to occur as a consequence of the Forest Service's failure to implement the recommended mitigation measures.

The Forest Service improperly phased projects that are, according to the Forest Service, part of the overall comprehensive trails program. Specifically, the Buffalo Pass Trails Project was the first phase of that program, and Mad Rabbit is the second. Splitting up a single comprehensive project into phases to be evaluated on a piece-meal basis violates NEPA processes and is designed to circumvent preparation of a full EIS containing a programmatic NEPA evaluation and proper cumulative analysis. This prevents a proper cumulative analysis of the impacts of Mad Rabbit and the Buffalo Pass Trails Project on elk and other wildlife.

The Forest Service justifies its FONSI, in part, due to the removal of illegal and unauthorized trails. The Forest Service already has the ability to remove these trails with a Categorical Exclusion, so it is inappropriate and redundant to include these actions as mitigation for the newly proposed trails. Second, it is arbitrary to make an equivalence between closing of unauthorized trails with rare usage on one hand, and minimization of impacts from trails proposed for high-volume tourism on the other. This is particularly true given the failure to follow best practices for mitigation of impacts on elk by putting in place seasonal closures.

We are also concerned about the impacts on a Colorado Roadless Area. The Colorado Roadless Rule (CRR) is clear: "Proposed actions that would significantly alter the undeveloped character of a Colorado Roadless Area require an EIS." However, the FEA did not only not evaluate the project against this criterion, it failed to mention this part of the Colorado Roadless Rule at all, though brought up by multiple parties.

This is an unnecessary and ill-conceived project that will result in severe impacts to wildlife habitat and wildlife populations, in an area already subject to intense recreation pressures year-round. We have demonstrated in our comments that the project will have significant impacts on elk and other wildlife. The project is a major action that is very controversial. A Finding of No Significant Impact cannot be justified given the information that has been provided to the Forest Service by Colorado Parks and Wildlife, the Department of Natural Resources, Routt County, Rocky Mountain Wild, and a number of other conservation organizations.

We respectfully request that you make a decision of No Action and prepare a full Environmental Impact Statement.

Sincerely,
Megan Mueller
Conservation Biologist - Leadership Team
Rocky Mountain Wild