

December 20, 2017

Kara Chadwick, Forest Supervisor
Objection Reviewing Officer
San Juan National Forest
15 Burnett Court
Durango, CO 81301

Submitted via email to: r02admin_review@fs.fed.us
Also sent via email to K. Chadwick, D. Padilla and D.Kill

Re: OBJECTION – Draft Record of Decision and Final Environmental Impact Statement (FEIS) for the Rico-West Dolores Roads and Trails (Travel Management) Project dated November, 2017

To Forest Supervisor Chadwick:

The purpose of this letter is to submit an Objection to the Draft Record of Decision (DROD) and Final Environmental Impact Statement (FEIS) for the Rico-West Dolores Roads and Trails (Travel Management) Project dated November, 2017. I am a Habitat Watchman for Colorado Backcountry Hunters and Anglers (CBHA). I am submitting these comments as a representative of CBHA and as an individual.

As required by 36 C.F.R. § 218.8(d), the lead objector's name, address, and telephone number:

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Interests and participation of objecting party.

Backcountry Hunters & Anglers (BHA) is the sportsmen's voice for our wild public lands, waters and wildlife and we seek to ensure North America's outdoor heritage of hunting and fishing in a natural setting through education and work on behalf of fish, wildlife, and wild places. With over 16,000 members spread out across all 50 states and Canada and more than 1,000 active members in the Colorado Chapter, sportsmen and sportswomen are increasingly looking to BHA as the leading voice on public land management issues. We represent the challenge, solitude, and adventure that only the backcountry can

provide and we are working hard to bring an authentic, informed boots on the ground voice at all levels to ensure that our roadless areas and backcountry are protected for the fish and wildlife that thrive there.

We submitted the following timely comments on the Rico-West Dolores Roads and Trails (Travel Management) Project. These comment letters will be referred to in this letter as they are indicated below – Comment 1, Comment 2, etc:

Comment 1- 1/24/15 (Scoping) Comments on your document titled “Proposed Action - Travel Management for the Rico-West Dolores Roads and Trails” dated December, 2014. (14 pages)

This is available at:

<https://cara.ecosystem-management.org/Public/Letter/775181?project=44918>

Comment 2- 6/23/15 Comments in response to the Notice of Intent to prepare an EIS dated 5/29/15 which initiated a supplementary scoping process for your document titled “Proposed Action -Travel Management for the Rico-West Dolores Roads and Trails” dated December, 2014. (20 pages)

This is available at:

<https://cara.ecosystem-management.org/Public/Letter/1302095?project=44918>

Comment 3- 6/6/16 Comments on the Draft Environmental Impact Statement (DEIS) for the Rico-West Dolores Roads and Trails (Travel Management) Project dated May, 2016. (60 pages)

This is available at:

<https://cara.ecosystem-management.org/Public/Letter/1212516?project=44918>

Comment 4- 7/15/16 Addendum to Comments on the Draft Environmental Impact Statement (DEIS) for the Rico-West Dolores Roads and Trails (Travel Management) Project dated May, 2016 (17 pages text with 15 pgs of attachments)

This is available at:

<https://cara.ecosystem-management.org/Public/Letter/1248547?project=44918>

Comment 5- 8/8/17 Comments on the Supplement to the Draft Environmental Impact Statement (SDEIS) for the Rico-West Dolores Roads and Trails (Travel Management) Project dated July, 2017 (50 pages of text and 16 pgs of attachments)

This is available at:

<https://cara.ecosystem-management.org/Public/Letter/1425214?project=44918>

In addition to the above listed comment letters, we participated in the pre-NEPA workshops and ECR Assessment, submitted many reference articles in the pre-NEPA activities, gave presentations to Mr. Padilla and staff, had multiple meetings with Mr. Padilla and staff, etc.

Pursuant to 36 C.F.R. § 218.11, we respectfully request to meet in person with the reviewing officer to discuss these concerns and suggested resolutions.

Objection #1 – Seasonal Closure dates should be from Sept 9 to June 30

1- The Nov 1 to May 31 seasonal closure for motorized trail use that is proposed in the DROD is a radical departure from all previous proposals (over the past 8 years):

-The Dec 2014 Proposed Action for this Project proposed a closure period from 9/9 to 6/30 for motorcycles on trails. In this Proposed Action it stated: - “There were two main considerations related to the timing of motor vehicle use on trails. First, some hunters have mentioned that motor noise on the single track trails disturbs their hunting experience during fall big-game hunting seasons. Second, the Forest Plan emphasizes providing for elk production habitat during the time of year when elk are calving. Proposed seasonal restrictions are as follows: Single-track trails designated for motorcycle use across the planning area will be open to motorcycle use from July 1 to September 8 and closed from September 9 through June 30. This eliminates the overlap of motorcycle use with most of the fall big-game hunting seasons and eliminates an overlap of motorcycle use with big-game calving season in the spring.”

-The DEIS and the SDEIS confirmed the 9/9 to 6/30 closure for Alternative B (the Proposed Action).

- The previous (remanded) RWDTMP Decision Notice dated 9/24/09 had a closure for motorcycles on the upper Calico trail system from 9/8 to 6/24 and a closure on the remaining trails from 10/10 to 6/24. In the 9/24/09 DN for the RWDTMP it stated – “I based my decision for the dates of motorized trail use on three themes: 1) responding to wildlife habitat and hunting experience concerns, 2) responding to trail maintenance concerns and 3) responding to concerns from non-motorized users about trails in the Rico/Calico area while still maintaining a motorized recreation opportunity.”

- The reasons given above for the previous proposals for a longer closure period are still valid. And, the FEIS does not refute any of these justifications (see below), in fact it supports them.

2- A designated seasonal closure for motorized trail use from Nov 1 to May 31 is the same as no designated closure period at all – nature will define a 11/1 to 5/31 closure period for almost all years. Observations and data presented in the next paragraph demonstrate that the trails are blocked by snow during this time period and motorcycle

use is not possible. There are many places in the evaluation of environmental consequences in the FEIS that “credit” is claimed for the mitigation/reduction of negative environmental consequences due to the closure dates of Nov 1 to May 31. This is incorrect, because it is physically impossible to use in most years during this period and is effectively closed anyway by nature. If reduction of the environmental consequences is desired (and it seems like you think that it is based on the repeated claims of the positive effects of the Nov 1 to May 31 closures), then the Decision should include the more restrictive closure dates of Alternative B. One might argue that the lower elevation portions of the trails are open for a longer time period, but all (or, almost all) trails in the RWD area end up at higher elevations with shaded spots where they are impassible due to snow.

In our Comment 4 (section 48), I sent photos and information on snow depths on trails at the higher elevations. This data demonstrated that the closure dates for motorcycles on trails in the RWD area should extend to at least early July – and this was the case for many of the past 15 years. In late June, there was snow at depths of 3-4 feet blocking trails in numerous places. In Appendix G of the FEIS there are photos of snowbanks blocking the trails in late June, and it states “snowbanks occur on all the trails”.

3- In addition, the Nov 1 start for the closure is touted as providing some time period that hunters can not be impacted by motorcycle travel. This avoids the facts – Colorado Parks and Wildlife (CPW) data for elk hunting during the 2006 rifle elk seasons in Unit 71 (data that I supplied during the Pre-NEPA workshops and in our comments) demonstrates that only 16% of hunters hunted during the 3rd and 4th rifle seasons and that 14% of the hunting recreation days occurred during these seasons. And – the reduction in the past ten years in limited cow elk licenses in Unit 71 by 80-90% has reduced these numbers to less than 10% of all hunters. The 3rd and 4th rifle seasons are the only elk hunting seasons that occur after Nov 1. This is a minimal number of the total of all hunters. Therefore, a closure date of Nov 1 provides relief from motorized impacts and user conflicts for less than 10% of hunters. The need to limit motorcycle travel during hunting seasons is supported by the fact that the vast majority of hunters (70%) do not want motorbike access to public land that they hunt – see Comment 2 (section 16). This is from a 2003 study conducted for the Congressional Sportsmen’s Foundation to better understand hunting access to federal public lands in Colorado. The closure date needs to start on Sept 9 as specified in Alternative B.

4- The rationale used in the DROD for designating the area-wide seasonal closure period is inconsistent with the seasonal closure dates for the Black Mesa area, and the justification for the area-wide closure dates of Nov 1 to May 31 is inconsistent with the reality of backcountry hunter demand on the forest. The DROD allows a smaller use season for ATV/UTV and single track motorized use on 62 Inch Trails in the Black Mesa

area – they are allowed from 6/1 to 9/7. The justification given on p. 15 of the DROD is “The timing restriction associated with the Black Mesa OHV loop system would allow for use of this area for the majority of the recreational OHV driving season, but also provide for a walk-in hunting experience during the majority of the hunting season with about a one-week overlap with archery season.” The walk-in hunting experience has a much larger number of hunters that desire this type of hunting experience in the other areas of the RWD area than in the Black Mesa area. This need is verified by the following research which was cited above - The need to limit motorcycle travel during hunting seasons is supported by the fact that almost all hunters (70%) do not want motorbike access to public land that they hunt – see Comment 2 (section 16). This is from a 2003 study conducted for the Congressional Sportsmen’s Foundation. Also, there were just as many comments from hunters/etc requesting no motorcycles on all of the RWD trails during hunting season as there were for the Black Mesa area - including the comments from CPW which represents all hunters (see next paragraph). If the justification for a longer closure period given for the Black Mesa area is valid (as stated in the DROD), then it needs to be applied to all of the RWD area!

5- CPW has stated support for a longer closure period in their comments a number of times (these comments are included in our submitted comments, so they are useable in our Objection). In their 1/30/15 letter they stated – “CPW is encouraged to see the proposal to restrict single track motorized use from September 8th through July 1st. These restrictions should help increase security for ungulates in production areas by avoiding the bulk of the calving time period. The closure during the fall will also enhance hunter experience and likely increase hunter success by preventing the displacement of animals onto private lands or into more remote and difficult to access parts of the forest.....”. In their 7/14/16 letter CPW stated – “.....We are concerned however that the majority of the Alternatives (C, D, E) detail a spring closure time ending on 5/30 annually. Disturbance from motorized recreation in calving areas prior to July 1 is of great concern. The fact that we have observed a decreasing calf:cow ratio suggests that a more restrictive closure for both OHV/ATV and single track motorized is warranted. In order to alleviate additional stress, displacement, and disturbance to elk and their calves, CPW recommends that the motorized trails are closed until 6/30 annually.....”. The Colorado DOW comment letter from Patt Dorsey dated 6/5/09 stated “...restricting motorized use during hunting season using seasonal closures (beginning August 15)”. Also, it must be noted that CPW does not allow hunting for a 3 week period that includes the last week in September through the end of the second week in October – to protect the elk during mating season!

6- In our Comment 3 (section 38), there are the following Comments on Proposed Timing Restrictions for Motor Vehicle Use of Trails, by Alternative: The most restrictive seasonal Closure date, from Sept. 8 to July 1, should be applied to all motorized trails, but most critically this should absolutely be applied without variance in the highest

elevation, wettest, elk production-intensive zones. These timing restrictions are the result of many items discussed in the sections on Environmental Consequences, Forest Plan direction, TMR minimization requirements, etc. In order to satisfy all of these requirements, the trails need to be closed to motorized travel until July 1 and after September 8. Refer to our comments and information in the DEIS on: elk calving season, closure during wet trail periods, wetlands protection, closure during hunting seasons, user conflict (including hunters), trail maintenance, Quality recreation experience, minimization, etc.

7- In our Comment 1 (section 5), we stated regarding timing restrictions - Should close to motorized before the start of the Archery big-game season (which is the last week in August). The number of archery hunters in the RWD area is increasing and currently is about the same as the number of hunters in the rifle season. Additional need for an earlier (fall) closing is the start of the rut/mating season for elk. Disruption of the early part of rut results in later spring births and an increase in winter mortality of the calves – this is verified by the available science (which I have supplied and referred to in my comment letters). As stated above, it is particularly noteworthy that CPW does not allow hunting for a 3 week period that includes the last week in September through the end of the second week in October – to protect the elk during mating season!

8- On p. 222-223 of the DROD an evaluation of the effects of the timing restrictions on motorcycle use of trails is performed. The conclusions given here for Alternative B (most restrictive closure) that seem significant to motorcycle users are “The September 8 fall closure could impede the enjoyment of fair weather, colorful aspen and dry riding conditions by local riders. Seasonal restrictions are not expected to affect nonlocal motorcycle riding opportunities because most riders from Arizona, California, or the Front Range of Colorado travel to the RWD area after July 1 (personal conversation C. Bouton 2015). Fall riding however, is diminished especially during fall colors.”

The local users are a very small number of users when compared to the 3000-4000 hunters that use Unit 71. And – one motorcycle rider that travels 50 miles destroys the hunting opportunity for at least 50 square miles of terrain (1/2 mile on each side of the trail). This could easily impact over 50-100 hunters.

9- The justification given in the DROD (p.12) for the shorter closure period is – “...seasonal timing restrictions on motor vehicle use of trails would be allowed from June 1st through October 31st. As stated in the FEIS, Section 3.6, Based on the analysis of security areas and associated cover and forage along with connectivity, habitat effectiveness for elk is maintained across all alternatives. This includes providing for needs related to elk production areas. Therefore it is not necessary to restrict use of the trails based on Forest Plan guideline 2.3.59 which would prohibit use in elk production

areas from May 1st through June 30th if adverse impacts were occurring. Other factors such as effects to watersheds, sensitive plants, and hunting experiences led to my decision for these broader timing restrictions compared to what was originally in Alternative B”

Information presented in the remainder of this sub-section 9 demonstrate that NONE of these justifications stated in the DROD are supported in the FEIS. In fact, the FEIS contains substantial justification for the closure dates of Sept 9 to June 30 specified in Alternative B.

The last sentence in the above quoted justification in the DROD regarding “other factors” does not present any details but if one reads these sections in the FEIS, it is apparent that the analysis presented does not support a shorter closure period. See a, b, and c below:

a- In the Watershed section 3.2 of the FEIS, there are 3 places that mention the effect of closure period. On p.95 it states – “Alternative B would open motorized trails to motorcycle use July 1st which would allow conditions to dry out most years and would limit trail damage. This would benefit fens and wetlands by reducing the potential for trail braiding and the risk of short term adverse impacts to wetlands.” On p.101 it states for Alternative B regarding the Upper Calico trail – “The Trail would also be closed to motorized uses until July 1, which would increase the likelihood that it would be drier and less susceptible to damage” (Note: Mitigation will not solve these problems). On p.103 it states for Alternative B for the Tin Can Basin area – “The motorized trail would be constructed to avoid long term effects springs/seeps/wetlands and would not be open for use until July 1st. This will improve the likelihood that the trail would be drier and less susceptible to damage”

b- In the Rare Plants section 3.5 of the FEIS, there are references to the closure period on p.124, p.125, p.127. On p.124 it states that Alternative B provides the most improvement to fen habitats due to the timing restriction on trails until July 1st. On p.125 it states that Alt B allows time for trails to dry out in most years. On p.127, it states that Alt B would present the fewest opportunities for riding around snowbanks because riding would not begin until July1.

c- Regarding hunter experiences, this is discussed in sections 3, 4, 5, and 8 above – and in all instances, there is justification for a longer closure period, not a shorter one.

The analysis given in the FEIS that is used to reach the conclusion regarding habitat effectiveness with connectivity is defective for the reasons discussed in a, b, and c following (this defective conclusion is the primary basis for the shorter closure period):

a- As stated in the 6/5/09 comment letter from CPW (used in our comments) – “ A GIS spatial analysis of non-linear blocks of hiding cover larger than 250 acres and at least ¼ mile from roads provides a coarse look at **potential** elk security areas, allowing you to identify pieces of land that **may qualify** as elk habitat (emphasis in original). However, the GIS analysis and criteria used in the analysis have little connection to an elk population....” It goes on to discuss how all life requirements must be met, etc. In our comment 3 letter we discussed similar issues.

b- In section 11 of our Comment 3 there are extensive comments on the habitat effectiveness analysis performed. Some of them were addressed but a few critical flaws still remain. The analysis performed in section 3.6 of the FEIS concludes on p.142 that “Based on the above analysis of security areas and associated cover and forage with connectivity, habitat effectiveness for elk is maintained across all alternatives”. On p.140, it states that “Connectivity between security areas was analyzed by looking at migration data from CPW migration “on their way to winter habitat”. This has nothing to do with the need to move daily, and to escape interference with calving, mating, etc. Therefore, this analysis does NOT demonstrate that habitat effectiveness with connectivity is present on a daily basis in the RWD area – migration to winter habitat is a totally different movement pattern.

c- Therefore, the primary rationale that the shorter closure period is okay because of habitat effectiveness with connectivity is not supported by the analysis in the FEIS. That is why CPW and CBHA recommend more restrictive closure periods.

Another demonstration that the above quoted Forest Service justification in the DROD is faulty is the following. They inaccurately describe Guideline 2.3.59 as prohibiting use in elk production areas from May 1 through June 30 “if adverse impacts were occurring.” The Forest Plan Guideline is not limited to situations where adverse impacts are occurring; it applies to activities *that adversely impact* elk production areas. Our previous comments contain a lot of information demonstrating how motorized use of trails, as an activity, has and continues to adversely impact elk production areas. A closure from May 15 until June 30 is essential to avoid negative impacts on the reproductive success of elk.

10- Statements in the FEIS support a minimal effect on motorcycle use of a 9/9 to 6/30 closure. For example – on p.219 of the DFEIS it states –“ No change in nonlocal motorcycle use is anticipated in Alternatives A, B, and C. A minor reduction in local riding could occur in Alternative B compared to Alternative C because of more restrictive season open for riding.”

11- In summary, the FEIS supports the Alternative B closure dates, not the shorter closure dates. And any other arguments that we have heard do not support the shorter

closure dates. Application of the seasonal motorized use restrictions from Alternative B (open to motorized use from July 1 to Sept. 8) allows motorized use over the major holiday weekends, Fourth of July and Labor Day, when demand is high.

Suggestion for resolving this Objection;

The Forest Service should revise its DROD to apply the seasonal restriction dates set forth in Alternative B, allowing motorized use from July 1 until Sept. 8 (closed to motorized use from Sept. 9 until June 30) for the entire project area. These dates are necessary and justified for the many reasons cited above.

Objection #2 – Decision to allow motorized travel in the Bear Creek area is not justified by analysis in FEIS or information in DROD

The primary justification given in the DROD for allowing motorized travel on Gold Run, Grindstone, Hillside Connector, and 1.72 miles of Bear Creek trail connecting Gold Run and Grindstone trails is that “Single track motorized users identified the need for a connection between the Mancos/Cortez landscape and the Rico/West Dolores landscape”. There is no information in the FEIS that examines or justifies this need based the practicality of designing a connection to meet this need - or the potential success of the proposed connection in meeting the desires of the motorcycle users (distance, loops, riding experience, etc). Also, there is very limited or no information in the FEIS that supports this need/decision based on an analysis of environmental effects. There is a lot more information in the FEIS that supports these trails being non-motorized (see below).

1- The desired characteristics for motorcycle users on trails are discussed in the FEIS. It states (see p. 197-199 and other places in the FEIS):

a- Riders usually take day-trips of 50 miles and sometimes longer trips of up to 70 miles in one day. Nonlocal riders are usually looking for a multiday experience – but they do not camp overnight along the way – they return to their starting point.

b- Loop rides are highly desired.

c- Riding experience is an important factor for both local and nonlocal rider. Single –track riding is preferred. They state that road riding does not provide the desired experience.

d- Connections between the RWD area and other regions is desired.

2- An examination of the details of the use of the connection between the Haycamp Mesa area and the RWD area that is provided by the motorized route through the Bear

Creek drainage results in many gaps in the reasons for the need (this issue was discussed in our Comment 3 letter, see below):

- a- It does not provide a loop, requires a lot of road-riding, and requires a lot of backtracking. To use the connection through Bear Creek and return to a starting point, one has to ride the following two times (backtracking a total of at least 26 miles each way, of which 12 miles are on roads) – Gold Run (2 mi) / Bear Creek (2 mi) / Grindstone (4 mi) / Hillside Connector (1 mi) / Hillside Drive Road (6 mi)/ Rough Canyon (5 mi) – and then you have to ride on a road again – either Roaring Fork Road to Scotch Creek Road or down to Hotel Draw Road (both a long way on Roads, not trails) or down Roaring Fork Road to Hwy 145 to Priest Gulch (6 mi). To make a connection to any of the other motorized trails in the RWD area, one has to ride Hwy 145 south to Priest Gulch or north to FR 535 toward Dunton.

Therefore, the use of this connection alone (without accounting for any additional riding on Haycamp Mesa or the connecting RWD trails), does not provide a loop, it accounts for 52 miles of a 50-70 mile day ride, and consists of almost half of the travelled miles (24 miles) on roads.

- b- Non-licensed motorcycles (which comprise many of them due to the highly technical nature of these trails) cannot access the trails on the west side of Hwy 145, etc due to the requirement of a license to ride Hwy 145. – so the connection does not exist.
- c- If one has a licensed motorcycle, it is almost just as rewarding to ride Forest Roads out of Haycamp Mesa to the southwest to Hwy 184 and ride Hwy 145 north to make the connection. This is more road-riding – but not that much more road riding than using the connection through Bear Creek.
- d- All of this road-riding, the lack of a loop, the backtracking required, the need for a licensed motorcycle, etc make this a motorcycle ride that does NOT meet the desired characteristics stated in the FEIS. Therefore, a motorized connection through Bear Creek drainage is not a need and it is not met by the proposed decision!

3- The analysis performed (and conclusions obtained) for the nonmotorized Bear Creek option in the FEIS is limited but the analysis/conclusions obtained in the FEIS support a nonmotorized Bear Creek drainage. See the following:

- a- On p.214 of the FEIS, it states that trail safety would be improved with a nonmotorized Gold Run trail.

b- In Table 3-43 of the FEIS entitled “Conflicts Noted by Scoping Comments on Specific Trails”, it lists a number of conflicts for Bear Creek, Gold Run, and Grindstone trails. Eliminating motorized use in Bear Creek would reduce/minimize these conflicts – a requirement of the TMR.

c- On p. 216-217 of the FEIS in the section entitled “Effect of the Alternatives on Hunting Access and Experience”, it states that removing motorized travel in Bear Creek would remove the impact of motorized travel on hunters.

d- In Table 3-47 of the FEIS entitled “ Trails that may see an Increasing Trend in Motorcycle Use and a Decreasing Trend in Nonmotorized Use, by Alternative”, it indicates that for Bear Creek, Gold Run, Grindstone, Hillside Connector, and Rough Canyon trails nonmotorized users will be displaced by motorcycles in Alternative B Modified. Conversely, Table 3-48 indicated that Bear Creek drainage could see an increase in nonmotorized use in Alternative D since it removes motorcycle travel from Bear Creek. This result satisfies a requirement of the TMR.

e- On p.227 of the FEIS it states – “Alternative D results in less potential for conflict between recreation uses in the Bear Creek drainage compared to alternatives A, B, or C” This meets a requirement of the TMR.

4- Statements in the FEIS conclude that visitation to the RWD area will not change due to a nonmotorized Bear Creek drainage – On p.219 of the FEIS it states - “ It is estimated that nonlocal visitors would continue to travel to the RWD area under Alternative D. Local riders may visit the area less frequently but are not anticipated to abandon the RWD area. Either no change or a minor reduction in nonlocal motorcycle visitation to the RWD area is anticipated under alternative D.” Bear Creek is nonmotorized in Alternative D.

5- In section 36 of our Comment 3 letter, we provided many comments regarding the Bear Creek drainage and the use of this drainage as a connector for motorcycles. The site-specific analysis required to address most of these issues was never performed in the DEIS/SDEIS/FEIS. Examples are given in a through g below:

a- There is a lot of demand for quiet use on Bear Creek Trail upstream from Gold Run trail. Many anglers that desire a non-motorized experience fish between the Gold Run trail and the Grindstone trail – they access Bear Creek via the Gold Run trail and fish in the surrounding area. The Dolores District has an extensive list of quiet-use outfitters that use this section of the Bear Creek trail. Many bicyclists ride a loop up Hillside Drive and down Grindstone trail and Bear Creek trail. Horse riders like to ride down Gold Run trail, up Bear Creek and do the Grindstone loop. There also are a

significant number of backpackers that hike/camp in upper Bear Creek. A popular hike for locals is Sharkstooth trailhead – Bear Creek trail – Gold Run Trail to Gold Run trailhead (with a car left at both trailheads). The site-specific analysis required to address this demand was never performed in the DEIS/SDEIS/FEIS

b- The entire Bear Creek drainage is superb wildlife habitat and provides connectivity between the Animas River drainage and the Dolores River drainage. Desired conditions/standards/guidelines/objectives in the Forest Plan require that this habitat and the connectivity be protected. This was not adequately analyzed and protected in the FEIS.

c- The Grindstone trail lies at the boundary of a Recommended Wilderness area in the Forest Plan and the boundary of an Upper tier Colorado Roadless Area (CRA). It also passes through a huge hillside meadow that is visible from the Colorado trail – a premier trail that is nonmotorized in this area. At this location the Colorado trail is the boundary for the Hermosa Wilderness area. Motorized travel on the Grindstone trail can be heard from the Colorado trail and the Hermosa Wilderness. To protect the Hermosa Wilderness area and the Recommended Wilderness area, the Grindstone trail should be nonmotorized. It makes no sense to have a motorized trail in this pristine area. This aspect of a motorized Grindstone trail was not analyzed in the FEIS.

d- The Grindstone trail is not sustainable to motorcycles where it switchbacks its way up a very steep hillside from Bear Creek. It also passes through a huge, pristine hillside meadow that is great forage for big game. These two issues were not analyzed in the FEIS.

e- There are extensive “layout issues” with the Rough Canyon trail that will require extensive rerouting, not just continued work. Rough Canyon trail is part of the proposed “connector”. Rerouting of these trails was not discussed in the FEIS. They are very steep with large “steps”. The obstacles and protrusions on these trails do not meet the specifications in FSH 2309.18. These trails are not sustainable. Motorcycle users state that they need to ride downhill on both of these trails. Therefore, this trail does not provide a connection between Haycamp Mesa and destinations to the west and north. Also, need to consider the excellent wildlife habitat in Rough Canyon. None of these issues were analyzed in the FEIS – data and facts are needed here.

f- Many safety issues with motorcycles on Bear Creek trail have been reported because some portions of the trail allow high speeds (trail is flat and mostly dirt) and there are “blind encounters”. No analysis of this was performed in the FEIS.

g- Hillside Connector trail (which is part of the proposed “connector”) should remain as it is now - non-motorized. This trail is in prime wildlife habitat, is in a wildlife connectivity area, is extensively used by quiet users that do not want motorcycle noise, runs near fens, provides quiet user access to the Colorado trail from the trailhead at the

end of Hillside Drive, etc. There are also safety issues for this trail. Again, no analysis of these issues was performed in the FEIS. More study and data is needed to decide on the suitability of this trail for motorized use.

6- Downcutting is a problem for the trails in the Bear Creek drainage. In our Comment 5, section 20, we stated “The above information on soil characteristics indicates that trails located on a number of soil types are subject to downcutting – and that one can not predict that this will be a problem based on soil type or geology alone.” All of the analysis performed in the FEIS regarding downcutting was done based on soil type maps, with no site-specific evaluation. Our above cited comment states that “on the ground” evaluation of Gold Run, Little Bear, Grindstone, and Rough Canyon trails would indicate that downcutting is a substantial issue. An evaluation of the environmental consequences of this severe downcutting needs to be performed – not just with respect to potential for sedimentation in streams – but for trail sustainability. This was not done and these trails should not be designated for motorized travel with no evaluation. This analysis also is required to meet the minimization requirements of the TMR.

Suggestion for resolving this Objection:

Effectively resolving this Objection requires that the entire Bear Creek drainage be non-motorized. That is, the following trails should be designated as non-motorized – Bear Creek, Gold Run, Grindstone, and Hillside Connector. Since the primary justification given in the DROD for allowing motorized travel in the Bear Creek drainage is that “Single track motorized users identified the need for a connection between the Mancos/Cortez landscape and the Rico/West Dolores landscape”, this need has to be critically evaluated versus all of the other compelling reasons to have the drainage non-motorized. There is no information in the FEIS that examines or justifies this need based the practicality of designing a connection to meet this need - or the potential success of the proposed connection in meeting the desires of the motorcycle users (distance, loops, riding experience, etc). Also, there is very limited information in the FEIS that supports this need/decision based on an analysis of environmental effects. There is a lot more information in the FEIS that supports these trails being non-motorized.

Another way to partially resolve this Objection – and we want to emphasize, NOT a satisfactory resolution – but a resolution that has less environmental impacts and is better for the natural resources in the area is the following:

- Allow motorized travel on Gold Run, Little Bear, and Bear Creek trail from Little Bear to Gold Run. This will provide a connection between the Mancos/Cortez landscape and the Rico/West Dolores landscape.

- Do not allow motorized travel on Grindstone, Hillside Connector, and all of Bear Creek except for the section between Little Bear and Gold Run.
- This approach moves the motorized travel in the Bear Creek drainage further away from the Recommended Wilderness Area in the 2013 LRMP and the Hermosa Wilderness area - and further away from an upper tier Colorado Roadless Area (CRA). As stated above, the Grindstone trail lies at the boundary of the Recommended Wilderness area and the boundary of the Upper tier CRA and has additional habitat issues. And, Hillside Connector trail has the same (and additional) issues.
- This protects the Colorado trail and the designated Hermosa Wilderness area from the sounds and impacts of motorized travel on trails that are not far away and can be heard and seen from the ridgeline.
- This protects the Hillside Connector area and the attributes listed above.
- The day hike users that access the Bear Creek trail from Hwy 145 are still protected from the effects of motorized travel.
- Motorcycle users can make the connection between the Mancos/Cortez landscape and the Rico/West Dolores landscape with less road-riding via a direct connection between Little Bear and Rough Canyon trails – it eliminates the 12 miles (round trip) of riding on Hillside Drive. This makes the out and back connection length 40 miles with 12 miles on roads – which is not a great connection but it is better than the proposed decision connection.
- Motorcycle travel on Little Bear is only for skilled technical riders – but this is no different from the trails that exist in the proposed Decision using Grindstone, where one has to ride Rough Canyon, Gold Run, and Grindstone trails (which are all highly technical trails).

Objection #3 – The section of the Calico Trail between the northern Intersection with the Priest Gulch Trail and the Intersection with Johnny Bull Trail should be Non-Motorized

1- There is no Alternative that designates the section of Calico between the northern intersection with the Priest Gulch trail (at an elevation of 11,320 ft) and the intersection with the Johnny Bull trail as non-motorized. Therefore, it never got a thorough evaluation of the effects of motorized use. Information has been added to the FEIS as a result of our previous comments (information not in the DEIS or SDEIS). It should be noted that I have commented on this issue in most of my previous comment letters over the past 3 years, but only in the FEIS was it minimally mentioned. The addition of information in the FEIS does not allow comments from the public. Again – this seems to violate the intent of NEPA.

The minimal information added to the FEIS says that regular trail maintenance can maintain trail treads (p.61 FEIS) and photos of this section were added in Appendix G of FEIS. These statements, and the statements accompanying the photos, are shown to

be incorrect below where site-specific information is presented – this trail is too steep and the soil is too erosive (see section 3 below for USFS statements that this is true). Regular trail maintenance or extra drainage structures to control erosion have not worked on this section of trail – We have supplied photos in our comments that demonstrate this.

2- The Calico trail between the top of Priest Gulch trail and Johnny Bull trail should be non-motorized for the reasons discussed in the next 3 paragraphs. The issues discussed in these 3 paragraphs were presented in our comment letters, for instance see Comment 5 (section #6):

a-. The section of the Calico trail immediately north of the intersection with the Priest Gulch trail is very steep and exceeds the Short Pitch max grade recommended in FSH1909.18. The data/report in your Calico Trail File supports this statement. This data/report lists a number of sections of trail that have grade of 26-29%. The USFS standards list 25% as the short pitch maximum grade for Trail Class 3, which is the TMO classification for Calico trail. This section of the Calico trail needs rerouting to made it sustainable to motorcycle travel. Waterdams and other trail improvements on the existing trail will not work and will be insufficient (see photos below). The cost of rerouting will be large – and is not included in the cost estimates that you have provided for the various Alternatives. These sustainability issues were not addressed in the FEIS and the needed environmental analysis was not performed.

b- Photos of this section of the Calico trail are provided in the following public link: <https://flic.kr/s/aHskzXEAS3>
These photos and captions are part of our Comment 5 and a part of the Project file. These photos demonstrate the following issues that were not addressed in the FEIS/DROD:

- a number of parts of this section of the Calico are very steep and not suitable for a motorized trail. Motorcycles slide down the trail.
- the ridgeline location of this trail does not meet BMPs.
- motorcycles do not stay-the-trail and create excessive resource damage in a very fragile environment
- this section of the Calico borders the upper Stoner Creek drainage, a very beautiful drainage which is excellent wildlife habitat. One can see the Eagle Peak trail on the side of Eagle Peak in the background.
- parts of the trail have vertical steps that exceed FSH1909.18 specs.

c- This section of the Calico trail is right on the ridgeline for almost the entire length – which violates BMPs. The photos demonstrate that this is very fragile alpine habitat. The meadows on the slopes at the side of the trail are excellent summer wildlife habitat. When there is no motorized travel, one can see a lot of game tracks in the lower area

below the open slopes that provides reasonable cover. The openness of the area allows noise to travel a long way. It is steep & non-sustainable as motorized, has extensive user conflict and user displacement history, superb wildlife habitat, documented resource damage from trail braiding and attempted (ineffective) trail work, is mostly above treeline and has large open meadows. Also, it borders or is partly in Rico MA2 area (in the Forest Plan), and has safety issues with motorcyclists that travel very fast. There is no site-specific analysis in the FEIS to address these issues. This needs to be evaluated in a NEPA compliant process involving the public.

3- A further example of the unsuitability of this section of the Calico trail to motorized travel is given in the following USFS documentation (we acknowledge that this is from the old Forest Plan which has been superseded by the 2013 Forest Plan. We are not representing this as current Forest Plan direction, but are including it as a previous evaluation of this area by USFS personnel that determined that the area that this portion of the Calico trail goes through is unsuitable for motorized travel):

Amendment #11 dated 9/7/90 to the 1983 LRMP/Forest Plan. This Amendment changed the Management Area designation for a number of areas including:

- For Landslip Mt/Calico Pk area - change from MA2A to MA3A because "Topography is too steep and soils too erosive for motorized recreation". This effectively removed motorized travel from Calico trail in the area discussed in this Objection.

- For Johnny Bull area - change from MA2A to MA3A because "Topography is too steep for motorized recreation". This effectively removed motorized travel from Johnny Bull trail and Calico trail near Johnny Bull.

(The above information is from our Comment 5 (Section 4) – The quoted statements are the exact wording in the original Amendment #11 document)

The above statements from the previous Forest Plan are still valid today. The topography and soil characteristics have not changed. This section of Calico is not suitable for motorized travel.

4- The minimal information added to the FEIS (with no opportunity for comment) does not address the critical issues with this trail. A complete, site-specific environmental evaluation of this trail would indicate that it needs to be non-motorized.

5- A good example of the environmental consequences that result from motorized use on this trail is given in the following youtube video (from our comments). We strongly urge any reviewer of this Objection to view this video. In addition to demonstrating use

on the section of the Calico that is in this Objection, the video contains footage from other areas – but it represents the safety issues, damage, speed, reasons why quiet users are displaced, etc. The rocky section in the middle of the video is the Eagle Peak trail (see Objection #7) and the section starting at 3:20 is illegal riding up (hiker only) Sockrider Peak trail.

Link to Video:

<https://www.youtube.com/watch?v=LmO4VYjXTKY>

Suggestion for resolution of this Objection:

Designate the section of the Calico Trail between upper Priest Gulch Trail and Johnny Bull Trail as Non-Motorized. If this is unacceptable, we suggest that the EIS be reissued with a thorough site-specific environmental analysis of the effects of making this trail motorized.

Objection #4 - Alternative A (No Action) is not a valid Alternative and needs to be eliminated from the Analysis and Decision Process

On p.47 of the DROD, in the section entitled “Other Alternatives considered, it states: “Alternative A No Action: The No Action alternative is required under NEPA regulations (40 CFR §1502.14(d)). It represents the existing condition, and provides a baseline against which the effects of implementing the “action” alternatives are compared. This alternative would continue current motor vehicle designations for roads and trails and would follow the designations displayed on the 2015 MVUM. Long-term restrictions on cross- country travel would need to be addressed by other NEPA analysis and Forest Orders.”

Guidance from the Council on Environmental Quality (CEQ) clarifies that the no action alternative be based on no change from current management (this sentence is from the Environmental Assessment for the RWDTMP dated April 2009, p.19). No change from current management is very different from the “existing condition” – as demonstrated below, the “existing condition” described in the FEIS is inconsistent with current management direction.

There are a number of fatal flaws with Alternative A – that were discussed in our Comment 5 and our Comment 4. See the following 6 items (slightly edited below) (Note: the information presented in the Response to Comments, Appendix K of the FEIS, does not address these arguments about critical flaws in Alternative A):

- 1- The current management direction for the RWD area is as follows. Order No. SJ-2010-08 expired on December 31, 2015 and is no longer in effect. Order No. SJ-1999-01 is now the governing document for motor vehicle travel in the RWD area

(copy of this order is appended to Comment 4). There should be no dispute that SJ-1999-01 is the governing document because it is clearly identified in the final decision by the Tenth Circuit Court of Appeal dated 5/27/15 (Appellate Case: 13-1216) that this would be the trail use controlling document if Order No. SJ-2010-08 was overturned. "For if we were to grant the group the relief it seeks and strike down the 2010 order, the last valid and relevant trail plan — adopted in 1992 and supplemented in 1999 — would apply." Also, the 2013 SJNF LRMP (2013 Forest Plan) on p.96 states that it does not designate trail use for any specific trails.

- 2- Order No. SJ-1999-01 uses the SJNF Travel Map dated 1994. The 1994 Travel Map has an "AREA TABLE" and "ROAD AND TRAIL TABLE" that specifies allowed trail travel — and these TABLES are shown in attachment #1 to the SJ-1999-01 Order which "is made a part of this Order". On the 1994 Travel Map the following trails are designated as open to Passenger car, 4-Wheel Drive, ATV, or Motorcycle — Upper Calico, Johnny Bull, Eagle Peak, Upper Stoner, Twin Springs, Spring Creek, East Fall Creek, West Fall Creek, Winter, Horse Creek, Burnette Creek, East Fork, Stoner Mesa, etc. Also, on the 1994 Travel Map the following trails are designated as open to ATV and motorcycle — Priest Gulch, Lower Calico, Bear Creek, Grindstone, Gold Run, Little Bear, Rough Canyon, Upper Ryman. These travel designations clearly disagree with the 2015 MVUM. Therefore the MVUM needed to be modified after 12/31/15 to reflect current management direction. Also, the 1994 Travel Map allows cross-country travel by all types of motorized vehicles in the "F" areas, which comprise a large part of the RWD area.
- 3- One can not say that these trails can not be used by any of the non-single track motorized vehicles specified in SJ-1999-01 due to the narrow width of the trails, etc. There is evidence in the trail files in the Dolores Public Lands Office that a number of the trails were used by ATVs prior to the posting of signs prohibiting ATVs around 2004-2005. Besides, the management direction given by SJ-1999-01 is still the "management direction".

Note: Additional information on the use of ATVs on trails in the RWD area is given in our Comment 3 p. 22-23 — "Until recently, motorcycles shared many of the trails in the Rico-West Dolores (RWD) area with ATVs (40 in). Ten years ago, motorcycles and ATVs were present on Calico, Burnett Creek, Eagle Peak/Upper Stoner, Priest Gulch, Ryman and other trails - and the motorcyclists seemed to think this was okay. The following information is evidence that these trails were previously used by ATV's, the FS knew this and on a few occasions did things to change this, The Decision Memo dated 5/13/97 for the Calico-Winter trail Reconstruction says: "have decided not to reconstruct the trail to accommodate the light ATV use that is occurring" The public comments received on the Calico-Winter trail Reconstruction project were all concerning ATV use. The FS had to put up signs on some of the trails to say that they are closed to ATV use (this was performed approximately 2004 to 2008). This was needed because the Forest Service realized that ATV's were using the trails I have photos

showing a sign on Calico trail northern end that says ATV's are not allowed. There is a similar sign on the Ryman Creek trail.”

- 4- As a result of the change to Order No. SJ-1999-01 as the governing document for travel in the RWD area, the 2015 MVUM has expired and has not been valid since December 31, 2015. Therefore, the 2015 MVUM can not be used as a no action Alternative. If the decision for this Project is “No Action”, the management will stay with the SJ-1999-01 Order – which is very different from the 2015 MVUM. There is no legally valid way to implement the choice of the No-Action Alternative A described in the DROD/FEIS.
- 5- It is not valid to claim that the 2015 MVUM was in-place when this Project was initiated, and therefore it is appropriate to be used as the No Action Alternative. The revised scoping report was issued on June 10, 2015 – in this report it stated “As the FS progresses through the NEPA process, the preliminary issues identified in this report will be refined further and may be used to formulate one or more of the following, 1) alternatives to the proposed action”. Therefore, Alternative development was initiated in late 2015 with full knowledge by the USFS that Order No. SJ-2010-08 would expire in a few months and the 2015 MVUM would not be valid. The Draft EIS was issued in May 2016.
- 6- The 1994 SJNF Travel Map is very similar to the 2005 SJNF Visitor Map – it uses the “open unless designated closed” policy, it has the “F” symbol areas, etc. Therefore, using the 1994 SJNF Travel map is in conflict to other statements in the FEIS - see the following statements from p. 54 of the FEIS where it presents the reasons for not carrying forward an Alternative based on the 2005 SJNF Visitor map:

“This alternative was not carried forward for detailed study for the following reasons:

1) The older policies of “open unless designated closed” are different from travel rule policies which direct the forest service to use the policy of “closed unless designated open”.

2) Nearly one-third of the RWD project area had the “F” symbol on the visitor maps. This meant that motor vehicle travel Off of Forest Roads and Trails was not prohibited in areas that included alpine habitat and wetland areas. Problems associated with this situation are 1) Off road travel by motorcycles in alpine areas had the potential for creating damage, 2) Off road travel in wetland areas by vehicles or OHVs had the potential to damage vegetation or channel water away from the wetlands, 3) OHV use of ML1 stored roads kept these roads from re-vegetating to a “stored” state.

3) Applying this “open” designation into the future could detract from blocks of habitat that provide wildlife security, and increase unplanned routes not engineered for proper drainage.

4) Increases in OHV use, especially ATV and UTV riding out of the Groundhog area, add to the need for managed system of trails in the areas previously identified with the “F” designation”

Suggestion for resolving this Objection:

As demonstrated above, there is no legally valid way to implement the choice of the No-Action Alternative A described in the DROD/FEIS. Even if the 2015 MVUM is replaced with Order No. SJ-1999-01 as the current management direction (“existing condition”) in Alternative A (No Action), there is still a major problem. SJ-1999-01 is in direct violation with the Travel Management Rule and does not meet the intent of the Purpose and Need for this Project.

The Forest Service should make it clear in the FEIS and ROD that Alternative A is not a viable Alternative and that it has been eliminated from detailed study (note that this was the conclusion in the ROD/FEIS for the previous, remanded RWD Travel Management Plan where it stated - “Alternative A No Actionwas not considered a viable alternative and was eliminated from detailed study”).

Unfortunately, Alternative A is critical to the entire Decision process in this current Project, and its’ FEIS/DROD, etc. As stated on p.47 of the DROD, the No Action alternative provides a baseline against which the effects of implementing the “action” alternatives are compared. By making it clear that the current Alternative A is not a viable Alternative, the path forward is to define a Baseline that is different and separate from the no-action alternative. CEQ guidance makes clear that a baseline for purposes of NEPA need not be the same as the no-action alternative. The EIS can then be reissued with the appropriate analysis based on this baseline.

Objection #5 – An Accurate Baseline must be Identified and Used, and as a result the Forest Service Fails to Take the Required Hard Look

On this project, the Forest Service considers the baseline and no-action alternative one and the same – see p.61 of the FEIS where it states “For this analysis, the environmental baseline is not separate and distinct from the no action alternative. For this analysis Alternative A (no Action) represents the baseline”. That is not true for this project because no-action on this project (see Objection #4 above) and an accurate baseline (see below) are very different.

In violation of NEPA, the characterization in Alternative A of the baseline transportation system and the extent of the road and trail system that is currently open to motorized travel by the public is inaccurate. An accurate accounting of the true extent of the existing, designated transportation system is a critical step in setting the appropriate baseline for analysis. The environmental baseline is an integral part of an EIS, because it is against this information that environmental impacts are measured and evaluated; therefore, it is critical that the baseline be accurate and complete (*Or. Natural Desert Ass'n v. Shuford*, (2007) at *4 (citing *American Rivers v. Fed. Energy Regulatory Comm'n*, 201 F.3d 1186, 1195 & n. 15 (9th Cir. 2000))). Further, NEPA requires that agencies “present complete and accurate information to decision makers and to the public to allow an informed comparison of the alternatives considered in the EIS.” (*Natural Res. Def. Council v. U.S. Forest Serv.*, 421 F.3d 797, 813 (9th Cir. 2005)).

A good discussion of the issues and problems with the Baseline is given in the comment letter on the DEIS submitted by the San Juan Citizens Alliance (SJCA) dated 7/14/16. We support this letter and incorporate it in this Objection (Note: All of this information was included in our Comment 5, so it can be a part of this Objection). A sampling of some of the important points in this letter regarding the Baseline are:

- 1- In the context of travel planning, case law instructs land management agencies that the baseline should clearly disclose and distinguish between official system routes that have been previously subjected to NEPA and user-created routes that arose as a result of cross-country travel. The SJCA comment letter gives the requirements of the baseline open, designated system.
- 2- The baseline existing, designated system cannot contain any decommissioned routes, Operational ML-1 roads (i.e., *closed* roads), temporary roads, non-motorized trails, or user-created routes (even where those routes may have been used as a result of a cross-country travel regime) because either public motorized use of those routes has never been analyzed in a NEPA document or prior NEPA decisions have closed the routes to public motorized use. In other words, those routes do not comprise the status quo open, designated system, and must be analyzed on a site-specific basis within the action alternatives in order to add them to the designated system. The analysis required to add these routes should include not only the site specific impact of designating a road or trail for motorized use but also the impacts of the use that will occur on the route, as well as the potential for any increased use of the route.
- 3- Existing U.S. Forest Service direction and guidance supports our explanation of what may be included in the baseline open, designated system. The Forest Service Handbook provides guidance regarding how to define the baseline system when setting up the analysis (the specifics of this direction and guidance are discussed in the SJCA comment letter):
- 4- While it may be true that “[a] recreation trail system has existed in the RWD analysis areas for decades[,]” there is not sufficient evidence that this motorized trail system has ever undergone adequate, or any, NEPA analysis. (DEIS, page 14.) A motorized route’s existence on the ground or on old maps does not offer

any evidence of its legitimacy or compliance with Forest Service regulations and direction.

- 5- Any routes lacking documentation should be analyzed as new unauthorized routes, in recognition of the fact that there is no record of administrative decision or analysis addressing the environmental impacts of motor vehicle use on these routes. Although we recognize the challenges associated with locating adequate supporting documentation given a past history of poor recordkeeping nationally, we fundamentally reject the position that the baseline should be based entirely on a best guess by the Dolores District, rejecting prior NEPA analysis.

The fact that the Baseline and the No-Action Alternative are not the same was discussed in our Comment 5. The current management direction which permits motorized travel on trails in the RWD area has many trails that have never been subjected to a NEPA analysis involving the public prior to this Travel Management Project. As stated in the FEIS, most of the trails in the RWD area are user created trails. The history of prior NEPA activity for these trails is discussed in detail in section 4 of our Comment 5 (and also in Comment 4). The trails in the RWD area that have never had NEPA analysis involving the public prior to designation for motorized use are: Burnett Creek, Calico North, Calico South, Eagle Peak, East Fall Creek, Horse Creek, Johnny Bull, Priest Gulch, Ryman Creek, Stoner Creek, Wildcat, Morrison, Sharkstooth, Grindstone Loop, Salt Creek, Section House, School House, Sockrider, Fish Creek, and Geyser Spring. The only trails in the RWD area that have received NEPA compliant analysis with public input (to permit motorized travel) are Gold Run (2.2 miles), Grindstone (4.0 mi), Bear Creek (9 mi), Little Bear (2.4 mi), and Tenderfoot (3.8 mi). In the past, the agency has changed trail use designations and signage with no public input. The Baseline should not contain these unauthorized routes as motorized trails.

An addition to the FEIS attempts to address the lack of NEPA documentation. On p.6 in Appendix K of the FEIS it states – “The lack of NEPA documentation (EA, EIS, CE or associated Decision documents, DN, ROD, DM) is recognized for both roads and trails. The inability to find NEPA documentation is not unusual given the length of time these roads and trails have been on the ground.” This statement is incorrect and unacceptable. NEPA compliant analysis involving the public is a long, involved process that almost always has documentation somewhere. As mentioned above, based on my knowledge and research, I put together a history of prior NEPA activity or lack of activity for these trails. The USFS should at least evaluate this history and comment on it and/or correct it.

Despite being raised as an issue in many of our comment letters, this Baseline issue was not discussed/addressed until the FEIS was issued – and the public has no opportunity to comment on the items placed in the FEIS. The Baseline issue is discussed in the FEIS on p. 61 and in Appendix K. However, the new information

presented in the FEIS does not address or answer any of the critical problems with the Baseline discussed in this Objection.

If an accurate baseline is used that does not contain unauthorized motorized trails, the data in Table 1 on p.10-11 of the DROD changes dramatically. The line designating “Trails Open to single track motorized use” would designate 21 miles for the “Existing Condition/Baseline” and 83 miles for “Alternative Modified B”. That is, the proposed Decision increases the mileage by 400% (versus a decrease of 27% in the incorrect DROD Table). This indicates the importance of a correct Baseline in the Environmental Analysis.

An accurate Baseline must be used in the Environment Analysis in this Project. Do not grandfather in non-NEPA authorized motorized use into the Baseline.

Suggestion for resolving this Objection:

Modify the analysis in the FEIS and description in the DROD to identify an accurate baseline that includes only those motorized designations that have been subject to NEPA, including public notice and comment.

Objection #6 - The Development of the Alternatives is defective

The FEIS has added information (relative to the SDEIS) in section 2.3 titled “Alternatives Considered but not Carried Forward for Detailed Study” – and stated that “This includes options provided during the public Comment periods for this project”. The FEIS contains 46 items in this section while the SDEIS contained 14 items in the same section. This attempt to make it appear that many other Alternatives were considered is not convincing. Furthermore, all of the reasons given for not carrying forward these new items for further study, consideration, analysis, etc are being presented to the public for the first time in the FEIS – and the public has no opportunity to comment, evaluate, etc. Is this in agreement with the intent of NEPA?

Federal agencies must consider “alternatives to the proposed action” and “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.” (42 U.S.C. §§ 4332(2)(C)(iii), 4332(2)(E)). As explained by NEPA’s implementing regulations, federal agencies must “[r]igorously explore and objectively evaluate all reasonable alternatives” and specifically “[i]nclude the alternative of no action.” (40 C.F.R. §§ 1502.14(a), (d)).

Unfortunately, there is very little difference between the alternatives in terms of most impacts and in terms of miles of motorized routes open to the public. Executive Summary Table 1 (p. 5 of the FEIS) indicates that there is a maximum difference between all of the Alternatives of 7.08 miles of road designated open to all motorized vehicles (3% of 205.5 miles for Alt A). Executive Summary Table 2 (p. 5 of the FDEIS) indicates that there is a maximum difference between all of the Alternatives of 49 miles of trails designated open to all motorcycles (43% of 114 miles for Alt A). The maximum difference of 49 miles of trails open to motorcycle use is much less than the number of trail miles open to motorcycle use that have never had NEPA evaluation.

Comment 5 discussed this issue extensively. Following below under 1, 2, 3, and 4 are a few of the reasons given in Comment 5 that the development of the Alternatives is defective:

1- The EA for the previous (remanded) RWDTMP contained Alternative B – which was eliminated from further analysis in that EA. This Alternative was developed at the request of the San Juan Citizen's Alliance (SJCA), Rico Alpine Society, Town of Rico, and North San Juan Advisory committee. This Alternative has many of the trails as non-motorized. In the Appeal Reviewing Officer (ARO) Recommendation letter dated 12/11/09, the ARO recommended reversing the decision to dismiss Alternative B (this letter is attached in Comment 5). The SJNF Forest Supervisor accepted all of the ARO's recommendations. This decision by the ARO and the Forest Supervisor indicates that any future travel analysis, etc for the RWD area should include an Alternative similar to Alternative B in the previous/remanded Travel Analysis. Certainly, one should correct the deficiencies declared by the Forest Supervisor and the ARO in the previous TMP when redoing the Travel Management Project.

Note: In our Comment 2 (section 8), we stated the following in addition to the above - The approach and needs used to develop that Alternative (B) should be considered in the current RWDTMP. The fact that Alternative B was formulated around the previous Forest Plan – which has been replaced – does not provide a rationale for discarding it in the current analysis. Similar management areas and issues exist in the new Forest Plan and the rationale behind Alternative B is still appropriate.

2- The Purpose and Need statement in section 1.2 of the FEIS requires an Alternative that is not considered in the FEIS. The Purpose and Need and the TMR make no reference to considering the effects on National Forest System natural and cultural resources relative to the existing condition. It states that the designation of trails “shall consider effects on National Forest System natural and cultural resources, public safety, provision of recreational opportunities, access needs, conflicts among uses of National Forest System; 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 (emphasis added)”. Since most of the trails have never had NEPA analysis involving the public performed

for motorized use, this effect had never been considered, no less evaluated. This requires an Alternative that is based on the trail use designations which are the result of an appropriate NEPA analysis involving the public in the decision process.

The reasonableness of alternatives is determined by reference to the Purpose and Need statement. Our Comment 5 contains additional information on this subject, including some applicable case law.

It also states in the Purpose and Need statement in section 1.2(b) of the FEIS: “in designating NFS trails and areas on National Forest System lands, the responsible official shall consider effects on the following, with the objective of minimizing:.....” One can not accomplish this minimization of the Environmental Effects without having an Alternative that is based on the trail use designations which are the result of NEPA analysis involving the public. The Purpose and Need and the TMR make no reference to minimizing relative to a so-called existing condition – it states that the designation of trails shall consider the effects on the following, with the object of minimizing... Since many of the trails have never had NEPA analysis involving the public performed for motorized use, this effect had never even been considered, no less minimized. The present analysis states that it considers these effects for all of the trails – but this is impossible without an Alternative that expressly considers all of the trails that have never had an NEPA compliant analysis involving the public as non-motorized. One example (of many) of this lack of evaluation is given in Table 3-16 on p. 117 of the FEIS – the last column only considers the differences between the 5 Alternatives and does not consider any effects of or impacts from trails that are motorized in all Alternatives (and have never had prior NEPA analysis involving the public). There are at least 8 trails that are motorized in all Alternatives.

An addition to the FEIS that is not presented in the SDEIS/DEIS attempts to address the lack of NEPA documentation. On p.6 in Appendix K of the FEIS it states – “The lack of NEPA documentation (EA, EIS, CE or associated Decision documents, DN, ROD, DM) is recognized for both roads and trails. The inability to find NEPA documentation is not unusual given the length of time these roads and trails have been on the ground.” This statement is incorrect and unacceptable. NEPA compliant analysis involving the public is a long, involved process that almost always has documentation somewhere. Based on my knowledge and research, I put together a history of prior NEPA activity or lack of activity for these trails. This history is thoroughly discussed in section 4 of our Comment 5 and in Comment 4. The USFS should at least evaluate this history and comment on it and/or correct it. Based on this history, the trails in the RWD area that have never had NEPA analysis involving the public to designate motorized use are: Burnett Creek, Calico North, Calico South, Eagle Peak, East Fall Creek, Horse Creek, Johnny Bull, Priest Gulch, Ryman Creek, Stoner Creek, Wildcat, Morrison, Sharkstooth, Grindstone Loop, Salt Creek, Section House, School House, Sockrider, Fish Creek, and Geyser Spring. In addition to these trails, there are four trails that need to be included in a “no

previous NEPA Alternative” for the reasons stated in section 5 of Comment 5. These trails are Bear Creek, Gold Run, Grindstone, and Little Bear.

3- There is no Alternative that designates non-motorized use for most of the trails. Since all of the analysis of the Environmental Effects in the SDEIS/DEIS/FEIS is done by comparing Alternatives, an Alternative is required that has most of the trails (especially the trails that never had NEPA analysis involving the public) designated as non-motorized. This is an example of blatant bias toward motorized travel. Saying that many of the trails are designated as non-motorized in at least one of the Alternatives is insufficient, because the environmental effect of that designation can be overwhelmed by other items in that Alternative and it never is evaluated in this SDEIS/DEIS/FEIS analysis. This violates the requirements of the Travel Management Rule (TMR). See our Comment 5 for more information on this subject. An examination of the data in Table 2-1 in the FEIS supports the statement that there is no Alternative that eliminates most motorized trail use. The miles of motorcycle trails is almost the same for all Alternatives, with only Alternative E showing some reduction – and that reduction is less than 50%.

4- Additional reasons why the Alternative development is defective are given in our Comment 5.

Following is another example of the conclusions obtained due to defective Alternative development (from our Comment 5 section 29). Table 3-47 on p.224 of the FEIS entitled “Trails that May See an Increasing Trend In Motorcycle Use and a Decreasing Trend in Nonmotorized Use, by Alternative” is very telling – even though it states that these trails “may see” increasing displacement of non-motorized uses (as discussed in other sections of Comment 5 “may see” means “will see” based on peer-reviewed research). All of the Alternatives have the potential to displace non-motorized users from most of the trails!! That is, the majority of the non-motorized users will be or already are being displaced. Therefore, none of the Alternatives will allow an evaluation the minimization criteria (user conflict/displacement) of the Travel Management Rule. This strongly affirms the need for another Alternative.

Suggestion for resolving this Objection:

For the following reasons (which are discussed more completely above), an Alternative is required that has most of the trails (especially the trails that never had NEPA analysis involving the public) designated as non-motorized:

a- The decision by the ARO and the Forest Supervisor in the previous/remanded Travel Analysis indicates that any future travel analysis, etc for the RWD area should include an Alternative that is not in the FEIS.

b- The Purpose and Need statement in the FEIS requires an Alternative that allows a comparison of the environmental effects that would arise if the uses under consideration are designated. The Purpose and Need statement makes no reference to considering the effects relative to the existing condition. The Purpose and Need and the TMR make no reference to minimizing relative to a so-called existing condition – it states that the designation of trails shall consider the effects on the following, with the object of minimizing...

We suggest that the EIS be reissued with the above changes in the development of the Alternatives.

Objection #7 – Eagle Peak Trail should be non-motorized

There is no Alternative that designates this trail as non-motorized. Therefore, it never received a thorough evaluation of the effects of motorized use. A lot of information has been added to the FEIS as a result of our previous comments (information not in the DEIS or SDEIS). The addition of new information in the FEIS does not allow comments from the public. Again – this seems to violate the intent of NEPA. It should be noted that we have commented on this issue in most of our previous comment letters over the past 3 years. This trail should be non-motorized because of the extensive trail damage from motorized use and erosion that has occurred. Some of this damage has been been partially addressed through emergency repairs, but as discussed below these repairs do not last very long.

The following issues were discussed in section #6 of our Comment 5 (see next 4 paragraphs). They were never addressed in the FEIS or other analysis:

1-We have communicated with the DPLO many times in the past 10 years regarding resource issues on the Eagle Peak trail due to motorcycle use. The Dolores District even re-routed Colorado OHV grant money awarded for Calico trail work for emergency repairs to the Eagle Peak trail. We have discussed the issues and the fact that the trail work done has not solved the problems, and in some cases has made it worse. And, Mr. Padilla and his staff have been out to evaluate the resource effects. But there is no site-specific analysis of the entire trail length to address these issues.

2- During the pre NEPA Workshops for this project I submitted to you a Summary page (with descriptive info on the references I was submitting) entitled “ Input for SJNF

RWDTMP - Resource and Trail Damage” dated 6/15/14 (it is attached to the Comment 5 letter). In this document it gives many specific examples of problems and demonstrates that Eagle Peak Trail is clearly not sustainable (for motorcycles) as it is presently constructed – this trail needs reconstruction, not maintenance.

Note: You have all these references. For convenience, the photos are available to the public at:

<https://www.flickr.com/gp/143569336@N03/Wa9577>

3- We also provided a series of photos taken about one year later (on July 11, 2012), after there was extensive trail work done and after one more year of use by motorcycles. See the following public link:

<https://flic.kr/s/aHskDiageM>

You will notice that the trail has gotten a lot worse since the trail work – more resource damage. It is also obvious that the trail work did not improve it very much, and in many locations, it is worse.

4- The Eagle Peak trail is on steep ridgeline overlooking Johnny Bull drainage, and it is adjacent to the upper Stoner drainage. One can hear motorcycle noise down to West Dolores Road and throughout the Johnny Bull drainage and the Upper Stoner Creek drainage. It is non-sustainable and has extensive resource damage issues. It lies partly within a roadless area, it violates peer-reviewed BMPs, it has severe down cutting, and has sections with a grade greater than 15%. Extensive site-specific analysis and trail re-design would be needed to permit a motorized use designation for this trail.

The information added to the FEIS (with no opportunity for comment) does not responsibly address the critical issues with this trail. A complete, site-specific environmental evaluation of the entire length of this trail would indicate that it needs to be non-motorized.

The comments placed with the few photos added on p. 11-14 of Appendix G do not prove that this trail is sustainable along its entire length through mitigation measures. The photos we supplied demonstrate that the erosion is still a problem after the trail was moved (as opposed to the statements in Appendix G) – in fact this is partially supported in the caption on p.13 of Appendix G where it states “The Sept 2017 field visit identified the shale soils in this location are erosive and require functioning and frequent cross drainage... There were signs that the currently open trail in this location needs maintenance...”

The comments added on p.9-10 of Appendix K of the FEIS also do not address all of the problems with this trail. Again, this is the first appearance of information on this trail – and the public has no opportunity to comment.

Suggestion for resolution of this Objective:

Make the Eagle Peak trail non-motorized. If this is unacceptable, I suggest that the EIS be reissued with a thorough environmental analysis of the effects of making this trail motorized.

10- Objection #8 – East Fall Creek Trail from FR471 to Calico Trail should be Non-Motorized

On p. 19 of the DROD it states – “The sections of East and West Fall Creek Trails south of NFSR 471 will also be designated for single track motorized use, creating loops.” We have repeatedly requested that the East Fall Creek trail be non-motorized for the reasons to be stated below. Only one of these two trails is needed to provide a motorized connection to the Calico trail and to permit motorized travel on a loop consisting of North Calico/ West Fall Creek/FR471. The East and West Fall Creek trails are about one mile apart and run parallel to each other. The only loop that a motorized East Fall Creek trail adds is a short 6 mile loop on West Fall Creek/ North Calico/East Fall Creek/FR471 – of which 4 of the 6 miles is a repeat if one is riding the larger loop (which is required to do the small 6 mile loop)!

This does not seem like an addition that should be provided if it requires that hikers have NO quiet way to access a loop consisting of East Fall Creek/ Sockrider/return (Sockrider is only open to hikers in the DROD. It is touted in the FEIS as a significant benefit for hikers. But they have no quiet access to it).

In our Comment 1 section 11, we stated – Eliminate motorcycle use on East Fall Creek. The West Fall Creek trail has recently had a lot of hardening performed, and the East Fall Creek trail is in meadows for a substantial portion of the trail (more noise with motorized travel). Also, the meadows along the East Fall Creek trail are used by big game a lot – Forest Plan requirements for game/habitat need to be evaluated and met..

In our Comment 1 section 10, we stated – “There is a need to respond to quiet user desires for a non-motorized trail to access the Calico trail and associated highcountry (Sockrider Peak trail, etc) from FR471 and the northwest, connect with the Winter trail, etc. Can one justify having both the West Fall Creek trail and the East Fork trail motorized? NVUM data for the SJNF indicates that there are at least 10X more “quiet users”.

This is excellent wildlife habitat and provides needed habitat connectivity. These two drainages are the only main drainages to the northwest of the Calico trail for a considerable distance - should protect one of them. See Desired conditions/standards/guidelines/objectives from the Forest Plan.”

In our Comment 5 p.4, we stated - The trails in the RWD area that have never had NEPA analysis (with public input) to designate motorized use are:....., East Fall Creek,

Downcutting is an issue for East Fall Creek trail that was discussed in our Comment 5, section 20, where we stated “The above information on soil characteristics indicates that trails located on a number of soil types are subject to downcutting – and that one can not predict that this will be a problem based on soil type or geology alone this is certainly what is observed on the ground – for example on East Fall Creek trail.....”. An evaluation of the environmental consequences of this severe downcutting needs to be performed – not just with respect to potential for sedimentation in streams – but for trail sustainability. This was not performed. This analysis also is required to meet the minimization requirements of the TMR.

Suggestion for resolution of this Objection:

Designate East Fall Creek Trail from FR471 to Calico Trail as Non-Motorized.

Objection #9 – - DRD and FEIS do not meet the Requirements of the Minimization Criteria of the Travel Management Rule (and they are not NEPA compliant)

Subpart (b) of the Travel Management Rule (TMR) requires that, in designating National Forest System trails and areas on National Forest System lands, the responsible official shall consider effects on the following, with the objective of minimizing:

- (1) Damage to soil, watershed, vegetation, and other forest resources;
 - (2) Harassment of wildlife and significant disruption of wildlife habitats;
 - (3) Conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands or neighboring Federal lands; and
-(36 C.F.R. § 212.55(b)).

The FEIS has attempted to improve on the SDEIS by including some information needed to minimize these impacts (the DEIS contained almost nothing on minimization). We appreciate the efforts – but they still do not meet the requirements of the TMR. The FEIS for this RWD TMP needs to meet the Travel Management Rule (TMR) requirements. The Forest Service has an obligation to minimize environmental damage when designating trails and areas. As discussed in the litigation cases in section 10 of our Comment 5 under Background Information..., considering the impacts of these designations is not sufficient. The TMR requires the Forest Service to aim to minimize environmental damage when designating routes and areas. The analysis in the FEIS is still seriously deficient in the data and analysis presented in minimizing resource

damage, wildlife/habitat disruption, and user conflict. Examples of the deficiencies are described in Comment 5.

It must be noted that information was added to the DROD and FEIS regarding the minimization criteria and meeting the minimization criteria – and the public has no opportunity to comment of this information. This violates NEPA.

The DROD does have a little information on the process used to minimize the environmental effects of designating trails as open to motorized travel. On p.29-35 of the DROD there is discussion of the process used. This is the FIRST time that the public was informed of the fact that the ID team went through a Trail Analysis Process, similar to the Travel Analysis Process required for roads. The specifics of that process are not presented. In Attachment 6 to the DROD some specifics of applying the minimization criteria to individual trails are provided – but, in general, it is generic (Resource specialists analyzed this trail and found no impacts, etc) . Again, there is limited site-specific data and analysis, and the public has no chance to evaluate and comment on the analysis and conclusions. Therefore, one has to conclude that the public does not know that the minimization criteria was applied as required by the TMR.

As stated in our Comment 5, the analysis in the SDEIS is still seriously deficient in the data and analysis presented in minimizing. The SDEIS had some information added to it regarding minimization – for instance, in the Recreation section. This new information was not identified in RWD SDEIS Cover letter – and, in fact, the Cover letter discouraged comment on the new information by stating the following in the cover letter:

- “This supplement to the DEIS was developed to include the clarification that the Forest Service intends to include identification of the Minimum Road System (MRS) in its Decision and to provide an additional 45-day comment period.”
- “This supplement to the DEIS includes additional information and analysis.” This statement is followed by a list of the additional information and updates, by Chapter number. Nowhere in the list is any mention of the information related to minimization.
- In summary, the public was led to believe that they really did not have to read this document if their interest was the minimization criteria of the TMR. As a result of this misrepresentation of the changes in the SDEIS, the result was very limited comment letters on the SDEIS.

Suggestion for resolution of this Objection:

The DROD and FEIS need to be revised to show in the record how the USFS located motorized designations with the objective of minimizing environmental damage when designating these routes and areas, as required by the TMR. The analysis in the FEIS is still seriously deficient in the data and analysis presented in minimizing resource

damage, wildlife/habitat disruption, user conflict, etc. There is limited site-specific data and analysis, and the public had no chance to evaluate and comment on the analysis and conclusions. Therefore, one has to conclude that the public does not know that the minimization criteria was applied as required.

Objection #10 – The Current ROS Map and changes on the ROS map for Alternative B Modified needs to be Corrected

Note: We realize that this issue is part of the 2 Forest Plan amendments that are the subject of a separate Objection process. However, since the changes in the 2 maps that will be the Forest Plan amendments are part of the FEIS and result from the DROD, we have put this in with our Project Objection because the maps are a result of the Project Decision.

On p. 187 of the FEIS there is an explanation of the changes that were made in the ROS map for the current condition, Alternative A. This is a major change from the ROS map in the 2013 SJNF LRMP. For instance, you changed the Johnny Bull drainage (an area exceeding 4000 acres) from Semi-primitive nonmotorized (SPNM) to Semi-primitive motorized (SPM). I presume this is due to the motorized Johnny Bull trail in this drainage. This drainage has many sub-valleys with ridges in-between – and extreme remoteness in areas in the drainage removed from the trail. Areas that were changed to SPM are more than 2 miles from the motorized Johnny Bull trail. This makes no sense. The same can be said for a number of the other changes that you made to the map in other areas. The net result is that a lot of area was changed from SPNM to SPM (this includes area around Priest Gulch trail, Calico South Trail, Stoner Creek, Wildcat trail, etc). This SPM designation in the redone ROS map is not accurate.

You state on p.187 in the FEIS that “The Forest Plan Summer ROS map was redrawn for this project, in order to more closely match ROS protocol and allow for a comparison between the alternatives”. This change does not meet ROS protocol. On p.187 in the FEIS it states: - “semiprimitive nonmotorized areas were generally drawn ½ mile from ML2 or ML3 roads and ½ mile from trails currently managed for motorcycle use”. This is **NOT TRUE** for the Johnny Bull area discussed above (areas that were changed to SPM are more than 1/2 mile from the motorized Johnny Bull trail) and for the other areas around the trails listed in the preceding paragraph. Furthermore, I do not understand how this change will “allow for a comparison between the alternatives”. The change makes the difference in the number of acres in SPNM in Table 3-45 titled “Recreation Opportunity Spectrum (ROS) Settings by Alternative” much larger for Alternative E (or Alt D) vs Alternative A or the other alternatives. How is this better for comparing? It seems to me that it is not correct because it misrepresents the real change. It must be noted that it is acceptable to have a motorized trail as a designated route in a SPNM area.

The above information regarding the problems with the ROS Map were presented in section 9 of Comment 5. None of the corrections needed to address these issues were addressed in the FEIS.

The changes in the ROS Map for Alternative A (changes from the ROS Map in the 2013 SJNF LRMP) result in a substantial decrease in the SPNM acres. Table 2-15 states that there are 104,165 acres of SPM in the redrawn ROS Map. On p.47 there is an incomplete footnote 7 which states that “prior to the re-draw there were 114949 acres of SPM”. This can not be correct based on a visual comparison of the two maps and the fact that substantial SPNM was converted to SPM in the redraw – areas nearby to Johnny Bull, Priest Gulch, Calico South, etc.

The ROS maps for Alternative A and all the other alternatives need to be redone to more accurately reflect the changes between the alternatives.

(Note: All of the above information in this ROS Map section is in Comment 5).

A larger problem with this incorrect conversion of SPNM to SPM areas on the ROS Map for Alternative A is that this methodology is carried forward into the Amendment to the Forest Plan ROS Map. As stated on p.208 of the FEIS – “Each Alternative would result in an amendment to the Forest Plan’s ROS Map for the RWD area. These changes will set conditions relative to ROS for the RWD area to be applied now and in the future.” That is, you have improperly eliminated a lot of SPNM area with the “waving of your wand” – for no well founded reason. In the future, this incorrect ROS map could be used to permit motorized trails in a primitive, roadless area that should have been designated SPNM.

A further problem caused by this error is discussed in Objection #12 where the definition of travel suitability areas was based on the incorrect ROS Map – see below.

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Suggestion for Resolution of this Objection:

Correct the ROS Maps for Alternative A and Alternative B Modified. The ROS map for Alternative A should not be very different from the ROS map in the 2013 SJNF LRMP – the changes should not seriously decrease the amount of SPNM area (as it has done in the map you present in the FEIS). The ROS map for Alternative B Modified should not use a new methodology to make a map that is different from the methodology used for the rest of the SJNF – and result in a substantial loss of SPNM area for the RWD area.

Objection #11 Over Ground Travel Suitability Map for Alternative B Modified is Incorrect

Note: We realize that this issue is part of the 2 Forest Plan amendments that are the subject of a separate Objection process. However, since the changes in the 2 maps that will be the Forest Plan amendments are part of the FEIS and result from the DROD, we have put this in with our Project Objection because the maps are a result of the Project Decision.

The Over Ground Travel Suitability Map for Alternative B Modified that is given on Map 20 in Appendix A of the FEIS is incorrect. The following areas should be designated as Unsuitable (there may be more areas incorrectly designated):

a- The Johnny Bull drainage area should be designated as Unsuitable in the Map for Alternative B Modified (Map 20 in FEIS Appendix A) except for a narrow strip adjacent to the Johnny Bull trail that should be designated Suitable (has designated trail). This would make the Alternative B modified map the same for the Johnny Bull area as it is for Alternative A on Map 14 in Appendix A of the FEIS.

b- The area to the east and west of Priest Gulch trail is designated as Unsuitable in the Map for Alternative A (Map 14 in FEIS Appendix A) except for a narrow strip adjacent to the Priest Gulch trail that is designated Suitable (has designated trail). This should be the same for Alternative B Modified – it is incorrectly designated as Suitable on Map 20 in Appendix A of the FEIS for both the areas east and west of the Priest Gulch trail.

The FEIS on p.48 states: - “For Alternative B (modified), Unsuitable areas generally follow areas of semiprimitive nonmotorized recreation settings on the ROS map (see map 20 in Appendix A).” As discussed above in Objection #10, the ROS map is incorrect, and this is resulting in an incorrect Travel Suitability Map. This should not be done.

You should not change the way that the travel suitability areas are defined. The change you have done for Alternative B Modified results in more area suitable for motorized travel. This change is new in the FEIS – not present in the previous DEIS/SDEIS – and the public has no opportunity to comment. Isn't this a violation of NEPA? This can not do done

Note: A correction of the Map requires a correction of Table 2-16 on p.48 in the FEIS.

Suggestion for Resolution of this Objection:

The Over Ground Travel Suitability Map for Alternative B Modified that is given on Map 20 in Appendix A of the FEIS must be corrected. In doing this a thorough check should be made that problems do not exist for areas that I have not highlighted in the above.. This incorrect map should not be used as an Amendment to the Forest Plan.

Objection #12 Calico NRT Needs to Meet the Forest Plan Desired Conditions for Protection/Retention of Values for which it was Established

The portion of the Calico trail that is a National Recreation Trail (from northern trailhead south to East Fall Creek trail) needs to meet the desired conditions of the Forest Plan which states in para 3.11.1 – “Consistent with their designation, the significant scenic, historic, recreation and natural resources for each trail are identified, interpreted, and protected. The values for which these trails were established are retained (emphasis added).”

This issue and these values are not adequately evaluated and protected/retained in the FEIS. The DROD will result is a move away from this desired condition.

The Establishment Report for the Calico NRT stated:

“The Calico Trail receives very light use. An estimated 300 visitors hike or ride the trail annually. The majority of these are big game hunters during the months of October and November. Approximately 50% of the total use is by horseback. A small amount of trail bike use also occurs along this trail. Little or no change in use, over present conditions, is anticipated as a result of NRT designation.”

Therefore, the travel management decisions and values for this part of the Calico trail need to retain the values of limited trail bike use, especially relative to other non-motorized trail users.

It does not matter whether or not the Calico NRT establishment report described future use levels (this is the argument used by the DPLO). The key point here is that the Forest Plan Desired Condition specifies that the original values for which the trail was established need to be retained. The Calico NRT Establishment document describes the “significant scenic, historic, recreation and natural resources” for the Calico NRT – and anything exceeding “a small amount of trail bike use” does not meet the values for which the Calico NRT was originally established. Again, the Establishment Report stated “*Little or no change in use, over present conditions, is anticipated as a result of NRT designation.*”

The above information was presented in section 26 of Comment 5 (and in previous comments). This issue was not addressed in the FEIS or the proposed Decision.

How can one conclude that the changes and impacts, including displacement of “the majority of (users that are) big game hunters during the months of October and November”, and the “50% of (users) by horseback”, that will occur with increasing levels of motorcycle travel do not result in violation of the original values? This is contrary to the desires of the Forest Plan. In a recent grant application for the Calico trail the Forest Service estimated that 500 motorcycles use the Calico trail annually (see Objection # 13 below and attachment 2). This is very different from the small amount of motorcycle use specified in the Establishment Report.

Table 3-47 on p.224 of the FEIS states that in all Alternatives except for Alternative E, the Calico North trail may see an increasing trend in Motorcycle use and a decreasing trend in nonmotorized use. Alternative E has Calico North nonmotorized. Hunters and horseback users have already been displaced from Calico North trail – this is confirmed by many user comment letters received during this Project.

Table 3-48 on p. 225 of the FEIS titled “Trail Areas with potential for increase in nonmotorized use due to removal of motorcycle use” states for the North Calico NRT – “This trail could receive increased use by horse, hike and mountain bike visitors more so in Alternative E than the other Alternatives”.

That is, the FEIS and current user comments confirm that increased motorized use of Calico North will be contrary to the desired conditions in the Forest Plan to protect and retain the values for which this trail was established!

The following youtube video shows motorcycles riding on the northern few miles of the Calico trail that is part of the NRT, starting from the northern trailhead. Does this look like it meets the original use by the majority of the users that are hunters and horseback riders, or that it is protecting the “significant scenic, historic, recreation and natural resources” for the Calico NRT? At 3:10 in the video, they ride on a recently turnpiked part of the trail – does this look like a scenic meadow or a road destroying a scenic meadow?

Link to youtube video:

<https://www.youtube.com/watch?v=eotleuQdfrI>

Additional video (Sockrider Trail – this trail is a (hiker only) spur off of the Calico NRT):
<https://www.youtube.com/watch?v=AJ4hFJCCvI0>

Suggestion for Resolution of this Objection:

To meet Forest Plan Desired Conditions for the Calico NRT and to prevent heading in the wrong direction relative to these Forest Plan Desired Conditions, the displacement of nonmotorized users (hikers, horseback, and hunting) needs to be controlled, the values of limited trail bike use need to be retained, use by hunters during the months of October and November need to be protected, and the resources need to be protected. The FEIS confirms the potential increase in motorcycle travel and decrease in nonmotorized use.

We suggest that motorized use be prohibited during the months of October and November, and that motorized use be limited during the remainder of the time not subject to the overall closure period to every other week. That is, one week open to motorcycles followed by one week closed to motorcycles, etc. This will permit nonmotorized users to use the NRT (as specified in the establishment report), and motorcycles/trail bikes to also have the limited use prescribed in the establishment report. Note: If a better idea for the alternating use time periods can be suggested, that may be acceptable.

Objection #13 Application for Grant demonstrates Pre-Decisional Bias and failure to disclose relevant information, in violation of NEPA

On November 1, 2017, the Forest Service submitted two grant applications for motorized trail maintenance in the RWD area. This action, in combination with the lack of any grant applications for funding to maintain non-motorized trails, makes it appear the Forest Service decided to designate these trails as motorized before analyzing the environmental effects of its decision under NEPA, in violation of NEPA.

Because each of these grant proposals were submitted on November 1, 2017, well after the close of public comment in August of 2017, this objection concerns an issue that arose after the designated opportunity for comment. 36 C.F.R. § 218.8(d)(6).

The first grant application that the Forest Service submitted to Colorado Parks and Wildlife's 2018-2019 Off-Highway Vehicle Program State Trail Grant Program, is titled "Good Management Trail Crew 15," requesting \$85,000 for annual maintenance with a 2019 priority focus on the Calico Trail, Priest Gulch, and East Fork Trail. See Attachment 1. The second application the Forest Service submitted for the 2018-2019 grant cycle was titled "Calico Trail Project," requesting \$176,000 to reconstruct and rehabilitate the northern four miles of the Calico Trail. See Attachment 2.

These grant applications for maintenance and rehabilitation of motorized use trails in the RWD area demonstrate an improper pre-decisional bias before the Forest Service completes its NEPA decision making process in this Project.

On December 13, 2017, we sent an email to Derek Padilla requesting that the “Calico Trail Project” grant application be withdrawn. He replied that the application would not be withdrawn. Our email and his reply are attached below (as Attachment 3). His reply does not address the critical issues regarding pre-decisional bias. It is interesting to note that a grant application very similar to the “Calico Trail Project” was submitted two years ago for the 2016-2017 grant cycle. I was informed by Mr Padilla on the evening of 3/1/2016 (after I had a meeting during the day with him and staff) that it would be withdrawn because the application could be viewed as a pre-decisional bias. It is also interesting to note that the Dolores District did not apply again for this grant during the 2017-2018 grant cycle. Given this history, it is evident the Forest Service made its decision to designate these trails as motorized prior to completing the decision making process under NEPA.

The FEIS (p.195) mentions that grants from the Colorado State Trails Program are sometimes used to fill in funding gaps, and are typically specific to either motorized or non-motorized trails. But it makes no mention of plans to submit grant applications for motorized trail maintenance. The Forest Service improperly excluded this information from public review as part of the Rico West Dolores Roads and Trails Project NEPA process, precluding meaningful public comment.

The pre-decisional bias in the grant applications is evidence that the agency’s decision was predisposed and it did not take a hard look at reasonable alternatives to designating the Calico Trail for motorized use. In its analysis in the FEIS, the Forest Service supposedly was considering an alternative (Alternative E) that would not designate the Calico Trail as open to motorized use. The Calico Trail Project grant request states – “Travel management planning in the Rico West Dolores analysis area has resulted in maintaining the Calico trail as a motorized route”.

In addition to the above issues with the grant applications, the grant applications contain important information for understanding the implications of designating the trails as motorized. This information is pertinent to the use designation that is a part of this project, and should have been included in the analysis. For example, the “Calico Trail Project” grant application states: -

a- The portion of the Calico trail identified for maintenance is located at or very near tree line. This particular section consists of wet meadows, erodible soils and steep slopes that require additional trail hardening and trail structures. Due to these soil conditions, motorized and non-motorized use impacts the trail more dramatically than other trails on the District’s system requiring more extensive maintenance needs.

b- The application highlights that the Calico trail project is a much more significant construction project than many of our other efforts.

c- The application states that an estimated 500 motorcycles use the Calico trail annually.

Suggestion for Resolution of this Objection:

The above information demonstrates pre-decisional bias by the Forest Service which resulted in the elimination of the opportunity to choose among alternatives and seriously impeded the degree to which its planning and decision could reflect environmental values and consequences, including taking a “hard look” as required by NEPA. They also failed to disclose these grant applications and information in them in the FEIS for this Project, precluding meaningful public comment. To resolve these issues, we urge the Forest Service to rescind the Calico trail grant application and revise the Good Management application to not include work on trails in the RWD area. In addition, the Forest Service must revise the analysis in its EIS and DROD to disclose relevant funding information and ensure an objective evaluation that is done in good faith, free from the taint of pre-decisional bias.

Conclusion

Colorado Backcountry Hunters and Anglers and I appreciate your consideration of the information and concerns addressed in this Objection. As mentioned above, pursuant to 36 C.F.R. § 218.11, we respectfully request to meet with the reviewing officer to discuss these concerns and suggested resolutions.

If you have any questions, please do not hesitate to contact me.

Regards,

signed by Robert H Marion

Robert H Marion
Habitat Watchman, Colorado Backcountry Hunters and Anglers
33810 Road K.8
Mancos, CO 81328
970-565-73342
rhmarion@yahoo.com

ATTACHMENT 1

http://cpw.state.co.us/Documents/Trails/Grants/OHV/Application-Submissions/2018-19/GM03-Good_Management_Trail_Crew_15-Dolores.pdf

ATTACHMENT 2

http://cpw.state.co.us/Documents/Trails/Grants/OHV/Application-Submissions/2018-19/07-Calico_Trail_Project.pdf

ATTACHMENT 3

RE: 2018-2019 OHV State Trail Grant

- **Padilla, Derek J -FS** <dpadilla@fs.fed.us>
-

To:Robert Marion

Cc:Jimbo Buickerood,Steve Johnson,Marla Fox,Rice, Thomas B -FS,Kill, Deborah -FS

Dec 14 at 8:15 AM

Hello Bob. I will have to respectfully decline your request. We will proceed. We discussed this in depth and included our rationale as you outline below. Due to the current designation of this trail, it is not eligible for the Non-motorized Trail Grant program. That is why we have not submitted dual applications. Whether we are successful or not on this grant application will not influence the final decision. We are fully prepared to change our course of action should the final decision be different than the draft decision. Due to the two year delay in when funds become available, we cannot further delay submitting this application. This project has never been about what specific uses are authorized on the trail, it has always been about doing what is right for the resource if we are going to have a trail in this area at all.

Derek Padilla
District Ranger
Forest Service

San Juan National Forest, Mancos/Dolores Ranger District

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Caring for the land and serving people

From: Robert Marion [mailto:rhmarion@yahoo.com]
Sent: Wednesday, December 13, 2017 8:20 PM
To: Padilla, Derek J -FS <dpadilla@fs.fed.us>
Cc: Jimbo Buickerood <jimbo@sanjuancitizens.org>; Steve Johnson <steve@8750law.com>; Marla Fox <mfox@wildearthguardians.org>
Subject: 2018-2019 OHV State Trail Grant

Hi Derek,

We are writing to you regarding your recent application for a 2018-2019 OHV State Trail Grant from CPW Trails program for the project entitled "Calico Trail Project" dated 11/1/17. As explained below, for the same reasons that you withdrew an application for this project on 3/1/16, you should withdraw this Grant Application. This email request to withdraw this application was reviewed by and endorsed by Colorado Backcountry Hunters and Anglers, San Juan Citizens Alliance, Dunton Hot Springs Inc, and WildEarth Guardians.

This Grant Application displays a pre-decisional bias (to allow motorized travel) for the upcoming Travel Management Decision for the Rico-West Dolores area. A proposed Decision was issued on 11/14/17 and this project is currently in the pre-decision objection process, with an anticipated final decision date of Spring 2018 (this is the date stated in the grant application). To avoid pre-decisional bias, this application should not be submitted to a funding source that only supports work on motorized trails until the Travel Management decision is in place. The application to use OHV funds to harden the trail and enable motorcycle travel is a clear indication of the expected outcome of the travel management process.

The Scope of Work – Project Description described in this Calico Trail Project Grant Request includes “installing 100’ of sod block; complete 8-10 minor reroutes around wet meadows; construct 200 feet of turnpikes; harden 400-600 feet of rutted and trenched sections of trail with rock; construct over 240 feet of boardwalk, etc.” The project cost is \$273,334. This degree of trail “hardening” would not be required for some types of trail use.

It must be noted that trail funds are also available from the CPW Trails program for work on non-motorized trails. Why did you not apply for these non-motorized funds? This is a further example of pre-decisional bias. The process for applying for this Grant is also an example of pre-decisional bias – many of the non-motorized groups (CO BHA, SJCA, TU, Dunton, etc) were not communicated with during the writing of the Grant request. Why were these groups not asked to write letters of support when other groups were asked?

It is not right to justify this application based on reasoning similar to a statement in the response to comments in the FEIS - on p. 34 of Appendix K it states - "However, submission of grant requests is not pre-decisional because, up until the actual implementation begins, the request could be canceled and re-submitted for non motorized grant funding". The submission of this grant request certainly makes it appear that you have already decided to designate this portion of the Calico trail as motorized. Even if you think that this work is required independent of the trail use decision, this application is a clear indication of pre-decisional bias.

We do not understand why the same reasoning that you applied to withdrawing the application on 3/1/16 and not applying for last years grant cycle does not still apply - we still are pre-decisional for this project.

Please let us know your decision on this issue (withdraw or proceed) as soon as possible. We plan to decide on our path forward for this issue by Monday, 12/18/17.

Regards,

Bob

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