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September 2, 2011

*Delivered Via U.S. Mail and  
E-mail to csrichmond@fs.fed.us*

Charles S. Richmond  
Forest Supervisor – Gunnison National Forest  
2250 Highway 50  
Delta, CO 81416

## **RE: Immediate Cessation of Road/Trail Obliteration**

Dear Supervisor Richmond:

The Gunnison National Forest is taking various actions under the guise of travel management that involve undisclosed and unanalyzed impacts to the human environment. It is imperative that the Forest immediately halt these activities and take necessary actions to restore public trust and refocus on effective travel management.

This letter is sent on behalf of our clients the Trails Preservation Alliance and Colorado Off Highway Vehicle Coalition. We submitted an appeal to the 2010 travel management project on behalf of these organizations. They have been actively involved in the travel management process on the Gunnison and other Colorado Forests.

We have limited information concerning the “implementation” actions underway. This information indicates that more than 200 live trees have been felled, numerous boulders moved, and several miles of route surface “ripped” with heavy equipment. The affected locations include a portion of Flag Creek trail (FS 422), a spur(s) off Matchless trail (FS 413), a spur(s) off Reno Divide road (FS 759) and a trail paralleling Rocky Brook road (FS 748). Enclosed please find photos of some of the actions taken at these locations.

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We raised concerns about this type of activity in our part 215 administrative appeal, a copy of which is attached. We prefaced our concern as “err[ing] on the side of procedural caution” and noted the absence of discussion about decommissioning in the EIS or decision documents. *See*, Appeal at 12-13 (issue I). For whatever reason, the appeal decision does not even respond to this point. *See*, Appeal Decision (enclosed) and ARO recommendation at 12-13 (ending on appeal issue H). Our clients have remained in regular contact with Gunnison personnel, and have never been advised of the above-described actions or any plans regarding decommissioning.

Ground disturbing actions which present even the potential for significant effects to the human environment cannot be undertaken without NEPA review. No such review has occurred for the routes in question. We have repeatedly raised these concerns with the Gunnison. Again, we enclose a Region 4 appeal decision reflecting the Forest Service’s awareness of the intuitive reality that ground disturbing road closure actions require site specific NEPA analysis.

The Forest’s actions also reflect exceedingly poor judgment and threaten a breach of the public trust. The routes in question receive other than motorized use, the restriction of which has never been analyzed. When our clients implore the Gunnison to more active trail management and maintenance the Forest persistently complains of the lack of personnel and budget to perform on site work. A few years ago a district ranger similarly threw procedural compliance to the wind trying to close routes and our clients were assured by your office that it would never happen again. The Travel Management Rule recognizes the importance of effectively communicating and partnering with nonfederal entities, including user groups, to effectively designate, implement and enforce a recreational transportation system. *See*, 70 Fed.Reg. 68269, 68270 (Nov. 9, 2005). It is bad enough that the actions in question have occurred. Even more troubling is the fact they were taken without any effort at discussion with, or even notice to, engaged publics such as our clients.

The Colorado Off-Highway Vehicle Recreation Fund has been eagerly snapped up to supplement the lack of all trail maintenance on the Gunnison. My clients have relied on a good faith partnership in continuing to assist the agency. They gave the Forest the benefit of the doubt in the appeal process even though there were no viable appeals further requesting limitation of motorized opportunity. Actions like these make it hard to justify similar choices in the future.

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The Forest must take immediate action to address these concerns. At a minimum, we expect on site "implementation" as described in this letter to cease. We request a meeting between our client and Forest Service representatives to be scheduled at the earliest opportunity. Please respond via email to me at [pat@msbtlaw.com](mailto:pat@msbtlaw.com) and to Don Riggle at [info@coloradotpa.org](mailto:info@coloradotpa.org). If we do not receive a suitable response before 5:00 o'clock p.m. MDT, Wednesday, September 7, 2011, we will take appropriate further action.

Sincerely,

MOORE, SMITH, BUXTON & TURCKE, CHTD

*/s/ Paul A. Turcke*

Paul A. Turcke

PAT/kmd  
Enclosures

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