



January 13, 2013

Uncompahgre Field Office
2465 S. Townsend Avenue
Montrose, CO 81401
via email at cotmpufo@blm.gov

RE: Ridgway TMP EA

Dear Sirs:

Please accept this correspondence as the comments of the above organizations in vigorously in favor of Alternative 2 of the current Environmental Assessment of the Travel Management for the Ridgway area ("the Proposal"). The Organizations are vigorously opposed to the Preferred Alternative in the EA. Prior to addressing the merits of the Proposal, we believe a brief summary of each Organization is needed.

The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization of approximately 2,500 members seeking to represent, assist, educate, and empower all OHV recreationists in the protection and promotion of off-highway motorized recreation throughout Colorado. COHVCO is an environmental organization that advocates and promotes the responsible use and conservation of our public lands and natural resources to preserve their aesthetic and recreational qualities for future generations.

The Trail Preservation Alliance ("TPA") is a 100 percent volunteer organization whose intention is to be a viable partner, working with the United States Forest

Service (USFS) and the Bureau of Land Management (BLM) to preserve the sport of trail riding. The TPA acts as an advocate of the sport and takes the necessary action to insure that the USFS and BLM allocate to trail riding a fair and equitable percentage of access to public lands.

The Organizations believe that many of the facts asserted in favor of the Preferred Alternative are erroneous, incomplete and incorrectly summarized in an attempt to create a need for the Preferred Alternative, where none truly exists. The Organizations believe any attempt to make management decisions regarding implications of implementation of the 2010 RMP Amendments are exceptionally premature as implementation of these changes has basically only started. In addition to concerns about a lack of implementation of the RMP Amendments, economic impact calculations are fatally flawed and user conflicts in the area are not properly analyzed. The end result of these failures is the Organizations must support Alternative 2 of the EA as no meaningful and accurate analysis has been provided to support any trail closures in the Planning area.

1a. Implementation of 2010 Uncompahgre TMP is incomplete and changes of decisions made in this TMP are exceptionally premature and will confuse users.

The EA outlines the recent amendments to the RMP to address travel management issues, which were only completed in June 2010.¹ Given the proximity of the finalization of the RMP Amendment and the release of this Proposal, the Organizations must question how much implementation of the RMP Amendment could have taken place. The Organizations vigorously believe that implementation is far from complete as BLM guidelines project that 3-5 years are necessary to implement any RMP changes. This Proposal has been released for initial comment only 2 years after finalization of the decision document on the RMP Amendment. This leads to a single conclusion, that the status of implementation of the RMP Amendment was not properly or meaningfully analyzed in the Proposal. This is simply not acceptable.

¹ Ridgway TMP EA at pg 4.

The Organizations must note that the preferred Alternative completely closes the area to motorized recreation after the RMP amendment of 2010 allowed these routes to remain open. The Organizations believe that implementation of any additional closures in the planning area will only increase user conflict and confusion. This will result in on-going educational activities at the Field Office level to implement the 2010 RMP Amendment conflicting with other management implementation and the standards will be changing before implementation is completed for the planning area. Those seeking to use the planning area simply will not know which documents to rely on. Implementation of any planning changes is difficult and changing this implementation is only further cloud the existing implementation process for the area.

BLM's land use planning handbook estimates that implementation of any land use decision should take 3-5 years to effectively develop and complete. Implementation of any RMP or TMP amendments include several additional steps such as on-going monitoring, annual evaluation and adaptive management.² Appendix C of the LUP handbook specifically identifies the steps to be taken for implementation as follows:

"At the implementation phase of the plan, establish a process to identify specific areas, roads and/or trails that will be available for public use, and specify limitations placed on use. Products from this process will include:

- 1) A map of roads and trails for all travel modes.
- 2) Definitions and additional limitations for specific roads and trails (defined in 43 CFR 8340.0-5(g)).
- 3) Criteria to select or reject specific roads and trails in the final travel management network, add new roads or trails and to specify limitations.

² BLM Land Use & Planning Handbook; H-1601-1 ; 3/11/05 ; at pgs 29-32.

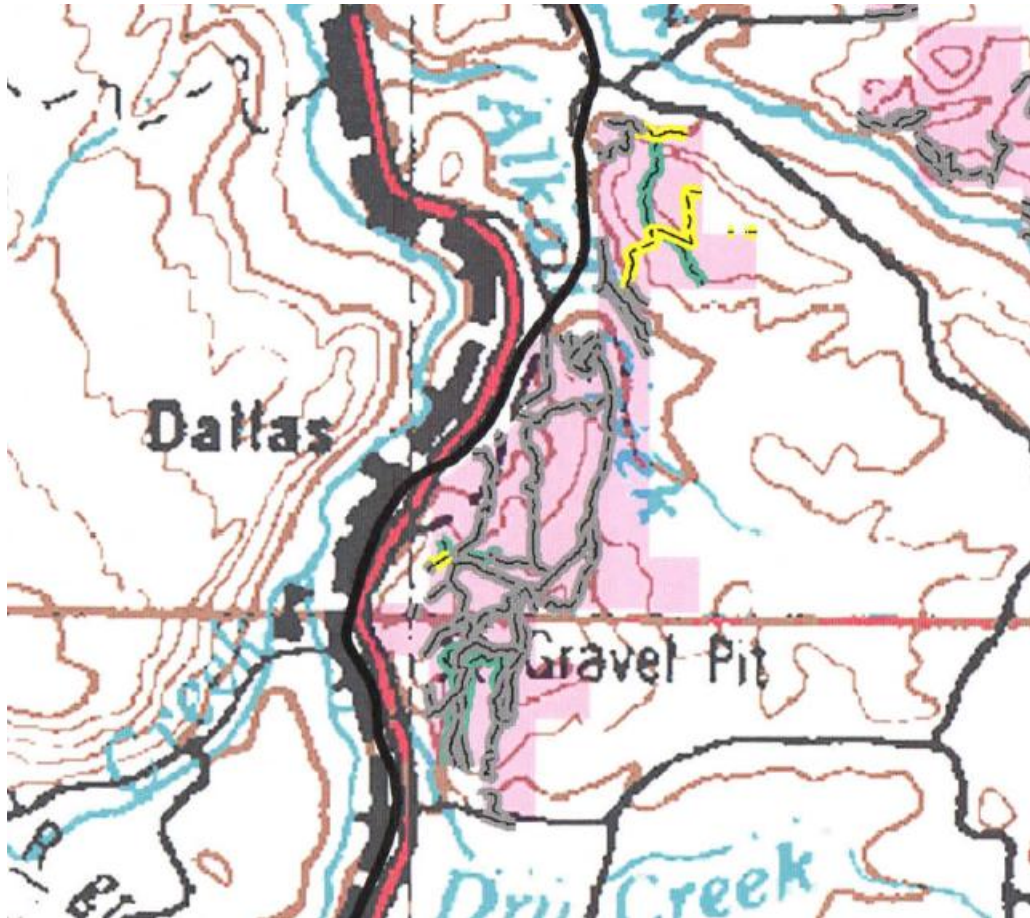
- 4) Guidelines for management, monitoring, and maintenance of the system.
- 5) Indicators to guide future plan maintenance, amendments, or revisions related to travel management network.
- 6) Needed easements and rights-of-ways (to be issued to the BLM or others) to maintain the existing road and trail network providing public land access."³

Given the exceptionally short period of time that has passed between release of the amended RMP and release of the EA, the Organizations have to question if any of these additional steps could have occurred. Even if these additional steps have occurred, the Organizations must again question how these steps could have been meaningfully analyzed in the current proposal.

A review of the current status of implementation of the RMP amendment reveals this process is **FAR** from complete in the planning area. A review of the field office website reveals that links to area specific planning maps are non-functional, no informational brochures are available for the planning area and no additional information is provided on how to obtain usable guidance for those seeking to use the recreational opportunities of the area. The impacts of this lack of information are compounded as EA repeatedly identifies the lack of informational kiosks, signage and other educational resources in the planning area.

As a result of the complete lack of implementation of the RMP amendment in the planning area, any user of the planning area would be forced to determine the location of legal routes in the planning area by relying on the Field Office wide RMP map. Even zoomed to a local level, the field office map completely fails to provide any usable guidance for legal usage of routes in the area as that zoom appears as follows:

³ BLM Land Use & Planning Handbook; H-1601-1 ; 3/11/05 ; Appendix C at pgs 20



The Organizations vigorously assert that even the most informed user of the planning area could never determine which routes in the area were open to specific uses based on current educational resources available.

As the Proposal was released within 2 years of finalization of the RMP Amendment moving mechanized and motorized travel to designated routes, the Organizations believe any assertions of violations of the RMP Amendment are exceptionally premature as implementation should take much longer. Given the facial conflict between the preferred alternative of the EA and BLM management guidelines for RMP implementation, the Organizations have to question if this area is ripe for any changes to management. The Organizations believe that Alternative 2 represents the least amount of change for users while working within existing RMP amendments and would create the least amount of conflict while allowing the objectives of the EA to be achieved.

1b. The Preferred Alternative of EA is a significant departure from implementation outlined in previous planning documents.

The Preferred Alternative in the EA represents a significant departure from implementation guidelines identified in the RMP amendment finalized in 2010. This need for deviation from the RMP Amendment is simply never discussed in the EA. The Organizations believe any changes from the management under the partially implemented RMP Amendment will increase user conflict and complicate any further planning. The 2010 RMP Amendment specifically identifies the guidelines for implementation, why each step is being undertaken and the reasoning behind each step in implementation. This RMP amendment clearly states:

"Success would be dependent on the agency personnel to do a complete job of law enforcement. A complete job in law enforcement is an effort which includes all BLM employees, as well as enforcement personnel. To be successful on the ground, the three elements that must work together include:

- 1. Provide the public with consistent and up-to-date education and travel management information;**
- 2. Prevention through complete and on-the-ground engineering (i.e., proper closures, proper signing, and on-going maintenance of closures, signs, etc.); and**
- 3. Fair, consistent, and progressive enforcement by agency law enforcement, with support from BLM personnel. Key enforcement actions would include incident reports, warning notices, and violation notices.....**

This will result in increased amounts of recreational and other types of usage and disturbance on public lands. Measures such as maps, informational kiosks, regulations and enforcement will help educate the public land users about their travel-related impacts,

and may lead many to adopt better travel practices which would reduce law enforcement impacts."⁴

The Organizations again must note that the steps outlined in the RMP Amendment are entirely consistent with BLM planning requirements provided in the LUP Handbook. ⁵ As previously noted, these requirements have not been complied with in the planning area.

The Organizations believe the partial implementation of the RMP Amendment should not be used as justification to exclude any user group, despite the numerous statements regarding impacts to the planning area from uses alleged to be violating the RMP. Alternative 2 of the EA provides the best balance of implementation of the goals and objectives of the proposal without conflicting with current RMP amendments.

1c. Multi-agency research has concluded that law enforcement concerns are minimal after proper implementation of a travel plan.

Throughout the EA numerous unsupported assertions are made regarding illegal OHV usage in the area, which the Organizations believe has resulted from poor implementation of the RMP amendment. These assertions are not supported by research or analysis of the planning area and are directly contrary to recently released multi-agency research on this issue. Colorado Parks and Wildlife has taken the forefront in researching law enforcement issues surrounding OHV recreation on public lands and has now devoted significant resources toward identification and resolution of any issues in this area CPW has developed a three year law enforcement pilot program ("The Pilot") to assist in this project and identify any law enforcement concerns surrounding OHV recreation. A copy of the 2011 OHV Pilot Program report is submitted with these comments for your reference. Preliminary reports from 2012 reporting are completely consistent

⁴Environmental Assessment of Uncompahgre Basin, San Juan/San Miguel Resource Management Plan Amendment November 2009 at pg 71.

⁵ BLM Land Use & Planning Handbook; H-1601-1 ; 3/11/05 ; Appendix C at pg 20.

with these findings and will be supplied as a supplement to these comments once these findings have been finally approved by the CPW Commission.

This Pilot was developed in partnership with the Forest Service and Bureau of Land Management and is providing some of the first concrete information regarding law enforcement concerns involving OHV recreation. The Organizations believe the findings of the Pilot program are exceptionally relevant to the preferred Alternative of the current EA and weigh heavily against closing access to the area for any user group as proposed in the preferred Alternative. These findings weigh heavily in favor of Alternative 2 of the EA.

The Pilot program was created to address assertions of a compelling need to stop resource damage from OHV misuse at locations identified as violation "hotspots" by those seeking to limit public access to public lands. While the Ridgway area was not identified as a hotspot for targeted enforcement, the Organizations believe these findings remain highly relevant to this discussion. The Pilot program deployed additional trained professional law enforcement officers, funded by monies from the OHV registration funds, at these "hotspots" during heavy usage times to supplement existing law enforcement resources in these areas. As part of the Pilot, the additional officers were required to keep logs of all their contacts for reporting purposes.

The findings of this Pilot clearly identify that these "hotspots" for OHV violations were anything but "hotspots". Over last summer, officers involved in the Pilot program contacted over 10,000 people of the 160,000 registered OHVs in Colorado, creating an astoundingly large sampling. This Pilot program found that less than 5% of riders committed any violations. The overwhelming percentage of these violations were people not registering their OHV. **Only 1.5% of contacts involved activities, other than failing to register OHVs, where the officer found the activity serious enough to warrant the issuance of a citation.**

The Pilot also identified other five issues that impacted OHV recreation on public lands. These are 1) Trail Maintenance issues; 2) Signage issues; 3) Urban interface usage; 4) Education; and 5) Active Management. The Organizations would be remiss if the relationship that these 5 issues have to BLM requirements for implementation of a TMP was not identified and vigorously stressed in these comments.

The Organizations believe the conclusions of this groundbreaking research are highly relevant here and will provide a high degree of comfort to those with concerns about law enforcement and the Proposal. The Organizations believe this research weighs heavily in favor of Alternative 2 of the EA as OHV users are a highly law abiding user group on public lands.

2a. The basis of user conflicts are not identified prior to determinations that travel management closures can resolve the underlying conflict.

The Proposals failure to properly analyze the basis of user conflict is a violation of BLM planning guidelines as best available science has not been relied on in preparation of the Proposal. While the Proposal identifies the need to reduce user conflicts between recreational activities, the Proposal fails to meaningfully explain how the decision that travel management constitutes the proper vehicle for addressing all user conflict concerns was reached. The TMP analysis simply starts with the management position that trail closures will reduce user conflicts. No other alternative resolution tools are addressed as possible ways to resolve user conflicts. This oversight is of critical concern as management decisions suffering from this fault frequently increase user conflict. This failure weighs heavily in favor of adopting Alternative 2 of the Proposal.

The Organizations note that user conflicts often exist outside motorized recreation, such as between skiers and snowboarders, heli-skiers and back country skiers, hunters and non-hunters, hunters and other hunters, hikers and bikers, runners and dog walkers on urban trails, and hikers and farmers. Despite

the ongoing nature of these conflicts, motorized recreation on public lands is the only area for which closure has been asserted to be properly be the first method for remedying perceived conflicts.

Social scientists have found that resolution of user conflict can only come from educating users in conjunction with limited closures. The Proposal simply decides closures are the primary tool to address conflict, which research has concluded is ineffective in dealing with user conflicts and may actually increase levels of conflict. Social scientific research does not show that closures only is a viable starting point for addressing user conflicts.

The social sciences specifically require an additional level of review to determine the basis for user conflict must occur prior to any determination that travel management can actually resolve the conflict. This additional analysis was not outlined in the RMP's travel management analysis, and will result in travel management closures becoming the primary tool used to resolve a problem it simply cannot fix. This is simply unacceptable to the Organizations and weighs heavily in favor of Alternative 2 of the Proposal as this has the lowest levels of closures.

User conflicts are specifically identified by the EA as criteria the TMP must address as follows:

"Due to increasing multiple use demands, user conflicts and issues related to recreational trails, private land access, rights-of-ways, utility corridors, wildlife protection and other resource impacts, BLM has determined that the current travel management practices are out-of-date."⁶

User conflicts and appropriate routes are also discussed in the TMP as follows:

⁶ Ridgway TMP EA at pg 6

"Most of the existing routes with user conflicts or the potential for user conflicts would also be closed or be designated for the appropriate uses. Many existing routes that are experiencing or that would potentially experience environmental impacts from increasing recreation use would be designated for the appropriate uses."⁷

There are numerous other references to closures being the proper tool to address user conflicts in the TMP. These provisions are not identified specifically here to streamline the comments.

The BLM Land Use Planning Handbook requires the incorporation of relevant social science analysis of all concerns as part of its planning process. The handbook specifically states:

"By statute, regulation, and Executive order the BLM must utilize social science in the preparation of informed, sustainable land use planning decisions."⁸

BLM's 2008 science strategy also identifies science as a critical component in the public land planning process as follows:

"By making use of the most up-to-date and accurate science and technology and working with scientific and technical experts of other organizations, we will be able to do the best job of managing the land for its environmental, scientific, social, and economic benefits."⁹

Federal statutes require that best available science be taken into account in all federal planning. The statutes also require planners to **discuss** how the best available science was taken into account, and how the science relied upon was

⁷ Ridgway TMP EA at pg 82-83.

⁸ BLM Land Use Planning Handbook- H-1601-1; Appendix D at page 1.

⁹ BLM Science Strategy 2008 – Doc Id BLM/RS/PL-00/001+1700 at pg iv.

interpreted and applied to the issues addressed in the plan. Best available science is specifically defined for planning purposes as:

“§ 219.11 Role of science in planning. (a) The Responsible Official must take into account the best available science. For purposes of this subpart, taking into account the best available science means the Responsible Official must:

(1) Document how the best available science was taken into account in the planning process within the context of the issues being considered;

(2) Evaluate and disclose substantial uncertainties in that science;

(3) Evaluate and disclose substantial risks associated with plan components based on that science; and

(4) Document that the science was appropriately interpreted and applied.

(b) To meet the requirements of paragraph (a) of this section, the Responsible Official may use independent peer review, a science advisory board, or other review methods to evaluate the consideration of science in the planning process.”¹⁰

The Organizations simply cannot find any provisions in the Proposal that could arguably satisfy these statutory requirements.

The Organizations believe that analysis of how best available science supports the management decisions and direction of the Proposal, as mandated by federal statutes and BLM guidelines, constitutes a critical part of the planning process. This analysis will allow the public to understand the basis of alleged user conflicts and why travel management has been chosen to remedy the concern. Relevant social science has clearly found this analysis to be a critical tool in determining the proper methodology for managing and truly resolving user conflicts. The Organizations also believe that when socially based user conflict is properly

¹⁰ 36 CFR §219.11.

addressed in the Proposal, the need for travel management closures will be significantly reduced.

The Organizations believe that after a brief summary of research into user conflict, the difference in the Proposal management and best available science on the issue will be clear. Researchers have specifically identified that properly determining the basis for or type of user conflict is critical to determining the proper method for managing this conflict. Scientific analysis defines the division of conflicts as follows:

“For interpersonal conflict to occur, the physical presence or behavior of an individual or a group of recreationists must interfere with the goals of another individual or group....Social values conflict, on the other hand, can occur between groups who do not share the same norms (Ruddell&Gramann, 1994) and/or values (Saremba& Gill, 1991), independent of the physical presence or actual contact between the groups.....When the conflict stems from interpersonal conflict, zoning incompatible users into different locations of the resource is an effective strategy. When the source of conflict is differences in values, however, zoning is not likely to be very effective. In the Mt. Evans study (Vaske et al., 1995), for example, physically separating hunters from nonhunters did not resolve the conflict in social values expressed by the nonhunting group. Just knowing that people hunt in the area resulted in the perception of conflict. For these types of situations, efforts designed to educate and inform the different visiting publics about the reasons underlying management actions may be more effective in reducing conflict.”¹¹

¹¹ Carothers, P., Vaske, J. J., & Donnelly, M. P. (2001). *Social values versus interpersonal conflict among hikers and mountain biker*; Journal of Leisure Sciences, 23(1) at pg 58.

Other researchers have distinguished types of user conflicts based on a goals interference distinction, described as follows:

“The travel management planning process did not directly assess the prevalence of on-site conflict between non-motorized groups accessing and using the yurts and adjacent motorized users....The common definition of recreation conflict for an individual assumes that people recreate in order to achieve certain goals, and defines conflict as “goal interference attributed to another's behavior” (Jacob & Schreyer, 1980, p. 369). Therefore, conflict as goal interference is not an objective state, but is an individual's appraisal of past and future social contacts that influences either direct or indirect conflict. It is important to note that the absence of recreational goal attainment alone is insufficient to denote the presence of conflict. The perceived source of this goal interference must be identified as other individuals.”¹²

It is significant to note that Mr. Norling's study, cited above, was specifically created to determine why travel management closures had not resolved user conflicts for winter users of a group of yurts on the Wasache-Cache National forest. As noted in Mr. Norling's study, the travel management decisions addressing in the areas surrounding the yurts failed to distinguish why the conflict was occurring and this failure prevented the land managers from effectively resolving the conflict.

The Organizations believe that understanding why the travel management plan was unable to resolve socially based user conflicts on the Wasache-Cache National Forest is critical in the Ridgway planning area. Properly understanding the issue to be resolved will ensure that the same errors that occurred on the Wasache-Cache are not implemented again to address problems they simply

¹² Norling et al; Conflict attributed to snowmobiles in a sample of backcountry, non-motorized yurt users in the Wasatch –Cache National Forest; Utah State University; 2009 at pg 3.

cannot resolve. The Organizations believe that the UFO must learn from this failure and move forward with effective management rather than fall victim to the same mistakes again. Unfortunately, the UFO plan appears to be falling victim to the same issues as the Wasache-Cache rather than learning from them, since closures are immediately relied upon to address what the Organizations have to believe are a significant amount of socially based user conflicts resulting from the lack of familiarity with the 2010 RMP Amendment.

At no point in the Proposal is there any mention of programs that might be available to address socially based user conflicts or how partial implementation of the 2010 may impact this issue. While the Organizations are aware that such a discussion is technically outside the Proposal, the Organizations believe that if a distinction between the different bases for user conflicts had been made in the planning process, this distinction would have warranted a brief discussion of methods for resolution of socially based conflicts through educational programs and complete implementation of the 2010 RMP Amendment. The lack of an educational component in planning as a tool to be utilized in conjunction with travel management issues and trail closures, leads the Organizations to conclude that there was a finding at some point in the planning process to the effect that all user conflicts are personal in nature. This type of finding would be highly inconsistent with both the Organizations' experiences with this issue and the related science.

The Organizations believe the preferred alternative will result in increased user conflicts as recreational opportunities in the area will be lost and not replaced to address an issue that the closure simply cannot remedy. This is directly contrary to the numerous assertions in the EA to the effect that the Proposal will minimize user conflicts. As noted above, personal user conflicts only account for a small portion of total user conflicts. While these personal conflicts would be resolved, the overwhelming portion of user conflict results from a lack of social acceptance by certain users and these conflicts would only be resolved with education. The

Organizations believe alternative 2 of the EA provides the best balance of uses and minimizes any risk of increased levels of socially based user conflicts.

2c. The Proposal fails to analyze impacts of funding from motorized recreation.

The Uncompahgre FO currently receives \$85,000 per year through grants from the CPW OHV registration program for funding of a good management crew for implementation of the existing TMP, trail maintenance and education of users. These grant monies are provided on a priority basis with a limited application process to minimize the burden on the limited office resources. This represents a long term commitment of moneys to the UFO for implementation of the TMP from the motorized community for the benefit of all other users of multiple use trails on the UFO. These grant applications note significant community support for the management of motorized recreation on the UFO.

The significant commitments of money, equipment and volunteers are simply addressed in the Proposal and failure to properly credit these commitments will not improve these relationships. While closures are repeatedly noted as expanding partnerships, the lack of analysis of what impact will result from these travel management changes will have on existing partnerships is simply never analyzed. The Organizations believe the existing strong partnerships should not be compromised to obtain other partners who probably will not generate similar commitments of money and other resources. The Organizations believe all these factors weigh heavily in maintaining motorized access to the planning area with the adoption of Alternative 2.

3a. Draft RMP research identifies the limited target audience for the preferred alternative.

In 2010, the UFO began the release of an entirely new RMP for the Office for public comment. Research performed in conjunction with the development of the draft RMP simply does not support the economic contributions asserted to be

present or the allocation of trails in the preferred alternative. This research found that 24 responses of the 515 received from the respondents identified mountain biking as the primary usage of an area.¹³ This research obtained **more than twice** the number of responses from those seeking a primary usage of motorized/multiple use trail users, including ATV users, Off Roaders, Jeeping, and four-wheeling.

These responses do not include any responses of those who may secondarily use a motorized means of access to obtain the primary recreational opportunity they are seeking, such as a hunter or fisherman using an ATV or jeep to access the location they wish to hunt or fish in. While the motorized opportunity is secondary to the primary usage for these users, the motorized opportunity remains a key component to that experience. The ability to utilize the Ridgway area for recreational activities where motorized access is a key component of but only secondary to the primary recreational activities would be lost under the preferred alternative and must be accounted for in the planning. Clearly secondary usage of non-motorized means of access is significantly more limited than the motorized component, as users do not frequently use a mountain bike to obtain a hunting, fishing or camping opportunity. Most hunters do not have access to teams of horses and will not welcome the idea of having to drag a large elk or deer out of any area that does not have motorized access immediately adjacent.

This RMP research also attempts to divide recreational usage into two large categories identified as quiet usage and other uses. The Organizations vigorously assert these categories should not be relied on in attempts to create support for the preferred alternative. The research never defines what a quiet usage is, which will complicate planning decisions that attempt to apply these classifications on the ground. The Organizations must note the "quiet use" designation fails to account for users that rely on motorized access as a key component to obtain the primary recreational experience they are seeking, such

¹³ Mesa State College; BLM Uncompahgre Field Office Recreation Focus Group Report; May 2010 at pg 8.

as hunting or fishing. As noted later in these comments, secondary usage expenditure are a significant economic contributor that must not be overlooked in the planning process.

The Organizations note that what constitutes a "quiet use" recreational experience is a highly subjective classification and does not correspond with those seeking a non-motorized recreational experience. The current US population is heavily centered in urban areas resulting in high levels of human contact and activity being the norm for most recreational users of public lands. A family that takes a day fishing by accessing an area in their Jeep or ATVs and only sees five other motorized users in the area could easily summarize their day as a "quiet use" day. Compared to the hustle and bustle and high levels of contact that are the normal levels of contact, only seeing 5 other users would clearly be quiet usage of an area, even if all 5 users or groups are using motorized vehicles as part of their recreational activities.

The Organizations vigorously assert the RMP research weighs heavily in favor of Alternative 2 of the EA as it identifies that most trail users are either primarily seeking a motorized trail experience or are using motorized access to obtain other recreational experiences in the UFO area.

3b. Forest Service research indicates OHV recreation is a multiple use family based recreational activity.

The Organizations believe that a brief discussion of what an OHV recreational user is will create additional support for Alternative 2 of the EA and minimize concerns about possible negative impacts to the area. Forest Service research indicates that families are the largest group of OHV users. This research found that almost 50% of users were over 30 years of age and highly educated. 11.4% of OHV users are

51 years of age or older.¹⁴ Women were a large portion of those participating in OHV recreational activities.¹⁵ This research indicates that OHV recreationalists are frequently a broad spectrum outdoor enthusiasts, meaning they may be using their OHV for recreation one weekend but the next weekend they will be walking for pleasure (88.9%), using a developing camping facility (44.7%), using a Wilderness or primitive area (58.1%), fishing (44.6%) or hunting (28.4%).¹⁶ These results support previous concerns voiced by the Organizations regarding what is a quiet use and primary/secondary usage of a motor vehicle by those seeking a specific recreational opportunity as many users may simply not realize the distinction or may be responding to a questionnaire that allows multiple responses to a question.

The Organizations believe the highly diverse recreational interests of OHV users aid in compliance with usage restrictions. OHV users are highly familiar with possible impacts from illegal usage to other usages of public lands, as these OHV users frequently use the same area for many different recreational activities and could be a member of another user groups the following weekend. The Organizations believe this user group is a highly responsible and highly sensitive user group that is more than willing to comply with usage regulations and possible concerns of other user groups.

The Organizations believe the highly diverse nature of opportunities that include motorized access and comparatively large percentage of users seeking motorized access identified by RMP research weighs heavily in favor of Alternative 2 of the EA.

¹⁴ Cordell et al; USFS Research Station; Off-Highway Vehicle Recreation in the United States and its Regions and States: A National Report from the National Survey on Recreation and the Environment (NSRE) February, 2008; pg 56.

¹⁵ *Id* at pg 56.

¹⁶ *Id* at pg 41-43.

4a. The economic analysis provided in the EA is incomplete and does not support the preferred alternative.

The Organizations must note that any economic contribution analysis weighs heavily in favor of the area remaining open for multiple use trail activities. The possibility of positive economic contributions in conjunction with the proposal are probably small given the large number of adjacent areas that provide similar opportunities and the small amount of respondents indentifying mountain biking as their primary activity. This relationship can be summarized as a large non-motorized supply of opportunity and rather limited demand. The limited ability of these non-motorized transport vehicles as a means of access to be used in a manner secondary to other primary recreational activities further mitigates any possible economic benefits.

A review of the EA reveals that all meaningful economic contribution analysis regarding impacts of the Proposal is provided in the recreation section of the EA rather than the section specifically designated for socio-economic impacts. Any person wanting to review the impacts of the various alternatives would never locate this analysis without significant efforts. This is troubling and must be corrected in any future planning documents created for the Proposal. Once the economic impact analysis is found in the recreation section of the EA, the analysis is misleading, incomplete and simply incorrect. The EA states:

"Recreationists live throughout America, and they view outdoor recreation as an essential part of their daily lives. Each year, Americans spend \$646 billion on outdoor recreation. Outdoor recreation economy grew approximately 5 % annually between 2005 and 2011. The top five economic impact activities in annual spending from participants (in order) are camping, water sports, bicycling, trail sports, and off-roading. (The Outdoor Recreation Economy, Take it

Outside for American Jobs and a Strong Economy, Outdoor Industry Association, 2012)." ¹⁷

The Organizations do not contest that the OIF research concludes recreation is a significant driver of economies throughout the country. The Organizations do question how a national level economic study of all recreational activity is relevant on a local planning level as the document provides no data for the local planning area or Field Office.

In addition to completely failing to provide any local analysis of the Proposal this national analysis includes many of the uses that are sought to be excluded in the Proposal. The overwhelming amount of recreational spending identified by the OIF research is directly attributed to motorized activities, such as RV camping, motor boating, motorcycling and other activities. All these activities would be prohibited under the preferred alternative and this impact must weigh heavily against closing the area for motorized access and in favor of alternative 2.

As previously noted, UFO research indicates the small number of users seeking a bicycle based experience. The OIF research concluded the purchase of cycling related equipment, both on and off road cycling, accounts for about 12% of the national economic contribution. The overwhelming percentage of the remaining economic contribution either is directly related to motorized recreation or is an activity where motorized access is a key component of that activity. The Organizations vigorously believe that any economic contributions that could be achieved from improved nonmotorized access will be significantly outweighed by contributions lost from multiple users, simply due to the much larger portion of the population that participates in multiple use recreation. This relationship weighs heavily in favor of Alternative 2 of the Proposal.

¹⁷ Ridgway TMP EA at pg 89.

4b. Motorized recreation is a significant economic contributor to the communities in the planning area.

In 2009, COHVCO prepared an economic contribution analysis of motorized recreation to the Colorado economy. A copy of this economic impact analysis is submitted with these comments for your reference. This analysis determined that over \$1 billion a year is spent by registered OHVs users in Colorado annually. This analysis further found that in the seven county area surrounding the Proposal, motorized recreation specifically contributed \$102,241,835 to these economies and directly resulted in 1,633 jobs and almost 13 million in tax revenue.¹⁸ These site specific findings deeply impact any assertions of improved economic contributions from the Proposal that rely on national multiple use economic contribution calculations.

The Organizations vigorously assert this economic contribution analysis is far more relevant to the current proposal when compared to a multistate analysis calculating the economic contribution of all recreational activities. This economic contribution simply has not been addressed in the EA. The Organizations believe this analysis again weighs heavily in favor of adopting Alternative 2 of the Proposal and not the preferred Alternative.

4c. Secondary economic contributions are significant.

The findings of the COHVCO economic contribution analysis provided above are entirely consistent with CPW research into user group demographics and spending done as part of calculations of economic impact of hunting and fishing in Colorado. CPW research indicates hunting and fishing generated almost \$2 billion dollars for the Colorado economy in 2007.¹⁹ This economic contribution included significant motorized expenditures, including the purchase of campers,

¹⁸ COHVCO - Economic Contributions of Off-Highway Vehicle Recreation in Colorado ; July 2009 at pg ES-6.

¹⁹ CDOW 2008- The Economic Impacts of Hunting, Fishing and Wildlife Watching in Colorado; BBC Research and consulting at §III at pg 9.

trucks, trailers and ATVs used to access hunting and fishing opportunities.²⁰ While the motorized usage and equipment maybe secondary to the primary activity these users are seeking to obtain, this means of access remains a key component in that experience. Loss of motorized access will directly negatively impact utilization of the planning area for these activities as well as motorized trail use as game retrieval will be significantly more complex and difficult without motorized access to the area.

The economic contributions from activities where motorized activity is secondary to the primary recreational opportunity must be taken into account in the Proposal and weigh heavily in favor of Alternative 2 of the Proposal.

4d. Other opportunities for non-motorized recreation are significant in the planning area.

Any positive impacts to economic contributions that could result from the EA would be mitigated by the wide range of non-motorized opportunities that are available immediately adjacent to the planning area. The Proposal summarizes these opportunities as:

"The Ridgway Area is directly adjacent to the Ridgway State Park where motorized travel is only allowed on roads and non-motorized travel is allowed on the roads and trails.... The Uncompahgre Riverway Area is surrounded by private land and Ridgway city property. The area southwest of the Uncompahgre River has a concrete trail running through it starting at the town of Ridgway and going all the way to Ridgway State Park. Easements dictate that travel on this trail remains non-motorized. The area north of the Uncompahgre River is adjacent to the town of Ridgway's property and the Dennis Weaver Memorial Park. The town only allows non-

²⁰ CDOW 2008- The Economic Impacts of Hunting, Fishing and Wildlife Watching in Colorado; BBC Research and consulting at §III at pg 10.

motorized/non-mechanized use within the Memorial Park eliminating motorized and mechanized access to the northwestern piece of the Uncompahgre Riverway Area." ²¹

The Organizations believe that given the imbalance of opportunity for multiple use recreation in and around the planning area, maintaining what limited motorized access remains would be a high priority. The planning area is adjacent to several population areas where local riders enjoy the opportunity to use this trail system with limited time, such as riding after work. The proximity of these routes would also allow younger or more inexperienced riders the opportunity to ride close to home rather than having to load up to access motorized opportunities.

The Organizations believe the imbalance in motorized opportunities in the planning area weighs heavily in favor of adopting Alternative 2 of the Proposal.

5. Sound levels are an indication of socially based user conflict.

The Organizations must stress this discussion is not intended to justify loud exhaust on public lands, as the Organizations position has been clear for an extended period on this issue. Violators should be caught and prosecuted. The Organizations believe that an accurate discussion of sound is a key element of the discussion. Sound is frequently an issue where social based user conflict is manifested, as users who do not believe other users should be in the area, express an over sensitivity to any possible impacts from sound. As previously noted, socially based user conflict simply is not addressed with closures in the EA and can only be addressed with education.

Sound should not be relied on as a basis to exclude any user groups as research indicates closures are entirely unable to resolve socially based user conflicts. As the EA properly notes most sound in the planning area is simply not related to

²¹ Ridgway TMP EA at pg 80.

activities on public lands and closing the area to all motorized access simply will not address usage of adjacent roadways. The Organizations must note that even in large designated Wilderness areas, concerns regarding sound remain a management issue as even under Wilderness conditions, sounds from other users are alleged to be a concern.

Levels of sound from recreational activity is an issue that was the target of the CPW Law Enforcement Pilot, which again determined that only 1.5% of all contacts were committing any violation of the law. Given the ease of locating a loud exhaust on public lands, the Organizations have to believe if loud exhaust was a real concern encountered by the Pilot program officers, it would be an easy violation to locate. The findings indicate they did not locate a lot of violations.

The Organizations believe that some brief comparisons of other activities which never generate sound concerns to a legal maximum exhaust (96db) on an OHV clarifies our concerns regarding sensitivity to sound by some users. Most OHV exhaust tests at levels several decibels below the maximum allowed levels when tested. OSHA provides the following comparison of normal household sounds:²²

Hairdryer	80-95 db
Coffee Grinder	84-95 db
Handheld electric mixer	86-91 db
Lawn Mower	88-94 db
Air Compressor	90-93 db
1/4 Drill	92-95 db
Food Processor	93-100 db
Weed Whacker	94-96 db
Leaf Blower	95-105 db

²² <http://www.nonoise.org/library/household/index.htm>

The Organizations must note that when compared to the non-offensive sounds that are as loud or louder than a maximum level motorcycle exhaust, the true issue becomes very clear. At no point has any comparable level of concern been raised about sounds from making coffee or cleaning the yard as to that of OHV recreation. This clearly evidences there are other concerns involved with this issue other than just the level of the sound. The Organizations believe this other issue is socially based user conflict and as previously noted this issue can only be resolved with education of all users and not closures. The Organizations vigorously assert true identification and resolution of this issue weighs in favor of the area remaining multiple use under Alternative 2 of the EA.

6. Illegal dumping in the planning area will not be resolved with closures.

The Organizations must note that the dumping of waste and hazardous materials is not legal on public lands making this an ongoing enforcement issue rather than a recreational management issue. It has been the Organizations experience that higher levels of recreational users of an area frequently reduces illegal dumping as there are more eyes and ears on the ground to report illegal dumping. Old home appliances and household trash are not a component most recreational users experience on public lands and seeing these items in vehicles will frequently result in immediate contact of authorities.

Closing an area will not stop this issue, but will rather push this illegal activity to other locations, as once the person illegally dumping places the material in their vehicle, the decision has been made the materials will be illegally dumped. The Organizations also note that once the small groups of the public that choose to illegally dump has been made, travel management and carsonite closures will simply not stop this behavior. Even if implementation of the EA included installing width restrictors to separate users groups and limit full size access, the illegal dumping will simply be moved to the barrier location. The barrier will not stop the behavior. The Organizations must note that education of the negative

impacts of such behavior is the only way to address this issue, in addition to enforcement activity.

The enforcement component of illegal dumping is simply never addressed in the Proposal. The EA nakedly asserts illegal dumping will improve if the preferred alternative and simply provides:

“Full-sized motor vehicle use of an area allows the possibility that trash(including hazardous wastes) can be brought in and dumped in an area.....The Proposed Action allows the least amount of area for motorized vehicle use and the least amount of area available for the use of full-sized motor vehicles. This would limit the chance trash would be dumped in the area. It would also limit the chance that motor vehicle mishaps would result in spills of fuels and lubricants although this does not typically accompany casual motor vehicle use of an area. Regular monitoring of all areas and prompt and regular cleanup of trash is the best way minimize environmental impacts. Only the complete closure of an area to all uses eliminates the potential impacts from solid and hazardous wastes.”

This position is directly contrary to research regarding illegal dumping and waste. The Forest Service has found that almost all management concerns that exist in multiple use areas remain after motorized access is closed. Issues such as resource damage, litter, user conflicts and wildlife management continue to be serious management concerns in after closures of areas to motorized activity.²³

The Organizations vigorously believe illegal dumping has not been properly or completely analyzed in the Proposal. It has been the Organizations experience that more users frequently limits illegal dumping, and closures do not resolve illegal dumping, a position confirmed by Forest Service research, the

²³ Daniel Abbe & Robert Manning; *Wilderness Day Use*; International Journal of Wilderness - Volume 13 Number 2; Aug 2007; at pg 23.

Organizations must oppose the preferred Alternative and support Alternative 2 of the Proposal, as the Organizations believe this is the most effective means to deal with illegal dumping.

7. Proposed parking restrictions will cause safety issues.

Current RMP regulations allow parking within 300 ft of a designated route for a variety of uses. The preferred alternative of the EA seeks to amend these regulations to limit parking within one vehicle width of a designated route for resource protection. The Organizations are vigorously opposed to such a close parking requirement as we believe this change will cause significant safety issues for all users. Often users are entering and exiting vehicles while loading and unloading gear that are parked along a route. With the vehicle being so close to the trails, opening doors for unloading could easily block a significant portion of the trail creating significant safety issues for both trail users and those loading and unloading. These type of obstructions would block even more of the trail if equipment was being moved around that door. The Organizations believe such a restriction would increase personal user conflicts and directly contradict many steps taken to reduce conflicts between users.

The Organizations also believe that such a close parking regulation would also result in a lot of vehicles being parked in areas which are less than appropriate simply to comply with the regulation. Parking in a group of small bushes in order to comply with the narrow restriction makes little sense when a clearing is immediately adjacent and more appropriate. The Organizations must also note this behavior could result in significant increases to fire risk as people may be forced to park in areas they would not otherwise to comply with the one vehicle width restriction.

Many other forests have recently reviewed parking regulations relative to OHV travel. None of these Forests have adopted one vehicle width. The recent White

River National Forest travel Plan adopted 30 ft from the edge of the trail.²⁴ The recently released GMUG travel plan adopted the same 30 ft standard.²⁵ The Organizations believe a 30 ft standard for parking represents a significantly more reasonable and safe alternative for a dispersed parking regulation and must be adopted.

8. Species specific analysis is completely lacking relies on overly broad and out of date research.

Throughout the EA unsupported allegations are frequently made as part of species specific analysis of the Proposal that a species is “exceptionally difficult to quantify”²⁶ or certain species are “doing well”.²⁷

"Measuring indicators of all these factors for the numerous species of interest would be an excessively difficult task. In addition, for most of the species of interest, the relationships between these factors and population dynamics are not well understood. Because of these difficult to measure potential impacts to sensitive wildlife and plant populations, we assume that any reduction in routes, or reduction in class of use (from motorized to non-motorized) would in general improve wildlife, fish and plant habitats in the area."²⁸

The Organizations vigorously assert these dismissive levels of analysis are wholly insufficient to satisfy NEPA analysis requirements. This level of analysis must be found facially insufficient to satisfy any analysis requirements for any user group proposal.

The EA also seeks to allocate any impacts from recreation on wildlife as entirely a motorized recreational issue, relying on a 2007 summary of research performed

²⁴ White River National Forest- Travel Management Plan Environmental Assessment; March 2011 at pg 27.

²⁵ Gunnison Basin Federal Lands Travel Management- Final Environmental Impact Statement; April 2010 at pg 47.

²⁶ Ridgway TMP EA at pg 45.

²⁷ Ridgway TMP EA at pg 56.

²⁸ Ridgway TMP EA at pg 45.

by the USGS and other documents of questionable relevance. A brief review of this USGS Summary reveals the analysis does not indicate there is a disproportionate impact from motorized recreation, only that the scope of the analysis was limited to motorized recreation. As such the Organizations are must oppose any assertions made in reliance on this summary that non-motorized activity has less impact as that analysis was outside the scope of the summary. Much of this analysis simply is not relevant to the proposal as it is discussing impacts from open riding areas or poorly designed trails. The UFO went to a designated trail system in 2010 and the Proposal is seeking to develop a network of sustainable minimal impact trails.

The Organizations have to question the timeframe chosen for this USGS analysis as a significant amount of the research addressed in the analysis is from the 1970s and 1980s and ranges back as far as 1964. The Organizations do not contest the failure to properly manage recreation on public lands in the 1970& 1980s resulted in significant resource impacts. The Organizations must note that the management issues are of limited guidance in analysis of the Proposal. This analysis also addresses issues ranging from impacts of lead on highways, army vehicles, gravel quarries and nuclear waste. None of these issues are involved in the Proposal and results in this analysis being of limited value for making management decisions regarding the Proposal. While the motorized analysis is very broad for this document, there is simply no analysis of possible impacts from non-motorized recreation.

Most current research indicates wildlife is highly impacted by high speed high volume arterial roads and urbanization of private lands. The Organizations must note that both of these issues are outside the scope of the Proposal.

Current research designed to address the management of recreational activities find that wildlife frequently displays more response to persons approaching on foot than those that approach on a motor vehicle. Forest Service studies have specifically found:

“Based on these population-level results, we suggest that the debate regarding effects of human winter recreation on wildlife in Yellowstone is largely a social issue as opposed to a wildlife management issue. Effects of winter disturbances on ungulates from motorized and non-motorized uses more likely accrue at the individual animal level (e.g., temporary displacements and acute increases in heart rate or energy expenditures) than at the population scale. A general tolerance of wildlife to human activities is suggested because of the association between locations of large wintering ungulate herds and winter recreation. Habituation to human activities likely reduces the chance for chronic stress or abandonment of critical wintering habitats that could have significant effects at the population level, especially when these activities are relatively predictable.”²⁹

This research has also uniformly concluded that animal response to people on foot or with a dog is consistently higher than the animals response to motorized vehicles, even with the higher sound levels that maybe associated with the motorized vehicle.

“Deer consistently bedded near snowmobile trails and fed along them even when those trails were used for snowmobiling several times daily. In addition, fresh deer tracks were repeatedly observed on snowmobile trails shortly after machines had passed by, indicating that deer were not driven from the vicinity of these trails... The reaction of deer to a man walking differed markedly from their reaction to a man on a snowmobile... This decided tendency of deer to run with the approach of a human on foot, in contrast to their tendency to stay in sight when approached by a snowmobiler,

²⁹ PJ White & Troy Davis. *Wildlife responses to motorized winter recreation in Yellowstone. USFS 2005 Annual Report* at Pg 1.

suggests that the deer responded to the machine and not to the person riding it.”³⁰

Research has found that elk response to hunting has always been more significant than response to other factors in the same habitat areas, such as roads. Researchers have specifically concluded that elk move away from hunters without regard to the number of roads in the area, which has been summarized as:

“After eliminating the effects of primary and secondary roads, elk were farther from primitive roads than random points within the study area for all 10-day intervals except 1-10 October (Table 2). Elk were farther from secondary roads through the period of 1-10 October after which elk dispersion patterns were indistinct relative to secondary roads. Elk locations relative to primary roads were similar to those for primitive roads in that elk were increasingly closer to primary roads during the 10-day intervals from 22 August to 10 October. After 11 October, the average distance of elk to primary roads increased through 30 November.”³¹

The Organizations assert that there is simply no difference between the impacts of a single track motorized trail and a non-motorized trail on habitat fragmentation. The National Trails Training Partnership website provides a comprehensive summary of research into the comparative impacts of various uses on a trail network, that is intended to be relied on for planning decisions.³² This research concluded that all users generate the same impacts on the trail network, and that frequently motorized trail activity is the lowest impact usage for a trail. A copy of this summary has been included with these comments for your reference.

³⁰ Richens, V. B., & Lavigne, G. R. (1978). *Response of white-tailed deer to snowmobiles and snowmobile trails in Maine*; Canadian Field-Naturalist, 92(4), 334-344.

³¹ Rumble, Mark A; Benkobi, Lahkdar; Gamo, Scott R; 2005. *Elk Responses to Humans in a Densely Roaded Area*; Intermountain Journal of Sciences. 11(1-2); 10-24 @ pg 17-18.

³² <http://www.americantrails.org/resources/ManageMaintain/WKeenImpacts.html>

The Organizations vigorously assert such dismissive analysis of these issues is a wholly insufficient and improper basis to exclude any user group from public lands. Again the Organizations must assert Alternative 2 of the Proposal represents a far more balanced usage of the area and minimizes impacts from insufficient analysis.

9. User group proposals are still governed by multiple use requirements for public lands.

The Organizations must discuss one issue that will certainly be raised as this proposal moves forward, which is that non-motorized user group will be forced to build trails in the project area for use by other user groups. While the Organizations sympathize with any organization creating a trail proposal on public lands, the Organizations must note that creating a Proposal for the use of an area does not waive multiple use management requirements for public lands.

The Organizations will simply note addressing multiple use happens very frequently to motorized groups when submitting proposals for trails projects. Addressing all user groups with a proposal is not abnormal. Two recent examples of this are the Responsible Recreation Foundation, a motorcycle based organization, developed a proposal for management of the Bangs Canyon area in the Grand Junction field office. Full size, ATV and possibly bicycle only trails are included in that proposal. The Summit County Off Road Riders, an entirely motorcycle based organization, is developing a trails project for the Tenderfoot Mountain outside Dillon Colorado which will include trails that will be completely non-motorized in order to comply with multiple use mandates and user needs in these areas. Both proposals recently closed comment periods on draft environmental assessments and are moving forward.

Conclusion.

The Organizations believe that many of the facts asserted in favor of the Preferred Alternative are erroneous, incomplete and incorrectly summarized in an attempt to create a need for the Preferred alternative, where none truly exists. The Organizations believe any attempt to make management decisions regarding implications of implementation of the 2010 RMP Amendments are exceptionally premature as implementation of these changes has basically only started. In addition to concerns about a lack of implementation of the RMP Amendments, economic impact calculations are fatally flawed and user conflicts in the area are not properly analyzed. The end result of these failures is the Organizations must support Alternative 2 of the EA as no meaningful and accurate analysis has been provided to support any trail closures in the Planning area.

If you would like a copy of any of the reports relied on in these comments or have questions please feel free to contact Scott Jones at 508 Ashford Drive, Longmont CO 80504. His phone is (518)281-5810.

Sincerely,



John Bonngiovanni
Chairman and President
Colorado OHV Coalition



D.E. Riggle
Director of Operations
Trails Preservation Alliance

Scott Jones, Esq.
COHVCO CO-Chairman