



August 11, 2014

San Carlos Ranger District
Attn: TAP Coordinator
3028 E. Main St.
Canon City, Colorado 81212.

RE: San Carlos RD TAP Addendum

Dear Mr. Baumchen;

Please accept this correspondence as the comments of the above Organization with regard to the San Carlos RD ("SCRD") TAP addendum. Prior to addressing the specific merits of the Travel Analysis Process Report Addendum ("TAP Addendum"), we believe a brief summary of each Organization is needed. The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization of representing the 200,000 registered OHVs in the State of Colorado 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. For purposes of these comments, COHVCO and TPA are referred to as "the Organizations". The Organizations would like to thank you for this opportunity to comment on the TAP Addendum.

1. Executive Summary.

1. The Organizations support that a high percentage of routes are identified as highly valued;
2. The Organizations support the removal of the lynx habitat as a risk analysis point;

3. Cutthroat trout habitat issues are unrelated to roads and trails and as a result the analysis of cutthroat trout habitat as a high risk concern is unwarranted;
4. The TAP fails to address new clarity in the management of the Preble's Meadow Jumping Mouse that has been provided in very recent listing decisions with regard to the New Mexico Jumping Mouse;
5. Spotted Owl habitat issues are unrelated to roads and trails; and
6. Resolution of trails budget issues must address all trails usage rather than just multiple use routes as most trails are not open to motorized use.

2. All multiple use routes are valuable.

The Organizations vigorously support the TAP Addendum conclusions that all routes on the San Carlos RD are highly valuable, as they each provide a unique and different recreational experience and provide access to separate and different portions of the RD for a wide range of recreational experiences. The Organizations vigorously support the accurate reflection of this value in the TAP addendum.

The Organizations are concerned that the single route that is identified as a Low/High route on the SCR D (USFS RD 120 on map 4 of 6) provides the sole means of access to a major portion of the Sangre De Cristo Wilderness for recreational activity. It is the Organizations belief that this route is highly valuable as a resource for the minimization of user conflicts on the SCR D. It has been the Organizations experience that often conflict of users results from improper matching of desired recreational opportunities with desired experiences, rather than a lack of opportunities. Wilderness areas frequently highlight these issues as users are completely unable to access to these areas for quiet use opportunities. The Organizations are aware that closure of routes outside the Wilderness areas are provided to improve quiet use recreational activities is often used to address these conflicts. The Organizations believe that maintaining this route and educating users regarding the extensive quiet use opportunities in the area is a far superior method of resolving user conflicts, when compared to the closure of multiple use routes and opportunities on other parts of the SCR D in an attempt to try and create quiet use recreational opportunities.

3a. Landscape level wildlife management is often unrelated to travel management.

The US Forest Service's Rocky Mountain Research Station has recently released extensive analysis of the effectiveness of travel management restrictions on addressing sensitive species related issues. These conclusions specifically found that travel management was not effective

in addressing these issues and the species related concerns were often beyond the scope of travel management to address. The Research Station conclusions specifically stated as follows:

"Actions such as limiting grazing or closing OHV trails have historically been some of the primary tools used by land managers in southern Nevada to reduce the effects of anthropogenic stressors on species of conservation concern..... It is evident from this body of research that very little is known about the relative threats posed to, or the mitigation actions needed to protect, virtually any species, except perhaps the desert tortoise. Too often research jumps immediately to mitigation strategies without first determining what specific factors pose the greatest threats and are the most important to mitigate. In addition, the evaluation of potential threats typically focuses upon the usual anthropogenic suspects (e.g. OHVs, livestock grazing, invasive species, and climate change) without first carefully considering which factors are most likely to pose the greatest threats."¹

The Organizations firmly believe that roads and trails can exist in partnership with wildlife and that often the threats to wildlife are unrelated to the existence of roads and trails in the habitat areas. The Organizations believe that many of the species specific factors that are identified as heightened risk factors are the result of an overabundance of caution in dealing with these species, which the Organizations understand. The Organizations believe that directing limited resources toward the actual threats to the species is the only way to resolve these issues, and ongoing funding of the analysis of roads and trails, which is at most a secondary threat to species is not the best allocation of these limited resources.

3b. Lynx Management updates have been reflected in the TAP addendum.

The Organizations note that possible lynx habitat issues have been removed from priority of threats for the analysis roads usage in the SCRD TAP when compared to the 2009 TAP for the Pike/San Isabel NF as a whole. The Organizations vigorously support this change to reflect best available science on the species as reflected in the 2013 Lynx Conservation Assessment and Strategy ("LCAS") recently issued by the USFS, USFWS and BLM. This new LCSAS clearly stated that road and trail density does not impact the quality of an area as lynx habitat² and that there

¹ See, USDA Forest Service, Rocky Mountain Research Station; *The Southern Nevada Agency Partnership Science and Research Synthesis; Science to Support Land Management in Southern Nevada; Executive Summary*; August 2013 at pg 38.

² See, See, Interagency Lynx Biology Team. 2013. *Canada lynx conservation assessment and strategy*. 3rd edition. USDA Forest Service, USDI Fish and Wildlife Service, USDI Bureau of Land Management, and USDI National Park Service. Forest Service Publication R1-13-19, Missoula, MT. 128 at pg 95. Hereinafter referred to as the 2013 LCAS.

is no information to suggest that trails have a negative impact on lynx.³ The Organizations were thrilled at this change was incorporated in the SCRDP TAP Addendum as many in the USFS are simply unaware of the recent changes to lynx management standards.

3c(1). Cutthroat Trout habitat management issues are inaccurately reflected as a high risk issue for road and trail management.

The Organizations are concerned that the greenback cutthroat trout remains a priority issues on decision matrix for risks from roads and trails.⁴ The Organizations do not contest that a lack of habitat is an identified concern for the protection of the genetically pure Greenback Cutthroat Trout. The Organizations vigorously assert that the relationship between roads and trails and the genetically pure trout is tenuous at best, as the lack of habitat for the greenback Cutthroat Trout is the result of almost 1 billion hybrid fish being reintroduced into Colorado waterways rather than any issues with roads and trails. The hybrid fish consistently out reproduce, hybridize, generally outperform or eat the native cutthroat trout that may remain in any waterways, making separation of habitat of the species the major priority in management. The Organizations respectfully submit that all roads and trails in Colorado could be closed and it simply would have no impact on the lack of cutthroat trout habitat as a species.

The Organizations will briefly outline this research in order to support our position on this issue. Researchers have concluded that management of sensitive trout species has occurred in habitat areas where there are extensive routes and trails available. Researchers have specifically found:

"Study streams were accessible by road or trail and generally supported good to excellent habitat conditions."⁵

Clearly, these issues are not mutually exclusive usages and the weak relationship between the two concerns has been clearly addressed by the USFWS. The 2009 FWS listing decision for the Greenback Cutthroat Trout provided a limited discussion regarding the three factors for effective trout habitat scope and types of habitat issues that are faced by the Cutthroat trout. This report clearly states:

"Since completion of the 1998 Recovery Plan, extensive study has been devoted to determining how habitat quality and translocation success are related. Harig and Fausch (2002) developed a model, based on a comparative field study, which

³ See, 2013 LCAS at pg 84.

⁴ See, TAP Addendum at pg 5-5.

⁵ See, Rocky Mountain Research Station; McGrath and Scott; *WESTSLOPE CUTTHROAT TROUT LENGTH VARIATION*; North American Journal of Fisheries Management 28:1529–1540, 2008

predicted that cold summer water temperature, narrow stream width, and lack of deep pools limited translocation success of the greenback. Young and Guenther-Gloss (2004) evaluated the model developed by Harig and Fausch (2002), and found a positive correlation between the three model components and greenback abundance."⁶

Decomposed granite is widely present throughout Colorado and is highly mobile and unstable, with or without recreational usage and these issues are compounded by the steep slopes that are prevalent statewide. The Manitou Springs flooding over the last several years has provided clear evidence of this. The Organizations are also aware that often any sedimentation issues are unrelated to motorized roads and trails as dispersed camping, non-motorized trails and a general lack of ground cover can significantly impact erosion rates as well. The Organizations are unsure if removal of recreational usage of the area will stop the erosion related issues that are facing the Greenbacks and many impacts can be removed with proper road and trail maintenance.

The 2009 FWS 5 year listing decision on the Greenback cutthroat trout continued to address roads and trails and clearly states trails usage is a low level threat to the cutthroat trout habitat as follows:

"Low level threats include the ongoing negative effects of past mining operations on water quality; the impacts of grazing, logging, and road and trail construction and use on riparian habitat and streambanks, causing increased erosion, sediment deposition, and in turn elevated water temperatures and higher turbidity; and the co-occurrence of nonnative salmonids with greenback populations."⁷

The 5 year listing decision specifically states land managers have a significant amount of latitude in addressing these low level threats to the trout. The listing decision recommended management of this issue as follows:

"Regulatory and land management agencies have the ability to improve habitat conditions and eliminate or minimize these threats by.... by implementing conservation measures to avoid streamside habitat degradation while approving

⁶ See, USFWS Greenback Cutthroat Trout (*Oncorhynchus clarki stomias*)5-Year Review: Summary and Evaluation 5 year listing decision May 2009 at pg 11. This document is hereinafter referred to as the Trout 5 year listing.

⁷ See, USFWS Trout 5 year listing at pg 34

new grazing, logging, and road and trail construction proposals; by moving existing roads and trails away from streamside habitats and rehabilitating disturbed riparian habitats;.... All of these positive activities are ongoing throughout the subspecies' range and are implemented based on agency priorities and funding levels on an annual basis."⁸

Given that USFWS listing decisions and a wide range of other credible research have identified roads and trails as a minimal threat to the Cutthroat trout habitat, the Organizations are opposed to any prioritization of roads or trails that might be adjacent to areas that may have genetically pure fish in the waterways.

3c(2). The recent Metcalf article on genetically pure greenback trout does not alter the minimal risk of road and trails to genetically pure Trout.

The Organizations are aware of the major discussions that have occurred with the federal agencies regarding the implications of the recently released Metcalf article which called into question the overall population size and implications to management of the Greenback cutthroat trout as a species. The Organizations believe that this article may impact the size of native/pure greenback trout populations but do not believe that the article will change the priority and scale of the threats to the Greenback. The Metcalf article has prompted numerous meetings within federal agencies such as the meeting last year in Denver with USFWS resulted in spirited discussions regarding report and analysis. To say the designation of the species for management moving forward is somewhat unclear would be accurate.

As part of the article development, Mr. Metcalf extensively researched the Bear Creek watershed on the Pike Peak Ranger district and it should be noted that at no point are roads and trails identified or discussed as a possible threat to the greenback trout in the Bear Creek watershed despite extensive on site analysis of the Bear Creek area by researchers. This article immediately moves to analysis and discussion of the restocking efforts that have been undertaken in the Bear Creek area and the devastating effects that restocking 750 million other species of trout that out compete the native fish have had throughout Colorado. This threat analysis is consistent with the management documents that have been previously created by the USFWS and CPW for the management of the species.

In addition to the vigorous discussions currently occurring on the true implications of the Metcalf article with regard to species populations, there is a well established body of research

⁸ See, USFWS Trout 5 year listing at pg 34-35.

on management of greenback cutthroat trout, which is relevant in the TAP Addendum planning. This management and analysis has specifically concluded:

"Between 1885 and 1953 there were 41,014 documented fish stocking events in Colorado by state or federal agencies. The vast majority of these involved brook trout (*Salvelinus fontinalis*), rainbow trout (*Oncorhynchus mykiss*) and cutthroat trout (*O. clarkii*) (Fig. 3, supporting information). Remarkably, over 750 million fish of these three species were stocked from hatcheries into streams and lakes in Colorado over this period of time. Introductions of brook trout and rainbow trout probably had devastating effects on native cutthroat trout populations because brook trout are superior competitors and rainbow trout hybridize with cutthroat trout (Young & Harig 2001)." ⁹

The June 2006 Conservation Strategy and Assessment agreement between FWS and the Forest Service provides 7 objectives and 11 strategies for the Colorado Cutthroat trout, all of which seek to address the impacts of stocking 750 million threats to the cutthroat trout.¹⁰ Possible impacts from roads and trails that might be in habitat areas is simply never even mentioned and the Organizations assert the continued failures to review this issue leads to one conclusion, which is the usage of roads and trails is at most a minimal threat, if it is one at all.

4. The TAP fails to address recent determinations on roads and trails in Jumping Mouse habitat.

The Organizations believe our concerns regarding the Preble's Meadow Jumping Mouse are the result of recent activity from the USFWS on the status of the New Mexico Jumping Mouse. The Organizations are aware that consolidated or landscape level management documents are rather sparse regarding the Preble's Meadow Jumping Mouse, as a result of its 4(f) classification. Conservation agreements and measures for the Preble's Meadow Jumping Mouse have been performed at a very localized level in Douglas and El Paso Counties, but are of limited value at the landscape level. While there has been analysis of trail projects, this analysis has been for exceptionally small areas and of little large scale relevance. As a result of the limited analysis available for the jumping mouse generally, frequently research regarding similar species are used interchangeably. The New Mexico Jumping Mouse and Preble's Meadow Jumping Mouse would be such a situation, and the distinctions of these species has led to some very public confrontations between researchers.

⁹ Metcalf et al; *Historical stocking data and 19th century DNA reveal human-induced changes to native diversity and distribution of cutthroat*; *Molecular Ecology* (2012) 21, 5194–5207.

¹⁰ CRCT Conservation Team. 2006. Conservation agreement for Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*) in the States of Colorado, Utah, and Wyoming. Colorado Division of Wildlife, Fort Collins. at pg 3-4.

The New Mexico Jumping Mouse listing decision issued by the USFWS on June 10, 2014 clearly stated the lack of relationship between roads and trails and possible population declines with the jumping mouse as follows:

"(13) *Comment:* Roads are not listed as a factor affecting the New Mexico meadow jumping mouse; however, dirt roads can cause indirect effects through sedimentation or by impeding spring flows.

Our Response: We acknowledge that it is possible for roads to indirectly or directly impact riparian areas, springs, or New Mexico meadow jumping mouse habitat. However, the USFS did not provide any specific information for us to consider and the best available scientific and commercial data does not indicate how or where dirt roads may be causing indirect effects to New Mexico meadow jumping mouse habitat through sedimentation or by impeding spring flows now or in the future."¹¹

Previous draft conservation assessments for the Preble's Meadow Jumping Mouse have referenced investigations regarding the Preble's Meadow Jumping Mouse had identified a possible exceptionally weak relationship between the existence of trails and a decline in Jumping mouse populations and these conclusions failed to discriminate between a variety of other factors that might be impacting the conclusions and were not isolated out of the investigation process. The summary of one year of this investigation is as follows:

"Trail systems frequently parallel or intersect riparian communities within Colorado. The development of trail systems may impact Prebles by modifying its habitat, nesting sites, and food resources in both riparian and upland areas. Humans and pets using these trails may alter behavior patterns of Prebles and cause a decrease in survival and reproductive success. There was a 28% decrease (although not statistically significant, $p = 0.226$) in population density of Prebles adjacent to trails, compared with sites without trails along South Boulder Creek, Boulder County (Meaney et al. in press)."¹²

The Organizations have been able to obtain the Meaney documents and believe these documents are most accurately summarized as data rather than research, and the Organizations are unable to locate any publications of this data for peer review. The Organizations again have to question any heightened risk factors being attributed to roads or

¹¹ See, Fish and Wildlife Service, Endangered and Threatened Wildlife and Plants; *Determination of Endangered Status for the New Mexico Meadow Jumping Mouse Throughout Its Range*, Federal Register June 10, 2014; at 33125

¹² See, Draft 2003 Conservation Assessment and Strategy at pg 14.

trails that might be in Preble's Meadow Jumping Mouse habitat, as the USFWS has recently specifically stated it does not believe there is any correlation between these factors. The TAP Addendum must be updated to reflect this change.

5. Mexican Spotted Owl habitat is not impaired by road or trail usage.

The Organizations also note that a heightened risk factor is attributed to the possibility of Mexican spotted owl habitat. The Organizations believe it is again relevant to review the primary threats to the Mexican Spotted Owl, which are timber harvest and wildfire.¹³ The USFWS Mexican Spotted Owl recovery plan provides the following summary of possible issues to the species from roads and trails:

"ix. Roads and Trails

Construction of roads and trails can indirectly affect Mexican spotted owls through loss and fragmentation of habitat (we discuss the effects of increased noise potential, human access, and direct fatality in Part II.H.3.e.iii below). In general, habitat loss to road construction is minor on a rangewide scale when compared to more massive habitat losses observed from other causes (e.g., wildland fires, past harvest practices); however, on a local scale, roads and trails through PACs may fragment habitat continuity, alter natural movement patterns, and increase disturbance to resident owls. Roads in nest/roost, forested, and riparian recovery habitat may also result in loss of habitat components (e.g., large logs, large snags, hardwoods) as people access these areas for fuelwood cutting, and in sensitive riparian areas, roads and trail can inhibit hydrological processes that affect proper functioning ecological conditions. Management recommendations regarding roads are provided in Appendix C."¹⁴

The management guidelines that are provided in Appendix C of the recovery plan fall well short of providing a basis for a general heightened risk factor being attributed to Spotted Owl habitat as the guidelines specifically state that at most a seasonal closure of routes might be required. The complete roads and trails guidelines are as follows:

"Guidelines

1) No construction of new facilities (e.g., trailheads, OHV trails) or expansion of existing facilities should take place in PACs during the breeding season. Any

¹³ See, USFWS website on Mexican Spotted Owl; http://www.fws.gov/southwest/es/MSO_RecoveryPlan.html accessed August 11, 2014.

¹⁴ See, USFWS; *Mexican Spotted Owl Recovery Plan*; second adoption; September 2012 at pg 45.

construction within PACs should be considered on a case-specific basis. Modifications to existing facilities pertaining to public health, safety, and routine maintenance are excepted (e.g., removal of dangerous trees in a campground; replacement of road culverts within campgrounds, etc.). However, when implementing such activities, those conducting the work should use all measures possible to avoid potential effects on owls (e.g., use least disruptive machinery; timing of the project to minimize disturbance).

2) Managers should, on a case-specific basis, assess the presence and intensity of currently allowed (permitted and non-permitted) recreational activities. The assessment should include distance, frequency, duration, and source of the disturbance. If recreation is determined to be a problem (e.g., increased OHV or hiking use), limit human activities during the breeding season in areas occupied by owls (timing may vary depending on local nest chronology). Disturbance here is defined as the presence of 1 -12 people; group sizes exceeding 12 people should not be allowed. In areas where nest and roost sites are not identified, human disturbance should be limited to ≤ 2 disturbances per hour (averaged over a 24 hour period) throughout the PAC. Where nest and roost sites are known, disturbance should be limited to ≤ 2 disturbances per hour (averaged over a 24 hour period) within line of sight of the nest/roost sites. In some cases, disturbances may be avoided by routing trails and recreational uses (e.g., OHV use) outside of PACs through signing in order to designate zones free from human disturbances during critical periods.

3) Seasonal closures of specifically designated recreational activities (e.g., OHV use, rock climbing, or biking) should be considered where disturbance to breeding owls seems likely.

4) Conduct education through signing, interpretation events, access permitting, or other information sources to inform the public of proper and legal behaviors when encountering owls. For example, land managers in some areas are maintaining permanent, all-weather signs that inform the public that the area is home to a sensitive species; visitors should stay on the trail and be as quiet and unobtrusive as possible.

5) If owls are not detected in a PAC during the breeding season, restrictions on non-habitat-altering recreation can be relaxed depending on the nature and extent of the proposed disturbance."¹⁵

Again the Organizations believe these guidelines fall well short of warranting a heightened risk factor being attributed to roads and trails that might be falling in a possible habitat area, as

¹⁵ See, Spotted Owl Recovery plan Appendix C at pg 294.

seasonal closures are the highest levels of protections for habitat areas and are clearly identified as discretionary at most.

6. USFS budget issues and roads and trails maintenance.

The Organizations are aware that the Government Accountability Office recently issued a report addressing the financial sustainability of roads and trails on USFS lands, and concluded that only 25% of USFS roads and trails are financially sustainable.¹⁶ Given the stark nature of these conclusions, the Organizations believe a complete understanding of the conclusions is critical to the management and resolution of this issue, as the TAP Addendum provides an extensive discussion of maintenance costs for roads and trails.

The GAO analysis is very large in scope and addresses all types of trail usage including non-motorized routes in Wilderness areas. The GAO report identifies that non-motorized routes in Wilderness areas on Forest Service lands account for 20% of the total mileage of all Forest Service routes but only results in 4% of all visitor days to public lands and that only 37% of all USFS routes are even open to motorized usage, despite the relationship that these routes play for all recreational usage of public lands.¹⁷ Given that all routes are accessed by motorized routes, motorized routes are a critical component of all recreational activity. Maintenance of non-motorized Wilderness routes is exceptionally expensive when compared to multiple use routes, due to management limitations on types of management, limited access to areas and many of these routes have been heavily impacted by intense wildfire and Forest health issues. The Organizations would also note that attempts to address this budget issue with just the closure of motorized routes would be unsuccessful given the small portion of routes that are open to this usage.

In the GAO report, State OHV grant programs are specifically recognized as a significant contributor to maintenance of multiple use routes, even if these funding sources were not tracked by the Forest Service. Motorized grant programs have been providing a wide range of funding to the management of recreational routes on the SCRD, through the direct funding of projects and a good management crew through the CPW OHV grant program. No similar program exists for the maintenance of non-motorized routes, compounding existing budget limitations. The loss of multiple use routes erodes user support for registration programs, such as the CPW OHV grant program, that provide significant effective funding for maintenance of multiple use routes and negatively impacts users desire to volunteer for maintenance activities.

¹⁶ See, Government Accountability Office report 13-618; *Forest Service Trails; Long and Short term improvements could reduce maintenance backlogs and enhance systems sustainability*. June 2013. Complete report is available here: <http://www.gao.gov/assets/660/655555.pdf>

¹⁷ See, GAO report at pg 50.

As such the Organizations would be opposed to any management that did not address all usages in an attempt to resolve these budget issues.

5. Conclusion.

The Organizations support the TAP Addendum with minor modifications noted in these comments. The Organizations are aware that there are significant budgetary limitations on trails and roads in the USFS, which the Organizations have partnered with the CPW OHV grant program in an attempt to assist in resolving these issues. However the Organizations are aware these budget issues remain unresolved and believe that as a result any funding that is available must be used to its maximum benefit. The Organizations believe that part of this use involves identifying issues that are impacted by road or trail usage but also as importantly excluding issues that are not related to roads and trails from the road and trail management process as early as possible. As such the Organizations believe that priority threats should only reflect issues where best available science has concluded that roads and trails are a serious threat to the species.

Please feel free to contact Scott Jones, Esq. if you should wish to discuss any of the issues that have been raised in these comments further. His contact information is Scott Jones, Esq., 508 Ashford Drive, Longmont Colorado 80504; phone 518-281-5810 ; email Scott.jones46@yahoo.com

Respectfully Submitted,



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