



Protecting OHV Access

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January 30, 2015

Dolores Public Lands Office
Att: Derek Padilla, District Ranger
29211 Hwy 184
Dolores, CO 81323

RE: Dolores Ranger District Travel Management

Dear Mr. Padilla:

Please accept this correspondence as the comments of the Colorado Off-Highway Vehicle Coalition with regard to the proposed action for Travel Management for Rico/West Delores Roads and Trails ("The Proposal"). The comments are submitted in conjunction with the comments from the San Juan Trail Riders, Public Access Preservation Association and Trail Preservation Alliance. The specific portions of those comments have not been reproduced here simply to avoid repetition but are fully supported by COHVCO. COHVCO vigorously support the route specific comments submitted by the San Juan Trail Riders and Public Access Preservation Association relative to the Proposal. COHVCO vigorously support any new trails that are to be opened in the Proposal, such as the loop adjacent to FR533. It is COHVCO's position that the public lands within the Proposal area provide recreational opportunities that highly valued by the single track motorized community due to large scale closures of single track trails in areas outside the planning area.

COHVCO is concerned that after a review of the management history of the Proposal area that the area has been repeatedly analyzed for a variety of management changes, and these management analysis have repeatedly declined to expand quiet usage of the area. These recent management reviews include determinations that the area was not suitable for upper tier roadless area designation, was not eligible for management for Wilderness Characteristics and was suitable for motorized recreation. COHVCO is very concerned that even with the clarity of recent landscape management analysis that the Proposal provides for a significant decline in

motorized recreational opportunities. While COHVCO appreciates new routes in the Proposal, these are simply not sufficient to offset lost routes.

COHVCO is vigorously opposed to the closure of any trails as part of the Proposal. It is COHVCO's position that many of the closures are not based on best available science and would note that in our opinion the Proposal consistently places non-motorized interests ahead of multiple use interests based on a mere assertion of conflict regarding the particular route. It is COHVCO's position that often conflicts between users are overstated in the planning area, and are the result of opposition to multiple use management requirements for the area rather than actual conflict between users. COHVCO and their partners have a long history of partnering with the USFS to address trail related concerns in the area and are aware that often many of the previous opposition to trails has been found to be completely without merit after further investigation. COHVCO vigorously asserts that any closures to be adopted under the Proposal must be vigorously reviewed to insure the closures are addressing actual conflicts and the management proposed will actually mitigate the management issue in a manner consistent with the extensive recent analysis of the Proposal area.

Prior to addressing our specific concerns on the Proposal, a brief summary of COHVCO will add context to our comments. The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization of approximately 150,000 registered OHV users in 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.

1a. A complete assessment of landscape level changes to all recreational opportunities must be made in the Proposal to address recent SJNF Forest Plan determinations and other recent inventories.

COHVCO believes a brief review of broader landscape level planning changes in the San Juan NF Resource Management Plan ("RMP") is necessary in order to establish context and structure for many of the site specific comments both in this document and related comments. It is COHVCO position that there are significant new areas for many uses that traditionally conflict with motorized usage, the RMP provides significant additional nonmotorized areas expanding the extensive opportunities for these activities that already exist. These nonmotorized opportunities simply are not being utilized for reasons that are not clear to the Organizations. Proper methods for the utilization of these new opportunity areas simply must be addressed

prior to determinations of the necessity of closures in the analysis areas. It is also the Organization position that the Proposal area has been repeatedly recently analyzed for possible expansion of quiet usage, both in the RMP and Colorado Roadless Rule analysis, and the Proposal area has been repeatedly found to be an area where expanded quiet usage was an unsuitable usage of the area.

The USFS planning rule clearly establishes that these broader level opportunities must be included in any localized planning determinations. Section 219.6 of the new planning rule specifically states as follows:

"§ 219.6 Assessments. Assessments may range from narrow in scope to comprehensive, depending on the issue or set of issues to be evaluated, and should consider relevant ecological, economic, and social conditions, trends, and sustainability ***within the context of the broader landscape.***"

It is COHVCO's position that quiet use recreational users already have exceptional recreational opportunities in the SJNF, such as the Weminuche Wilderness which is the single largest Wilderness area in the State of Colorado and is a reasonable distance from the planning area. Additionally, the Lizard Head Wilderness Area is almost immediately adjacent to the Proposal area. USFS research indicates that visitation to these areas is exceptionally low as only 4% of all SJNF visits are to a Wilderness area, while a significant portion of the SJNF is designated Wilderness.¹ These are areas that must be looked at as primary opportunity areas for the expansion of quiet use recreation and solitude as these factors were the basis for the Congressional designations of these areas.

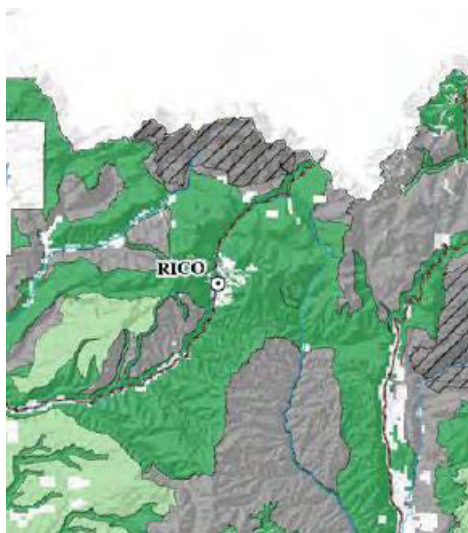
The historical opportunities for quiet use recreation within the broader landscape are significant and were significantly expanded in the recently adopted San Juan NF Forest Plan which provides for an 83% increase in areas that are unsuitable for motorized recreational usage. The RMP provided the following breakdown of these changes:

¹ See, USFS National Visitor Use Monitoring data; Round 3 at pg 9.

Table 2.4.5: Motorized Travel Suitability and Recreation Land Allocations by Alternative

Motorized Suitability and Recreation	Alternative A (No Action)	Alternative B (Preferred)	Alternative C	Alternative D
SJNF Motorized Travel over Ground (acres)				
USFS not suitable	482,019	928,054	1,133,752	755,538
USFS suitable areas	896,400	632,500	448,992	759,602
USFS suitable opportunity areas	486,413	304,278	282,088	349,692
Total	1,864,832	1,864,832	1,864,832	1,864,832
Motorized Travel over Snow (acres)				
USFS not suitable areas	980,860	1,072,520	1,277,808	1,008,741
USFS suitable areas	883,972	792,312	587,024	856,091
Total	1,864,832	1,864,832	1,864,832	1,864,832
TRFO Motorized Travel Year-round				
BLM closed	70,602	73,823	104,523	59,758
BLM limited	69,254	429,782	399,104	443,846
BLM open	363,771	23	0	23
Total	503,627	503,628	503,627	503,627

The RMP graphically reflects the suitability of the Proposal area for motorized usage as follows:



2

The RMP also provides specific detail into the process for analysis and review of routes in areas that continued to be identified as suitable for motorized recreation. The RMP clearly states that the treatment of roads in trails in areas that are suitable as follows:

"The existing road and trail networks in suitable areas on NFS lands generally meet current and anticipated future transportation needs, so unmanaged routes in these areas generally would be prioritized for decommissioning."³

² See, San Juan NF RMP (September 2013) Appendix V at map 21.

It is COHVCO's position that the RMP has created a presumption of continued usage of routes in suitable areas, in a manner similar to the presumption that any new routes would not be adopted. It is COHVCO's position the presumption weighs heavily in favor of maintaining existing trails and heightens the burden that must be met in order to close any route.

COHVCO agrees with the Proposal that the relevant portions of the RMP provides the following localized management standards for usage of multiple use routes in the planning area:

"A variety of looped single- and two-track opportunities for motorized and mechanized recreation exist at a range of elevations, offering different levels of difficulty. Motorized and mechanized opportunities are *balanced* with opportunities for foot and horseback access *to areas of relative quiet and solitude at a variety of elevations. Much of the primary access to these areas is shared*, based on mutual courtesy and on a strong stewardship ethic that is primarily self-enforced and maintained by individuals and user groups. "⁴

COHVCO vigorously asserts that the RMP specifically recognizes that the trails in the Proposal area are to be multiple use and are only used to access areas of solitude. These routes simply are not designed or intended to provide solitude or a quiet recreational experience by themselves, but may provide primary access to other routes that provide these opportunities. It is COHVCO's position that many of the routes that are to be closed are not just the primary access, but are the only access to these areas.

COHVCO vigorously asserts the Proposal seeks to expand a type of usage in the Proposal area that the RMP specifically analyzed and found was not a suitable usage of the area. Mainly, quiet recreational activity and expanded areas of solitude. Significant portion of the planning area was reviewed for Wilderness Characteristics under alternative C as part of the RMP development and found unsuitable for such activity in the final RMP.⁵ If the Proposal area had been found suitable for Wilderness Characteristics, COHVCO believes closure of routes would have been more appropriate management in site specific analysis. It is COHVCO position that determinations of unsuitability of the area for expanded non-motorized opportunities weighs heavily against expanding quiet usage opportunities as the Proposal area has been found unsuitable for such activity. As previously noted trail access to the Proposal area was already identified for continued current levels of multiple usage in the RMP, making closure of these routes based on asserted user conflict concerns based on impaired quiet usage of these routes

³ See, SJNF RMP FEIS (September 2013) at pg 382.

⁴ Proposal at

⁵ See, 2013 SJNF RMP FEIS Appendix V maps 65 & 66

a violation of the RMP standards. It is COHVCO's position that closing routes in a suitable area for motorized recreation should be as difficult as opening routes in a Wilderness Characteristics area. COHVCO again notes that Alternative C of the RMP specifically reviewed the planning area and possible expansion of quiet usages and determined that this was not proper usage of the area. These determinations must be honored.

After implementation of the RMP at the landscape level, almost 50% of the SJNF has been found unsuitable for motorized recreation and there is a presumption that any routes in areas that are unsuitable for motorized recreation will be removed. The RMP provides a similar presumption in favor of maintaining multiple use access in areas suitable for motorized usage. The Proposal area was one of few areas where there was not a significant expansion of areas found unsuitable for motorized recreation, making this an important area to the multiple use community. COHVCO respectfully asserts that any claim of conflict or other necessity of closing routes in an area that has been found suitable must be exceptionally well documented and address a valid management issue related to the particular route being analyzed pursuant to relevant management standards. COHVCO submits that generalized non-specific concerns, such as those referenced on several routes in the Proposal area are simply insufficient to close routes in areas recently found suitable for multiple use management.

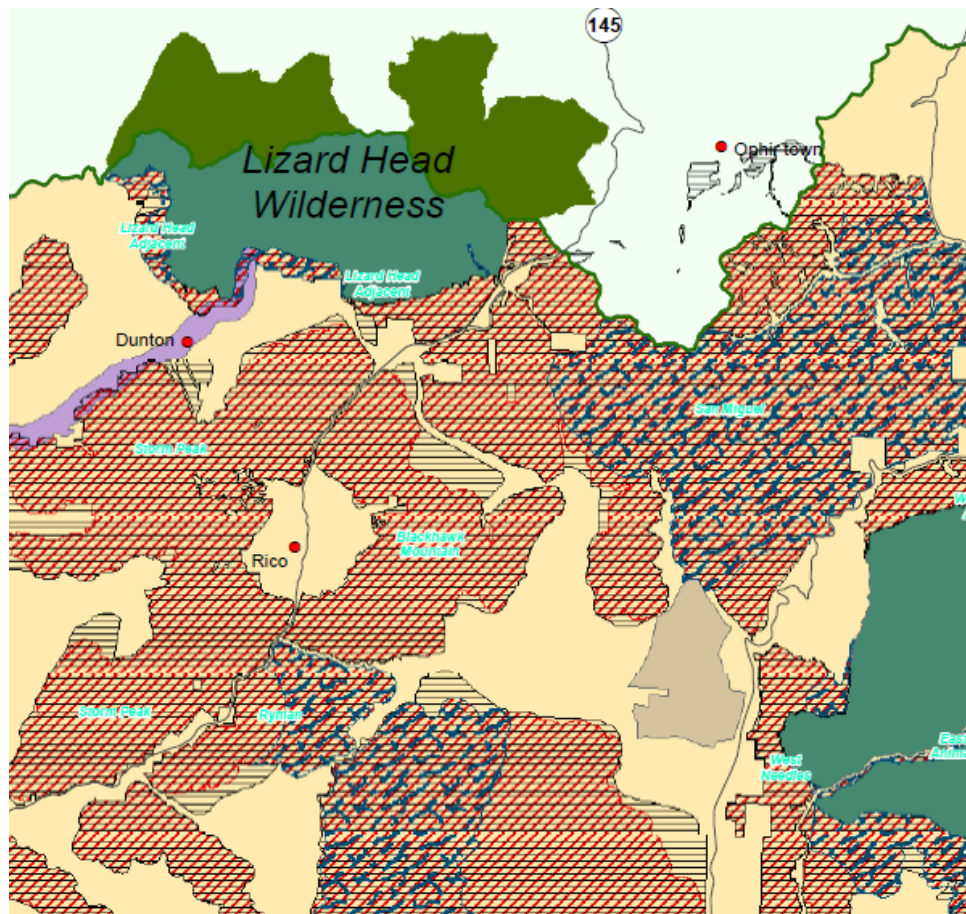
1b. The Proposal area was recently inventoried and found unsuitable for upper tier roadless area designation as part of the Colorado Roadless Rule review.

In addition to the review of the Proposal area that was undertaken as part of the RMP for possible Wilderness Characteristics management and a review of the motorized suitability, significant portions of the Proposal area was also reviewed for possible designation as an upper tier roadless area under the Colorado Roadless Rule ("CRR") proposal. Upper Tier Roadless management would have mandated management where quiet usage was the target. Again the analysis concluded that the Proposal area was **not** suitable for expanded quiet use recreation that is provided by an Upper Tier Roadless area and the Proposal area should be managed as a Roadless area where the existing roads are permitted to continue and multiple use trail development could be expanded. This determination is exceptionally relevant to the management of the Proposal area as motorized trails and routes are a characteristic of Colorado Roadless areas, but are not permitted in an Upper Tier Roadless area.

Colorado Roadless Rule specifically states usage of a CRR area is as follows:

Roadless Area Characteristics: Resources or features that are often present in and characterize Colorado Roadless Areas, including: (5) Primitive, semi-primitive nonmotorized, and semi-primitive motorized classes of dispersed recreation;⁶

While motorized usage of an upper tier area is not prohibited, there are more restrictions on motorized usage of these areas as recreational usage is directed towards quieter usage . Final version of Colorado Roadless area reflected upper tier and Colorado Roadless areas as follows:



COHVCO submits the final boundary map above does an exceptional job of displaying the exceptional opportunities within the planning landscape for quiet usage. It is COHVCO's position that this analysis again provides clear management guidance that must be governing the targeted usage of the area and route specific balancing of interests in the Proposal area.

⁶ See, Colorado Roadless Rule §294.41 - Federal Register Vol. 76, No. 73 / Friday, April 15, 2011

⁷ A complete version of the Colorado Roadless Rule Alternative 2/final map is available here.

http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5366307.pdf A comparison of Alternative 2 and Alternative 4 for possible upper tier designations is available here

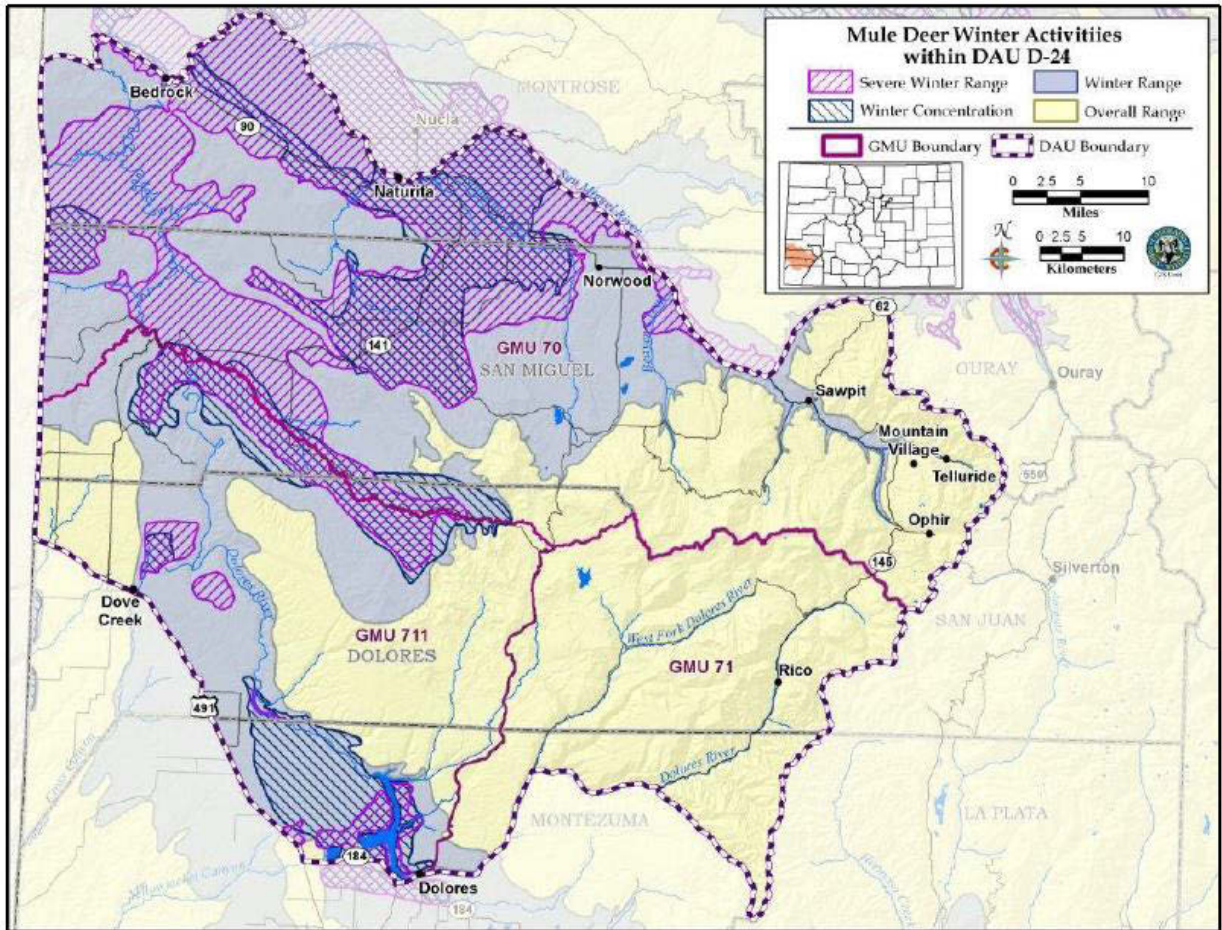
http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5366311.pdf

The CRR again provides site specific analysis of the Proposal area and concludes that management for quiet usage of the area is not warranted due to existing levels of development. Given that the CRR concluded that the area is unsuitable for expanded solitude and the FRMP specifically found the area suitable for continued multiple use access in a manner similar to current levels, it is COHVCO's position that these determinations provide no basis for the closure of routes based on conflicts with quiet usage expectations. COHVCO vigorously asserts that education of those going to the area as to the management history and significant opportunities for quiet usage at the landscape level are avenues that must be explored in mitigating conflict and that closure should only be pursued as the last avenue to address these issues.

2a. The entire proposal area is closed to multiple usage concerns conflicting with wildlife winter range but wildlife winter range only encompasses a small portion of the planning area.

COHVCO is opposed to the proposed blanket closure of all routes for wheeled travel in the Proposal area on the basis that this usage conflict with or degrades the quality of winter range for wildlife. COHVCO is aware the usage of a wheeled vehicle on a groomed snowmobile route can result in significant conflict between snowmobilers and wheeled OHV users, and do not oppose the closure of groomed routes to wheeled travel. However, COHVCO is vigorously opposed to seasonal closures of routes outside winter range in order to protect the quality of winter range when the quality of that winter range simply is not impacted by motorized usage. COHVCO is simply are unable to locate any viable relationship between multiple use routes outside winter range and improvement of the quality of winter range that might not be adjacent. COHVCO would also note that significant portions of the winter range are simply on private lands and beyond the scope of the planning proposal.

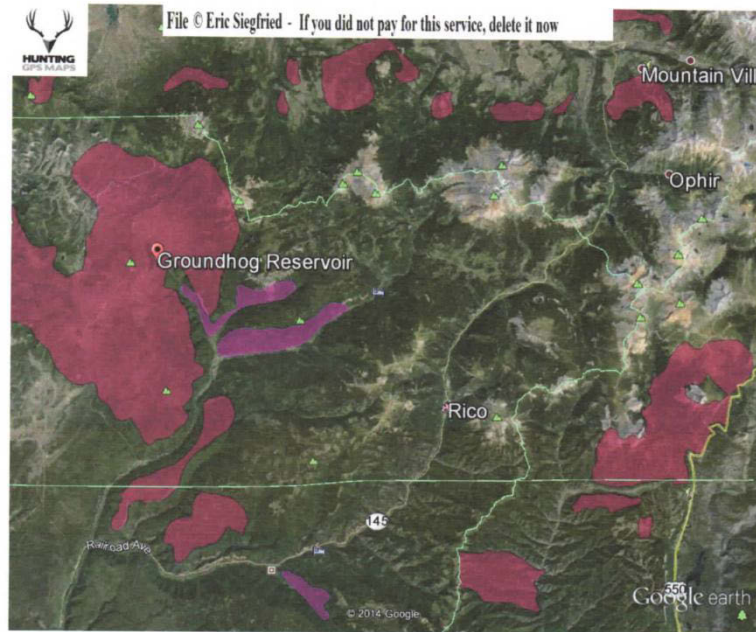
CPW data from relevant game management plans for Mule Deer indicates boundaries for the winter range and reproduction areas for wildlife that are used in the general planning area as follows:



8

Elk Winter Range boundaries are now available from a wide range of sources to the general public. Third party contractors translate information from CPW regarding winter range areas into mapping for a wide range of applications and public usage. These boundaries of elk winter range are reflected as follows:

⁸ See, CPW Groundhog Mule Deer Herd Management plan D-24; March 2014 pg 10.



COHVCO is opposed to overly broad seasonal closures of routes in the Proposal area. as many wheeled users enjoy accessing trails that may be overall impassable in terms of travel from locations A to B, simply in order to use their vehicles in attempts to cross snowdrifts that might be blocking the routes at some point early or late in the riding seasons. These are unique early and late season riding experiences that are highly valued by multiple use recreational activities. COHVCO vigorously asserts that users opportunity to attempt to cross snowdrifts should only be lost based on best available science. COHVCO would also note that many hunters also use these routes to access hunting opportunities that CPW is now providing for late season hunting, such as youth hunts and private land tags.

2b. Populations of game animals and hunter success in the Proposal area appear stable and above average for the state of Colorado.

Colorado Parks and Wildlife provides significant information regarding the success of hunters for a wide range of methods of hunting. CPW research indicates that hunting success in the Proposal area is significantly above statewide averages.

For Archery Season 2013

Unit 70 Hunters 712 - Success rate 21% - 5yr average 18%

Unit 71 Hunters 839 - Success rate 18% - 5yr average 13%

For Archery Season 2012

Unit 70 Hunters 597 - Success rate 20% - 5yr average 18%

Unit 71 Hunters 844 - Success rate 13% - 5yr average 13%

For Muzzle Loader Season 2013

Unit 70 Hunters 220 - Success rate 36% - 5 year average 20%

Unit 71 Hunters 304 - Success rate 16% - 5 year average 19%

For Muzzle Loader Season 2012

Unit 70 Hunters 240 - Success rate 29% - 5 year average 20%

Unit 71 Hunters 355 - Success rate 25% - 5 year average 19%

For all rifle seasons 2013

Unit 70 - Success average 31.25% - 5yr average 38.5%

Unit 71 - Success average 18% - 5yr average 23.25%

For all rifle seasons 2012

Unit 70 - Success average 34.25% - 5yr average 38.5%

Unit 71 - Success average 14% - 5 year average 23.25%

COHVCO vigorously asserts that failures of hunters to fill tags is simply does not support management changes as hunter success in the Proposal area has been and remains above statewide averages. COHVCO submit that this information provides no basis for management change but rather clearly shows that current levels of motorized recreation are not impacting wildlife population levels and there is no need to further restrict access.

3. Economic impacts to local communities of proposed changes in access must be addressed.

Pursuant to Forest Service regulations and NEPA, the economic impacts of any Proposal must be analyzed into the planning and decision making process. The negative impacts of the Proposal to surrounding communities must be addressed in the EA as the Proposal seeks to alter many existing heavily used multiple use routes for the benefit of smaller user groups. Risks to local economies from closures of these routes to multiple use recreational interests expands as non-motorized users spend approximately 25% of the average amounts spent by multiple use recreational users. It is COHVCO's position that any small negative economic impacts to local communities will have a disproportionate impact on local communities that are overly reliant on recreational spending for support of the community.

COHVCO believes a brief summary of the standards that are applied by Courts reviewing agency NEPA analysis is relevant to this discussion as the courts have consistently directly applied the NEPA regulations to EA type review. Relevant court rulings have concluded:

"an EIS serves two functions. First, it ensures that agencies take a hard look at the environmental effects of proposed projects. Second, it ensures that relevant information regarding proposed projects is available to members of the public so that they may play a role in the decision making process. Robertson, 490 U.S. at 349, 109 S.Ct. at 1845. For an EIS to serve these functions, it is essential that the EIS not be based on misleading economic assumptions."⁹

Prior to addressing more specific NEPA related concerns involved in the Proposal, COHVCO believes a brief summary of the inherent complexity of any economic analysis is warranted. The basic complexity of any economic determinations and the size of the calculations to be made are summarized by the Western Governors Associations' recreational economic contributions study as follows:

"How is "economic impact" calculated? Many people might think of a consumer buying equipment – a tent, fishing pole, ATV, bicycle, boat, snowboard or rifle. However, the impact is much more complex than the manufacture and sale of gear and vehicles. Gas stations, restaurants, hotels, river guides and ski resorts benefit from outdoor recreation. In total, equipment and travel expenditures represent billions in direct sales that create jobs, income, tax revenues and other economic benefits."¹⁰

The Western Governors' Association released its *Get Out West* report in conjunction with its economic impact study of recreation on public lands in the Western United States which specifically identified that proper valuation is a significant management concern as follows:

"Several managers stated that one of the biggest challenges they face is "the undervaluation of outdoor recreation" relative to other land uses."¹¹

COHVCO and TPA have developed a high quality analysis of recreational spending from the motorized community. This research has concluded that OHV recreational usage provides \$129 in annual revenue to southwestern Colorado and accounts for 1,564 jobs. A complete copy of the 2013 report is submitted with these comments. These are significant contributions that are the result of the high quality riding opportunities that the area has been providing for a long

⁹ See, Hughes River Watershed Conservancy v. Glickman; (4th Circ 1996) 81 f3d 437 at pg 442; 42 ERC 1594, 26 Env'tl. L. Rep 21276

¹⁰ See Western Governors Association report; *A snapshot of the Economic Impact of Outdoor Recreation*; prepared by Southwick and Associates; July 2012 at pg 1.

¹¹ See, Western Governors Association; *Get out West Report; Managing the Regions Recreational Assets*; June 2012 at pg 3.

period of time. Any impacts to these significant contributions simply must be addressed in the Proposal.

The USFS has conducted extensive research into comparative spending profiles of various recreational users as part of the NVUM process, and this research is highly valuable to planners in terms of comparing spending profiles of users and allowing planners to estimate changes in visitation and impacts that this has on local economies. The works of Drs. Styne and White performed in conjunction with NVUM research provide the following conclusions in their research on comparative user group spending:

Table 3. Visitor spending for high, average, and low spending areas by activity, \$ per party per trip (\$2007)

Activity	Non-Local Day Trips			Non-Local Overnight Trips ^a			Local Day Trips			Local Overnight Trips ^a		
	Low	Avg	High	Low	Avg	High	Low	Avg	High	Low	Avg	High
Downhill skiing	\$126	\$130	\$181	\$468	\$798	\$893	\$68	\$64	\$69	\$359	\$386	\$489
Cross-country skiing	\$87	\$97	\$135	\$315	\$537	\$951	\$26	\$27	\$31	\$242	\$259	\$329
Snowmobile	\$116	\$129	\$180	\$377	\$642	\$1,139	\$72	\$74	\$74	\$289	\$311	\$394
Hunting	\$79	\$88	\$122	\$253	\$368	\$652	\$41	\$51	\$51	\$230	\$248	\$314
Fishing	\$52	\$55	\$77	\$214	\$331	\$548	\$36	\$38	\$38	\$154	\$161	\$205
Nature-related	\$56	\$65	\$90	\$269	\$473	\$826	\$36	\$37	\$42	\$182	\$195	\$247
OHV-use	\$98	\$109	\$151	\$219	\$277	\$491	\$63	\$58	\$58	\$125	\$134	\$170
Driving	\$42	\$54	\$75	\$338	\$576	\$1,021	\$28	\$32	\$30	\$259	\$278	\$353
Developed camping	n/a	n/a	n/a	\$183	\$206	\$300	n/a	n/a	n/a	\$178	\$171	\$217
Prim. camping/bpack	n/a	n/a	n/a	\$108	\$134	\$196	n/a	n/a	n/a	\$121	\$120	\$153
Hiking/biking	\$53	\$50	\$64	\$228	\$473	\$765	\$20	\$21	\$18	\$126	\$150	\$190
Other	\$60	\$72	\$100	\$216	\$330	\$569	\$36	\$40	\$32	\$170	\$187	\$237
Total	\$58	\$65	\$90	\$214	\$366	\$648	\$34	\$34	\$29	\$165	\$177	\$224
Ratio to average	0.90		1.39	0.59		1.77	0.98		0.84	0.93		1.27

12

It should also be noted that the Stynes and White work provided a itemized breakdown of most spending categories identified above to allow for more meaningful analysis and application of this information. These itemized breakdowns add further credibility to the Stynes and White works and provide a clear basis for a negative impact from closing motorized trails. These works also specifically provide examples of how these varying spending profiles are to be integrated into site specific plans.

4. The USFS has already determined that Travel Management closures are ineffective for addressing many of the issues sought to be managed in the Proposal.

¹² See; White and Stynes; *Updated Spending Profiles for National Forest Recreation Visitors by Activity*; Nov 2010 at pg 6. A complete copy of this document has also been provided for your reference with these comments.

COHVCO believes that a complete analysis of the basis of user conflicts must be undertaken in order to insure that the problems sought to be mitigated by the Proposal are actually improved. COHVCO would note that previous attempts to mitigate impacts to resources and user conflicts undertaken in June of 2010 resulted in the USFS being sued by those that believed these determinations did not go far enough in protecting the type of recreation those user groups were seeking. This should be avoided and a primary tool in avoiding ineffective closures being applied, mainly educating users as to recreational opportunities in the landscape area, which have significantly increased, is not explored.

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.**"¹³

COHVCO would be remiss in not noting the relationship that the Research Stations conclusion has with the management within this Proposal. Numerous references in the Proposal are made regarding possible user conflicts on trails and this being the basis for the removal of motorized usage of these routes. COHVCO vigorously asserts the scope and scale of these conflicts has been greatly over stated by those opposing motorized usage of the area.

¹³ 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.

COHVCO is concerned that closures of routes have been proposed without undertaking a second step in the analysis that is critically necessary to insure effectiveness of management decisions. This second level of analysis is needed to determine the basis of the conflict, as only a small portion of user conflict can be resolved with closure of the route and improperly based closures of routes can significantly increase conflicts.

COHVCO believes that after a brief summary of best available science 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.”¹⁴

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

¹⁴ See, 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.

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."¹⁵

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 areas surrounding the yurts failed to distinguish why the conflict was occurring and this failure prevented the land managers from effectively resolving the conflict. It is COHVCO's position that previous travel management decisions, such as the Forest Order from in 2007 did not reduce user conflicts, but rather resulted in the USFS being drawn into a court battle when the anti-access Organizations believed the closure Order did not go far enough. These issues can only be resolved with a high quality decisions and effective education of all users, which can be easily defended in the court action that will surely follow any decision relative to the management of the Proposal area.

COHVCO believes 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 Proposal 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 cannot resolve. COHVCO believes that the RWD managers must learn from this failure and move forward with effective management rather than fall victim to the same mistakes again.

Similar sentiments to the studies cited above were recently again clearly identified as best available science in the *Get Out West* Report from the Western Governors Association. The *Get Out West* report specifically found:

"Good planning not only results in better recreation opportunities, it also helps address and avoid major management challenges – such as limited funding, changing recreation types, user conflicts, and degradation of the assets. Managers with the most successfully managed recreation assets emphasized that they planned early and often. They assessed their opportunities and constraints, prioritized their assets, and defined visions."¹⁶

¹⁵ 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.

¹⁶ See, Western Governor's Association *Get Out West Report* 2012 at pg 5.

COHVCO believes our concerns regarding the Proposal and those expressed in the Western Governor's *Get Out West* report virtually mirror each other. This concern must be addressed prior to finalization of the Proposal in order to avoid increases to many other management issues that were sought to be minimized with the creation of the Proposal.

At no point in the Proposal is there any mention of programs or resources to be developed that might be available to address socially based user conflicts. While COHVCO is aware that such a discussion is technically outside the scope of the Proposal, COHVCO believes 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. The lack of an educational component in planning as a tool to be utilized in conjunction with travel management issues and trail closures, leads COHVCO 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 COHVCO experiences with this issue and the related science.

COHVCO believes the proposed management, and associated levels of multiple use route closures, will result in increased user conflicts as recreational opportunities in the Proposal area will be lost and not replaced to address an issue that the closure simply cannot remedy. Contrary to the intent of the Proposal, mainly to minimize user conflicts, COHVCO believes the Proposal will result in greater conflict not less. 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. COHVCO believes the distinct between personal and social user conflict must be addressed in the Proposal and the levels of closures reviewed to insure that the levels of closures are not going to result in increased user conflicts.

5. Motorized access has been specifically identified as a critical component of the hunting experience.

COHVCO has many members who are actively licensed hunters or fisherman and utilize a wide range of areas in these pursuits and fully utilize OHVs as part of their hunting experience, and often these visitors to the planning area are overlooked by groups allegedly advocating for hunting interests. COHVCO is also aware that many hunters are difficult to engage in the travel management process for a variety of reasons and often do not become aware of travel management proposals until access to areas is lost. This often results in high degrees of frustration to these users when they are informed that additional NEPA must be undertaken to alter any decisions that were recently implemented in compliance with NEPA. Throughout the

Proposal there are general allegations made that closures of motorized routes is being undertaken to improve hunting opportunities in the Proposal areas. The basis for these closures often is non-specific concerns from hunters, which is an insufficient basis for closure of multiple use routes, as this is a violation of relevant NEPA requirements and requirements that best available science be relied on in the planning process.

Recently, the National Shooting Sports Foundation in partnership with the USFWS and 20 different state wildlife agencies performed a national review of the issues that are impacting the hunting community and declining hunter participation rates in the US and what agencies can do to maintain hunter involvement in the wildlife management process. The NSSF research specifically concluded:

"Difficulty with access to lands for hunting has become not just a point of frustration, but a very real barrier to recruiting and retaining sportsmen. **Indeed, access is the *most* important factor associated with hunting participation that is not a time-related or demographic factor—in other words, the most important factor over which agencies and organizations can have an important influence....**"¹⁷

The importance of hunting usage and access for funding of wildlife management activities, a significant issue that is directly related to hunting usage is overwhelming. This funding impact is summarized as follows:

"Hunters are avid conservationists who donate more money to wildlife conservation, per capita, than do non-hunters or the general population as a whole in the United States (Responsive Management/NSSF, 2008a). Hunting license fees and the excise taxes paid on sporting goods and ammunition fund state fish and wildlife agency activities and provide Federal Aid monies.... In fact, sportsmen, as a collective group, remain the single most important funding source for wildlife conservation efforts. Consequently, decreased interest and participation in hunting activities may have the unintended effect of reduced funding for important wildlife and habitat conservation efforts."¹⁸

The importance of motorized access to the retention of hunters is immediately evident when the means of access for hunting activity are identified. Hunters overwhelmingly use motorized

¹⁷ See, National Shooting Sports Foundation; 2011; Issues relate to hunting access in the United States: Final Report; Accessed December 4, 2013; <http://www.nssf.org/PDF/research/HuntingAccessReport2011.pdf> at pg 7. (hereinafter referred to as "NSSF report")

¹⁸ See, NSSF Report at pg 3-4.

tools for accessing hunting areas as cars and trucks are used by 70% of hunters, and ATVs are used by 16% of hunters. By comparison, only 50% of hunters identified walking as their access method of choice.¹⁹ The significance of closures on public lands is also specifically identified in this research, which identified that 56% of hunters specifically cited restrictions on motorized access and 54% identified closures of public lands by government agencies as significant issues for hunters.²⁰

The funding streams secondarily impacted by hunters and suitability decisions are specifically of concern as hunting participation has been declining significantly over the recent few years and removing factors that were contributing to the declining participation was the basis of the entire NSSF report. This report specifically concluded that a lack of access to hunting opportunity was the largest addressable issue for land managers to address and improve hunter retention. Significant closures to multiple use routes in the Proposal area in the manner proposed will not improve access for hunters, and will over the long term reduce funding available for wildlife management. Reducing access to areas which are suitable for multiple use will only compound the changes and impacts to these secondary management issues.

6. There is a long history of user conflicts in planning area, and the specific assertions of these concerns have consistently been found unwarranted upon further review.

COHVCO feels compelled to address the long history of alleged user conflicts that appear to be a major factor in the development of the Proposal. COHVCO believes this history is highly relevant to the underlying merit of any valid claims of conflict made and the possibility that any closures could resolve these concerns or avoid the Proposal being legally challenged by those opposed to multiple use access. It is COHVCO's position that site specific closures will never resolve many of these asserted conflicts and that any management efforts in the Proposal area have always found the USFS in court defending challenges to decisions. COHVCO vigorously assert this litigation is not the basis for additional closures, as such efforts will never be found sufficient to those opposed to multiple use. To effectively defend this litigation will require a well reasoned and defensible decision for the management of this area that both is legally defensible and works toward long term resolution of conflicts. It is COHVCO's position that much of this opposition is from a small, well financed group who is simply opposed to all motorized activity on public lands and does not reflect the true cross section of users of public lands in the planning area. COHVCO has consistently sought to partner with the USFS to develop reasonable decisions that reflect all users interests in the climate that has resulted from on going legal challenges.

¹⁹ See, NSSF report at pg 56.

²⁰ See, NSSF report at pg 113.

COHVCO respectfully submits that the USFS must conduct basic review and confirmation of input from asserted groups to insure the basis and viability of the input as there appears to be basic flaws in the legal basis for this input. Many of our members attended the public meeting in Rico in January to address this proposal and were surprised to see a small vocal group from the Rico Alpine Society present at the meeting. The presence of the Rico Alpine Society ("RAS") was surprising as RAS was disbanded by the Colorado Secretary of State in 2012 and then voluntarily disbanded in 2014.²¹ COHVCO believes the disbanding of RAS indicates several factors relevant to the Proposal, such as there not being a significant degree of user conflict in the area. COHVCO respectfully submits that if there was anything near the user conflict asserted by those opposed to multiple use access, this user conflict would be sufficient to support the continued existence of a volunteer non-profit organization to address these issues and would have weighed heavily against disbanding the RAS. COHVCO submits that if there were conflicts at the level asserted by those opposing multiple use recreation, disbanding an organization would have been completely unacceptable to its members. It is COHVCO position that any comments from RAS must be viewed with this Organizational history in mind.

COHVCO is also aware of questions from our members regarding possible input from the Town of Rico seeking a non-motorized buffer around the Town of Rico. Several local businesses and members in the Town of Rico are concerned regarding the lack of public input in such a position. COHVCO is aware that the town maintains a non-binding consulting agreement/MOU with the USFS. COHVCO is concerned that a non-motorized buffer on USFS lands directly conflicts with the newly adopted RMP for the area. COHVCO would note that such a non-motorized buffer area would conflict with the Rico Regional management plan which was developed with significant public input, which provides as follows:

"Trails Goal C: Establish and Maintain a Regional Trail system for a broad range of outdoor recreational activities.... The Rico Regional Master Plan depicts four separate general trail designations, including: (1) motorized recreation on existing mining roads and Forest Service jeep roads, (2) non-motorized wide trails on existing historic mining roads, (3) narrow single track trails that exist and/or are recognized by the U.S. Forest Service as part of their trail system, and (4) future planned narrow single track trails."²²

²¹ COHVCO has attached a copy of the Colorado Secretary of State's website report regarding the history of the RAS.

²² See, Town of Rico Regional Master Plan adopted August 18, 2004 at pg 28.

The Rico regional development plan specifically states that Town lands should be relied on for the development of any buffer areas from usages on USFS lands that might be necessary on a site specific basis.

COHVCO is aware that there has been years of opposition to any USFS actions that might maintain or improve multiple use access of all types or mitigate site specific issues that may exist in the Proposal area. The Organizations do not believe the Proposal can effectively mitigate these issues, as all previous USFS efforts have been found insufficient and the basis of further opposition. This longstanding opposition has resulted in a significant number of onsite reviews, analysis and alteration of funding proposals and management plans. This onsite analysis has almost unanimously concluded that the input from those philosophically opposed to multiple use was without any merit. While there is a long history of this occurring, we do not believe a complete review of each issue is warranted. Rather a brief summary of the most recent review of the Calico Trail reconstruction grant exemplifies our concerns. The Calico trail reconstruction grant that was submitted to the Colorado Parks and Wildlife OHV grant committee in 2013. Opposition submitted to the Commission made many strong accusations of impacts from reconstruction of the Calico Trail and resulted in an onsite inspection of the area. Much of the opposition was based on the term of turnpike in relation to trail reconstruction, which was incorrectly asserted to be an attempt by the USFS to develop a freeway through public lands. Turnpiking of routes has a long history of effectively mitigating resource issues such as water runoff by hardening of trails and strengthening of trail shoulders. This onsite review found that these allegations were completely without merit and opposition to this project continued despite attempts to mitigate concerns raised in comments through the education of the non-motorized community.

COHVCO must also address the Rico Delores lawsuit brought by the Backcountry Hunters and Anglers even though this lawsuit is more extensively discussed in the TPA comments that are being submitted in conjunction with these comments. This lawsuit again uses broad and non-specific assertions of impacts to challenge most multiple use routes in any area possibly classified as a wildlife habitat areas, in a manner that is strikingly similar to the input received on many other proposals. This lawsuit was dismissed by the court on the merits when BCHA moved for an injunction as part of preliminary motions. COHVCO is aware that any court dismissing a lawsuit on the merits when a party is seeking an injunction is somewhat unusual, and always speaks volumes to the merit of the underlying claims in the action. In a somewhat frustrating turn of events many of the same routes that were unsuccessfully challenged in that lawsuit are now proposed to be closed in this travel plan. COHVCO doubt any efforts in the Proposal to mitigate user conflicts will speed any final resolution of opposition to multiple use

access, however such a course of action fails to properly weigh the actions of COHVCO and TPA in intervening in the action in support and defense of the previous decisions made by the USFS.

7a. Winter/Fall Creek Trail

COHVCO is submitting this portion of the comments as a supplement to the site specific comments that are being submitted by the San Juan Trail Riders and PAPA. These comments are not submitted in a manner to provide an exhaustive catalog of all concerns regarding closures. The closure of the Winter/Fall Creek trail is based on it being difficult to maintain and possible conflicts of multiple use with an easement crossing an old mining claim that was allegedly provided for quiet use. This route provides a long and high quality single track riding experience in the planning area that is significantly valued by multiple use users. COHVCO completely understands that some routes are difficult and expensive to maintain. Often rerouting these trails can effectively reduce long term maintenance costs and funding for such actions can be obtained through grants provided by the CPW OHV grant program. Pro

A review of Proposal also notes concerns regarding possible violation of an easement across a mining claim by the Winter Trail. The Organizations have significant experience with easements granted to or purchased by the USFS, as often these rights are questioned by subsequent purchasers of lands the easements are crossing. It has been COHVCO's experience that the USFS simply will not purchase or accept easements that require significant limitations on possible USFS usage of easements for the benefit of the public. Most easements obtained by the USFS are exceptionally deferential to USFS management and often the USFS pays a premium to the landowner for the broad scope of the easement provided. Given this general policy of the USFS, COHVCO must question any asserted limitations on the scope of the easement relied on for the Winter Trail as this interpretation directly conflicts with all other USFS actions regarding easements. COHVCO believes this easement must be specifically provided in the proposed EA to allow for public review of this document. COHVCO is opposed to any self-serving assertions from landowners regarding an implied limitation on access in an easement after the USFS has paid a premium for the broad management scope and public access that is normally obtained.

7b. Wildcat Canyon Trail

COHVCO is very concerned that the asserted basis for the closure of the Wildcat Canyon trail is a perceived conflict between motorized trail use and a grazing permittee. The Proposal reflects this issue as follows:

"Wildcat Trail currently allows motorcycle use on the upper half of the trail. This situation is confusing to riders and trail conditions along portions of this trail are not conducive to safe riding. In addition, successful distribution of cattle across the Tenderfoot Allotment depends on the grazing permittee's ability to herd cattle to desired locations and hold them until ready to move to the next

pasture. Motorcycle noise can affect the herd's movements. Thus, the trails are a key part of the herding requirement in this allotment."²³

While there is limited research available specifically addressing the comparative impacts of a motorized trail vs a nonmotorized trail on grazing animals existing research on wildlife provides:

"The most common interactions reported in the literature that we reviewed between nonmotorized trails and focal wildlife species were displacement and avoidance, which altered habitat use, and disturbance at a specific site during a critical period. The interactions of the focal species and motorized or nonmotorized trails were quite similar."²⁴

COHVCO will note that recreational impacts to wildlife are an issue that has been heavily researched in the Yellowstone National Park for an extended period of time. This research has uniformly concluded:

"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."²⁵

Given that grazing animals are FAR more acclimated to human activity than wildlife, COHVCO submits that closures to minimize grazing animal activity would simply be ineffective and not based on best available science. COHVCO vigorously asserts that any other issues surrounding the Wildcat Canyon Trail can be resolved with educational materials.

²³ See, Proposed action at pg 19.

²⁴ See, Gaines, Singleton, and Ross; *Assessing the Cumulative Effects of Linear Recreation Routes on Wildlife Habitats on the Okanogan and Wenatchee National Forests* ; pg iv.

²⁵ See, US Park Service; White and Davis; *Wildlife response to motorized recreation in the Yellowstone Park; 2005 Annual report*; at pg 15.

7c. Ryman Creek

COHVCO respectfully asserts that alternatives for reroute of this important trail must be explored.

7d. Burnett Creek Trailhead

COHVCO would like the preferred alternative for the Proposal area to include possible development of the Burnett Creek Trailhead. In the preferred Alternative of 2009 EA should be included in new proposal as intent was to avoid user conflicts.

8. Trail widths should permit all users to have high quality recreational experience.

COHVCO is concerned that the Proposal seeks to expand all OHV routes in the Proposal area to a width of 62 inches. The Proposal summarizes this change as follows:

"In the Rico-West Dolores area, all OHV trails are being proposed to be 62 inches wide to allow for use by side-by-side UTVs. This will apply to all OHV trails in this analysis area, including the Willow Divide OHV Trail."²⁶

COHVCO believes there is sufficient ATV usage in the Proposal areas to warrant a dedicated trail for ATV usage to be maintained. An ATV width trail provides a different and often better recreational experience to ATV users, which is often highly valued by ATV users as any ATV width routes are somewhat difficult to locate. While this standard does accommodate ATV usage, COHVCO believes there are sufficient routes in the Proposal area to provide quality recreational experiences to both ATV and UTV users.

9. Conclusion

COHVCO vigorously support any new trails that are to be opened in the Proposal, such as the loop adjacent to FR533. It is COHVCO's position that the public lands within the Proposal area provide recreational opportunities that highly valued by the single track motorized community due to large scale closures of single track trails in areas outside the planning area.

COHVCO is concerned that after a review of the management history of the Proposal area that the area has been repeatedly analyzed for a variety of management changes, and these management analysis have repeatedly declined to expand quiet usage of the area. These recent management reviews include determinations that the area was not suitable for upper tier roadless area designation, was not eligible for management for Wilderness Characteristics and was suitable for motorized recreation. COHVCO is very concerned that even with the clarity of

²⁶ See, Proposal at pg 6.

recent landscape management analysis that the Proposal provides for a significant decline in motorized recreational opportunities. While COHVCO appreciates new routes in the Proposal, these are simply not sufficient to offset lost routes. COHVCO is vigorously opposed to the closure of any trails as part of the Proposal. It is COHVCO's position that many of the closures are not based on best available science.

Please feel free to contact Scott Jones, Esq. at 518-281-5810 if you should wish to discuss these matters further or if you should wish to have further information regarding these concerns.

Sincerely,

Scott Jones, Esq.
Authorized Representative of COHVCO

CC: TPA /Don Riggle
Enclosures