



April 30, 2016

BLM TRFO C/O SWDO
Attn: Gina Jones
2465 S. Townsend Ave,
Montrose, CO 8140

RE: Tres Rios ACEC expansion

Dear Ms Jones:

Please accept these comments on the proposed addition of numerous areas of critical environmental concern to the existing Tres Rios RMP("Proposal") submitted on behalf of the Trails Preservation Alliance ("TPA"), Colorado Snowmobile Association ("CSA") and the Colorado Off-Highway Vehicle Coalition ("COHVCO"). The Organizations are vigorously opposed to the addition of any new Areas of Critical Environmental Concern ("ACEC") in the RMP as the Proposal fails to provide any inventory to allow for comparison of management changes to be implemented in the preferred alternative and special management that might be necessary in the new ACEC area. For multiple use recreation, moving to an existing route standard for travel is a major benefit to many species, which is simply never addressed. Clearly some type of inventory of the basic characteristics that are being relied on to create the boundary for the proposed ACEC (such as riparian areas, winter range, etc) would be highly relevant to any discussion and highly relevant to understanding why new landscape level management standards are insufficient. This critical information is simply never provided. Too often the ACEC areas appear to be used as a surrogate for the designation of critical habitat for endangered species, which is a separate process. Without this basic information there can be no analysis of a range of management alternatives in these areas.

Prior to addressing the specific concerns regarding the Proposal, a brief summary of each Organizations is needed. The TPA is a volunteer organization created to be a viable partner to public lands managers, working with the USFS and the Bureau of Land Management (BLM) to

preserve the sport of trail riding and multi-use recreation. The TPA acts as an advocate for the sport and takes the necessary action to insure that the USFS and BLM allocate a fair and equitable percentage of public lands access to diverse multi-use recreational opportunities. COHVCO is a grassroots advocacy organization representing approximately 150,000 registered off-highway vehicle ("OHV") users in Colorado seeking to represent, assist, educate, and empower all OHV recreationists in the protection and promotion of multi-use and 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. Colorado Snowmobile Association ("CSA") was founded in 1970 to unite winter motorized recreationists across the state to enjoy their passion. CSA currently has 2,500 members. CSA has become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of snowmobiling by working with Federal and state land management agencies and local, state and federal legislators. TPA, CSA and COHVCO are referred to collectively in this correspondence as "The Organizations."

The Organizations are very concerned that the addition of any ACEC in the RMP will result in the loss of recreational opportunities in these areas, as the creation of the ACEC would lead to a conclusion that additional management is necessary for these areas. The Organizations are unable to find any discussion of what additional management is asserted to be required beyond the management changes that have already been undertaken in the RMP for recreational travel. These comparisons are specifically required by FLPMA¹ and NEPA. Rather than provide any inventory of the proposed special management that is asserted to be the basis for the ACEC designation, the appendix simply avoids this issue and relies on general species information that is often simply badly out of date. The Organizations vigorously assert that meaningful public comment cannot be developed when the public is not provided with any information on proposed management standards to be imposed in these areas.

¹ See, FLPMA §202(c)(9) & §202(d).

1. The Proposal provides no summary of special management needed for areas proposed to be ACEC.

A complete inventory of the proposed management changes would allow the public to address the lack of management changes that are necessary to address the species specific basis for the ACEC. The Organizations believe these concerns are highlighted by the numerous ACEC that relate to critical habitat for Gunnison Sage Grouse. While the GUSG Conservation Assessment and Recovery Plan and USFWS guidance for the GuSG has been applicable to all BLM lands in the State of Colorado since May 30, 2014² there is no mention of how these standards are related to the special management of the ACEC. Additionally, the GuSG was placed on the Endangered Species list in November 2014 placing additional management requirements on possible habitat areas.³ The Organizations vigorously submit that any listing and management required under the ESA renders an ACEC designation completely unnecessary from a special management perspective. Rather than being special, this management is now mandatory.

Again the Organizations submit that some type of basic outline of the characteristics of the areas that are being relied on for possible creation of the ACEC would be highly relevant to designation of the area would be highly valued to the discussion. The Organizations submit that if a proposed ACEC area is occupied lek areas for the GuSG would be highly relevant to the discussion and could warrant further analysis. Obviously this discussion and related management looks very different if the ACEC is based on modeled but unoccupied habitat areas that no one is sure why is not being used by the GuSG.

The Organizations would also note that many of the proposed ACEC areas are also related to a variety of plants that are possibly listed or currently listed. The Organizations believe this is another factor where the need for special management being relied on for the ACEC creation is horribly unclear. Under the RMP, all OHV travel was restricted to existing routes in the TRFO. The Organizations are aware that moving to a designated route system is a HUGE benefit to

² See, BLM Instruction Memorandum 2014-100 .

³ See Generally, <http://www.fws.gov/mountain-prairie/species/birds/gunnisonsagegrouse/>

various plant species and that often route closure is of no further benefit to plant species. The Organizations are aware of numerous areas where OHV recreation and endangered plants are occurring in the same areas, such as the North Sand Hills Area of the Kremmling FO where the Boat Shaped Bug Seed has made substantial steps toward recovery in areas where OHV recreation occurs at high levels. The Organizations are also aware that some plant species rely on surface disturbance to spread seeds, and that OHV usage actually helps the plants recover. Again, moving to an existing route system in the RMP is a significant benefit and must be addressed prior to any additional ACEC are designated. These are the types of basic information that must be provided to allow for special management to be justified and have not.

2. Science relied on in the Proposal is badly out of date and does not reflect recent management changes.

The Organizations must express serious frustration with the fact that most of the support and analysis documents for the Proposal are BADLY out of date as the newest document that is relied on is over a decade old. The Organizations vigorously assert that these sources fall well short of being best available science on these issues. As noted above there has been extensive activity with regard to the ESA status of several species relied on for the basis of ACEC designations and numerous management changes to be implemented in the new RMP. These positions and decisions simply cannot be effectively reviewed or commented on by the public when the most up to date document relied on for ACEC designation is from 2006. This analysis simply falls well short of best available science as this research is already more than a decade old and has been clearly superseded by subsequent efforts.

The Organizations are also very concerned that the creation of ACEC based on badly out of date research and analysis will significantly hamper recovery efforts for these species. The creation of ACEC for these issues simply creates another level of review and analysis that must be coordinated as the management of the species moves forward. Simply adding another level of analysis without an additional benefit being developed from the new management layer does

not make any sense and the Organizations submit will hamper the long term recovery of the species.

3. No Range of Alternatives has been created for the management of these new ACEC.

BLM regulations specifically require that specific management prescriptions be developed for any ACEC proposed.⁴ The Organizations are unable to locate any specific management prescriptions for these newly proposed areas. There are also numerous other basic analysis reviews for the creation of an ACEC that are not addressed such as current conditions and trends in the proposed areas.

Further compounding the failures in analysis, NEPA and BLM regulations requires a range of alternatives be developed for any ACEC. The Organizations are unable to find any range of alternatives for these newly proposed ACEC. The Organizations submit that if the range of alternatives was developed for these areas, this range of alternatives would simply reflect many of the general level management changes in the RMP, such as moving to an existing route standard for the entire TRFO.

4. Conclusion.

The Organizations are vigorously opposed to the addition of any ACEC to the new RMP. These areas simply cannot be justified when a thorough and complete analysis of these areas is undertaken. Many of the management changes that might be relevant to these areas has already been put in place at the landscape level in the RMP or through parallel management efforts directed at the species. The Organizations submit that rather than improving the management issue in the proposed ACEC areas, additional layers of management will hamper the effective implementation of management changes that are already in place.

⁴ See, BLM manual 1613.22

Please feel free to contact Scott Jones, Esq. at 508 Ashford Drive, Longmont, CO 80504. His phone is (518)281-5810 and his email is scott.jones46@yahoo.com if you should have any questions regarding these comments or need any documents that are relied on in these comments.

Sincerely,



Scott Jones, Esq.
TPA Authorized Representative
CSA/COHVCO President



D.E. Riggle, Director of Operations
Trail Preservation Alliance