



September 24 , 2016

Uncompahgre Field Office  
2465 S. Townsend Ave.  
Montrose, CO 81401.

**Re: Uncompahgre Field Office RMP**

Dear Sirs:

Please accept this correspondence and enclosed attachments as the comments of the Organizations identified regarding the Uncompahgre Field Office("UFO") Draft Resource Management Plan("the Proposal") in favor of Alternative "C" of the Proposal. While we are supportive of Alternative C of the Proposal, there are many factors that must be addressed to insure that the planning process is relying on the most accurate information possible in balancing resources. We are vigorously opposed to Alternative B of the Proposal for reasons that are more specifically addressed in these comments, the Organizations believe Alternative D could be easily adapted to become the most favorable alternative for the Organizations. Our main concern with Alternative D in its current form is the loss of the North Delta OHV area and associated open riding opportunities. The Organizations submit that the North Delta area is truly suitable for an open riding designation and these open riding areas are diminishing rapidly throughout the State, which will make any of these opportunities highly valued in the future.

After review of the Proposal, the valuation of recreational activity on the UFO is badly undervalued, in terms of total spending, total jobs that result from recreation and the per day

average spending amounts from the recreational activity. The variation of the UFO per day spending estimate of \$10.01 and the public's experience on these issues is simply shocking.

The Organizations are also very concerned that with the large number of Areas of Critical Environmental Concern that are proposed in the RMP, that the impacts to multiple use access are not accurately reflected in the summary of Alternative C, or any other alternative of the Proposal. It has been the Organizations experience that when ACEC are designated, this designation lays the foundation for closure of these areas to multiple use recreation, even when the management issues to be addressed are simply unrelated to multiple use recreation. Our concerns about imbalance in these areas is compounded by the fact that the economic contribution of recreational activity is badly underestimated, which will result in an erroneous balance between resource protections and the benefits of resource utilization being struck.

Prior to addressing the merits of the Proposal, we believe a brief summary of each Organization is needed. The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization seeking to represent, assist, educate, and empower all of the more than 150,000 registered Colorado 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.

CSA was founded in 1970 to unite the more than 30,000 winter motorized recreationists across the state to enjoy their passion. CSA has become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of snowmobiling through working with Federal and state land management agencies and local, state and federal legislators **in** telling the truth about our sport. For purposes of these comments, CSA, COHVCO and TPA are collectively referred to as "The Organizations".

### **1. The Organizations are vigorously opposed to Alternative B of the Proposal.**

The Organizations are vigorously opposed to the many single use areas that are proposed under Alternative B of the Proposal. While there may be lands available for the large scale expansion

of single use recreational areas, it has been the Organizations experience that funding for most trails and recreation on federal public lands is seriously limited and the Organizations do not believe there will be any changes in this relationship in the future. While there may be short term money available to build a trail, often this money is simply not available for the long term maintenance and upkeep of the area once the grant funding has been exhausted. Often these long term maintenance issues result in limited facility maintenance and trash pickup, which impairs any user groups recreational experience. As a result of the limited funding that is available, multiple use recreation areas must be the standard moving forward so that any funding can be leveraged to the maximum extent possible for the benefit of the most users.

**2. The Organizations vigorously support the fact that travel management has not been undertaken at the field office level.**

The Organizations vigorously support the decision not to attempt to undertake Travel management decisions at the Field Office level, as it has been the Organizations experience that planning for small scale usage, such as particular trails or routes, simply cannot be effectively undertaken at the Field Office level as there is simply too much data, too many interests to be balanced that may not be entirely understood and too many routes. Often important routes are lost simply due to an oversight in the inventory process and users being asked to review too large an area. The Organizations are aware that many Field Offices in Colorado have undertaken travel management on these smaller scales and found it highly successful in developing high quality sustainable plans with good community support.

**3(a). NEPA mandates detailed statements of high quality information for all decisions made in the planning process.**

Prior to addressing the Organizations more specific concerns at the field office level on specific issues in the DRMP, the Organizations believe a brief review of NEPA requirements provided in regulation, various implementation guides and relevant court rulings is warranted to allow for comparison of analysis provided in the DRMP and the proper standard. The Organizations believe that the high levels of quality analysis that is required by these planning requirements frequently gets lost in the planning process. The Organizations are very concerned that the need to document the cause and effect relationship between management changes and impacts that will result must be accurate. This simply must be remedied in supplemental works to detail how impacts are related to changes. The Organizations believe meaningfully analyzing

this cause and effect relationship will result in significant changes to the preferred alternatives proposed in supplemental works.

It is well established that NEPA regulations require an EIS to provide all information under the following standards:

"... It shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment..... Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses...." <sup>1</sup>

The regulations included the development of the Council of Environmental Quality, which expands upon the detailed statement theory for planning purposes.

"You must describe the proposed action and alternatives considered, if any (40 CFR 1508.9(b)) (see sections 6.5, Proposed Action and 6.6, Alternative Development). Illustrations and maps can be used to help describe the proposed action and alternatives." <sup>2</sup>

These regulations clearly state the need for the quality information being provided as part of this relationship as follows:

"The CEQ regulations require NEPA documents to be "concise, clear, and to the point" (40 CFR 1500.2(b), 1502.4). Analyses must "focus on significant environmental issues and alternatives" and be useful to the decision-maker and the public (40 CFR 1500.1). Discussions of impacts are to be proportionate to their significance (40 CFR 1502.2(b))." <sup>3</sup>

The Organizations are very concerned with the expansions of Areas of Critical Environmental concern that is proposed in the DRMP have not been fully reviewed as management standards for these areas are not identified and recreational usage has been badly undervalued.

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<sup>1</sup> See, 40 CFR 1500.1

<sup>2</sup> See, BLM Manual H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK – pg 78.

<sup>3</sup> See, BLM Manual H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK – pg 4.

#### **4. Courts reviewing economic analysis in public planning apply a very strict standard of review.**

FLPMA statutory mandates and BLM planning standards require economics to be addressed with best available science at the earliest possible stages of developing an RMP and to be integrated into the planning process throughout. These minimum requirements for the amount of research and analysis that is required for satisfaction of these basic planning requirements is heightened after economics is identified as a priority issue in the DRMP. The Organizations believe a brief analysis of relevant court ruling on the quality and accuracy of economic analysis in an EIS is very relevant. The Courts have held:

*"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."*<sup>4</sup>

The Court then discussed the significance of economic analysis in planning as follows:

"Misleading economic assumptions can defeat the first function of an EIS by impairing the agency's consideration of the adverse environmental effects of a proposed project. See, *South La. Env'tl. Council, Inc. v. Sand*, 629 F.2d 1005, 1011-12 (5th Cir.1980). NEPA requires agencies to balance a project's economic benefits against its adverse environmental effects. *Calvert Cliffs' Coordinating Comm. v. United States Atomic Energy Comm'n*, 449 F.2d 1109, 1113 (D.C.Cir.1971). The use of inflated economic benefits in this balancing process may result in approval of a project that otherwise would not have been approved because of its adverse environmental effects. Similarly, misleading economic assumptions can also defeat the second function of an EIS by skewing the public's evaluation of a project."<sup>5</sup>

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<sup>4</sup> 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 at pg

<sup>5</sup> See, Hughes River Supra note 4 at pg 10.

The Court in the Hughes River decision invalidated an EIS based on an error in economic contribution calculations of approximately 32%.<sup>6</sup> As more specifically addressed later in these comments, the Organizations vigorously assert the error in economic calculations in the GJFO planning is easily more than twice the 32% the Hughes River Court found sufficient to overturn the EIS in that matter.

**4b. Economic contributions are the sole means of integrating recreation in a multiple use planning process.**

The Organizations are intimately familiar with the interdisciplinary team process used for balancing of multiple uses at the field office level of planning that occur before the NEPA review process has really started. Often interdisciplinary team meetings are long and difficult meetings that divert significant office resources away from other more short term management issues, making the need for quality work and materials critical to successful team meetings. The intense nature of these meetings mandates that every member of the team have a complete toolbox full of quality information for these meetings and that all toolboxes have been subjected to stringent review to insure that some issues or concerns are not artificially overvalued in the balancing process. If only certain members have a full toolbox others have a toolbox that has been artificially over valued , these members have the highest probability of prevailing on particular issues in the planning process which will result in a proposal that does not accurately reflect a range of alternatives for multiple use. This situation will merely reflect which parties in the interdisciplinary team meetings had the best resources. This situation must be avoided at all costs.

Economics and recreational access have been identified as management issues in the DRMP. NEPA regulations clearly state how management issues are to be addressed in NEPA analysis as follows:

“The CEQ regulations require NEPA documents to be “concise, clear, and to the point” (40 CFR 1500.2(b), 1502.4). Analyses must “focus on significant environmental issues and alternatives” and be useful to the decision-maker and the public (40 CFR 1500.1). **Discussions of impacts are to be proportionate to their significance (40 CFR 1502.2(b)).**”<sup>7</sup>

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<sup>6</sup> See, Hughes River, Supra note 4 at pg 12

<sup>7</sup> BLM Manual H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK – pg 4.

A toolbox for the recreational planner will include mapping and inventory of resources and quality economic information regarding demand for particular usages based on visitor use information and economic benefits for particular usages. The recreational planner does not have the Wilderness Act, Wild and Scenic River inventory or Endangered Species Act to rely on in the planning process, they only have economic benefits to the local community to rely on. Given that the economic benefit from an average recreational usage is 6x higher than that estimated in the UFO, the Organizations assert that protecting lands will look far more valuable than utilization for recreational activity. The impact of proposed ACEC will be totally disproportionate to any benefits that could accrue from these designations.

**4c. Proper integration of economic information in the planning process is an ongoing issue in federal planning.**

The proper integration of accurate economic information is often a weakness of the public lands planning process in Colorado, which has resulted in the creation of many other longer term problems when decisions reflecting an imbalanced multiple uses are implemented. This concern was recently identified as a major planning issue that is not just limited to Colorado. 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."<sup>8</sup>

The *Get Out West* report from the Western Governors' Association also highlighted how critical proper valuation of recreation is to the development of good management plans based on multiple use principals. 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

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<sup>8</sup> Western Governors Association; *Get out West Report; Managing the Regions Recreational Assets*; June 2012 at pg 3.

that they planned early and often. They assessed their opportunities and constraints, prioritized their assets, and defined visions."<sup>9</sup>

The Organizations believe our concerns regarding the UFO DRMP 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 UFO RMP in order to avoid increases to many other management issues that were sought to be minimized with the creation of the DRMP. There can simply be no factual argument made that recreation has not been significantly undervalued in the UFO and this has directed the range of alternatives provided for multiple use recreation on the UFO when other restrictions are more fully applied in the future. The Organizations believe that the failure to proportionally analyze economics has led to erroneous conclusions and an imbalance of multiple usage of the GJFO.

**5a. Extensive research from a wide range of sources reaches conclusions that are irreconcilable with UFO conclusions regarding recreational spending.**

The Organizations devote a significant portion of these comments discussing spending profiles of users developed from a wide range of sources ranging from partner agencies of the BLM to state and local government agencies and user groups. These analysis provide research that can be generally grouped into conclusions on three broad categories:

1. Total recreational spending of a user group at regional, state or local levels;
2. Average per day spending of user groups and recreational users in general; and
3. Jobs that result from this recreational spending.

The general use of the three broad categories for presentation of recreational spending information would provide numerous manners to cross check and double check the consistency of any office level planning initiatives with the conclusions of this research. As more specifically addressed in the following sections of these comments, the UFO conclusions are wholly inconsistent with these research conclusions on all three broad categories.

The Organizations must note the findings are basically consistent with each other regarding the average spend of particular user groups regardless of the entity that performed the research. The Organizations believe the variables that would be more applicable to establishing variations in total recreational spending at the planning office level would be the result of comparative

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<sup>9</sup> *Get Out West Report* at pg 5.



opportunity and suitability of resources and opportunities that are provided on the planning office. These variables would directly impact the comparative totals for user groups and the total visitor days to the planning office. At no point in these analysis documents is there an arguable basis provided for the per day spending profiles that have been developed in the UFO planning process. The UFO conclusions are simply inconsistent with all other research and directly impacted the preferred alternative and the range of alternatives presented.

**5b. The Western Governors' Association recently concluded that recreational spending is the driver for western economies.**

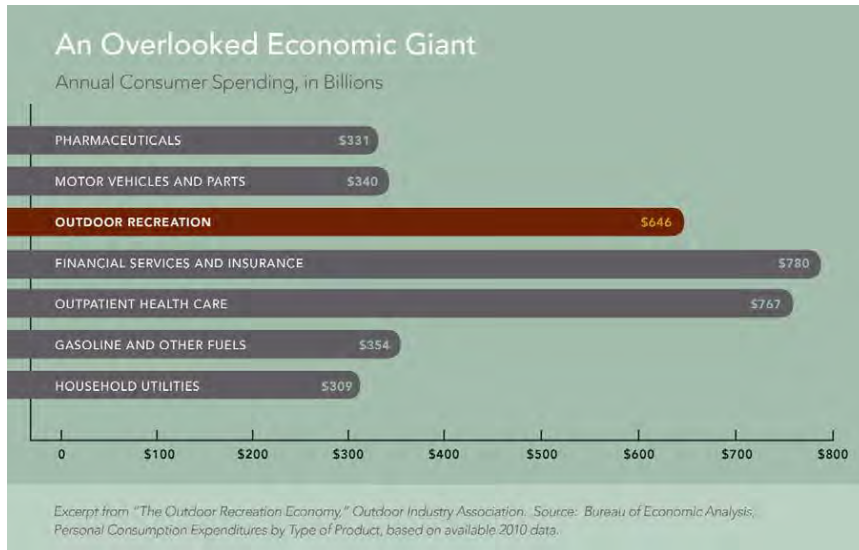
As previously noted there are three general categories for providing conclusions of recreational spending information. The first the organizations will be addressing is a total spending on a variety of geographic levels. Recreational usage of public lands is a significant portion of the Colorado economy, especially in the smaller mountain communities that have already lost more traditional sources of revenue, such as timber, farming and mining. The critical nature of recreational economics to the western economies was recently highlighted in the Western Governors Get our West Report that specifically stated:

"Spending on outdoor recreation is a vital part of the national and western economies. It means jobs and incomes and can be the lifeblood of many rural communities in the West. This snapshot helps highlight the value of this often overlooked sector- one that is not otherwise measured as a traditional pillar of the US economy. "<sup>10</sup>

This report provided the following comparison of recreational activity to many other major industries.

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<sup>10</sup> Western Governors Association; *A Snapshot of the Economic Impact of Outdoor Recreation*; June 2012 at pg 4



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The Organizations completely agree that recreational economic contributions are an overlooked economic giant in the RMP and will simply note that any activity that has an average daily spend in the \$10 range simply will not support any valid assertion of that activity being an economic driver from an organization with the credibility of the Western Governors' Association.

**6a. The total spending attributed to all recreational activities in the RMP is facially incorrect.**

The Organizations are deeply concerned regarding the lack of analysis of the existing resources from Federal, State and local communities in addition to information provided from user groups. The failure to develop accurate analysis methodology in the UFO planning process has resulted in economic analysis calculations as part of the DRMP that are simply irreconcilable with any other calculations regarding recreational total spending in the planning areas. RMP summarizes the total recreational economic contributions to the UFO planning area as follows:

**Table 4-88  
Economic Impacts from Recreation Activities: 2013, 2022, and 2032 (2012 Dollars)**

|                   | 2013 (Year 1) | 2022 (Year 10) | 2032 (Year 20) | Total        |
|-------------------|---------------|----------------|----------------|--------------|
| Output            | \$2,992,150   | \$4,281,400    | \$5,664,290    | \$86,824,820 |
| Labor Income      | \$976,410     | \$1,397,130    | \$1,848,400    | \$28,333,090 |
| Direct Employment | 36            | 52             | 69             | 1057         |

Source: IMPLAN calculations from BLM data

<sup>11</sup> *Id* at pg 1

A brief summary of the conclusions regarding total spending on recreational activities in the Montrose, Ouray, Gunnison and Delta County areas will immediately result in one conclusion. GJFO research has reached conclusions that are entirely inconsistent with the conclusions of all other analysis.

1. Colorado Parks and Wildlife has concluded that hunting and fishing in the Montrose, Ouray, Gunnison and Delta County areas, which encompass the UFO planning area, results in over \$112.4 million in annual spending to these counties.<sup>12</sup>
2. Colorado Department of Tourism recently concluded that travel to Montrose, Ouray, Gunnison and Delta County resulted in over \$292 million in spending in 2011.<sup>13</sup>
3. The Colorado Off-Highway Vehicle Coalition has concluded that over \$129 million is spent in the UFO planning from the use of registered off highway vehicles, not including four wheel drive vehicles registered for road usage.<sup>14</sup>

These are spending amounts that are entirely consistent with the Western Governors' summary of outdoor recreation as a significant economic driver of western communities. As these current spending profiles are more than 20x the projected spending on the UFO, the Organizations vigorously assert the UFO projections are incorrect and insufficient for NEPA or the analysis required for management issues.

The Organizations believe the total spending amount is simply incorrect as it cannot be reconciled with the research provided by any federal or state agencies or user groups which have analyzed the spending of particular user groups. The variations in total spending between the GJFO and all other user groups is far in excess of the 32% the *Hughes River* Court found sufficient to strike down the NEPA analysis in that matter on. These analysis simply must be corrected and multiple uses rebalanced on more accurate analysis of recreational spending and the public must be provided the opportunity to meaningfully comment on the revised proposal.

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<sup>12</sup> Colorado Division of Wildlife; Final Report: *The Economic Impacts of Hunting, Fishing, and Wildlife Watching in Colorado*; Sept 26, 2008 prepared by BBC Research and Consulting; at Section 3 pg 16.

<sup>13</sup> Colorado Tourism Office- Office of Economic Development and International Trade; *The Economic Impact of Travel in Colorado 1996-2011*; prepared by Dean Runyan Associates at pgs 40 &43.

<sup>14</sup> Colorado Off Highway Vehicle Coalition; *Economic Contribution of Off-Highway Vehicle Recreation in Colorado*; Executive Summary; July 2009 prepared by The Louis Berger Group; at pg ES-6.

**6b. UFO conclusions regarding per day recreational spending analysis is facially incorrect.**

There are three categories that economic information is frequently provided in and the Organizations clearly have issues with total spending conclusions in the UFO plan. The UFO conclusions are also wholly inconsistent with conclusions regarding per day spending as well. The Organizations believe that reducing the total recreational spending found in the DRMP to a per day per user total allows for more meaningful analysis of the undervaluation of all recreation in the DRMP. The development of a least common denominator of recreational spending permits more meaningful analysis and comparison of the wide range of resources that are currently available as many analysis do not provide a total planning office spend.

As previously noted, the DRMP projects that total recreational spending on the UFO is only \$3.9 million per year as follows:

**Table 4-88**  
**Economic Impacts from Recreation Activities: 2013, 2022, and 2032 (2012 Dollars)**

|                   | 2013 (Year 1) | 2022 (Year 10) | 2032 (Year 20) | Total        |
|-------------------|---------------|----------------|----------------|--------------|
| Output            | \$2,992,150   | \$4,281,400    | \$5,664,290    | \$86,824,820 |
| Labor Income      | \$976,410     | \$1,397,130    | \$1,848,400    | \$28,333,090 |
| Direct Employment | 36            | 52             | 69             | 1057         |

Source: IMPLAN calculations from BLM data

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The UFO socio-economic study estimates visitation for recreational activity as follows:

**Table 2-2**  
**Trends in Visitation (2008–2009)\***

| Data   | 2008    | 2009    |
|--------|---------|---------|
| Visits | 374,159 | 396,340 |

Source: BLM 2010c  
\*Includes data for entire UFO including Dominguez-Escalante NCA, and Gunnison Gorge NCA which are not included in the RMP planning area.

As the DRMP provides both a total recreational spend and a total number of recreational visitor days, the average recreational daily spend relied on for development of the DRMP is able to be developed by dividing the total spend by the total days as follows:

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<sup>15</sup> DRMP at pg 4-468

**6c. \$3.9 million/396,340 = \$10.01 per day per user average recreational spending**

The Organizations believe any assertion that the average recreational user spends \$10.01 is ever more incorrect as this amount is merely an average. For this conclusion to be correct, it would mean there are large recreational groups that are able to recreate for significantly less than \$10 per day to offset those user groups directly addressed in these comments, who on average spend 10x this amount per day. The Organizations believe this facially incorrect conclusion is the direct result of the failure to meaningfully analyze economics has lead to conclusions in the DRMP.

**6d. Western Governors Association research directly conflicts with UFO conclusions on average daily recreational spending.**

The Organizations note that while the Western Governors Study cited above did not provide specific calculations regarding average spending of recreational users, the study was issued with a large number of companion site specific case studies.<sup>16</sup> Many of these case studies did provide a total visitor days number and a total spending amount as part of their analysis.

After calculating the average daily spend for a wide range of recreational activities in locations throughout the west, the Organizations are forced to conclude that these case studies are entirely consistent with the Forest Service NVUM data as these case studies had a total spending range of low \$20 per day to a high of \$190 per day and the bulk of areas finding an average spend in the \$45 to \$70 per day range. Again these conclusions simply cannot be reconciled with the spending amounts determined in the UFO planning process.

**7a. Basic consistency of BLM planning with USFS NVUM data is mandated by multiple Executive Orders and BLM national office requirements.**

Prior to expanding the analysis of economic concerns to analyze research from other federal agencies, the Organizations believe a brief discussion of the history of these federal analysis and the relationship of these Forest Service analysis to BLM planning is warranted. Forest Service NVUM data has been collected pursuant to multiple Executive Orders that were equally

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<sup>16</sup> See, Western Governors' Association; *The West; A Wealth of Recreational Opportunities Report.*

applicable to all federal agencies. As a result of these executive orders, the BLM national office in Washington DC has recently announced that the methodology used by the USFS in their NVUM process is now being relied on for the analysis of recreational spending on BLM lands as well. This acceptance of NVUM process would lead to basic consistency of conclusions within a geographic area. As more extensively discussed later in these comments, the conclusions of the Region 2 NVUM data, or any forests that make up Region 2, and UFO conclusions are simply not reconcilable.

On September 11, 1993 President Clinton issued Executive Order #12,862 which addressed Setting Customer Service Standards for ALL Federal agencies. Order 12,862 specifically provided:

"All executive departments and agencies (hereinafter referred to collectively as "agency" or "agencies") that provide significant services directly to the public shall provide those services in a manner that seeks to meet the customer service standard established herein and shall take the following actions:

(a) identify the customers who are, or should be, served by the agency;"

As a direct result of EO 12,862 the Forest Service embarked on compiling significant amounts of data regarding the demographics and spending habits of recreational users of USFS lands. The USFS clearly identified that understanding the customer is of paramount importance to providing good customer service and developing good planning to provide a high quality customer service to recreational users. The results of this research has developed in the National Visitor Use Monitoring process and has uniformly been recognized as best available science regarding visitation and spending on public lands.

The on-going importance of the issues originally addressed in EO 12,862 was recently reaffirmed with the issuance of EO 13,571 on April 27, 2011 by President Barack Obama. With the issuance of EO 13,571 by President Obama, the BLM Washington Office entered into a cooperative agreement with the USFS to adopt NVUM findings and apply NVUM methodology to BLM lands. The background and benefits of this cooperative agreement are specifically outlined on the BLM's National Recreation Offices webpage as follows:

"Background

In an effort to identify a uniform, agency-wide program to collect scientifically-defensible visitor use estimates, the BLM entered into an Interagency Agreement

with the USDA Forest Service (FS). The program provides a pilot test of the Forest Service National Visitor Use Monitoring (NVUM) program at three BLM Field Offices (Moab, UT, Roseburg, OR, Dolores, CO) to determine the viability of this comprehensive visitor use methodology for possible long-term, BLM-wide application.

#### Benefits

It is critical that the BLM has a standard consistent bureau-wide, scientifically-defensible method for visitor monitoring. Implementing this pilot program allows BLM to evaluate, adapt, and modify (as needed) the FS NVUM system, providing BLM with valid and reliable baseline data, trend analysis, demand assessment, and forecasting. Such visitor monitoring information enables BLM to incorporate statistically valid visitor use monitoring information into planning and management decisions as well as long-term monitoring assessment. The FS NVUM system provides BLM with accurate data with high confidence levels for reporting to Congress and constituents, thereby building credibility and establishing legal protection in decision-making. This program would also provide input for estimating regional socio-economic impacts associated with BLM visitor use. The program would provide insight into the recreation settings and recreation experiences that BLM visitors want on the public lands. Finally, by working with the FS, BLM can achieve significant savings in research and development costs while also being able to have comparable data with a sister agency. This inter-agency, inter-department effort represents a major achievement between the two Departments and sister agencies."<sup>17</sup>

Given the clear vision provided by the BLM national office made to comply with the mandates of multiple Executive Orders, the Organizations have to question why any BLM Field Office would not undergo a basic comparison of economic conclusions to the USFS NVUM data. It is the Organizations position that type of review simply did not happen in this case, resulting in conclusions being reached in the DRMP that are in violation of both Presidential Executive Orders and the BLM National Office position on this issue. These conflicts must be resolved and the public allowed to comment after multiple uses are rebalanced pursuant to these mandates.

#### **7b. Consistency of BLM planning with USFS NVUM data is required under existing science partnership agreements between USFS and BLM.**

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<sup>17</sup> [http://www.blm.gov/wo/st/en/prog/Recreation/national\\_recreation/visitor\\_use\\_surveys.html](http://www.blm.gov/wo/st/en/prog/Recreation/national_recreation/visitor_use_surveys.html) as viewed 5/3/2013.

In addition to the adoption of NVUM data as the accepted conclusions and methodology for recreational spending analysis pursuant to Executive Orders, interagency strategies also address the critical need to rely on partner organizations research on particular issues to develop plans in a cost effective and timely manner. These partnerships are a critical tool in complying with requirements to develop plans in reliance with best available scientific research requirements. The need to manage in compliance with rapidly evolving bodies of research is specifically identified as a major concern for the BLM moving forward, as identified in the 2008 BLM Science Strategy, which states:

“In this era of rapidly expanding knowledge and methodologies of predicting future environmental changes, it is critical to keep up with the state of knowledge in resource management. By making use of the most up-to-date and accurate science and technology and working with scientific and technical experts of other organizations, we will be able to do the best job of managing the land for its environmental, scientific, social, and economic benefits.”<sup>18</sup>

The role that strategic planning documents play in determining the resources currently available and in identifying those resources that need to be developed is specifically and extensively discussed in the provisions of the 2008 BLM science strategy. This discussion specifically identifies:

“National management issues will be focused to reflect how they apply to the various biogeographic regions of the United States. The BLM identifies and prioritizes the science needs and problems that threaten the targets and goals from the National Strategy. Targets are established for managing specific goals or objectives.....The science needed to address the regional management issues will be defined. Science may include existing resource inventory, monitoring, and other data, as well as new information derived from research and project efforts.”<sup>19</sup>

BLM’s Science Strategy identifies a wide range of scientific research partners for the exchange of credible information and to be used to address issues that may arise. One of these partners

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<sup>18</sup> BLM Science Strategy 2008 – Doc Id BLM/RS/PL-00/001+1700 at pg iv.

<sup>19</sup> *Id* at 16.



is the US Forest Service <sup>20</sup>, making the extensive works of the Forest Service's research stations and NVUM research cited in these comments fully applicable to management of BLM lands.

**7c. Forest Service NVUM data conclusions on daily average recreational spending are completely irreconcilable with UFO conclusions.**

As outlined in the previous two sections of the Organizations comments, basic consistency of economic analysis performed as part of BLM planning with NVUM data conclusions and research are now required by both BLM National office management standards, BLM science strategies and multiple Presidential Executive Orders. While these planning requirements are clear, a comparison of the conclusions reached in the NVUM analysis and the UFO planning efforts leads to a single overwhelming conclusion. The Executive Orders and National BLM directives simply have not been complied with in the UFO planning process.

The US Forest Service recently released new National Visitor Use Monitoring data and research for the Rocky Mountain region. The conclusions of this research find that average recreational spending per day is totally irreconcilable with UFO findings regarding recreational spending on public lands. The USFS NVUM data for Region 2 found the average recreational spending for a party on a trip was \$1,059 dollars.<sup>21</sup> The average trip was 5.7 days in length<sup>22</sup> and the average party consisted of 3 people.<sup>23</sup> As a result the average spending can be developed by dividing the average trip total by the average trip length and the average party size.

The USFS NVUM research and analysis concludes that the average daily recreational spending total in R2 is \$61.92 per day. The Organizations vigorously assert this total is utterly irreconcilable with the GJFO conclusion that the average recreational user spends \$10.01 per day and must be corrected to accurately balance multiple use in the UFO process.

**7d. NVUM multiplier application for calculations of spending for particular user groups brings GJFO conclusions into conflict with all other research documents available.**

While the NVUM data can be relied to develop an average daily spend for all recreation on USFS lands, these materials were not the sole materials relied on for our concerns previously expressed. NVUM materials were supplemented with specific information on the spending

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<sup>20</sup> *Id* at pg 10.

<sup>21</sup> USDA Forest Service; *Visitor Use Report - USDA Forest Service Region 2*; June 20, 2012 at pg 28.

<sup>22</sup> *Id*.

<sup>23</sup> *Supra* note 21 at pg 19.

habits of particular recreational user groups, and application of these multipliers to the average daily spending found in NVUM data yields conclusions that are entirely consistent with research from State Agencies and user groups.<sup>24</sup> Despite the wide range of sources of information sources from federal, state and user group analysis, these findings are all generally consistent with the USFS regional NVUM conclusions. Recent BLM analysis is the only research that is available that is inconsistent with the NVUM research.

Several examples of the impact of the multipliers support this position and consistency as follows. The USFS NVUM research has concluded that hunters spend approximately 2-3 times the average recreational user of public lands.<sup>25</sup> Application of this multiplier to the regional NVUM average daily spend of \$61.92 would result in a hunting specific daily spend ranging from \$123.84 to \$185.76 per day. In 2008, CPW concluded the average daily hunting spending was \$106 per day for in state hunters and \$216 per day for out of state hunters.<sup>26</sup> While these spending totals do not exactly correspond, the Organizations believe they are basically comparable spending amounts.

The COHVCO economic contribution analysis addressed more completely in other sections of these comments does not provide an average daily spending amount, the Organizations believe that the USFS NVUM estimation that average daily spending on motorized recreation is comparable to hunting is accurate and consistent with the overall COHVCO findings. The consistency of NVUM data can be more directly compared with many other State and user groups analysis of motorized economic contribution within Region 2. An example of the consistency would be the recently released economic analysis of snowmobile users from the Wyoming Department of Parks.<sup>27</sup> This analysis concluded that the in state snowmobiler spent \$98.29 and the average out of state snowmobiler spent \$159.80 per day and specifically excluded the cost of purchasing equipment from these calculations. It must be noted that these findings are 10-15 times the average daily spending found in the GJFO. The Organizations believe the USFS NVUM findings are again generally consistent with these conclusions, and provides further basis for our concerns regarding the basic accuracy of the UFO analysis.

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<sup>24</sup> Styles & White; *USDA Forest Service & Michigan State University; Spending profiles of National Forest Visitors, NVUM Four Year Report*; May 2005.

<sup>25</sup> Styles and White at pg 18.

<sup>26</sup> Colorado Division of Wildlife; *Final Report- The Economic Impacts of Hunting, Fishing and Wildlife Watching in Colorado*; prepared by BBC Research and Consulting; at Section III pg 11.

<sup>27</sup> University of Wyoming- Department of Agriculture and Applied Economics & Wyoming State Parks; *Wyoming Comprehensive Recreational Report Summary of Key Findings 2011-2012*; at pg 2.

The application of the NVUM multiplier for hunting, camping and motorized recreation to the average spending totals found in UFO planning documents simply yields totals that are in no way consistent with the calculations provided in these State and User Group analysis referenced above. Application of the largest multiplier (3x) from the NVUM analysis to the UFO per day recreational spend (\$10.01) yields a total of \$ 30.03 for an average hunting or motorized user spend. The Organizations believe there is simply no factual argument that can be made that UFO spending is consistent with these separate analysis documents or the NVUM conclusions. These inconsistencies simply must be addressed to balance multiple usage.

**8. The economic contribution of trail networks has been concretely established in communities adjacent to the planning area.**

As previously addressed, the Organizations are deeply concerned with the inconsistency of the UFO economic analysis with the conclusions that are reached on a regional and state level for recreational spending. The Organizations vigorously assert totals such as those reached by federal, state and user groups research are simply not obtainable at the levels of per day spending that are found in the GJFO. The UFO conclusions are also wholly inconsistent with economic contribution analysis of many local trail networks that are locally adjacent to the UFO, and should have been taken into account.

The Paiute Trail system in Utah contributes 38 million a year to a four county area from approximately 600 miles of trails.<sup>28</sup> This trail network is approximately 200 miles from the UFO and is a regional destination for the motorized community. The Organizations believe the economic contributions of the GJFO total recreational contribution being estimated at 7.2 million is totally irreconcilable with the Paiute Trail network conclusions. The Organizations believe this is further evidence that the UFO calculations are simply incorrect. These conclusions warrant that the economic contribution calculations must be redone to develop accurate analysis and a proper balance of multiple uses on the UFO.

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<sup>28</sup> <http://www.sharetrails.org/uploads/EconomicStudies/New%20Paiute%20Trail%20Economic%20Study-PAIUTE%20ATV%20TRAIL%20ECONOMIC%20OUTCOMES.pdf>

**9. The UFO recreational jobs analysis is directly conflicting with research from other organizations.**

As previously noted, the Organizations are deeply concerned with the inconsistency of UFO economic contribution analysis with state level and regional analysis from a wide range of sources on both total spending and per day recreational spending amounts. The Organizations assert that a hard look at a priority management issue would not have been concluded by a mere comparison of spending, but must also include analysis of factors that are directly tied to the recreational community and its spending. Accurate analysis of employment profiles in the UFO planning area and the total employment in the recreational field would be factors that are related to the total recreational spending. When the conclusions that are reached regarding employment in the UFO planning process and those from other sources are compared, these calculations are equally inconsistent.

The UFO RMP asserts 36 jobs as a result of recreation on the UFO planning area.<sup>29</sup> By comparison previously cited documents identify exponentially larger numbers of persons employed in recreational activities in the planning areas, which are more specifically calculated as follows:

- COHVCO found that 1,564 persons are employed in positions related to motorized recreation in the UFO planning area;<sup>30</sup>
- CPW found that 1,170 persons are employed in Montrose, Ouray, Gunnison and Delta County areas in positions that are directly related to hunting and fishing activities;<sup>31</sup>
- Colorado Tourism found that 3,150 persons are employed in positions related to tourism and travel in Montrose, Ouray, Gunnison and Delta County counties;
- The Paiute Trail in Utah concludes that 146 jobs directly result from their 600 miles of trails;

The Organizations are deeply concerned that comparison of recreational employment research conducted by the UFO and the conclusions that are reached by State and local partners and user groups analysis. The Organizations vigorously assert the inconsistencies in employment calculations are direct evidence that UFO conclusions are incorrect. The Organizations

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<sup>29</sup> DRMP at pg 4-468.

<sup>30</sup> COHVCO study at pg 17.

<sup>31</sup> CPW study Section IV page 16&17.

vigorously assert these conclusions must be corrected and multiple use rebalanced after accurate economic contribution conclusions have been reached.

**10. Restricting travel to designated routes has been highly effective in mitigating many management concerns.**

The Organizations are intimately familiar with management of motorized recreation in areas with sensitive, threatened or endangered plants and have found that moving from an open riding area to a designated route system has been highly effective in dealing with possible impacts to plants in the area from recreational usage. As the UFO has taken this step only in 2009, the Organizations are unclear if the benefits have been reviewed and properly taken into account in the planning process. There is simply no analysis of how proposed management standards relate to the relevant and importance criteria that are identified for the ACEC areas as these management standards simply have not been provided as part of the draft RMP.

The Organizations are also concerned that similar management standards are employed for plant species regardless of the category of the Endangered Species Act, if the species is present on the ESA list at all. Given the fact that many species do not appear to be on the Endangered species list, economic concerns and multiple usage must be meaningfully addressed in the planning process. The significant benefits of moving to a designated trail system clearly would benefit plants in the area, and the Organizations believe a meaningful discussion of why this management alternative is insufficient must be provided.

**11. Accurate implementation of endangered species listing decisions is critical to any long term recoveries.**

Prior to addressing the specific concerns on particular species, the Organizations must provide a brief summary of our participation in endangered species issues as the basis for why accurate representation of current best available science is such an issue for the Organizations. This is a major concern as almost all public lands in Colorado are possible habitat for some form of wildlife. The Organizations believe the summary is necessary in order to develop a complete understanding of the level of frustration that has been experienced in review of the ACEC portions of the DRMP. The Organizations have been active partners with Colorado Parks and Wildlife and the US Fish and Wildlife Service in the management of several endangered species, including the lynx and wolverine. The Organizations have been actively involved in multiple year stakeholder meetings regarding the Wolverine in the hope of developing

sufficient management clarity to allow the wolverine to be reintroduced and avoid many of the issues that have plagued the lynx reintroduction. The Organizations will note that failing to properly review up to date management standards for the species often result in much of the conflict that plagues ESA issues. Clarifying management standards to avoid this type of management for endangered species has been a primary goal of these efforts. The Organizations believe the DRMP is a perfect example of management for endangered species that must be avoided. Once an ACEC area is created based on a possible listing this immediately creates a situation where the ACEC management and boundary areas could, and often do, conflict with subsequent decisions from the USFWS as science on many species is often rapidly changing and advancing.

The issues that plagued the lynx include many of the issues that are now proposed to be relied on in the DRMP, such as attempting to manage issues and uses that simply do not impact the species and the failure to properly address economics in the habitat designation process. The Organizations are deeply troubled that proposed DRMP management of endangered species void any efforts of user group/agency partnerships. While the Organizations have only been directly involved in the lynx and wolverine issues, the Organizations are aware there are numerous partnership groups addressing many endangered species such as the Greater and Gunnison Sage grouse and many of the fish species living in the Colorado River. This will directly undermine the efforts of these partner groups and result in the wasting of the significant resources that have been devoted by both agency and partner groups to address the true threats to these species.

In addition to the lynx, the Organizations believe the examples of the genetically pure trout species and various amphibians in Colorado are relevant to explaining our concerns on this issue, even if these species are not of major concern on the UFO. While the concerns with Trout management are discussed at length subsequently, the Organizations will note that designation of an ACEC will never remove hybrid fish from the waterways occupied by the genetically pure fish, but the ACEC designation does create the perception that habitat areas adjacent to these waterways are contributing to the decline of the species. It has been the Organizations experience that once shorelines are drawn into question, these areas are immediately highlighted for loss of route in the area under the assumption that this benefits the species. That simply is not true and not scientifically based.

The Organizations experience with the Boreal toad raises similar concerns, as the decline of almost all amphibian species in Colorado is the result of respiratory virus that most experts

believe is transported by birds. The designation of an ACEC area will not stop birds from transporting the virus, but again conveys the message that a lack of habitat is contributing to the decline of the Boreal Toad.

The Organizations are deeply concerned regarding the lack of review that has occurred on ESA species and the integration of this into the ACEC designation process. While brief reviews and erring on the side of closure may be acceptable in the short term, history has taught us that this management has been ineffective in benefitting the species and resulted in significant unintended economic impacts to the Colorado economy.

**12a(1). ACEC analysis must be strictly reviewed and related planning decisions must be addressed.**

The Organizations are **very** concerned regarding the size and number of ACEC that are proposed in the DRMP, especially when these designations are balancing recreational usage of the same area that has been estimated at a level that is one-sixth its actual value. It has been the Organizations experience that any routes that fall within an ACEC designation are at risk of closure in subsequent travel management efforts simply because of the ACEC designation. As a result, the Organizations submit that the overly broad designation of ACEC areas poses a serious threat to recreational access being provided on the UFO.

The Organizations are intimately familiar with the inventory work provided by Rocky Mountain Wild in the recommendation of ACEC areas in planning and submit these inventory are a wish list of management by environmental organizations rather than a peer reviewed scientific analysis of the planning area. Often standards for the management of species are badly out of date in these inventory and rely on the most restrictive management standards ever proposed rather than the consensus management position on a species that has been reached by experts on the species and adopted by the USFWS as best available science.

The Organizations are very concerned that the ACEC analysis appears to make the determination that any sensitive or possibly threatened or endangered species is in this status due to a lack of habitat and that planning restrictions will help the species recover. As a result of this conclusion, any habitat in a proposed ACEC appears to make that ACEC important. The Organizations are very concerned that no basis is provided for this determination and after a review of the sensitive species and potential threatened or endangered species that many species decline is rarely related to a lack of habitat. This is a serious concern moving forward.

In addition to our concerns regarding the assumption that species are declining due to a lack of habitat a review of the Rocky Mountain Wild Proposal for ACEC on the UFO operates with a critical flaw when reviewing species importance, mainly that all threatened species are treated the same for protection. This simply is not the case as it is well established that plant species simply do not receive similar levels of protection under the ESA and other planning requirements. As the Ninth Circuit recently vigorously reaffirmed:

"Section 9(a)(2) contains separate protections for plants, but does not use the term "take." See 16 U.S.C. § 1538(a)(2). Section 9 thus demonstrates that when Congress uses the word "take," it means to describe an adverse action against animals, not plants. And, as the district court noted, unlike the section 9(a)(1) protections for "fish or wildlife," the section 9(a)(2) prohibitions relating to plants require "deliberate or malicious conduct."<sup>32</sup>

Planning for habitat when habitat is not the problem diverts critically needed resources away from other issues where significant benefit could be achieved with those limited resources.

**12a(2). "Potentially BLM Sensitive species" is not defined and is irrelevant to ACEC analysis.**

The Organizations have been forced to address Rocky Mountain Wild ACEC inventory with all too much frequency and address the fact that often terms are used in the inventory that completely lack legal basis and offend any logical review of the analysis. These terms are frequently applied to artificially create an importance and urgency, that simply does not exist, in the designation of ACEC. Land managers simply feel compelled to do something to address these issues. The usage of these wildly artificial terms creating overvaluation of the resource also make lesser management decisions proposed seem more reasonable. Again the Organizations submit that this term is simply not relevant for ACEC analysis but several ACEC analysis take this term into account when reviewing an area. While a BLM sensitive species can be the basis for listing, the Organizations are unable to identify any basis for protection of a potentially sensitive species or factors that would be relied on by managers to make such a determination. This must be strictly reviewed in the RMP development.

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<sup>32</sup> See, Center for Biological Diversity vs. BLM & USFWS et al; Case: 14-15836, 08/15/2016, ID: 10086302 at page 12.



**12a(3). Too many "globally significant riparian areas" a relied on for the analysis of ACEC areas.**

The Organizations would be remiss if specific concern was not raised regarding the frequent usage of the term "globally significant riparian areas" as the basis for designation of several ACEC (*ROUBIDEAU-POTTER-MONITOR ACEC & ROUBIDEAU CORRIDORS ACEC*). The Organizations are unsure what this term even means and submit that asserting there are several globally significant riparian areas on the UFO simply lacks any basis in fact or law. Are there locally relevant riparian areas on the UFO? That answer is clearly yes but these are not to the level of importance that warrants the creation of an ACEC.

A Google search seeking further information on the basis or origin of the term "globally significant riparian areas" reveals no responses, which the Organizations submit speaks volumes to the validity of this term in ACEC analysis. The Organizations vigorously assert there is no generally accepted scientific basis for such a term being relied on for the management of areas, and that these areas simply do not exist on the UFO. While there certainly could be an area that would fit such a term, it would be located at the mouth of major rivers, such as the Mississippi, Nile, Amazon or other major waterway.

**12b. Abuse of the USFWS listing process should not provide the basis for ACEC designations.**

The Organizations submit that the Rocky Mountain Wild, and related entities, behavior in the ESA petitioning process for the several species of Beardtongue and Penstemon should not be rewarded with the designation of **any** ACEC areas. Designation of any ACEC area for these species would provide the management decisions that the USFWS has specifically and clearly failed to provide despite decades of efforts to list these species on the ESA list.

Such a decision would be directly contrary to efforts currently in place within the DOI to address these ongoing systemic abuses of the ESA listing process by several environmental organizations. The Organizations submit that the abuse of the listing process **cannot** create the basis for creation of any special management areas in associated RMP amendments as such a special designation outside the ESA petition process would completely undermine the value and ongoing refinement of the ESA process and render the expertise of the USFWS valueless on these species. The Organizations must also question why land managers would ever rely on these inventory for management as Rocky Mountain Wild and their partners have chosen to abuse the ESA petitioning process for decades and to a level that has been universally

condemned by all parties, including President Obama. Creating ACEC areas in management simply invites this unacceptable behavior to be brought into the management of local field offices.

After a review of the 25 filings/documents with the USFWS that have resulted from The Penstemon and Beardtongue species over the last 33 years, this course of action is clearly the abuse of the ESA petitioning process that the USFWS has chosen to address with heightened citizen petitioning requirements under the ESA<sup>33</sup> and UFWFS efforts to prioritize species based on the necessity of listing.<sup>34</sup> It must be noted that the clearly identified basis for not listing these plant species, mainly unclear threats and challenges to the species, would have resulted in these species being identified as a low priority for listing. As a low priority for listing resources would be targeted to scientific research to determine why the species is declining in order to insure that management actions being taken were actually benefitting the species.

The Organizations vigorously submit that many departments within the DOI have looked at many of the factors identified for the creation of these ACEC areas and have previously determined that these factors do not warrant management action under the ESA. many of these decisions are highly relevant to the factors addressed in the creation of an ACEC. The Organizations vigorously assert that these previous management decisions must be honored, rather than avoided by designation of ACEC areas.

**12c. Cold desert shrubland Communities are not special or important and do not warrant ACEC designation.**

The Organizations again must oppose the weight that is given to terms such as "cold desert shrubland" communities in ACEC analysis. The Organizations are aware of extensive research and analysis that remains ongoing on these areas from a variety of sources, including novel discussions around the ability of these areas to possibly off-set global warming, but at no point is this term, or related areas, even proposed to be the basis for any management. The Organizations are entirely unable to identify a total amount of acreage on the continent or any site specific review of the UFO to address this factor. Given that no special management for

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<sup>33</sup> See, DEPARTMENT OF THE INTERIOR Fish and Wildlife Endangered and Threatened Wildlife and Plants; Revisions to the Regulations for Petitions Federal Register / Vol. 80, No. 98 / Thursday, May 21, 2015 / pg 29286

<sup>34</sup> See, DEPARTMENT OF THE INTERIOR, Fish and Wildlife Service Draft Methodology for Prioritizing Status Reviews and Accompanying 12- Month Findings on Petitions for Listing Under the Endangered Species Act, Federal Register /Vol. 81, No. 10 / Friday, January 15, 2016 / pg 2229.

these areas is proposed, the Organizations submit this is again a term relied on to attempt to create importance where there simply is no importance to the area.

**12d. There is simply no analysis of management actions that need to be taken once an ACEC designation has been made.**

The Organizations are vigorously opposed to the increased designation of 22 ACEC areas, which is a 4x expansion of the existing number of ACEC currently managed. Our concerns on this designation are compounded by the fact that at no point in the ACEC appendix is there any discussion of the special management attention that is to be undertaken in these new ACEC areas. The ACEC report clearly identifies BLM and statutory requirements for the need for special management as follows:

***"2.2 Special Management Attention***

*Special management attention* refers to management prescriptions developed during RMP preparation expressly to protect the important and relevant values of an area from the potential effects of proposed actions deemed to be in conformance with the terms, conditions, and decisions of the RMP (BLM Manual 1613.12). These management measures would not be necessary or prescribed if the critical and important features were not present."<sup>35</sup>

The Organizations submit that NEPA analysis simply cannot occur on the impacts of designation of 4x more ACEC areas when basic information such as management to be undertaken is not clearly identified.

The Organizations have already expressed concern regarding reliance on Beardtongue and Penstemon as the basis for special management under an ACEC designation and this concern is based on the recent listing decision from the USFWS on these species. The USFWS reasoning for the withdrawal of the proposed listing of two plant species is as follows:

"SUMMARY: We, the U.S. Fish and Wildlife Service, withdraw the proposed rule to list Graham's beardtongue (*Penstemon grahamii*) and White River beardtongue (*Penstemon scariosus* var. *albifluvis*) as threatened species throughout their ranges under the Endangered Species Act of 1973, as amended.

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<sup>35</sup> See, UFO ACEC report at pg 1

This withdrawal is based on our conclusion that the threats to the species as identified in the proposed rule no longer are as significant as we previously determined. We base this conclusion on our analysis of new information concerning current and future threats and conservation efforts. **We find the best scientific and commercial data available indicate that the threats to the species and their habitats have been reduced so that the two species no longer meet the statutory definition of threatened or endangered species.** Therefore, we are withdrawing both our proposed rule to list these species as threatened species and our proposed rule to designate critical habitat for these species.<sup>36</sup>

This statement is highly relevant to our concerns about the possible designation of ACEC areas as the USFWS has clearly and strongly said these plants are not eligible for listing under the ESA. Given that the USFWS has clearly stated that they are unsure as to the factors that are contributing to the decline of the species, the Organizations submit that ANY management restrictions that could be put in place in the ACEC process would not be supported by best available science.

**13a. Cutthroat trout habitat management appears to conflict with the primary threat to the species.**

Cutthroat trout management is clearly an area where previous management activities by agencies left significant room for improvement, which has resulted in a high degree of public sensitivity to this issue. Understanding this relationship and threats will be exceptionally relevant to avoiding future conflicts between users and the agency. The failure to properly identify the threats to cutthroat trout in the planning area directly allows management standards to be applied that fail to address true threats to the species, including the fact that many cutthroat trout in Colorado are actually hybrid fish, that were recently found to be the primary threat to the native species.

USFWS decisions specifically addressing cutthroat trout management are simply never accurately addressed in the DRMP and creation of ACEC areas. The specter of arbitrary management decisions immediately becomes a concern with this type of management history

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<sup>36</sup> See, USFWS proposed listing of Endangered and Threatened Wildlife and Plants; Withdrawal of the Proposed Rules To List Graham's Beardtongue (*Penstemon grahamii*) and White River Beardtongue (*Penstemon scariosus* var. *albifluvis*) and Designate Critical Habitat, Federal Register / Vol. 79 , No. 151 / Wednesday, August 6, 2014 / Proposed Rules

and clearly expand the possibility of conflict on an issue the public is already exceptionally sensitive too. The Organizations believe a brief summary of the management history of management and threats to cutthroat trout will help to understand why management of this species is such a sensitive issue for the public. Researchers have uniformly found the primary threat to the species to be:

"At the time of Recovery Plan development, the main reasons cited for the subspecies' decline were hybridization, competition with nonnative salmonids, and overharvest (USFWS 1998)."<sup>37</sup>

The hybridization of the cutthroat was the result of management activities that occurred at an unprecedented level in Colorado. The scale of previous management activity does provide a significant amount of context to the levels of frustration. Research has 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)."<sup>38</sup>

These concerns regarding hybrid fish are not new. The June 2006 Conservation strategy and 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.<sup>39</sup> Again no mention of motorized recreation impacts to the trout habitat are mentioned or could just designations of large land areas for the benefit of the species.

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<sup>37</sup> See, US Fish and Wildlife Service; *Greenback Cutthroat Trout; 5 year summary and evaluation*; May 2009 at pg 4. See also pg 39

<sup>38</sup> 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.

<sup>39</sup> 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.

It should be noted that the 2006 Conservation Strategy does provide a rather lengthy discussion of habitat issues involved in the management of the trout.<sup>40</sup> This discussion immediately centers around removal of non-native fish in Colorado waterways used by the cutthroat to avoid predation, hybridization and effects of superior competition of non-native fish. None of these standards are cited here due to their length and lack of relevance to travel management. The 2006 Conservation Agreement does not even arguably imply any travel management issues, as all habitat discussions are all related to preserving cutthroat trout from non-native species. If there were trail related habitat issues, the Organizations have to believe they would have been discussed in this section. The lack of discussion on this issue is a clear indication of the truly low levels of concern that surround routes adjacent to water bodies.

The 2006 Conservation Agreement provides a general management standard for motorized access in habitat areas as follows:

"by implementing conservation measures to avoid streamside habitat degradation while approving 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."

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Given the unprecedented level of impact from previous stocking of 750 million threats to the Colorado cutthroat trout in Colorado waterways, the Organizations believe the low level of any threat from a trail possibly adjacent to the waterway would be readily apparent. Given the scale and type of threat from the 750 million threats to the cutthroat trout, the Organizations believe closing every trail in the state would result in no benefit to the cutthroat trout.

Throughout the reintroduction of the cutthroat trout, significant effort and resources have been allocated to maintaining fishing access to the waterways where the cutthroat trout has been reintroduced. While this commitment to maintaining fishing access to these waterways is commendable, it clearly will contribute significantly to user conflicts when areas in the

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<sup>40</sup> See 2006 Conservation Strategy at pg 9.

<sup>41</sup> See, USFWS 5 year listing decision at pg 35.

vicinity of these water bodies are closed for other uses. If there was a genuine concern for the cutthroat trout, a closure of the body water to fishing would be the most direct way to minimize a primary threat to the fish, mainly the possible incidental taking of the fish. Application of management standards that allow active pursuits to take a fish will appear significantly arbitrary, when use of OHV by the fisherman to access the chosen fishing location is deemed a larger threat to the fish than the active fishing pursued once there. There is simply no rational argument to be made that an OHV being ridden near a body of water presents a higher level of threat to the fish than active fishing activity, even if fishing is catch and release. This type of arbitrary management also allows a primary threat to the species to continue while prohibiting a low risk secondary factor. This simply makes no sense but clearly could be the result of designation of ACEC areas of large size for this factor.

A history of the cutthroat trout in Colorado reveals the primary, and overwhelming, threat to the cutthroat trout is previous management attempts to stock or reintroduce the trout, which experts have summarized as DEVASTATING to the cutthroat trout. The scale of mismanagement of the trout is an issue that is widely known to the public in Colorado and an issue where there is an exceptionally high level of sensitivity to new management decisions. Clearly, land managers asserting a trail closure is necessary to address prior mismanagement of a species is a questionable decision. Such decisions are made even more questionable and volatile as listing decisions have consistently concluded OHV recreation is a low risk to the trout and should be done only on an "as needed" basis. This falls well short of the management of any area as an ACEC to benefit the species.

**13b. Other aquatic issues are managed under ACEC standards that has little to do with the threats to the species.**

Two additional aquatic species sought to be managed with ACEC designations (Dolores River Slick Rock Canyon; LaSal; Roubideau Corridor and Robideau Porter Monitor) encompassing more than 60,000 acres to be managed in a manner that does not relate to the threat the species are the Bluehead and Flannelmouth Sucker. The Organizations vigorously assert that the management of 60,000 acres will in no way relate to the threats to the species that are entirely occurring in the waterways where they are living. The threats to these species is shockingly similar to the threats to various genetically pure species of trout.

The Rangewide Conservation Assessment and Strategy for the Bluehead and Flannelmouth Sucker outlines the primary threats to these species as follows:

" 6) Enhance and maintain habitat for roundtail chub, bluehead sucker, and flannelmouth sucker.

- Enhance and/or restore connectedness and opportunities for migration of the subject species to disjunct populations where possible.

- Restore altered channel and habitat features to conditions suitable for the three species.

- Provide flows needed for all life stages of the subject species.

- Maintain and evaluate fish habitat improvements throughout the range.

- Install regulatory mechanisms for the long-term protection of habitat (e.g., conservation easements, water rights, etc.).

7) Control (as feasible and where possible) threats posed by nonnative species that compete with, prey upon, or hybridize with roundtail chub, bluehead sucker, and flannelmouth sucker.

- Determine where detrimental actions occur between the subject species and sympatric nonnative species.

- Control detrimental nonnative fish where necessary and feasible.

- Evaluate effectiveness of nonnative control efforts.

- Develop multi-state nonnative stocking procedure agreements that protect all three species and potential reestablishment sites.

8) Expand roundtail chub, bluehead sucker, and flannelmouth sucker population distributions through transplant, augmentation (i.e., use of artificially propagated stock), or reintroduction activities as warranted using a genetically based augmentation/reestablishment plan."<sup>42</sup>

The state of Wyoming recently updated their Sucker analysis and succinctly outlined the threats to the species as follows:

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<sup>42</sup> See, RANGE-WIDE CONSERVATION AGREEMENT AND STRATEGY FOR ROUNDTAIL CHUB *Gila robusta*, BLUEHEAD SUCKER *Catostomus discobolus*, AND FLANNELMOUTH SUCKER *Catostomus latipinnis* Prepared for Colorado River Fish and Wildlife Council; Publication Number 06-18 September 2006 at pg 48.



**"Problems:**

- Hybridization between native flannelmouth and bluehead sucker, and non-native white sucker *Catostomus commersoni*, longnose sucker *Catostomus catostomus*, and Utah sucker *Catostomus ardens* is occurring. Some combinations are fertile and will lead to introgression.

- The effects of water development and reservoir construction exacerbated by drought have cut off this species' migratory corridors, degraded its habitat, and encouraged the spread of nonnatives.

Competition with and predation by nonnative species (i.e., *Catostomus* sp., creek chub *Semotilus atromaculatus*, redbreast shiner *Richardsonius balteatus*, burbot *Lota lota*, brown trout *Salmo trutta*, and lake trout *Salvelinus namaycush*) further limit three species populations.

**Conservation actions:**

-Chemically treat Big Sandy River, Little Sandy and Muddy Creeks to remove nonnative species and reduce the risk of hybridization.

- Continue mechanical removal of nonnative species from Big Sandy River, and Little Sandy and Muddy (tributary to Little Snake River) Creeks.

- Develop methods for salvage, transport, holding, and repatriation of native species during chemical treatments.

- Construct a barrier upstream of Big Sandy reservoir to prevent recolonization of treated stream reaches by nonnative fish.

- Continue to partner with other agencies and conservation organizations (e.g., BLM, Little Snake River Conservation District, and Trout Unlimited) to address conservation needs for this species."<sup>43</sup>

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<sup>43</sup> See, *Wyoming State Wildlife Action Plan - 2010; Species Accounts*; Wyoming Game and Fish Department Fish at pg I-V 3-4.

The Organizations note that none of the challenges or proposed management address issues that might occur on the shore of a creek that is habitat, but rather all management is directed towards minimizing contact between genetically pure fish and hybrid fish. Again designation of an ACEC of more than 60,000 acres to manage this issue creates the perception that a lack of non-aquatic habitat is causing the decline of the species. This could not be further from the truth.

The Organizations would be remiss if the close relationship of some of the proposed Bluehead and Flannelmouth sucker management standards to recent management of the Zuni Bluehead sucker was not raised. This is important as the USFS recently listed critical habitat for the Zuni and none of the habitat areas were in Colorado.

**14. Lynx management standards provided in the ACEC designations appear to address many issues excluded from management by best available science.**

The Organizations again must express serious concern with the possible designation of the San Miguel ACEC expansion based on lynx habitat possibly being in the area. As the Organizations have been involved in years of discussions with national experts on the lynx, the Organizations can vigorously state that the population issues with the lynx are the result of overhunting and poisoning of the species around 1900 and that all national experts agree that there is no lack of habitat for a lynx in Colorado. Additionally, CPW reintroduced the lynx around 2000 in Colorado and the species has flourished. CPW now estimates that the population is **above** carrying capacity for the state. The only reason the species has not been delisted is the lynx was listed at the landscape level and only Colorado has undertaken a reintroduction, which was plagued by many management challenges, and now the lynx cannot be removed from listing on any level other than by a landscape level delisting.

The Organizations were active participants in stakeholder meetings leading to the issuance of the 3rd edition of the Lynx Conservation Assessment and Strategy in 2013, which document was specifically adopted by the BLM and USFWS. The Organizations are very concerned that this document is simply never mentioned in relevant parts of the RMP and lynx issues have been relied for many management changes. The Organizations wanted to highlight some of the more significant changes in lynx management standards in the 2013 LCAS including:

- Recreational usage of lynx habitat is a second level threat and not likely to have substantial effects on the lynx or its habitat. Previous theory and management analysis had placed a much higher level of concern on recreational usage of lynx habitat;<sup>44</sup>
- Lynx have been known to incorporate smaller ski resorts within their home ranges, but may not utilize the large resorts. Dispersed motorized recreational usage certainly does not create impacts that can be equated to even a small ski area;<sup>45</sup>
- Road and trail density does not impact the quality of an area as lynx habitat;<sup>46</sup>
- There is no information to suggest that trails have a negative impact on lynx;<sup>47</sup>
- Snow compaction from winter recreational activity is not likely to change the competitive advantage of the lynx and other predators;<sup>48</sup>
- Snow compaction in the Southern Rocky Mountain region is frequently a result of natural process and not recreational usage;<sup>49</sup>
- Winter recreational usage of lynx habitat should only be "considered" in planning and should not be precluded given the minimal threat this usage poses to the lynx; and<sup>50</sup>
- Failing to manage habitat areas to mitigate impacts of poor forest health issues, such as the spruce and mtn pine beetle, is a major concern in lynx habitat for a long duration.<sup>51</sup>

The Organizations are aware that the 2013 LCAS represents a significant change in management standards for a wide range of issues from the 2000 LCAS and Southern Rockies Lynx Amendment. It is our intent in providing a copy of the 2013 LCAS at this time that complete incorporation of this best available science, which reflects the minimal impacts of recreational usage of lynx habitat will streamline any site specific planning issues in the future. The RMP standards must be brought into consistency with best available science that has been clearly stated on this issue and submit that lynx habitat in Colorado is simply not a factor to be addressed in the creation of ACEC areas.

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<sup>44</sup> 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 pp. at pg 94. (Hereinafter referred to as the "2013 LCAS")

<sup>45</sup> 2013 LCAS at pg 83.

<sup>46</sup> 2013 LCAS at pg 95.

<sup>47</sup> 2013 LCAS at pg 84.

<sup>48</sup> 2013 LCAS at pg 83.

<sup>49</sup> 2013 LCAS at pg 26.

<sup>50</sup> 2013 LCAS at pg 94.

<sup>51</sup> 2013 LCAS at pg 91.

**15. Gunnison Sage Grouse ACEC designations must address the limited impacts of recreation on the species.**

The Organizations are very concerned regarding the ambiguity of Grouse management standards proposed in the DRMP and how this will impact multiple use recreation as there is no clarity provided in the designation of the ACEC areas and this factor has been heavily relied on for the designation of ACEC areas. This concern is based on the fact that surface disturbing activities appear to have included trail usage in other areas of the DMRP and these usages have been specifically found to be of minimal concern with sage grouse habitat. This is an issue that has been extensively discussed in the multiple listing decisions addressing both the Gunnison and Greater Sage Grouse and with a wide range of partner groups and conservation committees for the management of the grouse. The necessity of a complete exclusion of surface occupancy and disturbance has been specifically addressed by the state of Colorado as follows:

"The new rules require that permittees and operators determine whether their proposed development location overlaps with "sensitive wildlife habitat," or is within restricted surface occupancy (RSO) Area. For greater sage grouse, areas within 1 km (0.6 mi) of an active lek are designated as RSOs, and surface area occupancy will be avoided except in cases of economic or technical infeasibility (CDOW, 2009, p. 12). Areas within approximately 6.4 km (4 mi) of an active lek are considered sensitive wildlife habitat (CDOW, 2009, p. 13) and the development proponent is required to consult with the CDOW..."<sup>52</sup>

The Organizations are very aware there are a large number of issues involved with the decline of all Grouse species, including urbanization of habitat, grazing, oil and gas exploration and increased predation. While there are a large number of threats to the grouse, recreational usage of habitat areas has been a concern that has been consistently identified as a lower level threat. The low level threat of recreation to the Grouse is clearly identified in the listing decision issued in 2013 for the Gunnison Sage Grouse, which specifically states:

"Recreational activities as discussed above do not singularly pose a threat to Gunnison sage-grouse. However, there may be certain situations where recreational activities are impacting local concentrations of Gunnison sage

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<sup>52</sup> See, Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered 12 month finding; March 2010 at pg 64.

grouse, especially in areas where habitat is already fragmented such as in the six small populations and in certain areas within the Gunnison Basin." <sup>53</sup>

In the recently released listing decision for the Greater Sage Grouse, recreational activity was also identified as a low priority threat.<sup>54</sup> Management of the impact of roads on Grouse in habitat areas is a key component in the habitat designation process as the listing decision notes that all grouse habitat is at least indirectly impacted by roads.<sup>55</sup> The Organizations are keenly aware that wildlife response to a high volume, high speed arterial road is consistently higher than the response to a low speed, low volume forest service type road. Research indicates that Grouse display a hierarchical response to levels of road use.<sup>56</sup> Road access to recreational areas is a key component of most users recreational experience on public lands and this access is frequently only provided by low speed, low volume forest service roads. Frequently many of these routes see very minimal levels of usage during the week, which should be taken into account in management of these routes.

FWS research also notes the adoption of a designated system for recreational purposes is of significant benefit to the sage grouse. The 2010 USFWS listing decision discussed changes to designated trails on USFS lands as follows:

“As part of the USFS Travel Management planning effort, both the Humboldt-Toiyabe National Forest and the Inyo National Forest are revising road designations in their jurisdictions. The Humboldt-Toiyabe National Forest released its Draft Environmental Impact Statement in July, 2009. The Inyo National Forest completed and released its Final Environmental Impact Statement and Record of Decision in August 2009 for Motorized Travel Management. The ROD calls for the permanent prohibition on cross country travel off designated authorized roads.” <sup>57</sup>

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<sup>53</sup> Endangered and Threatened Wildlife and Plants; *Endangered Status for Gunnison Sage-Grouse*; 78 Fed. Reg. 2486 (Jan. 11, 2013) at pg 2533. (hereinafter referred to as the "Grouse status proposal")

<sup>54</sup> Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered, Fed. Reg. (March 5, 2010) at Pg 75.

<sup>55</sup> See, Grouse Status proposal at pg 2499.

<sup>56</sup> Aldridge et al; *Crucial Nesting Habitat for Gunnison Sage Grouse; A Spatially Explicit Hierarchical Approach*; Journal of Wildlife Management; Vol. 76(2); February 2012; 391-406 at pg 404.

<sup>57</sup> *12-month findings for petition to list the Greater Sage Grouse(Centrocercus urophasianus) as threatened or endangered*. Fed Reg. (March 5, 2010) at pg 92.

Clearly, if the designated route system that was being adopted by these Forests was insufficient for the protection of Sage Grouse habitat, such a position would have been clearly stated in this discussion given the large body of research that exists for the management of the Sage Grouse.

Research indicates that seasonal closures of a designated trail system for the protection of leks is a highly effective tool, which the status decision specifically notes as follows:

"The BLM and Gunnison County have 38 closure points to minimize impacts to Gunnison sage-grouse within the Basin from March 15 to May 15 each year (BLM 2009, p. 40). While road closures may be violated in a small number of situations, road closures are having a beneficial effect on Gunnison sage-grouse through avoidance or minimization of impacts during the breeding season."<sup>58</sup>

The Organizations believe that seasonal closures of routes will also only be effective if the nesting areas are seasonally closed to other uses as well. Clearly closing a route to address concerns regarding its proximity to leks and nesting areas will not be effective if grazing, lek viewing and other activities identified as similar or higher risk activities for the habitat areas are continued.

The Organizations again believe Grouse management is an issue that a range of alternatives for recreational trails usage could be provided for and simply has not been. As the FWS has specifically addressed the effectiveness of designated routes and seasonal closures on a significantly smaller scale than those proposed in the DRMP, the Organizations believe this is a viable option for the management of these areas. The Organizations are vigorously opposed to any more restrictive standards in the DRMP as these standards would not be based on best available science and would directly contradict the ongoing and extensive efforts of partner groups and committees to determine appropriate management standards for the Grouse that preserve economic contributions of public lands. Given the lack of analysis provided for particular routes or areas to be closed in the DRMP, the Organizations are simply unable to provide more site specific comments on this issue.

**16. Gunnison Sage Grouse habitats established by the USFWS are not accurately reflected in the creation of ACEC.**

The Organizations are very concerned with the impact that the potential listing of the Gunnison Sage Grouse had on development of ACEC proposal in 2013. As the Gunnison Sage Grouse has

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<sup>58</sup> See, Grouse Status proposal at pg 2532 .

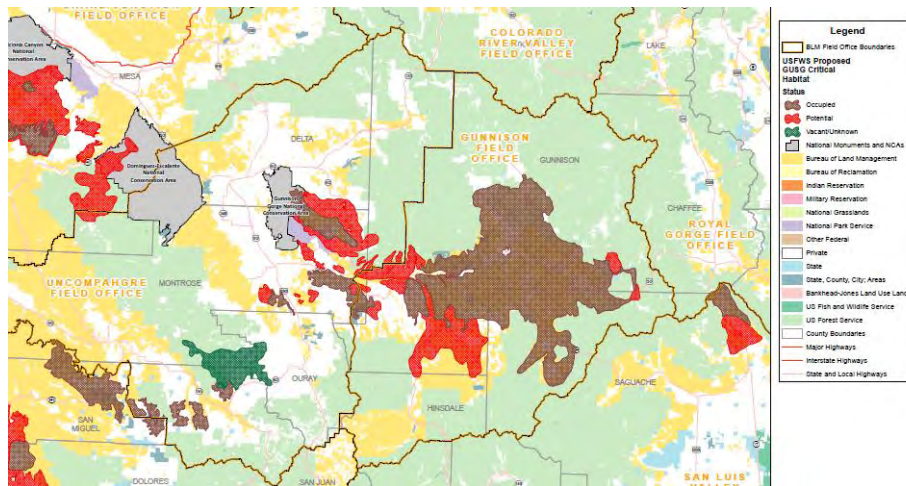
been listed and was provided designated habitat areas in 2014, the Organizations believe this overly cautious planning process for ACEC for grouse habitat can be significantly tightened to avoid unintended consequences in subsequent planning. The Organizations submit that the ACEC designations in the RMP bear little to no relationship to the critical habitat that was subsequently designated. These are the types of conflicts that can result when there are concurrent planning efforts being conducted with multiple agencies that are not reconciled.

An example of the overly broad designation of proposed ACEC areas to protect the Gunnison Sage Grouse in comparison to the designated critical habitat found in the recent USFWS listing would be the West Montrose County ACEC. This ACEC would designate 22,930 acres of ACEC to protect 290 acres of critical habitat.<sup>59</sup> Sims Cerro Gunnison Sage Grouse ACEC proposal would create an ACEC of 25,620 acres to protect 6,970 acres of critical habitat identified by the USFWS. As these ACEC areas more than 10x the size of the designated habitat, the Organizations must question the basis for this designation. The basis for these designations is brought into further concern as these ACEC encompass areas that were specifically found **NOT** to be habitat areas by the UWFWS. Designation of modeled but unoccupied habitat has become an issue of huge controversy in both the Gunnison and Greater sage grouse listing efforts. No more acceptable here than in designation of critical habitat as SERIOUSLY undermines partnership efforts.

ACEC designations would significantly larger geographic areas would be protected as ACEC than were ever analyzed under related Gunnison Sage Grouse planning efforts. Gunnison Sage Grouse listing decisions provide the following outline of identified habitat as follows:

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<sup>59</sup> See, UFO ACEC Report at pg 51.



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Clearly the proposed boundaries for these ACEC to protect gunnison sage grouse habitat simply do not relate in any manner to the analysis area for habitat or decisions that have been made in associated USFWS planning efforts since the ACEC report was published. This simply is improper and must be updated to avoid a myriad of issues including unintended management consequences.

**17. Prairie Dog management standards must be balanced with multiple use impacts from lack of clarity in standards.**

Organizations are deeply concerned with proposed management of white Tailed Prairie dog habitat in the DRMP and related ACEC areas proposed for the protection of these species, such as the Salt Desert Shrublands, Roubideau and Fairview South ACEC covering almost 50k acres. The Organizations are aware the prairie dog remains a sensitive species for BLM management purposes, but submit that the DRMP management simply cannot be reconciled with relevant management decisions from other managers. The DRMP proposes to manage the species as follows:

"Allowable Use: **STIPULATION** TL-25: *Gunnison and White-Tailed Prairie Dog.*  
Prohibit surface use and surface-disturbing and disruptive activities within 300

<sup>60</sup> See, DEPARTMENT OF THE INTERIOR Fish and Wildlife Service 50 CFR Part 17 Threatened Wildlife and Plants; *Designation of Critical Habitat for Gunnison Sage-Grouse*; Federal Register /Vol. 79, No. 224 /Thursday, November 20, 2014 /Rules and Regulations at pg 69357



feet of active prairie dog colonies from April 1 to July 15 to protect reproduction."<sup>61</sup>

Again recreational usage is frequently a factor important in development and related implementation of ACEC and now clearly identified in the RMP. Such management would result in major closures for minimal risks that have been identified by relevant experts who have concluded:

"Indirect effects of energy development on prairie dogs and their ecosystem may include (1) increased exposure to shooters and OHV users because of improved road access into remote areas - Gordon et al. (2003) found that shooting pressure was greatest at colonies with easy road access, as compared to more remote colonies; and (2) invasion of habitats by invasive and noxious weeds."<sup>62</sup>

Additionally, this management fails to address the primary threat to the species identified when USFWS determined listing was not necessary in 2010. In this document recreational concerns for the species were entirely centered on recreational shooting, as the USFWS clearly states:

"We conclude that the best scientific and commercial information available indicates that the white-tailed prairie dog is not now, or in the foreseeable future, significantly threatened by the overutilization for commercial, recreational, scientific, or educational purposes."<sup>63</sup>

The Organizations vigorously assert that any management actions that are proposed or ACEC management standards that are proposed MUST be narrowly tailored to avoid impacts to recreational usage of roads and trails in these areas as these have been consistently and vigorously determined to NOT be a priority threat to the species.

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<sup>61</sup> See, UFO DRMP at pg 2-114.

<sup>62</sup> See, Seglund, A.E. and P.M Schnurr. 2010. Colorado Gunnison's and white-tailed prairie dog conservation strategy. Colorado Division of Wildlife, Denver, Colorado, USA. at pg 126.

<sup>63</sup> See, Dept of Interior; **Endangered and Threatened Wildlife and Plants; 12-month Finding on a Petition to List the White-tailed Prairie Dog as Endangered or Threatened Federal Register** / Vol. 75, No. 104 / Tuesday, June 1, 2010 / at 30354

**18. Kit fox threats are often outside land manager ability to address as many threats are on private lands or under state management.**

The Organizations are aware that the kit fox is a BLM sensitive species, but the Organizations vigorously opposed to any assertion that the protection of possible habitat areas will contribute to any recovery of the species. The Organizations will note that the kit fox is not a major species in Colorado and has often been managed with the swift fox in Colorado, which has a much larger range and historical presence in the state and is also able to breed with the kit fox and generate a swift fox offspring. Given the large scale designations proposed in the ACEC/RMP the Organizations are forced to assume that the term kit fox and swift fox have been used interchangeably. The Organizations are vigorously opposed to any management that would be based on the San Joaquin Kit Fox, a species in southern California, as this species is geographically unrelated to the kit fox in Colorado.

The Organizations are aware that at one point OHV recreation was the basis for a highly theoretical concern for kit fox habitat and was specifically identified as an area where research was needed in 2006 Conservation Assessment and Strategy for the kit fox. This research was conducted and the 2011 Conservation assessment and strategy for the kit fox clearly found:

"While swift foxes continue to be used for commercial, recreational, scientific, or educational purposes, populations appear to be stable throughout the range. It is the SFCT's view this factor has not risen to the level of a threat."<sup>64</sup>

In the 2011 Conservation Assessment and Strategy high speed arterial type roadways were specifically and extensively reviewed and found to not to be a threat to the species.<sup>65</sup> Given these conclusions the Organizations must question the relevance of an ACEC that addresses kit fox habitat as these ACEC areas and management standards are addressing issues that clearly pose far less of a threat than a high speed arterial road. In the 2011 Conservation Assessment and Strategy there is simply no mention of OHV recreation as a possible threat, which clearly relates to the fact this activity most commonly occurs on low speed low volume forest roads where risks are greatly reduced. .

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<sup>64</sup> See, Dowd Stukel, E., ed. 2011. Conservation assessment and conservation strategy for swift fox in the United States – 2011 Update. South Dakota Department of Game, Fish and Parks, Pierre, South Dakota. Conservation assessment and strategy at pg 52 (Hereinafter referred to as the Swift fox Conservation assessment and Strategy")

<sup>65</sup> See, Swift Fox Conservation assessment and strategy at pg 58.

North Dakota Fish and Wildlife provides a very neat summary of the primary threats to the kit fox, which are outlined as follows:

**"Reasons for Decline:** The swift fox has declined as a consequence of the increase in agriculture and the disappearance of the native prairies. Widespread shooting, trapping, and poisoning campaigns aimed at wolves, coyote, and red fox also reduced swift fox populations. Swift fox are very easy to trap and very susceptible to poisoned bait. They also get hit by cars when foraging along the sides of roads."<sup>66</sup>

The Organizations vigorously assert that protecting habitat areas in a resource management plan simply bears no relationship to reducing these threats to the species as hunting and baiting of the fox are not habitat issues and are clearly within the management authority of state wildlife managers. Again the presence of kit fox habitat does not create importance in the area to warrant the designation as an ACEC.

**19a. The Organizations are vigorously opposed to Wilderness type designations as these significantly impair forest health.**

As previously noted the Organizations have significant concerns regarding the lack of NEPA analysis of many issues surrounding management changes proposed for ACEC areas and these concerns would extend to areas proposed to be Wilderness characteristics areas as well. The Organizations are also aware of a significant amount of research that is clearly best available science on Wilderness issues that weighs heavily against designation of additional areas as WCA as the restrictive management impacts a variety of resources. The Organizations can simply find no reference to any of these works on the DRMP but believe them to be highly relevant management issues to be reviewed if designations are expanded.

The scope of these threats and of the impact to public access is outlined in the Forest Service Report, prepared at the request of Senator Udall and discussed in other sections of these comments. A copy of the Udall report is submitted in conjunction with these comments. The Organizations would note that many of the Forest health issues raised in the report mirror factors to be balanced in WCA management in BLM guidance. Management of forest health and fires are issues that are specifically addressed in the new BLM WSA manual as follows:

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<sup>66</sup> [https://www.fws.gov/northdakotafieldoffice/endspecies/species/swift\\_fox.htm](https://www.fws.gov/northdakotafieldoffice/endspecies/species/swift_fox.htm)

"2. **Fire** a. General. This section of the manual cannot be used without incorporating standard agency fire management policies and techniques found in other BLM documents, such as the Guidance for Implementation of Federal Wildland Fire Management Policy, but not repeated here.

i. *Managing fire.* The overall goal of managing fire in WSAs is to allow the frequency and intensity of the natural fire regime to play its inherent role in the ecosystem. This means both allowing fire where ecosystems evolved in the presence of fire, and preventing unnatural spread of fire in ecosystems that evolved without broad-scale fires.

ii. *Biological constraints.* The overall goal may be affected by past human actions. These may include fire suppression leading to fuel buildup creating the possibility of unnaturally severe fires, or the invasion of non-native annual grasses leading to the unnatural spread of fire in ecosystems that evolved without broad-scale fires.

iii. *Management constraints.* The overall goal may be affected by budgets, national fire management demands, suppression of fire on adjacent land before it moves into the WSA, or undesired consequences of wildfire moving out of the WSA (such as wildfires that may pose a danger to human life and/or property)."  
<sup>67</sup>

The Organizations vigorously assert that these factors weigh heavily against the expansion of any WCA areas in management. Colorado needs to learn from the negative forest health impacts that have resulted from existing Wilderness areas and not allow additionally management restrictions to be brought into place that can limit land manager responses in the future.

### **19b. Udall Forest Health Report.**

The Organizations believe there is significant research prepared at the request of Senator Udall that must be addressed as part of any Wilderness or similar designation process as best available science. The Organizations are aware that Senator Udall's request was directed toward pine beetle impacts, but believe these findings are exceptionally relevant to the management of public lands in general. General management of public lands was also within the scope of the Senator's request.<sup>68</sup> The Organizations are aware that the UFO planning area has been spared much of the pine beetle impact but many of these same issues are present on

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<sup>67</sup> See, BLM manual 6330 at pg 1-13.

<sup>68</sup> *Id* at pg 25.

the UFO but involve juniper incursions and other invasive species that need to be actively managed.

The conclusions of this report specifically identify that designated Wilderness and improperly managed Roadless areas were a contributing factor to the pine beetle outbreak<sup>69</sup> and a limiting factor in the FS response<sup>70</sup>. Given the stark nature of these conclusions and the large scope of the request from Senator Udall, the Organizations vigorously assert these concerns must be addressed in the designation of any further WSA/WCA or similar designations.

### **19c. State Forest Service reports identify Wilderness as a significant impairment to Forest Health.**

The state of Colorado has also developed planning documents addressing forest health that must be addressed in the DRMP. The Colorado State Forest Service conducted its annual forest health analysis in 2010, which outlined the numerous insect and disease threats that face Colorado's forests. This is an annually published report which consistently finds that active forest management was critical in addressing these threats to Colorado forests. This plan specifically outlined the significant areas that are impacted by the mountain pine beetle epidemic and addressed the significant impacts to safety and enjoyment of recreational usage in these areas as a result of the beetle epidemic.

The 2010 report also provided specific insect impacts maps for the State<sup>71</sup>. A comparison of the high impact areas for beetles to designated Wilderness areas reveals an exceptionally high correlation between designated Wilderness and areas that are hardest hit by the beetle epidemic. These maps were exceptionally similar to the forest health and fire risk maps that were provided in the Colorado SCORP. The Organizations concerns regarding the failure to address the SCORP are addressed in other portions of these comments.

The 2011 State Forest Service Forest Health report addressed the concerns between forest health and the spruce beetle outbreak in and around the Wolf Creek pass area, which the State Forest Service directly attributes to the inability of land managers to address blow down areas in the

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<sup>69</sup> USFS; *A review of the Forest Service Response: The Bark Beetle outbreak in Northern Colorado and Southern Wyoming; A report by the USFS at the request of Senator Mark Udall; September 2011*; Executive Summary at pg i.

<sup>70</sup> *Id* at pg 12.

<sup>71</sup> Colorado State Forest Service; *2010 Report on the health of Colorado Forests; January 2011*: maps included as unpaginated introduction to the report.

Weminuche Wilderness area.<sup>72</sup> The 2011 report provides a historical analysis of many other blow down areas that could have been managed but were not due to land management restrictions. The inability to mitigate these blow down specifically resulted in massive spruce beetle outbreaks in the area.<sup>73</sup> The Organizations will note at the time of preparation of these comments the West Fork Complex fire is currently burning completely out of control in this area and has forced the complete evacuation of the town of South Fork, providing concrete proof of many of the negative impacts of failing to actively manage these areas. Clearly the massive superheated burn area will not improve wildlife habitat or any recreational usage of these areas for a significant period of time going forward.

Again the Organizations believe these reports are clearly best available science that has clearly found there is a critical need for the active management of public lands in order to maintain basic health and sustainable. The Organizations believe cost effective and easy access is a key component of the active management of these areas. The Organizations believe these analysis and conclusions must be addressed in any WSA/WCA review and balanced in any expansion of such management in the UFO DRMP.

**19d. Watershed health managements standards identify the critical need for active management of these areas.**

The Organizations must note that the designations and management of WCA/WSA areas fails to analyze the need for active management in protecting watershed health in these areas. The need for management to address priority watershed management issues is specifically identified in regional management documents prepared under FSM 2520. The Organizations must again note the USFS is a science partner with the BLM and the Organizations believe these issues and management standards are clearly based on best available science. The regional priorities identify forest thinning as the priority management issue in watershed areas to protect against wildfire risks and this need is are simply never addressed in the designation of WSA/WCA in the DRMP. Forest Service research identifies a wide variety of adverse impacts to watershed health from a lack of ability to actively manage a watershed. The Organizations believe these management priorities are accurately addressed in USFS regional watershed guidelines and the reasoning for the variance between the DRMP and regional guidelines must be addressed.

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<sup>72</sup> *Id* at pg 9.

<sup>73</sup> *Id* at pg 10.

Region 2 managers have completed this requirement under FSM 2520 in partnership with the Colorado Forest Service and the Denver Water Department. These guidelines have been adopted by all 11 front range counties for management of Watershed areas. The regional guidelines for protection and management of watersheds outlines significantly different management objectives and requirements for watersheds as these guidelines identify the need for thinning and removal of trees as the management priority, of which motorized access and routes is a key tool. Issues such as stream bank stabilization and fisheries habitat enhancement are simply never addressed in regional watershed management guidelines. The project appears to directly contradicts the concerns and direction for management provided in the management guidelines. Clearly this issue must be resolved prior to moving forward with any expansion of WCA type management.

## **20. Conclusion**

The Organizations are cautiously supporting Uncompahgre Field Office("UFO") Draft Resource Management Plan("the Proposal") Alternative "C". While we are supportive of Alternative C of the Proposal, there are many factors that must be addressed to insure that the planning process is relying on the most accurate information possible in balancing resources. We are vigorously opposed to Alternative B of the Proposal for reasons that are more specifically addressed in these comments, the Organizations believe Alternative D could be easily adapted to become the most favorable alternative for the Organizations. Our main concern with Alternative D in its current form is the loss of the North Delta OHV area and associated open riding opportunities. The Organizations submit that the North Delta area is truly suitable for an open riding designation and these open riding areas are diminishing rapidly throughout the State, which will make any of these opportunities highly valued in the future.

After review of the Proposal, the valuation of recreational activity on the UFO is badly undervalued, in terms of total spending, total jobs that result from recreation and the per day average spending amounts from the recreational activity. The variation of the UFO per day spending estimate of \$10.01 and the public's experience on these issues is simply shocking.

The Organizations are also very concerned that with the large number of Areas of Critical Environmental Concern that are proposed in the RMP, that the impacts to multiple use access are not accurately reflected in the summary of Alternative C, or any other alternative of the Proposal. It has been the Organizations experience that when ACEC are designated, this designation lays the foundation for closure of these areas to multiple use recreation, even when the management issues to be addressed are simply unrelated to multiple use recreation.

Our concerns about imbalance in these areas is compounded by the fact that the economic contribution of recreational activity is badly underestimated, which will result in an erroneous balance between resource protections and the benefits of resource utilization being struck.

Please feel free to contact Scott Jones at 518-281-5810 or via email at scott.jones46@yahoo.com or via USPS at 508 Ashford Drive, Longmont CO 80504 if you should wish to discuss these matters further or if you should wish to have further information regarding these concerns.

Sincerely,



D.E. Riggle  
Director of Operations  
Trails Preservation Alliance

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

Enclosures