

EXHIBIT LIST

- A- Town of Rico comments dated July 25, 2017
- B- Town of Rico comments dated June 9, 2016
- C- Town of Rico comments dated January 26, 2015
- D- Rico Trails Alliance comments dated August 7, 2017
- E- Telluride Mountain Club comments dated August 15, 2017
- F- Targhee Travel Plan Appeal Decision dated January 27, 2000
- G- Declaration of Brenda Richards

EXHIBIT “A”

Date submitted (UTC-11): 8/15/2017 5:40:32 PM

First name: Kari

Last name: Distefano

Organization: Town of Rico Colorado

Title:

Official Representative/Member Indicator:

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City: Rico

State:

Province/Region: CO

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Email: kdistefano@unm.edu

Phone: 9709013420

Comments:

TOWN OF RICO

DOLORES COUNTY, COLORADO

INCORPORATED OCTOBER 11, 1879

2 North Commercial Street

Post Office Box 9

Rico, Colorado 81332

Office # 970.967.2861

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www.ricocolorado.org

July 25, 2017

Dolores Public Lands Office
Derek Padilla, District Ranger
29211 Highway 184
Dolores Colorado 81323

Dear Mr. Padilla,

The Town of Rico Board of Trustees is withdrawing the Town of Rico comment letter dated January 26, 2015 regarding the Rico-West Dolores Roads and Trails (Travel Management) Project. We have decided to limit our comments to just those aspects of the proposal that directly impact the Town of Rico. The Horse Creek Trail, the Burnett Creek Trail and the Rio Grande Southern all lie immediately adjacent to the Town of Rico. With this in mind, we offer these comments.

Rico is the only town municipality entirely enveloped by the Travel Management Project area we hope our comments will be given weight. We agree with Alternative B (Proposed Action) with the following exception:

ALTERNATIVE B allows motorized use of Burnett Creek and closes Horse Creek to motorized use. It is the Town of Rico's strong preference to reverse this. Horse Creek, as opposed to Burnett Creek, is the most appropriate point for motorized ingress and egress between the Calico Trail and Highway 145. Over the last 5 to 7 years, the lower section of Horse Creek Trail has been widened and graded to accommodate motor vehicles. Horse Creek is the quickest route down from the Calico Trail to Highway 145, and a staging area exists along Highway 145 at Horse Creek's entrance. Prohibiting motorized use of Burnett Creek will protect the quiet residential neighborhood of West Rico from the dust, traffic, noise and safety problems that occur with motorized use of Burnett Creek.

The Rio Grand Southern 3 appears to be that portion of the historic railroad grade that runs through the East Dolores River between the bridge at the Montezuma/Dolores county line and Rico. ALTERNATIVE B currently identifies it as a trail allowing non-motorized vehicle use. We applaud the addition of trails in our region and we encourage you to keep this trail as a non-motorized trail. Allowing motorized use in this area poses serious safety concerns. Vehicles tend to increase their speed on this relatively flat and straight trail. Combining motorized and non-motorized use in this area is hazardous. Moreover, linking Rio Grand Southern 3 and the Burnett Creek Trail, if motorized, would route even more off-road vehicles through the West Rico

EXHIBIT "A"

neighborhood, exacerbating noise, dust, traffic impacts (and safety concerns) in this densely populated area.
Please keep us informed regarding your decision.
Thank you so much,

Kari Distefano
Rico Town Manager

EXHIBIT "A"

EXHIBIT “B”

TOWN OF RICO
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June 9, 2016

Dolores Public Lands Office
Derek Padilla, District Ranger
29211 Hwy 184
Dolores, Colorado 81323

Dear Derek,

For some reason the Town of Rico was not put on your mailing list as a recipient of the draft EIS for the Rico/West Dolores travel plan. Once we received a copy and were able to review the content I was disturbed by what appeared to be a minimization of the strongly held quiet use values desired by a wide majority of people in our community.

We were previously pleased when the recently adopted Forest Plan recognized Rico and its surrounding area as a Special Area with strongly held quiet use values. This followed your proposal, which reflected our desire to retain the Burnett Creek/Horse Creek Loop as a non-motorized trail, which the town could promote for its quiet use. Instead, three new alternatives were developed, which all promoted the motorized use of Burnett Creek with a voluntary detour around the edge of town. The upper Burnett Creek Basin is a wonderful place for viewing wildlife, which for this reason alone should be retained as non-motorized. However, we feel all three of the new alternatives will actually funnel more motorized traffic both in and out of town with no one to enforce their use. The residents of West Rico are uniformly impacted by these alternatives and are highly opposed to their adoption.

We, as a sovereign Home Rule Community, are opposed to the Forest Service adopting a plan that would knowingly allow the use of dirt bike traffic into and out of town by way of Burnett Creek. We are not opposed to dirt bikes entering town by way of Hwy. 145 to enjoy the use of the business opportunities available, however not to serve as a staging area. We feel that the most logical staging area is at the Montelores Bridge. The Town would support the use of Wildcat Creek Trail as a motorized access to this site as an alternative to Burnett Creek. The Wildcat Trail is a logical solution since dirt bike users are routinely driving part way down the trail then upon reaching the closure sign continuing on to the highway. This access point would leave riders less than 5 minutes from town.

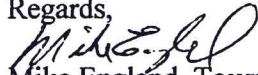
EXHIBIT "B"

If for some reason this option were unacceptable, we would support the use of the Tenderfoot Trail as reasonable access to Hwy 145, which puts the riders less than 8 miles from town.

In summary, we are strongly opposed to alternatives A, C, D, and E based on their retaining the upper Burnett Creek Trail open to motorized use and the impact on Rico homeowners. We endorse alternative B because it preserves the integrity of the non-motorized Horse Creek/Burnett Creek Loop and significantly reduces the impact on Rico homeowners.

Because the Rico economy has a large dependency on hunting income, we also endorse the largest seasonal closure possible to help reduce the decline of hunter use in our area. Please give our concerns your full consideration and review in your final deliberations, as we cannot compete with the number of responses generated by the motor vehicle community.

Regards,

A handwritten signature in cursive script, appearing to read "Mike England".

Mike England, Town Manager

EXHIBIT “C”

RECEIVED

JAN 29 2015

**DOLORES PUBLIC
LANDS OFFICE**

TOWN OF RICO
DOLORES COUNTY, COLORADO
INCORPORATED OCTOBER 11, 1879
2 North Commercial Street
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January 26, 2015

Dolores Public Lands Office
Derek Padilla, District Ranger
29211 Hwy 184
Dolores Colorado 81323

Dear Derek,

We, in the town of Rico, are generally pleased with the proposed action you have shared with us. As you are aware, the town of Rico is completely surrounded by National Forest Lands and depends on these lands for much of its livelihood and enjoyment. The town, on several occasions, has surveyed the residents to determine their preferences for the quality of life they would like to see in and around the town. On each occasion, retaining the small town and quiet use atmosphere has ranked high on the list. The town benefits from quiet use tourism and hunter income.

We have a variety of trail users living in town including those who prefer motorized use. Many of those using trail bikes will ride to the end of the road, get off their bike and hike into the upper part of the basin. For that reason we prefer to have all of the existing roads remain open and available for this use.

Your decision to close upper Burnett Creek and Upper Horse Creek Trails to motorized use is very much appreciated. Also the decision to keep the Wildcat Trail non-motorized is a positive step forward. We would hope that, in your final decision, you will also strongly consider closing the loop on the Horse Creek/Burnett Trails where they intersect the Calico Trail by making this section non-motorized.

The Horse Creek Trailhead has surfaced as a concern by a number of residents. We are aware of the cabin being built on private land and the fact that part of the trail was destroyed while gaining access. We request that the trail be reestablished at an appropriate location and the trailhead be reestablished at its original location at the end of the road prior to its destruction by an avalanche.

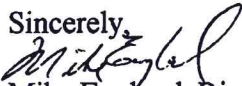
Although most of our locals, and we are certain, most visiting hunters are or will be very happy with the seasonal closure dates established in your proposal. Archery hunters would prefer that the seasonal closure dates be expanded to begin one week prior to the opening of their season.

EXHIBIT "C"

Two additional areas used by locals include the northern end of the Calico Trail and Bear Creek. Both of these trails lead into pristine areas and should be closed to all motorized use. The Calico Trail, where it leaves the Meadows is in horrible condition and very difficult to hike on. We realize that some changes have been made to improve conditions however; the first four miles should not be included as a shared trail area. We are reluctant to recommend that section of trail to visitors under its present conditions and management. The Bear Creek Trail has long been a favorite of Rico residents. We often recommend its use to visitors however caution that they will likely run into motorized use on the trail. We would recommend that the entire length of Bear Creek Basin be established as non-motorized.

Please keep us posted on your future actions regarding our area.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike England".

Mike England, Rico Town Manager

EXHIBIT "C"

EXHIBIT “D”



August 7, 2017

USFS Dolores Public Lands Office
Derek Padilla, District Ranger
29211 Highway 184
Dolores Colorado 81323

Re: TRAVEL MANAGEMENT – RICO WEST DOLORES ROADS AND TRAILS PROJECT

Dear Mr. Padilla:

Last winter, a group of outdoor enthusiasts and representatives from the Town of Rico formed the **Rico Trails Alliance** ("RTA") as a Colorado nonprofit and 501(c)(3) organization. RTA's mission is to promote local and regional non-motorized trails in and around the historic Town of Rico. On our website (www.ricotrailsalliance.org) we have begun inventorying and mapping existing trails, both Forest Service and non-Forest Service. We are also identifying areas for creation of new trails to link up existing trails.

While RTA focuses on non-motorized use, we recognize that both motorized and non-motorized uses and users must co-exist. Historically, off-road motorcycles have had access to a majority of the Forest Service trails and roads between Lizardhead Pass and the town of Dolores, Colorado (all except Groundhog/Stock Trail and Colorado Trail). RTA welcomes this opportunity to comment in support of a management plan for our region that would respect this history, while protecting high alpine areas, residential neighborhoods and non-motorized users from the impacts inherent to motorized use on trails not constructed to handle such impacts.

Adopting management plan ALTERNATIVES B or C, with some variations, would be the best approach to accomplishing this. Specifically, RTA would like the Forest Service to adopt a travel management plan that incorporates the following:

1. Develop Rio Grand Southern 3 as a non-motorized trail;
2. Close Burnett Creek to motorized use and allow motorized use of Horse Creek or Wildcat instead;
3. Decommission only unusable portions of Upper Ryman Creek and allow for an alternative Lower/Upper Ryman interconnect;
4. Close motorized use of East Fork (638) until damaged areas are repaired/rerouted; and
5. Allow motorized use of West Fall Creek (640).

PO BOX 25 | RICO, CO | 81332 | INFO@RICOTRAILSALLIANCE.ORG

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EXHIBIT "D"

1. Develop Rio Grand Southern 3 as a Non-motorized Trail:

The Rio Grand Southern 3 appears to be that portion of the historic railroad grade that runs through the East Dolores river valley from the bridge at the Montezuma/Dolores county line into the Town of Rico. A continuous trail does not exist in here, but several sections of the railroad grade are heavily utilized by hikers, runners, horseback riders and mountain bikers. This area also contains important historic resources, including coke ovens, old railroad trestles, a historic water tank, etc.

The Rio Grand Southern 3 route has been identified by RTA and the Rico community as one of few existing grades in the area that is suitable for family and beginner-level recreation. Motorized designation would compromise the potential contribution of this route to the Rico area. RTA would like to work with the Forest Service, the Town of Rico and adjacent property owners to develop the Rio Grand Southern 3 into a continuous non-motorized trail that leads into the Town of Rico. RTA has retained a grant writer to raise funds for the trail's signage and other infrastructure (including a bridge). RTA will supply volunteer labor under its agreement with the Forest Service and will contract for additional labor, with groups such as the Southwest Conservation Corps or similar entities, for the trail's installation and annual maintenance.

2. Close Motorized Use on Burnett Creek:

ALTERNATIVES B and C both allow for motorized use of Burnett Creek. Burnett Creek should be closed to motorized use, and motorized use should be allowed in Horse Creek or Wildcat instead. To access the base of Burnett Creek from Highway 145, users must travel through the Town of Rico, and the trail itself begins in West Rico. Prohibiting motorized use of Burnett Creek will protect this quiet residential neighborhood from the dust, traffic, noise and safety problems that occur with heavy motorized off-road vehicle traffic. If designated as non-motorized, RTA will supply volunteer labor for annual maintenance under its volunteer agreement entered with the Forest Service.

Horse Creek is the most appropriate point and the quickest means for motorized ingress and egress between the Calico Trail and Highway 145. A staging area exists along Highway 145 at Horse Creek's entrance. Wildcat could also be utilized, in lieu of Burnett, for motorized access to the Calico Trail.

3. Decommission only unusable portions of Upper Ryman and improve Lower Ryman with an interconnect and reroutes:

Upper Ryman must remain open in order to prevent Lower Ryman from becoming a dead end trail. Accordingly, RTA supports decommissioning of only those portions of the Upper Ryman Trail that are severely damaged (trenched) and making the improvements discussed below as well as a non-motorized limitation of both Upper and Lower Ryman as set forth in Alternatives B and C.

Heading east on the Lower Ryman Creek trail from Highway 145, a location is reached where Upper Ryman intersects (entering from the left) with Lower Ryman Creek trail.

This lower portion of Upper Ryman climbs a steep, severely eroded and channelized trail. This portion of Upper Ryman should be decommissioned.

As you continue east on Lower Ryman trail, the trail eventually becomes heavily wooded, very steep and is currently unusable. A reroute is necessary here in order to connect the eastern end of the Lower Ryman Creek Trail to the Upper Ryman Creek trail with a reasonable grade. The new interconnect could be designed in way that avoids the severe degradation present on the lower section of Upper Ryman. An additional section of Upper Ryman, that is higher up, also needs a reroute. Like the lower section of Upper Ryman this is also very steep, severely eroded and barely useable. With these new improvements Ryman Creek will be a very usable/enjoyable trail for ascending as well as descending. This will allow additional options for interconnecting loop trails with both the Colorado Trail and Salt Creek trail. RTA will partner with the Southwest Colorado Cycling Association and support the Forest Service on the above improvements to Ryman trail through volunteer labor under its volunteer agreement entered with the Forest Service.

4. Close Motorized use of the East Fork Trail (638) until damage can be repaired:

The East Fork Trail is damaged near the point of being unusable by anyone. Motorized use should not occur on East Fork unless and until the trail can be restored and maintained. The East Fork trail crosses quite a few wet areas and those spots should be avoided by rerouting the trail where possible.

5. Allow Motorized Use of West Fall Creek (640)

Motorized use of West Fall Creek (640) trail will allow off-road motorcycles to access Calico Trail from the Dunton Road, since Johnny Bull (639) is currently closed.

Respectfully submitted,

RICO TRAILS ALLIANCE



Mike Guskea (Aug 7, 2017)

BY: _____

Mike Guskea, President

EXHIBIT “E”



August 15, 2017

USFS Dolores Public Lands Office
Derek Padilla, District Ranger
29211 Highway 184
Dolores Colorado 81323

RE: Travel Management – Rico West Dolores Roads and Trails Project

Dear Mr. Padilla,

Thank you for the opportunity to provide comments regarding travel management with the Rico West Dolores Roads and Trails Project. For over 30 years, the Telluride Mountain Club's (TMtC) mission has been to advocate for safe, accessible, enjoyable and respectful opportunities for human-powered recreational activities in the Telluride region, through education, awareness and collaboration and to each citizen's right to their "Freedom of the Hills."

The Rico West Dolores is an incredible landscape with high-alpine trails, high headwaters, a diverse wildlife habitat, and multiple recreation opportunities. This region has historically allowed for both motorized and human-powered recreation and TMtC understands the need to continue this into the future. However, the Telluride Mountain Club is also in support of a management plan that will protect high-alpine areas, wildlife, and non-motorized users from the impacts of motorized use.

The Telluride Mountain Club is in support of the comment letter submitted by the Rico Trails Alliance (RTA) on August 7, 2017. RTA suggest adopting management plan ALTERNATIVES B or C with some variations. The variations include the following:

- Develop Rio Grand Southern 3 as a non-motorized trail;
- Close Burnett Creek to motorized use and allow motorized use of Horse Creek or Wildcat instead;
- Decommission only unusable portions of Upper Ryman Creek and allow for an alternative Lower/Upper Ryman interconnect;
- Close motorized use of East Fork (638) until damaged areas are repaired/rerouted; and
- Allow motorized use of West Fall Creek (640).

EXHIBIT "E"



Overall, TMtC's goal is to preserve and enhance public access to human powered activities in the Telluride region and San Juan Mountains. We believe the Forest Service needs to take into consideration motorized recreation noise disturbances and their damaging impacts on the environment. The Telluride Mountain Club believes that the variations outlined by RTA in conjunction with ALTERNATIVES B or C will complement the diverse needs of the Rico West Dolores Roads and Trails Project.

On behalf of the Telluride Mountain Club, thank you for the opportunity to comment on this important subject.

Sincerely,

Josh Borof

Josh Borof
Telluride Mountain Club President
PO Box 1201 | Telluride, CO 81435
www.telluridemountainclub.org

EXHIBIT "E"

EXHIBIT “F”



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 - 25th Street
Ogden, UT 84401-2310

RECEIVED

FEB 03 2000

MSB & T, CTD

File Code: 1570-1

#00-04-00-0047

Date: January 27, 2000

Paul A. Turcke, Esquire
Moore Smith Buxton & Turcke, Chartered
225 North 9th Street, Suite 420
Boise, ID 83702

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Mr. Turcke:

In accordance with 36 CFR §215.17, we have reviewed the appeal record for the Targhee Travel Plan and the Record of Decision (ROD) signed by Forest Supervisor Jerry Reese, on October 15, 1999. Our review focused on the decision, the project record, the objections raised in the appeal filed on behalf of the Blue Ribbon Coalition, and issues raised by other appellants.

I have also considered the recommendations of the Appeal Reviewing Officer regarding the disposition of this appeal. A copy of that recommendation is enclosed. There was one interested party to this appeal.

Background:

The travel and access management issue has been one of the most contentious issues that the Targhee Forest Supervisor has had to face in his efforts to implement the Revised Forest Plan for the Forest. This issue has surfaced through efforts to update the existing Forest Travel Management Plan to meet the direction established for specific geographic areas in the Targhee National Forest Revised Forest Plan, within timeframes established by the United States Fish and Wildlife Service in its Biological Opinion on the Revised Forest Plan.

The decision framework for Travel Management Planning is generally described as follows:

Programmatic Planning: Programmatic-level decisions are generally made in the Forest Planning process. The Forest Plan evaluates the potential effects of vehicular use on areas, roads, and trails and determines whether and where off-road vehicle use may be permitted. The Forest Plan identifies standards, guidelines, and other sideboards that define or clarify conditions that apply to travel management, such as road density standards. Travel Management Planning is part of the Forest Planning process. It identifies public need for access to National Forest System lands and identifies areas, roads, and trails that will remain open for public use or will be closed to meet resource concerns; i.e., specific road or trail construction and road closures. Orders may be issued to enforce the decisions made in the Forest Plan, i.e., to enforce an area closure.



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EXHIBIT "F"

Implementation Planning: The Forest Plan sets the direction for the management of National Forest System lands. Management of off-road vehicles and other modes of travel shall be in accordance with Forest Plan direction. Site-specific actions necessary to implement management direction in the Forest Plan should be identified and analyzed on an appropriate scale, i.e., watershed or other geographic area. Ground disturbing activity such as building a new road or obliteration of an existing road is analyzed during the implementation of specific projects. Amendments to the Forest Plan also may be considered during the project analysis.

Targhee Revised Forest Plan and Travel Plan

On April 15, 1997, the Intermountain Regional Forester issued a Record of Decision (ROD) for the 1997 Revised Forest Plan (RFP) for the Targhee National Forest. This Revised Forest Plan contained direction for travel management in the form of winter and summer transportation plans (open motorized roads and trails) and more specific direction in the management prescriptions for open road density and cross-country travel. During the summer of 1997, a travel plan map was prepared to represent this management direction and specifically to identify which roads and trails would be open for summer motorized use to meet the road density standard specified in the RFP. Targhee Forest Supervisor Jerry Reese's decision to adopt the 1997 travel plan map was made in a ROD signed August 15, 1997. The August 15, 1997 decision, was followed by approximately 1150 appeals to the Regional Forester. In an appeal decision dated January 14, 1998, the Regional Forester reversed the Travel Plan Map decision due to a lack of notice and comment opportunities and failure to disclose site-specific effects of ground disturbing closure actions.

The appeal decision contained specific direction as to how travel management activities would be preformed while the Forest was in the process of correcting the deficiencies. The Regional Forester indicated some conditions might require emergency closures under 36 CFR 261. The Forest Supervisor regarded this direction as applying to the needs for closure in Grizzly Bear Management Units to meet the requirements of the U.S. Fish and Wildlife Service Biological Opinion dated March 31, 1997, which states, "The Forest will, by the end of calendar year 1999, have in place in each BMU or subunit a precise open motorized route standard not to exceed 0.6 mi./sq. mi. and a precise total route density standard not to exceed 1.0 mi./sq. mi.". He posted a closure order dated March 24, 1998, and issued a contract to undertake temporary closure of roads to meet the requirements of U.S. Fish and Wildlife Service for effective closures. This work was halted after a lawsuit was filed by the Citizens for a User Friendly Forest and The Blue Ribbon Coalition, alleging failure to meet the requirements of the National Environmental Policy Act (NEPA). Settlement was reached on plaintiffs' Request for a Preliminary Injunction when the Forest Service agreed it would modify the road closures on specific roads/trails; and committed to review and consider all Forest roads/trails during the ongoing NEPA analysis, regardless of activities undertaken during 1998 to alter the status of roads/trails. The lawsuit is pending, awaiting a decision of the court on plaintiffs' motion for summary judgment.

Targhee Travel Plan II: The Forest prepared and circulated a Draft Environmental Impact Statement (DEIS), and considered and responded to comments received in a Final Environmental Impact Statement (FEIS) and ROD. On October 15, 1999, the Targhee National Forest Supervisor signed the ROD for the Targhee National Forest Motorized Road and Trail Travel Plan. Using the direction in the Revised Forest Plan, the Forest Supervisor evaluated which

roads and trails will be open or closed to motorized use to meet the requirements in the Revised Forest Plan and then how those closures will be implemented, i.e., through signing, gating, or various ground disturbing treatments such as earthen berms or ripping the road bed.

Appeals Received: A total of 19 timely filed administrative appeals were received from appellants who had standing under the provisions of Forest Service appeal regulations at 36 CFR 215. Of those appeals, 2 were filed on behalf of County Commissioners, 4 by organizations, and 13 by individuals. Generally, the appeal issues are that: 1) the decision failed to consider a reasonable range of alternatives; failed to analyze or disclose impacts; lacked any meaningful analysis comparing the effectiveness of site-specific road closure methods; did not approach procedural requirements for presentation of technical conclusions; failed to protect Yellowstone Cutthroat Trout populations and habitat; violated the Clean Water Act, Idaho Water Quality Standards, the National Forest Management Act (NFMA), and the Revised Forest Plan; allows motorized use on the Continental Divide National Scenic Trail in violation of the RFP; violated the law by attempting to regulate roads and trails which had been asserted under Revised Statute (RS) 2477; failed to disclose the effects of closing individual roads and trails; 2) that the Forest failed to conduct site specific NEPA analysis; and 3) that the Forest took action on the project prior to starting the NEPA analysis.

APPEAL DECISION

I will use the general decision framework described in this appeal decision to provide clarification as to the requirements and give my reasons for affirming in part and reversing in part Supervisor Reese's decision. After a careful review of the issues and requirements related to the decision made by Supervisor Reese, I have concluded that there is a considerable amount of confusion, both internally and externally. This is caused, in part, by a lack of clarity on exactly what decision was made in this ROD. Actions to implement travel plans through travel management control techniques, such as publishing user maps, posting signs on the ground, gating, and other more aggressive ground disturbing measures, such as road obliteration or decommissioning, also have different requirements for site specific analysis depending on the amount of ground disturbance and associated environmental impacts.

As I interpret the intent of Supervisor Reese in making this decision, it appears to be twofold. First, it was to identify a network of roads and trails that implements the multiple use management direction stated in the form of goals, objectives, and standards and guidelines contained in the prescriptions in the Revised Forest Plan of 1997, in accordance with requirements established in laws, regulations, and agency directives related to policy and procedure. Second, it was intended to approve and allow all necessary activities, including those site-specific actions requiring a significant amount of ground disturbance, such as road decommissioning, to proceed without further analysis and consideration of site specific actions and their effects. The Forest Supervisor viewed the FEIS as sufficient and containing the necessary consideration of alternatives and site-specific effects to provide a sound basis for taking the next steps to physically accomplish the closure actions on the ground.

I am affirming the part of Forest Supervisor Reese's decision pertaining to the programmatic planning for the Targhee National Forest. Supervisor Reese's decision regarding the Travel Management Plan was made after the completion of an Environmental Impact Statement disclosing the consideration of a reasonable range of alternatives, and their effects, to meet the

EXHIBIT "F"

direction established in the Forest Plan. This action is viewed as an extension of the Revised Forest Plan direction. It provides further details in the form of a map of the roads and trails that are to be left open or to be closed to meet the Revised Forest Plan direction (36 CFR Part 219.21(g) and 36 CFR Part 295.2). As such, it provides focus for further actions to implement the Revised Forest Plan direction, including closure orders and visitor maps to be made available to the public users of the National Forest and is in compliance with the procedural requirements established for such plans.

I also agree with the ARO that the Forest is not required to maximize protection for water quality and the Yellowstone Cutthroat Trout. Instead, the decision must comply with the law and ensure that implementation of the decision does not move the species toward listing. I am affirming the Forest Supervisor on this issue.

Therefore, the Forest Supervisor's decision is affirmed, with the following exceptions:

1. Site-specific analysis of the environmental impacts of closure methods that require surface disturbance is required before any further action is taken. However, the Forest Supervisor may proceed to implement the Travel Management Plan, but may only effect road closures by publishing closure orders and/or travel maps, and installing signs and gates.
2. Actions taken on the Continental Divide Trail shall be consistent with the standards of the National Trails System Act; and,
3. No road closure actions may be taken on roads for which Madison or Teton County has asserted rights-of-way under Revised Statute (R.S.) 2477 until there has been a formal meeting between the Forest Service and each County to seek concurrence with closure plans. If dispute as to road jurisdiction and Forest Service closure plans remains following this meeting, such disputes may be resolved in accordance with Forest Service policy as set out in Deputy Chief Robert C. Joslin's September 25, 1997 letter to Regional Foresters. Pending resolution of disputes that remain following the meetings with the Counties, the Forest may take road closure actions necessary for management and protection of National Forest System land and resources, in accordance with the requirements of this appeal decision to complete site-specific analysis.

I am reversing the Forest Supervisor on that part of the decision that implements the decision through initiating further ground disturbing actions, such as earthen berms and barriers, ripping the roadbed, or other actions which will have potential effects on soil and water resources, other beneficial uses and public safety, until further site specific analysis is completed. From my review, it is apparent that there are uncertainties about many aspects regarding implementation of this decision through additional ground disturbing activities. The required site-specific actions contemplated will require additional analysis and disclosure of effects for the alternative closure actions. Specifically, this pertains to effects relating to human safety, effects on Water Quality Limited Segments, and on Yellowstone Cutthroat Trout Habitat, as well as other sensitive resource concerns, to provide a sound basis for any final decision on how to achieve the effective road closures through ground disturbing or other appropriate actions. I did not find the necessary documentation of the site-specific effects of various closure methods and their potential effects

EXHIBIT "F"

on soil, water, and human safety in the documents contained in the record.

I want the Forest Supervisor to build upon the tremendous effort put forth to date and proceed with project-level site-specific decision making, including the disclosure of site specific environmental impacts. I am directing the Forest Supervisor to develop a list, by priority, of the areas on which site-specific analysis will be done and provide me with a schedule for completing the necessary work on logical geographic areas of the Forest. First priority must be placed on roads closed under the emergency actions and associated with the existing lawsuit. The schedule will be made available within two months from the date of this decision and shall be updated as necessary if conditions or needs arise for changing priorities. In developing the timelines, reasonable expectations need to be established to assure that the proposed actions are site specific and include sufficient analyses of alternatives as required, including appropriate mitigation measures and disclosure of environmental consequences. The "No Action" alternative for those roads that were closed under the emergency order will be to leave the road in the condition that existed prior to the emergency action taken. This will ensure full consideration of the effects that may result from the change in the condition of the road as it existed prior to those temporary closures. These decisions will be subject to established NEPA procedures and, as appropriate, appeal regulations at 36 CFR §215.

I believe this decision allows the agency to proceed with a travel management strategy within the laws, regulations, mission, and procedures given to us, while at the same time allowing us to incorporate additional information, including any new information, in future site-specific decisions.

This decision constitutes the final administrative determination of the U.S. Department of Agriculture [36 CFR §215.18(c)].

Sincerely,



CHRISTOPHER L. PYRON
Appeal Deciding Officer
Deputy Regional Forester

Enclosure

cc:
Mr. Marv Hoyt
Idaho Representative
Greater Yellowstone Coalition
162 North Woodruff Avenue
Idaho Falls, ID 83401-4335

EXHIBIT "F"

EXHIBIT “G”

IN THE MATTER OF:)	
)	
OBJECTIONS TO THE RICO WEST)	
DOLORES ROADS AND TRAILS)	DECLARATION OF
(TRAVEL MANAGEMENT) PROJECT)	BRENDA RICHARDS
DRAFT RECORD OF DECISION)	
_____)	

1. My name is Brenda Richards, and I reside in Owyhee County, Idaho. I am over the age of majority and am otherwise competent to present the matters described herein. I provide this declaration of my own personal knowledge.

2. My family owns and operates a cattle ranch in southwestern Idaho. Throughout my life I have participated in our ranching operations and become familiar with various aspects of the livestock ranching industry, including administration of grazing permits involving "public lands" administered by the Bureau of Land Management and U.S. Forest Service. I presently serve as the Immediate Past President and on the Executive Committee of the Public Lands Council (PLC), and served as PLC President from September 2014 through September 2016. Since 1968, PLC has actively represented cattle and sheep producers who hold public lands grazing permits. PLC advocates for these western ranchers who preserve our nation's natural resources while providing vital food and fiber to the nation and the world. Today, more than 22,000 public land ranchers maintain 250 million acres of U.S. public land, including permittees and affected

lands in Colorado, on the San Juan National Forest and within the Rico West Dolores area. In addition to serving PLC, I have represented or been involved with livestock interests in varying capacities, including as a member and federal lands committee chair of local rangeland organizations like the Idaho and Owyhee Cattle Associations, the Idaho Association of Counties, and in holding public office in Owyhee County, Idaho.

3. I am familiar with dozens, if not hundreds, of livestock grazing management decisions, as a permittee and as an engaged stakeholder on behalf of the above-described interests.

4. The decisions I have monitored or participated in include travel management decisions or decisions with a public access/travel management component. Livestock operators understand we operate within a system of “multiple use” management. It would be nice if we had exclusive use of the public lands in our grazing allotments, but we recognize that there are many other uses of public lands and we must coexist with these uses.

5. Coexisting with other public lands visitors includes recreationists and members of the public using vehicles to access public lands. Our primary concerns, aside from an extreme instance where someone is rustling or physically harming our animals, involve intentional or unintentional actions that interfere with rangeland

conditions or management efforts, such as leaving gates open/closed, starting fires, or damaging gates, fences, or feeding/watering structures.

6. Members of the public on our allotments can actually be an asset. Some regular visitors we come to know on a first name basis, and they can alert us to hazards, equipment that needs maintenance, or other examples of the hundreds of things that a rancher has to try to keep up with on a daily basis. We try, in our personal operations as well as through the various organizations I have worked with, to maintain a public dialogue and to educate and communicate with the public, particularly including recreationists, about our interests and “best management practices” for access/recreation in livestock grazing allotments.

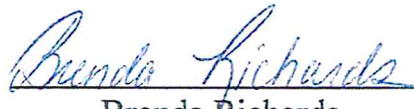
7. I am aware of the Rico West Dolores travel management project, including the November, 2017 Final Environmental Impact Statement and related Draft Record of Decision’s discussion and conclusion to prohibit motorcycle travel along the Wildcat Trail. This prohibition of long-existing motorcycle travel is apparently based on a particular type of cattle and/or “specific type of livestock grazing system that occurs on the Tenderfoot allotment.” Draft ROD at 18.

8. I cannot recall a similar decision or application of similar logic in which a federal land manager is closing a route/area to a particular form of public access for the ostensible benefit of the single permittee grazing cattle in the area. On one hand, this sounds great and might uniquely benefit the permittee. However, we are

not used to seeing land managers make decisions such as this to solely make our particular use of public lands or our lives any easier, and I would be concerned that this unique choice reflects some other rationale, or could prove to be counterproductive by singling out the permittee in question for retaliation or otherwise altering a careful balance we work hard to maintain between ranchers and the public. In any event, it is certainly unusual to see "a specific type of livestock grazing system" used by a federal land manager as an excuse to close an area to motorized vehicles.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 28th day of December, 2017.


Brenda Richards