August 28, 2018

GMUG National Forest
Att: Planning Team Revision
2250 South Main Street
Delta, CO 81416

Re: GMUG RMP Revision Wilderness Inventory

Dear Sirs:

Please accept this correspondence as the input of the Organizations identified above with regard to the draft Wilderness Evaluation report of the GMUG RMP ("Evaluation"). We welcome this opportunity to provide input addressing the complete failure of the wilderness evaluation to provide a transparent inventory of the Wilderness suitability that is broad and inclusive of all factors that are required to be analyzed. This inventory is woefully inadequate and fails to satisfy NEPA and other requirements for Wilderness inventory process and as a result directly impairs the public ability to provide meaningful comment on the management of these areas. While the evaluation provides significant analysis of reasons why to designate an area as recommended Wilderness, the evaluation fails:

1. to address numerous Congressional actions that directly impact the availability of many areas for designation as Wilderness on the GMUG;
2. Many existing and legal uses of the areas are not addressed in the inventory;
3. Operates on the foundation that the Continental Divide Trail is a proper basis for recommendation of Wilderness; and
4. Fails to address all citizen Wilderness proposals addressing lands within the GMUG.

Prior to providing initial thoughts and concepts on the development of the GMUG Wilderness evaluation, we believe a brief summary of each Organization is needed. The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization the 150,000 registered OHV users in Colorado seeking to represent, assist, educate, and empower all OHV recreationists in the protection and promotion of off-highway motorized recreation throughout Colorado. COHVCO is an environmental organization that advocates and promotes the responsible use and conservation of our public lands and natural resources to preserve their aesthetic and recreational qualities for future generations.

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 ensure that the USFS and BLM allocate to trail riding a fair and equitable percentage of access to public lands.

Colorado Snowmobile Association ("CSA") was founded in 1970 to unite winter motorized recreationists across the state to enjoy their passion. CSA advocates for the 30,000 registered snowmobiles in the State of Colorado. CSA has become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of snowmobiling by working with Federal and state land management agencies and local, state and federal legislators. For purposes of this document CSA, COHVCO and TPA are identified as "the Organizations".

In these comments, the Organizations have provided a detailed analysis of the extensive and highly detailed reviews of possible Wilderness areas on the GMUG, many of which occurred before the Wilderness Act was even passed by Congress. None of this information is even mentioned in the current inventory. These multiple reviews have been heavily relied on in previous Congressional action designating Wilderness areas on the GMUG and also in Congressional decisions:

1. Releasing significant portions of the GMUG from further inventory and requiring non-wilderness multiple use management moving forward;
2. Prohibiting buffer areas around Wilderness areas;
3. Repeal of primitive area designations on large portions of the GMUG; and
4. Explaining why boundaries of designated Wilderness areas are in the locations that they are.

USFS inventory requirements specifically require that such Congressional actions be honored and addressed in the Wilderness inventory process but the GMUG has chosen not to provide this information in violation of federal law and USFS planning requirements.

These Wilderness and Wilderness release determinations by Congress have often been the result of years of consensus building around the legislation that was passed in 1980 and 1993 and represents some of the largest collaborative efforts around land management in Colorado history. This level of collaboration is highly relevant as one of the consistent themes we have heard from land managers is the position that diverse groups should come together on tough issues and build a recommendation for resolution of the issue. With Wilderness on the GMUG, this consensus process has occurred and the Organizations are asking that land managers not disrupt this consensus management position by recommending Wilderness in areas where the consensus position, memorialized in federal law, is that the area is not suitable. The fact that one group did not get exactly what they wanted in the consensus position does not mean the consensus should be disrupted, despite posturing in draft legislation that there is some level of support for change in the consensus. The history of the legislative efforts since 1993 evidences a lack of political support for such a change rather than a basis for changes in management of these areas. Again, none of this the weak legislative history around the citizen Wilderness proposals is mentioned in the inventory, despite the fact that some of these proposals have been in existence for more than 20 years and barely received any Congressional support.

The honoring of all aspects of federal land management legislation is critically important to the Organizations as the Organizations have devoted years of effort to obtaining balance in recent

land management legislation that has actually been passed into law by Congress. This is directly evidenced by the Hermosa Watershed Legislation on the San Juan NF,[1] which did designate a sizable Wilderness area but also released the remaining portions of the West Needles Wilderness Study area and specified the area must be used for motorized recreation and also designated a special management area where motorized recreation was a characteristic of the area due the ongoing Wilderness recommendation for the area in forest planning. It is interesting to note that when this legislation was moved forward, BLM managers sought to manage the West Needles area as a WSA despite the fact the Congressional designation had been revoked in 1993 and this decision was roundly criticized by all parties in the development of the Hermosa Watershed Legislation. If designations requiring non-Wilderness management are not honored and may simply be cast aside at will, the Organizations would note that such a casting aside would impair community efforts for land management decisions in the future.

In addition to the Congressional determinations regarding the usage of many areas of the GMUG, the USFS has recently completely inventoried the GMUG again to review the lesser classification of upper tier roadless designation. The inventory again fails to provide this information to the public, despite the chronological relevance of the 2012 Colorado Roadless Rule development and USFS planning requirements requiring Roadless characteristics be addressed in the Wilderness inventory process.

2a. The current Wilderness inventory fails to address all citizen Wilderness proposals for lands on the GMUG.

The Organizations have been heavily involved in Wilderness discussions for more than a decade in areas throughout the State of Colorado and as a result have developed their own Wilderness Legislative Proposal for use in Forest Plan development and Legislative discussions. This proposal has been reviewed by Congressman Tipton's Office and Senator Gardner's office when discussions around obtaining balance in usage in any piece of federal land management

[1] See, A complete history of the passage of the Hermosa Watershed Legislation into law is available here: https://www.govtrack.us/congress/bills/113/hr1839/text

legislation. A copy of this proposal has been provided for your reference and we can assist you in clarifying the status of this proposal with our various elected officials. [2] Given that compliance with existing federal law determinations protecting multiple use is a cornerstone of this proposal, the Organizations submit that such a proposal must be equally weighted with the various Wilderness proposals that are recognized in the inventory already. The fact that we are asserting federal law must be honored also weighs in favor of addressing these areas in the inventory.

2b. The Gunnison Public lands initiative is not supported by the motorized community.

The Organizations have previously identified the opposition of the motorized community to the Gunnison Public Lands Initiative efforts as this process starts from the position that all lands are suitable for Wilderness designation and then requires the public to provide input as to why they disagree with that. Often many of our members that have sought to provide input have not received a warm welcome at public meetings, which is troubling for a proposal that asserts to seek broad community support.

We have prepared detailed comments on this issue which were submitted to this planning process as there appears to be growing confusion in these efforts between the participation of Organizations and support for the recommendations of the efforts. The Organizations have attempted to provide in person meetings but have been told they only occur in the Gunnison area and anytime we have been in the Gunnison area, GPLI representatives have been too busy to meet with us. The motorized community has participated but does not support the Proposal. Generally, the public process around the entire discussion is badly flawed and far from complete and at best objectives of the planning process that have not been achieved are often presented as goals of the process that have been achieved. This entire process should be approached with great caution by planners.

3a. Many of the areas found to be suitable for recommended Wilderness designation have been previously found unsuitable for designation by Congress.

[2] A copy of this Proposal is attached as exhibit A to these comments.

Prior to addressing the specific and extensive history of areas on the GMUG of areas being reviewed by Congress and specifically identified as unsuitable for designation as Wilderness, the Organizations must address two significant landscape level concerns that have arisen around many of the recommended Wilderness areas from the 2007 draft RMP. Our first landscape level concern involves the relationship of the site-specific inventory of much of the GMUG by Congress and specific release of many areas from further review for possible designation as Wilderness in the future by Congress. The specific release of areas by Congress from future designation as Wilderness greatly outweighs the fact that there may be legislation now before Congress on this issue in the form of a citizen-based Wilderness proposal. Any other conclusion lacks any basis in law or fact.

USFS guidance regarding citizen Wilderness proposals specifically requires that the relevant dates for citizen proposals be addressed in the Wilderness inventory as follows

> "The Interdisciplinary Team shall record all lands included in the inventory on a map of the planning area. In addition, the Team shall identify on the same map (or a series of maps), at a minimum, the following lands:
>
> 2. Congressionally designated wilderness study areas, and any wilderness proposals pending before Congress. Indicate relevant statutory dates, if any." [3]

While USFS requirements specifically address the need for dates to be addressed in the inventory process regarding citizen Wilderness proposals, there is simply no mention of any relevant dates for hearings, submission of Proposals to Congress or any other relevant information. This is a direct violation of the USFS planning requirements. The addition of this information to the inventory process provides direct evidence of the comical lack of support for these proposals rather than a valid planning requirement, especially when proposals such as the "citizen Wilderness" proposals are not identified or locatable on the internet.

---

[3] See, USFS Wilderness Inventory Handbook at 1909.1271 (2).

There is great pressure on land managers to recognize legislative drafts that have been before Congress, sometimes for decades, in planning but the Organizations must note that the decision NOT to list these areas as Wilderness that actually passed Congress and became law must be properly weighted again the existence of a legislative proposal that has not passed either house of Congress and often completely lacks even a sponsor in the House of Representatives. Any argument that a stalled legislative proposal should carry more weight than a site-specific analysis and decision that has actually passed Congress regarding the ineligibility of the area for future designation is probably lacking legal and factual basis. The Organizations submit that many of the citizen Wilderness proposals that are currently addressing GMUG lands are not moving because they are simply badly out of balance and would designate Wilderness in areas that were released in previous Wilderness legislation.

Here the need to properly weigh proposed legislation in relation to current federal law is valuable and will provide more clarity to why we are asserting the mere proposal of Wilderness on the GMUG is not a management or analysis issue for planners. Planners must insure that Congress has not spoken affirmatively against the Proposal. This comparison involves mountain bike usage in Wilderness areas. Similar to the San Juan and Continental Divide legislation now before the US Senate, there was also draft legislation in the 115th Congress to allow mountain bikes in Wilderness (HR 1349) that actually moved out of the House committee hearing. After passing committee, HR 1349 moved no further in the House and failed to obtain any Senate sponsors. Clearly this type of legislation could not be applied by land managers in the planning process to allow mountain bikes in Wilderness areas, as it directly contradicts federal law despite the draft Legislation being proposed. Congress has spoken on this issue and there is no basis to overturn that position without further action actually passing Congress.

The application of standards for the treatment of proposed legislation by land managers must be consistently applied. If Congress has said “no” that determination must be consistently applied rather than being recognized as a basis for new Wilderness and ignored when it states the area is unsuitable for Wilderness. Planners certainly would not address mountain bikes in Wilderness

due to the conflict with federal law and for the same reasons there should be no recommendation of Wilderness designations in GMUG areas already repeatedly addressed by Congress and found unsuitable and released back to multiple use. Each is a direct violation of federal law, despite what has been asserted by those advocating for more Wilderness. Existing federal law must outweigh proposed legislation in the planning process.

Any assertion of a valid basis for management of areas recommended for Wilderness in proposed legislation instead of recognizing existing federal law ignores the weak legislative support for these types of proposals in Colorado. The history of both the Continental Divide Proposal, and earlier versions of this legislation that trace back to the original Hidden Gems Proposal and San Juan Wilderness Proposals by Senator Bennett clearly shows the **lack of support** for the expanded designations across larger communities. Rather than being a basis for management of these areas as recommended Wilderness these proposals provide a concrete basis for management of these areas in compliance with existing federal law mandating multiple use.

A brief history of the San Juan Wilderness Legislation reveals a long history of nonsupport for the proposal in Congress, as there has never been a house sponsor even named for the Proposal[4]. Even in the Senate, the proposal has moved to hearings on several occasions and while it has gotten out of committee, the larger Senate has never even voted on this Proposal. This is a strong indication of the **LACK of support** for the Proposal. Even more troubling is the fact that the San Juan Legislation has not even been introduced in the Senate since 2013. The Organizations submit that the 5-year hiatus for the legislation speaks volumes to the true amount of support for the Legislation.

While the Continental Divide Legislation does not address lands on the GMUG, it provides further basis for the caution that land managers should be approaching any proposal with. The Legislative history of the Continental Divide Legislation provides no basis for management

[4] More information on this Proposal is available here: https://www.congress.gov/bill/112th-congress/senate-bill/1635?q=%7B%22search%22%3A%5B%22s1635%22%5D%7D&r=1

decision as this Proposal has been submitted in various forms for almost a decade and has also not moved beyond committee hearing, and many years has been unable to even get a hearing. This Legislation was originally proposed in Congress in 2010 with claims of broad support and extensive vetting of the Proposal through the Hidden Gems based discussions. Vetting of the proposal provided to be less than complete and many problems were immediately identified and as a result the Central Mountains version of Hidden Gems was reworked several times as exemplified by the Rocky Mountain Recreation and Wilderness Preservation Act of 2012[5]. This did little to build community support for the Proposal. Recently the legislative name was changed and minor changes to the proposal were undertaken, and this version again failed to move.

The Organizations would be remiss if the troubling legislative history of other proposals that have incorporated San Juan and Continental Divide boundaries was not addressed, such as Congresswoman Dianna DeGette's Colorado Wilderness Act that was originally introduced in 1999 was not mentioned[6]. These Proposals have also failed to move beyond a committee hearing despite being introduced for almost two decades as well. As result, managers now have a clearly identified basis to **not** incorporate these legislative proposals into planning as there is clearly defined track record of minimal public support for the Proposals. The failure of these proposals in Congress simply does not create a valid basis for planning actions by Congress.

This lack of support for the San Juan and Continental Divide version of Hidden Gems, is further evidenced by the fact that while these proposals have languished in Congress for more than two decades in one form or another, other land use legislation including Wilderness designations has been developed and rapidly moved through Congress regarding Colorado public lands. This legislation would be the Hermosa Watershed Legislation of 2013, which was developed, passed into law and subsequent planning completed in a decade less time than San Juan and Continental

[5] More information on this legislation is available here: https://www.congress.gov/bill/112th-congress/house-bill/1701?q=%7B%22search%22%3A%5B%221701%22%5D%7D&r=79
[6] More information on this legislation is available here: https://www.congress.gov/bill/106th-congress/house-bill/829?q=%7B%22search%22%3A%5B%22degette+colorado+wilderness+act%22%5D%7D&r=12

Divide have been languishing in Congress without larger support. While the mandates of the Hermosa Watershed Legislation are not legally binding on the GMUG, the factual differences are highly relevant to the value of land management legislation that does not move. In 2013, the Hermosa Watershed Legislation[7] was not even a Legislative Proposal but this legislation was developed from the ground up, passed both houses of Congress and was signed by the President while other pieces of legislation remained stalled. [8] While the Hermosa Watershed Legislation does not impact GMUG planning the rapid movement of this legislation through Congress speaks volumes to the lack of support around the other pieces of Legislation that have been in existence for much longer and simply never moved. Their value in planning is marginal at best.

While USFS policy asserts that citizen Wilderness proposals be addressed in the planning process, the Organizations vigorously assert that the mere existence of a Proposal is not enough review for the planning process. The Organizations submit that the entirety of the history of these citizen Proposals must be reviewed in the planning process as many of the areas have been the basis of citizen Wilderness Proposals since before 1980 as directly evidenced by the 1980 Colorado Wilderness act[9] when the boundaries of many of these areas were established and drawn to protect many of the same usages that remain in these areas to this day. The boundaries proposed for many areas on the GMUG in planning are the same areas that Congress specifically excluded from Wilderness when the areas were designated, as exemplified by the discussions of why wilderness boundaries are in the locations they currently are as provided on page 7 of House Report 96-617 issued in conjunction with the passage of the 1980 Colorado Wilderness Act. Those provisions are discussed in greater detail in subsequent portions of these comments.

The second landscape level concern around merely designating recommended Wilderness based on citizen proposals for Wilderness is a policy concern and involves a consistent position taken by land managers that the public should work together attempt to bring solutions to issues to

[7] A complete history of the passage of the Hermosa Watershed Legislation into law is available here: https://www.govtrack.us/congress/bills/113/hr1839/text

[8] Various press coverage of the passage of the Hermosa Watershed legislation as part of the National defense Authorization act of 2014 is available here: https://www.bennet.senate.gov/?p=release&id=3209

[9] *See* PL 96-560

them. When land managers are recommending areas for possible designation that have been previously released by Congress, the managers are now working against the public collaborations that were the basis for the release of the area back to non-wilderness multiple use. If there is a consensus position regarding the management of areas that has been achieved and passed into law by Congress it should be enforced with regard to all interests, regardless of the position. Consensus positions should be supported and defended by land managers in Colorado as there has been a lot of balancing and collaboration that has gone into the Congressional action for management of public lands for decades. When land managers recommend Wilderness for areas that have been specifically inventoried by Congress and found ineligible, land managers are undermining a consensus position that was achieved. Despite insisting that collaborative efforts targeting consensus management are needed here, managers would be undermining the very consensus they seek to obtain by trying to recommend Wilderness in many areas on the GMUG. Additionally, recommending Wilderness based on these proposals would undermine the public process as the legislation is simply badly out of balance in terms of land use and as a result has little support from the general public.

3b. The extensive history of Congressional action addressing non-wilderness use of public lands on the GMUG must be addressed in the inventory and has been ignored.

There is a long and vigorous history of Congress specifically addressing the non-Wilderness management of public lands on the GMUG and of those protections being able to move land management legislation through Congress. It is troubling that many of the areas that have been specifically identified for non-Wilderness multiple use management in order to develop a balanced land management bill that would move through Congress were recommended for Wilderness in the 2007 draft RMP for the GMUG. Congressional protections of multiple use on lands recommended for Wilderness include:

1. Non-wilderness multiple uses being identified for areas not designated as Wilderness;
2. No restrictions of usages outside Wilderness areas to create buffer areas for the Wilderness;

3. Specifically crafting boundaries to protect existing usages outside the Wilderness; and
4. Removal of primitive area designations.

The Organizations submit the 2007 RMP recommendation fails to account for previous Congressional actions regarding these areas and directly undermines the ability of balanced land management legislation to move at the landscape level and will result in land management that directly conflicts with federal law. Many of the same flaws that plagued the 2007 GMUG RMP are carried forward into this version of the draft RMP, despite the per se violation of federal law governing many of the areas.

The Organizations are very concerned regarding the overly narrow view of Wilderness inventory that is provided in the January 2018 Wilderness Inventory guidance on the Forest, as this document completely fails to address the extensive Congressional actions that have been taking regarding management of lands on the GMUG for Wilderness and other uses. The overly narrow scope of analysis in the inventory is reflected as follows:

> "After applying the size and improvements criteria, the handbook directs the Responsible Official to review information provided through public participation during the assessment phase of the plan revision process, including areas that have been proposed for consideration as recommended wilderness through a previous planning process (i.e., the 2007 GMUG Proposed Plan), collaborative effort, or in pending legislation. With respect to areas proposed for consideration as recommended wilderness through collaborative efforts, two citizen proposals for wilderness and other special designations were submitted to the GMUG during the assessment phase. These proposals will be considered in combination with other public comments received throughout the GMUG wilderness process." [10]

[10] *See*, GMUG Wilderness inventory process document- January 2018 at pg 2.

While addressing issues involving legislative history may seem unnecessary, it is important as many of the areas recommended for addition to the Wilderness system in the 2007 Draft RMP Proposal have been the basis of ongoing discussions for possible Wilderness designations since well before the Wilderness Act was originally passed in 1964. As a result, the lack of success around recent efforts to add these areas is important but also the history of not only each Wilderness areas that were designated and also areas that were not designated is important as A large portion of the areas recommended for Wilderness in the Draft 2007 RMP have been specifically reviewed and released from further management by Congressional action to be managed under non-Wilderness standards. In addition to the determinations of why these areas were found unsuitable for Congressional designation, these areas have been the basis of extensive inventory by the USGS and Bureau of Mines pursuant to §3b of the Wilderness Act as these were existing Primitive Areas when the Wilderness Act was passed in 1964. Given the specific review and release of many of these areas from further designation by Congress, the Organizations must question how the same areas could be recommended for Wilderness in the USFS planning process, despite what has been more than 50 years of review of possible basis for designation. Additionally, many of the areas were also found unsuitable still for even Roadless area upper tier areas under the Colorado Roadless Rule.

3b (1). Congressional determinations of non-wilderness management are not addressed in the inventory.

As previously noted there is a long history of Congressional determinations around usages of lands on the GMUG and throughout Colorado and these determinations are simply never mentioned in the inventory of the GMUG despite the fact it is existing federal law which must be recognized in planning under basic principles of law and under Forest Service requirements for the development of Wilderness areas in planning. Forest Service guidance documents governing Wilderness inventory specifically require federal determinations of areas for non-wilderness usages MUST be recognized as follows:

> "In addition, the Team shall identify on the same map (or a series of maps), at a minimum, the following lands:
>
> 4. National Forest System lands statutorily designated for management for nonwilderness purposes. Indicate effective dates, if any." [11]

Given the repeated decisions of Congress specifically identifying areas on the GMUG for multiple use and unsuitable for designation as Wilderness the Organizations assert strict application of the above standard could easily result in an RMP recommendation that conflicts with federal laws specifically governing these areas. This must be avoided and currently these types of determinations are not even mentioned in the inventory.

This clarity of Congressional action regarding non-wilderness usages on large areas of the GMUG and throughout the state is exemplified in the 1980 Colorado Wilderness Act that created the Colligate Peaks, Raggeds and Fossil Ridge Wilderness areas. Given the high levels of relevance of this legislation to these discussions of the 1980 Colorado Wilderness Act, a copy has been enclosed for your convenience as exhibit 3. The 1980 Colorado Wilderness Act specifically spoke of the need to protect non-wilderness multiple use in areas it was not designating as Wilderness as follows:

"SEC. 101. (a) The Congress finds that-

> (3) the Department of Agriculture's second Roadless Area Review and Evaluation of National Forest System lands in the State of Colorado and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy mineral, timber, grazing, dispersed recreation and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws……

[11] See, USFS Wilderness Inventory Handbook at 1909.1271 (3)(4)

(b)(2) The purposes of this title are to……. Insure that certain other National Forest System lands in the State of Colorado **are available for non-wilderness multiple uses.”** [12]

The desire of Congress to return non-Wilderness uses to areas not designated as Wilderness is evidenced by the fact that this desire was stated twice in the 1980 version of the Colorado Wilderness Act. Additional clarity regarding the desire of Congress to return multiple use to areas that were not designated as Wilderness in the 1980 legislation is also provided by Section 107 of the 1980 Colorado Wilderness legislation, which clearly states as follows:

> “(3) areas in the State of Colorado reviewed in such Act; for study by Congress or remaining in further planning upon enactment of this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and”[13]

Given the long history of clear Congressional action regarding the non-Wilderness management of so much of the GMUG planning area, the Organizations are HIGHYLY frustrated by the fact that at no point in the inventory are these provisions even recognized. This frustration is compounded by the fact that many areas identified for non-Wilderness usages were recommended for Wilderness in the 2007 RMP draft. Any assertion that such an oversight is permissible lack basis in fact and law and directly contradicts both federal law and Forest Service inventory requirements to recognize these areas specifically in the inventory.

Clearly these previous Legislative actions developed high levels of public participation and consensus and should be honored. The fact that one group did not get exactly what they wanted in consensus efforts previously does not create the need for new consensus efforts without a serious change in the circumstances in the area. Also, recommendations of Wilderness in these areas must at least recognize the previous legislative determinations and explain why these

[12] *See,* PL 96-560 at §101.

[13] *See,* PL 96-560 at §107.

determinations are not controlling for these areas any longer and why these areas may again be recommended for designation as Wilderness by Congress.

3(b)(2). Many of recommended Wilderness areas directly violate Federal law prohibiting buffer areas around many Wilderness areas on the GMUG.

As identified above there have been significant Congressional actions to address the management of many areas within the GMUG planning area for more than 50 years. The 1980 Colorado Wilderness Act specifically released areas not designated back to non-wilderness multiple use. The 1993 Colorado Wilderness acts implemented additional protections for usages of areas outside the designated Wilderness areas with the addition of the "no buffer" concept to further protect multiple usage in boundary areas. Congress has specifically reviewed these areas and determined where the boundaries should be located. Fossil Ridge, Colligate Peaks, Uncompahgre, Powderhorn and Raggeds Wilderness areas were created by the 1980 and 1993 Colorado Wilderness Act, and both of these pieces of legislation specifically required no buffer requirements as the 1993 Colorado Wilderness Act as follows:

> "(e) BUFFER ZONES. —Congress does not intend that the designation by this Act of wilderness areas in the State of Colorado creates or implies the creation of protective perimeters or buffer zones around any wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area." [14]

While federal law is exceptionally clear on the usages that are allowed outside Wilderness areas this clarity is not conveyed even generally in the Evaluation despite the fact that almost every Wilderness area on the GMUG is subject to these restrictions in the federal legislation that designated the Wilderness. Again, these are specific Congressional determinations that must be addressed in Wilderness inventory under USFS requirements as follows:

[14] *See*, PL 103-77 @ §3(2)(3). Similar provisions are found in section 110 of the 1980 Colorado Wilderness Act.

> "5. Evaluate the degree to which the area may be managed to preserve its wilderness characteristics. Consider such factors as:
>
> c. Specific Federal or State laws that may be relevant to availability of the area for wilderness or the ability to manage the area to protect wilderness characteristics;" [15]

Despite this clear mandate, at no point are buffer areas being designated for multiple use even raised in the inventory. Rather that addressing specific determinations on the lack of buffers for Wilderness many of the designations are based on the idea that such a boundary change would make preservation of Wilderness characteristics of the areas easier to manage. Asserting such a basis for management designation would be exactly the type of buffer that is specifically prohibited under the Colorado Wilderness Act and its amendments.

The complete failure to recognize existing federal law requiring "no buffers" for Wilderness is exemplified by the repeated recognition of the positive effects of an area to provide additional buffers for existing Wilderness areas in the inventory.

The shocking disregard for the Congressional determinations regarding the Congressional determinations of the lack of necessity for additional buffers in the Wilderness Inventory is exemplified by the following portions of the inventory. In the Tellurium G11 inventory provisions the buffer is recognized as follows:

> "As is, this area provides an effective buffer between travel routes and Collegiate Peaks Wilderness."[16]

In the Taylor Canyon G15 inventory provisions the buffer is recognized as follows:

[15] *See,* USFS Wilderness Inventory Handbook at 1909.1271 (5).

[16] See, USFS GMUG Wilderness Evaluation at pg. 31.

> "As is, this area provides an effective buffer between NFSR 742 and both Fossil Ridge Wilderness and Fossil Ridge Recreation Management Area."[17]

In the Slumgullion P5 inventory provisions the buffer is recognized as follows:

> "As is, this area provides an effective buffer between NFSR 709/private property and West Elk Wilderness."[18]

The complete disregard for the "no buffer" provisions for Colorado Wilderness areas currently existing in federal law that is displayed by these portions of the USFS is astonishing and is vigorously opposed by the Organizations. What is even more frustrating is the fact that many of these buffer areas were actually recommended for Wilderness management in the 2007 draft RMP despite the clear Congressional determination that non-wilderness usages were permissible in these buffer areas.

3d. A large portion of the GMUG has been inventoried as primitive areas and released back to multiple use by Congress.

In addition to the extensive Congressional action specifically drawing many of the boundaries of Wilderness areas on the GMUG, Congress additionally reviewed the inventory of three primitive areas that were existing in the southern portions of the GMUG when the Wilderness Act was passed in 1964. These three primitive areas were identified as the Uncompahgre Primitive area, Uncompahgre Adjacent Primitive area and the Wilson Mtn Primitive areas. Again, when the 1980 Colorado Wilderness act was passed these inventories were reviewed for possible designations by Congress and areas that were found suitable for designation were designated as Wilderness and the primitive areas were abolished and returned to multiple use.

[17] *See,* USFS GMUG Wilderness Evaluation at pg. 36.
[18] *See,* USFS GMUG Wilderness Evaluation at pg. 70.

The 1980 Colorado Wilderness Act clearly abolished exiting primitive areas designations areas as follows:

> "The previous classifications of the Uncompahgre Primitive areas and Wilson Mountain Primitive area are hereby abolished" [19]

In the 1980 Colorado Wilderness Act, Congress then clearly identified in §101 of this Legislation the fact that any areas not designated as Wilderness was to be released back to non-wilderness multiple use as follows:

> "(b) The purposes of this title are to—
>
> (2) insure that certain other National Forest System lands in the State of Colorado be available for nonwilderness multiple uses."

The Organizations submit that any assertion that the primitive area designations existing on the GMUG and specifically released for non-wilderness multiple use could again be recommended for Wilderness by the USFS defies both legal and logical defense. Despite specific federal law on this issue, these previous designations are not even addressed in the inventory.

These types of determinations regarding primitive areas are again clearly identified to be within the scope of the Wilderness Inventory process as follows:

> "The Interdisciplinary Team shall record all lands included in the inventory on a map of the planning area. In addition, the Team shall identify on the same map (or a series of maps), at a minimum, the following lands:
>
> 1. Existing designated wilderness and primitive areas….
>
> 4. National Forest System lands statutorily designated for management for nonwilderness purposes. Indicate effective dates, if any."[20]

While Congress has designated extensive portions of the GMUG as possible primitive areas in the past and then removed these designations with a specific requirement of using these areas for

[19] *See*, Public Law 96-560 at §102(b).

[20] *See*, USFS Wilderness Inventory Handbook at 1909.1271 (1) & (4).

non-wilderness multiple usage in areas not designated as Wilderness, these determinations are again not even addressed in the Wilderness evaluation.

We have enclosed the complete inventory of each of these primitive areas as Exhibit 4 to allow planners to fully understand the detail and scope of these inventories and understand the scope of what was released by Congress for non-wilderness multiple use and then recommended for Wilderness in the 2007 draft RMP and again not even addressed in the current Wilderness evaluation report. After a detailed review of these reports, it should be noted that many of the pre-existing usages recognized in these reports and inventory that prohibited Congressional designation of these areas as Wilderness in 1980 have existed in these areas since at least the early 1970s. These usages and management challenges often remain in the areas that were recognized by the Department of Interior and Bureau of Mines, adding more credibility to the USFS inventories of these areas subsequently undertaken. Again, we simply cannot understand a fact pattern where Congress could specifically decline an area for designation as Wilderness, protect the non-Wilderness multiple use and then land managers would again recommend the same areas for designation in the planning process. Such a position simply lacks rational basis in facts or law.

3e. Specific boundaries of the Uncompahgre (Big Blue) and Mt. Sneffels Wilderness were drawn with great detail by Congress.

In addition to the release of the large primitive areas that predated the 1964 Wilderness Act and comprised a large amount of the southern portions of the GMUG, the 1980 Colorado Wilderness act addressed the specific locations for the boundaries of both the Uncompahgre and Mount Sneffels Wilderness with unusually high levels of detail. The value of this level of detail should not be overlooked and again would draw any assertion of suitability for these areas as recommended Wilderness in the RMP into question.

Section 9 of the House Report issued for the 1980 Colorado Wilderness act provides a large amount of highly site-specific detail into the scope of analysis undertaken by Congress in

developing this legislation and why boundaries are in the locations they are in. This bill memo provides:

> "9. Lizard Head, Mount Sneffels, and Big Blue Wildernesses: These three separate wilderness proposals of 40,000, 16,200, and 100,000 acres, respectively, comprise what many feel is the most scenic and spectacular area in the entire State of Colorado, and is sometimes called the "Switzerland of America". The area's outstanding beauty and wild nature has been officially recognized since 1932 when the Wilson Mountains and Uncompahgre Primitive Areas were established by administrative regulation. In accordance with section 3 (b) of the Wilderness Act, the wilderness character of the two primitive areas was reviewed, and a wilderness recommendation on five separate tracts was forwarded to Congress in 197 4. The RARE II process resulted in further wilderness recommendations on lands contiguous to three of the five tracts. The Committee reviewed the Administration's recommendations and determined that the 16,200-acre Mount Sneffels proposal was adequate to protect the highly scenic country north of Telluride. To the south west, the Committee proposes a 40,000-acre Lizard Head Wilderness to link up the Administration's Mount Wilson and Dolores Peak recommendations and include the headwaters of the Dolores River plus the landmark Lizard Head and Wilson Meadows. These additional lands largely lie within the existing Wilson Mountains Primitive Area and have important wildlife values as well as superlative wilderness qualities. The Committee therefore determined that wilderness should replace the current primitive area designation.
>
> Similarly, the Committee recommends a 100,000-acre Big Blue Wilderness to join the Administration's Big Blue and Courthouse Mountain proposals. The Committee additions include the heart of the eastern urut of the Uncompahgre Primitive Area and such outstanding natural features as Matterhorn Peak, Wetterhorn Peak, Precipice Peak, Dunsinane Peak, Cow Creek and portions of the West, Middle and East Forks of the Cimarron River. The Committee feels the addition of these lands is vital to the overall integrity of any Big Blue Wilderness, and especially notes their outstanding scenic and watershed values. At the same time, the Committee recognizes that the public currently relies on motorized access to certain key areas, and therefore amended the bill to exclude lands in the vicinity of Nellie Creek and to excise two road corridors which extend part of the way up the Middle and West Fork Cimarron River drainages. Another boundary adjustment was made on the extreme western end of the area near Baldy Peak to exclude about 1,500 acres which are used by grazing permittees for frequent motorized access and intensive management activities associated with livestock grazing. The bill abolishes the Uncompahgre and Wilson Mountain Primitive Area designations for those residual Primitive Area lands lying outside the boundaries of the three proposed wildernesses. Most of these remaining lands are so

> interspersed with patented mining claims that their management as wilderness would prove infeasible."

A complete copy of this House Report memo outlining the high levels of sight specific analysis that was undertaken by Congress is attached to these comments for your reference. Given that many of the uses that Congress wanted to avoid impacting are still existing in these areas and have been specifically protected by federal law the Organizations must ask why manager would ever want to violate the clear statements of Congress as to the location of these Wilderness boundaries.

When both the Mt Sneffels and Lizard Head Wilderness Areas were designated as Wilderness in 1980, the following provisions were included in the preamble of that legislation:

> "(3) the Department of Agriculture's second Roadless Area Review and Evaluation of National Forest System lands in the State of Colorado and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws."[21]

The Organizations must question why areas that have been specifically released by Congress for multiple use management and consistently found unsuitable for designation as Wilderness would ever be found now available for Wilderness designation. The Congressional release of roadless areas, such as Sunshine, Wilson Mesa, Whitehouse and Liberty Bell is highly relevant due to the proximity of many of the new proposed Wilderness Area additions to both the Mt. Sneffels and Lizard Head Wilderness and that these areas were specifically excluded by Congress from Wilderness management previously.

[21] *See*, PL 96-560 @ §101(a)(3).

3f. Most areas proposed to be Wilderness was found unsuitable for designation as Upper Tier Roadless areas in the 2012 Colorado Roadless Rule Process.

The Organizations wish to highlight the repeated exclusion of many areas now sought to be identified as recommended Wilderness in the RMP from lower levels of management in previous administrative reviews as part of the development of the Colorado Roadless Rule. Again, USFS requirements for the Wilderness Inventory process require inclusion of this information as follows:

> "The Interdisciplinary Team shall record all lands included in the inventory on a map of the planning area. In addition, the Team shall identify on the same map (or a series of maps), at a minimum, the following lands:
>
> 3. Areas identified in the Forest Service Roadless Area Conservation Final Environmental Impact Statement (Volume 2, November 2000), or in a Forest Service State-specific roadless rule, or identified as undeveloped or for primitive nonmotorized management in the current land management plan."

While Roadless inventory information is specifically required in the inventory process at no point in the GMUG wilderness inventory is the conclusions of the 2012 Roadless Rule inventory for the proposed area even mentioned. Throughout the Roadless area inventory process many conclusions regarding the unsuitability of areas for recommended Wilderness were again reached in the development of the 2012 Roadless Rule. The systemic conclusions that many of these areas were never suitable for inclusion in the Wilderness system started with the RARE and RARE 2 inventories due to the high levels of existing usages of these areas included high levels of recreational value. These areas would include the Wilson Mesa area, Sunshine, Whitehouse, Liberty Bell and many other areas.[22] While the site-specific information from the RARE and RARE 2 process is available for review if your office should desire such a discussion, these conclusions are not discussed at length in these comments as they are repetitive to the conclusions of the Colorado Roadless Rule development in 2012. The Organizations must ask why these areas, which have never been suitable for designation as Wilderness, despite almost 50 years of

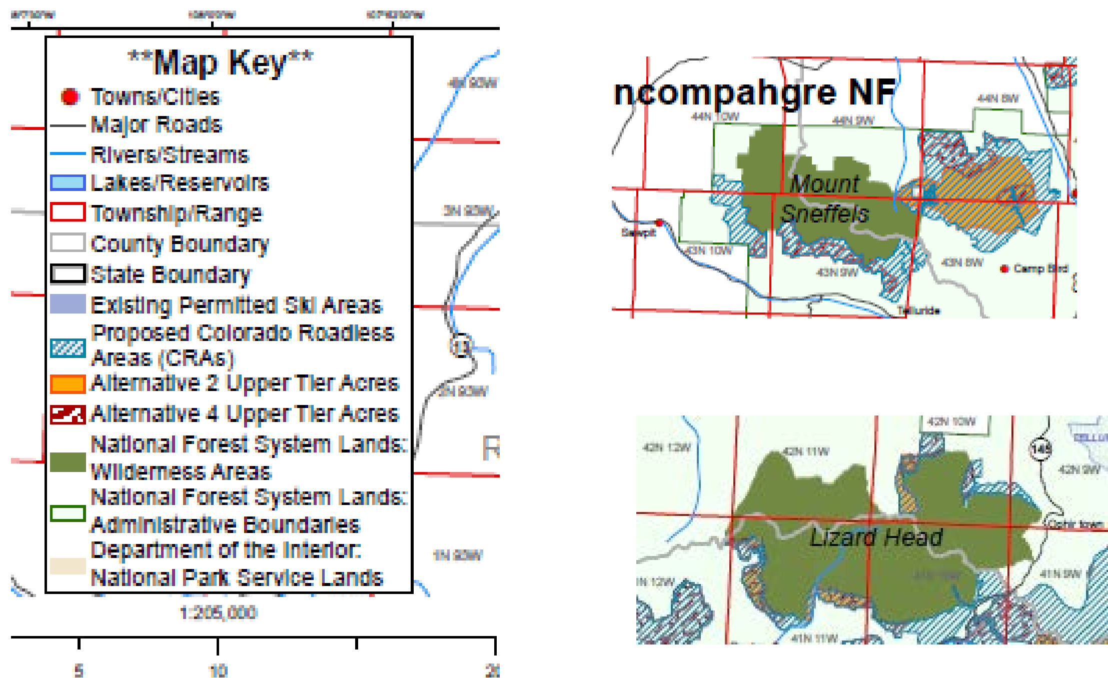
[22] *See*, USDA Forest Service; *FEIS Roadless Area Review and Evaluation*; *Appendix E;* January 1979 at pg. 216 & 220.

inventory, would now be thought suitable for designation as Wilderness? The question about the need for Wilderness designations becomes more concerning when Congressional action has previously returned these areas to multiple use management.

The Organizations were heavily involved in the development of the 2012 Colorado Roadless Rule, where both additional management flexibility was to be provided in Roadless areas and additional protection of less developed areas was explored. Unlike the single standard of management in the national roadless rule, in the Colorado Roadless Rule process, generally two categories of management inventory were explored, which were Colorado Roadless areas and Upper Tier Roadless areas. In an Upper Tier roadless area, management was closer to a Congressionally Designated Wilderness and in Colorado Roadless Area management direction was moved towards higher levels of usage and flexibility. Extensive site-specific inventories of areas were again provided as part of development of the Colorado Roadless Rule to ensure that current information about any area was relied on in the inventory process. As a result of this process, significant portions of the areas now recommended Wilderness were inventoried for possible inclusion in upper tier roadless designations under the 2012 Colorado Roadless Rule development. Similar to the RARE inventory conclusions almost every area proposed to be recommended Wilderness was found unsuitable for management as upper tier only a few years ago. The Organizations must question why the heightened restriction of Wilderness management is thought to be warranted, when lower levels of protection have already been identified as unsuitable several times. Clearly this is information that must be included in the Wilderness inventory and has not been.

In the Colorado Roadless Rule development extensive portions of public lands were inventoried for various levels of management. Alternative 2 (preferred) the designation of Upper Tier Roadless management is reflected in areas highlighted in yellow on the map below and alternative 4 of the Proposal provided a more extensive acreage of areas for possible upper tier

designation, which is reflected in the red freckled areas on the map below.[23] The stark differences between the scope of alternative 2 and alternative 4 of the inventories are reflected in the map below:



The Organizations must note that almost EVERY area now recommended Wilderness with a HIGH designation was reviewed under Alternative 4 of the Roadless Rule EIS and found to be unsuitable for the lower level of protection and management of an Upper Tier management designation. In the site-specific descriptions of each of these areas, a detailed discussion of the reasons for designation of these areas either as CRA or Upper Tier was provided. The overlap of the CRA process and RARE inventories conclusions is significant and weighs heavily against the recommendation of any of these areas as Recommended Wilderness in the draft RMP.

The Organizations must question any assertion that these areas are suitable for Wilderness recommendations in a Forest Plan, when these areas were recently inventoried and found

[23] A complete electronic version of the conclusions of these inventory process for Colorado Roadless Rule upper tier designation is available here: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5366289.pdf

unsuitable for the lower level of protection provided by an Upper Tier Roadless designation. Any assertion of factual basis for such management would not be supported by the extensive site-specific inventory and review that was created as part of the Colorado Roadless Rule development. The Colorado Roadless Rule process was another administrative confirmation that these areas do not warrant heightened protections and should be managed for multiple use but such a discussion is simply not provided in the Wilderness Inventory.

5a. The multiple use Continental Divide Trail is not the basis for designation of recommended Wilderness.

The Organizations have participated in a large number of planning efforts throughout the western United States where an unusual issue has come up in the planning process, mainly public pressure around the need to designate exclusionary corridors around routes designated under the National Trails System Act, which would be most commonly the Continental Divide Trail on the GMUG. The Organizations are surprised at this effort as the management of these routes has been a long-settled issue under federal law and not been a basis for significant concern on most forests in the Western United States. As a result, the entire concept of an exclusionary corridor is both creating a problem where on simply does not exist currently but also would be implementing management that Congress has specifically forbidden with numerous revisions of the NTSA. This issue has again reared its head in the Wilderness Inventory on the GMUG as repeatedly the mere presence of the CDT is cited as a reason for the designation of the area as Wilderness.

The Organizations are vigorously opposed to any decisions with regard to the need for an exclusionary corridor or landscape exclusion of motorized usage from the CDT as such a position would be completely without basis in law or fact. As accurately noted in the CDT plan more than 14% of CDT is currently on a motorized road and an unspecified percentage more is located on motorized trails and significant portion of the CDT are groomed for winter motorized recreational usage. All these management decisions have been in place for decades and operate without major conflict. The long history of successful management of these areas for the benefit of all is

simply never addressed by those seeking a landscape level exclusion nor is the conflict between proposed exclusions and existing federal law resolved or even addressed by those seeking an exclusion. As a result, the Organizations are vigorously opposed to any closures of lands adjacent to the CDT to multiple use. Congress has consistently moved to protect multiple use access to the CDT with every amendment to the NTSA.

5b. Designations of recommended Wilderness due the CDT directly conflict with federal law.

The Organizations are also vigorously opposed to the repeated reliance on the existence of the Continental Divide Trail in particular locations as a factor weighing in favor of recommending Wilderness in a particular area. The management of NTSA corridors and routes has a long and sometime conflicting management history when only 1968 legislation is reviewed but significant clarity in Congressional intent for management of routes and corridors is provided with the review of Congressional reports provided around passage of the NTSA in 1968. Significant clarity in addressing the Congressional desire for multiple use management has been added with every amendment to the NTSA since 1968. Multiple uses of corridors and trails was originally addressed in House Report 1631 ("HRep 1631") issued in conjunction with the passage of the NTSA in 1968.

HRep 1631 provides detailed guidance regarding the intent of the Legislation, and options that Congress declined to implement in the Legislation when it was passed. HRep 1631 provides a clear statement of the intent of Congress regarding multiple usages with passage of NTSA, which is as follows:

> "The aim of recreation trails is to satisfy a variety of recreation interests primarily at locations readily accessible to the population centers of the Nation."[24]

The Organizations note that satisfaction of a variety of recreation interests on public lands simply is not achieved with the implementation of any width corridor around a usage or trail. Rather

[24] *See,* HRep 1631 at pg. 3873.

than providing satisfaction for all uses, implementation of mandatory corridors will result in unprecedented conflict between users. This simply must be avoided.

HRep 1631 clearly addresses the intent of Congress, and the internal Congressional discussions regarding implementation of the NTSA provisions for the benefit of all recreational activities as follows:

> "however, they both attempted to deal with the problems arising from other needs along the trails. Rather than limiting such use of the scenic trails to "reasonable crossings", as provided by the Senate language, the conference committee adopted the House amendment which authorizes the appropriate Secretaries to promulgate reasonable regulations to govern the use of motorized vehicles on or across the national scenic trails under specified conditions."[25]

Subsequent amendments to the NTSA the need to balance all uses is a concern that Congress has consistently and repeatedly addressed with higher levels of clarity in the NTSA. Unfortunately, this does not appear to be the first time when agency planning sought to implement restrictions on other usages around a NTSA route in contradiction to federal law.

Subsequent to the passage of the NTSA in 1968, Congress further refined and clarified the management practices for public lands with the passage of Federal Land and Policy Management Act ("FLPMA") of 1976. While FLPMA did not specifically address the relationship of its provisions with the NTSA, FLPMA altered the entire landscape of federal lands management and the implementation of multiple use mandates for the agencies. Subsequent to the adoption of FLPMA, the NTSA was amended in 1983 to clarify that FLPMA and multiple use principals controlled the management of not only the footprint of NTSA routes but also the corridors around those routes with the passage of Public Law 98-11. The 1983 NTSA amendments removed any basis for the principal of management of adjacent lands for the benefit of the route and replaced the adjacent lands concept with the following provisions:

---

[25] *See,* HR 1631 at pg. 3873.

> "in selecting the rights-of-way full consideration shall be given to *minimizing* the adverse effects upon the adjacent landowner or user and his operation. Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued *maximum* benefits from the land."

In addition to clearly stating multiple use principals controlled NTSA routes and areas, Congress clarified the usages of NTSA designated routes by directly stating motorized usages in all forms were permitted by adding 16 USC 1246 (j), which remains in place to this day. This provision states:

> "Types of trail use allowed Potential trail uses allowed on designated components of the national trails system may include but are not limited to…the following: snowmobiling, …Vehicles which may be permitted on certain trails may include motorcycles, bicycles, four-wheel drive or all-terrain off-road vehicles."

§7c continues with extensive guidance regarding multiple uses on the CDT as follows:

> "**Other uses along the historic trails and the Continental Divide National Scenic Trail**, which will not substantially interfere with the nature and purposes of the trail, and which, at the time of designation, are allowed by administrative regulations, **including the use of motorized vehicles, shall be permitted by the Secretary charged with the administration of the trail**"[26]

The Organizations vigorously assert that any USFS guidance should not be placing one of the conflicting usages above another in a manner that directly conflicts with clearly stated guidance from Congress but rather should be identifying the conflict clearly and then assisting managers

[26] See, 16 USC §1246(c)

in resolving this conflict in a manner that addresses the clearly stated intent of Congress, which is the NTSA was intended to benefit all activity. Again, this situation must be reviewed and corrected.

5c. The CDT plan does not support designation of recommended Wilderness as there are extensive provision for management of multiple uses.

The 2009 CDT plan also provides high quality information regarding levels of usage that the 2016 USFS CDT guidance appears to assert are prohibited. A meaningful and complete review of the CDT plan reveals it clearly states:

> "(2) At the time the Study Report was completed (1976), it was estimated that approximately 424 miles (14 percent) of existing primitive roads would be included in the proposed CDNST alignment."[27]

In addition to the 14% of the CDT that is a motorized road, there are extensive but unspecified portions of the CDT located on motorized trails and significant portions of the CDT are groomed by the motorized community to access backcountry recreational areas for decades. This simply cannot be reconciled with exclusionary corridors.

It is significant to note that Continental Divide Trail ("CDT") plan has adopted a blanket recognition of relevant travel management of areas around the CDT in its management plan. The 2009 CDT Plan provisions are as follows:

> "Motor vehicle use by the general public is prohibited on the CDNST, unless that use is consistent with the applicable land management plan and……. (5) Is designated in accordance with 36 CFR Part 212, Subpart B, on National Forest System lands or is allowed on public lands and:

[27] *See,* 2009 CDT Plan at pg. 19.

> (a) The vehicle class and width were allowed on that segment of the CDNST prior to November 10, 1978, and the use will not substantially interfere with the nature and purposes of the CDNST or
>
> (b) That segment of the CDNST was constructed as a road prior to November 10, 1978; or
>
> (6) In the case of over-snow vehicles, is allowed in accordance with 36 CFR Part 212, Subpart C, on National Forest System lands or is allowed on public lands and the use will not substantially interfere with the nature and purposes of the CDNST."[28]

Given the fact that the CDT plan specifically states the need to recognize travel management as the controlling factor for use of the trail tread and adjacent corridors in a manner consistent with multiple use requirements, the Organizations vigorously assert that these portions of the CDT plan would be rendered irrelevant with the designation of exclusionary corridors. This is a direct indication there is a problem with the corridor concept being recommended.

The failure to accurately review all relevant decision documents is even more problematic when site specific Congressional action on a particular trail is brought into the discussion. While our Organizations do not have guidance documents regarding the PCT, these concerns regarding this type of conflict are highlighted on the PCT, which is also a designated route under the NTSA. Congress has specifically identified crossing points that are to be reopened on the PCT as exemplified by the designation of two crossing locations on the Bridgeport Ranger District of the Humbolt-Toiyabe NF.[29] Again the Organizations must express serious concerns about any landscape level guidance documents for a NTSA route excluding motorized usage that brought management into clear conflict with these Congressional actions and related planning efforts.

---

[28] *See*, USFS, *Continental Divide National Scenic Trail Comprehensive Plan* 2009 at pg. 19.

[29] *See*, generally Omnibus Public Lands Management Bill of 2009 and various supporting analysis available here: http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/73978_FSPLT2_059530.pdf

5d. While the CDT is referenced throughout the inventory, no mention is made of the extensive motorized trails in many of the recommended areas.

The Organizations would be remiss if the conflicting treatment of trails in the inventory process was not raised as well. While the CDT appears to be relied on as a basis for designation of the area for Wilderness there is no mention of the extensive motorized trail networks, both summer and winter, that are present in many of these areas. This is simply unacceptable as many of these trail networks have existed for decades in these locations without issue and the groomed winter trail network is highly valued by all users as this network is relied upon by all users to gain access to the backcountry. If trails are going to be addressed, and we submit an extensive trail network in any area is evidence of trammeling by man, then all trail networks should be treated equally. Land managers should not be able to include trails when it supports a decision and then exclude other trails that don't support the decision. That is an exceptionally poor way for the managers to build partnerships with the community and is also a violation of NEPA and numerous other federal planning requirements.

6. Conclusion.

We welcome this opportunity to provide input addressing the failure of the wilderness evaluation to provide a transparent inventory of the Wilderness suitability that is broad and inclusive of all factors that are required to be analyzed. This inventory is woefully inadequate and fails to satisfy NEPA and other requirements for Wilderness inventory process and as a result directly impairs the public ability to provide meaningful comment on the management of these areas. While the evaluation provides significant analysis of reasons why to designate an area as recommended Wilderness, the evaluation fails:

1. to even mention numerous Congressional actions that directly impact the availability of many areas for designation as Wilderness on the GMUG;
2. Operates on the foundation that the continental Divide Trail is designated as Non-motorized only;
3. Many existing and legal uses of the areas are not addressed in the inventory; and

4. Fails to address all citizen Wilderness proposals addressing lands within the GMUG.

In these comments, the Organizations have provided a detailed analysis of the extensive reviews of possible Wilderness areas on the GMUG, many of which occurred before the Wilderness Act was even passed by Congress. None of this information is even mentioned in the inventory. These multiple reviews have been heavily relied on in previous Congressional action designating Wilderness areas on the GMUG and also in Congressional decisions:

1. Releasing significant portions of the GMUG from further inventory and requiring non-wilderness multiple use management moving forward;
2. Prohibiting buffer areas around Wilderness areas;
3. Repeal of primitive area designations on large portions of the GMUG; and
4. Explaining why boundaries of designated Wilderness areas are in the locations that they are.

USFS inventory requirements specifically require that such Congressional actions be honored and addressed in the Wilderness inventory process but the GMUG has chosen not to provide this information in violation of federal law and USFS planning requirements.

These Wilderness and Wilderness release determinations by Congress have often been the result of years of consensus building around the legislation that was passed in 1980 and 1993 and represents some of the largest collaborative efforts around land management in Colorado history. This level of collaboration is highly relevant as one of the consistent themes we have heard from land managers is the position that diverse groups should come together on tough issues and build a recommendation for resolution of the issue. With Wilderness on the GMUG, this consensus process has occurred and the Organizations are asking that land managers not disrupt this consensus management position by recommending Wilderness in areas where the consensus position, memorialized in federal law, is that the area is not suitable. The fact that one group did not get exactly what they wanted in the consensus position does not mean the consensus should be disrupted, despite posturing in draft legislation that there is some level of

support for change in the consensus. The history of the legislative efforts since 1993 evidences a lack of political support for such a change rather than a basis for changes in management of these areas. Again, none of this the weak legislative history around the citizen Wilderness proposals is mentioned in the inventory, despite the fact that some of these proposals have been in existence for more than 20 years and barely received any Congressional support.

The honoring of all aspects of federal land management legislation is critically important to the Organizations as the Organizations have devoted years of effort to obtaining balance in recent land management legislation that has actually been passed into law by Congress. This is directly evidenced by the Hermosa Watershed Legislation on the San Juan NF,[30] which did designate a sizable Wilderness area but also released the remaining portions of the West Needles Wilderness Study area and specified the area must be used for motorized recreation and also designated a special management area where motorized recreation was a characteristic of the area due the ongoing Wilderness recommendation for the area in forest planning. It is interesting to note that when this legislation was moved forward, BLM managers sought to manage the West Needles area as a WSA despite the fact the Congressional designation had been revoked in 1993 and this decision was roundly criticized by all parties in the development of the Hermosa Watershed Legislation. If designations requiring non-Wilderness management are not honored and may simply be cast aside at will, the Organizations would note that such a casting aside would impair community efforts for land management decisions in the future.

In addition to the Congressional determinations regarding the usage of many areas of the GMUG, the USFS has recently completely inventoried the GMUG again to review the lesser classification of upper tier roadless designation. The inventory again fails to provide this information to the public, despite the chronological relevance of the 2012 Colorado Roadless Rule development and USFS planning requirements requiring Roadless characteristics be addressed in the Wilderness inventory process.

---

[30] See, A complete history of the passage of the Hermosa Watershed Legislation into law is available here: https://www.govtrack.us/congress/bills/113/hr1839/text

The Organizations would welcome a discussion of these opportunities and any other challenges that might be facing the GMUG moving forward at your convenience. Please feel free to contact Don Riggle at 725 Palomar Lane, Colorado Springs, 80906, Cell (719) 338- 4106 or Scott Jones, Esq. at 508 Ashford Drive, Longmont, CO 80504. His phone is (518)281-5810 and his email is scott.jones46@yahoo.com.

Respectfully Submitted,

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

D.E. Riggle
Director of Operations
Trails Preservation Alliance