

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action Nos.: 18-cv-02354-MSK
18-cv-02903-MSK

TRAILS PRESERVATION ALLIANCE, SAN JUAN TRAIL RIDERS, PUBLIC
ACCESS PRESERVATION ASSOCIATION,

Petitioners,

v.

U.S. FOREST SERVICE; SAN JUAN NATIONAL FOREST; KARA CHADWICK,
Forest Supervisor; DEREK PADILLA, Dolores District Ranger,

Federal Respondents,

and

WILDEARTH GUARDIANS; SAN JUAN CITIZENS ALLIANCE; DUNTON HOT
SPRINGS, INC.; SHEEP MOUNTAIN ALLIANCE,

Intervenor-Respondents.

DECLARATION OF ALLEN CHRISTY

1. I am over the age of 18, I presently reside in Farmington, New Mexico, and I make this declaration of my own personal knowledge and if called as a witness, would testify to the facts and statements in this declaration.
2. I am a member of the Board of Directors of Petitioner and Intervenor-Respondent San Juan Trail Riders ("SJTR"). I have been a SJTR member since 1989 and have served on the SJTR Board since April of 1992.
3. I have reviewed and concur in an incorporate by reference herein the information stated in the Declaration of Gary Wilkinson (ECF 25-1) previously filed in this matter in support of our motion to intervene. As stated, SJTR is a Colorado nonprofit corporation with approximately 400 members. We are based in Durango and our members are

primarily from Colorado. SJTR's goals and purposes include providing an organized network for trail enthusiasts, to promote active participation in off-highway vehicle ("OHV") management, to maintain a focused dialogue with the San Juan National Forest, to educate land managers about "Tread Lightly" and other trail conservation practices, and to encourage cooperation and coordination between user groups and engaged interests.

4. SJTR members, including myself, have used specific routes affected by the designation process of the Rico West Dolores Roads and Trails (Travel Management) Project and the Final Record of Decision dated July 30, 2018 at issue herein. These routes, which I have ridden myself on a motorcycle, include Bear Creek (Trail 607), Burnett Creek (Trail 641), Calico North and South (Trails 208, 211), East Fall Creek (Trail 646), Gold Run (Trail 618), Grindstone (Trail 608), Horse Creek (Trail 626), Johnny Bull (Trail 639), Little Bear (Trail 609), Ryman Creek (Trail 735), Spring Creek (Trail 627), West Fall Creek (Trail 640), Wildcat (Trail 207), and Winter (Trail 202).
5. I have ridden a motorcycle on almost all of the above-described trails for decades, most recently in the spring and summer of 2019. In a typical year, I ride the above-named trails 8 to 12 times per year during the period they are not muddy or covered by snow. Riding a motorcycle on these trails is the foundation of my recreational and aesthetic appreciation for the outdoors in the Rico West Dolores Area and my entertainment and enjoyment in that Area. Riding the motorcycle is challenging and enjoyable in itself, but also facilitates additional activities, including camping, meeting and enjoying the outdoors with friends and family, wildlife viewing, nature study, and similar interests. I can uniquely experience these activities and enjoyment through motorcycle access. For one thing, the experience of riding the motorcycle is unique – that is to say that

navigating the trail is different on a motorcycle than other means of access such as by foot, non-motorized bike, horse or four-wheeled vehicle. It is not the same to ride a motorcycle on a trail as it is to ride a “four wheeler” or other vehicle, even on the same trail, and I find the experience of riding the motorcycle to be far more enjoyable and, in my opinion, less impactful to the environment. Finally, I can cover more ground or travel in certain sequences on a motorcycle in ways that I cannot accomplish through other means of transport.

6. Many of the above-named trails that I have ridden on a motorcycle have been closed to motorcycle use through the Final Record of Decision, including all or significant portions of Bear Creek (Trail 607), Burnett Creek (Trail 641), East Fall Creek (Trail 646), Horse Creek (Trail 626), Little Bear (Trail 609), Ryman Creek (Trail 735), Spring Creek (Trail 627), Wildcat (Trail 207), and Winter (Trail 202). As a result of these closures, I have suffered decreased access and enjoyment in the Area, during my trips to the Area in June and July of 2019. I have not been able to gain access to areas that I have previously enjoyed visiting via motorcycle. I have not been able to ride in 2019 the same loops that I have ridden for decades as a result of the Decision’s closures, and these changes have diminished my enjoyment and prevented me from seeing certain areas. I have also had to encounter and navigate new and different challenges which have impacted my experience in a negative way, such as encounter two-way travel from out-and-back riding now necessitated on certain trails, traffic safety and full-size vehicle encounters resulting from new and increased travel on roads (even highways), and different rider distribution and crowding on the motorcycle trails that remain open.
7. The decreased access decreased enjoyment and associated injuries to my recreational and aesthetic interests in visits to the Area have occurred, are ongoing in my present visits,

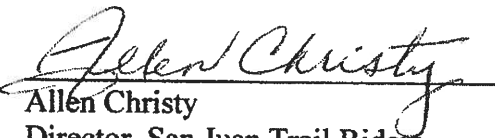
and will continue in my future visits so long as the applicable closures remain in place. I have concrete plans to conduct such future visits, including in August and/or September of 2019, and as soon as conditions are favorable in approximately mid-June of 2020.

8. If the Forest Service were to reconsider its Decision or were to otherwise restore or establish new motorcycle trail riding opportunities, it would improve my recreational use and aesthetic enjoyment of the Area, and relieve some of the injuries to these interests that I have suffered as a direct result of the Decision. My concrete plans to continue my regular visits to the Area will include, if authorized, resumption of my motorcycle travel on closed routes like Bear Creek (Trail 607), Burnett Creek Trail 641), East Fall Creek (Trail 646), Horse Creek (Trail 626), Little Bear (Trail 609), Ryman Creek (Trail 735), Spring Creek (Trail 627), Wildcat (Trail 207), Winter (Trail 202) and Morrison 610 trail if the current public easement for motorcycles is re-established. It is my understanding that this lawsuit is a possible means by which to have the Decision declared unlawful and set aside by the Court, or by which the Court could order the Forest Service to reconsider the Decision and possibly reach a different outcome that might restore access to at least some of the now-closed trails I have identified and replace the remainder of lost trail mileage with other recommended routes that are readily available.
9. My past experiences and future plans are representative and typical of the vast majority of SJTR members. Like me, these SJTR members regularly visit the Area during the spring-fall riding season but have suffered decreased access and diminished aesthetic enjoyment in their visits to the Area through the Decision's restrictions on motorcycle access.
10. The purposes of SJTR include advocating for our use of all of these trails and sharing our collective experiences upon them, focused on our mutually chosen access via motorcycle.

SJTR, as an organization and/or through its members, participated in the administrative processes leading to adoption of the plans, maps, or other decisions at issue in this action to advocate for continuing motorcycle access along these specifically identified trails.

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

July 31, 2019
Date


Allen Christy
Director, San Juan Trail Riders