



February 6, 2024

BLM Colorado State Office
Attn: Big Game Corridor Amendment/EIS
Denver Federal Center, Building 40
Lakewood, CO, 80225

Re: Draft RMP Amendment and EIS for Big Game Habitat Conservation for Oil and Gas Management in Colorado

Dear Sirs:

Please accept this correspondence as the vigorous support of the Organizations for Alternative A of the Draft RMP Amendment and EIS for Big Game Habitat Conservation for Oil and Gas Management in Colorado ("the Proposal"). The Organizations are unable to identify any Alternative that arguably applied multiple use concepts or recognizes the huge success of existing management in protecting wildlife. Every other alternative proposed also mandates the application of the mile per mile route density for oil and gas routes but expands the scope of routes that could be impacted to every route in a wildlife corridor as definitions are not provided for oil and gas related activities but are provided for action that are clearly unrelated to oil and gas. As an example, the Proposal fails to define or address in any manner equipment that is commonly found in the development of oil and gas wells, such as loaders, bulldozers, graders and other heavy equipment. While equipment such as this is not included the Proposal is able to include definitions of oil and gas issues uses such as boating, mountain bikes and other activities that could not be more unrelated to oil and gas in any way. We simply have been able to understand how and oil and gas route could be identified or how the mile per mile density was developed. We are not able to find any meaningful discussion of how this standard was established.

The Organizations are deeply troubled that the entire Proposal appears to be nothing more than an effort to build a cap-and-trade program for public access to public lands. As we have noted previously, the Proposal suffers from many foundational problems that are only compounded when analysis of the Proposal is addressed from that perspective. While the recreational community may not be opposed to the concept of a cap-and-trade system on public lands, the Proposal is so poorly developed and defined that meaningful discussion cannot be achieved. As a result, we are vigorously opposed to the implementation of the Proposal in this manner as the recreational community has almost nothing to gain in terms of expanded opportunities but has everything to lose if the Proposal is not accurately developed and successfully implemented. When we must identify the fact that none of the management agencies currently has the legal authority to do most of what they are proposing, we think this entire process will be a significant negative impact to all forms of recreation in the State.

1. Who we are

Prior to addressing the specific concerns, the Organizations have regarding the Proposal, we believe a brief summary of each Organization is needed. The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization of approximately 250,000 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 largely 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 the more than 30,000 winter motorized recreationists across the state to enjoy their passion. CSA has also become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of

snowmobiling through work with Federal and state land management agencies and local, state and federal legislators telling the truth about our sport. CORE is an entirely volunteer nonprofit motorized action group out of Buena Vista Colorado. Our mission is to keep trails open for all users to enjoy. For purposes of these comments, TPA, CSA, CORE and COHVCO will be referred to as “the Organizations.”

The motorized community is the only recreational group who has been legally required to balance recreational opportunities with wildlife protection for more than 50 years. Over this 50-year span, we have worked hard to proactively address wildlife needs in conjunction with recreation, and until very recently we had been informed these efforts had been a successful partnership of interests and in most areas of the state, populations were well above goals for the species. Our Organizations have also become the single largest partner with land managers in funding sustainable recreational opportunities on public lands across the state.

2(a). Why we are concerned.

The Organizations are VERY concerned about the exceptionally poor nature of the Proposal analysis of issues as 100% of motorized and non-motorized recreational opportunities are at risk of closure in the Proposal. This unprecedented impact of the Proposal is specifically identified as follows: ¹

Table 3-103. BLM Motorized and Nonmotorized Routes in the Decision Area

Route Designation	Motorized		Nonmotorized Only	
	Miles	Percent of All Miles in the Decision Area	Miles	Percent of All Miles in the Decision Area
Road	1,873	16.0	1	0.1
Primitive road	8,508	72.8	36	4.0
Trail	1,311	11.2	873	95.9
Total	11,692	-	910	-
Grand total	12,602			

Source: BLM GIS 2023

¹ See, Proposal at pg. 3-197.

Given that recreation in the state of Colorado provide more than \$11.5 billion in economic contributions that provides more than 125,000 jobs to Colorado citizens² the Organizations would submit possible impacts to these significant benefits must be addressed. Despite the massive benefits to Colorado from outdoor recreation, the fact that 100% of motorized and nonmotorized routes has been proposed to be subject to a mile per mile density cap is simply never meaningfully addressed.

2(b) Travel Management decisions are allegedly grandfathered.

The Organizations do welcome the inclusion of the grandfathering of existing travel management decisions in the Proposal. This is a minor step in recognizing the effects and benefits of current management. This minor step simply does not address the massive long-term impacts that the Proposal has on all recreational access as the Proposal hugely expands the number of uses that are subject to the mile per mile cap and fails to recognize that most uses have never undergone any type of management. This will result in massive conflict between users and huge unintended impacts to uses totally unrelated to oil and gas.

The Organizations would like to believe this decision was made to protect and balance recreational uses, but we are forced to believe this grandfathering is based on another concern. This concern is the failure of the Proposal to identify a model for implementation of the goals and objectives for the effort that can ever be implemented. AS we outline subsequently, basic definitions of critical terms are not provided and the factors that are reviewed simply are unrelated to travel management. When these criterial are applied to any planning area, it becomes immediately apparent there are catastrophic failures in the analysis. Rather than dealing with these issues, the Proposal simply pushes those failures into the future in the hope these failures can be dealt with in the future.

² BEA 2022 State specific reports. [Regional GDP & Personal Income | U.S. Bureau of Economic Analysis \(BEA\)](#)

3. Previous comments provided in scoping for the Proposal.

The Organizations provided extensive comments in scoping on a wide range of issues, none of which appear to have been addressed. As a result, we are resubmitting those concerns as part of these comments to preserve legal options on the Proposal. These concerns are not reproduced here simply to avoid the submission of repetitious information.

4(a) Wildlife is clearly identified as a multiple use of public lands.

The development of the Proposal has been based on a broken legal foundation from its inception as the Proposal has been based on the input of Organizations that simply are no more than managers of certain portions of the BLM multiple use mandate. While Wildlife may be a significant issue for these agencies, this does not alter the fact that the agency is only managing a small portion of a much larger management requirement. The specific identification of wildlife as part of the multiple use mandate is clearly identified as follows:

“(8) the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use;³

This management of wildlife as part of the multiple use mandate of public lands is again clearly stated as follows:

“(c) The term “multiple use” means the management of the public lands and their various resource values so that they are utilized in the combination that will best

³ 43 USC 1701(a)(8)

meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.”⁴

The protection of wildlife is an important use of public lands, but this is not an absolute requirement on BLM lands, but rather is one of many factors that must be balanced. While State agencies involved in this effort are addressing only a single portion of the multiple use mandate, this does not absolve the BLM from balancing all factors required in federal public lands. This balancing of factors simply has not occurred as after reviewing the Proposal we are entirely unable to understand the scope of the Proposal or how it will relate to existing management decisions and various Congressional designations. The failure of the relationship of the Proposal to existing management could not be more exemplified by the fact that at no point 4.2m acres of Roadless Areas, more than 3.5m acres of Congressional of Wilderness and extensive other areas where mineral withdraw is entirely prohibited.

4(b) The Proposal overly relies on single issue state agencies for its analysis of issues and multiple uses.

⁴ See, 43 USC 1702(c)

The Organizations initial starting point for concern over the failure of analysis in the Proposal starts from the recognition of the over reliance of BLM on State agencies that simply do not align with the mission of the BLM in the creation of the Proposal. This overreliance on the state agencies is even more problematic as there was very little public engagement through State resources on these issues. We are not aware of any CPW public engagement in the development process of their recommendation to the BLM. The Colorado Energy and carbon management commission (“ECMC”) mission is so narrow that no one would think to even monitor ECMC to address issues like route density for recreational usage. After reviewing the public engagement with ECMC, these efforts were clearly addressing energy development and nothing else. This should not be surprise as the ECMC mission statement is clearly stated as:

“To regulate the development and production of oil and gas, deep geothermal resources, the capture and sequestration of carbon, and the underground storage of natural gas in a manner that protects public health, safety, welfare, the environment and wildlife resources.”⁵

The Organizations would be hard pressed to find an agency with less relationship to public lands recreation and multiple use mandates than ECMC. It should be noted that a cursory review of the ECMC proceedings reveals that they have NEVER talked about recreation usage in the last 3 years. This should have been a red flag that the efforts of the ECMC simply would not reflect multiple uses and BLM must address these issues before release of the Proposal.

4(b)(3). CPW generally.

The Organizations are forced to address the rather troubling direction of efforts from Colorado Parks and Wildlife over the last several years. Historically, CPW was an Agency that worked hard to be the purveyor of high-quality unbiased wildlife information on all issues. While CPW is able to continue this function on certain projects, on many projects CPW is now catering to extreme wildlife organizations and actively seeking to provide information that only supports certain

⁵ [ECMC About Us \(state.co.us\)](http://state.co.us)

conclusions. Too often CPW documents are created in isolation, without peer review and often shielded from public scrutiny and CPW positions frequently change based on a political whim and fail to provide any basis for these changes. This is disappointing for our Organizations as we have partnered with CPW for decades and have achieved nationally recognized success. This is no longer the voice that is consistently coming from CPW and this type of concern seems to avoid protecting consumptive wildlife and recreational concerns.

Our concerns extend far beyond the expanding consistency with which documents and reports that are foundational to analysis are created with no public scrutiny at all. Recent Commissioner behavior at meetings has been clearly targeted to diminish or reduce public input on issues. The message is clearly sent when the Chair of the Wildlife Commission scolds public input and eventually hangs up on members of the public providing factually accurate input in a meeting on the transparency of CPW activities.⁶ This could not be less acceptable despite the fact there is rapidly growing opposition to this type of behavior.⁷ The CPW understanding of recreation has diminished greatly in the last several years as exhibited by the fact new commissioners designated to represent recreation on the commission have no background in recreation other than living next to a State Park.

The Organizations again must voice vigorous concern on the Proposal use of CPW recommendations on any issue without further vetting of the recommendations. The input of a state agency allegedly over seeing an issue is not a replacement for the BLM managers requirement that meaningful analysis of these issues is performed and multiple uses are balanced in accordance with federal statutory requirements.

The Organizations are also aware that there is litigation allegedly driving part of this planning effort. At no point are we able to locate any portion of this settlement that absolves BLM of their statutory obligation to address multiple uses in planning.

⁶ <https://www.youtube.com/watch?v=BchEAcSN8gs&t=4655s> – the exchange we are referring to occurs at 3:05 into the hearing

⁷ [The Colorado Springs Gazette final](#)

5(a)(1) BLM managers have absolute responsibility to ensure compliance with multiple uses and NEPA sufficiency.

Courts have consistently found that while State agencies and other partners may participate and draft NEPA documents the ultimate responsibility for compliance with the NEPA requirements and multiple use mandates remains with the federal agency.⁸ Recent reforms and clarifications of the absolute responsibility of BLM managers to comply with NEPA requirements was recently added in the Fiscal Responsibility Act of 2023. The Organizations must take a hard look at this Proposal and the high levels of engagement asserted to be achieved before this was brought to the BLM

“(D) ensure the professional integrity, including scientific integrity, of the discussion

and analysis in an environmental document;

(E) make use of reliable data and resources in carrying out this Act;”⁹

The Organizations vigorously assert this requirement simply has not been achieved with the Proposal as it was created by an Organization that has no statutory authority over multiple uses, or is even a primary manager of wildlife, mainly ECEC. This was then shared with CPW that as far as we are aware did nothing more than rubber stamp the Proposal as no public comment was undertaken. While we do not contest that partners can have an active role in the development of NEPA, NEPA can be done with partners but does not absolve the agency mandate to confirm compliance with legal requirements.

5(a)(2) Calculations are allegedly based on high quality habitat but are then applied to the entire GMU.

⁸ As an example, *Seattle Audubon v Lyons*; 871 F.Supp2d 1291 Affd 80 F3d 1401; see also *Westside Property Owners v. Schlesinger*; 415 F.Supp 1298

⁹ See, 42 USC 4332(a)

The Organizations are supporting Alternative A of the Proposal as every other alternative in the Proposal starts from a foundational flaw. Mainly the analysis claims to address route density in only certain designations such as High Priority Habitat (“HPH”) or winter range but then seeks to apply these conclusions to the entire GMU. This forces us to ask the question of why would any effort be directed towards the designation of winter range and other existing habitats if management decisions are simply applied to the entire planning area. No explanation of how this decision was made or factors that it was seeking to address were ever provided, despite this being an entirely unprecedented application of these analysis. The Organizations are aware that extensive portions of HPH are not even found worthy of designation as an ACEC after site specific review in the planning process.

Not only is this decision entirely unprecedented and unsupported it also fails to recognize there are massive tracts of lands that will never be available for oil and gas exploration, such as Congressionally designated Wilderness, National Monuments and Parks. This issue is simply not addressed at all in the allocation of HPH analysis to the larger landscape. This is a complete violation of multiple use mandates for the management of public lands. While wildlife is an important component of recreation and the Colorado way of life, it is also merely a multiple use on public lands. The only species that are outside the multiple use mandate are those that are protected by the Federal or State Endangered Species Acts, and even in these situations there are significant protections for multiple uses. The Organizations are very concerned that the Proposal would simply avoid all these requirements for the use and management of public lands and place wildlife above all other concerns.

5(b) The lack of foundational definitions is a systemic problem with Proposal.

The Organizations are very concerned that the Proposal continues to lack basic definitions that are a foundational to the implementation of the Proposal in the future and the basic accuracy of information that is being presented currently. Without basic definitions any assertion that sufficient NEPA has been prepared is factually problematic or that analysis has been consistently

prepared from unit to unit. The example of the failure of the Proposal to define terms is evidenced by the lack of definition for the concept of an “oil and gas route” despite this concept being heavily restricted in the Proposal. Understanding the concept of an “oil and gas route” is foundational to our concerns about unintended consequences of the Proposal.

The immense amount of conflict between discussions of similar issues present in the Proposal and related analysis is immense. The Organizations are simply unable to understand what the decision or proposal is that is being presented in order to make an intelligent comment. The conflicting analysis and basic positions in the Proposal starts almost immediately as the Proposal starts from the position:

“The purpose of this RMPA process is to evaluate alternative approaches for oil and gas planning decisions to maintain, conserve, and protect big game corridors and other big game HPH on BLM-administered lands and Federal mineral estate in Colorado. This draft RMPA/EIS establishes goals, objectives, and needs to address conflicts or issues related to oil and gas development and big game HPH.”¹⁰

The Proposal continues this discussion as follows:

“During the scoping and alternatives development process, a number of individuals and cooperating agencies requested that the BLM consider an alternative that would address other non-oil and gas land uses, such as recreational trail development, renewable energy (e.g. solar farms), and livestock grazing. This recommendation was based on the supposition that there is a correlation between other non-oil and gas land uses and declines in big game populations or significant degradation of high priority habitat on BLM-administered public lands within the decision area. This alternative was

¹⁰ Proposal at pg. ES-3

considered but eliminated from detailed analysis because under each of the alternatives considered in detail”¹¹

The immediate and complete conflict of these positions on recreation and trails starts almost immediately in the Proposal as goal #4 of the effort is summarized as follows:

“OBJECTIVE: During each 5-year period following RMPA approval, identify, reclaim, or enhance acres of HPH for big game habitat statewide. Priority treatment areas should include (but are not limited to) aspen, riparian areas, winter range, and migration/connectivity areas. Actions to help accomplish this objective in relations to and as mitigation for oil and gas developments may include:

- Improving wildlife movement or habitat connectivity by modifying or removing unneeded structures (roads, trails, fences, well pads, etc.),
- Eliminating redundant routes, converting mode of travel for specific routes, or realigning routes into less impactful settings,
- Utilizing seasonal area or route closures within HPH, implementing vegetation management practices that maintain or enhance connectivity and forage production (e.g., fire treatment, timber harvest).”¹²

The Organizations are entirely unable to align any assertion the Proposal does not address recreational access and routes when the clearly stated Goal #4 of the Proposal is to address recreational access. Any assertion that Goal #4 is incorrectly stated is simply without factual basis as the Proposal provides extensive analysis of the relationship of recreational trails and the goals and objectives of the Proposal as follows:

¹¹ Proposal at pg. 2-10.

¹² Proposal at pg. 2-22

“Continued and increased use of roads and trails, both by motorized and nonmotorized users with increased populations in Colorado and interest in using public lands for recreation could lead to increased recreation pressure, which would continue to disturb vegetation that could result in a reduction of soil stability and a corresponding increase in erosion rates. Road construction has also occurred in association with timber harvesting, historic vegetation treatments, energy development, and mining on BLM-administered lands, private lands, State of Colorado lands, and National Forest System lands. The bulk of new road building is occurring for community expansion and energy development. Road construction is expected to continue and could also contribute to reductions in vegetation cover under all alternatives, particularly when combined with fluid mineral development.”¹³

We are simply unable to align this provision in any meaningful manner with the assertion that trails and recreation are not within the scope of the analysis. The conflict between basic positions on recreation only expands when subsequent portions of the Proposal are reviewed:

“For density outputs related to trails, the Colorado Trail Explorer (COTREX) was used as a data source for every trail in the state of Colorado. COTREX connects people, trails, and technology by coordinating the efforts of federal, state, county, and local agencies to create a comprehensive and authoritative repository of recreational trails for public use. COTREX represents a seamless network of trails managed by over 225 land managers.”¹⁴

Rather than recreational access being removed from further analysis in the Proposal as asserted, the Proposal specifically includes recreational access as a factor to be addressed in calculation. Rather than addressing possible impacts to recreation from the Proposal, the Proposal introduces the new concept of compensatory mitigation where trails could be closed to offset oil and gas

¹³ Proposal at pg. 3-74

¹⁴ See, Proposal appendix L at pg. 173.

development. The Proposal outlines this model for compensatory mitigation of oil and gas impacts as follows:

“The BLM may require compensatory mitigation to offset disturbance or density limitation exceedances and the functional loss of habitat from oil and gas development in HPH. The BLM will ensure that compensatory mitigation is strategically implemented. The compensatory mitigation program will be implemented at a state level in collaboration with BLM’s partners (e.g., federal, tribal, and state agencies). Compensatory mitigation may include reclamation of existing disturbances outside of the proposed development (e.g., orphaned oil and gas development, redundant travel routes, unauthorized route and recreation use, fence removal), establishment, enhancement, and preservation of big game HPH (e.g., seeding, noxious weed control, vegetation treatment). Compensatory mitigation requirements may match the magnitude of the anticipated impacts.”¹⁵

The Organizations are even more concerned that the exceptionally small amount of information that is provided on compensatory mitigation creates more confusion and conflict than it resolves. The desire to create compensatory mitigation program is clearly identified as follows in the Proposal:

“OBJECTIVE: Implement an effective compensatory mitigation program consistent with state regulation and policy that compensates for adverse direct and indirect impacts to big game HPH at multiple scales, including the landscape scale, caused by the authorization of oil and gas development activities where cumulative disturbances from land uses on BLM-managed lands and minerals may impede migration or otherwise impair the function of big game HPH. The compensatory mitigation program should provide ample financial resources to offset functional

¹⁵ Proposal at pg. 2-19.

habitat loss and result in conservation benefit to the species, consistent with BLM's Manual Section (MS-1794) and Handbook (H-1794-1)."¹⁶

The Organizations would be vigorously opposed to the creation of an entirely new program for compensatory mitigation as this is entirely outside the scope of the Proposal. When we are presented with goals and objectives of the Program that are outlined as "ample financial resources" we must ask who manages these funds, who determines what an ample financial resource is and how it would be allocated.

The Proposal entirely fails to describe what compensatory mitigation means, who would administer the compensatory mitigation program outside its abstract financial goals and objectives, how it would be calculated or applied is never discussed in the Proposal. The Organizations concerns around this concept only expands when concepts such as "functional loss of habitat" or indirect impacts are addressed, as these concepts simply are not even defined. We must ask what an unauthorized recreational usage even is as most recreational usages, outside motorized activities, are entirely unmanaged on public lands.

The immediate concern would be administration as given the cavalier method of addressing state involvement, this compensatory mitigation effort could be allocated to ECMC, which is an organization that has ZERO background or experience with recreational opportunities. After a brief review of the ECMC statutory authority, which we recognize can require performance and surety bond obligations for drilling and other activities, we are unable to identify any authority of ECMC to collect or manage funds in the manner or any checks and balances on the allocation of these funds that they will be used in the manner proposed.¹⁷

Rather than avoiding conflict with routes that are allegedly grandfathered, the Proposal creates immediate conflict between these uses, as there will be an incentive for oil and gas exploration

¹⁶ Proposal at pg. 2-21.

¹⁷ [Financial Assurance FAQ \(state.co.us\)](http://state.co.us)

efforts to close existing trails. The Organizations vigorously oppose any assertion that the Proposal avoids impacts to recreational access as this is one of the primary goals of the Proposal and one of the primary tools to be utilized in the implementation of Proposal.

5(c) Basic characteristics of an oil and gas route must be defined.

As the Organizations have previously noted the Proposal fails to provide even basic guidance on general concepts or ensure that the concept is within the scope, purpose and need of the EIS. While many of these concepts are highly complex and outside the scope of comments from a recreationally based interest, the Organizations concerns explode when these concepts proposed are attempted to be applied to travel management concepts and larger efforts around recreational access on public lands. The Organizations are aware that many basic concepts in recreation that are well settled, such as Wilderness or Roadless Areas are not even mentioned in the Proposal.

When application of the Proposal to the more nuanced but highly critical analysis of travel management is attempted, the Proposal simply fails in almost every way possible. The need to define the concept of an “oil and gas route” in the Proposal is critical as routes can take many forms, and while the BLM may only designate routes, as the Proposal seeking to address USFS and BLM lands, we must also recognize that the USFS designates many types of routes including:

1. administrative routes;
2. single track trails which are not wider than 30 inches;
3. ATV trails not wider than 50 inch;
4. Side by Side Trails not wider than 64 inches;
5. Trails allowing full size vehicles;
6. Winter only trails; and
7. USFS has 5 different levels of road designations that range of limited use trails to high speed county roads.

The Proposals fail to address these specific designations is exemplified by the consistent referral to all access methods as routes without recognizing there are dozens of types of routes. If a compensatory mitigation program is being created with the Proposal that would be applied on USFS managed lands, alignment with USFS regulations on roads and trails would be critical to its implementation. Understanding such as this is critical to understanding possible impacts to wildlife and development of a functional compensatory mitigation program. Most of these routes are unrelated to oil and gas and have widely variable impacts to wildlife.

5(d) The Proposal fails to address what an oil and gas vehicle might be and includes definitions of activities that are not related to oil and gas in any manner.

The immense number of types of routes must be addressed in the Proposal as we have trouble seeing a 30inch wide dirt path being identified as an oil and gas route. The need for basic definitions only becomes more critical as the nature of the usage of the route must also be addressed to determine an oil and gas route. The Proposal completely fails to provide guidance on what an oil and gas vehicle would be, making identification of an oil and gas route functionally impossible.

The vast majority of vehicles on Colorado roadways are entirely unrelated to oil and gas activities but the Proposal provides such a comically broad definition of vehicle as to render the definition of vehicle useless for identifying an oil and gas route. Motorized vehicle as defined in the Proposal directly conflicts with Colorado statutes on a profound and basic level as the Proposal provides the following definition.

“Motorized Vehicles—Vehicles propelled by motors or engines, such as cars, trucks, off-highway vehicles, motorcycles, snowmobiles, and boats.”¹⁸

¹⁸ Proposal at pg. b-5

The Organizations simply cannot overlook the utterly astonishing that the Proposal feels the need to identify boats as a motor vehicle within the scope of analysis of the Proposal. We must question how this category of usage was thought to be necessary. While exploration for oil and gas with boats may be common in the Gulf of Mexico, we are unable to identify any oil and gas drilling that has occurred in Colorado that relies on boats.

Given that the Proposal appears to be creating a compensatory mitigation program that would then be administered by ECMC, basic alignment of the scope of the compensatory mitigation program and existing Colorado law would be a foundational concern. The Proposal completely fails at this type of alignment. There is no mention that OHVs are not motor vehicles under CRS, but rather are separately defined as “Off-highway Vehicles” under Title 33-14.5 of the CRS. The overwhelming portion of roads are not available for OHV use in Colorado. Snowmobiles are also clearly not motor vehicles within general provisions of CRS but are separately identified as “over the snow vehicles” under CRS 33-14. By operation of Forest Service regulations snowmobiles do not operate on roads, regardless of the width of the route. These routes are identified as trails simply to identify the lower level of maintenance on groomed trails and the fact these routes are not available for wheeled vehicles. These definitions are in comical conflict with assertions that the Proposal will not impact travel management decisions. The Proposal clearly does not even understand the basic concepts of travel management.

While the Proposal includes boats in the scope of analysis, the Proposal fails to recognize that huge portions of oil field work is performed by heavy equipment, such as road graders, bulldozers, front end loaders, back hoes, excavators, heavy specialized pumping equipment heavy duty truck-based drilling equipment and commercial heavy duty transport trucks. Absolutely none of this type of usage is addressed in the Proposal, despite the fact often these are not motor vehicles under Colorado statutes. Colorado statutes provide numerous other designations for these types of vehicles all of which specifically remove them from the definition of a motor vehicle. As examples of this would be CRS 35-38-102 which specifically defines equipment as follows:

(2) (a) "Equipment" means a machine designed for or adapted and used for agriculture, horticulture, floriculture, livestock, grazing, light industrial, utility, and outdoor power equipment. "Equipment" does not include earthmoving and heavy construction equipment, mining equipment, or forestry equipment.

The need for a basic definition of the equipment within the scope of a motor vehicle is immediately apparent as Colorado uses many different provisions to define equipment and they are all different. CRS 42-1-102(33) which provides a definition of farm tractor as follows:

(33) "Farm tractor" means every implement of husbandry designed and used primarily as a farm implement for drawing plows and mowing machines and other implements of husbandry

CRS 42-1-102 again provides a specific definition of implement of husbandry

“(44) (a) On and after July 1, 2000, "implement of husbandry" means every vehicle that is designed, adapted, or used for agricultural purposes. It also includes equipment used solely for the application of liquid, gaseous, and dry fertilizers. Transportation of fertilizer, in or on the equipment used for its application, shall be deemed a part of application if it is incidental to such application. It also includes hay balers, hay stacking equipment, combines, tillage and harvesting equipment, agricultural commodity handling equipment, and other heavy movable farm equipment primarily used on farms or in a livestock production facility and not on the highways. Trailers specially designed to move such equipment on highways shall, for the purposes of part 5 of article 4 of this title, be considered as component parts of such implements of husbandry.”

As another example of why a specific definition of oil field is needed is the fact CRS 41-2-102 provides a specific definition for special mobile machinery:

“(93.5) (a) "Special mobile machinery" means machinery that is pulled, hauled, or driven over a highway and is either:

(I) A vehicle or equipment that is not designed primarily for the transportation of persons or cargo over the public highways; or

(II) A motor vehicle that may have been originally designed for the transportation of persons or cargo over the public highways, and has been redesigned or modified by the addition of mounted equipment or machinery, and is only incidentally operated or moved over the public highways.

(b) "Special mobile machinery" includes vehicles commonly used in the construction, maintenance, and repair of roadways, the drilling of wells, and the digging of ditches.”

The compelling need for a basic definition of what is and is not included within the scope of the Proposal could not be more directly evidenced by this situation. While the Proposal has managed to address the use of boats within the definition of motor vehicles for oil field operations, we simply cannot see boat management as a concern in the operation of oil and gas operations in Colorado. That is simply silly. How boats were thought to be worthy of inclusion of the definition, equipment is simply not even mentioned in the definitions.

This is despite the myriad of definitions and classifications that are available for equipment under Colorado statutes this is not addressed but OHVs are defined in multiple locations in the Proposal. While the Proposal asserts to not be impacting existing travel management, based on the information and definitions provided, the motorized recreational community is left with the feeling that we are the target of this Proposal. Again, the immediate conflict between the intent of the Proposal and implementation of the Proposal could not be more stark. If protection of wildlife is the priority, wouldn't a proposal that addressed 100k lbs. trucks traveling on high-speed

roads be a higher priority than an off-highway motorcycle, ATV or SxS or boat? Contact between trucks and wildlife are commonplace and contact with an OHV is almost entirely unheard of. Contacts between deer and elk and a boat are simply foolish to even address in a Proposal, but yet the Proposal seems to think this is enough of an issue to include boats as a motor vehicle.

5(e) Uses of an oil and gas route must be clearly defined

As we have previously noted the Proposal completely fails to provide a definition of a motorized vehicle that encompasses normal oil field activity or a definition of route that is of any value whatsoever is problematic. The confluence of these two failures results in profound problems for the Proposal when it is implemented. How is anyone supposed to understand how to identify what an oil and gas route even is? This would be the first step to implement the Proposal. This is a basic problem that immediately causes concern around the adequacy of NEPA analysis. How is route density calculated? Does this only include routes that are under the exclusive control of the oil field permittees to connect the well site to a public roadway? Even with exclusive usage, questions such as how often the route is used and for what is the route being used are a problem. We doubt that is the issue.

These challenges are immediately concerning if the route connecting the pad site is not open to the public but is used for many permitted uses such as a rancher using a route to access infrastructure or private land owners using the route in addition to the oil and gas permittee? How can these uses be divided without definitions? The answer is they cannot and this will immediately create unintended impacts from the Proposal.

If the definition of oil and gas route is broader than the short connector between a public roadway and a well pad that is exclusively used by the permittee, we are immediately faced with problems on the lack of a definition for oil and gas equipment or motorized vehicle. If we had clear definitions for these uses at least we could have a meaningful discussion exploring levels of usages of these mixed usage public routes. These discussions could include levels of oil and gas traffic

compared to other uses of the roadway. But we cannot even do that as the Proposal includes everything from horses to canoes to mountain bikes as routes that should be taken into account. This makes us think something is very wrong with the direction of the Proposal, and as a result we are supporting Alternative A simply to avoid the massive unintended impacts of the Proposal.

5(f) The Type and Volume of usage directly relates to possible impacts on wildlife.

Clearly a low speed two track trail with seasonal closures is of far less threat than a high speed arterial road, such as I-70. In many of the areas addressed by the Proposal usage of the high speed arterial roads are so complete as it fully displaces wildlife. This stands in direct conflict to a seasonally closed single track trail that is well managed and only used sporadically. These types of routes are frequently identified as benefit to wildlife and forest health.

5(g) Many definitions are provided that are entirely outside the scope of an oil and gas type concern.

While the Proposal fails to define uses critical to its asserted purpose, many definitions are provided that are entirely outside the scope of an oil and gas type concern. This causes us immense concern that the intent of this Proposal was never the desire to mitigate just oil and gas activities in possible wildlife corridors, but rather to mitigate all usages. As the Organizations have noted above there are serious concerns with the Proposal failure to provide basic definitions to address uses that might be commonly found with oil and gas exploration. Two examples of definitions are provided but are entirely outside the scope of any oil and gas activity we have encountered would be:

“Non-mechanized Travel—Moving by means without motorized or mechanized equipment, such as hiking and horseback riding.”¹⁹

¹⁹ Proposal at pg. B-5

“Mechanized Travel—Moving by means of mechanical devices not powered by a motor, such as a bicycle.”²⁰

We are very concerned that while the use of mountain bikes or horses simply does not occur with enough frequency to warrant discussion if the intent of the Proposal is to only address oil and gas usage, that the inclusion of these types of definitions provides insight into the scope of the effort, which is entirely unrelated to oil and gas activities. If the intent of the Proposal is to develop a cap-and-trade type program where competing interests must purchase the ability to do anything on public lands, this scope of review would be appropriate. Again, this is VERY concerning for the Organizations and would be opposed by us until FAR more clarity on the process has been provided.

5(h) Permits that are applied for but never issued are not a threat to wildlife.

The Organizations are vigorously opposed to the fact that that the mere application for an oil and gas permit is now something we are going to have to monitor. The process outlined in the Proposal indicates that compensatory mitigation would occur before the permitting process was approved and before anything occurred on the ground. We are also very concerned mere presence of a permit to use the road or trail does not make the route more of a risk to wildlife. Again, these are concepts and concerns that might be abstract if the Proposal was limited to addressing oil and gas impacts creating possible wildlife issues in corridors. We do not believe this is the intent or direction for the Proposal as we believe the intent is to create a cap-and-trade program for all actions on public lands in Colorado, which we oppose as the recreational community simply is not in a position to begin to allocate resources in this manner.

6. Proposal fails to address how corridors designations being created will be managed under existing statutory authority.

²⁰ Proposal at pg. B-4

The failure of the Proposal to undertake basic analysis in a meaningful manner has led to issues that are unresolvable in the implementation of this Proposal. Mainly what are these wildlife corridors called moving forward. Multiple uses must be balanced based on existing designations. Are they Areas of Critical Environmental Concern? Are they a general management category? Statutorily provided authority for Areas of critical environmental concern exists, which is defined as follows:

“(a)The term “areas of critical environmental concern” means areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.”²¹

While the Proposal appears to be elevating wildlife above other uses in a manner similar to the designation of an ACEC, the analysis falls well short of sufficient information to support the designation of ACEC. ACEC designations require public engagement on a site specific analysis of the characteristics that are important and relevant to the designation of the ACEC. The failure of the Proposal to even begin to address important and relevant characteristics of these areas would preclude any discussions of how these new analysis areas would be integrated into BLM management requirements is again an example of the complete failure of the Proposal to address issues with any level of legal sufficiency.

7(a)(1). NEPA mandates detailed statements of high-quality information for all decisions made in the planning process.

A brief review of NEPA requirements provided in regulation, various implementation guides and relevant court rulings is warranted to allow for comparison of analysis provided in the Proposal and the proper standards for this analysis. The Organizations believe that the high levels of

²¹ See, 43 USC 1702(a)

quality analysis that is required by these planning requirements frequently gets lost in the planning process. The Organizations are very concerned that the need to document the cause-and-effect relationship between management changes and impacts that will result is a significant weakness in the Proposal. It is well established that NEPA regulations require an EIS to provide all information under the following standards:

"... It shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment..... Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses.... "22

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

"You must describe the proposed action and alternatives considered, if any (40 CFR 1508.9(b)) (see sections 6.5, Proposed Action and 6.6, Alternative Development). Illustrations and maps can be used to help describe the proposed action and alternatives."23

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

"The CEQ regulations require NEPA documents to be "concise, clear, and to the point" (40 CFR 1500.2(b), 1502.4). Analyses must "focus on significant environmental issues and alternatives" and be useful to the decision-maker and

²² 40 CFR 1500.1

²³ BLM Manual H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK – pg. 78.

the public (40 CFR 1500.1). Discussions of impacts are to be proportionate to their significance (40 CFR 1502.2(b)).”²⁴

The Organizations are intimately aware of the high burdens placed on all phases of any project under the National Environmental Policy Act, as the Organizations have undertaken many NEPA analysis in partnership with Federal Agencies in Colorado. The Organizations do not believe a comparable level of analysis and resources have been directed towards the Proposal preparation, despite the much larger issues and concerns that are addressed in the Proposal, and the failure to perform these analysis has directly resulted in a Proposal that suffers from numerous critical flaws. The Organizations believe this full and fair discussion of many issues has not been provided in the Proposal.

7(a)(2). NEPA is designed to stimulate public involvement and scrutiny.

The Organizations believe the association of impacts from changes proposed to the management issue that is the basis is a critical component in developing public comments and involvement as frequently members of the public do not have sufficient time, resources or understanding to make these connections. These concerns are summarized in the NEPA regulations which clearly provide the reason for the need for high quality information to be provided in the NEPA process. NEPA regulations provide as follows:

"(b) NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. ***The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA.***"²⁵

²⁴ BLM Manual H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK – pg. 4.

²⁵ 43 CFR 1500.1(b)

The desire for NEPA analysis to stimulate public involvement and comment as part of federal planning actions is woven throughout the NEPA regulations and the implementation documents that have been created by BLM for NEPA issues. The BLM Planning manual clearly states:

“The CEQ regulations also require that agencies “make diligent efforts to involve the public in preparing and implementing their NEPA procedures” (40 CFR 1506.6(a)).”²⁶

The Organizations vigorously assert that high quality information on numerous issues has simply never been provided in the Proposal, as the Organizations are forced to theoretically address numerous issues despite the asserted priority and importance of the issues in the Proposal. The lack of high-quality information has materially impaired the Organizations ability to meaningfully and completely comment on a variety of issues.

Given the numerous documents and guidelines that have been overlooked in the creation of the RMP, the Organizations believe that that this failure has caused the range of options to be directed in a manner that is improper compared to the direction the range of alternatives would have addressed had these guidelines and documents been accurately addressed when the original vision for the RMP was created. Given the foundational nature of these documents, the travel management portion of the plan should be withdrawn to allow for complete and accurate inclusion of these foundational documents in the creation of the RMP.

7(a)(3). NEPA requires an EIS to address issues with high quality information and analysis.

After a review of the DRMP, the Organizations vigorously assert there has not been sufficient analysis of numerous issues to satisfy general NEPA planning requirements. The NEPA regulations clearly state the general standards for analysis of issues in an EIS as follows:

²⁶ BLM Manual H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK – pg. 2.

"Agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses. An environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions."²⁷

The Proposal encompass over hundreds of pages but fails to provide any meaningful discussion of economic and travel management issues, both of which have received significant public input.

7(a)(4). NEPA requires a balance of uses and addressing of cumulative impacts.

As previously noted, NEPA requires a detailed statement of why a decision or alternative was chosen over other alternatives. The detailed statement is required on a wide range of topics, some of which often conflict. One of NEPA's fundamental goals is to:

“promote efforts which will prevent or eliminate damage to the environment and biosphere and **stimulate the health and welfare of man.**”²⁸

As more completely addressed later in these comments, the Organizations have serious concerns that the welfare of man, more specifically the economic welfare of man, has not been properly addressed in the planning process. The Organizations believe the Proposal falls well short of stimulating the welfare of the residents that live in the local communities.

NEPA further requires that cumulative impacts be taken into account as follows:

²⁷ 40 CFR 1502.1

²⁸ 42 U.S.C. §4321

“Cumulative impacts can result from individually minor but collectively significant actions.”²⁹

The Organizations believe these cumulative impacts can take many forms, including not only addressing cumulative impacts to the environment but also addressing the cumulative impacts of the decisions made on a site-specific basis as part of the landscape level planning process. The Organizations also believe cumulative impacts of exclusions in the analysis of specific factors must also be properly addressed. The Organizations believe this has not occurred when addressing the stimulation of the welfare of man.

7(a)(5). Relevant Court rulings addressing NEPA standards directly apply the NEPA regulations.

The Organizations believe a brief summary of the standards that are applied by Courts reviewing agency NEPA analysis is relevant to this discussion as the Courts have consistently directly applied the NEPA regulations to EIS review. Relevant Court rulings have concluded as follows:

*"an EIS serves two functions. First, it ensures that agencies take a hard look at the environmental effects of proposed projects. Second, it ensures that relevant information regarding proposed projects is available to members of the public so that they may play a role in the decision making process. Robertson, 490 U.S. at 349, 109 S.Ct. at 1845. For an EIS to serve these functions, it is essential that the EIS not be based on misleading economic assumptions."*³⁰

As previously addressed in these comments, public involvement simply has not been stimulated and a hard look has not been performed. The high levels of frustration expressed from the public

²⁹ 40 CFR §1508.7

³⁰ Hughes River Watershed Conservancy v. Glickman; (4th Circ 1996) 81 f3d 437 at pg. 442; 42 ERC 1594, 26 Env'tl. L. Rep 21276

in response to the release of the Proposal speaks volumes to the quality of information provided and the ability of the public to comment on the information.

8(a) The Range of Alternatives provided is completely insufficient.

The Organizations expressed significant concerns with the factual and scientific basis of the proposed mile per mile route density standard in our scoping comments. It is woefully inadequate as every alternative in the EIS caps density at a 1 mile of route per square mile standard. Unfortunately, rather than addressing the concerns raised in the scoping about the viability of this standard, the EIS avoids this question all together. Again, we must ask how this standard was developed and what are the benefits of the 1 route mile per square mile standard when compared to a standard of 2 route miles per square mile or 3 route miles per square mile. As we noted in scoping, we are aware of numerous proposals that supported route densities of 4 to 5 miles of routes per square mile in designated critical habitat for endangered species. Given that deer and elk are only protected as a multiple use of public lands, rather than as an Endangered Species, the mile per mile standards simply does not reflect existing planning, special designations of lands by Congress or other factors.

The failure to provide basic definitions necessary to meaningfully discuss possible impacts of implementation has resulted in a Proposal being provided for public comment that has many viable options for management not being explored. Many of these flaws are completely inconsistent with other research and shock the consciousness of many members of the public, user groups and government officials when they are made aware of these flaws. The Organizations believe these analysis flaws have resulted in a range of Alternatives being presented that simply bears no rational relationship to the planned usage or benefits that are currently accruing to the local communities from the recreational usage of the Proposal or possible impacts to these communities from these changes.

Providing an accurate and reasonable range of alternatives to the public as part of the NEPA process is a critical component of the NEPA process. The rational decision-making process of

NEPA is compromised when agencies consider only a limited range of alternatives to their proposed projects.³¹ When reviewing ranges of alternatives provided in a NEPA analysis, the courts have consistently held:

"The alternative section is 'the heart of the environmental impact statement,' 40 C.F.R. 1502.14; hence, '[t]he existence of a viable but unexamined alternative renders an environmental impact statement inadequate.'" ³²

When determining if an EIS has provided a satisfactory range of alternatives, Courts have held the proper standard of comparison is to compare the purpose and intent of the EIS to the range of Alternatives provided. The Courts have consistently and specifically held as follows:

"[E]nsure that federal agencies have sufficiently detailed information to decide whether to proceed with an action in light of potential environmental consequences, and [to] provide the public with information on the environmental impact of a proposed action and encourage public participation in the development of that information." ³³

Given the numerous documents and guidelines that have been overlooked in the creation of the Proposal, the Organizations believe that these failures has caused a range of alternatives to be presented that are significantly different from the range of alternatives that would have been presented if many priority concerns had been accurately addressed when the original vision for the Proposal was created.

8(b). Habitat is a multifaceted effort that is not reflected by simply mapping roads and trails.

³¹ James Allen; *Does not provide a range of alternatives to satisfy NEPA.....NEPA Alternatives Analysis: The Evolving Exclusion of Remote and Speculative Alternatives*; 2005 25 J. Land Resources & Env'tl. L. 287.

³² *Citizens for a Better Henderson v. Hodel*, 768 F. 2d 1051, 1057 (9th Cir. 1985).

³³ *Kunzman*, 817 F. 2d at 492; *see also Citizens for a Better Henderson*, 768 F. 2d at 1056.

The Organizations are very concerned that the Proposal starts from a position that the primary factor degrading wildlife habitat was trails and roads, which is in direct conflict with existing NEPA processes that have provided a steady and increasing population of species on the public lands across the state. Habitat effectiveness mapping has been highly effective in mapping sage grouse habitat.³⁴ We are unsure how this relationship was identified in the Proposal, as best available science clearly concludes habitat is impacted by a wide range of factors, some of which are manmade and many of which are entirely natural. A recent example of the natural forces that can have catastrophic impacts on wildlife populations would be the massive winter kill of deer and elk that occurred in Northwestern Colorado over the winter of 2022/23. Closing trails or reducing human activity will not change these impacts in any manner.

As we have noted above, significant changes to wildlife populations have occurred as a result of management efforts and context for that decision matters. Without context we could equally assert that populations decreased during times of travel management plans being implemented. Without context, this decision could be asserted to be accurate even though it is not, as the population declined while trails were being closed. The relevant factor in the habitat is the fact these were both management actions that were not related to each other, other than the fact they were occurring at the same time. Clearly elevating one factor and ignoring other factors can lead to bad management, and we would like to avoid this in the future as it makes no sense.

An issue that would represent a factor that degrades habitat and negatively impacts populations would be the reintroduction of the gray wolf, and these types of impacts would never be offset by closing routes. Many challenges like climate change are entirely unrelated to forest management decisions. Other challenges such as the pine beetle epidemic or wildfire impacts or flooding issues are entirely unrelated to road density. The Proposal is entirely silent on how the decision to move from habitat effectiveness to merely mapping route density was made and we believe lead some conclusions that simply cannot be supported. Based on the overweighting of

³⁴ [Quantifying restoration effectiveness using multi-scale habitat models: Implications for sage-grouse in the Great Basin \(fs.fed.us\)](https://www.fs.fed.us/landmanagement/quantifying-restoration-effectiveness-using-multi-scale-habitat-models-implications-for-sage-grouse-in-the-great-basin/)

roads as the sole factor, any area that has no roads such as Wilderness areas should be hugely effective as wildlife habitat. This is simply not the case as Wilderness areas are also some of the hardest hit areas for pine beetle and fire.

While the Proposal is entirely silent on how the decision was made to only address road density, CPW documentation from GMU in the GMUG planning area discuss the wide range of factors impacting habitat in great detail. This discussion is as follows:

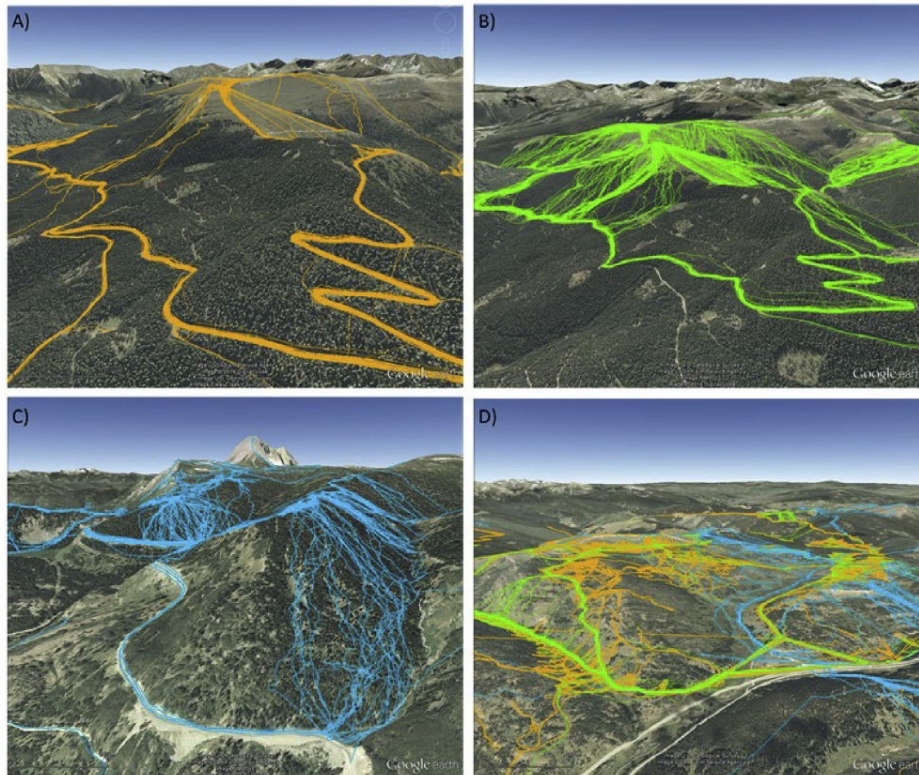
“Elk utilize a range of habitats, depending on the season and conditions. Elk movement and subsequent distribution patterns are influenced by many factors, such as weather, vegetation (Lyon and Jenson 1980, Hurley and Sargeant 1991, Sawyer et al. 2007), and wild predators (Hebblewhite et al. 2005). A growing body of information also supports that elk habitat utilization is influenced by several anthropogenic factors, including: non-hunting recreation (Phillips and Alldredge 2000, Kloppers et al. 2005), hunting recreation (Walsh et al. 1991, Conner et al. 2001, Johnson et al. 2002, Viera et al. 2003, Sunde et al. 2009, Cleveland et al. 2011, Rumble et al. 2005), off-highway vehicle traffic (Preisler et al. 2006, Wisdom et al. 2005), road traffic (Perry and Overly 1977, Lyon 1979, Rost and Bailey 1979, Witmer and deCalesta 1985, Preisler et al. 2006, Sawyer et al. 2007, Montgomery et al. 2013), resort/residential development (Picton et al. 1980, Morrison et al. 1995, Wait and McNally 2004, Shively et al. 2005), and mineral extraction (Kuck et al. 1985, Webb et al. 2011). It appears that combinations of these anthropogenic and or natural factors produce a nonlinear habitat utilization response in elk (Frair et al. 2008). Support for some of these elk-habitat selection relationships (i.e., road impacts on elk movement) are currently being demonstrated in preliminary analysis of elk movements in the Gunnison Basin and West Elk Mountains (Appendix 3, section 6).³⁵

³⁵ See, CPW ELK Management plan for GMU E05; June 7 2018 @ pg. 13.

CPW has also expressed similar concerns around deer populations and the effectiveness of deer habitat as follows:

“There hasn’t been any factor pinpointed for the decline and it is most likely caused from a combination of reasons related to habitat availability and condition.”³⁶

The Organizations are aware that exceptionally complex models have been created to model the complexity of factors that will impact habitat effectiveness on a landscape.³⁷ The Organizations have also vigorously supported the efforts of the USFS to more completely understand recreation, habitat and other factors that impact wildlife. The complexity of this relationship cannot be understated but can now be actively tracked and more completely understood by the real time comparison of wildlife and recreational users on the landscape as evidenced by the following maps³⁸:



³⁶ See, CPW Deer Management Plan for DAU 24 Groundhog; March 2014 at pg.2

³⁷ See, USDA Forest Service; Rocky Mountain Research Station; Interactive Habitat Mapping tool available here: [ArcHSI \(Arc Habitat Suitability Index\) | Rocky Mountain Research Station \(usda.gov\)](https://www.fs.fed.us/rocky/arc_hsi/)

³⁸ See, Olsen et al; *Modeling Large scale winter recreational terrain selection with implications for recreation management and wildlife*; Journal of applied Geography; June 2017 at pg. 66.

With data like the maps above, we simply must question why highly generalized landscape standards would be pursued instead of this highly detailed data that is already available. The immediate conflict of many of the landscape tools in the guide and management efforts from our federal partners is apparent as US Fish and Wildlife Service has a 76-page manual available for development and management of roads in National Wildlife Preserves.³⁹ The USDA Natural Resource Conservation Service also has extensive guidance on habitat mapping and the relationship of this to on the ground issues. A complete copy of chapter 5 of the NRCS guidance on mapping and recreation is attached as Exhibit “5”. Clearly, the NRCS guidance is well beyond anything akin to mile-by-mile habitat analysis.

8(c). Draconian trail density standards of one mile of trail per square mile is unprecedented and conflict with previous site specific NEPA analysis on the GMUG.

The Organizations must start our discussion on the inconsistency with what has been proposed as best available science in the Proposal and what has resulted from travel management planning on each of the forests with a question. Why is there a perceived need to make large alterations to the existing travel management decisions with the adoption of route density standards and other exclusive use concepts in the alternative? Some of these travel management decisions were only recently completed and every one of which has been updated multiple times over the life of the old RMP, further calling into question many of these asserted needs to change.

The Organizations would note than many of the groups pushing for restrictive travel density decisions are the same groups that pushed for large scale route closures in the previous rounds of travel management. The Organizations have sought balance and meaningful analysis of challenges and thoughtful responses in management that will address these issues. The trail density standards that are proposed are another issue where we continue to seek meaningful analysis of information on challenges and topics but must question why this standard is thought

³⁹ A copy of this manual is available here: [122968 \(fws.gov\)](https://www.fws.gov/122968)

to be needed after so many rounds of travel management decisions have provided decisions to the contrary. Our concerns on this issue are based on the immense conflict between the asserted need for these standards and the actual data on the issue. These two resources tell very different stories and fail to justify imposition of the draconian management standards that are proposed.

As an example of an existing RMP and travel management process we look to the Gunnison Travel Plan finalized in 2016 which used a threshold of 1.9 miles of road per mile as a trigger for further analysis of any area of heightened management concern. We would note that triggering further analysis does not actually require any management action specifically to allow for the other attributes of the habitat or watershed. This road density analysis is explained in high levels of detail in the site specific NEPA as follows:

“An evaluation of road densities, a measure of human activity that can impact water resources, in combination with watershed sensitivity, resulted in the identification of six sub-watersheds with high road densities (greater than 1.9 mile/square mile) within a Sensitivity Class 4 watershed (Table 3-7). These would be areas where the density of roads and trails could have a great influence on watershed function and could be a contributing factor to adverse water resource impacts (Figure 3-1).”⁴⁰

The Gunnison TMP then proceeded through a detailed discussion of specific routes and specific impacts from those routes in each location that was above the recommended threshold of 1.9 miles of density. We question how with analysis of this specificity these watershed conclusions of the Gunnison TMP on route densities can simply be overruled by simply ignoring these conclusions and applying the Proposals mile per mile absolute cap.

The GMUG has also undertaken this type of highly detailed site specific NEPA on a wide range of issues for acceptable road densities based on site specific inventory and analysis. No specific

⁴⁰ See, Gunnison Basin TMP FEIS at pg. 62

species or issue identified areas where road densities were found acceptable was in compliance with the proposed 1 mile per mile of densities. The following chart provides a detailed breakdown of these conclusions of previous management:

<u>Species</u>	<u>Permitted Route Density</u>
Greenback Cutthroat Trout ⁴¹	4.78
Water influenced zone ⁴²	4.569
Sucker ⁴³	2.57
Colorado River Cutthroat Trout ⁴⁴	2.17
Canadian Lynx ⁴⁵	1.39
Gunnison Sage Grouse – occupied ⁴⁶	2.1
Gunnison Sage Grouse -unoccupied ⁴⁷	2.5

As a result of the above standards, we must question how the threshold of 1 mile per mile was found necessary to be an absolute standard rather than a threshold for further analysis and how was the standard found to be necessary for not only roads but also “roads and trails”. If this type of alteration of existing management is actually necessary, this should be the basis of extensive discussion and analysis, rather than the cursory assertions that are now present.

8(d) The draconian mile per mile route density requirement conflicts with 2020 USFS guidance on recreation and wildlife.

⁴¹ See, USDA Forest Service, *Gunnison National Forest; Gunnison Basin Federal Lands Travel Management*; Final Environmental Impact Statement; June 2010 @Pg. 109

⁴²See, USDA Forest Service, *Gunnison National Forest; Gunnison Basin Federal Lands Travel Management*; Final Environmental Impact Statement; June 2010 @ Pg. 70

⁴³ See, USDA Forest Service, *Gunnison National Forest; Gunnison Basin Federal Lands Travel Management*; Final Environmental Impact Statement; June 2010 @ Pg. 99

⁴⁴ See, USDA Forest Service, *Gunnison National Forest; Gunnison Basin Federal Lands Travel Management*; Final Environmental Impact Statement; June 2010 @ Pg. 98

⁴⁵ See, USDA Forest Service, *Gunnison National Forest; Gunnison Basin Federal Lands Travel Management*; Final Environmental Impact Statement; June 2010 @ Pg. 116

⁴⁶ Total obtained by combining road density and trail density provided in DEIS at pg. 189 & 191

⁴⁷ Total obtained by combining road density and trail density provided in DEIS at pg. 189 & 191.

As the Organizations have noted above, the populations of deer and elk on public lands are strong and steady, which we believe is an excellent starting point for discussion. Given this situation, the Organizations must question why so much of this Proposal is in direct conflict with 2020 USFS guidance on the relationship of trails and wildlife. The clear conclusions of the 2020 USFS effort is summarized in the 2020 USFS publication entitled: “Sustaining Wildlife with Recreation on Public Lands: A Synthesis of Research Findings, Management Practices, and Research Needs”⁴⁸. The 2020 USFS trails and wildlife guide starts with a clear recognition that trails often play a VERY minimal role in degrading habitat which is stated as follows:

“Although large highways and infrastructure associated with urban/ suburban areas have been found to alter ungulate migration patterns, outdoor recreation on public lands generally involves human developments at a small enough scale that disruption of major migration pathways (i.e., for larger terrestrial species) is generally not a concern (Alexander and Waters 2000)”⁴⁹

The 2020 USFS guidance clearly identifies that low density recreational usages of public lands rarely impacts habitat quality and, in some cases, even high-density development benefits as species. The 2020 USFS Guidance states this as follows:

“Habitat fragmentation occurs when contiguous habitats are divided into smaller, isolated fragments (Fahrig 2003), e.g., through construction of a road network to access public lands for recreation and other uses. Some species are sensitive to habitat fragmentation, such as large carnivores that may require a large area of continuous habitat, and habitat specialists (i.e., species that thrive only in a narrow range of environmental conditions), while other species are more tolerant of or even benefit from habitat fragmentation (Crooks 2002). Although the

⁴⁸ We have not included a copy of this document as it is several hundred pages in length but can be downloaded here: [Sustaining Wildlife with Recreation on Public Lands: A Synthesis of Research Findings, Management Practices, and Research Needs \(fs.fed.us\)](https://www.fs.fed.us/wildlife/2020-usfs-guidance-on-wildlife-and-recreation)

⁴⁹ See, USFS Trails and Wildlife Guide at pg. 24.

presence of low-density unpaved trails developed for recreation is not typically associated with habitat fragmentation for mid- to large-sized species, trails can fragment habitat for species with lower mobility, especially when trail density is high or when trails are wide and paved.”⁵⁰

The 2020 USFS Guide then goes into a long discussion of specific species issues and studies and it is interesting fails to recommend any standards such as route densities. Given the strong and steady population information that has been provided in detail by CPW, the Organizations would question if most of the proposed management discussions have been resolved on the public lands in Colorado as most species are at or above population objectives.

Rather than applying the highly detailed site and species-specific analysis that this identified as best available science by the USFS, the Proposal seeks to overturn the application of these standards previously completed on the GMUG and move to the overly broad management by landscape standards that the new USFS Guide recommends against. The success of existing management would seem to weigh heavily in continuing to manage the Colorado public lands in a manner consistent with national guidance. This success would also warrant the recognition of the success of this model of management and inclusion of this hugely successful management model as an Alternative in the Proposal. The failure to even include this in the Proposal as an Alternative is a serious failure in the development of the Proposal.

8(e). The draconian 1 mile per mile of route density directly conflicts with CPW guidance issued in 2021 on this issue.

The Organizations are again starting a discussion with the statement that the balancing of recreation and conservation interests has been an issue the motorized community has spent significant efforts in collaboration. The most recent guidance that has been issued on this issue

⁵⁰ See, CPW Trails and Wildlife Guide at pg. 20.

was the issuance of CPW's "Planning Trails and Wildlife Guide" in 2021, which was the result of a multiyear collaborative effort of interests including USFS, BLM, CPW, US Park Service, US Fish and Wildlife Service and nine local communities from across the state. Over the multiyear planning effort, detailed public comment was received from almost 40 groups, including Backcountry Hunters and Anglers, The Wilderness Society and Great Old Broads for Wilderness. A complete copy of this document is attached to these comments as Exhibit "6".

We are taking the position this document is clearly best available science on the trails and wildlife density standards issue and provides management guidance that directly conflicts with the direction being provided in the Proposal. Rather than supporting the proposed direction of management in the Proposal, the CPW Guide outlines with detail the site-specific management process and efforts that have already been undertaken on public lands across the State. The similarity of the CPW guide and the new USFS guide cannot be overlooked. This document confirms why this management effort has been successful and why it should not be altered at the landscape level, but rather continues a site-specific basis on an as needed basis.

Initially the CPW Trails and Wildlife Guide outlines a highly collaborative and highly detailed site-specific review of trails and wildlife issues that is very similar to the efforts that have been undertaken in the Travel Management processes on each of the forests on public lands across the state. As a result, we must question why those efforts would not be highlighted as well ahead of their time and recognized as still being best available science on these types of issues. The recommended process for planning is outlined in the CPW Guide as follows:

- “•FPs, TMPs, & RMPs identify current and future routes, trail uses, closures, and seasonal closures. These planning processes allow advocates to get involved in planning and designing quality trails and systems.
- FLMAs are required to go through the National Environmental Policy Act (NEPA) process prior to making decisions, which, in addition to habitat fragmentation,

considers vegetation, soils, air and water quality, and cultural resources. NEPA requires public comment and review opportunities.

- TMP development is a high priority for FLMAs. Many FLMAs have shifted from “open” unrestricted use of public lands to limiting motorized and mechanized travel to designated routes.
- Emphasize early stakeholder and public involvement in the NEPA and TMP processes for Federal lands (as well as state and local).
- TMPs on public lands that change strategies from an open system of travel to limited, generally reduce existing road and trail mileage significantly. New trails or networks located in less impactful areas may be proposed based on local needs with an emphasis on quality over quantity.”⁵¹

The Organizations would be remiss if the fact the CPW Guide starts any analysis of wildlife and trails with recognition of management efforts that are in place in any area. This continues to be a struggle for the planners in this effort, as this has not been identified yet.

The CPW Guide recommends a highly site-specific analysis of routes and application of tools such as seasonal closure to reduce route density in sensitive wildlife areas during times such as calving or winter range usages. Again, we must stress this type of analysis has already been completed in travel management plans already finalized on the forest. These have been highly successful and the success of these efforts is highlighted throughout the more than 60 pages of analysis in the CPW Guide. The necessity of highly localized review of issues and challenges as part of this collaboration is specifically addressed on pg. 24 of the Guide CPW clearly identifies as follows:

“There are two important considerations to keep in mind with route density:

- Site-specific factors, such as topography, may influence the quality of habitat, and are not accounted for in the calculation for route density.

⁵¹ See, CPW Trails and Wildlife Guide at pg. 11.

- Route density calculations do not necessarily account for how trails are spatially distributed across the landscape (Figure 6).”⁵²

On page 27 of the CPW Guide, CPW specifically and clearly states their recommendation for management of priority habitat and the importance of timing restrictions to achieve these goals as follows:

- “•Limit trail densities (including existing trails) to less than one linear mile of trail per total square mile, within production areas, migration corridors, and winter range habitats.
- For trails within production areas or winter range habitats, implement seasonal timing restrictions for all trail users.”

Given that the CPW Trails and Wildlife Guide specifically identifies that tool such as seasonal closures should be used to bring seasonally used areas into compliance with general recommendations, we have to question why the blanket application of this mile for mile standard without seasonal closures is now asserted as best available science or even being necessary. The Organizations assert this type of analysis has already occurred on public lands and has been highly effective. If there was a desire to move to something more restrictive than best available science, this would have to be discussed in great detail and this has not occurred. Again we believe this management model must be addressed as an alternative in the Proposal and has not been raised as even an option.

8(f). CPW only recommends education of users to address recreational activity in Migration Corridors.

In addition to the final release of the 2020 Trails and Wildlife Guide from CPW, CPW has also issued a detailed report on the management of wildlife corridors and winter range for wildlife in Colorado in 2020. The relationship of population development and expansion in Colorado and its

⁵² See, Colorado Parks and Wildlife; *Colorado’s Guide to Planning trails with wildlife in mind*; June 2021 at pg. 24.

possible impacts on wildlife migratory corridors has been another issue there has been a lot of vocal concern raised regarding. We have actually been told by several organizations representatives that migration corridors should not have trails of any kind in them and we have heard this repeatedly stated in public meetings on this issue . This is very concerning to us and as a result we are discussing this as well as noting its strategic alignment with the 2020 CPW Trails and Wildlife Guide.

The management of wildlife corridors was the basis for new peer reviewed published work from CPW in May of 2020 Entitled “2020 Status Report; Big Game Winter Range and Migration Corridors”. We have attached a complete copy of this new document as Exhibit “3” to these comments. This report goes into great detail regarding issues with winter range and high-speed arterial roads in migration corridors. The report also highlights the minimal threat that trails pose when compared to high-speed roads for quality of winter range and viability of migration corridors as the recommended management action for trails in these areas is as follows:

“CPW staff will continue working with trail users, NGOs, local municipalities, and other stakeholders to avoid, minimize, and mitigate negative effects from motorized recreation to big game and migration corridors. CPW will continue to educate recreationists regarding their impacts to wildlife and seek methods to effectively influence behavior of motorized trail users.”⁵³

Again, it goes without saying that this CPW Trails and Wildlife management recommendation has largely been completed for motorized trails on public lands in Colorado. Education of users falls well short of the draconian standard of one mile per mile in habitat areas that is being proposed. Again, we vigorously assert the Proposal must apply best available science on this issue.

8(g) The proposed route density standard conflicts with 2020 USFS Guidance documents on the trails and wildlife issues.

⁵³ See, Colorado Parks and Wildlife; 2020 Status Report; Big Game Winter Range and Migration Corridors at pg.31.

As the Organizations have noted previously, the Proposal route density limit conflicts with best available science from CPW on management of trails and wildlife. While the CPW documents have been in development, the USFS has also been creating new guidance documents on management of Trails and Wildlife. This culminated with the issuance of the USDA report entitled “Sustaining wildlife with recreation on public lands: A synthesis of research findings, management practice and research needs” in December of 2020.⁵⁴

Again, the Proposal fails to comply with this guidance document either as at no point does the USFS guide recommend anything similar to a general or landscape level analysis or standards, such as that proposed. Rather the guide outlines the highly site-specific nature of the relationship between trails and wildlife. This report addresses issues on a species-by-species basis rather than the more topographically based manner used in the CPW Guide. The USFS report identifies general factors such as the difference in concerns when comparing a road to a trail, which is identified as follows:

“Although the presence of low-density unpaved trails developed for recreation is not typically associated with habitat fragmentation for mid- to large-sized species, trails can fragment habitat for species with lower mobility, especially when trail density is high or when trails are wide and paved.”⁵⁵

New USFS wildlife and trails guide specifically states the highly variable nature of impacts along the scale from high-speed arterial roads to low-speed single track trails as follows:

⁵⁴ See, Miller, A.B.; King, D.; Rowland, M.; Chapman, J.; Tomosy, M.; Liang, C.; Abelson, E.S.; Truex, R. 2020. *Sustaining wildlife with recreation on public lands: a synthesis of research findings, management practices, and research needs*. Gen. Tech. Rep. PNW-GTR-993. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 226 p. A complete copy of this report has not been included with these comments due to its size. This report is available to download here. [Sustaining Wildlife With Recreation on Public Lands: A Synthesis of Research Findings, Management Practices, and Research Needs \(fs.fed.us\)](https://www.fs.fed.us/research/pnw-gtr-993/)

⁵⁵ See, Miller et al at pg. 20.

“Although motorized activity can disrupt important migration corridors, note that this disruption is more strongly influenced by highway traffic than is typical of trail-based motorized recreation (Lendrum et al. 2013, Sawyer et al. 2012).”⁵⁶

The USFS guide also notes the importance of seasonally used areas as follows:

“Because seasonal behaviors vary by species, the information provided here requires biological knowledge of local species of concern. As described above, the reproductive status of individuals influences the response of individuals and groups to recreational activity.”⁵⁷

The Organizations again vigorously assert that the Proposal must align with best available science on trails and wildlife and this analysis has been outlined with a high level of detail by both the USFS and CPW. As we have noted before these processes apply highly site-specific analysis due to a wide range of factors, and this has already been completed on public lands and yields conclusions that are in conflict with the proposed mile per mile standard that is proposed. We must ask why there would be a desire to change this as the change conflicts with Best Available Science and has been highly effective already. This is an issue we should be celebrating the success of rather than discussing how to start from the ground up.

9(a)(1) The decision to apply high priority habitat calculation to entire GMUs will lead to foolhardy management problems.

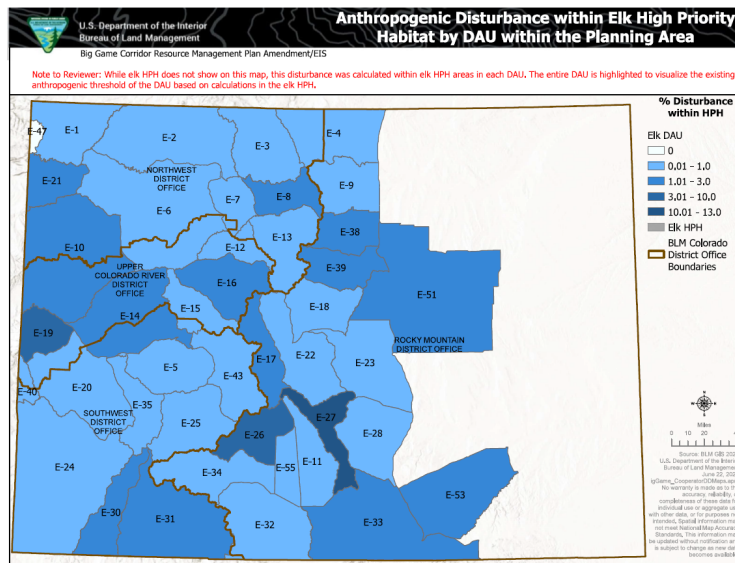
The Organizations are very concerned that the Proposal makes critical decisions without providing any analysis of how these decisions were made. One critical decision provided in the Proposal with no analysis whatsoever is the decision that analysis would only be performed on high priority habitat for the species but then applied to the entire game management unit. Often habitat areas

⁵⁶ See, Miller et al at pg.

⁵⁷ See, USDA Guide at pg. 41

only encompass a small portion of planning areas but the proposal appears to be asserting that every acre of habitat is equally valuable to every species. That position is simply lacking in factual basis of any kind.

Despite the indefensible nature of the position, the Proposal asserts that major communities, such as Grand Junction, Durango, Glenwood Springs Denver, Colorado Springs, Fort Collins are viable habitat for species. This could not be further from the truth as these areas have been heavily developed for possibly centuries. The comically inaccurate nature of the Proposal analysis on this issue is outlined by the following map:



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The utterly ridiculous implications of applying density standards outside of habitat areas is immediately evidenced, when possible, analysis issues applying the analysis creates. Should the city of Denver worry about route density and wildlife impacts if they are renovating the Convention Center in downtown Denver? The Broncos want to renovate Mile High Stadium so they must address route densities and wildlife impacts? These are EXACTLY the types of questions that the Proposal is creating for analysis when HPH standards are applied to entire GMU.

⁵⁸ See, Proposal Volume 3 at pg. 198.

While these situations are somewhat remote in their application, we can absolutely see analysis have to be done for maintenance plans for urban parks and other resources.

9(a)(2) How will the proposal impact urban parks?

As we have noted the Proposal lacks meaningful definitions of oil and gas vehicles and route that could be used to determine what is and is not an oil and gas route. The Proposal also lacks any ability to determine what a route is. The expansion of the Proposal from only HPH to all areas in the GMU creates immense concerns, even if these definitions were present, for uses such as urban parks and greenway areas. These are frequently located in areas immediately adjacent to oil and gas wells throughout the state. If we use the proposal standard of a mile per mile in density the relationship of oil and gas activity and urban parks and greenways only expands.

This forces us to ask has anyone talked ot local governments about their concerns about this issue? We are immediately concerned that the idea of local governments having to address route density in areas that were never habitat for the species if they wanted to expand a trail network in the Park would probably not be received well. Would the local government have to obtain compensatory credits for this type of a project as it would increase trail density and not remove trail density? Utterly no guidance is provided on an issue such as this despite it being well within the marginal definitions that are provided in the Proposal. Would basic maintenance efforts now have to comply with timing requirements in the Park? The Proposal does not even come close to recognizing these types of impacts from expanding the analysis from just HPH to entire GMU.

9(c) Surface disturbing activity includes many things outside just oil and gas.

The failure of the Proposal to provide meaningful definitions on basic terms will create more intended consequences. The USFS and BLM have started to address poor forest health in the State by the development of large timber and fuels mitigation projects and often these projects are benefiting wildlife while protecting homes and communities. These efforts absolutely fall within the scope of a surface disturbing activity. How would these projects be addressed? Many of these types of projects are within a mile of oil and gas pads or possible oil and gas routes. Utterly

no guidance is provided on how impacts to surface disturbance calculations would be addressed from fuels projects on existing calculation. Again, these are basic issues that should have been addressed as part of the decision to apply calculations to areas outside the HPH on a GMU basis.

This is going to be a huge problem outside just the dispersed trails community. Will developers renovating existing housing to provide low-income housing now have to provide compensatory mitigation for their efforts? We doubt that has been thought about despite assertions the Proposal will not impact underserved communities. These are management implications and impacts that must be addressed but cannot as we simply lack meaningful definitions to identify what an oil and gas route even is. These ramifications of the Proposal are entirely foreseeable and have not been thought about and must be.

9(d). Why would seasonally important areas be protected year round?

We are intimately familiar with the fact that at certain times of the year some locations are highly valuable to species and then at other times of the year these areas are simply not used by species. Winter range is rarely used in the summer. Calving areas are rarely used outside calving periods. Commonly we address these as calving areas, winter ranges and other time sensitive designations, such as seasonal closures. Again, we are unable to identify any portion of the Proposal that addresses how these seasonal closures were found insufficient to protect wildlife after they have been found highly effective for decades at addressing timing issues such as this.

The Organizations are also forced to ask how seasonally maintained routes, such as county highways that do not receive winter maintenance of any kind, are addressed in the Proposals route density analysis? Frequently these routes not being maintained protects significant portions of winter range or calving areas from all forms of human contact. Again, issues such as this simply are not addressed in the Proposal.

9(e). How is high priority habitat aligned in the decision-making process with multiple species?

The Organizations must also object to the failure of the Proposal to address how the decision has aligned HPH for each species into a single standard. Basic questions are simply never addressed. Questions like: How is the fact that GMU boundaries do not align for most species addressed in the Proposal? Often species-specific boundaries have no relationship to each other. Big Horn sheep rarely come in contact with deer simply because of the fact they choose to live in entirely different habitat and areas. Were these boundaries smoothed? Were GMU percentages calculated based on each species? What is the impact to persons undertaking projects if they need to review multiple species in their project calculations. What if the GMU is ok for some species and not others? Answers to these questions will be critical to the implementation of the Proposal on the ground and have simply not even been recognized.

10. What is the relationship of this proposal to the myriad of other landscape level planning revisions that are currently being developed?

The Organizations must also ask how the decisions in the Proposals align with a huge number of other planning efforts, such as resource management plan revisions that are currently being developed. Currently we have the Rio Grande NF RMP that is recently completed and is the basis of a legal challenge. The GMUG NF is currently finalizing their RMP update. Royal Gorge FO is revising their RMP simply to name a few efforts going on locally. We would like to understand how these other local planning efforts relate to the Proposal as this relationship will be critical to the development of these efforts and the Proposal. No analysis is provided on this issue.

The Organizations would also like to understand how national or regional efforts such as the recent USFS/BLM Old Growth Timber effort would align with the Proposal. BLM has also recently released their climate change and sustainability plans along with revisions to numerous regional efforts such as Sage Grouse. The overlap of what are clearly competing concerns around the use of public lands in a for profit manner is a huge concern as the large-scale leasing of public lands by Natural Asset Companies was addressed in the climate change plan. Given this Proposals

desire to apply the cap-and-trade model of management to public lands we must ask how this would be coordinated with mitigation efforts undertaken by NACs.

11. Conclusion.

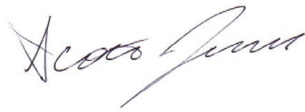
The Organizations vigorously support Alternative A of the Proposal, as current management has a long history of effectively dealing with the challenges in the Proposal with minimal unintended consequences. These successes simply are never addressed in the Proposal. Our support for Alternative A of the Proposal is further based on the failure of the Proposal to provide even arguable definitions for terms that are critical to the basic understanding of the Proposal, such as what is an oil and gas route or what is an oil and gas vehicle. While critical terms such as this are not defined in the Proposal, other terms are so broadly defined as to defy any reasonable application of them to the Proposal. We simply are unable to understand what uses such horses, mountain bikes, boats, atvs and dirt bikes are addressed in the Proposal as we are unable to identify the consistent use of resources such as these in oil and gas operations.

As current management is highly effective at balancing multiple uses, a detailed and meaningful discussion of how the relationship between wildlife populations, trail density and oil and gas development was identified as even appropriate. The failure of the Proposal to address other basic issues such as how was the mile per mile density cap identified as appropriate when many HPH in the State have route densities well above this threshold already forces us to support Alternative A. We are hugely concerned that without basic information and analysis such as these unintended impacts from the effort will be immense and immediate.

Our support for Alternative A is further buttressed by the various positions in the Proposal that are clearly establishing a basis for the application of the cap-and-trade model of management to multiple uses on public lands. We are opposed to any development of this management model for public lands as the Proposal provides no meaningful discussion of how this model would even be used for multiple uses.

The Organizations and our partners remain committed to providing high quality recreational resources on federal public lands while protecting resources and would welcome discussions on how to further these goals and objectives with new tools and resources. If you have questions, please feel free to contact Scott Jones, Esq. (518-281-5810 / scott.jones46@yahoo.com) or Chad Hixon (719-221-8329/Chad@Coloradotpa.org)

Respectfully Submitted,



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