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Submitted via U.S. Mail and email to wrtmp@contentanalysisgroup.com

WRNF Travel Management Plan and SDEIS
C/O BW-CAG
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Subject: Trails Preservation Alliance (TPA) and Colorado Off-Highway Vehicle Coalition Organization (COHVCO) comments to the WRNF TMP and SDEIS

Dear Content Analysis Group:

The TPA and COHVCO are pleased to offer our comments to the White River National Forest Travel Management Plan Supplemental Draft Environmental Impact Statement (TMP/SDEIS).

TPA and COHVCO represent the majority of off highway vehicle users in the State of Colorado, which number over 200,000 OHV users. The TPA and COHVCO, as well as many local clubs and organizations have been actively involved with the WR TMP/SDEIS process since the work was started 3 years ago. The TPA and COHVCO have contacted these organizations, The Rocky Mountain Enduro Circuit (RMEC), the Colorado 500 Legal Defense Fund (C500LDF), the Colorado Back Country Trail Riders (CBTRA), the Summit County off Road Riders (SCORR) and the White River Alliance (WRA), and have included their analysis in this report. All of these organizations have spent a significant amount of time and resources attending FS meetings and reviewing all documents published by the WR FS staff. The TPA, COHVCO and these other organizations intend to remain an active partner with the FS throughout the remainder of the TMP process.

Our comments in this document are oriented towards the entire TMP/SDEIS and the overall lack of motorized single-track recreation opportunities. The miles of trails and 4WD road miles that are taken away in this plan do not reflect the actual use or projected demand for motorized recreation. There is instead a distinct anti-motorized recreation bias throughout many areas of the SDEIS. For whatever reason motorized recreational uses (both current and future) were not adequately addressed in the current plan. The TPA and COHVCO look forward to working with the WR FS Staff to help develop a TMP that can fairly address all forms of recreation in the WRNF.

BACKGROUND

The Supplemental Draft Environmental Impact Statement (SDEIS) for the White River National Forest Plan, September 2008, is a document that brings forward a preferred alternative to support

a set of decisions on travel and transportation for the Forest. The SDEIS goal was to be a comprehensive plan that accommodated the needs of the public by balancing opportunities for adequate access with the on-going need to protect our natural resources.

This Plan and SDEIS is a task that has seen a need for completion following the conclusion of the White River National Forest Resource and Management Plan in 2002. Because of the controversy and complexity of the Forest Plan implementation, the Travel Management process and Plan were separated in order to include the public in a more site and project specific manner. During the development of the Travel Plan, the November 2005 Travel Management Rule (TMR) 70 Fed.Reg. 68264-68291 (Nov. 9, 2005) provided unprecedented direction on travel planning and compelled the Forest to complete an additional process, if not already completed in a previous travel planning process, to also designate routes and areas for motorized and non-motorized activities and produce a motor vehicle use map (MVUM) for the public by 2009.

The initial Forest Plan transportation planning efforts and TMR requirements were combined in an SDEIS and released to the public for review in July 2006. After receiving public reactions and analyzing comments, completing additional road and trail inventory work and mixed-use assessments, the Forest released this SDEIS for a 60-day review period to assure complete opportunities for involvement and additional input.

Comments and Reactions

These comments are generally organized to address issues in the order presented in the SDEIS. Ultimately, an Appeal Reviewing Officer or court will apply what is known as the “arbitrary and capricious” review standard to the final decision. Under this standard a reviewing court is empowered to set aside agency action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” or found to be “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A) & (D). The arbitrary and capricious standard is deferential and does not allow a reviewing court to substitute its judgment for that of the agency:

The scope of review under the "arbitrary and capricious" standard is narrow and a court is not to substitute its judgment for that of the agency. Nevertheless, the agency must examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made....Normally, an agency rule would be arbitrary and capricious if the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise. The reviewing court should not attempt itself to

make up for such deficiencies; we may not supply a reasoned basis for the agency's action that the agency itself has not given.

Motor Vehicle Mfrs. Ass'n. v. State Farm Mutual Automobile Ins. Co., 463 U.S. 29, 43 (1983) (citations omitted) (emphasis added); *see also Board of Adams County Comm'rs v. Isaac*, 18 F.3d 1492 (10th Cir. 1994).. Many special interests will improperly seek to brandish the threat of appeal or litigation as an attempt to stifle agency discretion, but this standard, properly understood, is deferential and provides the agency great latitude in designing a travel management system that will make sense and maximize both recreational opportunity and conservation objectives. Rather than constraining its options and analysis, the agency will achieve a “better” result, both legally and on-the-ground, by encompassing the positive input of diverse user groups and creatively seeking solutions to management opportunities. Against this background, we offer the following comments.

1. The Forest has chosen, in part, to substitute language for describing issues and concerns, goals and objectives, different and perhaps contrary to the TMR. The Summary page of the SDEIS states that “*The White River National Forest travel management plan (TMP) will develop a travel system across the entire White River National Forest to accommodate and balance the transportation needs of the public and to provide adequate access for forest and resource management, while still allowing for protection of natural resources.*”

Concerns are listed in the SDEIS (abbreviated) as:

1. Identifying the designated travel system.
2. Identifying what is not on the system.
3. Attempt to balance social and resource demands.

Objectives are listed (abbreviated) as:

1. Be in compliance with laws.
2. Designate the road and trail system and rehabilitate the non-system roads and trails.
3. Provide a travel plan that defines modes and routes.
4. Identify resource solutions impact due to the transportation system, including routes identified for decommissioning.

Key issues that drive the development of alternatives are listed as:

1. Volume and type of recreation access.
2. Resolution of recreation conflict.
3. Protection of natural resources.

In their preparation of the document, the White River National Forest has excluded, or reshaped, the intent and purpose from those stated by the Secretary of Agriculture in the final Rule.

Examples of inconsistencies with the language of the rule are:

- a. Designation of roads and trails will “*enhance opportunities for motorized recreation experiences on National Forest System lands*”. 70 Fed.Reg. 68264 (Nov. 9, 2005).
- b. “*Promote the safety of all users of those lands...and minimize conflict*” (emphasis added). *Id.*
- c. “*Provide consistency and clarity on motor vehicle use within the NFS*”. *Id.* at 68265.

These examples are intended to highlight our concerns about how the alternatives and maps were developed, what the standards and criteria were for the inventories of trails and roads (including the user-created routes) and how the decision criteria will be structured and developed for the FEIS and Transportation Plan. More specifically, the DSEIS has a Forest Service organizational and natural resource centric set of themes and issues, and tends to not list or focus on enhancing positive user public experiences and benefits. Phraseology such as “attempting to balance” or “resolving conflict” instead of “*minimizing conflict*”, and “identifying resource solutions to impacts of the transportation system” in lieu of “*identifying recreation use alternatives to impacts of the transportation system*” would give the document and pending decision more balance by allowing a more public centric approach.

The SDEIS, as currently written, discloses an apparent forest staff or Forest Plan strategy to designate motorized routes and produce an MVUM, rather than take a comprehensive look at enhancing a balanced set of recreation opportunities for all users. In the end, the TMR directs the Forest to apply varied criteria in fashioning designated travel management systems, and to “consider effects on ...natural and cultural resources, public safety, provision of recreational opportunities, access needs, conflicts among uses of National Forest System lands...” and other factors. *Id.* at 68289 (newly designated 36 C.F.R. § 212.55(a)). In other words, the Forest should be looking at a way to create a system that works for all users, as opposed to creating minimal opportunities through a fear of challenge.

This SDEIS document, at times, reads like it responds to a motto of “Caring for the Land and Serving the Forest Service”. We understand the problems of low budgets, poor staffing, stretched enforcement personnel, and how to support the needs for good stewardship of our national natural resources. However, the enhancement of sustainable, high quality public recreation use needs to be more apparent in the “up front” set of goals, objectives, purposes and need statements, and final decision criteria to include the “Serving People” aspects of the USFS mission and the original intent of the Travel Rule.

2. Chapter 1, page 5, second paragraph add “2006” to June as it helps clarify the sequence of planning processes that have tiered to the completion of the Forest Plan.

3. The History discussion, page 7, is informative in helping to understand the development of the Forest's current road and trail system. However, there is some negative editorial overtone about historic roads and trails being "*built without much forethought into planning for the future access and maintenance needs or environmental protection*" (paragraph 1). This sort of negative historical critique does not respect the many good decisions that forest officers and resource staff made based on their time in the agency, their respective budgets, experience and public support to develop a public road system. The SDEIS takes the position of minimizing any new road and trail systems. However, today's times are different and the forest has the opportunity to take advantage of an existing system, based on many good historic reasons to rearrange routes to meet today's needs.

4. Purpose and Need for Action, page 9. The Purpose statement reads: "***...to identify the transportation system with the goal of balancing the physical, biological and social values of the forest***". (Emphasis added)

This is a clear and maybe unintended statement which demonstrates another Forest Service centric bias in this document. Social values do not belong to a forest or the management team on a forest. Social values belong to the community of users, citizens of associated towns and rural areas, their guests and visitors. This statement needs to be edited to attach social values to people and their needs rather than to "*the forest*". Forest needs are captured by the physical and biological aspects of the statement.

Similar to paragraph 3 above, the Purpose and Need statement incorrectly states, that "user-created" routes "were created without due process and therefore are considered illegal." This statement ignores necessary site-specific inquiry, improperly stigmatizes such routes, and implies that their presumptive or "default" status should be "undesignated" in the travel planning process. Such an approach plainly contradicts the TMR, which calls for a reasoned and site-specific analysis of viable options to travel management planning, to specifically include designation of appropriate "user-created" or "unauthorized" routes. *See*, 70 Fed.Reg. 68268 ("[s]ome user-created routes are well-sited, provide excellent opportunities for outdoor recreation by motorized and nonmotorized users alike...[o]ther user-created routes are poorly located and cause unacceptable environmental impacts."; at 68269 ("some user-created routes would make excellent additions to the system of designated routes and areas. The Forest Service is committed to working with user groups and others to identify such routes and consider them on a site-specific basis."

5. The second Need statement (bottom page 9) implies, as written, that older timber, range, mining, oil and gas exploration roads that were not closed are illegal because they were created without due process. This is an inaccurate, generalized and misleading statement as many of these roads were approved, permitted and maintained by the Forest Service, cooperators or contractors with due process. Again, this style of writing establishes a suspected, potential bias in the mind of the reviewer that is based on the agency criticizing and unnecessarily faulting past

management and community use patterns. There is a clear need to adjust the current system, but justification needs to include analysis of current needs, and not the unnecessary and unsubstantiated fault finding of previous managers and publics.

6. Page 10, paragraph 4, conflicts with paragraph 5 page 19. The page 10 reference establishes that this travel planning process will clarify the travel system on the forest. Page 19 discussion establishes that CFR 212.54 requires the need for revision of designations to meet changing conditions. It is a dynamic process, as stated on page 19, not just a clarification process to designate a travel system. The two discussions need to be brought into the same context.

7. Page 10, paragraph 6 expands the discussion on the need for alignment of “*system and mission*”. Paragraph 6 says, in part, that “*mountain bikes and motorized uses are competing with non-motorized uses (hiking, horseback riding and backcountry skiing for the same (emphasis added) land base*”. This is a misrepresentation of the facts on the forest as it ignores and disregards the acres in designated Wilderness (755,000 acres) and road-less areas (640,000 acres) that provide a land base for essentially non-motorized use with much less conflict opportunity. This statement causes SDEIS reviewers to believe that the forest is only interested in resolving conflict and not analyzing, displaying, enhancing and balancing recreation opportunities for all users across the forest. There are many areas on the forest where there is no conflict, or conflict is handled by appropriate user behavior and user substitution of choices.

This SDEIS bias is further established in the 1st paragraph of page 11 where balance is defined as resolving user conflict and adequately protecting resources. There is no discussion here about balancing recreation opportunities to meet a diversity of user and community needs. The Forest Service is not capable of resolving personal conflicts as they exist between individuals and their personal expectations. The Forest Service can provide a spectrum of settings that allow recreation users to choose among alternative or substitute settings and activities, and thereby invest in a system that attempts to minimize conflicts. Resolving conflict is an impossible goal.

8. Page 11, under the Proposed Action Objectives, there is no objective for providing or developing a sustainable system of roads and trails to meet public recreation and administrative needs. Rather, the list includes only objectives that the system is in compliance with laws are designated, define modes, mitigate impacts, and restore undesignated routes.

There is no objective here that proactively states the goal of providing a choice of high quality recreation settings and opportunities and enhancing experiences. How is it possible to monitor the effectiveness of a plan if there are no measurable or stated objectives for assessing social experiences and benefits?

The objective buried in the bottom of paragraph 6, page 63, Recreation Management, should be brought forward in this SDEIS and expressed as a high priority management goal. That is:

“Quality recreation, producing desired satisfaction and benefits for participants, is the objective and concern of both managers and recreationists”.

9. The commitment to the consideration of user-created routes has been positively noted and is appreciated. This is a positive response to the Department of Agriculture’s direction that evaluation of user-created roads and trails is best handled at the local level. Unlike other Rocky Mountain Region Forests and units, this should yield opportunities that help generate alternatives for some issues and contribute to finding solutions and routes to achieve balance of use goals.

10. It appears that the SDEIS presents a unique analytical method for user-created routes, in which decision options are whittled down through some internal process, and candidates for designation are incorporated into an alternative. All other non-system routes will be considered “not designated” and will be “rehabilitated.” SDEIS at 10. The SDEIS seemingly outlines a one-time analysis which will conclusively determine, for all non-system routes, whether they will be designated or decommissioned. *Id.* at 9 (“user-created roads and trails will be examined for designation or elimination. This is a one-time consideration of these travelways...”); *id.* at 11 (user-created routes “either have to be added to the system or decommissioned.”). This “either-or” approach is not mandated by, and is contradictory to, the TMR, which only directs the Forest to designate roads, trails and areas for motorized use. This approach is not comparable to that undertaken by most forests under the TMR. Perhaps more importantly, and regardless of how one interprets the direction of the White River Forest Plan, the act of decommissioning is a site-specific action which itself requires commensurate site-specific analysis. In other words, a user-created route that is not presented for official designation in this process cannot immediately be slated for decommissioning, at least not using methods involving ground disturbance, until a suitable project-level NEPA analysis has specifically analyzed that project and its associated effects on the human environment in the context of that route. To amplify and support this point, we attach as Exhibit A hereto an administrative appeal decision dated January 27, 2000, issued by the Intermountain Regional Office.

The “either-or” approach of designating or decommissioning non-system routes does not comply with the law and unnecessarily constrains further public input and future Forest planning. This aspect of the DSEIS should be revised.

11. Page 12, paragraph 1. This is the first formal citation of the Travel Management Rule, CFR 212.52, and should be more visible earlier in the final EIS document as a process decision document. It should be referenced to improve readability along with references to the Forest Plan and Travel Management plan discussion in the Summary, page 1, and Legal and Administrative Framework, page 8.

12. Page 12, top of page, paragraphs 1 - 5 regarding user-created routes, appear defensive and somewhat challenging. These paragraphs suggest that all user created routes were examined by ranger district personnel (against some standards that are not disclosed) that made them

eligible for consideration as a part of a set of alternatives for possible designation. Then, the contexts of the inclusive paragraphs suggest that those user-created routes that were not found are now illegal and will be rehabilitated if found. This implies that the District did not deal with complete information and has taken the position that this TMP process will yield the final designated route system. This is somewhat contrary to the reference on page 19 that this is a dynamic process that continually examines the best opportunities, when discovered, for use within the designated system and in helping to reduce impacts. CRF 212.52 requires the public to be involved in the designation process. It is not clear in the SDEIS that the public was used in order to help identify user-created routes or that they are aware of what standards were used by various district staffs to evaluate routes to be included in the construction of the alternatives.

13. Page 16. There is a confusion of statements at this point in the document regarding status of mixed-use studies. Under paragraph 3, “Safety”, it implies that the White River National Forest conducted a mixed-use study on national forest roads. There is no reference here to a coordinated study as required and established on page 15 of the SDEIS with regard to MOU’s with State and FHWA agencies. Under “Recreation”, page 16, there is an implication that the Forest will work with the various other agencies to help develop a decision in the final travel management plan. This suggests a coordination action that is yet to be completed, and data and alternative routes may not yet be complete or considered in this SDEIS. This further suggests that alternatives and maps are incomplete and not ready for display or decision.

This potentially incomplete, or yet to be completed, mixed-use study status statement is further supported by similar statements in paragraph 2, page 67 and paragraphs 4 - 5 on page 121, SDEIS.

However, on page 123 “Motorized Mixed-Use”, paragraph 2, states that during 2006 and 2007 mixed-use analyses were conducted by “*the forest’s engineering department*”. No reference is made to any coordination with other road management agencies or jurisdictions. As 246 miles of road were considered and referenced by the engineering staff it implies that this task is completed and the route alternatives and considerations are all in the SDEIS.

The reviewer is left confused as to how to understand the actual status of coordination, completion of analysis, and if complete inclusion of all eligible routes in various alternatives is even in the SDEIS. While the agency has broad latitude in adopting ultimate interpretations of the data and input obtained, it cannot pick and choose whether or which information to disclose to the public. Instead, it “shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.” 40 C.F.R. § 1502.24; *see also Siskiyou Regional Education Project v. Rose*, 87 F.Supp.2d 1074, 1098 (D.Or. 1999) (laying out “general reasonableness” standard for incorporating materials in NEPA document by cross-reference).

Our concerns are that all eligible routes be displayed and disclosed in this SDEIS and not just in a final document after consultation with other agencies. This is a very important fact since the majority of trail motorcycles are licensed street legal vehicles and are already authorized for use on public roads. This opens up, or retains, many more miles of opportunity and loop trips that may not have been considered by this current inventory and/or process.

The difference between the 246 miles considered and the 132 miles available for consideration of mixed-use is a substantial reduction of opportunity. Most of these trails are being used now.

14. Page 20, paragraph 3 states that no new construction of roads or trails is proposed in the SDEIS, but future construction may be initiated through some future project specific analysis. As stated on the cover page, “*Abstract*”, this transportation plan and SDEIS is intended to be a comprehensive process for the White River National Forest. The elimination of no new construction projects seems to limit the array of alternatives that should otherwise be considered in a stated comprehensive planning process. The elimination of the “no new construction” option also keeps the forest from favorably positioning itself for competitive capital construction budgets. This would allow entry into a proactive implementation schedule with public support for accomplishments under the Forest Plan.

15. Page 22, “Key Issues” discussion from the DEIS comment period has statements that are further cause for concern. The discussion shifts away from the concept of balance identified in the TMR, where “*the agency must strike an appropriate balance in managing all type of recreational activities...that will enhance public enjoyment of the National Forests while maintaining other important values and uses on NFS lands*”. 70 Fed.Reg. at 68265. The shift in the discussion moves towards a stated “blending” strategy where travel management alternatives are not evenly distributed and are placed into “zones” or areas. This may be in accordance with the Forest Plan as further justified by a follow-up “niche” plan, which we feel was outside of the NFMA, NEPA and public review processes.

This substitution of terms was justified in the SDEIS by the statement of “*how each geographic area would best serve the forest as a whole*”. This “*geographic service*” approach to “*serve the forest*” is a bureaucratic tangle of terminology that further creates the impression of a forest centric approach to transportation planning. Geographic resources serve human goals and objectives, not “*the forest*”. It eliminates the consideration of social and historic use patterns by businesses, residents and visitors to help determine a balance of use across the forest. The use of this strategy between the DEIS and SDEIS by twisting jargon and definitions creates the impression that the forest planning team has had a struggle and urgency in completing a comprehensive travel management process required by the Forest Plan and getting a designated motorized use map completed by 2009.

16. Page 23. There are no references to or discussion about the relationship and coordination of this plan with other adjoining national forests, public lands or public transportation planning

documents. The concern here is the need to have some assurance about the continuity and compatibility of public roads and trail systems with adjoining units. Also, there is a need to document a coordinated regional approach that avoids the unintended consequences of eliminating historic use areas and sending the current and future users to new places not expecting the associated impact of increased usage. The duty to evaluate cumulative impacts in an EIS is “mandatory.” *City of Carmel-by-the-Sea v. U.S. Dept. of Transportation*, 123 F.3d 1142, 1160 (9th Cir. 1997). “Cumulative impact” is defined by the relevant CEQ regulation as:

the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

40 C.F.R. § 1508.7. This is a carryover concern from the DEIS where the GMUNCG National Forest was surprised by the White River National Forest’s assumption that they were capable of receiving additional motorized use.

17. “Travel Opportunities”. The apparent decision to establish exact dates and times of snow-free seasons, i.e. “Thursday 0000 Midnight before Memorial Day”, seem unnecessarily burdensome and bureaucratic. We suppose it might be necessary for law enforcement needs. However, this policy assumes consistent weather, climate and road conditions year to year. This might unnecessarily constrain visitor transportation choices when extended good weather allows access without impacting the system. With the thousands of access points on the Forest, a policy that requires postings and closure order exceptions beyond posted dates seems administratively impossible and costly.

18. Page 30, “All Seasons”. Paragraph 1 makes a policy statement that: “*At no time may any transportation use take place that will cause resource damage*”. This language is inartful at best. The relevant inquiry is whether the impacts are acceptable within management criteria. The TMR generally addresses this subject by focusing on whether use is causing “considerable adverse effects.” 36 C.F.R. § 212.52(b)(2)(2007). *See also*, 70 Fed.Reg. at 68280. We support the stewardship of our national forests and management systems that reduce unacceptable chances for resource damage. While “damage” remains undefined and thresholds not clearly identified, we hope that informed managers, enforcement personnel and recreationists are responsibly versed in differentiating between acceptable user impact and unacceptable resource damage. The balance to this discussion is that management actions, lack of maintenance programs, and deviant visitor behavior can cause damage to user’s experiences.

19. The range of alternatives issue is of primary importance in any NEPA analysis and is particularly so here. *See* 40 C.F.R. § 1502.14 (“agencies shall rigorously explore and objectively evaluate all reasonable alternatives.”) The alternatives section is considered the

“heart” of the EIS and a NEPA analysis must “explore and objectively evaluate all reasonable alternatives.” 40 C.F.R. § 1502.14. A NEPA analysis is invalidated by “[t]he existence of a viable but unexamined alternative.” *Resources, Ltd. v. Robertson*, 35 F.3d 1300, 1307 (9th Cir. 1993); *see also Davis v. Mineta*, 302 F.3d 1104, 1119-1120 (10th Cir. 2002).

In terms of general format, we question the validity of the SDEIS approach, which essentially reduces the range of alternatives from the DEIS and truncates public input upon, and formal consideration to, only two “action” alternatives. Particularly in travel planning, where there are numerous permutations of management strategies and route networks, the agency and public are best served by a robust range of alternatives which will foster open analysis and dialogue in the planning process. Instead, many viable alternatives were either never formally stated or were thrown on the scrap heap of alternatives “considered but eliminated from detailed study.” SDEIS at 33-34. This is an unjustified risk given the likelihood that other viable alternatives could have been crafted and presented to the public. For example, the route-specific suggestions of TPA/COHVCO and other recreational groups were presented to the Forest, but were not made available for public input or ultimate selection by the Deciding Official.

20. Page 39 and 40. Comparison of Alternatives, Table 2.1 and 2.2 are generally helpful in trying to understand the summary differences between the Alternatives. However, the Forest continues to ignore or avoids the display of recreation use activities by mile via ROS setting class. This would help in the full disclosure of balance of opportunities among user groups. The document gives a fair description of the ROS Recreation setting on page 72, Recreation Affected Environment, but there is no disclosure or tables on use/mode types by ROS setting class. This greatly affects the ability for an objective review of balancing uses. Page 73 shows acres of ROS class on a forest wide basis which is not much help when dealing with a forest travel plan that tracks miles of opportunity by geographic area.

This is a primary issue for all single-track users. The Forest continues to spend discussion time describing ROS and then not visibly applying it to the issues or alternative displays. The discussion in recreation resources tends to focus on the discussion about lack of budgets, niche management, and conflict resolution. There is no evidence in this SDEIS document of applying ROS to help the decision maker in understanding balance issues.

Page 78, last paragraph, states that “*nearly 800,000 acres of Forest are currently available for designated motorized routes in the summer and approximately 700,000 acres for open motorized travel in the winter*”. This is an apparent attempt to soften the effects of less motorized recreation inside a documented transportation planning process to designate routes and areas with comparisons for balance measured in miles of opportunity. Motorized use is historically and customarily planned and monitored on miles of opportunity by class of vehicle. In this case of designated route use by people wanting a motorized route experiences, it is padding the data and deflecting the issues to reference acres of access. The experience changes to foot travel

(hiking) only if a vehicle is parked and the user changes to a walking mode of transportation into a dispersed off- road area.

21. It appears that single-track motorized use has been allocated only 67 miles of opportunity in undisclosed settings, at least in the plan narrative (pg 39). However, on page 86, Motorcycle Opportunity by Alternative, it shows that there are over 200 miles of single-track trails. A map interpretation has to be completed to get to any understanding of what opportunities in what ROS settings still remain. Table 2.2 suggest 1,060 miles of two wheel motorized opportunity which includes a hierarchy summation of some combination of ML 1-3 roads in, again, undisclosed ROS settings. It appears from reviewing the alternative maps that most of this mileage is on the west side of the forest at lower elevation road settings and is out of balance with historic semi-primitive motorized settings forest-wide.

Using the assumptions on page 89 SDEIS, and the data above that shows 67 miles of assumed single-track (pg 39), a single-track motorized enthusiast (60 miles/day) would have about a 1 day experience on the White River National Forest. This needs to be compared to a hiker (5 miles/day with 1,440 miles of opportunity (Alt. G) for a total of 288 days of potential experiences on the Forest. The discussions on supply percentages (page 89) and it's attending Figure 3.11 based on "visits", compared to alternatives displays "miles of supply" in Figure 3.12, page 90 is a confused and incomplete description of processes and assumptions. The inference is that if 62% of visits are made up of hikers (foot), Alternative G can provide 58% percent of the potential supply of trail miles. The SDEIS states that this is the closest supply alternative to meeting demand. Other use activities are similarly discussed.

The problem is that there is still no discussion of where the visits are taking place under the alternative, no thorough presentation of demand by ROS setting, and no complete treatment or disclosure of trend information by user group. i.e., wilderness use down and recreation vehicle sales and registrations up. Colorado, for instance, in 2008 has registered 33,583 snow machines, and 130,784 RV's (not including over 10,000 out-of-state OHV permits). This is important data in fully disclosing use demand information, especially if the final decision criteria include an item to help find a balanced set of diverse recreation opportunities.

22. Apparently, much of the historic single-track opportunity of 596 miles, page 39, Table 2.1, has shifted to the mechanized bike rider category, but without a setting calculation and disclosure it's difficult to assess fairness, balance and compliance with Forest Plan objectives.

23. The Roadless area direction is inaccurate and the Forest cannot proceed with Roadless area closures on the rationale identified. The U.S. District of Wyoming court has declared unlawful and set aside the 2001 Roadless Rule, and the U.S. Northern District of California court has modified its earlier injunction to eliminate any suggestion that any of its prior orders would have required the Forest Service to follow the 2001 Rule, at least in Colorado. We understand the SDEIS contends that its management approaches comply with both rules (SDEIS at 94), but

in reality there is no identified basis for closure of existing routes in inventoried roadless areas. The analysis of these routes covers only a few pages, presents no meaningful citation to data or any authority, no route-specific identification (let alone analysis), and presents conclusory statements about any of the routes in question.

The constantly-changing legal fabric is admittedly difficult to follow. The safest approach for the Forest is to ignore reference to any national Roadless rule, and acknowledge the Colorado rulemaking process that is

24. The SDEIS on pages 104, 105 and 121 discloses the importance of the ski industry on the forest. This discussion includes a brief reference to the employment and the direct economic impact this industry has on the local communities. We understand that the White River National Forest has had to respond to an increasing demand for downhill skiing since the 1950's. The Forest provided for allocation of 1,000's of acres for this private development and use through Forest Planning and NEPA processes. We do not think the Forest has delivered the same level of attention to travel systems and motorized recreational opportunities on the Forest.

The Forest has taken pride in providing for 11 special use permit ski resorts (page 121) in its desire to provide high quality year-round recreation opportunities. There is no disclosure of a similar, comparative discussion for motorized recreation needs²⁵. In a further example of an inequitable organizational mindset and analysis, the same above discussion on page 121 shows that there are 211 miles of roads and trails serving ski area operations. It is noted here, that those 211 miles are more miles than allowed under Alternative G for ATV use forest-wide. Page 126 shows only 143 miles available for ATV use. In quick summary, there is 32% more road and trail opportunity on ski areas than for a recreation activity that is taking place forest-wide and is increasing in demand, all without a similar response or recognition from the Forest.

25. Motorized related recreation use is also increasing as evidenced by the November 6, 2008 NVUM Report for the White River National Forest. The continued and increasing demand by the public visiting the White River National Forest for driving for pleasure, use of scenic byways, OHV uses, and viewing wildlife is clearly evident in this most recent document. Because the timing of the release of this document overlaps the release of the SDEIS, there was obviously no opportunity to include that data in this SDEIS document or include reference to it in the Literature Cited, Appendix F.

This 2008 NVUM document for the White River National Forest needs to be used to update the data and subsequent analysis in the FEIS. The public, as they consider the impacts of Alternative G, must have the most recent information. The Forest Supervisor will need to have this updated report to fully assess current use conditions and trends.

The Report is revealing in that it shows the reduction in wilderness use and the upward trend in motorized recreation uses. This document also displays a high degree of overall visitor satisfaction (95%) with recreation expectations and experiences on the forest.

When considering the position of this SDEIS and its alternatives, the orientation of the forest to: more road-less area, more wilderness area, less motorized opportunity, and a focus on “eliminating” conflict is simply contrary to the findings of the 2008 NVUM Report for this Forest.

26. This recreation analysis is not a comprehensive approach, nor does it apply standard recreation science to the process. The document has thorough discussions and citations on Recreation Conflict Research, ROS, recreation use statistics, trends, budgets shortfalls, but no full disclosure of the application of ROS and its outcomes by alternative. At least enough disclosure has to take place for the reviewing public to compare the “blended” Alternative G to the Forest Plan objectives for recreation.

27. There is an unacceptable, bio-centric bias in the Travel Management Plan. Discussion of “effects” in Chapter 3 ignores disclosing the impacts on recreation users, their experiences and benefits when changes occur between alternatives. The tendency of each discussion seems to mainly describe the impacts of people on natural resources. Examples are as follows:

A. Road-less Area Management, Cumulative Effects (page 96). The second paragraph states: *“the increase in recreation uses within the forest (emphasis added) and inventoried road-less areas will likely have cumulative effects on the characteristics of solitude and remoteness”*.

There are a couple of problems with this statement and position.

One, it implies that as written, “*solitude and remoteness*” objectives apply to recreation use “*within the forest*”. As written, this means that solitude and remoteness objectives apply forest-wide, and not in just wilderness and road-less areas. This is an exposure of the forest’s possible intent to move decisions outside of the promised balanced or blended distribution of uses. Solitude and remoteness terminology is borrowed from the Wilderness Act and does not have application to the other board set of recreation settings and experiences available on the Forest.

Two, there is no follow-up discussion or display on the impacts of designations or closures on the historic patterns of public use.

B. Scenery Management. Direct and Indirect Effects (page 101). The discussion here states that: *“Alternative G best meets the Scenery Management System’s (SMS) underlying ecological aesthetic. Under SMS, activities which improve forest health also improve forest aesthetics, and therefore move toward the forest plan long-term desired condition. The*

Alternative G would best protect scenic resources, although a lower number of people would have access to the scenery.”

While trying to avoid being overly critical, it is humans who attach definition to the quality of scenery. And, it is a personal “in the mind of the beholder” concept of individual choices and preferences. Humans define the relative aesthetics of what they see and feel. “Ecology” does not determine its own aesthetic. Blaming human use for lower quality scenery is to conveniently put “scenery” above human definitions and subscribe to it its own human like personality. This is another area where objectives for the enhancement of recreation opportunities needs to be discussed and displayed at the same level and the scenery’s concern for its dust, scars, and erosion.

C. Social-Economics, page 102. This “Effected Environment” discussion rightly concentrates on jobs, income and dependence on natural resources by some area individuals and industries. However, the document at this point, in this chapter just presents another discussion about conflict management and its supporting science. There is an appeal for all users to be more tolerant, and that not every acre is available for all uses. There is still no tabulation or discussion or strategies presented that talk about sustaining historic recreation, monitoring social benefits and enhancing opportunities over time in peoples’ special places. This is the place where that discussion needs to be presented, so reviewers can fairly evaluate sustainable social systems (recreation and travel opportunity) impacts by alternatives.

The underlying request by the Forest, while it tends to concentrate on the impacts of people on bio-physical resources and the sustainability of those resources without change, is to ask the public to change where and how they recreate. The attitude used in the SDEIS seems to say, “you’ll get use to it (the new changes) over time, and will have a higher quality experience as a result” (page 108, paragraph 4). This is highly presumptuous and superimposes a set of decision criteria that is yet undisclosed or incomplete.

28. Page 42 Monitoring. The presentation on monitoring strategies includes outlining the NVUM process, interviews and timing standards. The NVUM is a well documented process, with protocols clearly established that are providing recreation use data that is accepted as reliable.

The following paragraph on “other tools” directed at monitoring the effectiveness of the travel management plan does not have the same level of monitoring requirements, time schedules or established standards as the NVUM paragraph. The “reconnaissance strategy” by forest staff with citizen reports is much less specific, has no time or technique standards identified. Without some established objectives for monitoring protocols, and schedules for transportation system inspections at the same level as NVUM, we fear monitoring will not be completed. Additionally, there will be no comparable data for correlation with NVUM or any understanding by diverse

recreation users groups as to components or standards for monitoring. The public users need to have a common understanding of the complete and balanced monitoring plan.

29. Page 42 Implementation. This Implementation section does not include any reference to discussion about volunteer programs, grant programs, or permittee programs to help implement and maintain the designated system of roads and trails. The narrative at this section says only: “The Forest will dedicate funding toward accomplishing the goals set in this plan”. We know this approach will continue to strain the White River National Forest budget for high priority road and trail work.

The SDEIS, in other sections, recognizes and identifies the need for continued user support and volunteerism to help maintain the road and trail system across all alternatives, and we support that continued recognition and further agree that everyone working together and combining resources will allow for a lot more of the on-going critical maintenance to take place.

However, this is the section that should disclose the opportunities for volunteers and grants from all user and interest groups. In example State OHV grants, now at \$3.0 million dollars per year state-wide, are available to help with maintenance and signing needs. The White River National Forest needs to more actively apply for funding that is generated by OHV registrations to help off-set lack of appropriated funding. There are about 18 crew’s state-wide that are assisting National Forest Districts with their maintenance needs. The current funding level is now double what it was in recent years.

30. Page 42 Law Enforcement. This section is out of date and needs to reflect the new opportunities for an integrated and coordinated law enforcement program. The State of Colorado Legislature passed House Bill 1069 during the 2008 session that authorizes all law enforcement officers in the State to enforce the travel management regulations on federal land. This Bill was signed by the Governor and was effective July 1, 2008. This legislation allows sheriffs, deputies, highway patrol, Division of Wildlife officers, Division of Parks officers, and other local jurisdictions to enforce federal land travel regulations and orders. This bill is also broad enough to allow these same jurisdictions to help educate users. The Forest needs to prepare a cooperative law enforcement plan that will utilize these additional trained officials to supplement the current, overextended, three full time Forest Service officers.

31. As part of our analysis of the WR TMP/SDEIS, the TPA, COHVCO and local motorized organizations, have developed an initial list of trails and 4wd roads that have be deleted from the TMP. These trails and 4wd roads are critical in providing a ROS for motorized recreation. In addition to the trails/roads listed below, there is another 400 miles of motorized routes that we would like to see included in the final TMP. The description of these routes, trail numbers, etc. will be provided to the FS at a time when detailed route analysis can be accomplished in a joint planning secession with the FS planning staff.

Basalt Mtn/ Red Table Area

-Trail FS # 3-1913.2 (North Fork Cattle Creek Trail) this is the original North Fork Cattle Creek Trail reopened and maintained by local motorcycle club in the 80s. This trail was the original route from Cattle Creek to Red Table Mtn. This trail makes for a loop those ties in with the Bowers Gulch Trail. This trail could be considered for one way travel due to the steep portions of the trail.

-Trail FS# 3-1913.1 (Old Cattle Creek Road) This trail is a good connector between Bowers Gulch Trail and North Fork Cattle Creek Trail. It keeps motorcycle traffic off of FS road.

-Trail FS# 3-1913W.1A (Bowers Gulch Trail) This is the lower part of Bowers Gulch trail and needs to connect to the upper Bowers Gulch trail (which is on Alt G) to make a complete loop with North Fork Cattle Cr Trail.

-Trail FS# 4-N6046.1 (Green Gate Trail) this trail runs on north side of Red Table Rd. This trail allows a loop to the north which consists of the next 2 trails below.

-Trail FS# 4-464W.3

-Trail FS# 4-N204.1

The sum of the above trails both North and South of Red Table Road constitutes a system loop of about 50 miles which would be an adequate day of motorcycle riding for many people.

Sloane Peak/Lenado Area

-Trail FS# 1-103W2X, 1-103W2Y and 1-103W2Z These three sections allow for single track trails on the old route between the town of Lenado and Larkspur Mtn.

-Trail FS# 1-2184-1 (Johnson Cr Trail) This trail has been used for years by ATV and motorcycle riders to bypass FS road 103 with a trail that goes to the top of Larkspur Mtn.

-Trail FS# N145.1 This trail was established with help from Aspen Ranger Office in the 1980s. As this trail is currently depicted on FS map it is not shown in its entirety. The second half is missing (West section). It starts at the top of FS road 508 just West of Larkspur Mtn. This trail weaves through Kobey Park for about 9 miles then crosses FS road 508 and continues on Trail FS# 1-N121.1

-At the West end of 1-N121.1 the trail system continues westward to Sloane Peak and then down to Lower River Rd by way of Red Rim Rd.

-From trail 1-N121.1 West--the trail system is currently included in Alt G.

-Trail FS# 3-1931.1 (Rocky Fork) This trail and Miller Creek Trail allow northern access from Frying Pan drainage to Sloane Peak/ Lenado Area.

-Trail FS# 3-1930.1 (Miller Creek Trail)

Alt G has the trails west of the above trails already in place. The above trails would create a complete system and put trail users down Woody Creek and back to the starting point. The distance included in this complete loop system is approximately 60 miles.

Thompson Creek Area

-Trail FS# 3-1950.1 (Middle Thompson Creek Trail) This trail has been one of the few single track trails open to motorized travel in the valley until now. To make a loop you need to connect the 2 trails:

- Trail FS# 3-1951.1 (South Branch Thompson Creek Trail)
- Trail FS# 3-2093.1 (Lake Ridge Trail)

Alt G doesn't contain any of these trails. This loop would be about 30+ miles long.

Four Mile Area

-Trail FS# 3-2091.2 and FS# 3-2091.1 (Road Gulch trail) these trails start a 50+ mile loop that starts in Four Mile Park SW of Sunlight Ski Area. The below trails make up the loop

- Trail FS# 8-804.2 (Trail Gulch Trail)
- Trail FS# 3-N6003.1 (Hoffy Trail)
- Trail FS# 3-300.1P (Baylor Park)
- Trail FS# 3-2090.7W (Beaver Creek)
- Trail FS# 9-300.1P Pipeline Trail

This trail system uses the same trails that are currently used for winter motorized use (Sunlight/Powderhorn trail system)

Golden Horseshoe Area

- The section between 5-GH-71 and 5-GH-44 - designate for motorcycle use
- Connect the west end of 5-GH-44 to 5-GH-22 via a section of 5-GH 27
- Designate trails 5-GH 45, 5-GH-27, 5-GH-33, and 5-GH 17 as motorized singletrack.
- Designate 5-GH-67 "Moto Descent" as a motorized trail, if not already designated.
- Designate as motorized singletrack the flume trail system 5-GH-92 to 5-566.1 to 5.386.2A to 5-385.1.
- Designate 5-GH-73 as motorized singletrack.
- Designate 5-GH-31 as motorized singletrack.

These routes generally offer excellent and sustainable opportunity, provide important connections to other trail systems, and would enhance public safety and visitor perceptions by reducing the need for OHVs to travel roads.

Tenderfoot Mountain

-There is a road and a singletrack that connects the intersection of 5-N287.1 & 5-N298.1 with 5-66W.1A. This would offer more loop opportunities as well as offer an alternate way up or down .

-There is a beautiful network of several miles of very fun and exciting singletrack northeast of the top of Tenderfoot Mountain and trail 5-55.2b that connects the top of Tenderfoot with 5-66W.2H.

Summit County (General- outside Golden Horseshoe and Tenderfoot Mtn. areas)

- Designate 5-N6013.1 connecting Boreass Pass Road with Indiana Gulch Road as motorized singletrack.
- Designate the singletrack trail (not on the map) that exists to connect the southern ends of 5-597.1 and 5-611.1 as motorized singletrack.
- Designate all the trails connecting and including 5-N962.1 (currently slated to be for mountain bikes but is too steep on its north end) to connect to 5-N364.1 and 5-611.3A for loop opportunities.
- Designate the route thru the Breckenridge Ski Area Peak 9 to the weather station near the peak of Peak 10 as OHV accessible.
- Designate a motorized connector for 9-2950.5A and 5-2950.1 between Haystack Mountain and Williams Peak and a way out on the southeast end.

Again, these routes offer unique and sustainable recreational opportunities and a better network of connected access facilitating both motorized and nonmotorized activities.

CONCLUSION AND RECOMMENDATIONS

The above information represents a significant amount of time and resources that has been invested by the OHV community of Colorado. Starting with the White River Alliance economic report in 2006 thru the input that you now have in this document, it seems very apparent to the motorized community that the WR SDEIS/TMP has not provided motorized recreation any resemblance of a balanced use of the WR NF for future recreation purposes.

The loss of roads and trails thru wholesale closures by Alternative G does nothing but create an environment that does not meet the best use of the public lands in the NF. Significantly lacking in the TMP analysis is the misunderstanding, or lack of knowledge, that the majority of off road trail motorcycle are registered and licensed street legal vehicles that can utilize all level of FS roads, and at the same time utilize trails as part of their recreation routes.

This important, but previously missing, information should assist the FS staff in reexamining the majority of trail and road closures in Alt G.

The TPA and COHVCO recommend that, prior to the final decision on the WR TMP, a complete review of all road and trail closures in Alt G be reviewed based upon the information provided in this document. Our estimate is that an additional 300 miles of trails and roads should be designated for OHV recreation. This review should include the trails and roads that are listed in paragraph 31 above.



The TPA and COHVCO, and other user organizations in the WR NF, are prepared to work with the FS planning staff to accomplish this task. The WR NF needs to provide a balanced approach to serve all forms of public recreation and we can help in this process.

/s/ Don Riggle

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