October 25, 2012

Grand Mesa, Uncompahgre and Gunnison National Forest
ATT: Scott Armentrout
2250 Highway 50
Delta, Colorado 81416

RE: Situation surrounding implementation of GMUG Travel Plan

Dear Mr. Armentrout;

We would like to thank you for the opportunity to meet with you on the 26th day of September at the Region 2 offices to candidly discuss our on-going concerns with the Travel Management Plan ("TMP") for the Gunnison Basin. Your time and courtesy are appreciated and it was good to hear your thoughts on OHV recreation and your experience with clubs from your last Forest Service assignments.

As we discussed, the TPA and COHVCO feel there were many errors made in the GMUG travel plan, which are now directly contributing to the high levels of frustrations and conflict between the Forest managers and members of the public during the implementation of the TMP. You had requested that we outline the specifics of these errors in a letter to you. We are providing this correspondence in the hope of assisting in resolution of the rapidly escalating public opposition to the TMP. Our Organizations remain ready and willing to partner, with any combination of volunteers, grant applications or direct funding to assist in resolution of any

site specific issues that maybe identified. Clearly this heightened level of frustration is not beneficial to the agency or any user group.

Our Organizations have had on-going concerns regarding the lack of balance of multiple uses and accurate adoption of wildlife management standards in the TMP. These concerns were the basis of our comments and the basis of our appeal of the TMP. While this appeal was declined, it appears that many of these concerns were also not resolved in the manner anticipated under the TMP. Our Organizations believe an in depth analysis of the current status of research on specific species may assist in resolving some conflicts surrounding the TMP as management guidelines have loosened significantly for several species management decisions since the TMP was finalized. Newly released research has clarified the lack of basis in theoretical concerns often relied on for development of plans at the time the TMP was developed. Travel Management is a fluid and on-going process that must be revised to adapt to newly released information and on the ground conditions.

The Organizations are also aware the GMUG has a draft Resource Management Plan being developed. While this correspondence most directly relates to the previously released Travel Management Plan, many of these issues are also involved in the draft Resource Management Plan. The Organizations believe a review of the draft RMP must also occur to insure that the most accurate and up to date science is relied on for management of the GMUG lands over the life of the RMP. Accurate information will insure that further conflict is not created with future planning initiatives as a result of the use of out of date information for standards in the RMP.

1. Closures of summer routes create a significant safety risk for all winter users.

The Organizations are aware that there have been numerous trails decommissioned as part of the implementation of the TMP. While the Organizations are not able to address the particular methodology for each trail in this correspondence, the Organizations must note that decommissioning of trails in a manner similar to that pictured below creates significant safety issues for all winter users of the area. Winter users frequently may not be aware of the closure of the area to summer motorized usage, as the availability of snow frequently causes multi-season recreationalists to use different forests for different seasons.

 [1]

Obstructions such as those pictured simply become landmines for winter users who are unable to see this objects buried in the snow. These landmines do not address the fact that the corridor through the trees where motorized recreation has historically been permitted could still be relied on as an open route by users. The intentional placement of these types of landmines in routes for winter users could result in significant liability to the agency if users are injured. These basic safety concerns result from our experiences with these types of trail closures in other locations. Given the facially unsafe manner these trails have been closed in, the Organizations believe these type of trail closures must be corrected to allow for basic safety of all winter users of these routes and areas. Signage of closed summer routes must be provided in a manner that safely notifies winter users of the closures. Carsonite closures such as those pictured are of little value to winter users as these type of signs rapidly become buried in the same snow that results in the fallen trees becoming landmines to winter users.

1a. Landscape level travel plans do not mitigate NEPA requirements for site specific plans for decommissioning of trails.

The Organizations believe the ongoing NEPA requirements for a landscape travel management plan are an exceptionally relevant tool available for resolving current conflicts surrounding implementation of the TMP. Courts and federal NEPA regulations uniformly require site specific documentation be created after the release of landscape level plans. These NEPA requirements will allow Forest managers to review proposed management standards to insure they remain up to date and allow the public to gain a better understanding of site specific issues that each decision is based on. As outlined in this correspondence, there are numerous wildlife standards were obvious errors were made in the TMP development and other species where significant changes in management standards have been required by endangered species listing decisions subsequently.

[1] Gunnison Country Times; William Shoemaker; *Route closures no easy road for USFS*; October 4, 2012; Vol 133 No 40 at pg 1.

The development of site specific NEPA documents allow for issues to be fully vetted with the public as often the basis for closure of a particular route may not be clearly and specifically analyzed in a landscape level NEPA document. The public may love a particular route, but if the maintenance costs for the route are significant and budgets can support this single trail or 30 miles of trails in other locations on the district, an explanation of this situation in site specific documents would be very relevant to building support. Only a site specific NEPA document can undertake this level of review and associated expansion of public support and understanding for a particular decision.

When reviewing large scale land management decisions, Courts have consistently concluded that:

> "**Where there are large scale plans for regional development, NEPA requires both a programmatic and site specific EIS.** Although the agency does have discretion to define the scope of its actions, such discretion does not allow the agency to determine the specificity required by NEPA."[2]

As noted elsewhere in this correspondence, there have been significant changes in wildlife management research and standards since the development of the landscape level TMP. These changes must be addressed under all relevant federal laws and related decisions. The preparation of the landscape level TMP does not freeze research and allow the Forest Service to continue with implementation of mitigation plans after the requirements of mitigation plans has been found irrelevant and wholly unnecessary to the species attempting to be managed. CEQ regulations specifically state:

> "...if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts, a supplemental EIS must be prepared for an old EIS so that the agency has the best possible information to make any necessary substantive changes in its decisions regarding the proposal." [3]

The Organizations are aware that many of the management plans for particular species were in formative stages when the GMUG TMP was finalized. As a result, the TMP relied on standards that were very cautious about possible impacts to particular species. Many of these concerns

[2] See, *City of Tenakee Springs v. Block*, 778 F2d 1402 at 1407 (9th Circ, 1985).

[3] *See*, Council on Environmental Quality Regulations; Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations 46 Fed Reg at 18,026, 18,036 (1981).

and cautions have been mitigated with subsequent species specific research published after the release of the TMP. These advances in management standards must clearly be corrected in the NEPA documentations surrounding the implementation of the TMP. Attempts to rely on outdated research and management standards that proposed overly cautious management wildlife standards, frequently to the detriment of recreation, is less viable given the merger of Colorado Parks and Wildlife. Consultation on issues with CPW will now involve both recreation and wildlife specific issues.

Implementation of outdated mitigation measures for the management of particular issues will do little to foster public support for the TMP. The Organizations believe that compliance with accurate and up to date wildlife management standards as part of the on-going NEPA requirements will allow more meaningful public input and target management resources to activities that are actually impacting the animal, and not those that have been found to be irrelevant or far down the priority list. History has taught the Organizations that management of low risk activities frequently generates little benefit to the animal but effectively develops significant user conflict, frustration and unnecessary economic impact. The Organizations feel these negative impacts should be avoided at all costs.

1b. The complexity of the current GMUG Resource Management Plan directly impacted the accuracy of the Travel Management Plan.

The existing Resource Management Plan for the GMUG is badly out of date, overly complex and contradictory due to repeated modifications. The GMUG RMP is no longer a document that can simply be opened and read, rather it must be reviewed and then compared with numerous amendments and changes to insure proper management standards are relied on. After a review of the TMP, the Organizations have to believe these additional reviews did not occur, as the TMP frequently relies on outdated provisions of the RMP as still controlling a particular species or issue. The complexity of the RMP has directly contributed to erroneous standards being relied upon for development of the TMP.

While the GMUG planners have started to address the complexity of the RMP with the release of a draft RMP during the development of the TMP, this RMP remains a draft. The Organizations believe these oversights must be corrected in implementation of the TMP to avoid improper standards being applied as these type of corrections will expand public support for and approval of the TMP. The Organizations believe that the draft RMP must be reviewed to insure that the numerous oversights in wildlife management standards that were made in the TMP are not carried forward in the RMP.

2a. The merger of Colorado's State Parks and Division of Wildlife will impact implementation decisions moving forward.

In 2011, the Colorado Department of Wildlife and Colorado State Parks merged to become the Colorado Department of Parks and Wildlife, to achieve economies of scale in the operation both organizations without compromising the operation of either organization.[4] The Organizations note that prior to the merger, Colorado State Parks was involved in a variety of federal land issues but did not take an active role as a consulting agency for planning purposes. The merged CPW mission will directly impact any future position that adopted by the CPW in its consulting agency role with federal agencies, as consultation will involve wildlife and recreational issues.

Previously federal agency consultation with CDOW resulted in consultation addressing concerns related only to CDOW "enterprise status". As an enterprise CDOW was required to operate on the fees hunters and anglers were paying for hunting and fishing licenses and as a result often this consultation was very single minded in favor of wildlife interests to the expense of other type of recreation. The merger of Colorado Parks and Wildlife will directly result in federal consultation with a state agency that has a far broader scope and mission statement. The Organizations believe this changed scope of consultation must be taken into account in the implementation of the TMP, or such consultation will only increase frustrations and conflict between agency personnel and users. Implementation of standards that may have been recommended at one point, but are no longer an accurate reflection of CPW's position on the issue will no build public support for the TMP.

2b. Forest Service and CPW employees are developing a new MOU as a result of the merger of CDOW and State Parks.

As a result of the CPW merger, regional Forest Service representatives and the office of the Director of CPW are actively engaged in discussions to update the Memorandum of Understanding formalizing CPW's consulting agency status. Both groups vigorously support this new memorandum, as the existing document is badly out of date and poorly tailored to address the merged mission statement of the new organization. This MOU will create a positive obligation for employees of federal agencies to confirm that both wildlife and recreational concerns are addressed anytime consultation with CPW occurs.

[4] *See*, Colorado Senate Bill 11-208.

3. The TMP is frequently inconsistent in addressing wildlife concerns resulting in significant frustration and conflict.

In this portion of our correspondence, it is critical to understand that the Organizations are not asserting that natural resources concerns should not be addressed in travel management. That position could not be further from our intention as research indicates that OHV recreationalists are broad spectrum outdoor enthusiasts, meaning they may be using their OHV for recreation one weekend but the next weekend they will be walking for pleasure (88.9%), using a developing camping facility (44.7%), using a Wilderness or primitive area (58.1%), fishing (44.6%) or hunting (28.4).[5] As a result of this multiple use membership base, the responsible use of all public land resources is critically important to the Organizations. These multiple use resources are critical to all members of the public's enjoyment of the opportunities on the GMUG now and in the future.

The possible impact of recreation on wildlife is frequently addressed in the TMP, and has been extensively researched by the Forest Service's Rocky Mountain Research Station. While the Research Station has centered on winter motorized recreation, these findings are completely relevant to addressing management of summer recreation as researchers agree that any negative impacts to wildlife would be more easily recognized during winter periods when stress is greater on the animals. This research has uniformly concluded usage of OHV's has little to no impact on wildlife and Forest Service studies repeatedly and specifically stating:

> **"Based on these population-level results, we suggest that the debate regarding effects of human winter recreation on wildlife in Yellowstone is largely a social issue as opposed to a wildlife management issue. "**[6]

The Organizations are very aware that often closures to motorized recreational access are based on a desire to "do something" to address public outcry on a perceived wildlife issue rather than a clear scientific basis tying recreation to a particular management issue or species. The Organizations believe these "do something" decisions often results in limited agency resources being directed to management of issues that simply will never actually address the concern or issue with the species. Management decisions like this frequently develop significant public opposition and conflict, as the user groups are frequently aware of significant

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[5] Cordell et al; USFS Research Station; *Off-Highway Vehicle Recreation in the United States and its Regions and States: A National Report from the National Survey on Recreation and the Environment* (NSRE) February, 2008; pg 56.

[6] PJ White & Troy Davis. *Wildlife responses to motorized winter recreation in Yellowstone. USFS 2005 Annual Report* at Pg 1.

amounts of information on particular species and lack of relationship between the proposed management and the issue with the species.

4a. Lynx management standards for road density relied on in the landscape level TMP conflict with regional lynx management orders.

The proper management of lynx habitat has been an on-going issue in Colorado since CDOW reintroduced the species in the late 1990's. The reintroduction of the lynx was recently declared successful by CPW as there are now growing and reproducing lynx populations in almost every area where the lynx was reintroduced. [7] The implications of the successful reintroduction on the listing status of the lynx federally is unclear at this point as Colorado is the only state to have reintroduced the lynx. Given the success of this program, route closures for the protection of the lynx would be an area where a high degree of public sensitivity may be experienced.

Management decisions made immediately after the reintroduction were both highly theoretical, as there was minimal research regarding the lynx, and cautious as the lynx was an endangered species when it was reintroduced. [8] Often motorized recreational access to possible lynx habitat was closed in the attempt to "do something" to theoretically protect the species. These early management decisions have proven to be of limited to no benefit for the lynx after subsequent research has been performed to address the theoretical concerns that were raised in previous documents. For reasons that are unclear, the final GMUG TMP relied on early overly cautious lynx management standards that were specifically superseded by order of the Regional Forester issued before the draft of the TMP was released.

After the release of initial lynx management standards in the 2000 Lynx Conservation Strategy and Assessment ("LCAS") extensive research was conducted to address many of the critical voids in lynx research that were identified in the development of initial lynx management standards. [9] Subsequent lynx research clearly concluded that many of these early management standards were completely unnecessary for the protection of the cat and there were significant unnecessary economic impacts as a result of these standards. The personal experiences of those involved with implementing these early standards shows a significant amount of frustration and conflict among user groups and agency personnel resulted from these overly cautious standards. The Organizations have found that movement away from the extremely

[7] http://wildlife.state.co.us/Research/Mammal/Lynx/Pages/Lynx.aspx

[8] See generally, *Lynx Conservation Assessment and Strategy* 2000; See also: Ruggerio et al; *Ecology and Conservation of Lynx in the United States*; 2000.

[9] See, *The Effects of Snowmobile Trails on Coyote Movements within Lynx Home Ranges*; Jay Kolbe, John Squires, Daniel Pletscher, Leonard F. Ruggiero; Journal of Wildlife Management 71(5)- July 2007 1409; @ 1417.

cautious standards to a science based management standards has been fraught with opposition and conflict as well.

Proper application of lynx management standards in the TMP provides a concrete example of a management issue directly impacted by the complexity and contradictory nature of the RMP. Over six months before the release of draft versions of the TMP in the spring of 2009, the GMUG RMP was amended by the Forest Service's Regional office with the release of the Southern Rockies Lynx Amendment ("SRLA") in October of 2008. The SRLA amended all resource management plans in Region 2 and significantly loosened many standards for the development of travel plans in lynx habitat and corridors. These loosened SRLA management standards were specifically approved by the US Fish and Wildlife Service as part of the Section 7 review undertaken during SRLA development. It should be noted that at no point in the RMP amendment or the GMUG TMP is the SRLA even ***CITED.*** GMUG planning initiatives appear to have continued as if this regional order was never released. Clearly this is not proper management, as the relaxing of wildlife management standards should be treated the same as when standards are tightened.

The SRLA road and trail management standards were a significant departure from previous standards in the LCAS, which required planners to attempt to calculate impacts from forest service roads on habitat effectiveness for the lynx. The SRLA clearly stated forest service roads did not negatively impact lynx, as any habitat fragmentation from low speed forest service roads was off-set by the improved habitat for species the lynx relied on for food. The SRLA explicitly explained the basis for the change as:

> "The LCAS recommended several guidelines to address potential impacts of upgrading, cutting and brushing, and public use of forest roads. Alternative B incorporated LCAS recommendations in Guidelines *HU G6, HU G7, HU G8,* and *HU G9*. All the action alternatives, including the selected alternative, contain these guidelines.
>
> **Unlike high-speed highways, the types of roads managed by the Forest Service do not have the high speeds and high use levels that would create barriers to lynx movements or result in significant mortality risk.** Roads may reduce lynx habitat by removing forest cover, but this constitutes a minor amount of habitat. Along less-traveled roads where roadside vegetation provides good hare habitat, sometimes lynx use the roadbeds for travel and foraging (Koehler and Brittell 1990). Research on the Okanogan NF in Washington showed that lynx neither preferred nor avoided forest roads, and the existing road density did not appear

> to affect lynx habitat selection (McKelvey et al. 2000). Available information suggests lynx do not avoid roads (Ruggiero et al. 2000) except at high traffic volumes (Apps 2000).
>
> **No information was found to indicate that further restrictions on road building are needed to conserve lynx.** However, upgrading roads and roadside brushing may degrade lynx habitat. I believe the guidelines in the selected alternative provide useful management direction for project design and decision-making, with only minor effects to the existing road system, resource programs and the traveling public."[10]

The SRLA clearly states the levels of closures and impacts to roads that should result from implementation of the relaxed standards of management of lynx habitat and linkage areas. This statement is:

> **"Only minor effects to the existing road system, resource management programs, and the traveling public would be anticipated as a result of the management direction under Alternative F modified."[11]**

While the SRLA was clearly issued well prior to the release of the draft TMP, none of the new guidelines for management of lynx habitat areas were accurately addressed in the TMP. For reasons that are unclear, development of the TMP continued to erroneously rely on the existing RMP standards and standards of management proposed under the LCAS, which had been specifically superseded by the SRLA.[12] The GMUG TMP ROD briefly summarizes the erroneous analysis standard adopted for lynx habitat as follows:

> "It will also reduce motorized route density in all Lynx Analysis Units (LAU) over existing conditions (Table 3-32, Final EIS)."[13]

The TMP FEIS provides a significantly more in depth analysis of the standard, which immediately becomes problematic when compared to the SRLA. The FEIS summarizes the erroneous and outdated management standard relied on for lynx habitat as follows:

[10] ROD- Southern Rockies Lynx Management Direction decision; October 2008 at pg 16.
[11] *Id* at pg 17.
[12] Id at pg 1.
[13] GMUG TMP ROD at pg 9.

"**Continued threats to the lynx include forest fragmentation caused by roading** and logging of timber. **Roads result in increased direct mortality of lynx** and other wildlife; " [14]

The TMP FEIS also included an extensive table that calculated the road density for each LAU, despite the clear statements in the SRLA precluding such analysis.[15] This analysis methodology directly contradicts with the clear mandate of the SRLA which found forest service road density was not an issue for lynx habitat.

The exact impact of this erroneous calculation is unclear as the reasoning for closure of particular routes was not addressed in the TMP decision. Clearly, this is an issue that must be corrected in supplemental work for the implementation of the TMP. A comparison of the level of closures arbitrarily required by the TMP in lynx habitat, and the clear statement of the SRLA reveals a significant discrepancy between the closures required under the two standards. These types of discrepancies consistently result in frustration of users and conflicts such as those currently being experienced on the GMUG.

4b. Lynx competition concerns have also been addressed by Forest Service Research Station efforts since the TMP release.

Possible competition from other predators for lynx in the winter was a management concern that remained unresolved when the SRLA was issued, as ongoing research had not been completed. Even the LCAS did not raise this concern and the Organizations are not able to clarify what research was relied on for this proposition. These predator concerns centered around possible increases in predator competition as a result of winter recreation. This research subsequently specifically addressed the management implications of winter recreational usage on the lynx concluding that:

"It is unlikely that limiting compacted snowmobile trails on our study area would significantly reduce exploitation competition between coyotes and lynx during winter." [16]

The proper management implications of this research has been confirmed in decision documents which not involving GMUG planning. These decision documents explicitly stated:

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[14] GMUG TMP FEIS at pg 154; it also must be noted that this theory was completely discredited by the Kolbe study cited supra note 2.

[15] GMUG TMP FEIS at pg 116 table 3-32.

[16] *The Effects of Snowmobile Trails on Coyote Movements within Lynx Home Ranges*; Jay Kolbe, John Squires, Daniel Pletscher, Leonard F. Ruggiero; Journal of Wildlife Management 71(5)- July 2007 1409; @ 1417.

> "Some researchers maintain that winter activities such as these can compact snow allowing other predators that compete with lynx to access lynx habitat (Claar et al. 1999; Brunnell et al. 2006). Other researchers note that there is no solid data on the role of snow compaction and changes in competitive advantage between lynx and other species (Kolbe et al. 2007). After evaluating Brunnell et al. (2006) and Kolbe et al. 2007, **the Service determined that the best information available did not indicate that compacted snow routes increase competition from other species to levels that adversely impact lynx populations in the NRLA area** (Service 2007)." [17]

The Organizations must note the conclusions of this research remain the clearly stated position for this management issue found on both the websites of the Fish and Wildlife service and the Forest Service's Rocky Mountain Research Station to this day. Any management decisions, such as those proposed in the landscape TMP are highly questionable in light of these findings.

While this research was completed and published as both the agency and Fish and Wildlife Service's position on this issue well prior to the release of the final TMP documents, the FEIS fails to accurately address this issue. The FEIS continues to rely on outdated information on this issue as it states:

> "roads also provide access to other predators that normally would not be able to access lynx range, thus making competition for lynx prey species more intense." [18]

While the specific impact of this erroneous standard is not clear from the decision documents, these oversights must be corrected in the development of any site specific NEPA documentation to minimize user conflicts.

The SRLA did express some concern regarding high speed arterial roads possibility to fragment lynx habitat. When the SRLA was issued, research on high speed arterial also remained unclear. This lack of clarity again resulted in very cautious decision making to protect the lynx. Recently conducted CPW research has found that lynx habitat in numerous locations in Colorado is not fragmented by high speed roads, as lynx frequently cross even these roads. If high speed arterial roads are not fragmenting habitat, these findings further minimize any remaining concerns in the SRLA and support the minimalist management of low speed forest roads and trails required under the SRLA. These new findings further undermine any basis for the closure

[17] US Fish & Wildlife Service- 2008 Biological Opinion – Modified Idaho Roadless Rule –doc id # 14420-2008-F-0586 at pg 196.

[18] GMUG TMP FEIS at pg 154; it also must be noted that this theory was completely discredited by the Kolbe study cited supra note 2.

of roads for the protection of lynx as required in the TMP. Copies of these newly released CPW lynx research documents have been included with this correspondence for your reference.

The Organizations believe this new research should provide a higher degree of comfort in adopting these looser management standards as there is still a significant margin of error protecting the lynx. The Organizations have to believe the declaration of a successful reintroduction of the lynx by CPW should provide a significant buffer to any management concerns.

4c. Lynx habitat linkage areas are also managed under incorrect standards.

Unfortunately, the issues surrounding lynx management in the TMP are not limited to lynx habitat areas only , but also involve linkage corridors between habitat areas, further increasing the possibility of user conflicts between users and agency personnel. This is another issue when the TMP is at odds with relevant decision documents. The SRLA specifically identifies the proper science based management standards for routes in linkage areas. The SRLA specifically states:

> "LINKAGE AREAS (LINK): The following objective, standard, and guidelines apply to all projects within linkage areas in occupied habitat, subject to valid existing rights. When highway or forest highway construction or reconstruction is proposed in linkage areas, identify potential highway crossings."[19]

The Travel Plan FEIS directly contradicts this clear statement as it recommends additional closures in linkage areas to obtain compliance with standards that are no longer valid. Here the TMP FEIS states:

> "Two LAUs, Tincup and Pitkin, show reduced road densities, but are still above 2.0 mi/mi2 and should be considered for additional route closures in the future."[20]

Again the exact impact of this erroneous standard for linkage area management cannot be specifically addressed in this correspondence as specific routes were not addressed in the TMP. This is an issue that could be clarified and corrected in supplemental NEPA work. The

[19] SRLA attachment at pg 1-8; it should be noted that a forest highway is defined in the SRLA as "*Forest highway* – A forest highway is a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel (USC: Title 23, Section 101(a)), designated by an agreement with the FS, state transportation agency, and Federal Highway Administration."

[20] GMUG Travel Management Plan; FEIS at pg 154.

Organizations have to believe that correction of this standard could be a significant step towards minimizing ongoing conflicts and maximizing protection for the species.

5. Elk management decisions are not in compliance with the RMP standards and directly conflict with CPW management goals on the GMUG.

As previously noted CPW is charged as the primary management agency for all wildlife in Colorado and required to manage wildlife for the benefit of the animals and the residents of the state. CPW has a well developed and extensive public process for the management of game animal herds, including the publishing of individual management plans for each game herd in the State. The plans frequently address current herd size, target herd sizes going forward, sexual ratios of the herd, hunting history and identify habitat issues or other threats to each herd. These plans also provide a management history for the herd and recommend management standards for the threats to each herd going forward. These written plans are only released to the public after they are reviewed and specifically approved by the CPW Commission. Once these plans are approved, they are indexed and made available to the public as a hunting resource on CPW's website. [21]

It has been the Organizations' experience that these plans are often treated with a high degree of deference in Federal land planning on issues involving wildlife management. For reasons that are unclear, these CPW elk plans were completely ignored in the development of the TMP and the TMP arbitrarily developed its own management guidelines for other species. These arbitrary planning guidelines reached conclusions directly contradictory to the CPW wildlife management guidelines for both the elk and sheep in the GMUG. The Organizations must note the unprecedented weight given the unpublished unreviewed verbal comments that resulted in loss of trails in Big Horn Sheep habitat is not carried through for elk management, despite the written and reviewed documentation for the basis of elk management decisions. The Organizations vigorously believe these facially incorrect conclusions directly impacted the development of the TMP and must be corrected in supplemental documents for implementation of the TMP in order to minimize conflicts.

The Organizations have to believe the conflicting nature of the existing RMP may have contributed to these conflicts. Final management decisions in the TMP were a clear violation of the 2005 RMP amendment addressing management of wildlife. It appears this could be another situation where the outdated and superseded RMP was merely read without incorporation of subsequent decisions directly impacting the provisions being reviewed.

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21 http://wildlife.state.co.us/Hunting/BigGame/HerdManagementDAUPlans/Pages/HerdManagementDAUPlans.aspx

Proper management of wildlife in the development of a transportation management system was the basis of the 2005 RMP Amendment regarding wildlife indicator species. This Amendment clearly stated the general direction on these issues was:

> "1. Manage road use to provide for habitat needs of selected wildlife species, including road and area closures and to maintain habitat effectiveness.
> a. Determine off road vehicle restrictions based on the needs of Wildlife. Follow ORV Management Guidelines Handbook (R2 FSH 2309.26). (6288)(4B)
> 2. Manage public motorized use on roads and trails to maintain or enhance effective habitat for elk. (3202 GM)
> a. Work towards a minimum level of 80% habitat effectiveness for elk (9203 GM)." [22]

It appears the TMP attempts to rely on the 1983 RMP that was superseded by the 2005 Amendment. These issues are compounded by the fact the TMP does not accurately summarize the outdated provisions of the RMP. Wildlife management standards are addressed on GMUG Forest Plan page III-77 in the following manner:

> "03 Manage Roads by seasonal closure if.... Use causes unacceptable wildlife conflict or habitat degradation.
> 04. Keep existing roads open to the public motorized use unless use conflicts with wildlife management objectives. "[23]

While the 2005 RMP Amendment addressed general wildlife concerns, CPW is statutorily mandated with the mission of managing every species of wildlife for the benefit of the residence of the State of Colorado and visitors to the state. CPW establishes herd sizes and other management priorities for each herd. As CPW had not merged with Parks when these plans were developed, one would expect that these plans would be overly protective of the species. The TMP proceeds with the management of these concerns under standards that appear to be based on the conclusion the CPW plans do not provide sufficient protection for the species.

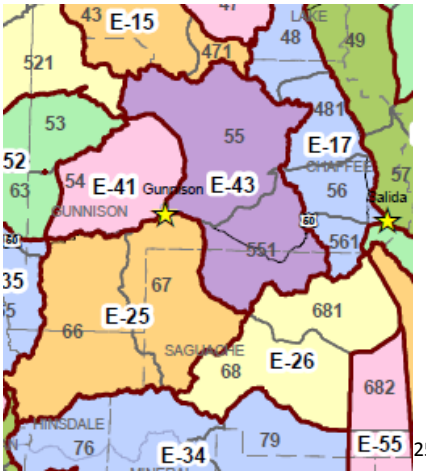
As noted in other portions of this correspondence, these CPW determinations must be incorporated in federal planning initiatives as CPW is a consulting agency with federal land managers. Given their statutory mission a review of the elk management plans for the GMUG should have carried a significant weight in determining what wildlife needs were for the area.

[22] 2005 GMUG RMP Amendment ROD at pg A10.

[23] GMUG RMP 1981 version at page III-77

For reasons that are unclear, these determinations were simply overlooked in the TMP process.[24]

The Organizations believe a summary of the elk management plans is warranted as the findings of these plans directly contradict the management direction and analysis undertaken in the TMP. The GMUG lands are covered by three CPW elk management units identified as E25, E41 and E43.



[25]

A review of the area specific maps associated with each of the elk management plans reveals there has not been a significant boundary alteration in this area between the release of these plans and the April 2012 EMU map cited above. The elk management plan for unit E25 reveals that the elk population is almost twice the target population.[26] Ease of public access noted as a reason for the popularity of the unit with hunters.[27] The primary threat to the population twice the target population is a lack of winter range for a herd of that size. [28] The Organizations have to note that if this issue was actually addressed accurately seasonal closures would have been the proper tool.

The elk management plan for unit E41 reveals that the elk population is 50% above target populations for elk. [29] The ease of public access to this unit was again noted as reason for

[24] See, GMUG Travel Plan Record of Decision; Appendix J.
[25] Colorado Division of Parks and Wildlife; Elk DAU's Map April 2012.
[26] Colorado Division of Wildlife; *Lake Fork Data Analysis Unit E-25 Elk Management Plan - Game Management Units 66 and 67*; January 2001 at pg 3.
[27] *Id* at pg 4.
[28] *Id* at 15.
[29] Colorado Division of Wildlife; *Sapinero Data Analysis Unit E-41 Elk Management Plan- Game management Unit 54* ; January 2001 at pg 3.

popularity of the unit. [30] Again, a lack of winter range to support a herd of the size present in the EMU was noted as an issue. [31]

The elk management plan for unit E43 reveals that the elk population is 50% above target populations for elk. [32] Easier access of the unit was again noted as reason for the popularity of the unit with Hunters.[33] Again the lack of sufficient winter range to support a herd of this size was noted as the primary management issue in the unit. [34]

While the recent RMP amendment was clear that wildlife concerns should be a determining factor for road system decisions, the clear and peer reviewed findings regarding existing wildlife needs from CPW were simply ignored. The TMP abandons the recommendations of the agency directly charged with wildlife management, the TMP proceeds with a habitat effectiveness calculation combining lynx and elk management under a single standard. This effectiveness standard was articulated as follows:

> "To evaluate elk HE, the analysis area was divided into habitat areas established as LAUs. LAUs were used because the habitat requirements for solitude are similar for both lynx and elk. As these two species are highly sensitive to human disturbance, they are analyzed in more detail..... A Road Density Index is based upon the weighted density of open road and motorized trails within each drainage area or habitat unit. Road and motorized trail densities were determined for each LAU for No Action (existing conditions) and the Preferred Alternative (Table 3-32) . The overall road and trail density was determined first by calculating the miles of road and trails open to motorized use per section (640 acres) for each LAU. The Forest Plan contains a road density/use habitat effectiveness table (GMUG Forest Plan, pg. III-77) as guidance for determining weighted road and motorized trail density (Table 3-32). Adjusted miles are calculated by multiplying the miles of road type by their coefficients. The sum of average adjusted miles is then compared to Table 3-33 and the road density/use habitat effectiveness is determined (Table 3-34)." [35]

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[30] *Id* at 4.
[31] *Id* at 4.
[32] Colorado Division of Wildlife*; Fossil Ridge Data Analysis Unit E-43 Elk Management Plan Game Management Units 55 AND 551*; January 2001 at pg 3.
[33] *Id* at 4.
[34] *Id* at 4.
[35] TMP FEIS pg 115

For purposes of this correspondence, the Organizations believe this decision making process can be summarized as faulty as it leads to a completely untenable conclusion that conflicts with CPW management recommendations. Rather than manage according to the RMP and CPW recommendations, it appears the TMP attempts to maintain elk populations at the levels which CPW found to be twice the carrying capacity of the GMU. This analysis is wholly improper and must be corrected.

In addition to conflicting with any version of the RMP and planning standards provided by CPW, the TMP takes the additional step of asserting the proper management boundaries for elk are LAU's. The TMP notes that LAUs are lynx administration units. At no point does the TMP attempt to explain this unprecedented management decision or cite to any authority in support of such a management standard. The Organizations submit supporting authority is not provided as it simply does not exist. The basis for this hybrid habitat effectiveness standard directly conflicts with CPW boundaries for the management of elk and lynx in the GMUG. The Organizations have to note that any attempt to apply lynx management unit boundaries to elk herds would simply lack any factual or logical basis. Lynx habitat is frequently above 9,000 feet for all seasons as lynx prefer deep snow and cold temperatures as a result of their large feet and heavy coats of fur. Lynx frequently have large home ranges compared to elk. While the lynx prefer deep snow and cold mountains, elk move to warmer valley floors to avoid cold weather and deep snow.

The Organizations are deeply troubled with the arbitrary values that appear to be assigned to consultation input regarding wildlife management issues and the rather cavalier manner that RMP standards for travel and wildlife relationships are overlooked or inaccurately summarized in the TMP. The Organizations believe many of these inaccuracies directly cause the concerns and conflicts that now plague the implementation of the TMP and must be corrected.

5a. Big horn sheep management standards applied in the TMP directly contradict with CPW management standards.

The Organizations believe the management of big horn sheep habitat is another area where there is a very weak basis for management decisions, which has contributed to the imbalance of uses currently existing on the GMUG and on-going user conflicts in implementation. The basis and level of concern for the big horn sheep habitat alleged to be present in the unconfirmed verbal communication is immediately found to be questionable as the species is not endangered, threatened, and indicator species on the GMUG or otherwise subject to heightened statutory protection.

While there is an asserted concern about disturbance from motorized routes impacting big horn sheep, these concerns become untenable for the basis of management after further investigation. The investigation reveals there are no CPW plans in place for the management of sheep and all areas remain open for hunting. While there are no local management plans, CPW has created a statewide management guideline regarding the threats to the Big Horn. Frustration from these arbitrary decisions is further increased when users realize the primary threat to sheep identified in the CPW state level planning documents remains unmanaged in areas that are closed to motorized users allegedly to protect sheep habitat.

As more completely discussed in the following section, the overwhelming weight given to unconfirmed verbal CDOW input for big horn sheep is not applied to elk management issues. In elk habitat the written and peer reviewed elk management plans of CDOW, which clearly target less elk and maintaining access to the units, are is simply ignored while the unconfirmed verbal statements of a CPW employee are credited. The Organizations believe this arbitrary weighting of concerns contributed significantly to user conflicts now being experienced as the end result is an alleged basis for the closure of numerous high value recreational trails. The Organizations believe this type of arbitrary decision making is not multiple use management and falls well of best available science requirements to be relied on for forest management decisions.

The Organizations note that despite the alleged population concerns for big horn sheep, CPW has not developed herd management plans for big horn sheep on the GMUG. Hunting of Big Horn Sheep is open for all seasons on all sheep management units on the GMUG. A copy of the 2012 Sheep and Ram hunting guide from CPW is submitted with this correspondence for your review to address the ongoing availability of hunting licenses in the GMUG. While tag and herd totals are not available for the GMUG area, CPW estimates that 100-300 big horn sheep are harvested annually in Colorado. [36] Given the level of hunting provided, the Organizations have to question the compelling basis that has been asserted for these route closures.

The unconfirmed assertions of possible disturbance of sheep from a low speed, low volume forest road in an area that remains open for hunting becomes more problematic when research comparing game response to hunting pressure in OHV areas is addressed. Research has found that big game response to hunting pressure has always been more significant than response to other factors in the same habitat areas, such as roads. CPW researchers have specifically concluded that game immediately move away from hunters without regard to the number of roads in the area when hunting season opens. This research specifically addressed the increasing level of movement from each hunting season as follows:

[36] *See* CPW Big Horn Sheep webpage;
http://wildlife.state.co.us/WildlifeSpecies/Profiles/Mammals/Pages/BighornSheep.aspx ; October 11, 2012.

> "After eliminating the effects of primary and secondary roads, elk were farther from primitive roads than random points within the study area for all 10-day intervals except 1-10 October (Table 2). Elk were farther from secondary roads through the period of 1-10 October after which elk dispersion patterns were indistinct relative to secondary roads. Elk locations relative to primary roads were similar to those for primitive roads in that elk were increasingly closer to primary roads during the 10-day intervals from 22 August to 10 October. After 11 October, the average distance of elk to primary roads increased through 30 November." [37]

Clearly, management concerned about disturbance of animals must start by addressing the primary source of the issue. Management of secondary factors simply will never address the problem, but will significantly increase conflicts between agency personnel and the public and general levels of frustration. Unfortunately the TMP started with management of secondary risks to the species for reasons that remain unclear.

The arbitrary nature of these decisions regarding big horn sheep habitat is further supported by the analysis of this issue in the FEIS for the TMP. The EIS states:

> "Determination: Impact (to bighorn sheep) dependent on selected alternative. The No Action alternative and Alternative 4 may impact individuals but are not likely to cause a trend towards federal listing or result in loss of viability in the planning area. The DEIS Proposed Action, Alternative 3, and the Preferred Alternative (Alternative 5) are expected to have a beneficial impact. (EIS, Page 140).

The Organizations have to note the high degree of frustration from management decisions that arbitrarily place some users at much higher priority than others and attempt to manage issues with tools that can never correct the issues.

5b. Current GMUG sheep management decisions fail to address the primary threat to big horn sheep identified by CPW.

While the population of big horn sheep on the GMUG has not warranted the development of a herd specific management plan by CPW, CPW has developed a statewide management plan for the big horn sheep. This plan clearly notes that motorized routes are a low priority

[37] Rumble, Mark A; Benkobi, Lahkdar; Gamo, Scott R; 2005. *Elk Responses to Humans in a Densely Roaded Area*; Intermountain Journal of Sciences. 11(1-2); 10-24 @ pg 17-18.

management issue, as the primary threat to big horn sheep is a virus easily transferred from domestic herd animals.

The CPW statewide big horn sheep plan explicitly states:

> **"Bighorn sheep managers generally agree that bacterial pneumonia (also called "pasteurellosis") is the main reason for Rocky Mountain bighorn sheep population declines** across much of the west in recent decades.... There are a number of strains of *Pasteurellaceae* commonly carried by domestic sheep and goats that are highly pathogenic to bighorns, and introduction of a pathogenic strain or another novel pathogen into populations can cause all-age die-offs and lead to low lamb recruitment.
>
> **Based on a substantial volume of literature, one of the most important aspects of wild sheep management is to keep these species separated from domestic sheep and goats."**[38]

The statewide sheep management plan does discuss other factors that maybe impacting sheep. These factors are summarized as:

> "Other problems such as unregulated harvest, overgrazing, competition with other livestock, plant community succession and forestation of native ranges, and increasing human development of winter ranges have been identified as contributing to bighorn sheep declines either historically or presently."[39]

Clearly these management factors fall well short of creating a sufficient basis to mandate route closures. The Organizations vigorously assert closing routes to motorized usage will not address the spread of disease from domestic herd animals to big horn. Any assertion this management is proper is simply not factually and rationally based and must be avoided. Route closures are a poor tool to address the impacts of disease from herd animals, which is clearly identified as the single greatest threat to Big Horn sheep. Decisions that arbitrarily place one user group priorities significantly ahead of others is not good management and directly fosters conflicts between users and agency staff such as those recently experienced on the GMUG.

[38] George et al; Colorado Division of Wildlife; *Colorado Bighorn Sheep Management Plan 2009-2019*; February 2009 at pg 2

[39] *Id* at pg 1.

7a. The TMP attempts to apply Colorado cutthroat trout management standards that do not address primary threat to species, which clearly is not travel management related.

The Organizations have to believe that a credible argument could be made that cutthroat trout management standards in the TMP were developed solely to create conflict between users and the agencies. Cutthroat trout management is clearly an area where previous management activities by agencies left significant room for improvement. This room for improvement as resulted in a high degree of public sensitivity to this issue. This poor management history sets the proper tone for the public perception of application of TMP standards on this issue and understanding this relationship will be exceptionally relevant to the conflicts currently experienced between users and the agency.

Overharvesting of cutthroat trout has consistently been identified as a primary threat to the species.[40] Throughout the reintroduction of the cutthroat trout on the GMUG and other areas, significant effort and resources have been allocated to maintaining fishing access to the waterways where the cutthroat trout has been reintroduced. Currently the availability to catch and release fish 250 restocked cutthroat trout in Woods Lake is highlighted on the opening page of the GMUG website, which links to an extensive article on the GMUG website outlining reintroduction efforts for the cutthroat.[41] Anyone that has participated in catch and release fishing realizes a certain percentage of fish will be seriously injured as a result of contact with hooks and lures regardless of the most cautionary practices being used by a fisherman.

While this commitment to maintaining fishing access to these waterways is commendable, it clearly will contribute significantly to user conflicts as areas in the vicinity of these water bodies are closed for other uses. If there was a genuine concern for the cutthroat trout, a closure of the body water to fishing would be the most direct way to minimize a primary threat to the fish by possible incidental taking of the fish. Application of management standards that allow active pursuits to take a fish will appear significantly arbitrary, when use of OHV by the fisherman to access the chosen fishing location is deemed a larger threat to the fish than the active fishing pursued once there. There is simply no rational argument to be made that an OHV being ridden near a body of water presents a higher level of threat to the fish than active fishing activity, even if fishing is catch and release. This type of arbitrary management also allows a primary threat to the species to continue while prohibiting a low risk secondary factor. This simply makes no sense.

[40] pg 4. See also pg 39.
[41] http://www.fs.usda.gov/detail/gmug/home/?cid=STELPRDB5395330

The cutthroat trout is currently a threatened species under both Colorado and federal statutes. As result there is a significant history and management analysis relative to the species, which has generated significant public interest in cutthroat trout. A history of the cutthroat trout in Colorado reveals the primary, and overwhelming, threat to the cutthroat trout is previous management attempts to stock or reintroduce the trout , which experts have summarized the as DEVESTATING to the cutthroat trout. The scale of mismanagement of the trout is an issue that is widely known to the public in Colorado and an issue where there is an exceptionally high level of sensitivity to new management decisions. Clearly, land managers asserting a trail closure is necessary to address prior mismanagement of a species is a questionable decision. Such decisions are made even more questionable and volatile as listing decisions have consistently concluded OHV recreation is a low risk to the trout and should be done only on an "as needed" basis.

The exceptional risks involved with attempts to manage cutthroat trout habitat in travel management decisions is further compounded by the fact the GMUG TMP does not rely on up to date management agreements and simply omits any reference fish and wildlife service decisions on the trout released during the TMP development. A review of the TMP decision reveals the TMP was developed based on the 2001 Cutthroat trout conservation agreement between the Fish and Wildlife Service and the Forest Service. This document was superseded by the 2006 conservation strategy and agreement between the agencies. Clearly the most recent version of any species management documentation must be relied on for the development of a TMP.

The impacts to the TMP trout standards that result from the failure to rely on the 2006 Conservation Strategy is exacerbated by the fact that 2008 management documents relative to non-native species are explicitly relied on in the TMP. These are the same non-native species found to be devastating to the cutthroat trout in previous FWS listing decisions. Proper management of the non-threatened fish that devastated the threatened cutthroat trout population would logically seem to be a low priority.

In addition to failing to rely on most up to date conservation agreements, Fish and Wildlife Service decisions specifically addressing cutthroat trout management are simply never addressed in the TMP, despite the fact these decisions of this nature are to be treated with the force of law. The specter of arbitrary management decisions immediately becomes a concern with this type of management history, as it appears some type of a review of the species was undertaken, but for some reason certain documents were included and others overlooked in development of the TMP. These type of arbitrary management decisions clearly expand the possibility of conflict on an issue the public is already exceptionally sensitive too.

The Organizations believe a brief summary of the management history of cutthroat trout will help to understand why management of this species is such a sensitive issue for the public. Researchers have uniformly concluded the primary threat to the species to be:

> "At the time of Recovery Plan development, the main reasons cited for the subspecies' decline were hybridization, competition with nonnative salmonids, and overharvest (USFWS 1998). "[42]

The hybridization of the cutthroat was the result of management activities that occurred at an unprecedented level in Colorado. The scale of previous management activity does provide a significant amount of context to the levels of frustration. Research has concluded:

> "**Between 1885 and 1953 there were 41,014 documented fish stocking events in Colorado by state or federal agencies. The vast majority of these involved brook trout (Salvelinus fontinalis), rainbow trout (Oncorhynchus mykiss) and cutthroat trout (O. clarkii) (Fig. 3, supporting information). Remarkably, over 750 million fish of these three species were stocked from hatcheries into streams and lakes in Colorado over this period of time. Introductions of brook trout and rainbow trout probably had devastating effects on native cutthroat trout populations because brook trout are superior competitors and rainbow trout hybridize with cutthroat trout (Young & Harig 2001)." [43]**

The June 2006 Conservation strategy and agreement between FWS and the Forest Service provides 7 objectives and 11 strategies for the Colorado Cutthroat trout, all of which seek to address the impacts of stocking 750 million threats to the cutthroat trout.[44]

It should be noted that the 2006 Conservation Strategy does provide a rather lengthy discussion of habitat issues involved in the management of the trout. [45] This discussion immediately centers around removal of non-native fish in contaminated waterways used by the cutthroat to avoid predation, hybridization and effects of superior competition of non-native fish. None of these standards are cited here due to their length and lack of relevance to travel management.

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[42] *See*, US Fish and Wildlife Service; *Greenback Cutthroat Trout; 5 year summary and evaluation*; May 2009 at pg 4. *See* also pg 39

[43] Metcalf et al; *Historical stocking data and 19th century DNA reveal human-induced changes to native diversity and distribution of cutthroat*; Molecular Ecology (2012) 21, 5194–5207.

[44] CRCT Conservation Team. 2006. Conservation agreement for Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*) in the States of Colorado, Utah, and Wyoming. Colorado Division of Wildlife, Fort Collins. at pg 3-4.

[45] *See* 2006 Conservation Strategy at pg 9.

The 2006 Conservation agreement does not even arguably imply any travel management issues, as all habitat discussions are all related to preserving cutthroat trout from non-native species.

The 2006 Conservation Agreement provides a general management standard as follows:

> "by implementing conservation measures to avoid streamside habitat degradation while approving new grazing, logging, and road and trail construction proposals; by moving existing roads and trails away from streamside habitats and rehabilitating disturbed riparian habitats; **All of these positive activities are ongoing throughout the subspecies' range and are implemented based on agency priorities and funding levels on an annual basis."** [46]

Given the unprecedented level of impact from previous stocking of 750 million threats to the Colorado cutthroat trout in Colorado waterways, the Organizations believe the low level of any threat from a trail possibly adjacent to the waterway would be readily apparent. Given the scale and type of threat from the 750 million threats to the cutthroat trout, the Organizations believe closing every trail in the state would result in no benefit to the cutthroat trout.

7b. Additional FWS management decisions were issued during the course of the TMP which provide significant insight into the priority of cutthroat trout threats.

Any concerns regarding accurate prioritization and management of threats to the cutthroat trout should have been resolved by Fish and Wildlife decisions issued during the development of the TMP. For reasons that are unclear, these documents are simply never addressed in any portion of the TMP. These decisions further undermine any validity of a management standard requiring closing of routes or trails in cutthroat trout habitat. In May 2009, the USFWS released its first 5 year review of the greenback cutthroat trout endangered species listing status and evaluation. Under federal law, this 5 year review is specifically required to update management of any species. Relevant portions of the Code of Federal Regulations requires:

> "424.21 - Periodic review. At least once every 5 years, the Secretary shall conduct a review of each listed species to determine whether it should be delisted or reclassified. Each such determination shall be made in accordance with 424.11, 424.16, and 424.17 of this part, as appropriate." [47]

[46] See, USFWS 5 year listing decision at pg 35.
[47] 50 CFR §424.21

The 2009 listing decision provided a wealth of relevant information regarding the threats and issues possibly impacting the cutthroat trout as a result of the reintroduction of 750 million threats to the cutthroat trout into its habitat. The listing decision provides a discussion of the impact these 750 million threats had on the cutthroat that could only be described as compelling. For reasons that are not clear this document was simply never addressed in the TMP. Clearly public comment could not have addressed this documents possible impact on the TMP as it was not released prior to the comment period. The lack of public comment or appeal regarding this issue does not mitigate the Agencies requirement to manage with best available science and management pursuant to the endangered species act requirements.

The Organizations are aware that the Colorado Cutthroat trout and Greenback Cutthroat trout were once technically thought to be different species. This listing decision specifically calls this distinction into question as follows:

> "Mitton et al. (2006) performed research to clarify the taxonomic status of greenback. Mitton et al. (2006) used mtDNA analysis and phylogenetic relationships to determine if a subspecies status was warranted. Their study concluded that the Colorado River, Rio Grande, and greenback appeared to be very closely related. **Specifically, they found that the three subspecies shared haplotypes and closely related haplotypes. Although their data was never published, Mitton et al. (2006) concluded that it did not support subspecific designations for Colorado River, greenback, and Rio Grande cutthroat.** Their conclusion is consistent with previous assertions that Rio Grande and greenback recently evolved from Colorado River cutthroat trout through geographic isolation, and are in the process of diverging (Behnke 1992)."

While an exact determination regarding the genetic classification of the cutthroat is beyond the scope of the Organizations expertise, the Organizations believe this statement GREATLY increases the relevance of these documents to this discussion. Clearly management of the two species should be similar, as both species inhabit many of the same bodies of water.

The 2009 listing decision provided a limited discussion regarding the three factors for effective trout habitat scope and types of habitat issues that are faced by the Cutthroat trout that simply are not related to the primary threat to the species. This report clearly states:

> **"Since completion of the 1998 Recovery Plan, extensive study has been devoted to determining how habitat quality and translocation success are related. Harig and Fausch (2002) developed a model, based on a comparative field study, which predicted that cold summer water temperature, narrow stream width, and lack of deep pools limited translocation success of the**

> **greenback.** Young and Guenther-Gloss (2004) evaluated the model developed by Harig and Fausch (2002), and found a positive correlation between the three model components and greenback abundance."[48]

Landscape factors such as water temperature, water depth and stream width are not factors that would be impacted by a TMP, as factors like this would be highly geographically related. It should be noted that CPW has effectively reintroduced cutthroat trout in a large number of lakes in the state. The listing decision does identify trails usage as a low level threat to the cutthroat trout as follows:

> "**Low level threats include** the ongoing negative effects of past mining operations on water quality; the impacts of grazing, logging, **and road and trail construction and use on riparian habitat and streambanks, causing increased erosion, sediment deposition, and in turn elevated water temperatures and higher turbidity;** and the co-occurrence of nonnative salmonids with greenback populations." [49]

The 5 year listing decision specifically states land managers have a significant amount of latitude in addressing these low level threats to the trout. The listing decision recommended management of this issue as follows:

> "Regulatory and land management agencies have the ability to improve habitat conditions and eliminate or minimize these threats by.... by implementing conservation measures to avoid streamside habitat degradation while approving new grazing, logging, and road and trail construction proposals; by moving existing roads and trails away from streamside habitats and rehabilitating disturbed riparian habitats;..... All of these positive activities are ongoing throughout the subspecies' range and are implemented based on agency priorities and funding levels on an annual basis."[50]

The 5 year review concludes by recommending the following management of low level threats as follows:

> **"Management Actions 4.9** The regulatory and land management agencies involved with greenback recovery should continue their efforts to improve

[48] *See*, USFWS 5 year listing decision at pg 11.
[49] *See*, USFWS 5 year listing decision at pg 34
[50] *See*, USFWS 5 year listing decision at pg 34-35.

habitat conditions, to establish new populations as appropriate, and minimize the negative effects of ongoing and proposed actions on the subspecies."[51]

Clearly the implications of the 2009 listing decision have not been addressed as numerous high value recreational routes have been closed under the premise that their continued existence is prohibited under cutthroat trout management standards. This position clearly and directly conflicts with the 2009 listing decision from the FWS and 2006 Conservation Strategy and Agreement. Given the rather troubling history surrounding the management of the cutthroat and the failure of the TMP to accurately address management guidelines, these trails would be high on the list of trails to be reopened to minimize on-going conflicts between users and agency personnel involving travel management implementation.

8. Sage Grouse management is an issue where future conflicts are highly possible.

The Organizations are intimately familiar with the current status of both the greater sage grouse and the Gunnison sage grouse on the endangered species list. While the Organizations applaud current efforts to avoid listing of the grouse as endangered, the Organizations are concerned that this rush to protect the Grouse will result in many of the same management issues being created as plagued the lynx reintroduction and cutthroat management previously. Thankfully, there is significantly more research available on Grouse species than was available when the lynx was reintroduced or when restocking initiatives decimated the cutthroat. The Organizations believe an accurate application of this information under a single standard for management decisions will be key in avoiding issues with the grouse moving forward. Any management decisions that require trapping and testing of specimens to determine the proper management standard, will result in managers attempting to satisfy both standards. This is simply not going to be effective and will result in significant conflict between users and managers in the future.

The Organizations have to note that the greater sage grouse and the Gunnison sage grouse are two species that are closely related and live in habitats that are directly adjacent to each other. These species were only separated for management purposes based on genetic testing in the year 2000. [52] Given the birds are exceptionally similar and have habitats that directly abut, possible mixing of the two birds in the future will be an issue. The mixing of the two species will be a significant issue for both the GMUG and White River National Forest as these are the primary habitat areas. Previous experiences have proven all wildlife is highly mobile,

[51] *See*, USFWS 5 year listing decision at pg 37.
[52] Dept of Interior; *Determination for the Gunnison Sage Grouse as Endangered or Threatened* ; September 28, 2010; Vol 75 Fed Reg 59804; at pg 59805.

wolverine have walked from the Montana/Wyoming border to Rocky Mountain national park and lynx have walked across Kansas after being reintroduced in the Rocky Mountains. While it may be easy to say the birds will stay where they currently are located, history has proven previous assertions like this to be very inaccurate. The approximately 10 years of research that has been conducted since the independent listing decision was made is simply insufficient to rely on for the assertion that the birds will remain in their habitat.

While the grouse species are very similar, the similar threats to the birds have been summarized in a manner fairly differently. This would be an issue of minimal concern for everyone other than those who have to implement these standards. The FWS listing review concludes that the two major threats to the Greater Sage Grouse are identified as poor sage brush health due to aging, and oil and gas development in nesting habitat. [53] Recreational activities are specifically identified as a low risk threat to the Greater Sage Grouse. [54] The Organizations were concerned that habitat management was proposing to address the impacts of roads and trails must be done a single standard. Comments were submitted relative to the rule making and can be made available upon request. The listing decision proposed management of the high priority threats to the Grouse, mainly oil and gas exploration and sage brush habitat management to improve overall health.

While similar concerns are voiced in the Gunnison Sage Grouse listing documents, these concerns have been addressed in the Candidate Conservation Agreement ("CCA") being developed for the Gunnison Sage Grouse in a significantly different manner. The Forest Service is a partner in the development of the CCA. The CCA proposes to manage all roads and trails under a similar standard, which can be summarized as no net gain in for roads and trails in the Gunnison Habitat areas. [55] The Organizations are severely concerned that such a standard will not address the threats to the grouse and will result in significant negative economic impacts to areas where the management standards are applied. Under relevant federal law these economic impacts must be addressed in the development of habitat management standards for endangered species.[56] The federal law is exceptionally clear on the mandatory nature of economic impacts being addressed in habitat designations. These impacts simply have not been addressed in any manner in the development of the CCA.

[53] Federal Register Notice March 5, 2010; US Fish and Wildlife Service; Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage- Grouse (*Centrocercus urophasianus*) as Threatened or Endangered at Pg 68.
[54] *Id* at pg 75.
[55] Dept of Interior; *Draft Candidate Conservation Agreement for Gunnison Sage Grouse;* version 5.15 at pg 13.
[56] 15 USC §1533(b)(2)

The Organizations have to believe similar management standards are wise moving forward, given the similarity of the birds and their habitat areas and their listing status after settlement of litigation involving the grouse. Fish and Wildlife determinations greatly expand the research materials that are available for management of the species but management priorities are different. As the birds maybe listed under one classification and are immediately adjacent to each other, different standards for management of these species will greatly complicate management on public lands. Land managers would be required to apply management standards for both the Gunnison and greater sage grouse to avoid any assertions they are not in compliance with management guidelines. Clearly capturing grouse to clarify the appropriate management standard is not realistic. The Organizations believe this must be avoided if possible, as this type of management will do nothing but increase frustration and conflict of users with no benefit to the bird.

9a. Distinctions regarding the basis of user conflicts are not made prior to determinations that closures can resolve the underlying conflict.

As the Organizations have noted in the above portions of this correspondence, confusion of proper wildlife management standards and arbitrary decision making has significantly contributed to the high levels of frustration and conflict currently experienced between users and agency personnel. Attempts in the TMP to minimize users conflicts may have also significantly contributed to increased levels of user conflicts in the long run, as sufficient analysis of the type of conflict was not performed to allow for proper management of the core conflict. Best available science has concluded that proper analysis of the basis of alleged user conflicts is a critical step in management of user conflicts.

Researchers have also concluded that an incorrect analysis of the basis of user conflicts will directly contribute to increased levels of user/agency conflicts after implementation of the erroneous management standards. As the erroneous standards are implemented, conflicts between user groups and agency personnel increase, as agency personnel are blamed for the loss of routes to that group. The perceived misallocation of resources that has resulted from the TMP implementation has also increased as users are now trying to access specific recreational routes that have been closed. This direct personal contact with the management decisions transforms a socially based user conflict between particular users regarding a route to a personal conflict between the agency and that user or user group. Often users have a long and personal relationship with a route that may have been closed, especially if that user lives in close vicinity to the route. While a certain degree of this personal conflict between agency and user groups is acceptable, large scale personal social conflicts, such as those currently being experienced on the GMUG are of concern.

Throughout the TMP ROD and FEIS a reduction of perceived user conflicts was identified as a primary goals of the TMP. These concerns were also extensively discussed in various public hearings and meetings conducted in association with the TMP development, but allocation of resources available to user groups simply is never addressed in the planning documents. User conflicts were addressed as follows:

> "The Preferred Alternative calls for .... the mode of travel has been changed to lessen user conflicts..." [57]

> "Changing the mode of travel (e.g. motorized to non-motorized) on some routes does provide for better compatibility, as user conflicts may be diminished. The continued adherence to the travel hierarchy."[58]

> "In early 2007, agency personnel and resource specialists formed an interdisciplinary (ID) team and held a series of meetings to evaluate each route and area in the Gunnison Basin travel analysis area, During travel analysis discussions, the following were considered ....User conflicts on routes with mixed motorized uses;" [59]

> "The overall cumulative impact of travel management on federal lands in Colorado is most likely to be more restrictions on motorized vehicle use, less motorized opportunities on federal lands, and changing modes of travel. There is also an expectation that some forms of recreational activities will be enhanced by a designated system of roads and trails, reduced user conflicts, reduced route proliferation, more secure wildlife habitat, and less resource damage." [60]

It is clear that trail closures were viewed as a primary tool to reduce perceived user conflicts when the TMP was developed. While this is a commendable goal, it appears the TMP may have fallen well short of this goal and these closures may have increased levels of user conflicts and conflicts between agency personnel and user groups.

The Organizations believe a brief comparison of the sensitivity of user groups to potential conflicts will assist in framing this discussion of the need for education of users about all opportunities in the area. Social scientists have concluded:

[57] TMP ROD at 4.
[58] TMP ROD at pg 5
[59] TMP FEIS at pg 11.
[60] TMP FEIS at pg 201.

> "People who view the environment as an integral part of the experience (focused on natural surroundings) are more susceptible to conflict than those who primarily see the environment as just a setting for their activity ."[61]

Best available science has divided user conflicts into two broad categories, personal and social. Social scientists have clearly concluded the only user conflict that can be addressed with trail closures is a personally based conflict and that addressing socially based user conflicts with closures frequently makes the conflicts worse. Scientific analysis defines the division of types of user conflicts as follows:

> **"For interpersonal conflict to occur, the physical presence or behavior of an individual or a group of recreationists must interfere with the goals of another individual or group**….**Social values conflict, on the other hand, can occur between groups who do not share the same norms (Ruddell&Gramann, 1994) and/or values (Saremba& Gill, 1991), independent of the physical presence or actual contact between the groups……When the conflict stems from interpersonal conflict, zoning incompatible users into different locations of the resource is an effective strategy. When the source of conflict is differences in values, however, zoning is not likely to be very effective.** In the Mt. Evans study (Vaske et al., 1995), for example, physically separating hunters from nonhunters did not resolve the conflict in social values expressed by the nonhunting group. Just knowing that people hunt in the area resulted in the perception of conflict. **For these types of situations, efforts designed to educate and inform the different visiting publics about the reasons underlying management actions may be more effective in reducing conflict."** [62]

While the Organizations are aware direct personal confrontation between users of a particular area does occasionally occur, the Organizations are also aware that this type of conflict does not make up a significant portion of all user conflict problems currently occurring between user groups. Socially based conflict between user groups makes up a significant portion of the conflict experienced between user groups. Unfortunately implementation of closures results in significant personally based user conflicts between agency personnel and user groups as users simply are not aware a route is closed until they attempt to use the route and find it blocked.

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[61] Moore, R. (1994). *Conflicts on multiple-use trails: Synthesis of the literature and state of the practice*. Federal Highway Administration Report No. FHWA-PD-94-031 contracted with North Carolina State University Department of Parks, Recreation and Tourism Management. Raleigh, North Carolina.

[62] Carothers, P., Vaske, J. J., & Donnelly, M. P. (2001). *Social values versus interpersonal conflict among hikers and mountain biker;* Journal of Leisure Sciences, 23(1) at pg 58.

Scientists have concluded that socially based user conflicts must be addressed with a multifaceted management plan, which includes addressing user conflict by educating users of opportunities and resources available. The Organizations have found most users are very familiar with the educational programs, such as "tread lightly," "leave no trace," and "stay the trail," all of which are developed to support the designated trail system and educate users of opportunities. Education of all users would have also allowed those that are seeking a non-motorized experience to utilize the 44% (Wilderness 26%, Semi primitive non-motorized 12% and Roaded Natural non-motorized 6%) of the GMUG that is designated for non-motorized recreation. [63] The Organizations must note that 26% of the GMUG is designated Wilderness and this designation is routinely the most underutilized portions of any forest for recreational purposes. Addressing the lack of usage of these areas by those seeking a quiet use or non-motorized recreational experience would have been a significant step toward minimizing user group conflicts in areas where motorized recreation is permitted.

The differences by trail mileage highlight the restrictive nature of the TMP on motorized recreation, and how much more trail mileage is available to nonmotorized recreation forms. The impact needs to be taken into context of how many miles per day these types of users travel. As an example, it becomes clear that ATV's get about 3 days of opportunity (50 miles/day), while motorcycles get about 5 days of opportunity (100 miles/day), mountain bikes get about 24 days (25 miles/day), horses get about 65 days of opportunity (20 miles/day), while foot travelers get about 130 days of opportunity (10 miles/day). When the 540 miles of Wilderness trails are included, equestrian recreationists get over 90 days of opportunity and hikers get between 180-190 days of opportunity. The Organizations have to believe that many users are not aware of the exact scope of opportunities between user groups but they are clearly aware there is an imbalance. The awareness of this imbalance simply increases the levels of personal conflict with the agency when a particular user contacts a closed trail.

Given these disproportionate opportunities on the GMUG, the Organizations believe education of users to allow them to find the opportunity they are seeking would have been a significant tool to be used in addressing user conflicts. It is clear there were sufficient opportunities available to all users prior to the TMP, possible impacts of educational initiatives outlining these opportunities was never addressed in the TMP. Social scientists clearly concluding education is the only way to mitigate socially based user conflicts. The Organizations believe this critical distinction between user conflicts, failure to fully utilize recreational opportunities and educational programs was overlooked in the development of the TMP. The RMP analysis simply starts with the management position that closures will reduce all user conflicts. As outlined below, this starting point of analysis omits a critical second level of review that must occur.

[63] TMP FEIS, pg 225.

9b. Improperly based determinations regarding user conflicts can significantly increase user conflicts between the agency and user groups.

The level of user conflicts is unprecedented on the GMUG, especially between the agency personnel and various user groups. These increased levels of user conflict have resulted from route closures, which have been identified as a tool with limited effect in resolving user conflict and always resulting in conflict between user groups and the agency. The failure of closures to address user conflicts has been the basis of scientific user conflict analysis. Given the relevance of this research to the current situation on the GMUG, a copy of this research has been included with this correspondence.

This research used the term goals interference to refer to social based user conflict. Other than this minor distinction, the Organizations believe this research is exceptionally relevant to addressing the current situation on the GMUG. This research described as follows:

> "The travel management planning process did not directly assess the prevalence of on-site conflict between non-motorized groups accessing and using the yurts and adjacent motorized users…..The common definition of recreation conflict for an individual assumes that people recreate in order to achieve certain goals, and defines conflict as "goal interference attributed to another's behavior" (Jacob & Schreyer, 1980, p. 369). Therefore, conflict as goal interference is not an objective state, but is an individual's appraisal of past and future social contacts that influences either direct or indirect conflict. It is important to note that the absence of recreational goal attainment alone is insufficient to denote the presence of conflict. The perceived source of this goal interference must be identified as other individuals."[64]

It is significant to note that Mr. Norling's study, cited above, was specifically created to determine why closures of routes in travel management had not resolved user conflicts for winter users of a group of yurts on the Wasache-Cache National forest. As noted in Mr. Norling's study, the travel management analysis in the areas surrounding the yurts failed to distinguish why the conflict was occurring and this failure prevented the land managers from effectively resolving the conflict.

[64] Norling et al; *Conflict attributed to snowmobiles in a sample of backcountry, non-motorized yurt users in the Wasatch –Cache National Forest*; Utah State University; 2009 at pg 3.

The Organizations believe that understanding why the travel management plan was unable to resolve socially based user conflicts on the Wasache-Cache National Forest is critical to addressing the current levels of user conflicts. The Organizations believe the previous TMP fell victim to the same issues as the Wasache-Cache rather than learning from them. Closures were immediately relied upon to address what the Organizations have to believe are a significant amount of socially based user conflicts resulting from the lack of familiarity with or general opposition to current opportunities. Closures did little to address socially based user conflicts but did significantly increase personal user conflicts that resulted from the closure of routes. Clearly the personal conflicts that resulted from route closures has significantly exceeded the reduction in personal conflicts from the closures.

At no point in the RMP is there any mention of programs that might be available to address socially based user conflicts by allowing non-motorized users to be educated of the opportunities for non-motorized recreation on 44% of the GMUG. The lack of an educational component in the TMP as a tool to be utilized in conjunction with trail closures, leads the Organizations to conclude that there was a finding in the planning process that all user conflicts are personal in nature. This type of finding would be highly inconsistent with both the Organizations' experiences with this issue and the related science. This conclusion also failed to address the impacts to levels of personal user conflicts between users and agency personnel that ALWAYS result from trail closures.

The Organizations have to believe that re-analyzing routes that were closed due to user conflicts maybe a significant step in reducing user conflicts. Reopening a route to even a small portion of users would be seen as a significant step towards addressing user concerns that have led to the current issues between the agency and users.

10. Reroutes and seasonal closures are effective tools for the management of low risk routes.

The Organizations believe the currently high level of user conflicts could be minimized by exploring possible reroutes of trails or reopening of closed trails with application of a seasonal closure to minimizes possible impacts. The Organizations believe this type of planning was not seriously reviewed in the TMP process. The viability of reroutes or seasonal closures to address possible resource impacts would be directly impacted by the wildlife management issues that are outlined above. Many of the possible impacts were arbitrarily classified to higher risk classifications rather than lower risk classifications as was appropriate after a review of up to date planning documents.

The Organizations have found seasonal closures and reroutes to be highly effective tools in addressing the minimal impacts of a route in the area of concern. The actual effectiveness of these tools would not be reviewed as a possible mitigating factors to address wildlife concerns under the heightened risk classifications that were relied on for development of the TMP. These tools remain highly effective for mitigation of impacts under the lower risk classifications that are identified in accurate and up to date wildlife management standards outlined in this correspondence.

11. Conclusion

The Organizations are deeply concerned regarding the current high levels of user conflict between users and agency personnel involved in the implementation of the TMP. The Organizations believe that much of this conflict has resulted from faulty analysis of planning and management decisions in the TMP. After a review of these omissions, one could easily conclude that the most restrictive standards were consistently adopted for the development of the TMP, even after these standards had been found to be completely inaccurate and outdated.

Frequently up to date wildlife management decisions, that accurately address the minimal impact a motorized route would have on a species, were simply overlooked in favor of outdated management decisions that surmised a theoretical impact to a species from motorized recreation. Cutthroat trout and lynx management are areas where the TMP standards were directly impacted by these type of omissions. At other points the TMP arbitrarily weights unconfirmed verbal statements on one species from CPW while completely ignoring the peer reviewed management guidelines from CPW on other species. Arbitrary management decisions of this nature are simply a formula for developing user conflicts.

The TMP further increased conflicts between user groups and user groups and agency personnel after the complete failure to analyze the basis of user conflicts to allow for a determination of if a closure of routes would actually address the conflict. It has been the Organizations experience that most user conflicts simply cannot be addressed with closures. The TMP further failed to understand that every closure of routes will result in a personal conflict between a person attempting to use the route and agency personnel. The Organizations have to believe the rapid escalation of conflict between agency personnel and users is a result of the imbalance of improvements in the minimal improvement in socially based user conflict with the significant expansion of personal user conflict between the agency and users.

If you would like a copy of any of the reports relied on in these comments or have questions please feel free to contact Scott Jones at 508 Ashford Drive, Longmont CO 80504. His phone is (518)281-5810.

Sincerely,

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