



December 12, 2012

Scott Fitzwilliams, Forest Supervisor
c/o Peech Keller
P O Box 620
Silverthorne, CO 80498

RE: Tenderfoot Trail Project EA

Dear Mr. Fitzwilliams;

The above referenced Organizations are contacting you to voice our **vigorous support** for the proposed development of a multiple use single track trail system on Forest Service lands outside Dillon, Colorado, as more specifically described in the Environmental Assessment noted above. For purposes of these comments, this project will be referred to as "the Proposal". The Organizations do not believe the specific facts surrounding the Proposal have been fully explained to the public, as only the scoping portion of the Federal planning process has been completed. The Organizations believe the comment period on the draft EA is a significant step in developing understanding of the Proposal. The Organizations believe once the Proposal and levels of associated planning already performed are completely understood, many of these concerns will be minimized or found to be wholly lacking in factual basis.

Prior to addressing the merits of the Proposal, we believe a brief summary of each Organization is needed. The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization of approximately 2,500 members seeking to

represent, assist, educate, and empower all OHV recreationists in the protection and promotion of off-highway motorized recreation throughout Colorado. COHVCO is an environmental organization that advocates and promotes the responsible use and conservation of our public lands and natural resources to preserve their aesthetic and recreational qualities for future generations.

The Trail Preservation Alliance ("TPA") is a 100 percent volunteer organization whose intention is to be a viable partner, working with the United States Forest Service (USFS) and the Bureau of Land Management (BLM) to preserve the sport of trail riding. The TPA acts as an advocate of the sport and takes the necessary action to insure that the USFS and BLM allocate to trail riding a fair and equitable percentage of access to public lands.

After a complete review of the Proposal, it is clear this is a large restoration project that creates a small number of trails. The Organizations find it hard to believe there can be meritorious opposition to a private organization partnering with the Forest Service to undertake a large restoration project. The Proposal will benefit wildlife habitat, create multiple use trails, additional mileage of non-motorized trails and provide a higher quality recreational experience for all recreational users in the area in compliance with local zoning regulations. The Organizations believe the weight of scientific evidence concludes this restoration project will significantly improve the recreational experience of all users of the Tenderfoot Mountain area.

1a. The Proposal is accurately summarized an environmental restoration project.

This area has a long history of heavy use by all types of recreational users, given its proximity to large population centers in Summit County. It must be noted that mitigation of impacts under the Proposal will restore impacts from **all** users of the area, not just impacts from single track recreation. The Organizations must note the benefits of this restoration are commonly totally overlooked by those opposing the Proposal. The Organizations are aware that often conflict from

public usage of public lands can be a concern for those private landowners in the area. Experiences in other geographic areas with these types of conflict have taught the Organizations that developing a minimal impact trail system is key to fostering good relations with all users and avoiding conflict. These mutually beneficial conclusions assure the long term success of the project and improved partnerships between the agency and all user groups.

The Organizations believe that an accurate understanding of what the Proposal is actually doing on the ground is a key factor in determining the relevance of comments. Under the Proposal, the following actions are to be taken. At least 22 miles of non-system trails are to be decommissioned and rehabilitated, and an additional 8 miles of routes would be significantly improved to a sustainable level. The Proposal adds less than half this distance (13.1 miles) in new multiple use routes. The Proposal further adds an another 1 mile of non-motorized trail in the Tenderfoot area. Clearly a complete understanding of the Proposal would identify that providing funding for restoration of the Tenderfoot area to a sustainable level is something that benefits all users of the area, adjacent property owners and the environment.

The Organizations are aware that funding for rehabilitation of closed routes is somewhat limited on the WRF and a lack of funds for restoration is an issue that is of significant concern for Forest Service projects throughout the country. While dropping dead trees and placing a carsonite closure signing in an unsustainable trail is a valid management decision, mitigation of impacts to surrounding areas often is slow under this management alternative, as the trail is left to recover at a natural and often slow pace. True mitigation of impacts is only achieved when the unsustainable conditions are actually repaired and this type of mitigation requires funding from partners both now and in the future.

Funding for such mitigation activities does not occur in a vacuum, as most mitigation funding is keyed on some level of continued access to the members of the group that is providing the funding. No group will fund mitigation in areas that

are then closed to their members, this simply is not a functional business or partnership model. The Organizations have to note that while restoration is currently a significant portion of the Proposal, this restoration probably will not occur if the motorized routes are not reopened. This statement is not intended to be a threat but rather a statement of fact. Even if the SCORR club decided to pursue restoration of the closed trails, the major source of funding for this restoration would be the CPW OHV Grant Program. The Organizations have to believe a project that restores an area with a long history of damage from all users could not receive a sufficient score to move forward in the competitive grant process that each grant is reviewed under once the grant is submitted to CPW. These social factors must be accounted for when addressing the Proposal.

1b. Weight of unbiased evidence clearly favors moving forward with the Proposal.

The Proposal has undergone significant review and site specific research to address any concerns that were raised in the scoping process about possible impacts to the adjacent areas. These efforts have now developed a significant body of scientific evidence from disinterested third parties that directly addresses many of the concerns previously raised in scoping. This science is not discussed in these comments in order to shorten the length of these comments. This research must be addressed as best available science relative to the site specific impacts of the Proposal. This research unequivocally concludes the Proposal will not create many of the impacts were raised in the scoping process, rather the Proposal will provide significant benefits for the overall health of the Tenderfoot Mountain area.

The Organizations believe that credibility can no longer be given to comments opposing to the Proposal, when many of these comments do not accurately assess the impacts of the Proposal. Any assertion contradicting the extensive scientific research that has been conducted in this round of comments must rely on site specific scientific evidence to the contrary. The bar has been elevated in

the EA and naked opposition no longer clears that hurdle. The Organizations believe the conclusions of this scientific research must be properly weighted when compared to on-going and unsubstantiated concerns that may have been raised in scoping.

The Organizations must note that anytime **possible** impacts from recreation have been raised in scientific research in other plans and projects, the Forest Service is compelled to address them. The Organizations are intimately familiar with the early management of the lynx, where concerns about recreational impacts were highly theoretical, and the Forest Service was compelled to address these theoretical concerns in planning. The converse of this situation is now being presented, as the research finds there is no impact. Failure to proceed with the Proposal based on a scientific concern could be viewed as arbitrary and clearly negatively impact the strong partner relations that this Proposal has created between the Dillon Ranger District and SCORR. Such a result would be an unfortunate end result of the Proposal.

2a. The Proposal will monitor a highly law abiding user group on public lands.

The Proposal provides a significant number of ongoing monitoring tools for possible areas of concern, such as Stay the Trail Ambassadors addressing maintenance issues with SCORR, the Statewide OHV construction crew, the Friends of Dillon Ranger District and FPO's working with the Dillon district. It has been the Organizations experience that these types of monitoring programs are highly effective in mitigating impacts and being user groups together to address any issues. This confidence is further supported by recently published research that specifically concludes that OHV recreational users of public lands are highly law abiding users of these lands.

In addition to the ongoing monitoring of compliance under the Proposal, the recently released preliminary findings of the CPW law enforcement pilot and other OHV law enforcement projects give the Organizations great optimism that

the Proposal will be a success in the long term. The CPW law enforcement pilot program was developed to address alleged law enforcement concerns always asserted to be surrounding OHV recreation. This Pilot was developed in partnership with the Forest Service and Bureau of Land Management and is providing some of the first concrete information regarding law enforcement concerns involving OHV recreation. The CPW program has released 2011 research findings, which are enclosed with these comments. The Organizations are not able to provide 2012 findings at this time. These findings are to be published in the near future and will be forwarded as an addendum to these comments when released by CPW.

The OHV law enforcement pilot program was created to address assertions of a compelling need to stop resource damage from OHV misuse at locations identified as violation "hotspots" by those seeking to limit public access to public lands. While the Tenderfoot Mountain area was not identified as a hotspot for targeted enforcement, the Organizations believe these findings remain highly relevant to this discussion. The law enforcement pilot program deployed additional trained professional law enforcement officers, funded by funds from the OHV registration funds, at these "hotspots" during heavy usage times to supplement existing law enforcement resources in these areas. As part of the pilot, the additional officers we required to keep logs of all of their contacts for reporting purposes.

The findings of this pilot clearly identify that these "hotspots" for OHV violations were anything but "hotspots". Over the 2011 summer, officers involved in the pilot program contacted over 10,000 people of the 160,000 registered OHVs in Colorado, creating an astoundingly large sampling. This pilot program found that less than 5% of riders committed any violations. The overwhelming percentage of these violations were people not registering their OHV. **Only 1.5% of contacts involved activities, other than failing to register OHVs, where the officer found the activity serious enough to warrant the issuance of a citation.**

The findings of the 2011 OHV Law Enforcement Pilot are supported by additional law enforcement activities that have occurred on more localized levels. The Alpine Ranger program in the Durango area has undertaken similar OHV related law enforcement research and has released final conclusions for their work in 2011. This program contacted 4429 people over the summer and issued only 12 tickets, which translates to .2% of contacts made being cited. A copy of these conclusions has been included with these comments for your review and analysis as these conclusions have only been recently released.

The Organizations believe the conclusions of this groundbreaking research are highly relevant here and will provide a high degree of comfort to those with concerns about law enforcement and the Proposal. These conclusions also further minimize any concerns that might have been raised regarding the recreational activities in the area, after the Proposal has been fully implemented.

2b. Forest Service research indicates OHV recreation is a family based recreational activity.

The Organizations believe that a brief discussion of what an OHV recreational user is will create additional support for the Proposal and minimize concerns about possible negative impacts to the area. Forest Service research indicates that families are the largest group of OHV users. This research found that almost 50% of users were over 30 years of age and highly educated. 11.4% of OHV users are 51 years of age or older. ¹ Women were a large portion of those participating in OHV recreational activities. ² This research indicates that OHV recreationalists are frequently a broad spectrum outdoor enthusiasts, meaning they may be using their OHV for recreation one weekend but the next weekend they will be walking

¹ 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.

² *Id* at pg 56.

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%).³

The Organizations believe the highly diverse recreational interests of OHV users aid in compliance with usage restrictions. OHV users are highly familiar with possible impacts to other usages of public lands, as these OHV users frequently use the same area for many different recreational activities and could be a member of another user groups the following weekend. The Organizations believe this user group is a highly responsible and highly sensitive user group that is more than willing to comply with usage regulations and possible concerns of other user groups.

3a. A complete range of local property owner concerns are not accurately reflected in many "community" objections.

The Organizations have to note that possible impacts to adjacent property owners have been raised in scoping. While these concerns have been directly addressed with scientific research, the veracity of these concerns is concerning after another question is raised. Clearly many of these properties were purchased well prior to implementation of the recent White River Travel plan. If the experience on these properties was so bad prior to the implementation of the WRF TMP, why were they purchased?

The Organizations must note that many property owners view motorized access to adjacent Forest Service lands as a significant **benefit** to ownership of the property. The large turnout of supporters of the Proposal at Forest Service meetings, local planning meetings and County Commissioners meetings directly evidences support for the Proposal in the Community. This relationship is not limited to the Proposal area. The Organizations have been contacted by several property owners in the area to this effect. These property owners were vigorously encouraged to submit comments to this effect. These concerns about

³ *Id* at pg 41-43.

a lack of motorized access to adjacent public lands are entirely consistent with the experiences of the Organizations in handling numerous land management decisions throughout the State.

The Organizations have to note that the EA references several comments addressing the suitability of Tenderfoot Mountain for possible federal Wilderness designation. The Organizations have been very involved in the various Wilderness discussions that always seem to involve Summit County. The Organization support the position noted in the EA that the Tenderfoot Mountain area is facially ineligible for Wilderness designation due to the historical usage, small size and activities in the vicinity of the area. Wilderness is simply not the answer for management of any more federal public lands.

3b. Consistency with Forest Plan.

The Organizations have been heavily involved in the recent WRF planning activities, which have resulted in a plan that is reasonably up to date Resource and Travel Plans which were developed with significant community involvement on large scale issues regarding public access. During the development of the RMP, there was little opposition to the Tenderfoot Mountain area remaining open for motorized access. The guidance of the RMP should not be overlooked as significant effort has gone into its development. Planning area is currently managed as 5.41. Under the WRF LRMP this management standard is applied as follows:

"Guideline 1. Restrict recreation activities that would disturb deer and elk during winter and spring periods."⁴

The Organizations believe there was a significantly larger cross section of public comment and input received in the development of the RMP, and as a result comments from a single group were balanced with the voices of many. As a

⁴ 2002 White River National Forest - Land and Resource Management Plan at pg 3-58.

result the RMP provides better guidance for the management of the Tenderfoot Mountain area than the small vocal opposition to the Proposal. The Proposal is entirely consistent with the RMP.

The Organizations must also note that the restoration of public lands, which is the primary activity under the Proposal is completely consistent with numerous other RMP standards as noted in the EA. As previously discussed in these comments, the scope of restoration in the Proposal more than doubles the amount of trail to be built.

3c. Multiple usage forest management requirements.

Pursuant to the Multiple Use Sustained Yield Act and the Federal Land Policy and Management Act, and other federal laws, the Forest Service operates under multiple use mandates. These statutes require that no single use be given a higher priority for planning and usage of public lands. There have been significant closures of motorized routes across the White River National Forest, including the Tenderfoot Mountain area for a variety of reasons under the recently released White River Forests travel management decision. The Tenderfoot proposal was a multiple year project that was occurring even as the TMP was released and was designed to address these short term multiple use issues. These closures have resulted in a need to expand access for single track multiple use trails on the White River National Forest to satisfy multiple use principals under federal law.

While recent closures of routes has been very visible, travel management is a fluid and ongoing process that is governed by multiple use mandates, and governs the development and implementation of trail projects as well as closures. The Organizations believe this Proposal is a good balance of Summit County concerns and Federal land management requirements for the Tenderfoot Mountain area, when the management of this area is reviewed for a longer period of time. This Proposal does not significantly impact the overall trends in this area.

As a result of the closure of almost all multiple use single track trails on Tenderfoot Mountain, only a small distance of single track multiple use trail remains on this portion of the White River National Forest. This recreational opportunity is found in the Golden Horseshoe area of the Dillon Ranger District.

Given the serious limitation on single track multiple use trails in the Dillon area, this would appear to be a possible violation of multiple use mandates the Forest Service must comply with in managing public lands. The Proposal adds 13 miles of new single track trails and brings an additional 8 miles of existing routes in the planning area to a long term sustainable level and decommissions another 22 miles of routes. These trails would provide a multiple use single track opportunity that does not alter the significant reduction in the number of routes in the Tenderfoot Mountain area and the White River National Forest as a whole.

4a. Local planning ordinances require "differentiation motorized uses where possible and appropriate" in the Tenderfoot area.

The Summit County Snake River Development planning documents ("Snake River Plan") are often unclear or poorly defined in several areas, complicating implementation of any proposed Federal management of the Tenderfoot area. The Proposal takes a reasonable and balanced view of management of all issues where terms are not defined or the Summit County statute applies standards in a manner that is not implementable under Forest Service standards. The Organizations must note that while the Snake River regulations certainly must be taken into account in developing the Proposal, these local regulations are an insufficient basis to alter the Federal statutory requirements for management of public lands, which the Forest Service must comply with.

Many opposing the Proposal assert the Summit County Snake River Development Plan prohibits motorized access to the Tenderfoot Mountain area. **This position simply is not an accurate review of the Summit County planning documents,**

which are clear on the management of this area. The Snake River Plan specifically states the standard for the Tenderfoot Mountain area as:

"Policy/Action 2. Differentiate and separate motorized and non-motorized use on trails where possible and appropriate. Specific locations may include: Tenderfoot Mountain"⁵

Managing motorized usage "where possible and appropriate" is SIGNIFICANTLY different than a complete prohibition of that usage in the Tenderfoot area. The Organizations believe an accurate summary of what the Snake River Plan says is key to the development of any management plan in conformity with the Plan.

4b. The Proposal is a significant step towards many standards provided in local planning documents.

The Organizations will briefly highlight several of the issues where the Proposal is completely in conformity with the Snake River planning documents. One of the primary objectives and goals of the Snake River Plan is:

"The Basin's tremendous natural resources, including its spectacular vistas, diverse wildlife and ecosystems, pristine air and water quality are preserved and enhanced."⁶

As specifically identified in the EA and these comments, the Proposal makes significant steps towards preserving and enhancing diverse wildlife and ecosystems. The Snake River Plan also specifies:

"Policy/Action 1. Develop management prescriptions to protect high quality wetlands in the Basin....."

Goal E. Improve the quality and quantity of water within the Basin. "⁷

⁵ Summit County Snake River Master Plan January 21, 2010 at pg 48.

⁶ Summit County Snake River Master Plan January 21, 2010 at pg 10.

Under the Proposal there are extensive restoration activities of Tenderfoot Mountain area to be undertaken and the restoration activities will create significant benefits for wetlands and the quantity and quality of water in the basin. The Snake River Plan also requires:

"Policy/Action 3. Development in important wildlife movement corridors (i.e. the Jones Gulch/Montezuma area) should be avoided to the maximum extent possible."

Again, the Organizations vigorously assert the Proposal is fully in compliance with this standard and represents a significant improvement over current levels of development and quality wildlife habitat in the Proposal area. The Snake River Plan requires :

"Goal Q. Work with appropriate entities to enhance trail and recreational opportunities within the Basin."⁸

Again the Organizations believe the addition of these multiple use trails and associated trailhead facilities is a significant improvement over existing usage of the Tenderfoot Mountain area. The Snake River Plan also includes the Tenderfoot Mountain specific goal of:

"Goal O. Sustainably plan and manage access points to National Forest System lands in the Tenderfoot Mountain Area to provide for and accommodate recreational opportunities aligned with the Significant Summer and Winter Routes maps."⁹

⁷ Summit County Snake River Master Plan January 21, 2010 at pg 39.

⁸ Summit County Snake River Master Plan January 21, 2010 at pg 50.

⁹ Summit County Snake River Master Plan January 21, 2010 at pg 49.

As specifically outlined in the EA, all access and routes in the Proposal are multiple use trails and trailheads, which will benefit all users of the area. While those that are opposing the Proposal, would seek to summarize the Proposal as contrary to the Snake River Plan, this is not an accurate summary of either document. As noted above the Proposal furthers numerous objectives and goals that are identified by the Snake River Plan.

4b. The Proposal provides higher levels of protection on several issues than required under local planning documents.

For several issues, the Proposal provides higher levels of protection than required in the Snake River Plan. The Snake River Plan requires several routes remain open year round for full sized motorized and ATV use during the hunting season. The Forest Service determined this access would negatively impact wildlife in the area and has placed a seasonal closure on all motorized routes to insure protection of this wildlife in winter range and during sensitive calving periods. The Snake River Plan provides:

"Limit public motorized recreational uses to: 1) full-sized licensed vehicles; and 2) ATVs exclusively during the designated hunting season according to US Forest Service Regulations." ¹⁰

Implementation of this standard is significantly complicated as the term "designated hunting season according to US Forest Service Regulations " is not defined in the Snake River Plan. The Organizations are not aware of any hunting season that is defined under US Forest Service regulations. The Organizations would be vigorously opposed to any attempt to define hunting seasons in travel planning as this would be a violation of numerous statutes and regulations that have a long history and create significant frustration of hunters and other users of the area.

¹⁰ Summit County Snake River Master Plan January 21, 2010 at pg 49.

In Colorado, Colorado Parks and Wildlife has always retained primary jurisdiction to establish hunting seasons. Compliance with the Snake River Plan would require year round access to Tenderfoot Mountain, as the CPW has year-long hunting seasons for numerous animals in the Tenderfoot area, such as small game and several types of birds. The CPW also provides for a long period of big game hunting beginning with muzzleloading and bow seasons starting in August and running through youth rifle hunts ending December 31 for big game. The Forest Service has determined that motorized access for all these hunting seasons would negatively impact wildlife, and has seasonally closed all routes to insure protection of wildlife providing higher levels of wildlife protection than mandated by the Snake River Plan.

Based on wildlife concerns in the Proposal area, Forest Service planners have determined that these routes being open year round would pose a significant threat to elk wintering in the area. As a result of these concerns, seasonal closures of **ALL** routes is required under the Proposal to mitigate possible impacts to Wildlife. The Organizations have to believe these seasonal closures will be highly effective as routes in the area frequently receive significant snowfall and quickly become impassable to OHVs.

4d. The Snake River plan conflicts with Forest Service regulations.

A review of the Snake River Plan finds many of the standards proposed for management of the Tenderfoot area that are wholly inconsistent with Forest Service guidelines and requirements for Federal Travel Management. The Snake River Plan speaks to a goal of prohibiting all "off road" motorized recreation in Tenderfoot.¹¹ The Snake River Plan then seeks to allow ATV and full size use in the Tenderfoot area.¹² The Organizations submit that compliance with these two directly contradictory standards is simply impossible.

¹¹ Summit County Snake River Master Plan Goal O/ Action 1 at pg 49.

¹² Summit County Snake River Master Plan January 21, 2010 at pg 49.

While the Snake River Plan speaks to road usage, the Snake River Plan never addresses trail usage. Forest Service Travel Management requires significantly different management of forest service roads and forest service trails for basic design, maintenance and access purposes. Often this distinction is **critical** for planning, such as motorized access to Roadless areas. However, many times users are not able to tell the difference between a high clearance forest service road and a Forest Service trail that is over 50 inches wide. While the term off road is used in the Snake River Plan, it is unclear how this term is intended to address forest service trails or Forest Service roads that are managed under lower maintenance standards.

This implementation of this requirement is significantly complicated by the fact that the term "off road" motorized recreation is simply never defined. The Forest Service regulates "off highway" vehicles, which is a very large group of vehicles that would include ATVs, side by sides and could include many full size vehicles that are operating on trails with a CPW OHV trail permit. The CPW issues OHV trail usage permits to any ATV, motorcycle or full size using designated routes on federal public lands. It appears the planning document wishes to restrict certain types of vehicles, while allowing others. This usage is simply never defined which precludes compliance.

The large categories of "off highway" vehicles that are registered by the CPW and addressed by the Forest Service regulation is a direct result of the rather blurry distinctions between these groups of vehicles. Frequently, side by side ATVs are longer, wider and more powerful than traditional jeeps and pickups that were the primary off road vehicle 20 years ago. Difficulty in distinguishing these vehicle classes, has resulted in management of these vehicles under a single large standard in order to achieve some level of consistency in enforcement.

To further complicate this standard the Snake River Plan requires the Forest Service to take appropriate actions to implement restrictions for off-road

motorized uses on Tenderfoot Mountain during summer and winter.¹³ These provisions simply have no flexibility to allow hunting access, as previous sections of the Snake River Plan require. The Organizations are not sure how implementation of a standard that requires prohibitions of motorized recreation while preserving motorized recreation for hunting would work.

The definition of "off road" motorized recreation is further complicated as registration of off highway and dual sport motorcycles as motor vehicles is allowed by the Colorado Division of Revenue under Colorado statutes.¹⁴ Numerous other states allow full registration of off-highway vehicles for road usage, and under current case law in Colorado, these motor vehicles are allowed full access to Colorado roads. The Planning statute is unclear how these out of state registrations and off highway motorcycles that have been registered pursuant to Department of Revenue guidelines are to be treated under the off road definition.

As a result of these inconsistencies and conflicts, the Forest Service had to develop a more consistent plan for the management of the Tenderfoot area, that could be effectively implemented. The Organizations vigorously assert that the Proposal provides a far more enforceable plan for the management of the Tenderfoot Mountain area, when compared to other management recommendations for the area.

5. Third party research conclusively indicates sound levels will not change on properties adjacent to the Proposal.

Sound levels from usage of areas adjacent to private property abutting the Tenderfoot area has caused significant conflict between users previously. Allowing these conflicts to return as part of the Proposal is simply not an option the Organizations are willing to accept as part of the Proposal. The EA identifies

¹³ Summit County Snake River Master Plan Goal O/ Action 2 at pg 49

¹⁴ Colorado Department of Revenue form DR-2704.

the extensive third party research that has been performed to insure these conflicts do not return with the trail network in the Proposal. This research gives the Organizations significant comfort with the Proposal and allows a defensible proposal for those opposing it based on sound concerns that have been proven to be from other sources. This research must be properly weighted and allow the Proposal to move forward.

In addition to the research which finds no sound level concerns from the Proposal, the Organizations note the EA raises a VERY valid question regarding credibility of any concerns regarding the location of properties and sound from the Proposal. Given the proximity of these properties to US 6 and I-70 the Organizations believe that any concerns regarding sound and need for quiet uses lacks factual and rational basis as US 6 and I70 have **always** been the major sources of sound in this area and are not being impacted by the Proposal. The Organizations believe many of these properties were purchased well before the release of the recent WRF TMP. At this time it is uncontested that there were sound issues with recreational usage of certain portions of the Tenderfoot Mountain area, which are not being reopened in the Proposal. Despite these uncontested impacts from usage the properties were still purchased.

Purchase of a property with this proximity to major interstates in an attempt to seek quiet usage would seem to be illogical given the large number of remote properties that are currently available to actually obtain a quiet usage. Of course these properties are far more difficult to access and to not provide easy access to services that properties in the Tenderfoot Mountain area provide.

6a. The quantity and quality of wildlife habitat will improve under the Proposal.

Many concerns have been raised in scoping regarding possible impacts to wildlife that could result from the Proposal. Again, the Organizations have to believe this opposition is based on a misunderstanding of the Proposal as the remediation of existing habitat issues will clearly improve the quality and quantity of wildlife

habitat in the area. The Organizations believe the seasonal closures of routes in the Proposal area provides more than sufficient protection for wildlife in the area.

The Organizations believe these wildlife concerns are based on a lack of awareness of the levels of analysis and research that has been conducted in the development of the EA to insure that wildlife impacts do not result from implementation of the Proposal. The Organizations must note that previous levels of usage of the Tenderfoot Mountain area were insufficient to force various species to stop using the area as habitat. Again the Proposal is not returning usage of the area to levels prior to implementation of the TMP, but rather mitigates many of the routes in the area to result in a significant improvement of habitat after implementation of the Proposal. This provides a significant margin of error for the Proposal moving forward.

An additional margin of protection for wildlife concerns is obtained when comparing these concerns to scientific research. The Proposal properly notes that ALL human activity, including hiking and biking, impacts wildlife to some degree.¹⁵ Research has consistently concluded that wildlife displays the largest response to people walking with an unleashed dog.¹⁶ Researchers have specifically concluded that elk move away from dispersed hunting pressure and hunters without regard to the number of roads open to motorized recreation in the area. This research specifically summarized these findings as follows:

“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

¹⁵ EA at pg 3-177

¹⁶ http://www.fws.gov/northeast/greatmeadows/pdf/FAQ_Dogs.pdf

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.”¹⁷

Elk response to dispersed hunting pressure results in movement off public lands to private lands as hunter activity on public lands increases. Studies addressing elk herds inhabiting the adjacent federal lands to the Proposal area have specifically concluded that:

“We used the difference in the model averaged predicted proportion of elk on private land immediately before and after opening day to estimate the direct effect of opening day of hunting. Elk on private land increased 8-17% at the opening of early season hunting.”¹⁸

The Organizations must address the results of a study that is frequently incorrectly summarized to support a position that motorized recreation has a negative impact on elk. Those opposing motorized access frequently rely on a partial summary of a study performed by Scott Creel and others for the position that motorized recreation results in increased levels glucocorticoid stress response. The Organizations do not contest this research shows an increase in glucocorticoid stress. However, stopping the discussion with these findings would not be an accurate summary of the work, as this work specifically concludes:

"Despite these stress responses, there was no evidence that current levels of snowmobile activity are affecting the population dynamics of either species"¹⁹

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

¹⁸ Connor, White & Freddy; *Elk Movement in response to early-season hunting in Northwest Colorado*; The Journal of Wildlife Management; Volume 65, Number 4; October 2001 @ pg 933.

¹⁹ Creel et al; *Snowmobile Activity and Glucocorticoid Stress responses to wolves and elk*; Conservation Biology; June 2002 809-814 at pg 809.

The Organizations must note that if possible wildlife impacts were truly the concern, all usage of the area would be sought to be precluded. That simply is not the position being taken by anyone commenting on the use of the area. The Proposal has undertaken significant research to minimize any impacts from routes in the area, and balanced the multiple usage of the area with wildlife needs.

6b. The Proposals lynx management decisions provides additional protection for the species.

The Organizations must note that the EA accurately states that previous research by the Forest Service has directly concluded that recreational activity has little to no impact on the lynx. The Organizations also note that the Proposal has removed a significant loop opportunity from earlier versions of the Proposal to provide an additional level of protection for lynx habitat. While the Organizations completely understand the desire of the developers of the Proposal to create a Proposal that was objection free and very cautious, the Organizations must note this removal of proposed trails was not science based.

The Organizations are vigorously opposed to the removal of any additional trails that was not based on best available science and specific analysis of the planning area. There is a long history of cautious planning by the Agency to avoid theoretical wildlife concerns voiced in research. Under the Proposal, research has concluded there is very minimal risk to wildlife and failing to move forward in reliance on this research could be viewed as arbitrary and complicate relations between user groups and agency personnel in the future. That would be truly unfortunate.

7. Water quality issues in the planning area are not related to OHV recreation.

Numerous concerns have been raised regarding water quality impacts from the Proposal. Organizations are very concerned with possible impacts to water quality in the area given that most streams and rivers in the area are sources of municipal water supplies and provide exceptional fishing opportunities. Again the

Organizations have to note the mitigation of impacts currently existing in the planning area will be a significant step forward in providing additional protection of watersheds.

The Organizations gain additional comfort with the Proposal as EPA research indicates major concerns with sedimentation and other water quality issues in the planning area are not related to OHV recreation, even prior to mitigation of conditions in the Planning area. EPA research has determined the primary sediment source in Straight creek is I-70. This research specifically states:

"The two main sources of sediment are the wash-off of applied traction sand, and erosion of the cut and fill slopes of the I-70 approach to the Tunnel. Relatively small contributions of sediment come from ambient loading of the surrounding watershed.... The control of sedimentation from the cut and fill slopes of I-70 will be accomplished by revegetation. Properly maintained sedimentation basins, and use of appropriate procedures and BMP's in the application and removal of traction sand will control this sediment contribution. Controlling these sources of sedimentation into Straight Creek should let the stream achieve an unimpaired aquatic life use."

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The EPA report notes that annually 10,244 tons of sand are applied to I70 for traction purposes.²¹ Given the scale of traction sand application, the Organizations believe any concerns regarding trails in the Proposal is accurately summarized as minimal.

EPA research again indicates that water quality concerns in the Snake River, which is adjacent to the planning area, is dissolved mineral levels from previous mining activities.²² While the Proposal will be mitigating impacts in the planning area,

²⁰ US EPA report; June 2000; *Total Maximum Daily Load Assessment - Straight Creek- Summit County Colorado* at pg 4.

²¹ Id at pg 16.

²² US EPA Report; August 2008; *Total Maximum Daily Load Assessment- Snake River and Peru Creek- Summit County Colorado* at pg 2.

additional comfort for the Organizations is obtained after reviewing research which again indicates major water quality impacts are not related to recreation.

8. Conclusion

The Organizations vigorously support the Proposal. After a complete review of the Proposal, it is clear this is a large restoration project that creates a small number of trail. The Organizations find it hard to believe there can be meritorious opposition to a private organization partnering with the Forest Service to undertake a large restoration project. The Proposal will benefit wildlife habitat, create multiple use trails, additional mileage of non-motorized trails and provide a higher quality recreational experience for all recreational users in the area in compliance with local zoning regulations. The Organizations believe the weight of scientific evidence concludes this restoration project will significantly improve the recreational experience of all users of the Tenderfoot Mountain area.

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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