



December 20, 2013

Public Comment Processing
Attn: FWS-R6-ES-2013-0101
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive
MS 2042-PDM;
Arlington, VA 22203

RE: Canada Lynx critical habitat designation and DPS Boundary
FWS-R6-ES-2013-0101;4500030114

Dear Sirs:

Please accept this correspondence as the comments of the above organizations supporting the exclusion of the Southern Rocky Mountain areas as critical habitat for the lynx and identifying the economic contributions of recreational usage of these areas to local communities. The Organizations vigorously support the decision to exclude the Southern Rockies area from designation as a critical habitat area for the lynx species survival. There is a significant body of evidence that concludes this area is an island of habitat that has no contact with the rest of the North American lynx population, and as a result this area will not be able to interact with the rest of the North American lynx population or aid in the long term survival of the species.

Prior to addressing the specific concerns of the habitat designations, a brief summary of each Organization is needed. COHVCO is a grassroots advocacy organization representing the more than 150,000 registered OHV users 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.

CSA was founded in 1970 to unite winter motorized recreationists across the state to enjoy their passion. CSA is the voice of the 25,000 registered snowmobile enthusiasts throughout the state of Colorado. CSA has also become the voice of organized snowmobiling seeking to **advance, promote and preserve the sport of snowmobiling** through work with Federal and state land management agencies and local, state and federal legislators **telling the truth** about our sport.

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. Throughout these comments CSA, COHVCO and TPA will be collectively referred to as “The Organizations”.

1a. The Southern Rocky Mountain areas have been properly determined to be non-essential to the survival of the lynx.

For purposes of this section, the Organizations are referring to the Southern Rocky Mountains as the areas occupied by reintroduced lynx within the boundary areas of Colorado, Southern Wyoming and northern New Mexico. The Organizations vigorously support the exclusion of these areas from designation as critical habitat, given the lack of connectivity of these areas to other habitat areas that are critical to the survival of the species, and the generally poor overall quality of the habitat. Poor habitat quality of the Southern Rockies area is reflected by the large comparative home range of lynx in this area when compared to the size of home ranges in other core habitats. The Organizations would note that significant portions of the habitat areas in Colorado are probably going to further degrade as the timber sales necessary to create multi-story forests in Colorado simply have not occurred, often based on the erroneous position that the 2000 LCAS properly determined that timber sales would impair the quality of

the habitat. As extensively outlined in this listing decision, timber sales and harvesting significantly contribute to the overall health of habitat.

While lynx are highly mobile under certain circumstances, such as limited food periods, there is no evidence of lynx successfully traveling from critical habitat areas in the Northern United States to the Southern Rocky Mountain areas. Reintroduction of a comparatively large number of radio collared lynx in Colorado did not result in any lynx rejoining their Northern populations despite several lynx travelling exceptionally long distances in search of habitat. This is a situation where even an abnormally high population pressure on the habitat was insufficient to induce a successful contact between the Southern Rockies areas and more northern habitat areas. If this connection cannot be made under these types of pressures, natural pressures clearly will not result in a connection.

The limited contact that the Southern Rocky Mountain population has to the northern core population areas along the Canadian border further mitigates the ability of the area to be valuable to the conservation of the species. As specifically stated in the listing decision, the Southern Rocky Mountain area is geographically isolated and has very weak connections to other habitat areas, none of which are designated as critical. The Organizations would note that none of the lynx that were reintroduced into Colorado were able to migrate back to the northern habitat areas, despite several of the lynx heading directly for these areas.

1b. Wolverine reintroduction determinations should align with lynx decisions given the similarity of many traits between the species.

The Organizations have been heavily involved in the stakeholder meetings regarding the possible reintroduction of the Wolverine in Colorado and as a result are intimately aware of the close relationship that the lynx and wolverine have had in the western united states. This similarity in management history is based on the large home ranges of each species, each species affinity for snow and similarity of habitat needs. It is also well established that wolverine will travel significantly further in search of new habitat areas than a lynx will travel. Even with the wolverines significantly superior ability to travel over long distances in comparison to the lynx, only one Wolverine (M56) has been able to connect to the Southern Rockies area from the Yellowstone and more northern rocky mountain habitat areas. This speaks volumes to the probability of a lynx making a similar journey, they are basically non-existent.

The Organizations are aware that the USFWS has recently proposed to management the Wolverine in Colorado under a experimental non-essential population designation pursuant to ESA §10j. Given that the Wolverine in Southern Rocky Mountain has already been found to be non-essential for the survival of the population due to the isolation of the area, any finding that lynx in this area are essential to the survival of the species would not be supported by best available science, given the significantly larger distances that wolverine are able to travel to connect with other habitat area.

1c. CPW determined reintroduction was a success and lands in the Colorado area are at or above lynx carrying capacity.

The Organizations would also note that the Colorado Division of Parks and Wildlife recently declared the lynx reintroduction a success.¹ Clearly the effective reintroduction of the lynx in Colorado is insufficient to delist the lynx, the effectiveness of the state management of the species in this area mitigates any benefits for the lynx that could be derived from a possible critical habitat designation in the Southern Rockies area. The Organizations would note that while this reintroduction has been a painful process for many user groups, the reintroduction has also been a large source of credible information regarding the management of the species. Failing to manage according to this information, most of which directly contradicts the 2000 LCAS would simply compound the frustration of users and limit public support for the management of other species in Colorado, such as the Wolverine.

2. The updated version of the 2013 Lynx conservation assessment strategy must be publicly disseminated.

The Organizations are thrilled that a new Lynx Conservation Assessment Strategy has been prepared, as the 2000 version of this document was highly theoretical and repeatedly states many of the management standards should be updated based on new research. While much of the research that has occurred has not supported many of the restrictions that were proposed in the 2000 LCAS, the 2000 LCAS remains the management standard for lynx habitat from many planning actions in Colorado. The Organizations have participated in numerous site specific planning initiatives, where lynx habitat issues were erroneously relied on to preclude trail development and maintenance. The Organizations are optimistic that a new LCAS would reflect the minimal impacts of recreational activity on the lynx with a new level of clarity, and directly rebut much of the 2000 LCAS.

¹ <http://wildlife.state.co.us/Research/Mammal/Lynx/Pages/Lynx.aspx>

The Organizations believe it is critical to release this document to avoid any more theoretical planning that negatively impacts the lynx to move forward and allow land managers to accurately incorporate this new information into current land management proposals and avoid having to clarify these plans every time a management issue is addressed in lynx areas. This situation has become even more frustrating recently as CSA has been an active supporter of research in Colorado with the Research Station into the possible impacts of recreational usage of habitat areas. CSA is aware that this research has almost conclusively determined that recreational activity has little to no impact on lynx in the vicinity of the recreational activity.

The Organizations are exceptionally concerned that the new LCAS management standards be immediately released so they may be accurately and properly reflected in the 7 land management plans that are currently in draft or appeal stages of development in Colorado. The Organizations expect much of the 2013 LCAS management and research to specifically contradict previous management positions that were taken based on a critical gap in analysis at the time the 2000 LCAS was developed. The inclusion of the most up to date management in these RMP will avoid creating an ongoing concern with lynx issues in timber sales, summer trail usage proposals and winter recreational activities in general. If these management standards are not included in these RMP these standards will need to be specifically addressed in each subsequent site specific plan to address why the management direction in the RMP has not been followed. The Organizations vigorously assert dealing with these new management standards in a site by site manner will be exceptionally expensive and will probably be less than effective based on the failure of numerous plans to adopt SRLA management standards when those were released.

The critical need to incorporate up to date management standards is also specifically found in smaller planning activities than the numerous RMP revisions that are currently under way in Colorado as was recently exemplified in a timber sale in the Piney Area of the White River National Forest.² This timber sale has been more than cut in half since the beginning of the NEPA process in order to mitigate possible lynx issues with timber sales that were incorrectly addressed in the 2000 LCAS. This sale was further complicated by the belief that closures of the area to recreational usage were necessary after the fuels mitigation was completed to insure

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snow compaction standards were complied with. Snow compaction concerns were vigorously opposed by CSA as the area was already being ridden in the winter and the removal of dead trees increased the safety of recreational users.

While the Organizations welcome the 2013 LCAS, the Organizations are frustrated that this document is not locatable on the internet and has not been provided to the Organizations despite several requests to both the contact person in the listing decision and personal contacts with the USFWS in Montana. This document must be made generally available in order for it to be accurately incorporated into the final versions of the numerous land management plans in Colorado and the significant role the document plays in the current listing decision. The level of clarity of the management standards for any area to be designated critical habitat will play a large role in the ability of any organization to support and analyze the designation of the habitat areas and any economic impacts that might result.

3a. Trail based recreation is an economic mainstay for many local Colorado economies.

Many small communities in the vicinity of designated critical habitat are heavily dependent on recreational activities and tourism for survival of the community, after more traditional income sources like the mining and timber industries have left these areas. US Forest Service research indicates that a multiple usage trail network is an effective tool for the development and maintenance of local economies. This research specifically concluded:

"Recreation and tourism economies are the mainstay for rural counties with high percentages of public land. Actions by public agencies to reduce or limit access to for recreation have a direct impact on local pocket books. Limiting access by closing roads, campgrounds, RV parking, and trails for all or one special interests group will impact surrounding communities. Visitors to public lands utilize nearby communities for food, lodging and support facilities."³

While the development of a recreational trail network can be a significant benefit to local communities, the converse of this is also true as the loss of an existing recreational trail network can create significant negative economic impacts. The scope of losses from large route closures has been the basis for several studies. The findings of this research are consistent with the concerns regarding closures of routes voiced in these comments. **In 1999 a joint study of University of Wyoming and US Department of Agriculture found that 72% of economic**

³ Humston et al; USFS Office of Rural Development; *Jobs, Economic Development and Sustainable Communities Strategizing Policy Needs and Program Delivery for Rural California*; February 2010 at pgs 51-52

benefits from winter recreation would be lost with a seasonal closure of the Yellowstone Park to motorized recreation.⁴ The high levels of economic impact to communities from closures is the result of the wide range of user groups that use a trail network to obtain their primary recreational experience. The Organizations vigorously believe large scale closures in habitat areas would have a similar impact on the local communities as those experienced by the communities adjacent to Yellowstone Park. These must be avoided.

3b. Dispersed trails and roads are multiple use recreational resources.

The Organizations believe that a brief discussion of what an OHV recreational user is will clarify why multiple use trails are of such concern when addressing economic impacts. 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.⁵ Women were a large portion of those participating in OHV recreational activities.⁶ 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 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%).⁷

USFWS research indicates motorized access to public lands is a key component of any recreational activity and management of this method of access will impact many other usages than those specifically identified as motorized. The Organizations would note that USFWS research in Colorado indicates that over 75% of the revenue that is derived from wildlife watching in the State is the result of the purchase and use of motorized equipment such as trucks, campers and atvs.⁸ This is completely consistent with the Organizations experiences for all recreational activities as most users do not have access to non-motorized means of game retrieval or do not have sufficient time to hike long distances to gain access to their favorite fishing hole or dispersed camping site. The wide range of recreation utilizing the dispersed trail

⁴ David Taylor; *Economic Importance of the Winter Season to Park County Wyoming*; University of Wyoming Press; 1999 @ pg 2.

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 *Id* at pg 56.

⁷ *Id* at pg 41-43.

⁸ US Fish & Wildlife Service; *2006 National Survey of Fishing, Hunting and Wildlife-Associated Recreation – Colorado*; at pg 40.

network again weighs heavily in favor of in maintaining recreational access to areas that are to be designated habitat.

Given the significant economic contributions to all forms of recreational usage of habitat areas, the Organizations believe this analysis must weigh heavily against the designation of modeled but unoccupied areas for the lynx. As the lynx are not using the areas, and often have not used the area for extended periods of time, the negative economic impacts from the loss of motorized access to these areas has to outweigh any possible benefit to the lynx.

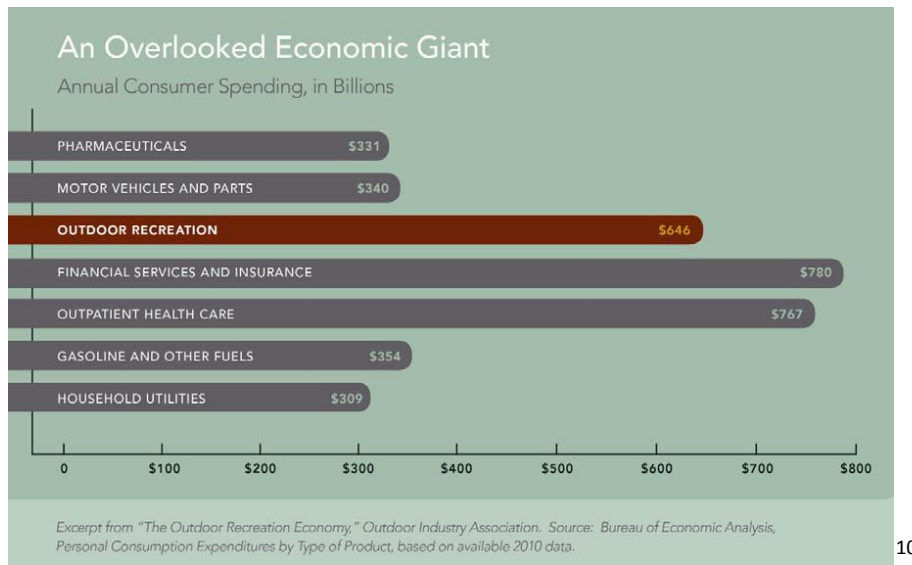
4a. Recently released research from the Western Governors Association finds recreational activity on public lands is largest economic contributor to western states.

In 2012, the Western Governors Association released the conclusions of multiple year research regarding the economic impacts of recreation to western states economies. Given the scale of these findings, the Organizations believe recreational usage would now be added to the priority concerns identified previous by the Western Governors Association. Recreation is the largest economic contributor to western state economies from public lands, which position is summarized in the report as follows:

"The Get Out West Advisory Group identified successfully managing the West's recreation assets as a key factor in facilitating positive outdoor recreation experiences for the region's citizens and tourists and for local economic development and job creation in communities around these places."⁹

This research also compared recreational contributions to many other economic activities that were present in western states. These conclusions were summarized as follows:

⁹ Western Governors Association; *Managing the Regions Recreational Assets*; Report of the Get Out West Advisory Group to the Western Governors' Association; June 2012 - pg 1.



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The Western Governors economic impact analysis also highlighted 35 recreational opportunities throughout the western states. The overwhelming majority of these highlighted recreational locations involved the use of a dispersed trail network as part of the recreational experience. While many of these opportunities are outside areas to be designated habitat, analysis of these highlighted locations clearly evidences the critical role that the dispersed trail network plays in all recreational activities.

This research did identify other activities as larger economic contributors to western states, but these activities were not connected to public lands or small municipalities such as those impacted by the critical habitat designation. Western Colorado communities are simply not known as banking, health care or insurance centers of the western states. They are however known for their exceptional recreational opportunities. The Organizations believe these findings warrant clear management standards that properly balance economic impacts from closures with benefits to the species from the management standards. Failure to properly measure and balance all recreational interests will have profound effects on recreational access to public lands and will result in significant negative economic impacts to all communities that will do little to benefit the lynx.

The Western Governors' Association released its *Get Out West* report in conjunction with its economic impact study of recreation on public lands in the Western United States. The *Get Out*

¹⁰ Western Governors Association; *A Snapshot of the Economic Impact of Outdoor Recreation*; prepared by Outdoor Industry Foundation; June 2012 at pg 1.

West report specifically identified that proper valuation is a significant management concern as follows:

"Several managers stated that one of the biggest challenges they face is "the undervaluation of outdoor recreation" relative to other land uses."¹¹

The *Get Out West* report from the Western Governors' Association also highlighted how critical proper valuation of recreation is to the development of good management plans based on multiple use principals. The *Get Out West* report specifically found:

"Good planning not only results in better recreation opportunities, it also helps address and avoid major management challenges – such as limited funding, changing recreation types, user conflicts, and degradation of the assets. Managers with the most successfully managed recreation assets emphasized that they planned early and often. They assessed their opportunities and constraints, prioritized their assets, and defined visions."¹²

The Organizations these type of economic concerns regarding accurate inclusion of economic analysis in land management plans are mirrored in the Endangered Species listing and are compounded by the fact that Colorado has 7 RMP currently in draft or final version currently. Providing the 2013 LCAS in a timely and effective manner will minimize possible impacts to Colorado economy that could result from an erroneous reliance on out of date standards that are currently provided in these RMP.

4b. Dispersed motorized recreation contributes over \$1 billion a year to the Colorado economy.

Recreational usage of public lands is a significant portion of the Colorado economy, especially in the smaller mountain communities which have already lost more traditional sources of revenue, such as timber, farming and mining. In 2008, COHVCO commissioned an economic impact study to determine the economic impacts of OHV recreation on the Colorado economy. A copy of this economic impact study is attached for your reference. **This study found that over 1,000,000,000 dollars of positive economic impact and 10,000 jobs resulted from OHV recreation to the State**

¹¹ Western Governors Association; *Get out West Report; Managing the Regions Recreational Assets*; June 2012 at pg 3. A Copy of this report has been included with these comments as Exhibit 1.

¹² *Get Out West Report* at pg 5.

economy.¹³ Over \$100,000,000 of this economic impact were the result from motorized recreation in the winter seasons, which are often the major concern for lynx management.

In addition to this direct positive economic impact to Colorado communities, OHV recreation accounted for over \$100,000 million in tax revenue to state and local municipalities.¹⁴ These are tax revenues that motorized recreational users of the forest pay with little objection to obtain the benefits of their sport, and are used to address a wide range of needs for the local municipal government. Given current economic conditions, our Organizations believe these positive economic impact numbers must be meaningfully addressed in all government activities.

The economic contributions of motorized recreational usage of lynx habitat in Wyoming are significant as well. Wyoming State Parks recently identified that snowmobile recreation in Wyoming, most of which occurs in areas that are lynx habitat contributes \$146.8 million a year to the Wyoming economy. While the economic contributions of motorized recreational usage of other habitat areas is not specifically identified in these comments, the Organizations believe these contributions will be as equally significant to those states as has been specifically found in Colorado and Wyoming.

4c. USFS NVUM analysis further supports the significant economic contributions of motorized usage of public lands.

The Organizations believe the comparative spending profiles of recreational users must be addressed in habitat designations. As previously stated in these comments, motorized access is a key component of many recreational activities that are not specifically identified as motorized recreation. Economic impacts of habitat designations must also address that the motorized users spend on average 2-3 times the average of the non-motorized community in pursuing their chosen forms of recreation.¹⁵ It is the Organizations position that given the integral part that motorized access plays for all recreational activities and the comparatively high spending profile of the motorized community, any exclusion of motorized access in habitat areas, will have a disproportionate impact on economics. Allowing non-motorized access only will not significantly off-set the impact of such an exclusion.

5. Conclusion

The Organizations vigorously support the exclusion of the Southern Rockies geographic areas from

¹³ COHVCO Economic Impact Study- 2008; Lewis Burger Group; pg ES-5. A copy of this report is submitted with these comments.

¹⁴ *Id* at pg ES-5.

¹⁵ See; White and Stynes; *Updated Spending Profiles for National Forest Recreation Visitors by Activity*; Nov 2010 at pg 6.

designation as critical habitat, as these areas have an established history of being geographically isolated from northern core habitat areas of the lynx. As was conclusively proven during the reintroduction of the lynx in Colorado, even under abnormally high population pressures, lynx are not able to reconnect with northern core areas. Exclusion of this area as non-essential habitat for the lynx also brings the lynx management standards into conformity with wolverine habitat decisions, which also found this area to be non-essential for the survival of the Wolverine due to its geographic isolation. In addition to being geographically isolated, CPW has effectively managed these areas for the benefit of the lynx. While this management has been at times problematic for the motorized community, the designation of the area as critical habitat would exacerbate this issue rather than resolve it. Resolution of these types of conflicts is critical to the continued management of the lynx and other species in Colorado.

In addition to the exclusion of the southern rockies geographic area as critical habitat, the Organizations vigorously assert the significant economic impacts of excluding motorized recreation must be accounted for in the designation of critical habitat to be in compliance with federal law. These economic contributions are significant and would impact many other recreational activities beyond those traditionally identified as motorized.

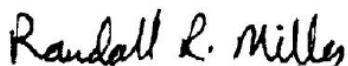
Please feel free to contact Scott Jones at 518-281-5810 or by mail at 508 Ashford Drive, Longmont, CO 80504 for copies of any documentation that is relied on in this appeal or if you should wish to discuss any of the concerns raised further.

Respectfully Submitted,

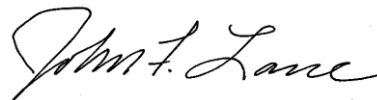
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Enclosures