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August 27, 2015

Delivered via U.S. Mail and email to bcc@fs.fed.us

Erin Connelly, Forest Supervisor
Pike and San Isabel National Forest
2840 Kachina Drive
Pueblo, CO 81008

**RE: Objection – Trails Preservation Alliance;
Bear Creek Watershed Restoration Draft Decision and FONSI**

Dear Supervisor Connelly:

Please accept these objections to the July 17, 2015, Draft Decision Notice and Finding of No Significant Impact (“DN-FONSI”) and associated Environmental Assessment (“EA”) for the Bear Creek Watershed Restoration Project. The Responsible Official is Oscar Martinez, District Ranger, Pikes Peak Ranger District. These objections are submitted on behalf of the Trails Preservation Alliance (“TPA”). Please direct communication regarding these objections to Paul Turcke at 950 West Bannock Street, Suite 520; Boise, Idaho 83702; (208) 331-1800; pat@msbtlaw.com; and Don Riggle, 725 Palomar Lane; Colorado Springs, CO, 80906; info@coloradotpa.org; (719) 338-4106. Mr. Riggle shall serve as the lead objector. These objections are prepared in accordance with 36 C.F.R. Part 218, Subpart A.

TPA is a Colorado nonprofit corporation. TPA’s mission is to protect the sport of motorized trail riding, educating all user groups and the public on the value of sharing public lands for multiuse recreation, while protecting public lands for future generations. TPA is a grassroots, 100 percent volunteer group composed primarily of Colorado trail riders. TPA works with land managers to provide recreation opportunities, preserve resources, and promote cooperation between public land visitors. TPA also prioritizes educating its members and the general public about responsible motorized and nonmotorized off-highway recreation. TPA members are fundamentally affected by outcomes to Forest Service planning and rulemaking

processes, and is regularly involved in, and deeply concerned with maintaining the integrity and legal validity of, such administrative processes.

TPA submitted comments at scoping and to the Draft Environmental Assessment. In addition to these formal comments, numerous TPA members submitted comments. These objections address issues specifically raised in these earlier comments.

TPA wishes to express its appreciation to the District for the effort and creativity that went into the Project, as well as the general balance achieved by the DN-FONSI. The closure of long-existing access in the Bear Creek Watershed has been very frustrating for TPA and its partners, and despite the difficulty and delay associated with its release, TPA does sincerely appreciate the agency's ability to get with sight of the final goal through the DN-FONSI. In particular, we recognize and applaud the vision and persistence of the agency to recognize the need to create new motorized trail.

Despite our general satisfaction with the DN-FONSI, we wish to formally object to the manner in which the decision creates a perception of discriminatory inclusion of user-created routes into the designated system. The unauthorized routes designated by the DN-FONSI are outside the Bear Creek Watershed, and thus do not meaningfully address the Project's purpose and need. The Forest Service Travel Management Rule does not specifically address nonmotorized use, and the DN-FONSI is unclear as to the regulatory basis for designating these routes. It would appear these routes have been added to the Project as a way to placate certain users or through a perceived need to offset creation of new motorized trail with some enhancement of nonmotorized recreation opportunities. While some of these concerns may be valid in a holistic management plan, they are not necessary or responsive to the Bear Creek Watershed restoration. There might be some logic in designating routes of this nature on some sites, but the designation of these routes here deviates from the Forest's standard practice, which in TPA's experience has been to categorically reject unauthorized routes for inclusion in the designated route system. We would be willing to withdraw our objection if the Forest can acknowledge the circumstances under which it will approve unauthorized routes for continuing use, specifically including motorized use.

TPA wishes to be clear that it is not opposed to mountain bike use, or nonmotorized use. TPA's concern is that the agency behave uniformly and properly in carrying out its management and enforcement duties. The Forest Service should be relying upon the concept of shared use, rather than creating or rewarding an expectation from narrow user groups to receive their own exclusive use routes/areas in the National Forests. Without proper clarification, the legitimization of certain unauthorized routes in the DN-FONSI does not clearly conform to applicable regulation and reflects poor policy.

TPA requests that the objection resolution process be utilized to modify the DN-FONSI to clarify a basis for designating the Palmer/Buckhorn routes and other unauthorized routes for

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continuing use, to designate them for multiple use to include motorcycle use, and/or require additional analysis to address the issues raised by this objection.

Thank you for considering this input. Please contact myself or Don Riggle if you wish to discuss the objection resolution process or any topics raised in this letter.

Sincerely,

MOORE SMITH BUXTON & TURCKE, CHTD.

/s/ Paul A. Turcke

Paul A. Turcke

/PAT:kmd
cc: Don Riggle