



October 9, 2016

USDA Forest Service Strategic Planning-
Att: Objections Reviewing Officer, Monte Williams
Rocky Mountain Regional Office,
740 Simms Street,
Golden, CO 80401

Re: Magnolia Trail Protest

Dear Mr. Williams:

Please accept this correspondence and attachments as the protest to the Magnolia Trail Proposal ("The Proposal") in the Boulder Ranger District ("BRD"). The Organizations identified above are protesting as the Proposal converts a historic multiple use area to an area for the exclusive use of a small user group under the guise of maintenance and are completely opposed to the proposed closure of the winter multiple usage of the area to allow for cross-country skiing. The Organizations would be remiss if the relationship of the Magnolia proposal, which accepts 44 miles of user created routes into the BRD inventory, to ongoing closures of existing multiple use routes (such as Lefthand Canyon area and Bunce School area routes) in the BRD based on a lack of maintenance funding was not raised. The Magnolia Proposal adds more mileage for bicycle recreation than currently exists for all other forms of multiple use recreation on the BRD. If there is not sufficient funding to maintain existing areas, how can 44 miles of additional routes and associated parking areas be supported? The Organizations submit it cannot, even without the imbalance of long term partner funding to assist with maintenance is not brought in to the discussion.

The Organizations vigorously assert that closure of the Proposal area to multiple usage is simply unacceptable to address the historic lack of management of this area by the USFS and the lack of ongoing funding for maintenance, which has been repeatedly identified as the basis for additional closures to multiple use recreation on BRD while the Magnolia proposal has moved forward. The Organizations submit that the multiple use access to these areas in all seasons is a critically important resource to those living in the vicinity of the Magnolia area and the BRD

more generally. These opportunities are exceptionally limited already, rapidly declining over the life of the Magnolia proposal and closure of the Magnolia area will further the imbalance of opportunities in the area as the BRD asserts there are no areas where multiple use can be expanded on BRD.

Prior to addressing the Proposal, we believe a brief summary of each Organization is needed. The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization the 150,000 registered OHV users in Colorado 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 for trail riding to receive a fair and equitable percentage of access to public lands.

Colorado Snowmobile Association ("CSA") was founded in 1970 to unite winter motorized recreationists across the state to enjoy their passion. CSA advocates for the 30,000 registered snowmobiles in the State of Colorado. CSA has become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of snowmobiling by working with Federal and state land management agencies and local, state and federal legislators. For purposes of this document, CSA, COHVCO and TPA are identified as "the Organizations".

1. History.

The Organizations must express a significant amount of frustration with the direction that has been taken for development of the Proposal, as there are periodic meetings between BRD and many representatives of local motorized clubs including the Trail Ridge Runners, Boulder County Trail Riders and the Organizations in order to improve communication and partnerships between these groups on issues facing the BRD. A review of the agenda and meeting minutes from the last several years of these meetings reveals absolutely no mention of issues in the Magnolia area or possible conversion of the area to an area that is completely non-motorized. The Organizations must question how such gaps in communication are even possible and the value of these meetings if issues such as Magnolia area are simply not going to be discussed.

While Magnolia management issues have not been discussed, the Organizations are also aware that several meetings have involved the direct discussion of grants to reopen areas impacted by flooding and the overall impact of the flooding on trail development proposals. These

discussions regarding grants to repair trails have not been supported by the USFS, due to their asserted need to undertake a more complete review of flooding impacts in order to determine priority areas for grants. Additionally, those at the meetings were informed that all multiple use trail development proposals were on hold indefinitely for the same reasons. Given that many grants take several years to process between initial application and funding, if there were funding needs in the Mangolia area to undertake basic maintenance and other issues, why was that discussion not undertaken in these meetings?

Additional frustration to the motorized community results from the ongoing closures to Rollins Pass Road despite numerous legally sufficient requests to reopen the route from multiple counties and the recent closure of the Lefthand Canyon Area to all usage after flood damage to the area. The geographic proximity of all these issues and management challenges simply cannot be overlooked or overstated as they are almost immediately adjacent and there still remains no plan in place to address reopening the Lefthand Canyon OHV area. The Organizations believe management of the Magnolia area has only become more important with the loss of the Lefthand Canyon area and closure of the motorcycle track in Berthoud the demand for the exceptionally limited multiple use opportunities on the BRD will be higher than ever.

The Organizations were very involved in the development of the Arapahoe/Roosevelt NF Resource Management Plan in the late 1990s. The Organizations are aware that under this RMP the Magnolia area provides significant opportunities to a wide range of recreational users such as camping and other types of day usage that are only utilizable with multiple use access. These activities would basically be prohibited by Proposal as most of the public will not seek to transport camping gear via foot or bicycle. The Organizations vigorously submit that multiple use access could be maintained in the area in conjunction with expansion of opportunities for other recreational usage. This conflict is simply not reconciled in the current Proposal.

2a. The Organizations must question the purpose and need for the entire Proposal given the strong public demand for multiple use opportunities on BRD.

The Organizations are strongly opposed to the basic principles that appear to be driving the Proposal, mainly that important multiple use areas may be closed for the benefit of smaller user groups. The Proposal clearly states the purpose and need for the Project as follows:

"The Forest Service proposes to determine a sustainable non-motorized trail system for the Magnolia area on the Boulder Ranger District"

This purpose and need is carried forward in each of the associated maps as no routes are identified for multiple use after the Proposal is completed. The Organizations are vigorously opposed to the Proposal both on a landscape and more localized level, due to the fact that BRD

has the lowest levels of multiple use trails of any Ranger District in the State of Colorado. This is in direct conflict to the fact that Boulder County is consistently identified as one of the highest levels of registrations for OHVs in the State.¹ The Organizations are simply unable to reconcile this situation and this imbalance has forced many users seeking multiple use opportunities to travel long distances off the BRD to obtain these opportunities and has entirely removed the possibility of riding after work or on a weekend due to the long distance travel that is needed.

The public's desires for expanded multiple use access have also been directly conveyed to various representatives of the USFS via on-going public input at periodic user group meetings and at two recent public meetings regarding the Magnolia area and lack of opportunity for multiple use on the BRD. The first public meetings occurred in February 2014 with Boulder County regarding reopening of Rollins Pass Road and the second of the public meetings regarding possible expansion of the James Peak Wilderness occurred in Blackhawk in 2011. The Organizations believe both these meetings is highly relevant to the discussions regarding Magnolia given the geographic proximity of these areas to the Magnolia area. Both of these meetings were attended by a hundreds of members of the public overwhelmingly seeking more multiple use access to BRD which was offset by one or two seeking expanded Wilderness or other closures. The imbalance of public attendees seeking more access compared to those seeking restrictions for small groups was highlighted at the Boulder County meeting on February 13, 2014 which was attended by hundreds of members of the public and members of the BRD. Only a handful of the people attending this meeting sought to restrict access to the area or for the Rollins Pass Road to remain closed. Despite numerous requests from multiple counties to reopen this road as required by Federal Law² this route remains closed due to the sole opposition by Boulder County on the basis of expanded multiple use in the area from reopening the area.

The public meeting regarding possible expansion of the James Peak Wilderness on July 2011 also directly evidenced the overwhelming demand for multiple use access to public lands in the BRD, as this meeting was attended by hundreds of members of the public and only three people testified in favor of more restrictions. Many of the same sweeping assertions of the benefits of the Wilderness expansion appear functionally identical to the sweeping generalizations of benefits found in the Magnolia Proposal. This meeting was attended by various representatives of BRD who witnessed the basic inability of those seeking the expansion of the Wilderness area to defend these asserted benefits. Most asserted benefits simply had no scientific or factual basis. After this meeting, it was the general consensus of those that attended that the James Peak Expansion proposal was merely an attempt to legislatively mandate closure of these areas to multiple users and to mandate who had recreational access to these areas. The Organizations submit that when the James Peak expansion proposal

¹ Various personal communications between the Organizations and representatives of the CPW OHV Program.

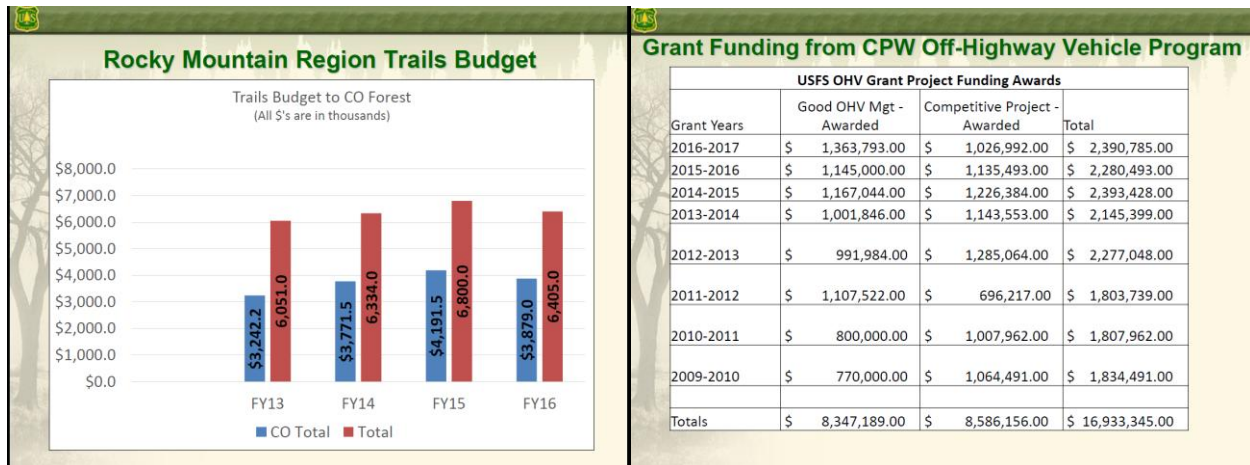
²² See, PUBLIC LAW 107-216—AUG. 21, 2002 section 7(b).

failed, the supporters of this idea simply changed the location and went to the USFS instead of Congress. The Organizations submit that the answer from the USFS regarding restrictions to multiple usage in the Magnolia Proposal should be the same as the answer that was given by Congress in the James Peak expansion, which was clearly "NO".

The imbalance of multiple use demand and opportunity areas on BRD has been compounded by the loss of multiple usage riding opportunities due to the flooding that impacted the area in 2013. These issues are more extensively discussed in subsequent portions of these comments. The opportunities to areas impacted by flooding must be restored prior to any trail development proposals that further reduce multiple use opportunities in the area. Funding is available to undertake this maintenance and restoration, but BRD representatives refuse to support grant applications and partnership efforts to address these issues. The Organizations would be remiss if the relationship between continuing limitations to multiple use access resulting from the flooding and the sudden desire to close more areas to multiple use was not noted. If there is not maintenance money for maintenance of existing areas of the BRD, which has forced closures, how can there be maintenance money available for other areas that simply do not exist at this time. The Organizations submit it cannot be.

2b. The Proposal fails to address many critical management challenges that have been the basis of route closures in the BRD.

The Proposal provides a significant increase in trail mileage in the Magnolia area but fails to address the lack of maintenance funding that has been consistently identified as the reason for loss of multiple use routes in the BRD. If the Magnolia area has not been properly maintained, funding and partnerships with the motorized community are available to undertake this activity, but these have not been pursued. The Organizations are providing the following comparison of funding available through the CPW OHV grant Program in comparison to all USFS funding for trails in the state to allow for a review of the imbalance of this relationship and the conflict of the availability of funding in comparison to Magnolia management assertions.



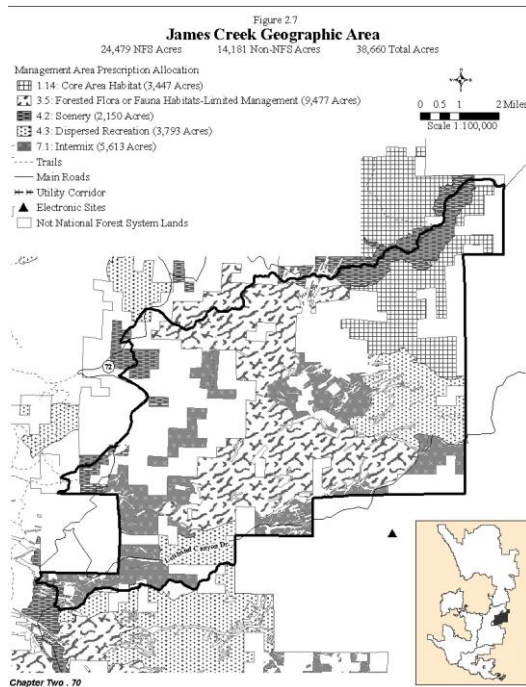
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Given that the OHV program almost doubles the amount of funding that is available for maintenance of an area, the Organizations have to vigorously question the loss of multiple use opportunity in favor of non-motorized usage could be a validly based management decision based on a lack of maintenance funding. The Organizations are unsure how restricting access based on unclear sources of funding to perform maintenance will resolve this issue, as a single group providing funding for maintenance should not impact public access to the area.

2c. The Proposal conflicts with RMP standards for the management of recreation in the area.

The Organizations are very concerned that the Proposal directly conflicts with the management standards for the area under the Arapahoe/Roosevelt Resource Management Plan ("RMP"). This conflict is a serious concern as users have repeatedly been informed that there is no location on the BRD where multiple use opportunities can be expanded due to the RMP in place. The RMP provides the following management standards for the area in figure 2.7 of the RMP on pg 70.

³ Excerpts from presentation of USFS made at COHVCO workshop in Cripple Creek CO June 2016.



After reviewing these standards, the Organizations are intimately aware that none of the management standards preclude motorized access, which is a significant difference from many other areas on the BRD, where multiple use access is specifically prohibited under the RMP. The Organizations vigorously assert that these areas where multiple use is specifically prohibited represent opportunity areas for growth of non-motorized recreation. The Organizations submit that the public that might be seeking something other than multiple use opportunities must be educated regarding the areas where these opportunities are already provided rather than closing one of the limited areas where multiple use opportunities are provided.

The Organizations would also note there are extensive areas in the BRD where a non-motorized trail network could easily be developed in a manner that is consistent with Forest Planning. The BRD website lists literally dozens of opportunity areas where hiking and mountain biking opportunities are available.⁴ While there are numerous opportunities identified for non-motorized usage, only 9 are identified on BRD for multiple use recreation (including Magnolia).⁵ Further exacerbating this imbalance of opportunities, the Organizations are aware that several of these multiple use sites remain closed due to flooding impacts. Most of the 9 multiple use locations identified are only available to street licensed vehicles, resulting in even more importance to multiple users seeking to use vehicles such as ATV and Side by side vehicle of the Magnolia area. The Organizations must question why development of a non-motorized trail

⁴ See, <http://www.fs.usda.gov/activity/arp/recreation/bicycling/?recid=28024&actid=24> and <http://www.fs.usda.gov/activity/arp/recreation/hiking/?recid=28024&actid=50>

⁵ See, <http://www.fs.usda.gov/activity/arp/recreation/ohv/?recid=28024&actid=94>

network in the Magnolia area was chosen over the numerous existing non-motorized areas or why the determination was made that Magnolia must be converted to a non-motorized area.

The imbalance of opportunity for users of the BRD generally are compounded by the fact that Boulder County provides extensive mechanized and non-motorized route networks in the general Magnolia area while prohibiting multiple use recreation on all Boulder County lands. This situation makes the multiple use mandate of the USFS even more critical in providing a wide range of recreational opportunities to those living in the Boulder County vicinity.

3. Consistency with Boulder County planning directly conflicts with USFS multiple use mandates provided in the Arapahoe/Roosevelt NF RMP.

The Organizations are very concerned with references that are being made in the 2015 planning documents from the USFS regarding consistency of the Proposal with Boulder County Open Space planning on county lands adjacent to the magnolia area. This type of management position presents many problems, the first of which is according to Boulder County website, all Reynolds Ranch planning has been put on hold due to flooding in 2013.⁶ The Organizations would be remiss if the fact that Boulder County has also clearly stated that any planning would be done in conjunction with the USFS lead in the Magnolia area. Clearly, the inability to clearly identify a lead agency for planning, which has now resulted in entirely circular finger pointing in planning, should be overturned and returned to the planners so a single responsible agency can be identified for the Project.

The Organizations are also very concerned regarding the fundamental conflict between Boulder County Open Space management requirements and the multiple use planning and management requirements for the USFS. Boulder County open space management objectives are summarized as “expanding passive, sustainable and enjoyable public uses” on Boulder County Open Space lands and further “seeks to minimize impacts from legal third party usages.”⁷ Under Boulder County master plans, passive recreation is limited to:

“OS 4.03.01 Recreational use shall be passive, including but not limited to hiking, photography or nature studies, and, if specifically designated, bicycling, horseback riding, or fishing. Only limited development and maintenance of facilities will be provided.”⁸

The Organizations are utterly unable to reconcile the exceptionally narrow mission of Boulder County Open Space with the multiple use mission of the USFS, and as a result are very

⁶ See, <http://www.bouldercounty.org/os/openspace/pages/plattreynolds.aspx> accessed September 21, 2015

⁷ See, Boulder County Master Plan Open Space management objectives goals and objectives at section IIIb.

⁸ See, Boulder County Master Plan Open Space management objectives at page OS-5

concerned with any attempts to reconcile the management of the two entities. The Organizations vigorously assert this narrow mission statement has not been supported in the two most recent public meetings regarding public lands in Boulder County. These concerns are compounded when Magnolia is identified as one of the few multiple use areas on the BRD.

It is the Organizations position that any landscapes where there are Boulder County Open Space areas involved, these Boulder County Open Space areas must be the first explored for non-motorized recreational opportunities and the USFS must strive to maintain multiple use opportunities on adjacent lands in order to provide a truly balanced usage at the landscape level. The Organizations vigorously submit that the Boulder County Open space lands must be viewed as primary opportunity areas for expansion of usage consistent with Boulder Counties mission in order to provide a balance of recreational opportunities for all members of the public. Clearly, this balance has not been struck in this Proposal and attempting to create consistency in management between Boulder County Open Space and USFS lands that might be adjacent would conflict with multiple use planning requirements.

4. Funding sources must be identified prior to any closures of existing routes.

The Organizations and their local partners frequently work with the USFS on a wide range of trail and maintenance related issues throughout the state. These projects frequently involve land managers and users partnering to obtain grants and outside funding to help address ongoing budget issues faced by the USFS in recreational management. Often this partnership involves working with local clubs and Ranger Districts developing grants for basic trail maintenance projects, of which there have been no successful grants from the BRD despite the impact to much of the dispersed multiple use trail network from recent flooding. The Organizations are aware that significant pressure was applied by the motorized working group after the flooding in order to secure funding to begin trail repairs on the BRD. These efforts were not supported by the BRD due to timing issues and motorized users were clearly and repeatedly told that no trail development projects would be undertaken on the Araphoe/Roosevelt NF until an unspecified future time, when flooding damage could be addressed. A review of the CPW OHV 2015/16 grant applications reveals that again no applications are submitted from BRD to address flooding impacts. The Organizations are aware that immediate funding is most likely available to maintain and repair the trails in the Magnolia area if the USFS chose to apply for it. The Organizations must question the loss of multiple use areas of Magnolia due to a lack of applications to the single largest partner fund in the region while the Magnolia area is sought to be closed based unspecified funding sources from parties that have never participated in this process previously.

The lack of any multiple use funding requests is highly frustrating to multiple users as it appears that while multiple use grants have not been pursued and support for such a grant has been actively avoided, there has been active projects in the Magnolia area that are seeking to

exclude multiple usage and convert existing trails for small users groups rather than repair flood damage. In an even more frustrating turn of events, there appears to be funding to expand parking facilities in the Magnolia area after the area is closed to most usage. That is simply troubling as there have been ongoing discussions about parking at most multiple use areas on the BRD.

While there is no clear funding for the closures of the Magnolia area under the Proposal, the Organizations assert that clear and reliable funding was available for efforts to continue multiple use access. The Organizations and their local partners have a long history of obtaining this type of funding for a variety of locations on the BRD, such as Lefthand Canyon and Jenny Creek through the CPW OHV grant Program. Historically these grants have provided hundreds of thousands of dollars to BRD for multiple use access projects. Partnering for a grant to manage the Magnolia area would have been easily supported by the multiple use community prior to the Proposal, but the Organizations have to express concern about funding like this moving forward. The Proposal has clearly impacted that desire to support public land managers.

5a. Winter travel management decisions are arbitrary and furthers the existing imbalance of winter recreational opportunities on the BRD.

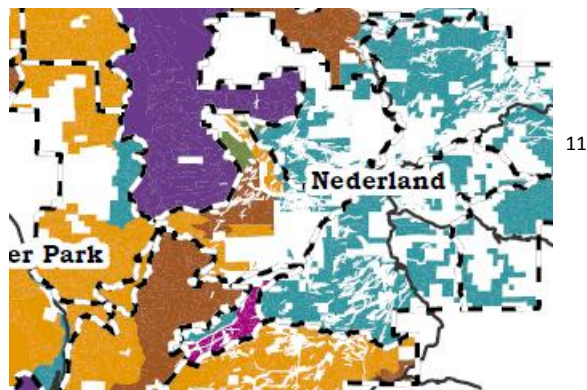
The Organizations submit that it is completely unacceptable to close the entire proposal area to OSV usage as the analysis of winter recreational usage in the Proposal suffers from many of the same foundational oversights as the summer management standards. There are numerous areas outside Magnolia area that are currently managed for non-motorized recreation in the winter time and these areas must be looked at as the primary opportunity areas for users seeking non-motorized winter recreational opportunities. Again these types of balanced usage are not pursued and closure of the Magnolia area to OSV is identified as the first step for management of the area. The Organizations are aware that the Magnolia area is not a destination location for OSV travel in Colorado due its lower altitude and limited snowfall. Nonetheless the Proposal area represents an important recreational resource for the snowmobilers in the community and many riders in the area use these routes to obtain quick rides after a snowfall, bring new riders into the backcountry and to insure that equipment is working properly prior to traveling. These types of opportunities are in exceptionally limited supply throughout most of the Front Range due to limited snowfalls, making any of these local close to home type opportunity areas highly valued to all users.

The Organizations have had the opportunity to review the Arapahoe/Roosevelt NF planning winter travel management documents from their recent resource management plan. Again the Proposal completely conflicts with winter travel management standards and decisions in the RMP. The Organizations believe it is significant to note that on the dedicated OSV page on the

Arapahoe/Roosevelt Website there is not a single OSV opportunity identified on the BRD⁹ , while 21 separate locations are identified for cross-country skiing¹⁰. This is significant as the average person could easily assume there simply no opportunities for OSV recreation on the BRD. Clearly that is not the case as snowmobile usage does occur on the BRD and has been specifically protected on the Rollins Pass Road by federal law.

5b. The Proposal furthers existing imbalances of recreational opportunities and conflicts with RMP analysis of winter travel opportunities.

As the Organizations have already noted, there is a horrible imbalance of winter travel opportunities on the BRD that existing under current planning. The Organizations are very concerned that under current planning the Proposal area is to be managed for both winter motorized and non-motorized opportunities along with habitat. This current management is reflected as follows:



Again the BRD ranger district website is very helpful in identifying the imbalance of winter travel opportunities on the district. 21 different locations are identified where cross country skiing and snowshoeing are available.¹² In stark comparison, the website does not identify a single location on the BRD where snowmobiling is permitted.¹³ The situation regarding snowmobile access is puzzling as snowmobile usage of the Rollinsville Road is specifically protected in federal legislation.¹⁴

Given the imbalance of opportunity already existing and large areas where non-motorized access could be improved without impacting other uses, the Organizations again must question

⁹ <http://www.fs.usda.gov/activity/arp/recreation/wintersports/?recid=28024&actid=92>
¹⁰ <http://www.fs.usda.gov/activity/arp/recreation/wintersports/?recid=28024&actid=91>
¹¹ Complete map available at http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5418722.pdf
¹² <http://www.fs.usda.gov/activity/arp/recreation/wintersports/?recid=28024&actid=91>
¹³ <http://www.fs.usda.gov/activity/arp/recreation/wintersports/?recid=28024&actid=92>
¹⁴ See, PUBLIC LAW 107-216—AUG. 21, 2002 at Sec 3.

why closure of historical routes and areas for motorized usage is the first alternative chosen for expanding non-motorized usage in the area.

6. Conclusion.

The Organizations identified above are protesting as the Proposal converts a historic multiple use area to an area for the exclusive use of a small user group under the guise of maintenance and are completely opposed to the proposed closure of the winter multiple use of the area to allow for cross-country skiing. The Organizations would be remiss if the relationship of the Magnolia proposal, which accepts 44 miles of user created routes into the district inventory, to ongoing closures of existing multiple use routes, such as Lefthand Canyon area and Bunce School area routes in the District based on a lack of maintenance funding was not raised. The Magnolia Proposal adds more mileage for bicycle recreation than currently exists for all other forms of multiple use recreation on the BRD. If there is not sufficient funding to maintain existing areas, how can 44 miles of additional routes and associated parking areas be supported?

The Proposal must be returned to the BRD for development of a proposal that is consistent with multiple use principals of the areas and accurately reflects the limited funding available for the long term operation of the area once closed to multiple use. Please feel free to contact Scott Jones at 518-281-5810 or via email at scott.jones46@yahoo.com or via USPS 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,

Scott Jones, Esq.
COHVCO/TPA Authorized Representative
CSA President



D.E. Riggle
Director of Operations
Trails Preservation Alliance