

Comment on Envision Chaffee Draft Recreation Plan

Patrick McKay, Esq.
Vice President, Colorado Offroad Trail Defenders
June 3, 2021

I. Introduction

I am a Jeepster and off-road vehicle enthusiast from Highlands Ranch, Colorado, and a non-practicing Colorado licensed attorney currently working as a software developer. I serve as the Vice President of Colorado Offroad Trail Defenders (COTD), a non-profit organization dedicated to keeping offroad trails open to full-size four wheel drive vehicles and maximizing opportunities for offroad motorized recreation. I am also an Advisory Board member of Colorado Offroad Enterprise (CORE), a related organization based in Buena Vista, CO which focuses on trail adoptions and community outreach to preserve high quality opportunities for motorized recreation in the central Colorado mountains.

These comments are submitted on behalf of both myself and Colorado Offroad Trail Defenders as an organization. We submit these comments to express our deep concerns with the Envision Chaffee Draft Recreation Management Plan.

II. Discussion

Colorado Offroad Trail Defenders shares the concerns of the Trail Preservation Alliance that Envision Chaffee is attempting to circumvent established processes for public lands recreation management in service of an anti-growth and anti-public recreation agenda, using deceptively worded, unscientific surveys to conjure the appearance of broad public support. We are especially concerned with the elements of this agenda that involve restrictions on dispersed camping and expanded seasonal restrictions on motorized recreation.

Envision Chaffee claims strong public support for imposing severe restrictions on dispersed camping in Chaffee County and imposing seasonal restrictions on other forms of recreation in alleged high value wildlife habitat areas. These claims stand at odds with the fact that public demand for camping dispersed opportunities in Chaffee County has never been higher, while the Forest Service and Bureau of Land Management have found no need to impose seasonal closures in the areas that Envision Chaffee is proposing.

While we recognize that some degree of management is necessary to limit the impacts of increased dispersed camping, we strongly oppose any plan which would significantly decrease existing opportunities for camping (i.e. through campsite closures) or that would close off large areas of Chaffee County to camping entirely. It is important to keep in mind that Chaffee County is only one county within a popular area of the Rocky Mountains for outdoor recreation, and that any attempts to close or limit camping in one area will only force would-be campers to shift to a different area.

We have seen how detrimental this can be to recreation with the BLM's camping restrictions around Moab, Utah. Every year, the BLM bans camping in more areas near Moab, which only serves to push dispersed campers further and further out into the wilderness and causes increased impacts elsewhere. As a result, the BLM has continued to push its camping bans further outward, to the point where it will soon be impossible to camp within 100 miles of Moab.

The same problem will happen in Chaffee County if the land managers take a restrictive approach to managing dispersed camping there. A dramatic reduction in dispersed campsites will only increase competition for the few remaining sites, causing increased social conflict; and will displace dispersed campers to outlying areas outside of Chaffee County, causing increased impacts there. That in turn will cause land managers to restrict dispersed camping in these newly affected areas, and so on, in a cascading series of actions with no realistic end.

We therefore oppose the provisions in the Draft Recreation Plan which proposes to limit growth of dispersed campsites to an arbitrary 3% increase per year, while closing numerous other campsites and restricting many areas to designated campsites. We do however support proposals to construct additional outhouses and other infrastructure to sustainably provide for the needs of increased numbers of dispersed campers. We also support addressing camping issues holistically through joint plans between all relevant land managers, rather than piecemeal through area-specific plans by individual land managers which do not take into account landscape level effects.

Even more concerning to us than restrictions on dispersed camping is the notion of "voluntary" seasonal closures of existing motorized routes. While the draft plan includes scant details of what these "voluntary" seasonal closures would entail or where they would apply, we strongly oppose any attempt to circumvent the normal NEPA-based Forest Service and BLM travel management procedures in favor of "voluntary" seasonal closures imposed unilaterally by a third-party interest group.

As described in the draft plan, these seasonal closures appear to be based solely on a map produced by Envision Chaffee of alleged "high quality" wildlife habitat with "severe" seasonal wildlife impacts. Little information is provided about the methodology used to create this map, and it has not been vetted through any kind of public process. Unlike Forest Service and BLM travel management plans which must balance multiple competing interests including both wildlife habitat and recreation, this plan appears to be driven entirely by wildlife interests to the subjugation of all other concerns.

We entirely reject the premise that recreation must inherently yield to wildlife concerns. Rather, there must be a balance between accommodating both the needs of wildlife and human recreation. This is exactly what the NEPA-based travel management processes of the Forest Service and BLM attempt to do. Notably, all of the public lands shown on this map have already been analyzed in the travel management plans of the relevant public agencies, with full consideration of where seasonal closures for wildlife are necessary and appropriate.

The Forest Service is currently in the process of finalizing its new travel management plan for the Pike San Isabel National Forest, which includes all Forest Service lands in Chaffee County. As of the draft decision published in November 2020, the new plan would add numerous seasonal closures to Forest Service roads and motorized trails in Chaffee County based on both wildlife and resource protection concerns. This travel plan underwent extensive public input and scientific analysis under NEPA. Once finalized, it will definitively determine which Forest Service routes in Chaffee County require seasonal closures and which ones do not. The BLM's Four Mile and Arkansas River Travel Management Plans finalized in the early 2000s also included full consideration of wildlife needs and imposed seasonal closures where necessary.

Should Envision Chaffee believe that substantial changes are necessary to the seasonal closures in the various travel management plans in effect in Chaffee County, the appropriate venue for such changes would be in agency travel management processes, not a county-level recreation plan as proposed here. Yet for reasons unknown to us, it seems Envision Chaffee had little to no involvement in the recent Pike San Isabel travel plan and did not even try to make its case to land managers that more seasonal closures are necessary.

Instead of participating in that public process and accepting the results, Envision Chaffee now proposes to circumvent established travel management processes through the unilateral imposition of "voluntary" seasonal closures, which by its own admission are anything but voluntary. As stated on page 29 of the draft plan, *"Implementation will start with voluntary action with a more regulatory approach to follow only if required."*

"Voluntary" seasonal closures backed by the threat of future regulatory action if they are not heeded are not "voluntary" by any definition of the term of which we are aware. When such "voluntary" closures are inevitably ignored by motorized recreationists who do not acknowledge the authority of Envision Chaffee to impose such restrictions upon us, it appears Envision Chaffee has every intent of running to the very land managers it failed to make its case to initially, in a belated attempt to make these restrictions mandatory.

The map of supposed "high value" habitat with "severe" winter recreation impacts on wildlife in which these voluntary seasonal closures would likely apply appears to include areas like the Four Mile Recreation Area and Chinaman Gulch, which offer highly desirable opportunities for year-round motorized recreation. Chinaman Gulch/Carnage Canyon in particular offer rare opportunities for challenging motorized recreation during the winter when most other difficult motorized routes are either seasonally closed or impassable due to snow. The motorized community therefore absolutely opposes any attempt by Envision Chaffee to impose additional seasonal restrictions in these areas, voluntary or otherwise, beyond those determined to be necessary by the relevant land managers in their respective travel management plans.

Should Envision Chaffee persist in moving forward with its flawed notion of imposing "voluntary" seasonal closures on popular motorized routes in Chaffee County, Colorado Offroad Trail Defenders (along with other motorized advocacy groups) will encourage the motorized community NOT to comply with them. We will also oppose any attempts to make these restrictions mandatory through revisions to agency travel management plans.

We urge Envision Chaffee to accept the seasonal closures the various land management agencies have adopted through their existing travel plans and to drop the idea of unilaterally imposing “voluntary” seasonal restrictions on motorized recreation, which without buy-in from the motorized community is a plan doomed to failure.

Thank you for your consideration of these comments, and we will continue to closely follow the development of the Chaffee County Recreation Management Plan. Should Envision Chaffee exhibit any willingness to include the motorized community as a partner rather than an opponent in considering how best to manage recreation in Chaffee County, we stand ready to participate.

Sincerely,

A handwritten signature in black ink that reads "Patrick McKay". The signature is written in a cursive, flowing style.

Patrick McKay, Esq.

Vice President, Colorado Offroad Trail Defenders