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January 16, 2012

Kremmling Field Office  
Dennis Gale, RMP Project Manager  
PO Box 68  
Kremmling, CO 80459

**RE: Comments on proposed Kremmling RMP**

Dear Mr. Gale:

Please accept the enclosed document and attachments as the comments of the Colorado Off Highway Vehicle Coalition (“COHVCO”) and the Trails Preservation Alliance (“TPA”) regarding the proposed Resource Management Plan (“RMP”) for the Kremmling Field Office (“KFO”) of the Bureau of Land Management

Please feel free to contact Scott Jones Esq, if you should have any questions regarding these documents. My contact is 508 Ashford Drive, Longmont CO 80504 and my phone is 518-281-5810.

Sincerely,

Scott Jones, Esq.

Enc.



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**COMMENTS ON PROPOSED KREMMLING RESOURCE  
MANAGEMENT PLAN**

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January 16, 2012

### **Comments on proposed Kremmling RMP**

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.

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 for the sport and takes necessary action to ensure that the USFS and BLM allocate a fair and equitable percentage of public land access to trail riding. . For purposes of these comments, COHVCO and TPA will be collectively referred to as “The Organizations.”

The Organizations find the RMP to be a very complex, lengthy and somewhat disorganized document, and feel that its convoluted nature has provoked much confusion and frustration for persons who would normally be interested in providing relevant comments on planning activities on federal public lands. The Organizations have found that an RMP-related comment issued in conjunction with a rational, well-thought-out argument often has significantly more impact than a comment that merely voices an objection. However, it is extremely difficult for the Organizations to develop well-documented comments relative to the KFO RMP given the complexity, disorganization and length of the proposal. In our discussions with members regarding the RMP, the most common issue encountered is that members simply have no idea of how to start to review the document in order to form an opinion or review management changes affecting areas they frequently use for recreation. Most commonly, they are seeking assistance in understanding what the RMP’s recreational impacts actually are and how to locate them in the document.

Preparing the RMP is a ponderous undertaking, and the range of issues to be addressed inherently creates a significant amount of complexity. The complexity of the RMP is increased as often The RMP’s complexity is nevertheless compounded by the fact that recreational impacts are not addressed in a single

section, but rather at numerous unrelated points throughout the document. The Organizations rightly question why a separate appendix is needed to describe management standards for certain areas, whereas the areas to be designated are discussed in the chapter plans, as occurs in RMP discussions on proposed areas of critical environmental concern. Given the similarity of issues, a single appendix for each issue would greatly speed up the review process. The Organizations also note that the addition of a summary of the issues being addressed on each page of the summary table provided in Chapter 2 would be very helpful. Many summaries of particular issues span several pages, making it very easy to confuse topics and issues during the review process, especially since individual issues are not identified on each page.

The quality of travel management work addressed in the RMP is negatively affected by the fact that resource planning and travel planning have been combined in the same process. The Travel Management planning fails to accurately address current resources levels, future demand for those resources, state planning documents and the economic impact of the closures to adjacent KFO communities. The proposal asserts that closing over 50% of the routes on the KFO will have no economic impact. The Organizations are vigorously opposed to this insufficient level of analysis since the limited discussion of economic impacts provided in the RMP does not support the proposed closures.

The minimal review of travel management issues also results in numerous issues being classified as travel management issues, even when research specifically concludes that travel management issues are in no way related to the issue for which remedy is sought in the RMP. This lack of analysis also makes for travel management proposals that simply do not relate to any identified management issue, such as closing all landlocked parcels to motorized recreation. The Organizations have to believe that implementation of these standards will be difficult and generate limited benefits towards the objectives the management change sought to address.

Throughout the RMP, concerns are voiced regarding the impact that the development of private lands in and around the KFO has had on the planning area. Often, these concerns appear to be tied to the need to close access in order to preserve the quality of a given area. When the RMP analyses the theoretical reduction of public access to public lands to off-set impacts from expansion of private developments at some theoretical point in the future, the Organizations believe that the result becomes untenable, since at some point in the future, there simply will be no remaining motorized trails to be closed in order to off-set the impacts of private development. While this situation does not actually exist, the Organizations believe that this condition warrants a meaningful review of creative policies and management at the current point in time in order to reduce these issues in a manner that complies with multiple-use requirements. The Organizations do not believe that this policy represents a viable long-term solution as it will violate planning regulations before the expiration of the RMP.

While the Organizations find many aspects of the proposed RMP to be problematic, they commend the active role the KFO is proposing to take in addressing the mountain pine beetle epidemic. The pine beetle epidemic must be a high priority for all federal land managers given the unprecedented scope of impact on all public land use and the exceptionally long time it may take forests to recover unless the dead and dying trees that now constitute a significant portion of Colorado public lands are remediated. This remediation will create jobs, protect eco systems and actively manage the lands for future generations.

The Organizations vigorously assert that every trail currently proposed to remain open must remain open since each of these trails will prove critical in providing a quality recreational experience that people are willing to travel a significant distance to obtain, especially given the closures proposed in the RMP. The Organizations believe that, among the available Alternatives, Alternative D provides the best the usage of resources; nevertheless based on the extensive concerns raised in the comments regarding the proper balance of uses, application of BLM and State guidelines, analysis regarding motorized access, and recreational user trends on the KFO, the Organizations have to believe that even Alternative D must be analyzed to provide a more accurate balance of these concerns and address on-going concerns regarding a lack of access to public lands. The Organizations believe that many of the fundamental decisions to be made under relevant statutes have been overlooked or made erroneously. Given the scope of this issue, the Organizations believe that the travel management portion of the RMP should be withdrawn and rewritten in compliance with these requirements; this will allow for meaningful discussion of the reasons decisions were made, since much of this analysis is simply not provided in the current RMP.

The Organizations are vigorously opposed to Alternative C of the RMP. As outlined in our comments, the Organizations believe that Alternative C is not based on good science and often erroneously applies questionable facts to issues and conditions in an attempt to manage to an end result; what is more, it fails to properly apply BLM planning guidelines and relevant state planning documents.

## 1. Introduction

Development of BLM land use plans is subject to a wide range of statutory mandates and requirements. The Organic Act establishes BLM's multiple-use mandate for service to present and future generations as the basic statutory tool governing development of any RMP. The Organic Act specifically provides:

“The Congress declares that it is the policy of the United States that.... (7) goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law.”<sup>1</sup>

The multiple use mandate for BLM is clarified with the Federal Land Policy and Management Act (“FLPMA”) which expands upon the multiple use mandate and specifies the many criteria, that must be incorporated in the development of a land use plan. The four criteria most relevant to these comments are:

“(c) In the development and revision of land use plans, the Secretary shall—  
(1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law;

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<sup>1</sup> 43 U.S.C. §1701.

(2) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences;...

(5) consider present and potential uses of the public lands;....

(9) to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed.....”<sup>2</sup>

After a review of the RMP, the Organizations must question if these requirements have been correctly addressed and balanced, given the limited analysis of current usage of areas to be closed, the lack of any viable economic projections regarding the impact proposed closures will have on local communities, the lack of analysis regarding recreational trends on the KFO, and the failure to address numerous state-level planning documents among other issues. The Organizations believe that these these shortcomings merit a significant review of the basis for restrictions to public access on the KFO.

As previously noted, FLPMA specifies the first criteria that must be incorporated in the development of a land use plan as follows:

“(c) In the development and revision of land use plans, the Secretary shall–

(1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law;”<sup>3</sup>

The multiple use principals specifically stipulate that the best possible balance public land use must be struck when planning. Multiple use and sustained yield is defined as:

“the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; .....a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and non-renewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values;...”<sup>4</sup>

The Organizations believe that the multiple use definition is even more applicable to BLM managed lands given the fact that mineral usage and mining is under BLM jurisdiction in addition to more traditional recreational activities.

Travel management planning is designed to address issues associated with public access to federal lands for recreational purposes, but given the broad scope of the RMP travel planning, it will affect numerous

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<sup>2</sup> 43 U.S.C. §1712

<sup>3</sup> *Id.*

<sup>4</sup> 43 USC §1702(c).

other activities beyond mere recreational trail usage. This situation has resulted in a very broad definition of the travel management mandate for BLM planning, which is:

“Comprehensive travel management planning should address all resource use aspects, such as recreational, traditional, casual, agricultural, commercial, and educational, and accompanying modes and conditions of travel on public lands, not just motorized or off-highway vehicle activities.”<sup>5</sup>

The exceptionally broad nature of the definition of travel management planning would logically weigh in favor of greater access rather than less; consequently, a greater discussion of why access is necessary is being provided in the RMP. In addition to the broad definition of travel management provided, travel management-related issues are consistently one of the highest rated concerns for users of the KFO.<sup>6</sup> The Organizations believe that the continued high priority placed on travel management issues by the public would also warrant more extensive discussions of this issue.

Despite the on-going public concern regarding travel management issues, the RMP does not include even a basic summary or analysis of the travel management issues involved on particular trails or percentages thereof. By comparison, the White River travel management decision included a 61 page index identifying each trail and any management changes for the particular trail. The CRVO RMP fails to provide a level of analysis even remotely comparable to this level of analysis. Given the range of possible management controls that could be put in place to allow a trail to remain open, the range of issues impacting each trail, and the distinct recreational experience value that each trail provides to each user, this type of a summary would be exceptionally relevant to any travel management discussion. Even if the trail appears to be accessing the same destination as other trails, the distinct experience provided by each trail is of significant value to recreational users; nevertheless, these issues simply are not addressed in the RMP.

## **2. Detailed statements regarding travel management decisions are not provided in the RMP which creates an unrealistic range of Alternatives.**

Whereas the NEPA statutes only provided a general standard for planning and analysis, the regulations promulgated to implement NEPA requirements outlined a far more specific process for agencies to rely upon in the planning process. The regulations included the development of the Council of Environmental Quality, which created specific regulations expanding upon the detailed statement theory for planning purposes and provide:

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<sup>5</sup> Appendix C of the BLM Land Use Planning Handbook 1601-1.

<sup>6</sup> See, Kremmling Field Office – Draft RMP – Appendix P at pg P-8.

“You must describe the proposed action and alternatives considered, if any (40 CFR 1508.9(b)) (see sections 6.5, Proposed Action and 6.6, Alternative Development). Illustrations and maps can be used to help describe the proposed action and alternatives.”<sup>7</sup>

The RMP proposes to close 307,100 acres of open riding area designation currently on the KFO. The RMP also proposes closure of over 50% of designated full size trails and 60% of motorcycle and 81% of ATV trails on the KFO, which will have a significant impact on recreational opportunities on the KFO. Often these closures are undertaken with no discussion of why the closures are needed or why the specific standard is necessary. CEQ guidelines that specify significant impacts must be addressed with detailed statements as follows:

“The CEQ regulations require NEPA documents to be “concise, clear, and to the point” (40 CFR 1500.2(b), 1502.4). Analyses must “focus on significant environmental issues and alternatives” and be useful to the decision-maker and the public (40 CFR 1500.1). Discussions of impacts are to be proportionate to their significance (40 CFR 1502.2(b)).”<sup>8</sup>

The CEQ regulations note that a detailed statement is a significant tool to be relied upon in the public comment process. These regulations clearly state this relationship as:

“NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA.”<sup>9</sup>

As noted by numerous experts, the rational decision-making process of the National Environmental Policy Act (NEPA) is compromised when agencies consider only a limited range of alternatives to their proposed projects.<sup>10</sup> The Organizations believe that this failure to comply with numerous statutory and regulatory mandates to incorporate State planning documents, economic impacts and usage trends has resulted in a range of alternatives that does not center around a proposal and simply is not realistic. When reviewing ranges of alternatives provided in a NEPA analysis, the courts have consistently held:

"The alternative section is 'the heart of the environmental impact statement,' 40 C.F.R. 1502.14; hence, '[t]he existence of a viable but unexamined alternative renders an environmental impact statement inadequate.’”<sup>11</sup>

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<sup>7</sup> BLM Manual H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK – pg 78.

<sup>8</sup> BLM Manual H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK – pg 4.

<sup>9</sup> See, 40 CFR 1500.1(b)

<sup>10</sup> James Allen; Does not provide a range of alternatives to satisfy NEPA.....NEPA Alternatives Analysis: The Evolving Exclusion of Remote and Speculative Alternatives; 2005 25 J. Land Resources & Envtl. L. 287.

<sup>11</sup> Citizens for a Better Henderson v. Hodel, 768 F. 2d 1051, 1057 (9th Cir. 1985).

When determining if an EIS has provided a satisfactory range of alternatives, the standard of review is a comparison of the purpose of the rulemaking to the EIS and range of alternatives. The courts have consistently held:

“[E]nsure that federal agencies have sufficiently detailed information to decide whether to proceed with an action in light of potential environmental consequences, and [to] provide the public with information on the environmental impact of a proposed action and encourage public participation in the development of that information.”<sup>12</sup>

Given the numerous documents and guidelines that have been overlooked when creating the RMP, and the numerous proposed standards for protection of wildlife and other resources that prove extraordinary when compared to regional planning guidelines for the issue, the Organizations believe that the range of Alternatives for Travel Management has been directed in a manner that has excluded viable alternatives from any public review or analysis. Given the foundational nature of many of the documents that are simply not addressed, the travel management portion of the plan should be withdrawn in order to allow for complete and accurate inclusion of these foundational documents in the creation of the RMP.

The Organizations believe that the lack of detail in analysis of travel management issues in the RMP is evident upon reviewing the level of argumentation provided regarding the issue. While this type of measure certainly is not dispositive regarding the quality of analysis, the Organizations believe that it is relevant to the limited analysis of travel management issues in general. The Organizations have to note that the open riding area designation has been removed on 307,100 acres (82%) of the KFO planning area. Despite the scope of this change and the many management guidelines and standards that will be impacted by this change, there is simply no analysis provided regarding how this change will impact KFO management and decisions moving forward.

Despite the fact that the RMP chapter addressing the range of alternatives is 184 pages long, motorized recreation of all types is addressed on only 4 pages. Analysis of the range of alternatives for travel management accounts for only 25 pages of the 667 page environmental consequences section of the RMP. The RMP appendix addressing all travel management over all alternatives for the entire KFO is allotted a scant 22 pages. Given the scope of the closures and changes to motorized recreation that are proposed in the RMP, the Organizations have to believe that 51 pages of discussion regarding 4 alternatives falls well short of the detailed statement of high quality information required by NEPA.

The Organizations do welcome the area-specific maps that are provided for each alternative of the RMP. These are very helpful in addressing specific concerns. However, these maps are not a replacement for discussions of the reasons trails and roads are to be closed. These maps merely inform the public of a given decision, not the reason the decision has been made. Considering the severely limited analysis regarding the reasons travel management decisions have been made, the Organizations believe that the public will have great difficulty in developing any kind of meaningful comment.

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<sup>12</sup> KUNZMAN, 817 F. 2d at 492; SEE ALSO CITIZENS FOR A BETTER HENDERSON, 768 F. 2d at 1056.

A comparison to the recent White River National Forest Travel Management process provides significant context. The White River National Forest concluded that travel management and resource management plans were simply too large a topic to address in one planning document and as a result these issues were broken down into sections. The final decision by White River Travel Management was 35 pages and the Final Environmental Impact statement, exclusively devoted to the final alternative, was 278 pages in length and supplemented by numerous appendices. The White River plan published a 61 page appendix identifying EACH route, by route number and common name, which was addressed in the TMP and along with a summary of the status of the road and the reason the status was being changed. By comparison, the KFO RMP does not provide any insight, even in summary form, regarding the routes being addressed and/or why the management status of these routes is being changed. The Organizations found the White River summary of each route to be a priceless resource for the development of comments for specific routes slated for change in the White River Travel Management process. However, it is impossible to develop comparable route-specific comments regarding the KFO comments as, since it fails to provide even a basic outline or summary of reasons routes are closed.

When the draft and alternatives for the White River Travel Management Plan were published, the White River National Forests' analysis of just travel management concerns significantly exceeded the RMP analysis for all management issues on the KFO, despite the existence of a separate resource plan for the White River. Many of the Organizations' concerns regarding the KFO's lack of analysis have formed the basis of significant discussions and analysis in the White River Travel Planning process. The lack of travel management analysis and reasoning in the KFO alternatives directly casts into doubt any assertion that the RMP provides a detailed analysis as required by NEPA.

It has been the Organizations' experience that travel management decisions for areas not managed by the KFO and that encompass only a few thousand acres are frequently more extensive than the travel management discussions regarding the 378,884 acres managed by the KFO. Again, these references are limited to the decision portion of the analysis and do not pertain to the proposal documents, which must address the range of alternatives surrounding the decision. The Wolford Travel Management decision issued by the KFO in 2005 addressing 33,150 acres included a decision that was 12 pages and an Environmental Impact Statement of 129 pages. The Castle Peak Travel Management plan issued in 1999 for 119,582 acres on the Colorado River Valley Office was 112 pages, with significant portions of the planning area being designated Wilderness. The Lefthand Canyon travel management decision on the Arapahoe/Roosevelt National Forest addressing approximately 50,000 acres of *very* heavily used land immediately adjacent to Boulder Colorado was 104 pages.

Recreational usage and access to the KFO simply are not addressed at a level comparable to other uses and at a level of analysis provided in any other travel planning decision. The Organizations would like to believe that the small size of the RMP is the result of an unusual level of efficiency in the RMP development; however, this limited size appears to be the direct result of numerous statutory requirements simply not being met. This limited analysis has directly impacted not only the direction of the RMP, but also the ability of the public to comment on many of its proposed restrictions. The Organizations have to question if this level of analysis is sufficient to satisfy the detailed statement of the proposal required for analysis by NEPA and needed to develop meaningful public input regarding the RMP.

### **3. The economic impact of closing a minimum of 50% of motorized routes in the KFO planning area is not accurately addressed in the RMP.**

Revenues from the recreational usage of public lands constitutes a significant portion of the Colorado economy, especially in the smaller mountain communities that have already lost more traditional sources of revenue, such as timber, farming and mining. Economic analysis of the alternatives is only briefly addressed in a couple of pages of the executive summary and in a few very isolated areas of the RMP. This analysis provides little or no insight into the decision-making process surrounding inputs for the modeling systems used to create the charts and graphs provided in the RMP.

The Organizations believe that much of this analysis is facially incorrect and must be withdrawn in order to allow for proper analysis of changes based on accurate economic analysis. There is simply no rational argument that justifies the assertion that closing 50% of motorized routes on the KFO will not result in any negative economic impacts. The erroneous nature of this position is clearly evidenced in the recent history of Jackson County in the KFO planning office. Jackson County has witnessed significant closures of access for timber and mining over the last 30 years for a variety of reasons. Despite numerous assertions that these closures would not have a negative economic impact on the county, history has proven those statements to be facially incorrect. The clear impact of these closures is immediately evident when walking down the main street in Walden, as where most businesses have been forced to close, resulting in a virtual ghost town. Unfortunately, the poor status of the Jackson County economy is not limited to the Walden area, as directly evidenced by the significant issues Jackson County encountered last winter when attempting to fund snow removal from county roads. If school buses did not use a given road, it simply was not regularly plowed. Indeed, Jackson County is poorly suited to absorb more socially-based management that lacks accurate analysis of the economic impacts. Given the limited analysis of economics, the Organizations are forced to analyze this issue at a very general level and believe that this analysis cannot possibly constitute the detailed statement addressing high quality information required for NEPA purposes.

In addition to the NEPA mandate requiring a detailed statement of high quality information for federal public lands planning, FLPMA specifies the various criteria that must be incorporated in the development of a land use plan as follows:

“(c) In the development and revision of land use plans, the Secretary shall–

(2) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences;...”<sup>13</sup>

Given the limited analysis of economics provided in the RMP, the Organizations believe that economics are not adequately or accurately incorporated in the RMP as required by FLPMA, nor are they sufficient

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<sup>13</sup> 43 U.S.C. §1712

to be developed into planning regulations that would satisfy NEPA requirements. This oversight is critical since optimizing economic benefits is a planning criterion for the BLM lands.

Currently, the United States economy is performing very poorly and the economy has shown little sign of recovering to previous levels of performance any time in the near future. Colorado has not been spared from the economic downturn. Summit County Colorado was recently found in the #3 position on the Wall Street Journal's list of 21<sup>st</sup> Century American Ghost Towns.<sup>14</sup> Given the stagnant condition of the Summit County economy in particular and of the Colorado economy as a whole, our organizations believe that no governmental actions should be taken that could negatively impact any portion of the economy in the communities in Colorado. The Organizations believe that the extensive reductions in forest access proposed in the RMP embody exactly the sort of risks that should be avoided in these trying economic times.

In 2008, the Organizations commissioned a study to determine the economic contribution of OHV recreation to the Colorado economy. A copy of this economic contribution study is attached hereto and incorporated with these comments for your reference. **This study found that over \$1,000,000,000 of positive economic contribution and 10,000 jobs resulted from OHV recreation to the State economy.**<sup>15</sup> **Over \$65,000,000 of this economic contribution and over 1,000 jobs were centered in North Central Colorado, which contains the counties where most trail closures in the proposed RMP are located.**<sup>16</sup> The economic significance of motorized recreation to this area is reflected by the unanimous support regarding removal of the North Sand Hills ISA, as more completely discussed in other sections of these comments.

**In addition to this direct positive economic contribution to Colorado communities, OHV recreation accounted for over \$100 million in tax revenue to state and local municipalities.**<sup>17</sup> These are tax revenues that motorized recreational users of the forest pay with little objection in order to obtain the benefits of their sport, and are used to address a wide range of needs by local municipal governments. Given the current economic conditions, our organizations believe that these positive economic contribution numbers must be meaningfully addressed in all government activities. Since these issues were never meaningfully addressed in the RMP, the Alternative Analysis should include a projected economic analysis for each of the listed alternatives.

The Colorado Department of Wildlife's Economic Contribution study also specifically identified the significant economic contributions that hunting and fishing activities make to the counties in the KFO planning area. In 2007, hunting and fishing activities contributed over \$115 million dollars to the Jackson, Grand and Summit County economies. These activities also directly created 1418 jobs in those counties.

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<sup>14</sup> Douglas A. McIntyre; *American Ghost Towns of the 21st Century*; 24/7 Wall Street; April 11, 2011; <http://finance.yahoo.com/real-estate/article/112463/american-ghost-towns-21st-century-247wallst>

<sup>15</sup> COHVCO Economic Impact Study- 2008; Lewis Burger Group; pg ES-5.

<sup>16</sup> *Id* at ES-6.

<sup>17</sup> *Id* at pg ES-5.

<sup>18</sup> As more specifically discussed in other sections of these comments, Forest Service research indicates that removal of motorized access impacts many user groups, including hunters and fishermen. <sup>19</sup> Given the significant number of hunters and fishermen that utilize motorized routes for these activities, the Organizations believe that these activities will also be directly negatively impacted by closures. These concerns are compounded by the lack of motorized access being identified by CDOW, a significant concern for hunting and fishing on the KFO, as discussed elsewhere in these comments.

Pursuant to BLM projections, the closure of 50% of motorized access routes will have no impact on the number of visitor days to communities adjacent to the KFO as under current management standards and the preferred alternatives.

Output	Current	Alternative A	Alternative B	Alternative C	Alternative D
General recreation (visits)	301,577	394,814	394,814	353,909	441,350
Fish and wildlife recreation (visits)	57,442	75,203	75,203	67,411	84,067
Grazing (AUMs)	15,868	38,300	38,400	38,400	39,000
Forestry products (mmbf)	2	2.3	2.3	2	3.5
Natural gas (mcf)	222,436	222,436	373,554	252,786	377,751.05
Oil (barrels)	94,828	94,828	159,252	107,767	161,041
Sand and gravel (short tons)	80,250	80,250	80,250	80,250	80,250

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<sup>18</sup> CDOW 2008- *The Economic Impacts of Hunting, Fishing and Wildlife Watching in Colorado*; BBC Research and consulting at §IV pg 16.

<sup>19</sup> Roggenbuck and Watson; *Wilderness Recreation Use; The Current Situation*; INT 4901 #191; *See also*, Hendee, Stankey and Lucas; *Wilderness Management*; Chapter 14 Wilderness Use and Users; Trends and Projections at pg 362- 387.

<sup>20</sup> Kremmling Field Office – Draft RMP Revision EIS- Chapter 4 Introduction @ pg 4-634.

The revenues and employment projections remain equal for the alternatives also.<sup>21</sup>

Resource	Current	Alternative A No Action	Alternative B Preferred	Alternative C	Alternative D
Recreation	157	206	206	185	230
Grazing	7	17	17	17	17
Forest Products	23	30	30	26	46
Minerals	6	6	10	7	10
Externally Funded	0.01	0.01	0.003	0.003	0.003
County Payments	8	8	10	8	10
BLM Expenditures	47	47	47	47	47
Total BLM Management	248	313	320	289	361
Percent Change from Current		27 Percent	29 Percent	17 Percent	46 Percent

Resource	Current	Alternative A No Action	Alternative B Preferred	Alternative C	Alternative D
Recreation	\$5,623	\$7,362	\$7,362	\$6,599	\$8,229
Grazing	\$77	\$186	\$186	\$186	\$189
Forest Products	\$828	\$1,079	\$1,079	\$930	\$1,672
Minerals	\$528	\$528	\$875	\$598	\$885
Externally Funded	\$0.16	\$0.39	\$0.08	\$0.08	\$0.08
County Payments	\$380	\$387	\$512	\$408	\$516
BLM Expenditures	\$2,447	\$2,447	\$2,447	\$2,447	\$2,447
Total BLM Management	\$9,883	\$11,988	\$12,461	\$11,168	\$13,939
Percent Change from Current		21 Percent	26 Percent	13 Percent	41 Percent

The Organizations believe that these economic impact calculations are facially erroneous and completely lacking in basic accuracy given the direct economic contribution provided by motorized recreation and hunting to the KFO planning area. These concerns are compounded by the numerous recreational activities that rely on this trail network to access the recreational resources, such as hunting, fishing and dispersed camping. The Organizations understand that the RMP also proposes a tenfold increase in No Surface Occupancy restrictions and to double the Controlled Surface Use restrictions, which represent significant new restrictions for oil and gas exploration on the KFO. These restrictions will only increase the negative economic impacts of the RMP. The Organizations find it hard to believe that these negative economic impacts to the two largest economic contributors to KFO communities could be balanced by other uses on the KFO, and the basis for the determination that this balance could be reached certainly would be relevant in any discussion involving a detailed statement of high quality information.

<sup>21</sup> Kremmling Field Office – Draft RMP Revision EIS- Chapter 4 Introduction @ pg 4-642.

The Organizations vigorously assert that the inaccurate economic impact calculations created in conjunction with the RMP are insufficient to comply with federal planning statutes and BLM regulations allowed a range of alternatives to be created that do not accurately address economic impacts. As a result, the travel management portion of the RMP must be withdrawn to create accurate economic impact calculations for the range of alternatives. The Organizations believe that once the economic impact of the proposal is accurately addressed, the scope of the proposed closures will immediately be proven to have a massive negative economic impact on the surrounding communities.

The fact that the calculations for the economic impacts of the alternatives are patently erroneous is directly evidenced by the lack of consistency in the calculations of the impacts when Alternative B is compared to Alternatives C and D. While the targeting of resources and different responses from various user groups will clearly mitigate some of the economic impacts, the scale of these inputs will be minimal. Exclusion of the largest user group that spends the most per person will not be sufficiently off-set by other user groups to create any level of balance. Pursuant to Table 4-83, closing 867 miles of routes (Alternative A to Alternative B) will result in no negative impacts to visitor days; however, closing an additional 162 miles of motorized routes (Alternative B to Alternative C) will result in a negative impact of 40,905 visitor days. The Alternative B to Alternative C projection places a per mile value on motorized trails of 252.5 user days per mile of trail. Carrying over this value to the change from Alternative A to Alternative B, the loss of 867 miles of trails would result in a loss in visitor days to the KFO of 218,917.5 user days or a 55% loss in visitor days from closures. The impropriety of these calculations is carried through with calculations of income and employment on the KFO planning area. The Organizations believe that the inaccuracy and inconsistency of these calculations must be addressed before any alternatives can be developed in the RMP.

The Organizations vigorously assert that the economic impact of the proposal simply has not been accurately addressed. There is no discussion of how the economic impact calculations were formed, which directly impairs the Organizations' ability to comment further on this issue. While the IMPLAN and FEAST economic forecasting models are very viable forecasting tools, these modeling tools are heavily dependent on the accuracy of the information used in the modeling. The results generated by these models indicates significant problems with the inputs to the modeling systems. The failure to accurately project economic impacts is a facial violation of Federal statute and BLM regulations. The Organizations believe that this error, without addressing any other issue raised in these comments, mandates the withdrawal of the travel management portion of the RMP in order to allow for revision of the TMP based on accurate economic impact calculations.

#### **4. The RMP does not address State planning documents as required by FLPMA.**

The State of Colorado has been an active partner with federal planners in the management of public lands in Colorado. This partnership has resulted in numerous State level plans, which have been overlooked when developing the RMP. Colorado Department of Wildlife ("CDOW") has also been very active in managing many game-related issues. Many of these documents are cited throughout these comments, and

although not specifically addressed in this section, still represent State planning documents that must be addressed in federal planning activities.

FLPMA mandates that various State planning documents must be accounted for in the development of federal public land plans, and a review of the RMP does not identify the manner in which these documents have been reviewed, if at all. Pursuant to the RMP, the only State planning documents that were reviewed included the Colorado Department of Wildlife's Strategic Plan and Division of Wildlife Data Analysis Unit Plans.<sup>22</sup> As previously noted in these comments, the Colorado Department of Wildlife performed an economic contribution study that was addressed in the RMP process. The State of Colorado has been very active in partnering with Federal Land managers to assist in the management process and planning for federal lands. However, it appears these documents were not reviewed when developing the RMP.

FLPMA specifies these State planning documents must be incorporated in the development of a land use plan as follows:

“(c) In the development and revision of land use plans, the Secretary shall—  
(9) to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed.....”<sup>23</sup>

In 2008, the Colorado Department of Natural Resources completed its Statewide Comprehensive Outdoor Recreation Plan (SCORP). The SCORP included input from over 140 local government agencies<sup>24</sup> and 300 private individuals<sup>25</sup> and involved a steering committee of 33 people representing a wide range of interests. The Organizations believe that this diverse range of interests corresponds well to the broad range of interests and users designed to be accommodated in the travel management planning mandate.

While the SCORP does not include specific goals or analysis for each of Colorado's federal public lands, it clearly identified that people desire access to actively managed public resources both now and in the future. The SCORP identified a goal of planning in the future of:

“ Goal 2: Assess, understand, and adapt to the growing demands and changing recreation and tourism preferences of residents and visitors.”<sup>26</sup>

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<sup>22</sup> Kremmling Field Office – Draft RMP Revision EIS- Chapter 1 Introduction @ pg 1-17.

<sup>23</sup> 43 U.S.C. §1712

<sup>24</sup> 2008 Colorado Statewide Comprehensive Outdoor Recreation Plan; Appendix B at pg 271.

<sup>25</sup> 2008 Colorado Statewide Comprehensive Outdoor Recreation Plan; Appendix A at pg 249.

<sup>26</sup> 2008 Colorado Statewide Comprehensive Outdoor Recreation Plan; at pg 227.

The development of funding sources to improve access to federally owned recreational resources was also a priority in the SCORP, as reflected in the fourth goal of the plan, which provides:

“Goal 4: Address funding challenges associated with maintaining and managing Colorado’s outdoor recreation resources.”

The SCORP addressed a diverse range of recreational activities, such as local park usage and municipal sports; in this context, the expanding need for access to federal public lands was extensively discussed along with the need for expanding funding and partnerships with federal agencies to obtain this access.<sup>27</sup> The SCORP provided significant analysis of various insect and disease threats to the Colorado public lands that could impair the public ability to safely access these resources for an extended period of time. All analysis found that all user groups desired expanded access to the national public lands available for recreation and that this demand far exceeded current recreational opportunities on public lands.

The Colorado State Forest service conducted its annual forest health analysis in 2010, which outlined the numerous insect and disease threats that face Colorado’s forests, and the KFO. This is an annually published report which consistently finds that active forest management was critical in addressing these threats to the Colorado forests. This plan specifically outlined the significant areas on the KFO that are impacted by the mountain pine beetle epidemic, and addressed the significant impacts to safety and enjoyment of recreational usage in these areas as a result of the beetle epidemic. The scope of these threats and of the impact to public access was also outlined in the Forest Service Report, prepared at the request of Senator Udall and discussed in other sections of these comments. A copy of the Udall report is submitted in conjunction with these comments. The Udall report specifically stated that a lack of access to areas designated as Wilderness or Roadless was a significant factor contributing to the pine beetle epidemic.<sup>28</sup> This demand for access to public lands found in these documents and resulting economic impacts must be addressed in the development of the RMP.

In addition to the SCORP and Forest Service report, the State of Colorado has also been heavily involved in the development of the Colorado Roadless Rule proposal, which also seeks significant expansion of access for active forest management in roadless areas on Forest Service lands. While this proposition is not directly applicable to the KFO, the analysis and concerns voiced in the public petition, which resulted from dozens of public hearings, committees and other work groups, is relevant as a general statement of the needs and desires of the public in the planning process for access to an actively managed and healthy forest on the public lands. The intent and direction of the Colorado Roadless Rule petition directly contradicts the proposed closures under the RMP.

The state of Colorado has taken an active role in addressing the needs of users and the threats to the public lands in the State of Colorado by developing numerous State level planning documents. These documents have simply been omitted from any analysis or discussion in the RMP, and clearly indicate a public desire for management in a direction other than that proposed in the RMP. Since State planning

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<sup>27</sup> See generally, SCORP Section 3.

<sup>28</sup> USFS; A review of the Forest Service Response: The Bark Beetle outbreak in Northern Colorado and Southern Wyoming; September 2011; Executive Summary at pg i.

documents must be addressed in the development of Federal planning documents, these documents must be analyzed in the RMP and the failure to do so is a violation of federal planning law. Given the facial conflict between these documents and the direction of the RMP, the only reasonable way to address these planning documents is to withdraw the RMP and revise the TMP portions of the RMP to reflect these clear statements of the public's desire to access actively managed healthy public lands in Colorado.

#### **4b. A lack of sufficient access for hunting management on the KFO has already been identified as a concern in State planning documents.**

The RMP fails to accurately address State planning documents that provide a vision for Colorado public lands on a State level; what is more, it also fails to accurately address state planning documents that identify management issues on lands to be managed by the RMP. Hunting is a major recreational activity that occurs on the KFO, and CDOW has been very active in identifying management issues that impact hunting in any portion of Colorado. CDOW has published extensive reports that discuss these management issues for each big game herd in the State. The KFO planning area is encompassed by two elk management units and both find that the lack of motorized access to allow hunters to manage elk herds is a major threat to the continued health of the herds.

Elk populations on the KFO have skyrocketed since 1950<sup>29</sup> and the population now exceeds the size at which it can be effectively controlled under current guidelines.<sup>30</sup> CDOW has identified limited motorized access as a major concern for hunters on the KFO. CDOW has noted that despite low overall hunting effectiveness, hunters are often in areas where motorized access is allowed. The GMU plans specifically state:

**“Hunter Overcrowding** - There are several areas in the DAU where hunters tend to overconcentrate. These tend to be in areas with extensive road networks or backcountry accessible to ATVs. This problem is also affected to some extent by the number of antlerless permits issued. These situations are counterproductive to achieving harvest goals and heighten chances of an accident occurring. The quality of the hunt is obviously affected and hunters of better ability typically avoid such areas.”<sup>31</sup>

Given the direct statement from CDOW that limited motorized access is negatively impacting the CDOW's ability to manage healthy and vibrant big game herds on the KFO, the Organizations have to question how the basic direction of significant reductions in motorized access to the KFO can be

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<sup>29</sup> Colorado Department of Wildlife – E13 Data Analysis Unit Plan -1999 at pg 13- 14; *see also* E-8 Data Analysis Unit Plan-1999 at pg 13; *see also* E-3 Data Analysis Unit Plan-1999 at pg 17.

<sup>30</sup> Colorado Department of Wildlife – E13 Data Analysis Unit Plan -1999 at pg 21; *see also* E-8 Data Analysis Unit Plan-1999 at pg 21.

<sup>31</sup> Colorado Department of Wildlife – E13 Data Analysis Unit Plan -1999 at pg 24; *see also* E-8 Data Analysis Unit Plan-1999 at pg 24.

reconciled with these State planning documents directly addressing the lands under KFO management. These documents directly address planning issues on the KFO and must be incorporated in the RMP, both as the basic direction and vision of the RMP.

## **5. Planned reduction in access simply does not fit anticipated usage and will cause the RMP to fail for the same reasons that the current RMP must is being replaced.**

The proposed RMP terms and projections identify that the proposed RMP is expected to have a 20 year life span, which results in a service life comparable to the current RMP being replaced. Good management practice and applicable federal law dictate that the shortfalls of the current RMP should not be repeated in the new RMP. Many of the shortfalls existing in the current RMP, which limited its relevance and viability as a management tool, are simply carried forward in the proposed RMP. The Organizations vigorously believe that an RMP that restricts access to the levels proposed is not going to change the growing public demand for access to public lands. On the contrary, an RMP based on this management direction will rapidly become irrelevant, since there will be a significant gap between the RMP and on-the-ground management issues. The proposed RMP must remain a viable tool for on-the-ground issues, or the organizations must question why resources would be directed to a tool that will rapidly become irrelevant.

A review of the proposed RMP includes a discussion regarding why the existing RMP needs to be updated and changed. The proposed RMP is needed for the following reasons:

“There is a need to revise the KFO RMP (BLM 1984b) due to new issues and higher levels of controversy regarding issues that have arisen since the original plan was prepared in the 1980s. Major issues contributing to the necessity of revising the current RMP include several associated with the following resources and management areas: Recreation.... Special Management areas..... Energy Development....Vegetation..... Wildlife..... Sagebrush Habitat”<sup>32</sup>

The Organizations believe that the restrictive nature of the general access standards proposed in the draft RMP will result in the draft RMP failing for the same reasons that the current RMP is being replaced. The basic direction of the RMP also fails to accurately account for the current demand for opportunities on the KFO and future projections of usage for KFO opportunities. Making the same fundamental errors in planning a second time simply makes no sense and will directly impair the RMP’s ability to provide a management vision for the KFO over the expected life of the RMP.

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<sup>32</sup> Kremmling Field Office Draft RMP – Executive Summary at pg ES-2.

Federal statutes specifically identify usage trends and current usage as fundamental cornerstones in the development of federal land management plans. FLPMA specifies the various criteria the planning office must incorporate in the development of a land use plan as follows:

“(c) In the development and revision of land use plans, the Secretary shall—  
(5) consider present and potential uses of the public lands;....”<sup>33</sup>

In addition to contradicting the State planning documents previously identified, the basic RMP direction contradicts national trends indicating that the demand for motorized recreational access to public lands is growing rapidly. BLM’s research on recreational trends in usage agrees with the trends found in State planning documents. BLM national level analysis is specifically identified in the Colorado River Valley’s RMP and provides:

“The BLM lands host over 55 million recreation visitors annually – an increase of over 80 percent since 1990. The BLM estimates that 22 million of these visitors participate in motorized recreation. These include:

- 9 million who participate in driving for pleasure.
- 12 million who participate in off-highway vehicle travel.
- 500,000 who participate in snowmobiling.
- 500,000 who participate in other specialized motorized sports, events, and activities (BLM 2009e).”<sup>34</sup>

Compounding the risks of an erroneous direction and vision for the RMP, Forest Service research indicates that the total size of the back country hiker user group is rapidly getting smaller,<sup>35</sup> which is clearly relevant to determining the current and future usage that must be addressed in the RMP. The Forest Service specifically found:

“Trends in backcountry and wilderness use indicated rapid growth in the 1950’s and 1960’s, often exceeding 10 percent annual increases. Growth slowed in the late 1960’s and 1970’s to 3 to 5 percent average annual increases. Indeed, by 1976, overnight stays in national park wilderness and backcountry had peaked, and 1986 use was only 62 percent of that highest use year.”<sup>36</sup>

In addition to the overall trend of back country hiking declining, the Forest Service has found that other user groups, which would constitute the target market for non motorized areas, do not utilize the opportunities in non-motorized areas. Forest Service’s Rocky Mountain Research Station has found:

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<sup>33</sup> 43 U.S.C. §1712

<sup>34</sup> *Id* at 3-156.

<sup>35</sup> Roggenbuck and Watson; *Wilderness Recreation Use; The Current Situation*; INT 4901 #191; See also, Hendee, Stankey and Lucas; *Wilderness Management*; Chapter 14 Wilderness Use and Users; Trends and Projections at pg 362- 387.

<sup>36</sup> Roggenbuck and Watson; at pg 347.

“Fishing (where possible), photography, nature study, and swimming (particularly in the Southeast and California) follow hiking as the most common activities in wilderness. Hunting is prevalent in some areas, but is always less than what might be expected. Even in such hunting hot spots as the Bob Marshall and the Great Bear wildernesses, just over 30 percent and 40 percent, respectively, of the sampled visitors hunted. Even in the fall hunting season, most visitors are not hunters.

In a study of activity trends in the Bob Marshall Wilderness Complex, hiking, fishing, and photography remained important across 1970 and 1982 users (Lucas 1985). Of these, only fishing declined, and that only slightly. Hunting was the only activity with a substantial change, and it dropped sharply in percent of total visitation.”<sup>37</sup>

The Research Station’s study also addressed recreational usage trends for non-motorized areas and clearly concluded:

“First, the need for additional wilderness allocation on the basis of recreational use demand is dropping. Use has stabilized or dropped in recent years. Population demographics suggest that use may decline even further..... Second, the benefits of wilderness recreation use accrue primarily to individuals in the region immediately surrounding the wilderness, People do not travel far to wilderness.”<sup>38</sup>

As previously noted, the basic CRVO direction conflicts with State planning documents. The CRVO direction for usage trends conflicts with trends identified by Colorado State agencies research addressing usage of public lands for particular types of recreation. Colorado Department of Wildlife has specifically found that hunting trends are down 10.3% since 1990<sup>39</sup> In addition, CDOW has found that spending on a per person basis has significantly declined for hunting and fishing activities.<sup>40</sup> The Organizations believe that hunting and angling will remain significant contributors to the CRVO areas, but that the slowing growth of these user groups will limit these groups’ ability to make up for the lost income to CRVO communities that will directly result from closed motorized routes.

Colorado State Parks found OHV registrations have increased 154% since 1990.<sup>41</sup> Given the comparative usage trends and the high percentage of hunters, fisherman and other recreational users who are governed by travel management decisions, the Organizations believe that maintaining or expanding recreational access to the KFO should constitute a major component of the plan going forward. The Organizations believe that if sufficient NEPA analysis of these trends and economic impacts had been performed when creating the RMP, the erroneous identification of this management cornerstone would have been readily apparent.

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<sup>37</sup> Roggenbuck and Watson; at pg 353.

<sup>38</sup> Roggenbuck and Watson; at pg 354.

<sup>39</sup> Mark Damian Duda, Colorado Department of Wildlife; *Hunting and Fishing Recruitment and Retention: Lessons Learned 2011* @ Pg 16.

<sup>40</sup> CDOW; *The Economic Impacts of Hunting, Fishing and Wildlife Watching in Colorado 2008*; BBC Research and Consulting; at section V pg 21.

<sup>41</sup> Colorado Statewide Comprehensive Outdoor Recreation Plan; 2008 at pg 71.

The proposed RMP provides a management vision that reducing motorized public access to the KFO is the proper management for the KFO moving forward. The Organizations have to question the basic validity of this position, since it is contradicted by numerous State and federal analyses, and erroneously outlines a basic cornerstone of federal land planning. Closing access to the KFO under the RMP will not limit the public demand for access to public lands and will not stop people from coming to the KFO. The public demand for access to public lands will continue to increase as the population of Colorado continues to increase; nevertheless, rather than effectively managing the public's access resources and opportunities on the KFO, the RMP seeks to push those users elsewhere by reducing access. The Organizations have to question the basic validity of this management proposition. The failure to accurately address this cornerstone in planning will result in an RMP that will rapidly become a document that has little basis or relevance for on-the-ground management of issues and will rapidly simply become irrelevant. This is simply unfortunate and not what an RMP is designed to achieve.

## **5b. Impacts resulting from closure of open riding area designations are not addressed in the RMP.**

As outlined previously in these comments, usage trends of various opportunities and existing resources are important factors to be addressed in federal planning as mandated by statute. Despite these statutory mandates, there are simply no criteria provided in the travel management analysis that addresses how the proposed closures and restrictions will correlate with the rapidly growing demand for access to public lands for a wide range of recreational activities. Given the rapid growth in demand for these opportunities, this factor would weigh heavily in favor of maintaining existing opportunities; conversely, for reasons that are not clear, this factor has simply been overlooked.

Despite the significance of this change, there is simply no analysis of possible impacts to the travel system and general usage of KFO resources, nor of the possible need to expand designated trail systems simply to maintain opportunities at current levels after the reduction in open riding areas. The Organizations have to believe that the significance of this change mandates a detailed statement regarding the analysis and reasoning for the change and how this analysis fits with projected usage of the KFO in the future if the RMP is to comply with NEPA regulations. The detailed statement required for this level of change by NEPA is simply not present in the RMP.

The RMP proposes to close 307,100 acres (82% of the planning area) to open riding areas for summer usage as part of the travel management process.<sup>42</sup> The Organizations are very aware that the decision to close or greatly reduce open riding areas on BLM managed lands was not made at the planning office level. Regardless of where this decision was made, it does not obviate planning requirements calling for detailed statements of high quality information that explain how the decision will directly impact the KFO planning area and KFO specific planning issues such as the sage grouse and lynx.

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<sup>42</sup> Kremmling Field Office – Draft RMP Revision EIS- Chapter 2- Alternatives at pg 2-31.

The closure of most open riding areas on the KFO also is not addressed in significant portions of the RMP that cover specific management issues, such as vegetation, sagebrush and wildlife. Many of the discussions regarding a particular management issue do not address the change in motorized access to 82% of the KFO planning area. These discussions appear to use a designated trail system as the starting point for any analysis. This analysis simply does not properly or accurately reflect current usage and management of these areas. Pursuant to federal statutes and BLM guidelines, an accurate summary of current usage must be developed as part of the planning process. This lack of analysis must be corrected in order to develop an RMP that capable of adapting and remaining relevant for future management of KFO lands and that is in compliance with federal statutes and BLM guidelines.

### **5c. Restricting public access conflicts with both the spirit and intent of the CDOW big game access program(“BGAP”).**

Under the CDOW BGAP program, hunters pay a fee in addition to their hunting license to gain access to hunt on certain parcels of private land in areas of the state where public lands do not provide sufficient access to game herds for hunting.<sup>43</sup> While the BGAP program does not address KFO lands, these areas have been identified as areas with significant access issues as previously discussed. CDOW then purchases licenses from private land owners in the area that allow public licensed hunters to hunt on the licensed lands. While this does not rise to the level of a state planning document, the Organizations believe that the mere existence of this type of program supports basic usage trends on public lands, which will become very relevant to the KFO over the life of the RMP.

The BGAP program was started as a pilot program in 2007 on a game management unit not involving the KFO. Recent discussions at State Parks and Wildlife Commission meetings indicate that the program has been very successful, so much so that the model is being expanded into other areas of the State. The Organizations have to believe that 20 years ago, the need for such a program would have been simply dismissed as completely unnecessary to the State of Colorado. It would be a mistake to cling to the belief that restricting access represents the correct management direction in light of the direction of this program. In order to allow the proposed RMP to remain viable 20 years from implementation, expanding public access or maintaining existing levels of access to public lands must be analyzed as a viable concern.

As previously noted, the GMU’s in the KFO are already identifying a lack of access as a major management concern that is reducing the ability to properly manage the elk herd by means of publicly accessed hunting.<sup>44</sup> The GMU analysis identifies the expansion of private development reducing available habitat as the major management concern. The only concerns regarding motorized access were voiced by hunters, who sought to improve their personal odds in obtaining trophy animals by reducing the number

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<sup>43</sup> Colorado Department of Wildlife – draft press release regarding BGAP Pilot; available at <http://wildlife.state.co.us/SiteCollectionDocuments/DOW/Commission/2007/Jan/BGAPRelease.pdf>

<sup>44</sup> Colorado Department of Wildlife; September 2009; D-8 State Bridge Deer DATA ANALYSIS UNIT PLAN Game Management Units 15, 35, 36, and 45

of hunters competing for the limited number of trophy animals. While this is a reasonable concern for an individual hunter to have, this position is probably inconsistent with multiple use regulations for public lands and is the reason why extensive private land holdings are in the KFO planning with dedicated hunting access limited to those who purchase access and guide services.

The Organizations note that a disproportionate amount of hunters utilize motorized trails to access areas for all aspects of hunting, and that these areas also provide a wide range of recreational opportunities for users outside the hunting season. Closing motorized access to these areas will not expand hunting opportunities in these areas, since hunters will simply not utilize these opportunities to the same levels as areas with motorized access.

#### **5d. Travel management review addresses dead-end trails without analysis of the impact to dispersed camping opportunities on the KFO.**

The limited analysis of travel management-related issues will also negatively impact the opportunities for dispersed camping provided on the KFO, since dispersed camping opportunities simply are not addressed in the RMP or associated travel management maps. The loss of these dispersed campsites would be in addition to the closure of many parking lots and dispersed campsites adjacent to these lots that are proposed to be closed under the various area specific management plans.<sup>45</sup> The Organizations have to question if the impact of the RMP to dispersed camping was meaningfully reviewed due to the fact that the number of dispersed campsites is being significantly reduced and the RMP fails to identify any basis or need for closure of these sites.

Many of the users of the KFO utilize roads and trails to obtain a dispersed camping experience, which is significantly different than a campground experience and preferred by many users. This distinction has been recognized in numerous Forest Service plans and guidance documents as follows:

“Many people enjoy the solitude and primitive experience of camping away from developed campgrounds and other campers. Dispersed camping is the term used for camping anywhere in the National Forest outside of a designated campground. Dispersed camping means there are no toilets, no picnic tables, no trash cans, no treated water, and no fire grates.”<sup>46</sup>

Trails to dispersed day use areas and camping sites are identified as a reason for a trail to remain open in BLM planning guidelines, which specify:

“RMP revisions should identify and designate spur roads and other routes that lead to significant and appropriate sites for camping and day use. If needed, RMP

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<sup>45</sup> See generally, Kremmling Field Office Proposed RMP- Appendix N- Description of Recreational Resources.

<sup>46</sup> See generally, Shashone National Forest Website; See also Deschutes & Ochoco National Forest Website.

revisions may include the limited use of motor vehicles within a specified distance of specific designated routes, and if appropriate within a specified time period. This is consistent with the policies of the United States Forest Service OHV Rule.”<sup>47</sup>

As part of the KFO travel management process in the RMP, an analysis of dead-end trails was performed.<sup>48</sup> Despite specific analysis of this dispersed camping impacts being required by BLM guidelines, no description or statement is provided to explain how this criteria was analyzed is provided in the RMP. Given the concerns that surround the dead-end trail category in the analysis, the Organizations have to believe that dead-end trails were considered an excuse to close the trail, rather than a reason to maintain the trail and provide access to unmapped dispersed camping opportunities.

A comparison of the KFO planning process to the recent White River National Forest travel planning processes would have revealed that dispersed camping opportunities are of significant importance on the White River. Treatment of dispersed camping opportunities is not consistent between the Forest Service lands and the KFO, as required in BLM guidelines. The White River National Forest added the location of dispersed camping sites to the motor vehicle use map for each Ranger District. The Arapahoe/Roosevelt National forest has also placed dispersed camping sites on their MVUMs also. These MVUMs are readily available on respective forest websites and as such have not included in order to streamline these comments. The Organizations believe that a similar level of analysis must also occur in the RMP in order to avoid limitations on dispersed camping opportunities and to be in compliance with BLM planning guidelines. Currently, any impacts of the RMP on dispersed camping opportunities simply cannot be addressed in public comment since the RMP does not address dispersed camping locations. This analysis has just not occurred in the Travel Management zone specific maps.

Given that the RMP has not provided any analysis of dispersed camping opportunities on the KFO as part of the RMP, the Organizations have to believe that the economic impact of the changes in dispersed camping opportunities simply has not occurred as part of the RMP process. Failure to provide a detailed statement on how the RMP will impact this resource is a significant concern and could easily be a violation of NEPA planning by itself.

## **6. Best available science requirements frequently are not satisfied with strict reliance on conservation strategies.**

Throughout the RMP, analysis of management issues related to particular species relies heavily on conservation strategies as required by BLM planning guidelines and federal statutes. While these conservation strategies may have represented a survey of best available science at the time the strategy was developed, often the strategies are used to identify gaps in research regarding the management of a

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<sup>47</sup> BLM Instruction Memorandum No CO 2007-020 – February 9, 2007 at pg 3.

<sup>48</sup> Kremmling Field Office – Draft RMP EIS- Appendix P- Travel Management - at pg P-12.

species or issue. These gaps are then targeted for specific research to address management of this gap concern and to confirm the hypotheses made in the conservation strategy moving forward. Often a hypothesis proposed in a conservation strategy to fill a research gap is significantly altered after specific research has been done. Frequently, conservation strategies represent no more than a step towards a final management plan and do not present the end-product for management of many issues. The conclusions of research should be relied upon for final planning.

The lynx conservation strategy is a prime example of this process. The lynx conservation strategy identified many critical gaps in lynx research that existed in the 1990's. These gaps were then targeted for specific research into the particular lynx management issue. Significant portions of lynx research has significantly contradicted hypothesis in the lynx conservation strategy and results in management based on best available science that have apparently conflicted with the Conservation strategy as best available science has progressed. The scale of progression in research with the lynx resulted in the Forest Service, a BLM scientific partner, updating the conservation strategy with the Southern Rockies Lynx Decision. As directly evidenced by the lynx research progression, conservation strategies often prove to be no replacement for best available science with the passage of time.

Conservation strategies remain an important tool for management since they provide some hypotheses for management until specific research can be conducted. Best available science requires compliance with the rapidly evolving body of knowledge resulting from conservation strategies. Best available science is specifically defined for planning purposes as:

“ Role of science in planning. (a) The Responsible Official must take into account the best available science. For purposes of this subpart, taking into account the best available science means the Responsible Official must:

- (1) Document how the best available science was taken into account in the planning process within the context of the issues being considered;
- (2) Evaluate and disclose substantial uncertainties in that science;
- (3) Evaluate and disclose substantial risks associated with plan components based on that science; and
- (4) Document that the science was appropriately interpreted and applied.

(b) To meet the requirements of paragraph (a) of this section, the Responsible Official may use independent peer review, a science advisory board, or other review methods to evaluate the consideration of science in the planning process.”<sup>49</sup>

Planning guidelines that require compliance with conservation strategies simply are not a substitute for compliance with requirements for planning in compliance with best available scientific research. The need to manage in compliance with rapidly evolving bodies of research is specifically identified as a

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<sup>49</sup> 36 CFR §219.11

major concern for the BLM moving forward, as identified in the 2008 BLM Science Strategy, which states:

“In this era of rapidly expanding knowledge and methodologies of predicting future environmental changes, it is critical to keep up with the state of knowledge in resource management. By making use of the most up-to-date and accurate science and technology and working with scientific and technical experts of other organizations, we will be able to do the best job of managing the land for its environmental, scientific, social, and economic benefits.”<sup>50</sup>

The role that strategic planning documents play in determining the resources currently available and in identifying those resources that need to be developed is specifically and extensively discussed in the provisions of the 2008 BLM science strategy. This discussion specifically identifies:

“National management issues will be focused to reflect how they apply to the various biogeographic regions of the United States. The BLM identifies and prioritizes the science needs and problems that threaten the targets and goals from the National Strategy. Targets are established for managing specific goals or objectives.....The science needed to address the regional management issues will be defined. Science may include existing resource inventory, monitoring, and other data, as well as new information derived from research and project efforts.”<sup>51</sup>

The BLM’s 2008 Science Strategy recognizes that temporary management plans will be developed and then later revised for management based on subsequent scientific research. This progression in planning is expressed as:

“This Science Strategy provides the Bureau with the opportunity to address immediate science needs at the practical level, as well as to proactively develop scientific information at the strategic level. If the time for decision making is short (less than 1 year), an approach may need to be taken that relies on readily available science. As the time is lengthened, the ability to acquire more detailed scientific information increases. Lead times of 2 to 5 years or longer may be necessary for planning and conducting research, acquiring data, or performing inventories.”<sup>52</sup>

BLM’s Science Strategy identifies a wide range of scientific research partners for the exchange of credible information and to be used to address issues that may arise. One of these partners is the US Forest Service<sup>53</sup>, making the extensive works of the Forest Service’s research stations cited in these comments fully applicable to management of BLM lands.

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<sup>50</sup> BLM Science Strategy 2008 – Doc Id BLM/RS/PL-00/001+1700 at pg iv.

<sup>51</sup> *Id* at 16.

<sup>52</sup> *Id* at pg 4.

<sup>53</sup> *Id* at pg 10.

Given the extensive research triggered by conservation strategies and the limited role a conservation strategy plays in the overall planning and management process, the Organizations have to believe that the continued reliance on conservation strategies, as identified in these comments, has directly impacted the scope and direction of all of the Alternatives of the proposed RMP.

## **7. Travel Management is used to address sage grouse issues, when all research indicates the sage grouse decline is not significantly related to motorized recreational activity.**

The RMP proposes that route closures under travel management planning is one of the first tools employed to address the wide range of possible issues impacting the sage grouse population on the KFO. The Organizations have to question the effectiveness and viability of this decision since it directly contradicts BLM management guidelines. Research also indicates low-use roads and trails simply are not an issue for grouse survival or habitat based on best available scientific research by both State and federal scientific partners of the BLM. This research indicates that the transition to a designated trail system is of significant benefit to the grouse compared to open riding area designations. Recently released research from the Forest Service indicates that the number one killer of grouse is natural predators.<sup>54</sup> While these comments center around sage grouse habitat, since most of the KFO planning is modeled on sage grouse habitat, the Organizations believe that these concerns are equally applicable to the proposed standards for management of prairie dog habitat, which encompasses a comparatively small portion of the KFO planning area.

The RMP proposes to limit routes and travel in sage grouse habitat as follows:

“Within the Planning Area, reduction of human disturbance and fragmentation is needed in order to protect the remaining sage-grouse habitat. Limiting new roadways, decommissioning unnecessary roads, and reclaiming illegal trails, will help reduce habitat fragmentation and protect the birds and their habitat from human disturbance.”<sup>55</sup>

The Organizations have to vigorously oppose this standard as the position is directly contradicted by the BLM’s National Sage Grouse Management Strategy, which seeks to manage the sage Grouse in conjunction with multiple uses, not to the exclusion of multiple uses. Pursuant to the BLM National Sage Grouse Habitat Conservation Strategy, the vision of the plan is:

“Vision: Manage BLM-administered public land to maintain, enhance and restore sagebrush habitats while ensuring multiple use and sustained yield goals of FLPMA.”<sup>56</sup>

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<sup>54</sup> Martin Kidston; *USDA study suggests predation leading cause of grouse mortality in northern Wyoming*; The Billings Gazette; December 17, 2011.

<sup>55</sup> Kremmling Field Office- Draft RMP – Appendix P- Travel Management Appendix at pg p-16.

<sup>56</sup> BLM National Sage Grouse Habitat Conservation Strategy 2004 at pg 9.

The BLM's 2004 Sage Grouse Management Strategy specifically notes the wide range of concerns that are impacting sage grouse habitat, and impair any assertion of disproportionate benefits from just closing areas to motorized recreation. The Conservation strategy specifically provides:

“No single factor can be identified as the cause of declines in sage-grouse populations..... Some examples are large-scale conversions to cultivated croplands or pastures, altered fire frequencies resulting in conifer invasion at higher elevations and annual grass invasion at lower elevations, livestock grazing, herbicide use, mineral and energy development, and recreational activities related to urban growth and increased human populations..... Currently, the risk to sage-grouse comes from multiple sources across multiple scales.”<sup>57</sup>

While the various impacts on sage grouse and sagebrush habitat are only briefly discussed in the Conservation Strategy, extensive discussions of the range of possible impacts are provided in Mr. Connolly's works, which form the basis for most of the Conservation Strategy.<sup>58</sup> At no point is recreational use of trails even addressed in Mr. Connolly's work-- providing further support for the position that recreational access should remain open in these areas--even though a balance of use of the area and sage grouse benefit has been performed to satisfy BLM multiple usage planning requirements and the Conservation Strategy. There is no basis for determining that road closures benefit or protect the sage grouse in BLM guidelines.

The wide range of issues impacting the sage grouse are also discussed in the 2010 Fish and Wildlife Service listing decision regarding the sage grouse and CDOW management strategies for the sage grouse.<sup>59</sup> Recreational activities were specifically found to be of minimal concern in sage grouse management in the 2010 USFWS listing decision, which stated:

“Although we anticipate use of pesticides, recreational activities, and fluctuating drought conditions to continue indefinitely, we did not find any evidence that these factors, either separately, or in combination are resulting in local or range-wide declines of greater sage-grouse.”<sup>60</sup>

While the FWS findings cited above do not specifically identify motorized recreation, they provide an extensive discussion of possible motorized recreational impacts prior to concluding that recreation has a minimal impact on the sage grouse. The 2010 USFWS listing decision again stated that adoption of a

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<sup>57</sup> BLM National Sage Grouse Habitat Conservation Strategy 2004 at pg. 6.

<sup>58</sup> John Connolly; *Guidelines to manage sage grouse populations and their habitats*; Wildlife Society Bulletin 2000, 28(4): 967–985.

<sup>59</sup> See; Colorado Department of Wildlife – Greater Sage Grouse Conservation Plan for Northern Eagle County And Southern Routt County; 2004 at page 23; see also Federal Register Notice March 5, 2010 US Fish and Wildlife Service; Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered at Pg 54.

<sup>60</sup> Federal Register Notice March 5, 2010; US Fish and Wildlife Service; Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage- Grouse (*Centrocercus urophasianus*) as Threatened or Endangered at Pg 75.

designated trail system for recreational purposes is of significant benefit to the sage grouse. The 2010 USFWS listing decision discussed changes to designated trails on USFS lands as follows:

“As part of the USFS Travel Management planning effort, both the Humboldt-Toiyabe National Forest and the Inyo National Forest are revising road designations in their jurisdictions. The Humboldt-Toiyabe National Forest released its Draft Environmental Impact Statement in July, 2009. The Inyo National Forest completed and released its Final Environmental Impact Statement and Record of Decision in August 2009 for Motorized Travel Management. The ROD calls for the permanent prohibition on cross country travel off designated authorized roads.”<sup>61</sup>

The 2010 FWS listing decision discussed Colorado and Montana State policies to position viewing trailers adjacent to active grouse leks in order to allow for public viewing of mating and reproduction activities. Given the direct impact that a trailer with active visitor activity and associated motor vehicle traffic on arterial roads adjacent to active leks could have, if there were a concern regarding the recreational impact on grouse, it would have been raised in this discussion. The FWS states the placement of trailers in these locations is not a significant concern for the grouse.<sup>62</sup>

The minimal impact of recreational activities on sage grouse activities is also specifically addressed in the 2006 Colorado Department of Wildlife’s Greater Sage Grouse Workshop Committee Report, which identifies the top priority threats to the sage grouse as being Housing/Urbanization; Grazing; Predation; Hunting and Energy Development.<sup>63</sup> This report repeatedly classified possible recreational impacts to the sage grouse as a low priority/low risk issue.<sup>64</sup>

Even though habitat fragmentation is a significant concern for many species that reside on the KFO and roads are often identified as a factor that increases fragmentation, the level of habitat fragmentation resulting from a road is heavily dependent on the nature of that road. All roads are not equal when reviewing habitat fragmentation impacts. Management plans for many species, such as deer, elk and lynx have repeatedly found there is little habitat fragmentation that results from a low-usage, low-speed trail in a habitat. The converse is also true since high-speed, high-usage arterial roads through an animal habitat result in significant fragmentation of that habitat. The RMP fails to analyze the basis for the belief that all roads have an equal impact on the grouse.

The proposed KFO sage grouse standard fails to provide any analysis of the impact of closing all open riding areas on the KFO in the RMP in favor of a designated trail and road system. The Organizations have to point out that recent FWS decisions note that this change to a designated trail system is of significant benefit to the sage grouse. The proposed KFO standard fails to provide analysis of this change and immediately concludes that additional road and trail closures are necessary. This need for additional route closures to protect the sage grouse is not supported by scientific research, since most management

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<sup>61</sup> *Id* at 92.

<sup>62</sup> *Id* at 55.

<sup>63</sup> Colorado Department of Wildlife; Greater Sage Grouse in Colorado Statewide Conservation Planning Workshop *Workshop Report*; May 2006; at pg 5.

<sup>64</sup> *Id* at pg 6&7.

plans for various forms of wildlife consider implementing a designated route system to be the single largest benefit to wildlife in the area.<sup>65</sup> Again, the Organizations are opposed to any change that does not specifically address the reason why additional protections are required beyond those recommended in regional species management guidelines. The Organizations believe that a detailed statement of high quality information regarding the specifics of this standard simply has not been provided as required by Federal statute and BLM planning guidelines.

The proposed KFO grouse management standard also seeks to manage something referred to as an “illegal trail,” in addition to decommissioning trails as part of the travel management process. The RMP fails to provide any definition of what constitutes an “illegal trail.” Only a small portion of the KFO is currently managed under a designated trail standard, with the remainder managed as an open riding area. As a result, the Organizations simply are unable to understand what an “illegal trail” might be in the context of an open riding area. While there are a range of issues that result from user-created routes in open riding areas, the purported illegality of said routes should simply not be an issue.

While recreational usage of trails and roads is not even identified as a management concern in sage grouse habitat, grazing has been found to be a significant threat to sage grouse habitat. Despite the extensive concerns regarding the impact of livestock grazing on sage grouse habitat, there are no grazing limitations placed on any area currently designated as the sage grouse habitat. The Organizations are opposed to any standards that do not accurately address relevant management analysis and seek to arbitrarily manage some uses over others without scientific basis, as this is a violation of Federal planning statutes and BLM planning guidelines.

## **7b. Travel management is also used to address lynx management concerns that are simply not related to travel management issues.**

The Organizations are vigorously opposed to any closures of motorized routes on the KFO to address lynx management issues. The Organizations believe that this issue is sufficiently addressed in the comments of the Colorado Snowmobile Association submitted herewith. However, the Organizations must specifically object to the standards associated with summer recreation. The KFO RMP proposes the following general standard for lynx management:

“Implement applicable conservation and restoration measures identified in the Canada Lynx Conservation Assessment and Strategy (Ruediger et al. 2000). [Occupied lynx habitat is identified in the Lands and Realty section as a ROW Avoidance Area

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<sup>65</sup> See, Watkins, B. E., C. J. Bishop, E. J. Bergman, A. Bronson, B. Hale, B. F. Wakeling, L. H. Carpenter, and D. W. Lutz. 2007. *Habitat Guidelines for Mule Deer: Colorado Plateau Shrubland and Forest Ecoregion*. Mule Deer Working Group, Western Association of Fish and Wildlife Agencies @ Pg 45.

(including renewable energy sites, such as solar, wind, hydro, and biomass development).]”<sup>66</sup>

As previously discussed in these comments, a conservation strategy constitutes a single step in the development of a planning rule that relies on best available science. This general lynx standard is repeatedly cited as controlling throughout the RMP, despite the fact that the Forest Service--a BLM science partner--has issued an updated lynx management decision for all lands adjacent to the KFO. As noted in the CSA comments submitted herewith, even the FS Southern Rockies lynx decision is no longer controlling as best available science on certain issues. While the proposed lynx standard is sufficient for requirements of planning in reliance on conservation strategies, this standard is a facial violation of federal statutes and BLM guidelines requiring that planning rely on best available science.

In addition to identifying the specific documents to be relied upon, the KFO RMP proposes specific standards to manage recreation in lynx habitat, which in turn clearly rely on the Canadian Lynx Conservation Strategy as a controlling document. Many of these standards have been found to be completely unnecessary as a result of the extensive research conducted after initial listing of the lynx, as specifically discussed in the FS Southern Rockies Lynx decision. The specific lynx standards in the KFO RMP are specified as follows:

**“Restriction on Use:**

**STIPULATION: CO-CSU-10: Established Lynx Linkage Corridors and Lynx Habitat within LAUs --** Development of lease parcels within established Lynx Linkage Corridors and mapped LAUs would require appropriate application of the following conservation measures prior to, and during, lease development, as determined through Section 7 consultation with the USFWS, in order to maintain integrity and use of lynx habitat per LCAS guidelines:

- restrict newly constructed road use to activities associated directly with development and construction activities;
- reduce the influence of snow compaction and removal activities as travel corridors for competitive predators [use of over-the-snow vehicles would be prohibited for use in LAU lynx habitat (such as for on-site reconnaissance, resource surveys)];
- surface use or disrupting activities would not be allowed in LAU denning habitat during the denning period, from March 15 to July 15; and
- development or production facilities would be sited in order to avoid primary lynx habitat. Oil and gas development activities on BLM-managed public surface lands would not be allowed to contribute disproportionately to management thresholds applied to lynx habitat (no more than 30 percent of mapped habitat within a LAU in unsuitable condition, and less than 15 percent of habitat within an LAU converted to unsuitable condition

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<sup>66</sup> Kremmling Field Office Volume One Draft Resource Management Plan and Draft Environmental Impact Statement at pg 2-81.

within a 10-year period; also, maintenance of greater than 10 percent of habitat suitable for denning within an LAU).”<sup>67</sup>

The Organizations must stress that recreational trails and low usage forest service roads were found to be of minimal concern for lynx management in the FS Southern Rockies Lynx Management decision, which must be recognized as controlling under BLM science mandates. The FS Southern Rockies lynx decision clearly stated:

“Unlike high-speed highways, the types of roads managed by the Forest Service do not have the high speeds and high use levels that would create barriers to lynx movements or result in significant mortality risk. Roads may reduce lynx habitat by removing forest cover, but this constitutes a minor amount of habitat. Along less-traveled roads where roadside vegetation provides good hare habitat, sometimes lynx use the roadbeds for travel and foraging (Koehler and Brittell 1990). Research on the Okanogan NF in Washington showed that lynx neither preferred nor avoided forest roads, and the existing road density did not appear to affect lynx habitat selection (McKelvey et al. 2000). Available information suggests lynx do not avoid roads (Ruggiero et al. 2000) except at high traffic volumes (Apps 2000).”<sup>68</sup>

The Organizations are vigorously opposed to any closures of motorized routes that may be undertaken based on the erroneous belief that routes in general negatively impacted the lynx, since scientific research has specifically concluded that low-speed, low-usage roads do not have a negative impact on the lynx or any species the lynx relies on as a food source. Adoption of the proposed RMP standards would be a violation of statutory requirements of planning based on best available science and BLM’s internal planning guidelines addressing science in the planning process.

### **7c. Specific big game species habitat objectives violate multiple use principals, conflict with Colorado Department of Wildlife objectives and seek to apply absolute standards which will result in much unnecessary litigation.**

The proposed RMP includes many new standards for habitat management for a variety of species and general issues that simply do not exist under the current RMP. Many of these new standards have no offset or balance component for multiple use provided in the standard, and seek to manage under absolute standards. The Organizations have to believe that the failure to include an offset or flexibility in the standards when addressing other legal uses of the land will significantly impact multiple usage over the life of the RMP. The RMP fails to provide any analysis of the economic impact caused by the

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<sup>67</sup> Kremmling Field Office Volume One Draft Resource Management Plan and Draft Environmental Impact Statement at pg 2-82.

<sup>68</sup> *Id* at pg 16.

incremental impact of these new guidelines and standards on the KFO planning area and the Colorado economy. The Organizations also believe that the use of absolute standards, without flexibility to address multiple use, will result in a significant amount of unnecessary litigation regarding implementation of the RMP and definition of these terms.

These standards appear to implicitly start with the premise that human contact with wildlife always results in a negative impact on wildlife. As previously noted, these types of concerns are simply inaccurate with regard to big game species, as CDOW identifies herd sizes close to overpopulation levels of big game species on the KFO as a result of management of the species.

The Organizations have to question the scientific basis for many of these concerns, as there is a significant body of research that finds basic management of the human/wildlife interaction will result in little to no impact on wildlife. Included in the comments of the Colorado Snowmobile Association submitted herewith is a copy of the American Council of Snowmobile Association's brochure "Multiple Use Trails for Winter Recreation – Facts and Myths about Snowmobiling" that includes numerous published and peer-reviewed studies addressing the lack of impact to wildlife from dispersed motorized recreation. While this brochure centers on possible winter recreational impact on wildlife, this analysis is completely applicable to summer recreation, since scientific research has centered on winter usage in the belief that any minimal impacts to wildlife would be more apparent in the winter given the increased stress placed on wildlife by winter conditions.

Once again, the RMP neglects to analyze the change from open riding designations to a designated trail system for wildlife management purposes. It should be noted that numerous big game management plans and studies find that a designated trail system is VERY effective at minimizing impacts to big game<sup>69</sup> in a manner similar to the other noted effects identified previously in these comments. Given the effectiveness of changing to a designated trail system, the Organizations have to question the necessity of the addition standards involving wildlife habitat in addition to the designated trail system change.

Rather than address the clearly identified benefits to big game habitat of implementing a designated trail system, planners immediately move to provide additional levels of protection to big game for issues that simply are not addressed in the current RMP. The Organizations have to believe that many of these concerns were present when the expiring plan was implemented in 1984. A review of the proposed KFO baseline management standard for big game is deeply troubling to most users of the KFO. It requires no balancing of any other usages on the public lands as the objectives speak in absolute terms, with no flexibility to allow for other uses or localized issues. The proposed management objective for all big game is specified as:

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<sup>69</sup> Watkins, B. E., C. J. Bishop, E. J. Bergman, A. Bronson, B. Hale, B. F. Wakeling, L. H. Carpenter, and D. W. Lutz. 2007. *Habitat Guidelines for Mule Deer: Colorado Plateau Shrubland and Forest Ecoregion*. Mule Deer Working Group, Western Association of Fish and Wildlife Agencies; at pg 45.

**“Create optimum winter range and summer/transition habitat conditions for big game, targeting a ratio of 60 percent foraging habitat to 40 percent escape/hiding/thermal/birthing cover.”**<sup>70</sup>

Under certain legal requirements, wildlife management and habitat issues are weighted in favor of particular species, even though this management strategy is normally applicable to endangered or threatened species. The Organizations are not aware of a big game species on the KFO that is classified as such.

The Organizations have to believe that the optimization of big game habitat would include removal of roads and trails from the area, even if this management would not be supported by scientific analysis. Under a strict compliance reading of optimized habitat, any activity that arguably resulted in habitat fragmentation would have to be removed, even if the removal of low-usage roads resulted in little to no benefit to the big game species. Clearly this is a violation of multiple use standards that would have significant unintended economic consequences and would garner little public support given that most of the KFO is designated as either elk or deer winter range.

The Organizations also have to believe that the current standard of optimizing big game habitat, and numerous other habitat issues would result in a significant amount of litigation to determine what constitutes optimal habitat for each species. This simply would not benefit any of the members of the public seeking to use the opportunities of the KFO, and would result in little benefit to any species or actual on-the-ground management issue. Creating a standard in the RMP that does nothing but foster litigation simply makes no management sense either.

The Organizations note that the proposed management standard of optimizing big game habitat standard for the KFO is entirely inconsistent with CDOW strategic plan goal for the management of big game habitat. The CDOW’s goal is :

**“OBJECTIVE - Protect, restore and enhance habitat for fish and wildlife.”**<sup>71</sup>

The proposed KFO big game standard is simply unacceptable since most, if not all areas in the KFO are designated as mule deer or elk habitat, and since optimizing a single usage across all lands in the KFO is a clear violation of multiple use sustained yield principals. It is significant to note that this objective is completely new as pertains to planning purposes and seeks to optimize habitat for big game, which CDOW seeks to protect and whose habitat is seeks to restore habitat. There is simply no analysis or detailed statement to explain why there is a necessity to optimize this resource in the KFO, as this would constitute an unprecedented level of protection not provided to big game outside the KFO.

In addition to violating the principals of multiple use, the optimization of big game habitat over other uses is a standard that directly conflicts with federal vehicle use regulations regarding how wildlife concerns

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<sup>70</sup> Kremmling Field Office – Draft RMP Revision EIS- Chapter 2 Alternatives pg 2-58.

<sup>71</sup> Colorado Division of Wildlife- Strategic Plan 2010-2020; at pg 3.

are to be addressed with travel management. Federal regulations explicitly provide the basis for wildlife management in travel management as follows:

“(b) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats.”<sup>72</sup>

Any standard seeking to optimize habitat without addressing other uses cannot be consistent with a travel management standard requiring that vehicle use minimize harassment or disruption of wildlife in the travel plan.

The Organizations are opposed to any standards that do not incorporate some degree of flexibility in the standard to allow for multiple use of these areas. While there could be a valid and acceptable version of the above standards consistent with multiple use principals, such as addressing the minimal quality of sagebrush habitat that has resulted from sagebrush habitat being too old to provide a viable food source for big game, these standards are not accurately reflected in the proposed standards. The lack of accuracy and the exceptionally broad scope of these standards will also result in a significant amount of litigation that could be avoided by a careful crafting of these standards, something simply not present in the proposed standards.

#### **7d. Wolverine management standards.**

The Organizations vigorously support the positions voiced in the comments of the Colorado Snowmobile Association submitted herewith regarding wolverine management standards.

### **8. The RMP fails to provide flexibility necessary to address the merger of Colorado DOW & Colorado State Parks.**

Recently the Colorado Department of Wildlife and Colorado State Parks merged into the Colorado Department of Parks and Wildlife in order to achieve economies of scale in the operation of both organizations without compromising the operation of either organization.<sup>73</sup> While the final vision for the merged organizations remains to be formalized, the merged organizations’ combined mission will directly impact the position adopted by the organization in its consulting agency role with federal agencies.

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<sup>72</sup> See 43 CFR 8342.1

<sup>73</sup> See, Colorado Senate Bill 11-208.

The Organizations note that prior to the merger, Colorado State Parks was actively involved in federal land issues but did not take an active role as a consulting agency with federal agencies for planning purposes. As a result, federal agency consultation with State agencies tended to center on CDOW concerns that directly related to CDOW's "enterprise status." This enterprise status vision resulted both the fact that hunters and anglers paid for wildlife management and that any consultation outside these issues was legally prohibited. The merger will directly result in the State consulting with any federal agency acting under a far broader scope and mission statement. This consultation will address many more general public access concerns, unlike the previous consultation, which involved hunting and fishing issues only. The Organizations believe that restricting access in the RMP will cause much of the expanded scope of consultation to be of limited significance, since any changes would need to be addressed in the RMP before the consultation could move forward.

## **9. The RMP does not address removal of North Sand Hills ISA designation.**

On or about September 1, 2011, Jackson County Commissioners submitted legislation with Representative Tipton's Office seeking the removal of the North Sand Hills ISA designation. This legislation was supported by local communities, the Northwest Resource Advisory Council, motorized recreational groups and environmental organizations. The release of the ISA designation for this area is based on the belief that this area has never been suitable for inclusion in the Wilderness system and is part of a multiple-agency plan for management of this area.

The release of the ISA designation seeks to reduce the significant confusion and concern of all parties regarding the impact of the ISA designation on surrounding areas. The development plan for the North Sand Hills area includes the possible swap or other purchase of lands owned by the Colorado State land board adjacent to the ISA area. The management plan seeks to strengthen the relationship between BLM and the County and allow for development and better management of adjacent recreational opportunities in the North Sand Hills area, which is a significant economic contributor to the Jackson County economy. The North Sand Hills plan may also allow for the creation of a fee use area in North Sand Hills in order to improve services and maintenance in the North Sand Hills area. The development of fee use has been complicated by the limited services in the area and concerns that any fee imposed in the area would not be returned to management of that area. Removal of the ISA designation is a significant step towards resolving a lot of these issues and helping the Jackson County economy and should therefore be addressed in the RMP.

## **10. Routes on landlocked parcels of BLM lands should remain open to motorized recreation unless there is a compelling independent need to close the route.**

The Organizations have to question the reasoning behind the proposed decision to alter management of all trails on KFO lands surrounded by private lands to non-motorized trails. The proposal does not identify the management concerns that are sought to be remedied with this change and does not identify the scientific basis relied upon for this decision. Given the lack of the required analysis and of a range of alternatives for resolving management concerns, the Organizations must oppose this decision. The Organizations have to question how agency personnel would be able to enforce these restrictions in the absence of access to these landlocked parcels.

The RMP provides that all routes on BLM lands surrounded by private property would be designated as non-motorized under the following standards:

“ \* Routes designated as administrative would permit unrestricted pedestrian and equestrian travel, unless there are other resources or public health and safety concerns.

\* Routes that do not have existing motorized public access (such as those surrounded by private land) would be designated as administrative, where administrative use authorizations are granted on a case-by-case basis, with approval from the Authorized Officer.”<sup>74</sup>

No management issue is provided as the basis or rationale behind this decision in the RMP, and such a blanket decision for management of any issue is not supported by research. The Forest Service has found that almost all management concerns that exist in areas where motorized travel is allowed persist after motorized access to the area has been removed. Issues such as resource damage, litter, user conflicts and wildlife management continue to be serious management concerns in the newly designated non-motorized areas.<sup>75</sup> If there are maintenance issues on these trails, closures for motorized recreation will not resolve these issues. Ignoring an issue is not management of an issue.

The Organizations have to note that blanket closures of these landlocked areas to adjacent landowners for motorized recreation purposes will increase demands in other areas in the KFO, since private landowners no longer have access to landlocked parcels. These areas will already be under significantly more pressure than that created by current usage given the proposed level of closures in the RMP. Allowing these landlocked areas to remain motorized would reduce demands on the existing trail system and reduce negative economic impacts of the RMP.

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<sup>74</sup> Kremmling Field Office – Draft RMP Chapter 4 – Environmental Consequences @ pg 4-445.

<sup>75</sup> Daniel Abbe & Robert Manning; *Wilderness Day Use*; International Journal of Wilderness - Volume 13 Number 2; Aug 2007; at pg 23.

The Organizations have to believe that any management issues could easily be resolved by providing educational activities to the adjacent private landowners in order to avoid closure of motorized access to these areas. It is unclear what basis was relied on for the decision that a blanket closures of these areas was the proper basis to manage these concerns. If there are management issues in these areas, the Organizations have to believe that a case-by-case review and analysis, under a management standard in the RMP providing a basic vision of the decision-making process for these landlocked parcels would be superior to the blanket closures.

The Organizations believe that the blanket closure of all lands to motorized access will impair public support for the RMP as implementation begins. Many private landowners will pay a premium for private lands that abut public lands, since they can be reasonably sure that the public lands will not be developed. The Organizations have numerous members who have purchased parcels for their proximity to public lands and the opportunities that these lands provide. The public lands always provide a premium recreational opportunity for adjacent landowners, regardless of what type of recreation is undertaken. There is no reason to single out motorized usage on designated trails from these opportunities.

The declaration in the RMP that each of these parcels is landlocked may be construed as an admission for court purposes that could be used by those seeking to close an implied easement that has been historically used by the public for accessing these areas. This admission would immediately violate various planning and statutory requirements that BLM safeguard public lands and identify the specific process to be used to sell or dispose of any parcel of public lands.

The RMP does not provide any background information on how the decision was reached that each of these parcels were in fact landlocked; moreover, frequently decisions regarding landlocked parcels involve a court order. Since truly landlocked parcel is somewhat unusual, having the number of landlocked parcels that appear to be involved with the KFO would be highly unusual. Courts often go to great lengths to find lawful access to any parcel that results from the subdivision of a larger parcel, since people simply do not buy property that they can never access. The Organizations have to believe that abandoning an implied easement for public use would be a violation of numerous Federal statutes and regulations regarding the management and disposition of public lands.

## **11. The draft RMP proposes an active role in Wildfire fuel management and this response will not be aided with the expansion of Wilderness Characteristics areas or ACEC.**

The active role the KFO is proposing to take in addressing the mountain pine beetle epidemic is very commendable. The pine beetle epidemic must be a high priority for all federal land managers, given the unprecedented scope of impact for all uses of the public lands and the exceptionally long time it may take the forest to recover without remediation of the dead and dying trees that now make up a significant portion of Colorado public lands. The Mountain pine beetle epidemic has also been identified as a

significant threat to several endangered species, which can only be mitigated with remediation activities. These remediation activities will create jobs, protect eco systems and actively manage the lands for future generations. Given the scope of this threat to all lands in the State of Colorado, every opportunity to streamline any response to this issue must be fully utilized, including those provided in active federal lands planning activities. This streamlining can involve many activities, including not pursuing general designations that would impair response to the epidemic.

The Organizations believe that the first question that should be asked regarding any proposal to increase restrictions on access to any part of the KFO should be “Has remediation of the impact of the mountain pine beetle epidemic been completed in the area?” If the answer to the question is no, the proposal should be shelved until such time as remediation of the area has been completed. The Organizations are aware that the RMP proposes to allow fuels mitigation activities in WCA’s and ACEC’s, but given the expected time frame necessary to remediate a significant portion of the public lands from the beetle epidemic, the Organization’s question why there is a need to address the expansion of any designation until the area is remediated. Remediation could still be occurring at the expiration of the proposed RMP. The designation of any area as WCA or an ACEC with restrictions on access will clearly not improve the agencies’ ability to actively manage the epidemic in these areas.

The Organizations also have to question the basic logic of limiting active management of any area, as there is really no argument that the management of adjacent areas does not impact areas that are not directly managed. Often these impacts are not healthy for the unmanaged areas, such as Wilderness and WCA areas. The Forest Service Research station, a BLM scientific research partner, recently prepared a report that found that the impact of the management limitations of Wilderness and WCA designations not only set the stage for the beetle epidemic, but also significantly limited the land managers’ ability to respond to the epidemic. This report was prepared after a request from Senator Udall’s office seeking a review of the Forest Service response to the mountain pine beetle epidemic. This report specifically identifies Wilderness designations and areas currently managed under the 2001 version of the Roadless Rule as significant factors that set the stage for the pine beetle outbreak and significant factors that limited the Forest Service’s ability to manage the outbreak and remediate these areas for future usage. A copy of this report has been included with these comments for your review and analysis.

The Organizations are aware that the scope of Senator Udall’s request was limited to Forest Service; nevertheless, the logic and analysis regarding management alternatives provided in this document are exceptionally relevant to BLM lands given their proximity to the Forest Service lands that were analyzed and the fact that the Forest Service’s status as a research partner under BLM scientific planning requirements requires that this analysis be incorporated in BLM planning. Failure to address these concerns and findings would be a critical oversight in the development of the KFO RMP and the protection of Colorado public lands from the next mountain pine beetle epidemic or a similar event.

## **12. Expansions of WCA designations must be subject to previous agency determinations finding the area unsuitable for designation as a WCA.**

Under Alternative C of the RMP, numerous expansions of Wilderness Characteristics Areas (“WCA”) are proposed. The Organizations are vigorously opposed to any expansion of the WCA areas under Alternative C or under a merged alternative that may be accepted as a final decision at some point in the future. All of the areas proposed to be managed for wilderness characteristics under the proposed RMP were found unsuitable for inclusion as a Wilderness characteristics area after a significant on-the-ground review and analysis of these areas. These previous findings beg the question, “Why is this area suitable now?” The Organizations believe that the reasoning which previously precluded the addition of these areas as WCA previously remains a valid reason to preclude management of these areas as a wilderness characteristics designation now. These areas still remain too small, too developed, or not distinctive enough for inclusion as wilderness characteristics areas. The Organizations have to question any assertion that these areas have regressed in terms of development by humans.

The Organizations have to question the basic utility of designations of WCAs and ACEC. There are many layers of area designations already present on the KFO; often these existing designations are poorly addressed, or the reasoning for the designation is simply forgotten with the passage of time. Given the failure of many of the designations to be accurately addressed in planning, the Organizations have to question the utility of any further designations that will simply be overlooked or misapplied in the future.

### **12b. Reliance on interest group analysis of proposed WCAs is not a substitute for on-the-ground analysis pursuant to applicable statutes.**

The Organizations believe that the on-the-ground analysis of criteria relied upon for the proposed WCAs is critical to making accurate management decisions in compliance with BLM’s multiple usage mandate and internal BLM guidance. The Organizations vigorously believe that the works of interest groups, who often seek to advance an agenda for land use as part of their analysis, is not a substitute for impartial review. The Organizations note that much of these group’s works are not published or peer-reviewed, which directly impairs the agency’s ability to rely on these works, as given that these works by definition do not constitute best available science. The lack of peer review or public comment also allows many impacts to disfavored recreational activities to simply be overlooked in the interest group analyses. The Organizations are also opposed to any designations based on the scenic characteristics of a given area, since this criterion simply is not relevant to WCA designations.

A review of applicable standards for the development of databases used by interest groups in determining the placement of possible WCA’s reveals that standards for development of these databases are often significantly at odds with agency management requirements.

“Plants, animals, and ecological systems can only be considered effectively conserved when their biodiversity status is viable, threats have been abated, and land management/protection is sufficient to ensure the long-term persistence of the element.”<sup>76</sup>

In addition to inconsistent standards for retention and analysis of information, there are significant BLM planning criteria not addressed in interest group analyses. Due to the fact that these interest group petitions fail to address these criteria, they are not addressed in the WCA analysis in the RMP either. Two criteria in particular are omitted that are critical to multiple use mandates and regulatory standards. Pursuant to BLM planning requirements, trails are evidence of human activity and weigh against selecting a given area as viable for Wilderness characteristics designation.<sup>77</sup> The distances of roads and trails in a proposed Wilderness characteristics area are specifically identified in BLM management review documents and are frequently not accurately discussed in the site-specific discussions associated with the WCA portion of the RMP.

The fact that the RMP relies on public petition documents for management results creates many concerns over and above the analyses of these areas. Management changes based on these petitions also creates a completely circular logic for management of areas involved in the designations. A change in the management standard will be seen as support for the proposed legislative activity seeking congressional designation of these areas as Wilderness. The changes in management will immediately be the basis for additional Legislative Proposals seeking to designate these areas as Wilderness. Agencies simply should not manage these areas in a certain manner because they believe that there may be a legislative proposal seeking designation as a Wilderness area; it is simply not good management.

The Organizations note that many of the criteria adopted by interest group petitions are heavily reliant on socially-based user conflicts and not good science. Many of these concerns center on alleged impacts to wildlife that may result if current management continues and an area is not designated as Wilderness. While these concerns often tug at heart strings, the concerns for wildlife often are not based on scientific analysis. This conflicting basis for wildlife concerns has been repeatedly stated by researchers as follows:

“The debate regarding the effects of motorized recreation on wildlife is largely a social issue as opposed to a wildlife management issue.”<sup>78</sup>

Agencies should continue to manage these areas under relevant statutes and regulations, since there are often a significant differences between the proposal standard and agency management requirements.

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<sup>76</sup> Colorado Natural Heritage Program scorecard criteria; <http://www.cnhp.colostate.edu/download/scorecard.asp>

<sup>77</sup> BLM manual 6301 – Wilderness Characteristics Inventory @ pg 10.

<sup>78</sup> PJ White & Troy Davis. *Wildlife responses to motorized winter recreation in Yellowstone*. USFS 2005 Annual Report at Pg 1.

## **12c. The Drowsy Water area is not suitable for designation as a WCA.**

The Organizations are vigorously opposed to the designation of the Drowsy Water area as a WCA. As noted in the RMP, this area was previously found unsuitable for Wilderness designation. A review of the RMP and zone-specific travel management maps reveals that the area has a heavily developed trail system.<sup>79</sup> The development of this area is relied upon for possible designation of the same area as the Headwaters ERMA under Alternative B of the RMP. The Organizations may have concerns regarding the management of the Headwaters ERMA, but believe that management of this area as an ERMA is far more realistic than designating it as a WCA area.

The RMP identifies a level of road development in the Drowsy Water area: “There are no roads within the assessment area receiving ongoing maintenance”<sup>80</sup>. This simply is not accurate, as the site-specific discussion notes a high degree of motorized usage in the area and a growing demand for access to these areas.<sup>81</sup> The Organizations have to believe that, even though these routes are not actively maintained, they constitute an important resource for those seeking recreational opportunities on the KFO. Often the lack of maintenance of a roadway is seen as a benefit for those seeking recreational riding opportunities. The Organizations are also aware that the line between a low maintenance forest road and a trail can often be very fuzzy, which would also impact the validity of the above summary. Given the importance of these resources, the limited-maintenance roads and trails in the area should be accurately addressed in the RMP analysis since they will also directly impact the suitability of the area for WCA designation.

The RMP also notes that the Forest Service lands adjacent to the Drowsy Waters area are designated as being roadless. Although the adjacent forest service lands may be designated under a “Roadless Area” designation, the level of designation is very low. Adjacent areas of the Arapahoe/ Roosevelt National Forest would be managed under a D3 or D4 standard, which allows for road construction and the removal of trees for fuels mitigation.<sup>82</sup> Similar levels of designation also occurred on adjacent areas that are managed by the Medicine Bow/Routt National Forest.<sup>83</sup> The Drowsy Waters area was reviewed for possible upper-tier roadless area designation under the recent Colorado Roadless Rule process. The upper tier designation is a standard very similar to a WCA designation. The Organizations must note that the adjacent Forest Service lands were found to be unsuitable for upper tier designation. These designations must be taken into account since the management of adjacent lands will directly affect the suitability of the Drowsy Waters area for WCA designation.

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<sup>79</sup> Kremmling Field Office- Draft RMP – Transportation Map figure T-4 – Zone D Alternative A.

<sup>80</sup> Kremmling Field Office- Draft RMP – Appendix H- Wilderness Characteristics Assessments at pg H-16.

<sup>81</sup> Kremmling Field Office- Draft RMP – Appendix H- Wilderness Characteristics Assessments at pg H-14.

<sup>82</sup> Colorado Roadless Rule Petition- Arapahoe Roosevelt National Forest Specific map – Preferred Alternative - [http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5291744.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5291744.pdf)

<sup>83</sup> Colorado Roadless Rule Petition- Medicine Bow/Routt National Forest Specific map – Preferred Alternative - [http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5291744.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5291744.pdf)

The Organizations must note that most of the Drowsy Water area has not been mitigated for impacts of the mountain pine beetle epidemic. For the reasons discussed elsewhere in these comments, if an area has not been mitigated for beetle impacts, it should not be considered for any restrictive designations, since mitigation of the pine beetle issue should be a very high priority for land managers and restrictive designations will not aid in addressing this issue.

## **12d. Strawberry Area is not suitable for designation as a WCA.**

The Organizations have to oppose the designation of the Strawberry Area as a WCA. As noted in the RMP, this area was previously found unsuitable for Wilderness designation. The RMP notes that the Strawberry area has a heavily developed trail system<sup>84</sup>. The RMP notes the trail system is one of the heaviest used on the KFO, and includes a significant number of kiosks, signage and resource fencing.<sup>85</sup> The Organizations have to question how this level of development can be consistent with a Wilderness characteristics area designation.

The Organizations must note that most of the Strawberry area has not been mitigated for impacts of the mountain pine beetle epidemic. For the reasons discussed elsewhere in these comments, if an area has not been mitigated for beetle impacts it should not be considered for any restrictive designations, since mitigation of the pine beetle issue should be a very high priority for land managers and restrictive designations will not aid in addressing this issue.

Under Alternative C, the Strawberry Area would become a WCA with an SRMA designation. While these designations are certainly not mutually exclusive, the basic intent of the two designations would entail a significant degree of conflict, since an SRMA designation seeks to direct management resources for recreational opportunities. The Organizations have to question how management resources can be directed to this area to a high enough level to be effective yet not alter the area enough to remain validly classified as a WCA.

The RMP fails to accurately reflect the level of road development in the Strawberry area, noting that there are no roads within the assessment area receiving ongoing maintenance.<sup>86</sup> As noted in the comments regarding the Drowsy Waters area, the presence of a trail system in this area should be noted in the appendix, given that the dividing line between a low-level forest road and a trail is often VERY fuzzy.

Designation of the Strawberry area as a Wilderness characteristics area directly conflicts with the designations provided in the other alternatives. This immediately raises questions regarding the validity of any claim that the area is viable for designation as Wilderness, since it could be designated an SRMA for motorized recreation. Given the current usage levels, an SRMA designation simply makes more sense.

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<sup>84</sup> Kremmling Field Office- Draft RMP – Transportation Map figure T-3 – Zone C Alternative A.

<sup>85</sup> Kremmling Field Office – Draft RMP – Chapter 3 – Affected Environment at pg 3-163.

<sup>86</sup> Kremmling Field Office- Draft RMP – Appendix H- Wilderness Characteristics Assessments at pg H-16.

## **12e. Troublesome area is not suitable for designation as a WCA outside existing WSA boundaries.**

The Organizations are opposed to any additional designations of WCA areas in the vicinity of the Troublesome WSA. As noted in the RMP, significant portions of the proposed additions to the Troublesome WCA have already been found to be unsuitable for designation due to the level of development adjacent to these areas. The RMP notes that adjacent Forest Service lands are designated as roadless areas. These areas do have a significant level of trail development despite the roadless designation; moreover, most of these areas were recently found unsuitable for designation as an upper-tier roadless area under Colorado Roadless Rule petition.

The Organizations must note that most of the Troublesome area has not been mitigated for impacts of the mountain pine beetle epidemic.<sup>87</sup> For the reasons discussed elsewhere in these comments, if an area has not been mitigated for beetle impacts it should not be considered for any restrictive designations, since mitigation of the pine beetle issue should be a very high priority for land managers and restrictive designations will not aid in addressing this issue.

## **13. The RMP lacks sufficient information to meaningfully comment on significant portions of proposed SRMA & ERMA designations.**

The RMP includes an extensive discussion of the various areas proposed to be managed as either Special Recreation Management areas (“SRMA”) or Extensive Recreation management areas (“ERMA”). While there is a significant amount of information provided in these discussions, they contain a critical flaw. The SRMAs and ERMAs are proposed to be managed under a range of recreational management zones, which frequently address a wide range of uses, some of which directly conflict or exclude other uses, in each SRMA/ERMA. The boundaries of these recreation management zones are not provided. Without boundary designations, the Organizations simply cannot address any impacts from these designations with any degree of specificity.

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<sup>87</sup> Kremmling Field Office- Draft RMP – Appendix H- Wilderness Characteristics Assessments at pg H-8.

### **13b. Designation of the Headwaters ERMA does not fit anticipated usage projections.**

Pursuant to the RMP proposal, the eastern end of the Headwaters ERMA is to be managed as a non-motorized area. While designation of a non-motorized recreational area may be appealing when reviewing the lands under KFO management exclusively, this decision becomes problematic when non-motorized opportunities on adjacent FS lands are taken into account in addition to areas that are to be designated as non-motorized SRMA—such as the Upper Colorado River—where designation of the SRMA will remove current motorized access to significant portions of the Colorado River.

A review of the zone-specific travel management maps for the Headwaters ERMA for the reveal almost all motorized recreation has been closed in these areas despite the high degree of existing opportunities on these areas. Given the scope of closure proposed, the Organizations have to believe that alternatives for keeping trails open have not been examined in a meaningful way with regard to these areas. BLM guidelines require:

“Design a travel system with RMP and transportation network goals in mind rather than just choosing from inherited roads, primitive roads and trails. Instead of a decision-making process to only decide which individual routes should be closed or left open, design a travel system with a desired goal of sustainable routes that meet patrons’ needs (i.e. loops) and varying levels of difficulty. **Also, consider a broader range of management options that include reroutes, reconstruction or new construction, as well as closures. These management considerations are an integral part of developing a quality travel system.**”<sup>88</sup>

A more significant discussion of this issue is not possible: the impacts of designations are difficult to understand due to the fact that RMZ alternatives are not delineated in the ERMA & SRMA maps.

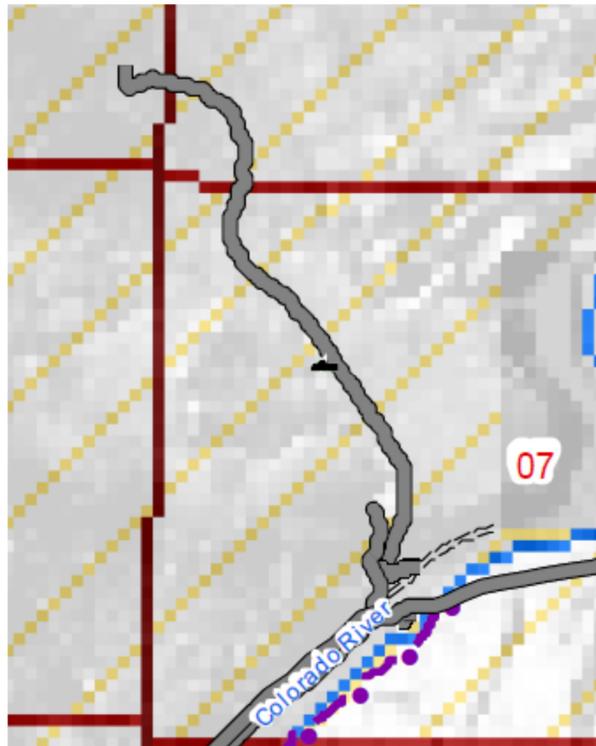
### **13c. The Yarmony Road jeep trail designated as an SRMA is not accurately reflected on the Travel Management Zone-specific maps.**

The Organizations vigorously support any designation that protects and enhances motorized recreational opportunities on the KFO, such as designation of the Yarmony Road Jeep trail area as an SRMA. The Organizations note that the Yarmony Road/Trough trail system is not accurately mapped under any

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<sup>88</sup> BLM Instruction Memorandum CO-2007-020 at pg 2.

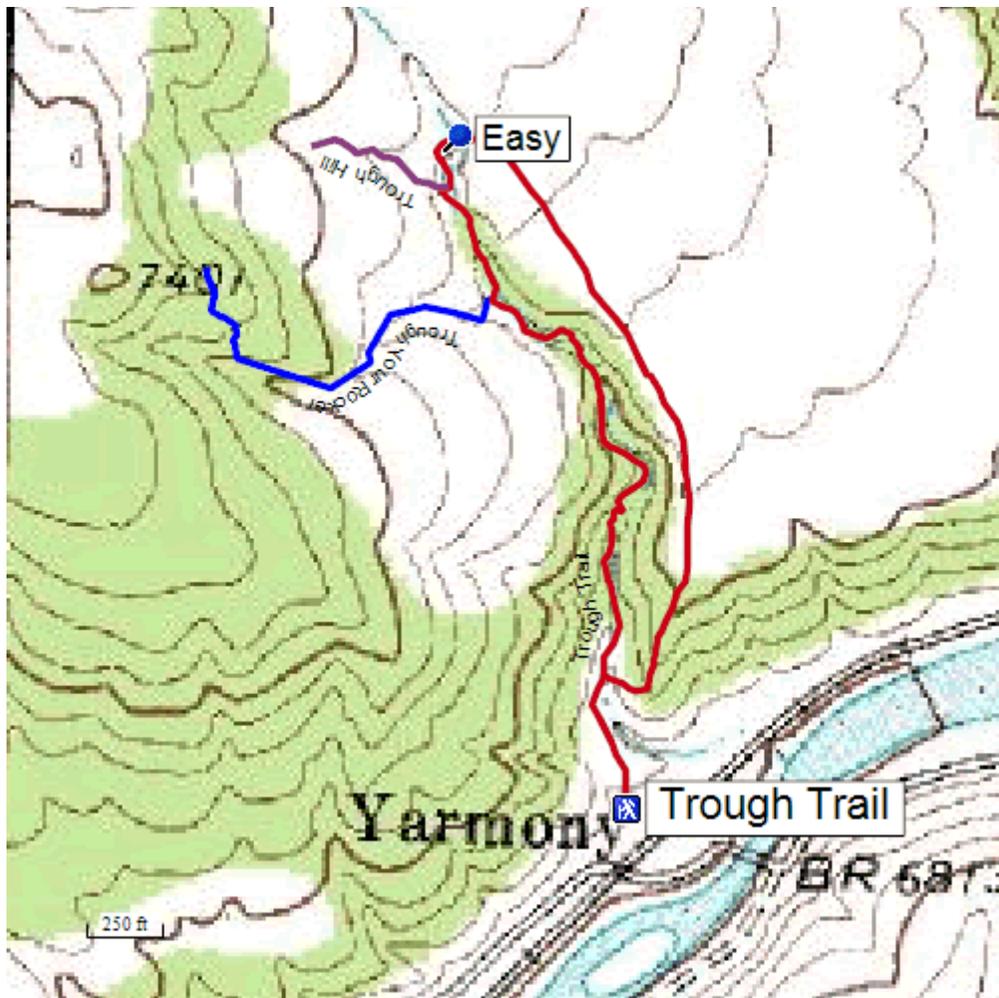
alternative of the Zone A travel management map despite possible special designation of this trail under Alternative D.<sup>89</sup> Many of the side trails and half of the loop trail are not reflected in the zone-specific map. The Zone A map reflects the trail system as follows:



However, this trail is significantly different on-the-ground. The trail system on-the-ground is significantly longer, as noted below.

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<sup>89</sup> Kremmling Field Office – Draft RMP and EIS- Appendix N at page N-32.



As is noted in the RMP, the Yarmony Road trail is extreme and only passable to user groups with specialized equipment not possessed by most users. The multiple/loop routes provide access to various mountain peaks and resources for those users who simply do not have equipment sufficient to traverse the extreme portion of the trail; these alternative routes allow users an easy way to remove vehicles that may break or otherwise become inoperable while traversing the extreme trail.

The Organizations believe that all routes in this areas must be accurately reflected in the travel management maps and remain open under all alternatives. The Organizations also believe that if resources are directed into this area, the resources they should be used to obtain the most return for the investment, which can only obtained after on-the-ground trails remain open.

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<sup>90</sup> [http://www.traildamage.com/trails/trough\\_trail/maps/map\\_small.gif](http://www.traildamage.com/trails/trough_trail/maps/map_small.gif)

## 14. Conclusion

The RMP provides a large amount of information regarding uses that is very disorganized and hard to review. This lack of basic organization will limit the amount and effectiveness of public comment provided, resulting in oversights and inaccuracies in the RMP that will not be discovered until such a time when the remedy for the issue will be far more difficult to implement. The Organizations believe that combining travel management and resource management plans is simply not a viable management process, and that these issues should therefore be addressed separately. There is simply too much information to be analyzed under a combined plan.

While the Organizations believe that Alternative D is the best of the provided Alternatives, they feel that the usage allowed in Alternative D directly results from the limited and often erroneous review of travel management issues in the RMP. The RMP provides no meaningful analysis of travel management issues. The economic impact of the proposed closures in the travel management portion of the RMP has simply been overlooked. The RMP erroneously asserts that the economic impact of closing approximately 50% of the motorized routes on the planning area will be nil. This assertion is simply untenable given the numerous recreational activities that will be impacted by these closures and the large economic contributions made by these activities to the KFO planning area.

The travel management plan proposed in the RMP simply does not reflect current usage levels, future usage projections required in BLM planning guidelines, or Federal statutes. The direction of the travel plan also conflicts with numerous State planning documents that must be reviewed and incorporated in Federal public lands management. The failure to accurately address demands on the KFO going forward will result in a plan that rapidly loses utility for on-the-ground management. The lack of analysis for travel management-related issues is a violation of NEPA's requirements for a detailed statement of high quality information explaining why decisions in the Plan have been made. If the persons who developed the RMP had undertaken the required NEPA analysis, they would have realized the fallacy of their positions.

The RMP moves toward a fully designated trail system for all users, but the benefits of the designated trail system change simply are not addressed. The RMP does not analyze why the habitat protection of a designated trail system is not sufficient to achieve RMP objectives or why further closures are deemed necessary, when most habitat management plans identify a designated OHV trail system as the single biggest step towards protecting habitat. Many of the standards and guidelines for specific issues and concerns are not supported by scientific research and often directly conflict with regional management guidelines for the species. The RMP standards almost always seek to exclude motorized access first, even when it is not identified as a concern in regional planning documents.

If a more complete review of any of the documents relied upon in these comments should be desired, please feel free to contact Scott Jones to forward these documents at your convenience. His contact information is Scott.jones46@yahoo.com and his phone is 518-281-5810.

Sincerely,



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