

**Tom Jankovsky**

District 1

**John Martin, Chair**

District 2

**Mike Samson, Chair Pro Tem**

District 3



June 17, 2011

Regional Forester Rick Cables  
Appeal Deciding Officer  
USDA Forest Service  
Rocky Mountain Region  
740 Simms  
Golden, CO 80401

Re: Notice of Appeal of the Record of Decision for the White River National Forest Travel Management Plan

Dear Regional Forester:

The Board of County Commissioners of Garfield County, Colorado, hereby files this Notice of Appeal of the Decision for the White River National Forest Travel Management Plan (TMP) signed on March 17, 2011, and published in the Glenwood Springs Post-Independent on May 4, 2011, pursuant to 36 C.F.R. § 215.

Pursuant to 36 C.F.R. § 215.14(b), the Appellant provides the following information:

- I. This is a Notice of Appeal filed pursuant to 36 C.F.R. 215.
- II. Appellant is the Board of County Commissioners of Garfield County, Colorado, 108 8<sup>th</sup> Street, Glenwood Springs, Colorado, 81601; the telephone number for the Garfield County Attorney's Office is 970-945-9150.
- III. The Appellant objects to the decision regarding the White River National Forest Travel Management Plan issued by Scott G. Fitzwilliams dated March 17, 2011, and published on May 4, 2011. The TMP "outlines specific details for all forms of transportation on the WRNF." The TMP includes all roads and trails that will be open, including those open seasonally, and all roads and trails that are to be closed or decommissioned.
- IV. The Appellant seeks the following changes:

Several of the roads and trails described in the TMP are incorrectly designated and are scheduled to be decommissioned or closed. Access should be maintained to both public and

private land, including access through non-maintained county roads. Additionally, the TMP appears to improperly close access to significant grazing and recreational allotments in Garfield County.

A. Roads.

Forest Service Road 4-N197.1 is scheduled to be decommissioned. This road, located in the Sweetwater area, provides access to a USFS campground and wilderness cabins that are owned by private citizens. This road connects County Roads 150 and 151A, which are also incorrectly designated in the TMP. This road should be designated as being subject to a Special Use Permit.

County Road	USFS Designation	Length	Status
150	Licensed/Unlicensed	4.86	easement
151	Insufficient length to access public and private land	3.46	
151A	Decommission	2.11	
152	Insufficient length to access private road and access to private property	.42	
282	Decommission	1.47	Non-maintained
284	Foot/horse	1.15	Non-maintained
241	Foot/horse	~1.5	Non-maintained
137	Special Use Permit	~1.19	Non-maintained
30	Decommission	1.23	Non-maintained

B. Grazing and Recreational Allotments.

The TMP fails to consider significant grazing and recreational allotments in Garfield County. There are approximately 80 grazing and recreational allotments accessed by roads and trails set to be decommissioned or closed by the TMP. Garfield County collects the possessory interest taxes on these allotments for the federal government. The Service Plans for these allotments set forth the uses that can be made on the land where these allotments are located.

Garfield County property owners have expressed concerns regarding the TMP depicting bicycle trails through sheep grazing allotments. Citizens are also concerned about the USFS closing access to water impoundments included in USFS's Service Plan for use of the allotments.



Multiple access roads for the use of USFS lands by holders of grazing and recreational allotments in Garfield County are shown as "decommissioned" without appropriate notice to the allotment owners and without sufficient process to allow amendment to associated Service Plans. The County will be impacted by the obligation to collect possessory interest taxes from holders of allotments who, if the TMP is adopted, will not have adequate access or will have no access at all to their permitted lands.

C. County Roads

The TMP also depicts several roads as USFS roads, which are actually County roads. Specifically, County Roads 140, 141, 143, 144, 146, 150, 151, 151A, 152, 282, 284, 241, 137, 30 and 33 are all County roads. This list is not exclusive. Title to these roads has not been definitively vested with the USFS. Garfield County objects to the TMP to the extent it attempts to alter the status of County roads.

V. Appellant disagrees with the TMP as described in subsection V, and requests the TMP be changed as reflected above.

VI. The TMP fails to consider the substantive comments that were provided prior to the issuance of the decision.

VII. The TMP violates the public's right to access public lands and the right of private citizens to access their own private lands.

The closure and decommissioning of the above-listed roads will preclude access to significant public and private lands and grazing and recreational allotments on which taxes are being collected from Garfield County citizens.

BOARD OF COUNTY COMMISSIONERS  
OF GARFIELD COUNTY, COLORADO

By

John Martin, Chairman of the Board

BOCC:clc:cc

cc: Tamra Allen, Garfield County Building and Planning Department



United States  
Department of  
Agriculture

Forest  
Service

Rocky  
Mountain  
Region

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Golden, CO 80401  
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File Code: 1570

Date: August 3, 2011

John Martin  
Garfield County Board of County Commissioners  
108 8th Street  
Suite 213  
Glenwood Springs, CO 81601

Dear Chairman Martin,

We received your June 17, 2011 appeal of Forest Supervisor Scott Fitzwilliams' March 17, 2011 Record of Decision for the White River National Forest Travel Management Plan. The legal notice initiating the appeal period for the decision was published in the Glenwood Springs Post Independent on May 4, 2011, and the appeal filing period closed on June 20, 2011. Your appeal was submitted in a timely fashion under the provisions of 36 CFR § 215.6 (a)(4). However, in order to have standing to appeal, an individual or organization must: "Provided comment or otherwise expressed interest in a particular proposed action by the close of the comment period specified in Sec. 215.6." (36 CFR § 215.11(a))

The proposed White River National Forest Travel Management Plan and Draft EIS were available to the public for a 45-day formal comment period from July 28 to October 26, 2006. From November 7, 2008 to January 6, 2009, the White River National Forest released the Supplemental DEIS for the White River National Forest Travel Management Plan for another 45-day public comment period.

Pursuant to the regulations at 36 CFR 215.11(a), you did not, "provide comments or otherwise express interest during the comment period(s)." Therefore, I am dismissing your appeal pursuant to 36 CFR § 215.11(a). This determination does not constitute a formal appeal disposition pursuant to 36 CFR § 215.18(c).

We appreciate your interest in this planning project and hope that you are able to resolve your concerns through further discussions with Forest Supervisor Fitzwilliams. Any questions related to the Forest Service appeal process may be directed to Cindy Dean, Acting Regional Appeals Coordinator at 303-275-5470.

Sincerely,

/s/ Randall Karstaedt  
RANDALL KARSTAEDT  
Acting Deputy Regional Forester, Resources



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