



United States  
Department of  
Agriculture

Forest  
Service

Rocky  
Mountain  
Region

740 Simms Street  
Golden, CO 80401  
Voice: 303-275-5350  
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File Code: 1570

Date: August 3, 2011

Ed Woodland  
Mayor  
The Town of Eagle  
Box 609  
Eagle, CO 81631

Dear Mr. Woodland,

We received your June 20, 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



It's Cool to Be Safe

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cc: Wendy Haskins  
Scott Fitzwilliams  
Cindy Dean



# The Town of Eagle

Box 609 • Eagle, Colorado 81631  
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September 15, 2011

United States Forest Service  
Rocky Mountain Region  
Rick Cables, Regional Forester  
740 Simms  
Golden, CO 80401

**Re: Appeal & Comments on the 03/17/2011 Travel Management Record of Decision**

After reviewing the recently released White River National Forest Travel Management Plan record of decision, the Town of Eagle offers the following appeals and comments:

Approximately four years ago the White River National Forest (WRNF) held a district wide Recreation Strategy Planning session. During this meeting many decisions were made regarding how Forest Service Districts in the WRNF would offer specific niche opportunities for recreational use. These decisions were made without public involvement. That meeting also appears to have skirted NEPA requirements in regards to the decisions made.

For example, the decision made at this meeting determined that the Rio Blanco and the Rifle Districts would offer off-highway vehicle niches, while the remaining districts would not. It appears to the town that the decisions made during the Recreation Strategy Planning session became the basis for the now released WRNF Travel Management Plan. The town believes that the NEPA process and full public involvement should have preceded decisions about which districts would offer specific niche opportunities.

The town is also concerned that the WRNF erred in its interpretation of the National Off-Highway Vehicle Law when they determined which roads and what means of travel would be safe for travel.

The town believes the Forest's travel management decision attempting to partially eliminate future off-highway vehicle (OHV) use lacks rational and common sense. The town questions the designations on the following specific roads:

- East and West Brush Creek (4-415.1 and 4-400.2).
- The road over Crooked Creek Pass (4-400.2).
- The road to Fulford from Yeoman Park (4-418.1).
- The power line road from Gypsum Creek to Brush Creek (4-414.1).
- The power line road paralleling the road going over Crooked Creek Pass (4-431.1).
- Spine Creek Road and the east fork of Hat Creek (4-416.1).
- The west fork of Hat Creek (4-436.1).

All of the above-mentioned roads are designated for “Licensed Motorized Only,” thus eliminating “unlicensed” OHVs from traversing these access roads.

The town understands that the decision to eliminate “unlicensed” OHVs was based on safety. We question this premise because many states (not Colorado) license OHVs. Such licensing would make these vehicles legal to operate on the above-listed roads. However, if the same make and model OHV only has a state issued off-highway registration, it is illegal to use on these roads. How is one OHV safe and legal while the other is illegal and considered unsafe?

An additional example regarding the conflicting safety rationale is the local Eagle Ranger District has a policy that does not allow district personnel to use a full-sized, government vehicle to travel the power line road (4-414.1) between Gypsum Creek and Brush Creek when the road is wet, icy or snow covered. This road can be extremely dangerous in these conditions and the only safe way to travel it would be with an OHV, yet the new Travel Management Plan depicts this route as legal only to “Licensed Motorized Only”. To the town’s understanding none of the district’s OHVs are “licensed” thus making travel on this particular road off limits to district personnel during wet, icy or snowy conditions. The current designation also leads the public to believe the only safe travel is with a “Licensed Motorized Only” vehicle, which in most cases is assumed to be a full sized vehicle.

During hunting season large numbers of hunters drive their OHVs on these roads to access deer and elk hunting areas. If these roads are closed to them they will relocate to other areas in the state more tolerable to OHV use and cause significant economic harm to the town of Eagle.

The town requests that the above mentioned issues can be modified prior to the final implementation of the Travel Management Plan.

Respectfully,



Ed Woodland  
Mayor, Town of Eagle  
PO Box 609  
200 Broadway  
Eagle, Colorado 81631

Cc: Scott Fitzwilliams, Forest Supervisor, Glenwood Springs WRNF  
Dave Neely, District Ranger, Eagle District, WRNF