



File Code: 1570-1  
Route To:

Date:

Subject: White River National Forest Travel Management Plan,  
Appeal No. WR 11-02-00-0036 (215)

To: Appeal Deciding Officer

As the designated Appeal Reviewing Officer, this is my recommendation on disposition of the appeal filed by **John Cooney, Dry Gulch LLC** under the regulations at 36 CFR 215. Forest Supervisor Scott Fitzwilliams signed the Record of Decision (ROD) for the White River National Forest on March 17, 2011, and a legal notice of the decision was published in the newspaper of record on May 4, 2011. My recommendation is based on the appeal and the decision documentation (36 CFR 215.18(a)).

## BACKGROUND

On August 27, 2002, the Forest Supervisor of the White River National Forest published a Notice of Intent in the Federal Register for a travel management plan and inviting public comment until October 31, 2002. The agency held six public meetings in September 2002 and open houses were held at ranger districts, where many members of the public provided input.

On July 28, 2006, the forest released a Draft Environmental Impact Statement (EIS), providing for public comment from July 28 to October 26, 2006. The WRNF staff members held meetings with individuals, interest groups, and government representatives during this time. On November 7, 2008, the forest released a Supplemental Draft EIS (SDEIS) for public review and comment and staff members again met with individuals, interest groups, and government representatives. Comments were to be submitted by January 6, 2009.

On March 17, 2011, the Forest Supervisor signed a Record of Decision (ROD) for travel management on the White River National Forest (WRNF).

## RELIEF REQUESTED

"Please revise the Dillon Map."

## ISSUES AND DISCUSSION

### APPEAL ISSUE I: OBJECTION TO THE DILLON MAP

Appellant states: "The only access through Dry Gulch is a non-motorized Recreational Trail Easement. All other public use is prohibited. Your Record of Decision clearly states that these roads will be managed as such. However, the Dillon Map in the ROD does not reflect this. Our objections to the Dillon Map are as follows:



**5-GH-36. Lightburn Road:** In the WRNF TMP ROD Dillon Map dated March 18, 2011, it is indicated that 5-GH-36 is open for motorized use to the boundary of Dry Gulch. We request that this route be permanently closed to all use as there is no public easement for this road on or through Dry Gulch, and the alignment is steep, unsustainable, and extremely dangerous. Please revise the Dillon Map.

**5-GH-19-Jesse Road a/k/a Backdoor:** In the WRNF TMP ROD Dillon Map dated March 18, 2011, it is indicated that 5-GH-19 is open for motorized use to the boundary of Dry Gulch. We request that this road be closed to all motorized use otherwise motorized users will be directed onto Dry Gulch with no access to cross Dry Gulch, no safe turn-around, and no alternative motorized routing. Public use via a non-motorized Recreational Trail Easement is permitted.”

**Rule:**

None cited

**Discussion:**

According to documents in the project record (InformalDispositionCooney.docx; WithdrawCooney.docx), an errata will be issued correcting an error in the March 17, 2011 Record of Decision (ROD) for the White River National Forest Travel Management Plan. Forest Service Trail GH-36 Lightburn Road will be closed and decommissioned on Forest Service System lands and Forest Service Trail GH-19 Jesse Road a/k/a Backdoor will be only open to hike, horse, and bike. This correction is necessary to honor valid existing rights for the Dry Gulch private property.

**Recommendation:**

I recommend the Forest Supervisor’s decision be affirmed with instructions to complete the errata correcting the Dillon Map for Trail GH-36 and GH-19.

**RECOMMENDATION**

I recommend that the Forest Supervisor’s March 17, 2011 Record of Decision be affirmed with instructions to complete the abovementioned errata and that the Appellant’s request for relief be granted.



RICHARD A. COOKSEY  
Appeal Reviewing Officer

Deputy Forest Supervisor  
Medicine Bow-Routt National Forests  
Thunder Basin National Grassland