



File Code: 1570-1

Date: August 3, 2011

Route To:

Subject: White River National Forest Travel Management Plan,
Appeal No. WR 11-02-00-0038 (215)

To: Appeal Deciding Officer

As the designated Appeal Reviewing Officer, this is my recommendation on disposition of the appeal filed by the **Summit County Off Road Riders (SCORR)** under the regulations at 36 CFR 215. Forest Supervisor Scott Fitzwilliams signed the Record of Decision (ROD) for the White River National Forest (WRNF) Travel Management Plan 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

The White River National Forest (WRNF) travel planning effort is an extension of earlier planning processes to both update the WRNF travel management direction and to align the travel strategy on the Forest within the scope of the White River Forest Plan (Forest Plan). Due to public input and the complexity of the subject matter, the decision was made to separate the two plans and develop the Travel Management Plan (TMP) after the completion of the Forest Plan. Information gathered during the initial effort was used in this decision. This TMP adheres to the 2002 Forest Plan and does not amend the Forest Plan (FEIS, Summary p. 2).

On August 27, 2002, the Forest Supervisor of the WRNF published a Notice of Intent in the Federal Register for a forest-wide TMP and invited public comment until October 31, 2002. The agency held six public meetings in September 2002 and open houses were held where many members of the public provided input.

In November 2005, the National Travel Management Rule (36 CFR 212) was published revising regulations in response to the growing popularity and capability of off-highway vehicle use of the national forests and the effects of that use on the environment. Subpart B of the final Travel Management Rule requires designation of roads, trails, and areas for motor vehicle use. Before December 9, 2008, the travel management regulations for Subpart B did not require the completion of Subpart A (identification of the minimum road system) prior to implementation of Subpart B's designations. The Travel Management Rule does not require the Forest Supervisor to reconsider prior decisions authorizing motor vehicle use on the existing National Forest Transportation System (NFTS).

On July 28, 2006, the WRNF prepared and released for a 90-day public comment period the White River National Forest Travel Management Plan Draft Environmental Impact Statement (DEIS). The DEIS examined three action alternatives along with the no-action alternative based on key issues identified during scoping.



The DEIS incorporated direction from 36 CFR 212 Subpart B of the 2005 Final Rule for Travel Management: Designation of Roads, Trails, and Areas for Motor Vehicle Use (travel rule). The WRNF staff members held meetings with individuals, interest groups, and government representatives during this time.

On November 7, 2008, the WRNF released the White River National Forest Travel Management Plan Supplemental Draft Environmental Impact Statement (SDEIS) for public review and comment. Based on the original alternatives in the DEIS, the ability to better incorporate travel rule direction, and response to public comments received, the deciding official identified the preferred alternative in the SDEIS. Staff members again met with individuals, interest groups, and government representatives. Comments on this plan were accepted until January 6, 2009.

On March 17, 2011, the Forest Supervisor signed a Record of Decision (ROD) for travel management pursuant to the travel rule on the WRNF.

Pursuant to 36 CFR 215.17, an attempt was made to seek informal resolution of the appeal. The record indicates that informal resolution was not reached.

RELIEF REQUESTED

SCORR respectfully requests a revision to the WRNF TMP to add motorized motorcycle use that were recommended in the Golden Horseshoe planning process and that trails to the south in the Pennsylvania Gulch area and the Sallie Barber area be kept open.

ISSUES AND DISCUSSION

APPEAL ISSUE 1: Record of Decision

Appellant states: "The Forest has moved into a highly segregated set of blocked-up, restrictive management units and areas that is now prohibiting the continuity of a reasonable and historically used transportation systems. This clearly applies to the Golden Horseshoe area and south to Red Mountain and clearly violates the mandate of the MUSYA.

There remains an undefined concept or process, and continued confusion for establishing criteria for "balancing values" as stated by the White River National Forest in their purpose and need statement. While we agree with a values and benefits based approach to allocating recreation opportunities and activities, it has been a confused and misused process in this travel plan resulting in a lack of balance in the Golden Horseshoe area and south to Red Mountain.

The Deciding Official at pg. 22, ROD selects Alternative GM because "it best meets the purpose and need, and represents the best balance of social, economic, and environmental interests and effects". This is a different set of terms and decision variables when compared to the plan's stated purpose of balancing physical, biological, and social values. "Interests and effects" have replaced "values", and economic concerns have somehow re-entered the decision mix of terminology.

There is no clarifying discussion or explanation about the concepts of balance, values, interests, and effects, nor the shift between the "statement of purpose" in the FEIS and the deciding officer's choice of "purpose" language in his selection of the final plan alternative.

Further, the ROD and FEIS eliminated the standard and expected Chapter 3 Affected Environment section on Socio-Economics and any attempt to clarify changed plan terminology or their application to the process. This Chapter 3 section discussion was in the DEIS and SEIS.

The interdisciplinary team did not include a social/economist, so, the decision maker and the public have been excluded from the complete understanding of the social and economic affects between final alternatives or any significant application of the social and economic sciences requested.

In the list of objectives to help illustrate the “needs analysis”, the focus is on meeting the requirements of law, the forest plan, and establishment of routes and modes of transportation, decommissioning, solutions to resource impacts (pg. 5). There was apparently no “need” to provide sustainable values of outdoor recreation. During the process of identifying key issues only volume of recreation, conflict resolution and resource protection were identified to create alternatives. Maintaining sustainable, quality social and economic values of users and communities was neglected or grossly combined in the “volume” of recreation issue.”

Rule:

36 CFR 212.55 - In designating NFS roads, NFS trails, and areas on NFS lands for motor vehicle use, consider effects on NFS natural and cultural resources, public safety, provision of recreation opportunities, access needs, conflicts among uses of NFS lands, the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated, and availability of resources for maintenance and administration.

42 USC 4332 National Environmental Policy - utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment.

MUSYA, 16 U.S.C. § 528 - It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. The purposes of sections 528 to 531 of this title are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in section 475 of this title...

Forest Service Manual 7700 – Travel Management Planning; Chapter 7710 – Travel Planning; FSM 7712 – TRAVEL ANALYSIS

Travel analysis assesses the current forest transportation system and identifies issues and assesses benefits, problems, and risks to inform decisions related to identification of the minimum road system per 36 CFR Part 212.5(b)(1) and designation of roads, trails and areas for motor vehicle use per 36 CFR Part 212.51. Travel analysis is not a decision-making process. Rather, travel analysis informs decisions relating to administration of the forest transportation system and helps to identify proposals for changes in travel management direction (ex. 01).

1. Use travel analysis (FSH 7709.55, ch. 20) to inform decisions related to identification of the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of NFS lands per 36 CFR 212.5(b)(1) and to inform decisions related to the designation of roads, trails, and areas for motor vehicle use per 36 CFR 212.51, provided that travel analysis is not required to inform decisions related to the designation of roads, trails, and areas for those administrative units and ranger districts that have issued a proposed action as of January 8, 2009.
2. Travel analysis for purposes of identification of the minimum road system is separate from travel analysis for purposes of designation of roads, trails, and areas for motor vehicle use. Travel analysis for both purposes may be conducted concurrently or separately.

National Travel Management Rule published on November 9, 2005 (70 FR 68271) - intended that National Forests should provide access for both motorized and nonmotorized users in a manner that is environmentally sustainable over the long term.

Discussion:

- **MUSYA**

In accordance with 36 CFR 212.51 route designations must be consistent with the applicable Forest Plan. In the Forest Plan and the TMP, all of the action alternatives adhere to the concepts of multiple use and ecosystem management and MUSYA's balancing of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness by considering these in the Chapter 3 **AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES** sections of the FEISs of both the TMP and 2002 Forest Plan. They also share a set of basic forest-wide goals and objectives and a set of standards and guidelines to ensure protection of forest resources and comply with applicable laws while designating routes within the forest (FEIS, Purpose and Need, pg 12).

- **Purpose and Need Statements**

The Purpose and three Need statements in the FEIS pg. 8-9 are identical to those listed in the ROD pages 4-5 with the exception of minor summarizing of the FEIS in the ROD for the first Need Statement. The ROD page 5 specifically identifies the need: *"Forest managers need to determine the proper balance in the type, extent, and levels of forest transportation facilities and uses in order to address user conflicts and adequately protect resources."* This theme of balance is further defined in the ROD page 7 *"As stated in the Draft EIS, blending the concepts and ideas from the previous alternatives presented the best solution to meet the goals of the travel management plan. In total, the "blend" is not evenly distributed; rather, each geographic area was examined and determinations were made as to how each would best serve the forest as a whole concerning travel."* The purpose and need statements apply to the entire TMP and was applied to the Golden Horseshoe area and areas south of Red Mountain along with the rest of the forest as I will discuss below.

- **Applying the criteria of 36 CFR 212.55**

The WRNF updated the route inventory and presented alternatives for the TMP in the DEIS. Once the alternative themes were established, the alternatives were fully developed by the ranger district staffs who examined and proposed a management strategy for each road, trail (whether system or non-system), and winter use area, based on site-specific comments, on the ground knowledge, and discussions with the public (FEIS, p. 30).

The Forest conducted an extensive route inventory and evaluated potential uses and resource concerns for each route (TMP_Aspen_DEIS_roads_All_Alts_040704.xls and similar documents for roads and trails, by alternative). These evaluations were used to build the alternatives and document the rationale for including or eliminating routes in the alternatives and final decision. (6_RoutesByAlternative_FEISAttachment1.pdf; 3_TMP_Final_Plan_RouteListing_FEISAttachment2.pdf)

The FEIS discusses the effects of each alternative to the various resources, as listed in 36 CFR 212.55;

- **Natural and cultural resources**; including soil, water, wildlife, vegetation and other physical resource impacts; in Chapter 3 (pp. 46-225). The effects analysis includes direct, indirect and cumulative effects.
- **Public safety** discussion is included under the mixed-use analysis of FEIS chapter 3 pages 121-122. Mixed use is defined as authorizing highway legal and non-highway legal motorized vehicles to use the same road. For Colorado, that equates to licensed and unlicensed vehicles (FEIS, pg 69).
- The analysis of effects on **recreation opportunities** begins on page 75 of the FEIS. A key indicator of the recreation effects analysis is: recreational capacity for each use by alternative (FEIS, p. 75). Chapter 2 of the FEIS (p. 41, Table 2-6) includes a comparison of effects on key issues by alternative, including volume of recreational use and separation of uses. Alternative C in the DEIS looked at maximizing recreational opportunities as the top priority (FEIS p. 70). Consideration of the appropriateness and quality of those opportunities was introduced as a component in Alternative D in the first DEIS as it related to reducing user conflict (FEIS p. 70).
- The WRNF examined alternatives for the road system to address **access needs** (FEIS, pg 70). Alternative E in the DEIS provided a travel management alternative that designated fewer roads and trails to maintain, added the fewest unauthorized routes and had the most miles of roads and trails for decommissioning. Alternative E emphasized managing recreation use to reduce the impacts on the natural resources and habitat values. Alternative G considered the elements needed to access the land. The preferred Alternative G Modified also showed a reduction in miles of road from current conditions. The preferred alternative considered what is needed for access, what can be converted to needed trails, and what is no longer needed and thus can be rehabilitated (FEIS, pg 18).
- **Conflicts among uses** (FEIS, pg 72-75); No existing type of recreational opportunity is proposed to be eliminated from the forest. However, instead of trying to provide all opportunities in all locations possible, the forest will provide opportunities in appropriate locations and of sufficient quantity and quality to be sustainable, manageable, and remain as good visitor experiences (FEIS, pg 70).

An acknowledgement and detailed discussion of the social values linked to travel management is found under the User Conflict section of the FEIS pages 72-75. This section discusses in detail user conflicts amongst and between various groups and within groups. A summary of the discussion from page 74 states *“The potential for conflict exists among all user groups, and even among the different members within a user group, when personal expectations of the desired experience are not being met. Not all use conflicts on the forest are totally recreation-based. In addition to recreation, the NFS provides a wide array of resource-based opportunities such as timber harvest, livestock grazing, mining, and oil and gas exploration.”*

The adoption of unauthorized routes into the official travel system will require the forest to,

- Maintain these routes and thus adds to budgetary costs. Newly acquired facilities (adopted unauthorized routes) will be open to appropriate motorized or mechanized use unless financing is not available for maintenance necessary to protect resources (FEIS, pgs 82-84).

- **Socio-economic**

The socio-economic section was inadvertently omitted from the FEIS. However, the socio-economic discussion was included in the DEIS beginning on page 89 and in the SDEIS beginning on page 102. Consequently, the public was allowed opportunity to comment on these materials during the public review periods for the DEIS and the SDEIS (40 CFR 1503, Commenting). The comment periods for the DEIS and SDEIS were initiated via publications of Notices of Availability (NOA) in the Federal Register on July 28, 2006 and November 7, 2008, respectively.

Although the socio-economic section is missing from the documentation of the FEIS, a socio-economic report is included in the project record for the FEIS (09_FEIS/04_FEIS/working/WRNF_TMP_FEIS_ch3_social_drafr_061510.docx); this report contains similar information to that documented in the DEIS and SDEIS. The major content difference between the unpublished report and the previous versions included in the DEIS and SDEIS is that the unpublished report includes a brief discussion of Alternative GM. This unpublished socio-economic report for the FEIS states, "Changes were made to address issues raised during comment. These comments did not drive a large change from the direction the preferred alternative presented (p. 6)." In a response to comments, the Forest referred to the socio-economic section in Chapter 3, demonstrating their reliance on the unpublished socio-economic report the Forest expected to include in the FEIS. These statements demonstrate that the socio-economic analysis conducted earlier in the EIS process and the conclusions from that analysis did not change appreciably from the proposed FEIS language; there were no comments received during the review of the SDEIS that directly raised socio-economic concerns.

Appellants mention there was no social/economist on the interdisciplinary (ID) team; this is correct. However, ID team notes from August 22, 2002 identify roles and responsibilities of team members including the "Planning Director / Project Leader" who was responsible for "Social, Community Economics, NEPA." These notes also state "The core team members will be responsible for coordinating and engaging the extended team members responsible for the subjects listed for each section." NEPA requirements call for "utilizing a systematic, interdisciplinary approach... (42 USC 4332)." The ID team of 18 specialists (FEIS pg. 226) fulfills this role. Further discussion of the ID team is found in the ROD pg. 8 "The forest staffs responsible for the site-specific recommendations for alternative development were also the same members who reviewed and responded to the site-specific comments. The forest staffs responsible for analysis were the same members who reviewed and responded to the programmatic comments."

- **No need to provide sustainable recreation**

Sustainability was discussed in detail in the FEIS pg. 82-84, 123-124, and 135. These sections discussed provisions for recreation opportunities, forest use levels, changing recreation management to a visitor focus, trail system budget and finance, user effects, and cumulative effects within a sustainable framework.

Contrary to the appellants' contention, the analysis adequately discusses concepts of balance, values, interest and effects. The Forest addressed issues in compliance with 36 CFR 212.55.

- **Golden Horseshoe area and south to Red Mountain**

The Golden Horseshoe area on the Dillon Ranger District is designated Intermix 7.1 management area in the Forest Plan. These areas stress collaborative management with local governments and user groups. An inter-government cooperative task force along with public group participation has been created to work on the management direction for the recreation uses within this area. The DEIS travel management plan presented the maximum amount of roads and trails in the Golden Horseshoe area for analysis purposes and analyzed the maximum resource impacts this area would see. The SDEIS and FEIS reflect the roads and trails that are currently ready to be incorporated into the travel system. The task force will continue to design a system that projects future road and trail needs along with those that need to be rehabilitated. The public is encouraged to work with the task force to help the group design the final transportation system for this area (SDEIS Chapter 2: Alternatives).

In responding to comments on the SDEIS, the Dillon Ranger District responded to comment no. 13507 and 13509 (letter no. 3006) (Dillon_TMP_Response_to_Comments_2009.xls):

The final travel system in alternative GM for the Golden Horseshoe area allows for both separate and shared use of roads and trails on sustainable routes while protecting the fragile natural environment and sensitive historic resources. With this in mind, the American Ditch/flume trail system (GH-92 to 5-566.1 to 5.386.2A to 5-385.1) is open to non-motorized use only.

The final decision for summer travel in the Golden Horseshoe reflects the "Golden Horseshoe Summer Travel System Recommendations" of the Town of Breckenridge and Summit County government as developed through the Golden Horseshoe consensus based planning group. The final travel system in alternative GM allows for both separate and shared use of roads and trails on sustainable routes while protecting the fragile natural environment and sensitive historic resources.

With this in mind, the following decisions will be made related to the comment on specific trails:

- The northern end of GH-27 will be changed to shared use trail to allow for connection between GH-44 and GH-22;

-GH 45, GH-27(Upper portion), 5-GH-33, and 5-GH 17 are to be closed to all uses due to environmental resource issues.

Those routes included in the "Golden Horseshoe Summer Travel System Recommendations" that were not approved in Alternative GM may be presented as a separate proposal to the Forest Service for further evaluation and potential inclusion into the travel network in the future.

Recommendation: I recommend the Forest Supervisor's decision be affirmed on this issue with instruction. Given that disclosure of the socio-economic effects was included in the two previous draft EIS's, it appears to me that its omission from the FEIS may have been inadvertent. I instruct the Forest Supervisor to post the socio-economic section to their Forest website and provide to the appellant as an errata to the FEIS. I recommend that a letter be sent to everyone who commented on the FEIS notifying them of posting of the document on the website and offering to send the document upon request.

APPEAL ISSUE 2: Final Environmental Impact Statement

Appellant states: "Need discussion on page 9, 8th paragraph states: "Use of mountain bikes, ATV's, four-wheel drive vehicles, snowmobiles, and trails for hiking, horseback riding and backcountry skiing all are competing over the same land base. It is a false characterization of the recreation activities on the forest, particularly in an area like the Golden Horseshoe that has been primarily used for decades without conflict by off-highway motorcycle users, and sets up a bias during the consideration of impacts and decisions on the need for conflict resolution.

Further, this listing of activities omits any mention of motorcycles and is therefore not fully recognizing the complete set of recreation activities that have been historically used on the White River National Forest.

Further, Purpose and Need for Action, pg 8, last paragraph concludes the designation of roads and trails, including the examination of unauthorized roads and trails, is a one-time consideration of these travel ways as specified in the 2002 Forest Plan... This one-time concept is contrary to law and policy, and other monitoring, and project decisions in the FEIS (see 5th paragraph, pg. 9, FEIS) about post ROD consideration of new, additional routes to the designated system... The final product is not fully responsive to the Purpose and Need Statement or to the 2005 Travel Rule to enhance outdoor recreation opportunities.

The Decision Rationale at page 22, ROD states in the 2nd paragraph: "Alternative GM meets the spirit of the Travel Rule and will allow the White River National Forest to implement an official system for the entire forest." The decision rationale is also in conflict with the purpose and need statement.

Evidently, the forest has not heard, has chosen to ignore or set aside the input from the motorized motorcycle users. A quality experience for a motorcycle user includes an opportunity for solitude, getting away from groups, riding on a single-track trail in a diversity of settings (including the primitive) on inter-connected loops. Dealing with capricious assumptions, and then establishing an inventory or level 1, 2 and 3 roads converted to trails to match up with demand, is contrary to the ROS system defined in the same Recreation Management Section.

Quality on the White River National Forest seems to be based on engineering road standards 1-5 and not ROS settings. No summary of miles of road or trail by activity and/or ROS setting has been displayed or disclosed leading to continued confusion as to recreation opportunity comparisons. The best recreation science has not been interpreted, applied, or displayed in the FEIS or ROD.

There is in this discussion and its presumptions an apparent desire by the Forest Service to have the hikers and horse users in the highest quality primitive and pristine settings while motorized users, because they have more tolerance, accept the more developed and less primitive settings. This forces the question of: Why should public lands be continually designated and managed for the intolerant, creating less and less total accessible acres for the general population of users? The alternatives and maps are therefore incomplete in providing for a full set of balanced recreation settings and opportunities for all recreation users."

Rule:

36 CFR 212.55 - In designating NFS roads, NFS trails, and areas on NFS lands for motor vehicle use, consider effects on NFS natural and cultural resources, public safety, provision of recreation opportunities, access needs, conflicts among uses of NFS lands, the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are

designated, and availability of resources for maintenance and administration.

National Forest Management Act, 16 U.S.C. 1604(e) - In developing, maintaining, and revising plans for units of the National Forest System pursuant to this section, the Secretary shall assure that such plans— (1) provide for multiple use and sustained yield of the products and services obtained therefrom in accordance with the Multiple-Use Sustained-Yield Act of 1960 [16 U.S.C. 528–531], and, in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness;

Discussion:

One of the Needs of the White River Travel Plan discussed providing a system that balanced social and recreation demands (ROD pg. 4). In the FEIS on page 70 it states *“The forest does not have sufficient resources to accommodate all visitors who would like to have their individual, and very specific, recreational experiences in the location they choose. Thus, a major component of the strategy was to identify what this forest can reasonably provide in terms of visitor experiences that are more unique to the White River’s land base and capabilities”* showing an acknowledgment of individual and specific recreation experiences among and between users and an acknowledged limitation in meeting all those needs.

Although no new road and trail construction or reconstruction will occur; the FEIS on page 9 explicitly states *“Additional routes can be added to the designated system after the completion of the ROD through project identification, determination of purpose and need, examination through the NEPA process, and proper design and execution.”* Therefore the Forest outlined the scope of its analysis for the project and outlined a process for additional routes after the ROD was completed.

In the ROD, page 24, the Forest Supervisor indicates there will be some flexibility in the future and that this decision is not a onetime consideration for designation of roads and trails: *“I have every intention of keeping this plan alive and relevant. We will conduct periodic reviews of the plan to determine if changes are needed. Undoubtedly, there are specific issues that remain unresolved and will require a more site-specific review. I am committed to looking at additional roads or trails for inclusion into or removal from the system if it is warranted.”*

FEIS Chapter 3 pg. 87 specifically addresses the ‘quality’ issue “Figure 3.8 shows opportunities for “Quality Recreation” experiences by activity. Quality experiences for ATVs and motorcycles is assumed to include level 2 and 3 roads and trails open to ATVs and unlicensed motorcycles. Quality experiences for mountain bikers is assumed to include level 2 roads and trails open to that use. Quality experiences for hiking and horse riding is assumed to include only trails.”

The ROD page 29 also addresses the quality issue *“In order to provide a quality experience for motorized users, the network has to provide several miles of connected roadway.”* Again in the ROD page 29 *“Such conditions would not be considered to provide a quality experience to the ATV user. Rather, it makes sense to develop and design networks for ATV and other non-highway-legal vehicle users where they can access the quality and quantity of road and trail to have an enjoyable recreational experience.”*

The FEIS pages 75-76 contain a description of the Recreation Opportunity Setting (ROS) across the WRNF, and Figures 3.3 and 3.4 display summer and winter acreages assigned to each ROS class.

The reader is also shown where to find additional information “*A more complete discussion of the decisions made on ROS condition classes is available in the forest plan* (09_Planning\RegsPlus\ForestPlan\Vol1_FEIS_PDF\feis_ch3_310_recreation_final.pdf).”

The Travel Management Rule focuses on motorized uses of the National Forests because it is a mandate from Congress for the National Forests to develop a comprehensive system of authorized motor vehicle routes on each forest and thereby establish other portions of each forest where motor vehicle use is not permitted. (36 CFR 212.50(a) The WRNF does not violate the Travel Management Rule or any law regulation or policy by considering and designating both motorized recreation routes and non-motorized recreation routes on the forest (FEIS, p. 18). The forest states its rationale for separating uses on some forest routes, citing concern over user conflicts and public safety if too intense and/or too many types of use are allowed on certain routes, and its mandate to minimize impacts on land, soils, wildlife, and water quality that accompanies some uses of the forest (FEIS, p. 18, FEIS Attachment 3, p. Programmatic-4, Public Comment 37). There were many comments for and against expanding authorized motorized uses on the forest (FEIS Attachment 3, p. Programmatic-4, Public Comment 37, p. Programmatic-15, Public Comment 40). The forest endeavored to match the supply of a given recreational opportunity to demand for it (FEIS, p. 92-94). Motorcycle users were considered, and the mix of uses ultimately in the Travel Management Plan was not arbitrary and capricious.

While motorcycle use is not specifically called out in the list on page 9 of the FEIS, it is among the various uses on the forest considered and balanced in the TMP. For example, “Travel is an important part of virtually every activity that occurs on the forest. Motorized modes of travel on the forest include large commercial trucks, automobiles, high clearance vehicles, four-wheel-drive vehicles, all-terrain vehicles (ATVs), motorcycles, snowcats, snowmobiles, and bicycles with motors. Non-motorized modes of travel include cross-country skiing, downhill skiing and snowboarding, dog sledding, snowshoeing, horseback riding, pack animal driving, hiking, and bicycling (including mountain biking) (FEIS, p. 7).” Additionally, motorcycle use is given its own summer trail type designation, “Trails open to 2-wheeled motor vehicles” (FEIS, p. 28). Table 2.1 on page 39 of the FEIS analyzes miles of motorcycle recreation available by alternative, and Table 2.6 on pages 41 to 43 of the FEIS highlights key issues related to the mix of designations by alternative. The forest staff specifically considered the experience that motorcyclists usually desire in the forest (FEIS, p. 85, 87). On routes where there was not a long enough distance to provide an ATV or motorcycle rider a quality experience and routes which lacked legal access for these vehicles, these were uses were not authorized (FEIS, p. 88-89, 92). While motorcyclists may not object to sharing the road with hikers, bicyclists, and some other user groups, these groups demonstrated an unwillingness to share with motorized users, and thus some areas of separate use were carved out in the Travel Management Plan.

The Golden Horseshoe area on the Dillon Ranger District is designated Intermix 7.1 management area in the Forest Plan. These areas stress collaborative management with local governments and user groups. An inter-government cooperative task force along with public group participation has been created to work on the management direction for the recreation uses within this area. The DEIS travel management plan presented the maximum amount of roads and trails in the Golden Horseshoe area for analysis purposes and analyzed the maximum resource impacts this area would see. The SDEIS and FEIS reflect the roads and trails that are currently ready to be incorporated into the travel system. The task force will continue to design a system that projects future road and trail needs along with those that need to be rehabilitated.

The public is encouraged to work with the task force to help the group design the final transportation system for this area (SDEIS Chapter 2: Alternatives).

Recommendation: The FEIS, ROD, and Decision all adequately analyze and portray a diversity of recreation experiences and address 'quality' experiences. I recommend the Forest Supervisor's decision be affirmed on this issue.

APPEAL ISSUE 3: Request for site specific changes to the TMP

Appellants states: Here are the specific routes that did get numbers in and around the Golden Horseshoe which SCORR requests to remain open to motorcycle motorized and mechanized use:

- 5-gh-92, 5-385.1, 5-N365.1, 5-385.2A American gulch ditch/ Trans-Continental ditch. This trail was cleared for recreation with permission from the WRNF in the 1980's for an Enduro race. It is built on a 125 year old ditch with is effectively level and thus very sustainable. This is proven by it use since 1980 without any Forest service effort. It is an excellent connector from French gulch to the North Fork of the Swan.
- 5-gh-71, 5-gh-44, these trails are excellent candidates for motorized single track/ mixed use.
- 5-gh-44, 5-gh-22, 5-gh-27, connecting these short sections of trail creates a continuous single track.
- 5-gh-45, 5-gh-27, 5-gh-33, 5gh-17, these trails currently exist as a mixed use experience. With minimal SCORR volunteer work these trail could last for generations.
- 5-gh-73, this trail provides an excellent example of the single track experience SCORR requests to be preserved.
- 5-gh-31, this trail is short in distance but provides good connection to other area trails.

Here are the specific routes south of the Golden Horseshoe towards Red Mountain which SCORR requests to remain open to motorcycle motorized and mechanized use.

- 5-611w.2a, this trail provides an excellent experience challenging terrain, vistas, and woods. This trail needs repair which could be accomplished through SCORR volunteer efforts.
- 5-n6013.1, this is a vital connector form Boreas pass to Indiana Gulch that provides a connection from points North and South.
- 5-N6025.1, This and many other trails are vital connecting link from the Golden Horseshoe to Baldy Mountain to Boreas Pass to Indiana and Pennsylvania Gulch.

Rule:

36 CFR 212.55 - In designating NFS roads, NFS trails, and areas on NFS lands for motor vehicle use, consider effects on NFS natural and cultural resources, public safety, provision of recreation opportunities, access needs, conflicts among uses of NFS lands, the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated, and availability of resources for maintenance and administration.

Discussion:

During informal resolution discussion with the WRNF the forest stated that it worked with the information provided by the committee in the development of the TMP. Those routes that were under dispute for various reasons were not included in what the forest was given to analyze. The forest noted that the Golden Horseshoe area is slated for mixed use and single track motorcycle use can be included in that category. The forest noted that the TMP represents a starting point for planning single track motorcycle use on specified areas of the forest (InformalDispositionSCORR.docx).

The Golden Horseshoe area on the Dillon Ranger District is designated Intermix 7.1 management area in the Forest Plan. These areas stress collaborative management with local governments and user groups. An inter-government cooperative task force along with public group participation has been created to work on the management direction for the recreation uses within this area. The DEIS travel management plan presented the maximum amount of roads and trails in the Golden Horseshoe area for analysis purposes and analyzed the maximum resource impacts this area would see. The SDEIS and FEIS reflect the roads and trails that are currently ready to be incorporated into the travel system. The task force will continue to design a system that projects future road and trail needs along with those that need to be rehabilitated. The public is encouraged to work with the task force to help the group design the final transportation system for this area (SDEIS Chapter 2: Alternatives).

In responding to comments on the SDEIS, the Dillon Ranger District responded to comment no. 13507 and 13509 (letter no. 3006) (Dillon_TMP_Response_to_Comments_2009.xls):

The final travel system in alternative GM for the Golden Horseshoe area allows for both separate and shared use of roads and trails on sustainable routes while protecting the fragile natural environment and sensitive historic resources. With this in mind, the American Ditch/flume trail system (GH-92 to 5-566.1 to 5.386.2A to 5-385.1) is open to non-motorized use only.

The final decision for summer travel in the Golden Horseshoe reflects the "Golden Horseshoe Summer Travel System Recommendations" of the Town of Breckenridge and Summit County government as developed through the Golden Horseshoe consensus based planning group. The final travel system in alternative GM allows for both separate and shared use of roads and trails on sustainable routes while protecting the fragile natural environment and sensitive historic resources.

With this in mind, the following decisions will be made related to the comment on specific trails:

- The northern end of GH-27 will be changed to shared use trail to allow for connection between GH-44 and GH-22;

-GH 45, GH-27(Upper portion), 5-GH-33, and 5-GH 17 are to be closed to all uses due to environmental resource issues.

Those routes included in the "Golden Horseshoe Summer Travel System Recommendations" that were not approved in Alternative GM may be presented as a separate proposal to the Forest Service for further evaluation and potential inclusion into the travel network in the future.

Although no new road and trail construction or reconstruction will occur; the FEIS on page 9 explicitly states "*Additional routes can be added to the designated system after the completion of the ROD through project identification, determination of purpose and need, examination through the NEPA process, and proper design and execution.*" Therefore the Forest outlined the scope of its analysis for the project and outlined a process for additional routes after the ROD was completed.

Recommendation:

I recommend the Forest Supervisor's decision be affirmed on this issue.

RECOMMENDATION

I recommend that the Forest Supervisor's March 17, 2011 decision be affirmed with the instructions outlined under Appeal Issue 1 and that the Appellant's request for relief be denied.



RICHARD A. COOKSEY
Appeal Reviewing Officer

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