



SCORR
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Delivered in person to the Golden Offices below and via email to appeal-rocky-mountain-regional-office@fs.fed.us

Appeals USDA Forest Service Rocky Mountain Region 740 Simms St. Golden, CO 80401

RE: Part 215 Notice of Appeal- White river National forest Travel Management ROD/FEIS

Dear Appeal Deciding Officer:

Please accept this appeal under 36 C.F.R. Part 215 from the record of decision notice and final environmental impact statements for the White River National Forest (WRNF) Travel Management Plan (TMP).

This appeal is presented on behalf Summit County Off-Road Riders (SCORR) a local off-highway motorcycle club. The club was organized to address issues related to motorized recreation on both public and private lands in the Summit County Colorado area including the White River National Forest as the principle provider of motorized recreation opportunity for the club members who in and on the WRNF.

Introduction:

SCORR is a nonprofit organization based in Summit County Colorado. SCORR promotes responsible off-road motorcycle recreation in Summit County, Colorado. We work in cooperation with local land managers to preserve a quality, environmentally friendly and multi-user recreation experience. We advocate good stewardship of our public lands and respect for other trail users.

SCORR can be recognized by the example we set when riding, our volunteer work in maintaining trails, and our efforts to educate other off-road motorcycle users. We have logged thousands of hours maintaining trails within the WRNF. We have worked closely with Friends of Dillon Ranger district and share a mutual interest in maintaining a cooperative spirit while maintaining off-highway vehicle access and use of our public lands.

On April 6th of 2004, a municipal election took place and approved debit increase to purchase a patchwork of property from B&B Mining Company that is part of the Golden Horseshoe area. The Golden Horseshoe is currently a patchwork of lands owned by the Town of Breckenridge, Summit County, and the USFS. This area contained one of the highest densities of off-highway vehicle roads and trails in the White River National Forest. It was considered an “OHV Park” by the hundreds of OHV users who frequented the area. This area is now managed jointly by the Town of Breckenridge, Summit County, and the USFS. The money for this purchase was a bond which the voters approved “for the purpose of financing the acquisition, remediation, and improvement of the B & B Property for the use and benefit of the public for open space purposes” as quoted from the actual ballot.

Following the Golden Horseshoe purchase, the Golden Horseshoe Consensus Based Planning Committee was formed in the summer of 2006 to evaluate the environmental, historical, and recreational requirements for this area. SCORR was an active participant in this planning activity along with representatives of all user groups. Paul Semmer, Community Planner and Ken Waugh, Recreation Specialist with the Dillon Ranger District were USFS representatives on the staff of the Committee. The result of the planning activity was a number of recommendations including road closures, trail closures, trail reroutes, and new trails for all user groups. The outcome of this process was a plan that provided a sustainable blend of mixed use and segregated use trails within the Golden Horseshoe area. The plan included a significant amount of single track motorcycle motorized trail that was of most interest to SCORR to be retained.

The WRNF TMP alternative GM ignores the recommendations of the Golden Horseshoe Planning Committee and the myriad requests by motorized recreationists for single track experience based upon demand and opportunity. The amount of motorized single track available to ride in the Golden Horseshoe as well as other point’s south is totally inadequate. There is significant disparity between the amount of single track trails designated for motorized use and that for non-motorized use.

Any communications regarding this appeal should be directed to:

- Chuck Ginsburg, SCORR Chairman, 970-390-5600, chuckginsburg@comcast.net
- Fred Niggeler, SCORR Board Member, 970-970-485-0637, fniggeler@gorerangehomes.com

Record of Decision (ROD)

While Appendix B, FEIS includes a MUSYA citation in a list, the lack of any discussion in the FEIS in relationship to the other laws used and disclosed suggests that the planning team did not consider the law critical to any analysis or decision criteria.

The concept and requirement of providing sustainable recreation in combination with the other resources starts with this Act. 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 Secretary of Agriculture’s comments in the “Travel Rule” at Federal Register Vol. 70, No. 216, 11/09/2005, pg. 68271, in responding to OHV interests for enough routes to accommodate current and future demand, established that Forest Service managers must balance user interests against the other criteria in designating routes and areas under the final code. The Travel Management rule at 36 CFR 212 does not define a “value-based” road and trail management system. Designation criteria at CFR 212.55 list the consideration of “provision of recreational opportunities”, a demand-based approach.

At the same time, the Forest Service in public involvement associated with the development of Forest Service Handbook FSH 7710, draft travel rules, pending National Forest Planning rules, A Forest Service Washington Office publication on “A Framework for “Sustainable Recreation”, June 25, 2010, the draft White River National Forest travel management planning documents promote the requirement to provide for balancing ecological, social, and economic sustainability, a value-based system. This sets up an arbitrary set of terms and processes and requires the decision maker and the responding publics to “wade through” a confusing set of inconsistent definitions, resulting in different expectations.

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.

The WRNF is public land. The single track trails in it are of interest to public users including hikers, mountain bikers, and motorized motorcycle riders. Yet the trails that are available to motorized motorcycle riders are in gross disproportion to the trails available to other users. SCORR respectfully requests that the TMP be revised to include the single track trails that were recommended in the Golden Horseshoe planning process to be open to motorized motorcycle users. We also request that trails to the south in the Pennsylvania Gulch area and the Sallie Barber area be kept open. These trails have been popular with OHV users for decades and represent important recreational areas for motorized motorcycle users.

Final Environmental Impact Statement (FEIS)

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. This is an exaggerated, gross overstatement of the facts on how the Forest’s current transportation system works. 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” decision implies that this current travel management process, essentially under the authority of 2005 Rule, is final. This statement assumes that the conditions, needs and access requirements will remain fixed over time. The monitoring plan requirements (pgs. 44-45), the Rule and NFMA require periodic evaluations and tools to be put in place so that decision makers can evaluate and address any necessary changes and update plans as necessary.

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.

It appears that the Forest was only really trying to implement a selected portion of the 2005 Travel Rule and did not make a complete effort to update the 1985 Transportation plan by limiting alternatives to only the existing 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.

The Recreation Management section of Chapter 3 discusses the concepts of a diversity of recreation activities, social equity, quality recreation, personal expectations, quality of experiences, and user conflicts (page 66, FEIS). This Recreation Management section of the FEIS attempts to establish an evolutionary flow of recreation use patterns from a hierarchical system of mixed recreation that over the years of increased growth has generated many areas of unacceptable conflict.

The recreation section team, evidently in order to guide a decision towards segregating uses and minimizing conflict, assumes that “a quality experience” is a single-track trail for hikers, also mountain bikers who have some acceptance to share single-tracks with hikers. The recreation analysis goes on to state that ATV’s and motorcycle “groups” tend to be more tolerant of full-size vehicles on primitive roadways while still looking for backcountry experiences that avoid a developed roadway (paragraph 3, page 85).

This simplistic bias is further carried over to page 87 (FEIS) in the description of the Figure 3.8 graphs. Specifically, “quality recreation” for ATV’s and motorcycles is assumed to include level 2-3 roads and trails open to ATV’s 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.

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.

The mapping of the preferred alternative clearly shows most motorized recreation has been concentrated into the Rio Blanco Ranger District, and otherwise avoided Forest Plan approved motorized areas around ski resorts and high value mountain communities.

Another example of this segmentation is in the Ruedi Reservoir area. The area south of the reservoir and north of Lenado has been shifted essentially to a non-motorized area preventing any continued use of a north-south motorized trail system. This changes historical use on established trails and roads, and eliminates opportunities to link established routes.

Request for site specific changes to the TMP

While there are many trails on the plan drawn by the Golden Horseshoe Consensus Bases Planning Committee that we would like to keep, many were never assigned numbers to allow us to request them in this format. In addition to those that are without numbers, 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

Summary

A 2005 National Survey on Recreation and Environment for the Forest Service's National OHV Policy and Implementation team found that 26% of adults in Colorado

participate in OHV recreation activities (NSRE 2005). The reason that national use monitoring surveys in the national forests find dwindling levels of OHV use is because national forests continue to reduce and eliminate trails available for motorized use. Sales of OHV vehicles continue to rise while public lands available for motorized use continue to decline.

The WRNF is considered to be the primary recreational forest of the state of Colorado if not the United States. The need for available single-track motorcycle motorized recreation in the WRNF has been demonstrated by the motorized use that has existed in the Dillon Ranger District for several decades. The trails that have been historically available to motorized motorcycle single track users in the WRNF in the Dillon Ranger District have numbered in the hundreds of miles. With the currently proposed TMP, single-track motorcycle motorized trails have all but been eliminated. Meanwhile, the four major alpine ski areas in the Dillon Ranger District continue to offer more lifts, more trails and create power lines, roads, drainage issues, and wildlife habitat and migration issues.

SCORR recognizes that most of the trails in the District were user created over the last three decades as were the mechanized trails and hiking trails, many of which were initially created by OHV users. The trail standards and level of sustainability for the trails SCORR is requesting to be left open to multi-use are within the social, economic, and environmental guidelines of the WRNF and SCORR is willing to put time on the ground to maintain them. The decision not to allow motorized motorcycle use on nearly all of the trails that are open to mechanized users reflects discrimination against off road motorcycle users.

SCORR respectfully requests a revision to the WRNF TMP to add motorized motorcycle use to existing mechanized trails including the trails listed above. Our member base of over 300 volunteers will work in close cooperation with the Dillon Ranger District and other Summit County governmental agencies to ensure responsible riding and trail sustainability.

Sincerely,

Fred Niggeler
SCORR Vice President

Chuck Ginsburg
SCORR Chairman