

APPENDIX 25

This appendix summarizes public comments received to the environmental assessment for the San Luis Resource Area Travel Management Plan and the BLM response to those comments. A complete record of the comments received during the public comment period is available for review at the San Luis Valley Public Lands Center, 1803 highway 160 west, Monte Vista, CO 81144 during the hours of operation from 8 am to 4:30 pm.

The San Luis Valley Public Lands Center and BLM appreciate all of those who took the time and effort to comment on the EA and draft FONSI. Public comments are an important element of public involvement in land management decision making. Public involvement extends beyond the planning process and is important to the successful implementation of this travel management planning effort.

Summary of Comments Received

Ten comments were received which were opinion by nature and outside the scope of the project. Nine out of the ten comments in this category did not provide a name, address, and phone number as required for consideration. Formal responses will not be made to these comments

Forty-five comments were received which were within the scope of the San Luis Resource Area Travel Management Plan and EA, but did not address substantive issues that required additional consideration, clarification, modification, or changes to the analysis or alternatives. Thirty-six out of the 45 comments in this category did not provide a name, address, and phone number as required for consideration. These comments are best summarized as opinion in nature.

The remaining 31 comments addressed substantive issues within the Travel Management Plan or EA. The comments have been summarized and listed followed by BLM's response. Responses have been combined where more than one comment was received on the same issue.

Access for Individuals with Disabilities

The Colorado Department of Wildlife issues a hunting accommodation permit which may authorize disabled individuals to receive authorization to shoot game from a motorized vehicle and to receive assistance in retrieval of game taken in this manner. BLM recommends that the disabled contact CDOW for this permit. This permit does not authorize travel off of designated motorized routes.

Under the current Resource Management Plan, the San Luis Resource Area is managed in an "open" travel category except for Areas of Critical Environmental Concern (ACEC). The open category allowed cross country access by the public. One of the decisions coming out of this analysis could potentially be the modification from open to limited which would limit motorized access to existing routes or to a designated travel management system. There are 400 to 1,678 miles of motorized routes depending upon

the alternative selected which with CDOW permit could be available to the disabled hunter for hunting purposes. The proposed action alternative C would have 651 miles of designated motorized routes. Every Travel Management Area has motorized access which would be available to the disabled.

BLM does not have a legal obligation, per se, to permit handicap access to an area closed to motorized vehicles. The presence of a disability does not automatically exempt a person from complying with agency rules and regulations, such as road closures. Federal law under section 504 of the Rehabilitation Act does not mandate the BLM must make every part of their management areas accessible and usable to accommodate a disabled member of the public. Access maybe denied if BLM has established legitimate justification for road closures for legitimate environmental and physical management objectives, the denial is not based solely on an individual's disability, and comparable program opportunities are available.

The American with Disabilities Act of 1990 (ADA) applies to people with a physical or mental impairment that substantially limits one or more of the major life activities. Major life activities include walking, talking, seeing, hearing, working and independently caring for one's self. ADA requires the BLM to provide access to facilities as well as to programs and services. ADA applies to developed recreation sites such as campgrounds and picnic areas and outfitter/guide services but was not intended to provide access to people with disabilities across all public lands. People with disabilities will continue to have motorized access to public lands on designated routes for the purpose of hunting and fishing.

There are numerous organizations private and non-profit which provide this service. Many agencies and subsets of those agencies have previously terminated motorized cross country travel due to the same issues addressed in this document. The long term health and productivity of the resource is critical to the habitat and populations (game) and non-game which use the public land habitat. The proposed action attempts to addresses the ongoing degradation of habitat due to cross country motorized travel.

Game Retrieval and the 300 Feet Policy Allowed for Dispersed Recreation

Many commenters expressed confusion over the implementation of the 300 feet policy for dispersed recreation. Implementation of this policy is first explained on page 32 of the EA under **Actions Common to all Alternatives:** bulleted paragraph 2 located at the bottom of the page. The EA states, "*Pulling a vehicle off a designated route (e.g., for parking, dispersed camping) would be limited to a single perpendicular distance of 300 feet from the edge of the route (no parallel travel at a distance of 300 feet to a route). This policy will be an interim policy until further monitoring can be completed and additional analysis is conducted during the revision of the RMP. General motorized use off designated motorized routes (cross-country), including game retrieval, would not be permitted*". Implementation of the policy was further clarified in BLM's letter dated October 22, 2007 extending the comment period on the EA to December 31, 2007.

This clarification stated *“Motorized use off designated motorized routes (cross-country travel), including game retrieval, would not be permitted”*.

“Pulling a motorized vehicle off a designated route (e.g., for parking, camping, and other dispersed recreational activities associated with limited access points adjacent to a route) would be limited to a single perpendicular distance of 300 feet from the edge of the route (no travel parallel to a route). This policy will be an interim policy until further monitoring can be completed and additional analysis is conducted during the revision of the RMP”.

A modification to the EA as indicated above will be completed. Further clarification follows.

Motorized game retrieval will **not** be authorized beyond the 300 feet limit. Game retrieval will be permitted but not by use of a motorized vehicle. This plan and EA **in no way** restricts the retrieval of game animals legally taken under the CDOW codes. There are different methods of game retrieval that do not require off route motorized travel. BLM is not aware of research that shows that limiting off route travel by motorized vehicles for game retrieval significantly decreases participation in hunting.

Motorized vehicles will be permitted to leave a designated motorized route for recreational purposes for a distance of 300 feet perpendicular from the motorized route. This allowance assumes that resource damage will not occur. This distance was established so that recreationists would not park on the road, be forced to park adjacent to the road in an unsafe location or camp/park in an unsafe situation. The allowance was developed for dispersed recreational purposes at a safe distance from the designated motorized route and so that a quality experience would occur. Safety, dust, resource issues, preferred parking locations were considered for camping, fishing, hunting, etc. This policy will be an interim policy until further analysis can be conducted to address this issue on a route by route basis.

The 300 feet policy was a standard for public lands in Colorado for many years. This was unknown to the project leader or team members at the time of the analysis. The Core ID team developed this distance initially through a varied discussion, professional judgment, and resource concerns. This policy has been changing over the past five years. Rules regarding off route travel for game retrieval vary widely on public lands in Colorado with the trend toward more restrictive limits regarding off route travel for game retrieval.

General Support for Maximizing Motorized Access

The BLM appreciates comments and support for the maximum access alternative and the desire to reduce potential route closures. Thank you for taking the time to present your views and comments.

General Support of Alternative C

The BLM thanks Saguache County, the only cooperating agency, in the process for its support of Alternative C, the proposed action alternative.

Mountain Bike and Non-motorized Uses

Concern expressed a need for additional mountain bike trails. Commenters wanted to be sure that mountain bikes were not lumped with motorized uses such as ATVs. They emphasized the needs for single track trails such as foot and horse for mountain bikes. It was emphasized that mountain bikes have less impacts than horses and are equivalent to hikers. Commenters requested a trail system that was consistent with adjacent and interconnected Forest Service trails.

BLM RESPONSE: There was a great deal of input during the scoping process and each one of the public meetings concerning the need for mountain bike/mechanical routes and trails. The inter-disciplinary team during route analysis by alternative made every attempt to locate and develop access for these user types. This was balanced with the potential for limited funding to construct and maintain these trails. This resulted in a limited number of recognized routes designated as mountain bike trails that are open to mechanized (non-motorized) use as single track trails. Numerous routes were closed to motorized access, but not rehabilitated. Several of these were identified as open to mechanized uses in an effort to provide additional use for the non-motorized community including mechanized, which at this point is mostly mountain bike enthusiast. The term “mechanized” was often used to allow some flexibility for any future development of a mechanized, non-motorized machine which could use these routes with the limited impact of mountain bikes. The potential routes available for mountain bikes according alternatives A, B, C, and D respectively are: 29.1 miles, 70.2 miles, 84 miles, and 80.4 miles. This does not include routes available as motorized routes.

The inter-disciplinary team identified Rio Grande Forest recognized mountain bike trails and made every effort to have at least one mountain bike trail which intersected these trails. The Rio Grande Forest does have several trails frequently used primarily by mountain bike users, but many of these are not designated for this purpose alone. There was limited opportunity for true identification and designation of mountain bike trails that would connect with Rio Grande Forest identified mountain bike trails.

The Penitente TMA contained an excessive route density. These are made up of non-motorized routes, mostly user created. The density has reached a level such that impacts to some resources are occurring. This was addressed by reducing the number of single track user created trails which had not been approved by the BLM and were not designated as trails due to a lack of funding to properly design and maintain the numbers of these routes. The BLM is unable to create additional single track mountain bike trails due to limited funding for construction and maintenance which will meet the design standard for such trails.

There is only one TMA out of 23 which is restricted from mountain bike use. That is the San Luis Hills WSA. The designation of WSA status created this limitation and not the proposed travel management plan. The restriction of uses is within the BLM management authority and a restriction to mechanical, horse, or foot does not meet the definition of wilderness. Each of the 22 remaining TMAs has routes designated as open to mechanical uses. In addition mountain bikes may use motorcycle routes and any route open to motorized uses.

COHVCO Involvement in the Planning Process

One commenter requested that BLM involve COHVCO and their perspective in the planning process.

A presentation was made to the Colorado 4X4 Jeep Club in Montrose, Co on April 16, 2005. Numerous comments were made on their perspective for the San Luis Resource Area Travel Management Plan and EA. Several discussions and inputs occurred involving Gene King, executive director. Numerous presentations and updates were made to the Front Range RAC where Mr. King is a member and he took the opportunity during those presentations to provide additional input. Mr. King met with the project lead on several occasions to represent COHVCO perspectives for the travel management plan. These efforts are documented under Additional Information: Public Participation on pages 232 through 235.

Single Track Motorized Routes

One commenter expressed a desire for designated single track motorized routes.

The inter-disciplinary team found it challenging to provide for specific purpose routes for this user group. The BLM is unable to create additional single track motorized trails due to limited funding for construction and maintenance which will meet the design standard for such trails.

Perceived Failure by BLM to Act on Route Suggestions

There were numerous comments from the individuals and organizations concerning specific routes for which they had requested an action be considered as part of an alternative. These comments questioned BLM for a reason as to failure to act on the previous suggestions.

The following is a listing of these routes with the suggested action and the BLM's response to that suggestion:

AR21136 – desired limited use for Colorado State lease access instead of closed in the B and C alternatives

Access for fence maintenance is provided through route AR21089 and AR21133. This route has a seasonal closure for Greenie Mountain, but the individual with

the State lease has a key to use this route to access the lease. BLM is not obligated to provide multiple access points to other properties.

AR21148, AR21149, and AR21153 – These routes make up a loop with a duplicative route AR21152. The three or the one should be closed.

Routes AR21148, AR21149, and AR21153 do make a route. This is a very popular route around Bishop Rock. The area is heavily used for recreation such as camping, motorized travel, small game hunting, and mountain bike use, snow shoeing on good snow years, and dog walking. It is one of the most popular dispersed recreation areas and is close to Del Norte and Monte Vista so that many evenings it is heavily used. AR21152 is the access to a state lease. Both legs of the route are used depending upon the weather and time of year.

LK23052 – Desire to remain open

This route is closed in alternatives B and C and open to mechanized in alternative D. This is a spur route that connects with an illegal user created 2 track on the Rio Grande Forest. A significant cultural site is being heavily impacted by the use occurring on this route. Uses of this route can be adequately met by another route that minimizes impacts to sensitive resources identified.

ER3016 was located on the map data

LS13027 – Area of high biological significance, big horn sheep, need closure for buffer zone to Sawlog Roadless area.

Open in all alternatives due to former system route designation which provides primary access to several range improvements and the western portion of the Cottonwood Allotment. This route provides access to several other routes which are necessary for monitoring and range improvement maintenance. Monitoring will occur due to the potential for severe erosion. Motorized access to Roadless area is not possible off of this route due to topography which is steep and very rocky. Closure as suggested would be ineffective as users could easily go around any blockade due to flat open topography at road intersections. This is a high dispersed recreation area due to the proximity of the community of Saguache. Biologist indicates Big Horn Sheep sightings have not occurred in this area. This area is general habitat according to CDOW. This is not a critical big horn sheep area. This is a very high recreational use area for Saguache.

LS13028 – Protection of Sawlog Roadless area.

Route closed on B alternative, open alternative C with mitigation, open on alternative D. This was a system route originally providing access to the Rio Grande Forest. Motorized access to the Roadless area, but nearly impossible to travel from end of road to Roadless area due to topography, very steep, and rocky. The proposed action creates a one half mile buffer to the Sawlog Roadless Area.

LS13037 – Concern for access to McIntyre Canyon. Gunnison prairie dog in larger area. B alternative mechanized only, C is mitigate open for resource impacts and erosion, and D is open. Primary private property access. Primary access to spring development for grazing. This will be the only public access to the new recreation site for the city of Saguache. The BLM has gathered the information needed to monitor and take conservation action in the future as data indicates a need. Access has been limited once one begins to start up canyon due to road being washed out. Maintenance is not planned to occur on this route and will therefore remain inaccessible to motorized vehicles from the mouth of the canyon.

LS13077 – Questioned the need for this loop and the connection to the Rio Grande Forest.

B is closed; mitigate open on C alternative, and open on D alternative. Very important route for grazing, range improvement and to check on cattle. Route provides maintenance needs for several range improvements. Mitigation is monitoring for erosion. This route contributes to the completion of two loops used by the public for recreational opportunities and provides motorized access to a large area of public land.

LS13048 – Consider using LS 13045 instead.

Alternative B, C, and D are open. LS13045 begins on private property for which BLM does not have a right of way easement. The first half mile is very difficult to maintain in the winter and generally stays in very poor shape for motorized access due to sand in wash boards very easily.

VG16091 – Desired closure and question to consistency. Did not consider limiting motorized use to admin and permittee.

B alternative is closed, C alternative is mitigate open, and D alternative is open. The intra-disciplinary team reviewed the comments submitted and modified the designation for alternative C. Alternative C will now be closed from the spring site to the end of the route and limited to permittee and admin from beginning to the spring development based upon comments received.

SLC22002, SLC22006, and SLC 22007 – Potential for motorized access to the Elk Horn Peak Roadless Area

SLC22002 is limited to administration only on alternative B, alternative C is mitigate open which is to improve design and construction standards, alternative D is open. This route provides access to private property, mining claim, and motorized access to Rio Grande Forest where a foot/horse trail exists. The Rio Grande National Forest desired the motorized portions of this route be left open. This route provides primary access to important firewood and forest product gathering area. The beginning premise was that the BLM travel management planning process would not reduce access to official Forest Service routes.

SLC 22006 is closed on alternative B, mitigated open on alternatives C and D. This route provides access to private property, mining claim, and motorized

access to Rio Grande Forest where a foot/horse trail exists. The Rio Grande National Forest desired the motorized portions of this route be left open. This route provides primary access to important firewood and forest product gathering area. The beginning premise was that the BLM travel management planning process would not reduce access to official Forest Service routes.

SLC 22007 is open in alternatives B, C, and D. This route provides motorized access to the Forest Service non-motorized trail. The Forest Service desired that the route remain motorized to the Forrest boundary.

SLC22034 – How will enforce limited access?

Alternative B is closed, alternative c is limited to users, and alternative D is open. Alternative C, the proposed action, is limited to utility company and permittee range improvement maintenance. This route cannot be closed because the permittee needs access to range improvements and the utility company needs access to power lines which are a major source of power to the San Luis Valley. Signage will be provided to designate as limited. Enforcement will include law enforcement patrol and ticketing if necessary.

SLC22037 – What is purpose of route?

Alternative C is mitigate open; mitigation is by installing water bars. Closed other nearby routes and used this route as primary access to reduce route density and continue to provide access to utility co. and permittee for range improvement maintenance. Created a loop route for a large portion of public land where otherwise a significant reduction was designed.

SLC22184 and SLC22185 – Should be closed due to all of the routes the BLM does not have control of in the Gunnison Sage Grouse habitat area.

SLC22185 is closed on alternatives B and C, the proposed alternative and alternative D is mitigate open. This route is not required and thus the closure designation in the proposed action.

SLC22184 in alternative B is closed, alternative C mitigate open, and alternative D is open. This route forks into two directions for a short distance. There is a very popular year around (snow levels permitting) camping site at the fork in the route. However, based upon the comments received the intra-disciplinary team reevaluated the information and modified the route designation for alternative C to close this route from the fork and popular camping site to the end of each of the forks.

TO2090 – Why is this road not closed to provide major core habitat?

Alternative B limited to permittee/admin., alternative C limited seasonally, and alternative D is limited to full motorized by permittee/admin and the public limited to ATV and motorcycle. Permittee/admin access needed to range improvements and monitoring sites. Only access to a very large area and provided unique opportunity for ATV and motorcycle activity separate from other motorized. This is not an area of high grade habitat.

TO2059 – Questioned enforcement capability.

Signage will be provided to designate as limited. Enforcement will include law enforcement patrol and ticketing if necessary.

TO2144 – Only opening into core habitat area.

Alternative B is closed, alternative C is mitigate open where the route is closed 200 yards after the intersection with TO2142 to provide for camping, and alternative D is mitigate open with culvert placement and erosion monitoring. This route is really not open for much of a length as it is today, but will only be open enough for safe camping once implementation occurs in accordance with alternative C. Use if very light but seasonal.

TO2026 – Provides access to a core habitat area.

Alternatives B, C, and D are mitigate open. This is an access route to a Rio Grande National Forest route 853 and a major loop route on the Forest. This route is a major access to a large area of Forest and is the only motorized access to a large area of BLM that is otherwise closed to motorized access.

TO2112, TO2116, TO2117, and TO2118 – high route density due to Forest access.

All alternatives open. These routes remain open in all alternatives in order to provide motorized access to Rio Grande Forest motorized routes. This was a given when the travel management process began. That is BLM would not close or reduce access below that existing and provided on Rio Grande Forest routes. The route density on the public lands does not exceed 2 miles per square mile which is not excessive. Other routes were closed in a portion of this area to reduce the route density in the upper portion of this are.

TR6112 – Road should be closed due to resource damage or mitigate.

Alternative B is closed, alternative C is mitigate open, and open on alternative D. Road has been mitigated and resource damage is very limited and that to a very short distance down a small hill with vegetation in the middle and tracks on the hill. This is a very popular destination route. Additional mitigation will be developed as monitoring indicates a need.

TR6071 – Why is this route open? Why not use TR6073?

TR 6071-Alternative B is limited to permittee and gas co., alternative C is mitigate open, and alternative D is open. The intra-disciplinary team re-evaluated this route based upon comments received. The route designation was modified to limited to permittee and admin. The same as Alternative B. TR6071 is more necessary due to range improvements, pipeline and cattle water trough, than TR 6073 which did not have any improvements its full length.

TR6073 is very near the county road, T45.5, and was considered a parallel/redundant route and does not have a purpose due to newly constructed fence along county road.

LK23127 – Why is this open?

Alternative B is closed, alternative C and D is seasonal limitation. This route provides extreme jeep recreationists a location for their sport which the BLM is mandated to provide under multiple use direction.

LK23123 – How can this be managed for foot through ATV/motorcycle users?

Alternative B is closed, alternative C is limited to ATV/motorcycle, and alternative D is mitigate open. The ID team after consideration of the comments received modified the designation of Alternative C to closed.

LK23002 – Not under BLM jurisdiction

This is Rio Grande County road 269 and 268. The county maintains and manages these routes even though they cross public lands. The information was recorded in many of these instances for later use and capturing of data.

LK23063 – Why open? Loop by another route and parallel route exists.

Alternative B is limited to non-motorized, alternative C is mitigate open, and alternative D is open. This TMA is a high use easily accessible area from Monte Vista and Del Norte. Sufficient access is needed to accommodate a certain level of recreation. The routes in this area are highly desirable and cause little resource damage. This does create an additional loop. The additional routes are necessary to provide room for non-motorized and motorized users in the same general area.

LK23059 – Why is this route open?

Alternative B is closed, alternative C is mitigate open, and alternative D is open. This TMA is a high use easily accessible area from Monte Vista and Del Norte. Sufficient access is needed to accommodate a certain level of recreation. The routes in this area are highly desirable and cause little resource damage. This does create an additional loop. The additional routes are necessary to provide room for non-motorized and motorized users in the same general area.

AR21019, AR21016, AR21140, AR21011 – Questioned enforcement capability.

Signage will be provided to designate as limited. Enforcement will include law enforcement patrol and ticketing if necessary.

AR21145 – Why is this route remaining open?

Alternatives B and C are mitigate open with seasonal closure and alternative D is mitigate open. The other spur was closed leaving this route open. This route is left open as it goes up the ridge and has less impact to wildlife using the spring, less erosion damage and is relatively a better route. Many of the local publics use this route and area for hunting and requested access through one of the routes. Limiting this route to permittee/admin would have no purpose as range improvements or monitoring sites are along this route. Multiple use objectives were considered when considering alternatives on this route.

AR21089 – This is the Bronson Peak Road which is the major route. Also known as BLM route 5100. Route was on map datum.

RJ11010 – Why is this open?

Alternatives B, C, and D are mitigate open. The nearby route AR21026 is at the bottom of an adjacent steep canyon and is a county road which does not provide access to the area. The ID Team after consideration of the comments received designated Alternatives B and C to limited to permittee and admin. This route is on top of the ridge and has numerous range improvements along its length. The next route to the north is several miles distance.

RJ110101 – Is a non-existent route.

RJ11001 – This route should be considered for mitigation or definition of mitigation.

Alternative B, C, and D are open. This is a primary access route which provides access to Rio Grande Forest route 240, private property, and major access to La Jara Reservoir, and Colorado State lease. The county maintains this route at least once per year due to the agreement with the Rio Grande National Forest. Mitigation is not necessary and if it should become necessary will be coordinated with the county.

SLH1041 – Why was this route not considered for permittee/admin use only?

Route is on map datum and is open for wind energy pilot site and some range improvements. However, after consideration of the comments received from the public, the ID Team determined to recommend to the decision maker that Alternative B be selected which is the designation of limited to permittee, company with wind energy test location, and admin.

MA10000 – Why is this open parallel route exists? Questioned mitigation measures?

Alternatives B and C are mitigate open and alternative D is open. This is part of a large loop and the primary trunk route to the southern Los Mogotes area. MA10028 is much farther away, considerable shorter, and without access to the entire area. Provides access to many other routes in the general area. Provides access to range improvements. Mitigation will be developed after the implementation of the travel management plan. Monitoring will be developed to document the needs and resource damage and then actual surface action will be taken to mitigate the impacts to resources once those have been determined. Monitor for resource impacts and mitigate for soil erosion caused by the route. The correct mitigation for this route will be decided with the monitoring data after completion of the travel management plan.

MA10048 – Why is this open?

Alternative B is mitigate open and alternatives C and D are open. This is part of a large loop and the primary trunk route to the northern Los Mogotes area. This provides access to Colorado State leases and private property. Provides access to range improvements.

MA10019 – Why is this route open through the ACEC and what mitigation measures have been established?

Alternative B is limited to non-motorized, alternative C is mitigate open, and alternative D is open. This route is the primary and most often used access to the nearby area on the Rio Grande National Forest. Considerable year around recreation occurs on this route unless heavy winter snow occurs. Mitigation is monitoring and erosion as determined after implementation and evaluation with monitoring data.

MA10041 – Is this route limited user only?

Alternative B is mitigated limit to private property owner/admin/permittee, alternative C is mitigate open, and alternative D is open. The mitigation is monitoring and modification of route for soil erosion.

MA10039 – Open creates parallel route.

Alternatives B, C, and D have this route closed.

MA10046 – Should be considered for limited to user/admin.

Alternatives B and C are limited user/admin/permittee and alternative D is open. The proposed alternative would limit the motorized use to administrative and permittee.

MA10029 – This route is a short distance from MA10028 and is parallel.

Alternatives B, C, and D are open. Mitigation for soil erosion and vegetation treatments is to be implemented. The ID team did consider modification of this route previously. However, this area is a heavily used recreational area and the loop created by MA10029 and MA10028 is very desirable and carries a considerable amount of recreational traffic. The two routes create several desirable loops which are heavily used.

ER3016 – was identified as containing and being adjacent to a BLM identified sensitive species based upon comments received from the Colorado State Parks who monitors Colorado Natural Areas. Their recommendation was to close this route completely and open another route as an alternative.

The ID team after consideration of these comments; determined that the purpose for the ACEC was the potential existence of this plant due to existing habitat; and determined any use including mechanized could potential impact this sensitive species. Therefore, knowing that the species does exist modified the determination for ER3016 to closed in all action alternatives.

In addition, ER3018 which is on the other side of the rocks and is in the same situation was designated as open in alternative C. This route was evaluated based upon this new data and was designated as closed in alternative C.

In order to provide access to the general area in a manner not impacting this plant or other habitat that may contain unknown members of the species other routes not in the potential habitat were considered.

ER3026 has been modified to Open in Alternatives C and D based upon comments received from the Colorado Natural Areas Program under Colorado State Parks which encouraged using routes outside of the habitat for this plant, which are natural dry rocky, cliff areas. Route ER3026 is outside of habitat for the sensitive plant species and provides access to Rio Grande National Forest routes. This route would provide the access needed to facilitate the additional recreational needs for Penitente Canyon SRMA.

Vandalism and Impacts to Sensitive Species in Elephant Rocks Natural Area

One organization expressed concern that the number of routes in the Elephant Rocks Natural Area is excessive and contributing to vandalism of the area and impacting the BLM sensitive species, *Neoparry lithophilus*. The comment attested that the natural area and the ACEC were established due to the sensitive species which is present. The commenter's recommended a reduction in access in areas with rare plant populations and restrictions on motorized access to those routes that have a clear and definite purpose to access adjacent Rio Grande National Forest routes, private property, hunting access, and grazing management. The recommendation was to close to motorized access routes ER3016 and ER3018.

BLM RESPONSE: The level of protection mentioned was not properly addressed in the route designation due to a lack of knowledge that the sensitive plant species was present at the Elephant Rocks area. The inter-disciplinary team reconsidered the route designation with the new information provided and determined to close Routes ER3016 and ER3018. See the explanation of action on ER3016 and ER3018 above under route considerations. It was determined that ER3026 would be a better route to designate open than the one suggested in order to provide the needed recreational access to the west. Therefore, the ID team modified the designation for ER3026 as indicated under the routes consideration above.

New User Created Routes Not Considered in BLM's Analysis

One organization expressed concern that BLM did not consider the routes that were created in the Natural Area since 2002.

BLM RESPONSE: BLM identified existing routes by Global Positioning Systems (GPS) in 2002. These routes were identified in the travel management planning process. The public continued to create additional routes after the GPS inventory was completed particularly in the Elephant Rocks area. The additional user created routes not considered in planning which were created after the inventory process will be considered closed under the preferred alternative.

Closure of Poncha Pass Loop and Concerns Addressing Soundscape

One commenter identified multiple concerns regarding Poncha Pass Loop as summarized below. The comment listed routes in the Poncha Pass Loop area which should be closed to reduce impacts to natural resources in the area from dispersed camping.

BLM RESPONSE: The ID team looked at each of these routes again in consideration of this comment. The Loop itself is the primary access to the area. Specific responses and actions are listed under the individual Routes addressed above. Many routes were closed or limited to administration, permittee, utility, and numerous other routes were closed to motorized access during the planning process. Several of the routes provide access to the Rio Grande National Forest and private property.

CONCERN: The Poncha Pass Loop road should undergo further analysis. The consideration of additional existing user created routes increases route density. The ATV/motorcycle trail increases noise in the soundscape negatively impacting other uses. The commenter further expressed natural soundscape concerns as follows: “The BLM has failed to adequately analyze the noise impacts from motorized recreation on quiet recreationists, thereby making it impossible to determine if it has provided natural soundscape for quiet recreationists in accordance with recent Colorado BLM guidance.”

BLM RESPONSE:

The Colorado BLM guidance is from the BLM Recreation Strategy, page 8, objective 1: actions. The travel management plan is not a Recreation Area Management Plan (RMAP). Sufficient resources are not available at this time to complete this plan. The goal of the travel management plan is to stop the proliferation of user created routes in Area #1 which previously was designated as “open”. Quiet use zone inventories will occur in the next RMP revision per the Recreation Strategy Guidance. The identification of quiet use zones would be more difficult when the RMP is revised if route proliferation were not addressed now.

Additional analysis was completed on the element of Noise which begins on page 192. The travel management planning process looked at all existing GPS inventoried routes as of 2003. Previously relatively few BLM system routes existed. These were primarily identified in order to plan maintenance and a travel management planning effort had not been attempted. Some routes were user created but historic and others were relative recently created by motorized users. The full range of data on each routes history is not available. Therefore, each route began with the basic data collection and unknown history. Additional data for further analysis is not available at this time. Additional analysis of routes for dispersed camping and parking for recreational purposes will follow the completion of this travel management planning process. It is agreed that this is a heavily used recreational area and more than just travel management planning is needed to address the impacts to natural resources. Much of this further analysis is indirectly related to roads, but more directly related to dispersed recreation of many types.

Ambient sound and noise levels vary greatly throughout the San Luis Valley Travel Management Planning area. Ambient sound includes the wind, noise originating from vehicles traffic on Federal, State, and county highways. Other noise sources include industrial activities, farming and ranching activities, aircraft over-flights, recreational targets shooting, and activities related to uses around residential areas. Many areas within the planning area are relatively quiet. The preponderance of these quiet areas is on public lands. Most of the public lands are more influenced by the noise from motor vehicles on roads and trails than any other source. The level of noise from traffic decreases with increased distance from the roadways, but sound can travel great distances in the Valley. The degree to which the sounds of traffic noise can be heard away from the highways is dependent on the nature of the local terrain and wind direction. BLM has very little ability to change the noise patterns on the non-federal lands within the planning area. Visitors to the planning area can find varying levels of noise which may or may not affect their recreational experiences. A range of noise levels is available in almost every TMA.

Noise maybe partially defined as sound that has irritating characteristics which may annoy the listener or be unwanted/disturbing. This idea is unique to every individual. Several surveys have been conducted in other areas that point to the wide variation of acceptance of certain sounds as noise or non-disturbing. Several studies using a decibel meter show that an individual might hear an ATV (which is offensive to them), but the meter would not pick up sound greater than the ambient background level. The amount of acceptable or offending noise is a personal subjective matter that cannot be quantified. Neither the Resource Management Plan nor the Special Recreation Management Area (SRMA) designations contain prescriptions outside of the custodial level. Since the RMP recreation section did not establish a prescription level the custodial standard is the default. IM2006-060 establishes guidance until the RMP is updated. The travel management plan is not a means to an end, but provides a partial solution based upon resource issues around a road. Resource issues cannot be completely addressed by travel management planning alone. It is difficult to determine noise pollution soundscape impacts and at what degree the noise becomes offensive. Studies indicate that the type of recreation an individual participates in generally indicates the levels of sound the individual finds disturbing or the level that is tolerable. The BLM could not find a study or survey which was definitive in an indication of the amount of volume of sound that is not or is acceptable in a quiet use area or any other area of various uses or to various users. A definition of a quiet use area which would be functional for the ID team's planning efforts was not provided.

A certain amount of noise is part of the natural use (ambient levels) caused by man's presence. The act of recreation brings with it a certain amount of noise which cannot be precisely measured across all landscapes. Noise has a broad range of impacts and causes including recreation. Recreation objectives were part of the travel management planning effort and were analyzed as part of the environmental assessment process. A route specific analysis within the area of the route was not completed. General disturbance was a consideration in the process. An example of the challenge of this issue is Poncha Loop Route. The route is never more than three miles from US Hwy 285 with considerable pockets of timber and rolling sagebrush/grass cover. The traffic on the US highway can

be heard at all times from the public lands adjacent to the Poncha Loop Route. This area continues to have very heavy use levels for dispersed recreation purposes despite this background noise level. This recreation is not limited to motorized recreation users, but includes many mountain bike and hikers.

CONCERN: A lack of analysis of impacts to the soundscape in the area due to motorized travel. There was particular concern over the open snowmobile area west of Villa Grove. The open snowmobile area encourages high density and repeated use (play areas) which sustain more pronounced disturbance to the soundscape than a linear route. It was suggested a buffer be created between private property and the snowmobile open area perhaps including restricted hours.

BLM RESPONSE: See previous response. Substantial disagreement clearly exists as to what constitutes unacceptable impacts to the soundscape since definitions of acceptable depend upon the values and desires of the individual. A conflict of values is unavoidable because of the diversity of uses to the public lands. The open snowmobile area is the only one on public lands in the San Luis Valley due to the general low elevation and lack of consistent snow depth. Most years sufficient snow is not available but for short periods. This is the only known area with potential on public lands for snowmobile recreation. The majority of the area is bounded by US highway 285 and the Rio Grande National Forest. The rocks, brush, trees, and fences at the upper elevations will provide a buffer to most of the private lands. As pointed out above these private lands when occupied remain within sound of US Hwy 285 where traffic noise is constant. The winter of 2007/2008 has created snow pack in the open area of exceptional depth. The first problem has proven to be a lack of access for vehicles and trailers to pull off of the highway to go snowmobiling. The second issue is that most use has turned out to be on the highway right of way. It appears that most of the snowmobile users prefer a large loop rather than an open area and therefore are finding more desirable areas for their needs on the Forest. There is also a desire for a groomed track rather than an open area which is what this area provides. Generally, few if any snowmobile users are out after dark so a restriction to daylight hours is meaningless for a general open area. Little use has occurred on this, an exceptional winter, with good to excellent snow pack/cover. Previously, the only snowmobilers have come from the village of Villa Grove and surrounding private landowners.

The State of Colorado is considering a bill that will set specific sound limits on OHVs, Senate Bill 08-063. This bill will require ATVs to meet new sound standards.

CONCERN: The EA contains no quantitative evidence or analysis of decibel levels, duration, and frequency projected by motorized recreation into the “natural soundscape”.

BLM RESPONSE: The BLM developed and issued the EA/draft FONSI prior to the issuance of the new Colorado BLM guidance. Such action at this point would be to throw away four years of work and begin anew the planning process. The plan presented makes great strides in planning for the future and reducing the existing impacts from cross country motorized travel and route impacts to the environment. The proposed

action for instance changes the Area #1 designation from open to limited effecting 389,279 acres (75% of the resource area acres) that will no longer be open to motorized cross country travel creating what is hoped to be a major impact to the natural soundscape and solitude. Approximately 39% of existing routes are closed to motorized vehicles leaving 651 miles open to motorized travel and 297 miles, 18%, limited to motorized access by permittee, administrative, private property access, or utility companies not including the general public (see pages S-3 and S-4).

The data to indicate the improvement in solitude, noise, and the natural soundscape is not available. However, it would seem intuitive that a positive impact would result from this action such that some areas would be quieter and less likely to be impacted by noise. This cannot be documented due to the lack of available data and the necessary prescriptions.

This plan will be an interim plan. The next plan will first inventory dispersed recreation sites and the conditions along motorized open routes and address spur routes to dispersed recreation sites, appropriate distance to park off of routes, etc. Additional guidance has been issued after the planning process was developed and after the analysis was written. This plan and analysis is not the end of the planning process for recreation and travel management. The San Luis Area Resource Management Plan, ACEC designations, and the SRMA identifications did not contain prescriptions for noise, natural soundscape, or acceptable decibel levels. This has resulted in management including this travel planning effort being aimed at the custodial level. The custodial level has not been defined, identified, or addressed as this was not part of the planning process until recently. An effort is underway to update the recreation portion of the RMP and to create activity level planning which would include noise and sound as part of the recreation planning effort. Data has not been collected in the San Luis Valley due to this situation and the relative isolation of the public lands in the San Luis Valley and the San Luis Valley itself. This is changing with increased visitation and OHV demand and usage as pointed out in the EA.

A recreation planning effort is under way to apply “benefits based management” to recreation settings. Setting characteristics are a part of this planning effort and will include social setting prescriptions which noise/soundscape/solitude may be determined to be a part. Setting prescriptions only apply to SRMAs. Extensive Recreation Management Areas will not have setting prescriptions established so that these areas will remain at the custodial level. This level maybe defined during this recreational planning effort.

Monitoring and Adaptive Management

The suggestion was made to develop sample sites for monitoring and then make changes as monitoring indicates damage. Commenters suggested the sample sites need to be closed to public use routes. A measurement of solitude is needed. BLM should check once per year on trail width maintenance.

BLM RESPONSE: The concern suggests monitoring methods and actions which the BLM will take into account and develop in its monitoring plan. The sample areas will be on and adjacent to the routes. An SRMA may contain a prescription for solitude. The SRMAs in the San Luis Valley do not. The level of solitude would be at the custodial level as the RMP has not established a solitude prescription. Solitude is more than noise levels. Noise and human contacts might be considered attributes of solitude, but do not define solitude. An absolute monitoring method to determine solitude and grade the levels of solitude will need to be developed as none is available at this point apart from voluntary sign in and the resulting number of inputs compared to the number of days or number of visitors signed in for a given day. Solitude is often defined by the individual and is difficult to monitor or determine.

An evaluation of impacts will be under taken in the future to determine the level of acceptable use as reflected in impacts to routes and adjacent natural resources. Once impacts are decreed not acceptable then an environmental assessment with proposed action will be developed to analyze and correct the situation.

Validity of BLM's Observation of Resource Damage

CONCERN: The claims of current and potential environmental damage from user-created routes are unsubstantiated. Page 206 claims a 19% rise in use by ATV's and motorcycles, but does not establish a period for such increase and whether that is significant or not? The next question raises an issue with the number of miles of new ATV trails per year and suggests it has little significance. The growth rate on page 36 is questioned and asks about the period of time estimated as it may not have significance.

BLM RESPONSE: This data was in error. The paragraph and information on this page will be corrected. It should have read, that a rise in off road driving of 55% from 1983 to 2000. The reference publication was correct and is in the reference section. Page 1 indicates that in the public scoping issues of resource impacts were identified by the public and was documented in the administrative record. Page 6, first paragraph, sentence 3, has four examples of areas of concern due to documented increases in the number of user created routes estimated at 3-5 miles for each per year. The next sentence goes on to indicate that there was a similar pattern on the remainder of the public lands in the San Luis Valley. This pattern has developed since the advent of more powerful and capable OHVs, ATVs, and dirt bikes over the last 20 years which are more affordable to an affluent public.

Data was not collected for resource damages on each route due to the magnitude of potential data and limited manpower and funding. The staff specialists and the public were aware of numerous user created and non-system routes which were creating resource impacts, i.e. wildlife habitat fragmentation by each additional route with the associated wildlife impact. Substantiated growth and impacts are available in many publications. An example of two with numerous findings of dramatic increases in OHV/ATV registrations processed and users with specific examples of associated impacts are: Electronic correspondence from Tom Metsa, State OHV/Snowmobile

Program Manager, attached spreadsheet of OHV registrations from 1990 through 2007 see page 240 of the references and Learning to Live with Off Highway Vehicles: Lessons Learned from the Dixie National Forest, published 2002. The previous section and reference were deleted and new data was added to the section in the EA on page 209. An example of significance is the Elephant Rocks ACEC TMA where existing routes total 16.7 miles. The development on an annual basis of just three miles per year would mean an annual increase of 18%. Five years of this level of increase results in doubling of the amount of routes in the ACEC. The total miles possible based upon what has occurred might reach 61.7 miles. This is not possible for the Elephant Rocks due to the small size and the house size rock formations which at this point nearly have a route around every rock formation so that it has reached its saturation density. The other side of the analysis would be Lime Kiln TMA with 112 miles and gaining at least five miles of new routes per year for a 5% increase per year for the life of this plan of 15 years resulting in a potential of a minimum addition of 45 miles of routes or 40%. This area is very large and for the most part easily accessible to motorized OHV/ATV users. This problem is further pointed out on page 2 and 3 where the population growth rate is considered with unrestricted potential for user created routes at the same rate without a travel management plan.

The development of the increase in the number of routes on a year by year or period of time basis was determined to not be feasible. Aerial photos were incomplete for any given year they were taken as the NRCS had covered the private lands but not all public lands. The Forest Service had complete sets and some public lands which include some but not all public lands. Forest Service and BLM maps included different roads and trails but were not an effort to map each and every road and trail for the particular year it was printed. It might have been possible to determine the new routes being developed in some areas but not for the whole of public lands in the San Luis Valley. This was estimated to take two years to complete for one individual with questionable accuracy and incomplete status for all public lands.

The focus of the travel management plan is to be pro-active in preventing the damage resulting from continued user created un-restricted cross country travel rather than punitive to address the impacts of these routes as they exist. The plan was to develop a travel management plan while recognizing previous resource impacts of existing routes. All existing routes were considered to have the potential to be open and of value until data and resource issues in the route designation process proved otherwise. The purpose of the travel management plan is stated on page 1.

Population growth rate information was carried forward from pages 2 and 3 where census data was cited. This period of time as stated on pages 2 and 3 was 10 years as is most census data. The rate of forecasted increase in population was from 2000 to 2030 or 30 years. However, the live of this analysis would be roughly 15 years and so the analysis limited the impact of this data to that length of time. It should be noted that the rate of user created routes, 4 wheel drive, ATV, dirt bikes, etc. purchase and resulting use was much greater from 1990 to 2000 than it was for any given period prior and far exceeded the population growth rate for the same period for the counties in the San Luis Valley.

There could be a substantive amount of additional miles of routes over a 15 year period. For example with the existing 1,679 miles of routes increased at 26% to 40% over 15 years would result in an additional 437 miles to 672 miles of routes. This is a significant increase bringing total miles of routes after 15 years from 2,116 to 2,351 miles on just 520, 000 acres of land mass. The resulting route density would be .5 miles per square mile. This does not account for the impacts to resources and wildlife, etc. which would result.

CONCERN: What is the starting user created route mileage? How does 26%-40% relate to the claim of 5,247 new miles of user-created routes? What is the beginning user created mileage? Why close motorized routes without facts? User created routes are blamed for every degradation of resources possible. The needs for travel management based upon user created routes must be ignored for a lack of evidence. The prediction of increased user –created routes, 5,247 miles in 15 years is unsubstantiated. There is no figure of current population vs. user-created route mileage.

BLM RESPONSE: The number of user created routes cannot be determined as explained in paragraph 3 of the response to the previous concern. Previously relatively few BLM system routes existed. These were primarily identified in order to plan maintenance and a travel management planning effort had not been attempted. Some routes were user created but historic and others were relative recently created by motorized users. The full range of data on each route's history is not available. Therefore, each route began with the basic data collection and unknown history.

The EA has been modified to account for the error in calculation assuming 5,247 miles of routes over the life of the plan. A reasonable calculation could be developed based upon the population increase estimate from page 2 and 3, 26% and 40%. This calculation would assume that the increase in user created routes would be at the same rate as the population increase. This would be a very conservative estimated increase as previously explained in four areas the increase was three to five miles per year which would exceed the rate of population growth. The existing mileage on public lands is 1,679 miles. It could be reasonable to expect this mileage to increase at the same rate as the population over the next 15 years resulting in an additional 437 to 672 miles of routes in 15 years. The result would be a total of 2,106 to 2,351 miles of routes under alternative A over the life of this document. The rate of increase is believed to be higher than this, but as is pointed out this is un-substantiated. Many areas have documented increases in user created routes exceeding this level.

The references to 5,247 miles of routes over the life of this document have been corrected. The EA did not base its analysis on the exact figures developed. The EA analyzed the impacts of route density, resource impacts of existing routes, and potential impacts of some level of increased miles of routes.

CONCERN: The notion of user-conflicts is critical to the substance of the alternatives yet is a phantom issue and should not be influential in the EA. User conflict is a major driving force in the EA. But EO 11644 does not speak to user conflict; it speaks to USE conflict. Hearing distant or even nearby motorized activity does not affect what they do and it is what they do that EO 11644 refers to.

BLM RESPONSE: User conflicts were identified and captured in the internal and external scoping process. The BLM staff and individuals of the public have experienced user conflicts and felt it was an issue which would continue to increase in occurrence with increasing population and increasing recreational use of public lands. Therefore, it became one of the five issues to be addressed by the travel management planning process. EO 11644 is not the only authority and guidance for travel management planning. The agency is mandated to manage based on the multiple use concept. Quiet use is a recognized use and resource value. For example, other uses for which analysis was based included recreation strategy, resource uses, and commercial, private property, and administrative issues. The other uses are mandated by the multiple use concepts to be balanced with motorized and non-motorized uses. It should be pointed out that quiet use is a recognized use and resource value.

CONCERN: A fair and workable long term action alternative is not offered. It is suggested that this alternative would be the closure of cross-country travel and leaving all existing routes open to motorized use.

BLM RESPONSE: The proposed alternatives and analysis leave the decision maker with a range of alternatives which have been analyzed including the very option suggested in this concern. The decision maker could select the decision to go from open to limited for Area #1 and then select the travel management plan alternative A which is to leave all existing routes open.

CONCERN: Many potential loop routes are closed by closing connector routes and the elimination of parallel routes. Parallel routes are different even if parallel. The loop within a loop is lost.

BLM RESPONSE: The travel management plan focused not only on routes, but on route density and the impacts from route density on such things as habitat fragmentation, watershed health, soil erosion, cultural resource protection, and water quality. Sufficient motorized routes remain with each action alternative to reach every area of public lands, but not every acre. Every drainage and every ridge/mountain does not need to have a motorized access route on it to provide motorized opportunities/access. The commenter points out on page 4, paragraph 3, that "multiple use means supporting as many uses as can be handled by the resources".

Motorized Retrieval of Game

One organization and many individual commenters expressed a desire for an exception for hunters to retrieve game by motorized conveyance off of designated routes. They suggest that non-hunters are taking advantage of the hunting season to violate rules pertaining to non-designated routes. Commenters asked how the level of abuse of the motorized game retrieval determined under the current policy. They claim the TMP provides no information on the effect that a restriction of 300 feet will have on those who hunt. They expressed a concern that the 300 foot restriction will present a barrier to hunting that the President's Executive Order # 13443 is designed to alleviate. They suggest that a balance be achieved between the wasteful loss of game and OHV management. Unrestricted motorized game retrieval should have a negligible impact on enforcement as hunting is not a year around activity. Game retrieval occurs randomly, not by traversing a specific route, so the impact would be minimal.

BLM RESPONSE: A policy similar to the 300 foot policy exists for most public lands and National Forests in Colorado and has not reduced the number of hunters in any given year. This policy is consistent with EO 13443. Colorado has a very long big game hunting season where elk tags can be purchased across the counter mostly making for unlimited numbers of hunters at a relatively inexpensive cost per tag for most of Colorado including the popular hunting units in the San Luis Valley. This creates extremely large numbers of hunters from the August archery season through the last general hunting season in the first part of November with some annually variation of seasons. Colorado is without a doubt the State with the most elk hunting annually.

The San Luis Valley Resource Area has not previously had motorized restrictions during hunting season except for ACECs which were already restricted to existing or designated routes. The majority of the user created routes (cross country) have been observed by BLM and FS staff to have been created during the hunting season. A hunter uses an ATV/OHV to retrieve game cross country then another follows those tracks across country believing that there is a good hunting area at the end of the tracks and by the end of the hunting season a new two track route has been created. Few recreationists go on public lands during hunting season due to the risks created by the large number of hunters. Outside of hunting season staff have not seen the numbers of user created routes develop.

Data quantifying the level of abuse under the current policy was not determined as cross country travel was legal as long as resource damage did not occur. It is very difficult to determine at what point resource damage occurs and who of the users is responsible. This EA did not analyze abuse based on the lack of data. The EA did not differentiate between hunters and non-hunters in the analysis.

The current policy does not have a restriction on motorized game retrieval or other uses on the public lands managed by the BLM. Area # 1 is open to cross country travel as stated on page S-1. The Rio Grande National Forest does have a restriction which is

often confused with the public lands managed by BLM. This restriction only allows for motorized game retrieval from 1 PM to 5 PM

The development of a designated route network called a travel management system would have eliminated any off motorized route use even to the point of parking. The ID team wanted to provide the opportunity not only to park off of the route for safety purposes, but to promote quality, safe, dispersed recreational opportunities such as fishing, hiking, camping, shooting, etc. This desire translated into the development in the proposed action for an action common to all action alternatives of a 300 foot policy for motorized access off of designated motorized routes for these purposes. The 300 foot policy was not developed to address documented resource impacts or damages or to mitigate such impacts/damages. Its sole purpose was to make possible dispersed recreation in a reasonable and safe manner providing a quality experience. The 300 foot policy was not designed to restrict nor does it restrict hunting. It does restrict motorized cross country hunting from a campsite or off of a designated motorized route.

Motorized game retrieval is not authorized under the proposed action. Motorized game retrieval will not be permitted off of a designated motorized route. The game retrieval policy eliminates motorized game retrieval off of a designated motorized route. The random motorized game retrieval is just as likely to create resource impacts as repeated use of a track that was un-intentional used multiple times. Both types of OHV use have significant impacts either because of repeated impacts on the same two tracks or because of multiple tracks adjacent to each other over large landscapes. In either case wildlife habitat is impacted usually resulting in destruction. Both situations occur frequently in the San Luis Valley. If data had been collected it would have been specifically addressed. This is especially the case where public lands receive tens of thousands of visitors during the summer and even more during hunting season.

The 300 foot policy allows for motorized access for dispersed recreational activities up to 300 feet when resource damage will not occur. Neither policy presents a restriction on hunting. It does prevent motorized hunting and game retrieval.

Opposition to the 300 Foot Restriction on Motorized Travel

Commenters stated the TMP with the 300 foot policy will allow the continued proliferation of user-created routes. They encourage the long term strategy of designation of dispersed sites and spur routes to those sites, plus a provision for parking one vehicle width beside motorized routes that can support this unregulated roadside parking. They request a commitment to this decision. One organization expressed concern that BLM had not followed the recent IM CO-2007-020 which directs BLM to designate spur roads and other routes that lead to significant and appropriate sites for camping and day use.

BLM RESPONSE: The proposed action designates an open route by signage and mapping and closes a route if no signage is present. This will help limit the continued route proliferation. A motorized user on an open motorized route is responsible to stop at

the end of the route. If signage is not present then it is prudent to stop motorized travel 300 feet from the known designated route. If a route is on the TMP map identified as open, it is open even if the sign is down. Should the route be extended illegally then a closed sign may be placed at the end of the route. Should a motorized user drive more than 300 feet perpendicular to a route where a route did not exist then the use is illegal and that individual risks receiving a ticket from law enforcement.

This travel management plan and the 300 foot policy particularly is an interim policy. Another inventory with data on the sites will begin upon the completion of this travel management plan. The intention of gathering this data will be to designate dispersed recreational sites, determine distance for parking where impacts to resources will not occur, and designation of spur routes to campsites and dispersed recreational sites as is suggested. The BLM recognizes that gathering and designating these spur routes would have been ideal at the time of inventory and travel management planning. However, the inventory did not capture this information. It was estimated when the IM was issued that it would take at least two full years to capture and digitize this information. Further, to implement the guidance four years of planning effort would have been discarded and the entire effort begun anew. The planning effort and the environmental analysis were completed even if not published at the time of the issuance of the IM. It would not have been in the best interest of tax payers and the agency to start the entire process over from scratch which is what would have been required.

Designation of Open Areas

Several commenters express concern that the designation of open area will allow cross country travel. They claim this is contrary to the limited to designated trail policy and will encourage additional cross country travel. Several groups are not in favor of these open play areas.

BLM RESPONSE: The BLM has the authority to designate open and limited areas. The BLM has authority to create open, closed, and limited designations/areas. These areas will be limited to a size that can be reasonably managed and geographically defined.

Limited Access to McIntyre-Simpson Area

Commenters express concern that anyone with grazing privileges and limited motorized access on the McIntyre-Simpson area may be excluded during breeding season.

BLM RESPONSE: The San Luis Valley Public Lands Center is beginning the planning process for this property and the recommendation will be forwarded to the project lead for consideration in that planning effort. The BLM takes seriously and will continue its commitment to the Endangered Species Act and has completed analysis of travel management impacts to yellow billed cuckoo on pages 171 through 173 and southwest willow flycatcher on pages 167 through 170. Grazing is outside of the scope of this travel management planning effort.

Gunnison Sage Grouse Management

Commenters identified page 180 of the EA Alternative D, Maximum Use alternative as the alternative that would have a “Beneficial Impact” on the Gunnison Sage Grouse. Commenters felt this would seem to be in error as Alternative D increases the acres of land open to motorized use.

BLM RESPONSE: Thanks for the comment. The comment is correct and the EA has been modified to correct Alternative D in the sentence with Alternative B.

Cost of Monitoring

The concern was expressed that the costs in Appendix 21 are inaccurate in that additional costs have not been taken into account. The cost of monitoring as not been accounted for. The cost for repair to natural resources caused by motorized routes is not determined on an alternative basis.

BLM RESPONSE: The costs developed for appendix 21 were developed by an engineer based not only on the cost to post open and limited routes, but also to maintain those routes that had a material base that would be improved through maintenance. Two track routes were considered to never have been constructed and were not included in the calculation as construction of a route not previously constructed was not planned. This resulted for the most part in maintenance being planned for what has previously been noted as system routes. The team felt that a stable two track was better left without maintenance than to be disturbed. Any two track which might be considered for construction in the future would require a design to specifications and a specific analysis.

Signage costs were calculated for each route by alternative.

The method of monitoring was discussed in the response to concern #2 for the Arkansas Valley Audubon Society. This method of completing monitoring while on roads and not making a special trip just for monitoring purposes was not taken into account in the cost estimates for this reason. Each program benefits from a travel management system and many of the specialists are on these routes numerous times during the year. Each individual staff would be responsible to conduct monitoring as they go about their normal field activities.

The costs of closures and rehabilitation was calculated for each alternative based upon known resource damages for the routes which were to be closed and in need of repair or rehabilitation. This was developed using an average cost per mile by the expected necessary rehabilitation practice necessary to rehabilitate the route.

The costs of repair or rehabilitation of resources adjoining open/limited motorized routes was not calculated. It was felt that this could not be determined even by guessing without a team review of site specific impacts and the necessary repair/rehabilitation. Monitoring

results would be necessary prior to any attempt to determine the need for repair/rehabilitation or the costs.

However, as suggested a notation will be added to the appendix to clarify the basis for the cost calculations.

Protection of Wildlife Habitat

CONCERN: Commenters expressed concern over the large number of routes that exist in the Alamosa River TMA which appear to be user created and are not on the current use map. A request is made for further reduction due to habitat fragmentation and impacts of bighorn sheep winter concentration and pronghorn winter concentration areas. Routes AR21148, AR21153, AR21149, and a duplicate route AR21152 should be closed to protect wildlife habitat.

BLM RESPONSE: Routes AR21148, AR21149, AR21152 and AR21153 were initially designated with a wildlife biologist's input and involvement on the core team. These routes have been a matter of concern by the public special interest groups during the process. Therefore, the core team has reviewed the routes, resources, and impacts on three separate occasions. The core team has continued to find that the multiple use concepts balance the recreation needs with the wildlife habitat needs. This has resulted in a lack of change from the original designation. This is not a bighorn sheep core area and bighorn sheep are not documented in the area. The majority of the recreational use is in the summer. The DOW Natural Diversity System does not show the area as winter concentration area for bighorn or pronghorn. The wildlife biologist has not observed bighorn sheep or pronghorn in the Bishop Rock area.

CONCERN: Commenters asked why do routes MA 10029 and route MA10028 which are parallel and nearby remain open causing habitat fragmentation.

BLM RESPONSE: These routes are addressed above where additional route consideration was given by the team. It was determined by the core team that both routes should remain open. There remain large expanses of undisturbed habitat for the sensitive species, mountain plover. The core team determined that recreational needs could be supplied without impacting the habitat for mountain plover.

CONCERN: Aquatic resources should be protected from impacts caused by motorized routes in the Eaglebrook Creek area.

BLM RESPONSE: The water crossings are hardened by small boulders and large rocks so that the stream receives little or no impact from OHV crossings. There is a large riparian enclosure, 181 acres, around Eagle Brook with the purpose of increasing the health of the vegetative community by reducing livestock grazing. The route in question is an undeveloped two track which is primarily used during hunting season. The impacts were primarily from grazing and not the route which is on rock hardened soils. A review

of the hydrology indicates that the stream is really a long term irrigation ditch that has developed limited riparian habitat.

CONCERN: Routes SLC22184 and SLC22185 should be closed as the BLM does not have control over many of the other routes in the area and is in the Gunnison Sage Grouse area.

BLM RESPONSE: A full response is contained under the route review responses above.

CONCERN: It is alleged that the rock climbers in the Penitente SRMA TMA are climbing in a restricted area intended to protect nesting falcons. It is suggested that route closure be considered to reduce climbing during the nesting season.

BLM RESPONSE: There is only one route that accesses the climbing area and it stops well short of the nesting site. There is only one trail that accesses the climbing area and the climbers have been climbing all along this area. This climbing activity has been designated for Penitente Canyon. This issue is not a travel management issue and should be addressed through recreation planning. However, due to the comment additional monitoring for potential sites in the climbing area will be conducted. The wildlife biologist indicates a nesting site is unknown in the area the climbers use.

Concern with the Route Evaluation Process

Some commenters found the Route Evaluation Tree© Process, a proprietary system belonging to Advanced Resource Solutions, Inc., troubling since it is copyrighted and members of the public are unable to see that modifications to address previous complaints which alleged that this software creates a motorized bias have been addressed. The allegation is made that the software makes the route designation particularly in favor of motorized use.

BLM RESPONSE: The Route Evaluation Tree© Process did not select specific routes. All known routes (roads, trails, two tracks, or any travel on the surface) were considered in the process. Each route was evaluated by the Core ID team. Pages S-3 through S-5 of the EA indicates how each route would be used to develop a travel management system.

The copyright offers only certain protections to the copyright holder. Those aspects of the process that show what was considered as the routes were evaluated as part of selecting a preferred route network have been made available to the public at each office in the San Luis Valley Public Lands Center since May 16, 2005. The individual route reports and data collected and documented for that route by the Route Evaluation Tree© have been available and remain available to the public at each BLM/FS Office in the San Luis Valley and the BLM Colorado State Office. The route reports make it very clear what questions were addressed for each route, as well as how each question was answered. This results in a clear understanding how the route was evaluated. A review of the route reports should clarify any question concerning why a particular designation was

made for a route. BLM has made repeated offers for individual reviews by interested public groups.

The BLM decision maker, project lead, and core intra-disciplinary team reviewed the details of the software and how the Tree was applied. BLM's understanding of the process matched policies, regulations, and manuals concerning travel management planning and the designation of a travel management system of routes using the data provided and available to the core team. The Route Evaluation Tree© captured and documented the uses, resource issues, and data involving each route and the area adjacent to the route. BLM did not rely on the Route Evaluation Tree© to reach a decision as that was the BLM decision maker and core analysis team. The Route Evaluation Tree© was one of many analytical tools used in the development of the travel management system designation.

Some modifications to the Route Evaluation Tree Process© by Advanced Resource Solutions, Inc. have been made in response to suggestions by the public and Agency staff. The purpose of some of these modifications has been to clarify those aspects of the process that have been pointed out as being unclear. Other modifications to the process have been made in an effort to enhance the BLM's efforts to be compliant with the various regulations and statutes pertinent to this type of planning. These modifications have been made strictly to enhance the process and have not been made in a manner to conceal them.

CONCERN: Commenters were also concerned that the Route Evaluation Tree© Process seems to put forth the use of "monitoring" as a way to mitigate potential damage in the "mitigate open" and "mitigate Limit" classifications. They raise the question how the BLM with limited San Luis Valley staff will complete this additional monitoring as indicated. The request is made to close all routes designated as mitigate Limited in the action alternatives.

BLM RESPONSE: NEPA requires an agency to include a detailed statement of any adverse environmental effects which cannot be avoided should the proposal be implemented. This statement must discuss means to mitigate these effects, including discussion of appropriate alternative mitigation measures. Each program EA element did list mitigation actions if it was necessary to mitigate adverse impacts caused by the travel management plan. Most of the sections listed mitigation measures to be applied if certain conditions occurred in the future as determined by monitoring. NEPA does not require an agency to implement a formal mitigation and monitoring plan to guide implementation of a decision. Monitoring is an integral component of implementing the travel management plan and will be planned for and conducted in conjunction with, not separately from other elements of the travel management plan. Action will be taken as deemed necessary should monitoring determine that unacceptable impacts are occurring and be analyzed through an environmental assessment of that particular route.

CONCERN: The use of the Route Evaluation Tree© improperly skewed designations in the TMP. The allegation is made that the software leads to improperly limiting the

consideration of avoiding impacts of routes. Commenters suggested that the Route Evaluation Tree© does not include relevant legal requirements which leads to insufficiently protective management alternatives and prioritizing motorized access over all other considerations.

BLM RESPONSE: The Route Evaluation Tree© software is a tool designed to assist with travel management planning and specifically with the evaluation of routes to make recommended route designations. Use of the Route Evaluation Tree© software only represents one step out of many in the Route Evaluation Tree© and the process itself only represents one step out of many that are needed to complete a travel management plan.

The core ID team questioned the results of the recommendation of the Route Evaluation Tree© on many occasions. Advanced Resource Solutions took the team back to review the input information they had provided to the software. The Route Evaluation Tree© contractor Advanced Resource Solutions (ARS) prior to the use carefully went over the legal requirements in travel management planning and explained how these legal requirements were used by the Route Evaluation Tree© to provide legal management alternatives.

BLM staff developed the various alternatives with input from stakeholders and the public including their descriptions and defined the specific criteria in each alternative before the Route Evaluation Tree© was utilized to evaluate routes.

CONCERN: The Route Evaluation Tree© implies that the response to each question is of equal importance. BLM is required to prioritize protection of certain resources over other uses.

BLM RESPONSE: The protection of certain resources was prioritized over other uses, including motorized access. The degree of protection afforded those sensitive resources did vary depending upon the management goals of each alternative.

The information and data for each topical question was gathered objectively without an initial emphasis on weighting. Significantly more detailed specific information was gathered about the sensitive resources (e.g. listed species, resources afforded special protection or designations, cultural resources) with respect to the route(s) in question and their possible impacts. The BLM staff did not treat the data gained from each question with equal importance. BLM staff typically tailored the alternatives to address varying levels of importance to the different types of resources addressed in the Route Evaluation Tree©.

CONCERN: EO 11644 and 43 CFR 8342.1 require that motorized routes be located in a manner that minimizes impacts to soils, water, wildlife, and other recreational users. The Route Evaluation Tree© does not include criteria that acknowledge the importance of the overriding requirements in the EO.

BLM RESPONSE: EO 11644 and 43 CFR 8342.1 limits the designation of public lands to open, closed or limited to off road vehicles. It points out that areas and trails shall be located to minimize damage to soil, watershed, vegetation, air and other resources and prevent impairment of wilderness suitability, minimize harassment of wildlife or disruption of wildlife habitats with special attention to protect endangered or threatened species and their habitats, and to minimize conflicts between off-road vehicles use and other existing proposed recreation uses.

The proposed action and alternatives, while attempting to locate or relocate routes based upon the reality of funding levels, only considered the existing routes. Few of these routes were located by the BLM. The BLM has constructed and maintained some routes that started out as two track routes which then became system routes. The remaining routes have been developed by permittees, utility companies, private property owners, miners, historic wagon routes, and various other means including in recent times the creation of two track routes by ATVs and OHVs. The core ID team did follow the guidance in this regulation and did give priority to these concerns. There is additional guidance which provides guidance and requires the balancing of the resource needs with the users needs for access.

CONCERN: It is alleged that the Route Evaluation Tree© limits inquiries regarding routes thus limiting management alternatives.

BLM RESPONSE: The Tree, the Route Evaluation Tree© software or the Route Evaluation Tree© process do not limit the inquiries made regarding the routes. The Route Evaluation Tree© process assists BLM staff with the development of a range of alternatives as called for by NEPA. This range of alternatives does include alternatives that are less damaging. Full analysis of alternatives was completed by BLM and is reflected in the travel management plan environmental assessment.

CONCERN: The route designations including the Route Evaluation Tree© must include overriding requirements to ensure protection of legally established values.

BLM RESPONSE: The routes were evaluated in a manner that ensured consideration of and in the context of the overriding requirements to ensure protection of the legally established values. The Route Evaluation Tree© documented only the aspects the ID team provided. The ID team then developed alternatives based upon the location, issues, and resource concerns.

CONCERN: The Route Evaluation Tree© does not look at cumulative impacts or assess how a proposed travel plan can impact a landscape.

BLM RESPONSE: It was neither the intent nor the applied use of the Route Evaluation Tree© to assess direct, indirect, or cumulative impacts of a proposed travel management plan. This analysis is completed by the ID team and is documented in the environmental assessment.

CONCERN: 40 CFR 1508.7 essentially requires that routes be evaluated in the context of the overall landscape, which the Route Evaluation Tree© fails to do. The Route Evaluation Tree© does not require evaluation of routes in combination with each other. Routes are viewed in isolation therefore; no single route appears to add to route density.

BLM RESPONSE: NEPA requires that the effects of the proposed action be analyzed for its cumulative effects. The proposed action in the case of a travel management plan is the designation of a designated route system. The proper place for the analysis of the cumulative effects is in the EA. The Route Evaluation Tree© and Route Evaluation Tree© process taken as a whole are tools to assist with the collection and evaluation of routes within a transportation system.

CONCERN: The Route Evaluation Tree© does not query whether leaving a route open will encourage illegal use or increase use in nearby areas.

BLM RESPONSE: There are queries within the drop down menus within the software which lead to the consideration of these issues, e.g. (Would the use of the route contribute to route proliferation?). Any route which any member of the team felt might cause illegal uses or contribute to unacceptable levels of use was discussed in detail.

CONCERN: The EA/Proposed FONSI, through use of the Route Evaluation Tree©, does not adequately define mitigation measures and improperly relies on monitoring as a form of mitigation.

BLM RESPONSE: The EA minimizes impacts in the Action Alternatives in part by significantly reducing the number and mileage of recognized routes well below that in the No Action Alternative. The EA/Proposed FONSI is not based on the Route Evaluation Tree© but rather on the analysis, context and intensity of impacts summarized in the EA. Many of the critical elements described in the EA have mitigation measures specific to that element should future impacts develop and be identified by monitoring. If significant impacts were identified, then to reach FONSI mitigation must be determined and analyzed to indicate that such mitigation was appropriate and did in fact mitigate the impacts of the action below a level of significance. This was not the case. The team did not know of or identify impacts from the designation of a particular route for a particular use other than those identified in the EA.

Concerns with the EA and FONSI

CONCERN: Monitoring is not appropriate form of mitigation, because monitoring for expected damage does not actually reduce or alleviate any impacts. Merely watching the natural resources of the San Luis Resource Area as they are impacted by motorized vehicle is not a sufficient way for the agency to meet its obligation to mitigate those impacts. They point out that monitoring is an improper mitigation for impacts.

BLM RESPONSE: The BLM agrees with this comment. Monitoring alone is of minimal value. Monitoring to be effective must lead to mitigation actions before, during, or after

impacts are detected. Mitigation prior to the identification of the impact and prior to an effective determination of how best to mitigate the particular impact is not appropriate. The identification of monitoring was used as a way to identify routes that potentially needed action taken based upon what was found by the monitoring. It was expected that in some cases a team would, by necessity, be put together to review the situation and properly develop one or more mitigation measures.

Funding for Route Mitigation and Maintenance

CONCERN: The EA/Proposed FONSI does not address the funding needed to carry out monitoring or other mitigation measures. The designed travel system should take a comprehensive look at a sustainable match between designed roads/routes and the funds needed to maintain the routes. The proposed plan must adopt an approach to travel management that is based upon having not necessary resources to aggressively enforce rules, monitor the affects of ORV and motorized use, and adjust management as needed to protect the public lands.

BLM RESPONSE: This concern addresses what is commonly completed in the implementation phase of travel management planning and not in the planning phase. A FONSI or EA is not the appropriate mechanism to determine funding priorities. BLM has a well established budget planning and workload planning processes that will determine the funding to carry out mitigation measures that may be necessary in the future. The BLM contracts between 65 and 80 miles a year of maintenance. This is dependent upon the amount of work required on a particular route. The BLM as an organization has a significant backlog of maintenance for road maintenance. The BLM conducts maintenance as funding priorities support.

RS2477 Claims

COMMENT: Claims under Revised Statue 2477 (RS 2477) should not be included in the “uses” identified in the Route Evaluation Tree©.

BLM RESPONSE: The potential for RS2477 claims was not considered in the travel management plan. The routes identified as having potential RS2477 claims were initially in Saguache County. Those routes were included in the Route Evaluation Tree©. The Core ID team then reconsidered the designations of all routes which had potential RS2477 claims. This documentation remains as part of the administrative record in order to reflect the action taken to correct the previous determination and in order to document which routes were reconsidered without RS2477 claims taken into account.

The travel management plan will not affect valid existing RS2477 rights.