Director's Protest Resolution Report

Resource Management Plan Amendment/Environmental Assessment for the Uncompahgre Field Office Dry Creek Travel Management Plan

BLM

Contents

Reader's Guide

How do I read the Report?

The Director's Protest Resolution Report is divided up into sections, each with a topic heading, excerpts from individual protest letters, a summary statement (as necessary), and the BLM's response to the summary statement.

Report Snapshot

Issue Topics and Responses

NEPA — Topic heading

Submission number

Protest issue number

Issue Number: PP-CA-ESD-08-0020-10

Organization: The Forest Initiative — Protesting organization

Protester: John Smith — Protester's name

Issue Excerpt Text: — Direct quote taken from the submission

Rather than analyze these potential impacts, as required by NEPA, BLM postpones analysis of renewable energy development projects to a future case-by-case analysis.

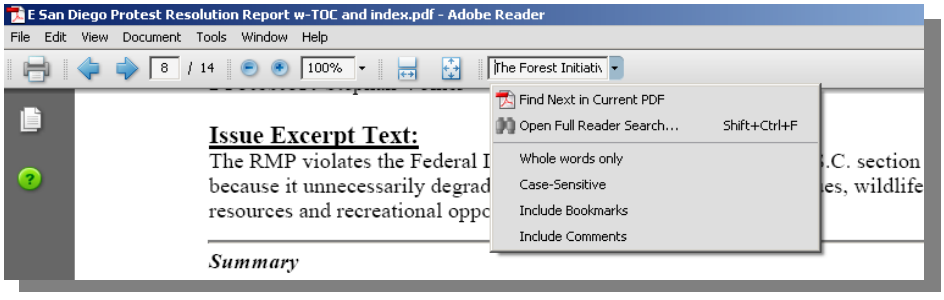
Summary — General statement summarizing the issue excerpts (optional).

There is inadequate NEPA analysis in the PRMP/FEIS for renewable energy projects.

Response — BLM's response to the summary statement or issue excerpt if there is no summary.

How do I find my Protest Issues and Responses?

1. Find your submission number on the protesting party index which is organized alphabetically by protester's last name.
2. In Adobe Reader search the report for your name, organization or submission number (do not include the protest issue number). Key word or topic searches may also be useful.



List of Commonly Used Acronyms

ACEC	Area of Critical Environmental Concern
APD	Application for Permit to Drill
BA	Biological Assessment
BLM	Bureau of Land Management
BMP	Best Management Practice
BO	Biological Opinion
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
COA	Condition of Approval
CSU	Controlled Surface Use
CWA	Clean Water Act
DM	Departmental Manual (Department of the Interior)
DOI	Department of the Interior
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act of 1976
FO	Field Office (BLM)
FWS	U.S. Fish and Wildlife Service
GIS	Geographic Information Systems
IB	Information Bulletin
IM	Instruction Memorandum
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act of 1969
NHPA	National Historic Preservation Act of 1966, as amended
NOA	Notice of Availability
NOI	Notice of Intent
NRHP	National Register of Historic Places
NSO	No Surface Occupancy
OHV	Off-Highway Vehicle (has also been referred to as ORV, Off Road Vehicles)
RFDS	Reasonably Foreseeable Development Scenario
RMP	Resource Management Plan
ROD	Record of Decision
ROW	Right-of-Way
SHPO	State Historic Preservation Officer
SO	State Office
T&E	Threatened and Endangered
USC	United States Code
USGS	U.S. Geological Survey
VRM	Visual Resource Management
WA	Wilderness Area
WSA	Wilderness Study Area
WSR	Wild and Scenic River(s)

Protesting Party Index

Protester	Organization	Submission Number	Determination
Brown, Pam & Ron		PP-CO-DryCreek-PR-09-0003	Dismissed
Graham, Glenn Riggle, Don	Colorado Off-Highway Vehicle Coalition	PP-CO-DryCreek-PR-09-0001	Denied
Tunget, Arnold & Eleanor		PP-CO-DryCreek-PR-09-0002	Dismissed

Issue Topics and Responses
Purpose and Need

Comment Number: PP-CO-DryCreek-PR-09-0001-143
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
E9. Land health is not connected to user conflict, quiet use, or even "natural values." Incorporating all of these concepts in a TMP causes this reviewer to wonder: what objectives are we implementing; reducing route proliferation, improving land health promoting quiet use, or stopping user conflict? The Purpose and Need for this TMP is muddled by too many differing objectives. The result is a great deal of irrational and conflicting claims and statements, many, but not all of which we have pointed out.

Comment Number: PP-CO-DryCreek-PR-09-0001-6
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
2. The need for this document and the new, complex regulations it should be able to justify, has not been established in the Purpose and Need section.

Comment Number: PP-CO-DryCreek-PR-09-0001-7
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
3. No evidence has been provided that the proposed action will satisfy the goals as defined in the purpose and need statement. In fact, the stated DFC's for some sub-regions ensure that goal can never be met.

Summary

The purpose and need has too many differing goals and objectives, which results in a great deal of irrational and conflicting claims and statements.

Response

The purpose and need for the Dry Creek Travel Management Plan Environmental Assessment (TMP EA) are distinct from the goals and objectives anticipated to be achieved. The Purpose and Need statement specifies "the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action" (40 CFR 1502.13). The Purpose and Need statement helps to define the range of alternatives that must be analyzed to make a reasonable choice among alternatives (40 CFR 1502.14). Goals and objectives establish desired outcomes (see 43 CFR 1610.0-4(b)) and direct the BLM's actions in meeting legal mandates; numerous regulatory responsibilities; national policy, including the Department of the Interior's Strategic Plan Goals; State Director Guidance; and other resource or social needs.

The management direction presented in the TMP EA is to afford protection to the resources in the planning area while allowing for a variety of recreational and commercial opportunities. Goals are broad statements that are not quantifiable and typically apply to the entire planning area. Objectives are specific desired outcomes that are quantifiable and may apply to either the planning area, a specific geographic location within the planning area, or to an area that needs to maintain its ecological/biological/social condition or to a specific place in need of restoration to meet land health standards.

The goals and objectives were written in the form of Desired Future Conditions (DFCs). These DFCs describe the physical, biological, social and resource conditions that are expected to be achieved within the planning area and that directly respond to the major issues and concerns that

were identified through the public scoping process. The goals are to Maintain and Improve Land Health, Enhance Motorized And Non-Motorized Recreation, Maintain Appropriate, Sustainable, And Reasonable Access, and Improve Natural Values (Resource Management Plan Amendment (RMPA), Appendix 3, Sub-Region General Settings and Desired Future Conditions).

The BLM strives to balance protection of the resources in the planning area with recreational and commercial use. The Need for the Action states the Escalante (1999) and the Roubideau (2006) Land Health Assessments show the effects of resource use on vegetation, soils, water quality, and wildlife habitats (TMP EA, p. 10). Since the 1985 Uncompahgre Basin Resource Area RMP has been in effect, travel management planning has been under-implemented in the planning area, resulting in on-route and cross-country motorized and mechanized travel occurring yearlong except within the Camel Back Wilderness Study Area (WSA). Demand for and types of Off-Highway Vehicle (OHV) use have changed, thereby resulting in the need for different OHV designations to achieve the DFCs (TMP EA, p. 11). This under-implementation has contributed to land health effects that need to be addressed, as well as a need to provide for active management and to encourage responsible use.

BLM. 1999. Escalante Landscape Health Assessment, Uncompahgre Field Office, Bureau of Land Management, Montrose, CO.

BLM. 2006. Roubideau Landscape Health Assessment. Uncompahgre Field Office, Montrose, CO.

Range of Alternatives

Comment Number: PP-CO-DryCreek-PR-09-0001-176
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
G1. Based on this summary any of the action alternatives, or the alternative we have submitted, would have nearly identical land health and social consequences. The BLM has not demonstrated that simply restricting motor vehicles to the existing routes only, and eliminating cross country travel, would not have an equal effect. This is especially true because many of the routes closed to motor vehicle will remain open to other uses, and it is the bare soil that reduces vegetation and erodes.

Comment Number: PP-CO-DryCreek-PR-09-0001-177
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
G2. Table 5 even tells us that the differences in consequences between alternatives are very little. None of the statements comparing Environmental Consequences have quantifiable or numerically comparable information from which to make an informed decision as to scale of effects.

Comment Number: PP-CO-DryCreek-PR-09-0001-178
Organization: Colorado Off-Highway Vehicle CoalitionTrails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
We protest the absence of differences in effects between the alternatives.

Summary

The environmental consequences do not have quantifiable or numerically comparative information to make an informed decision as to scale of effects and to distinguish between alternatives.

Response

Effects on some of the resources from each of the alternatives in the TMP EA cannot be quantified. The BLM National Environmental Policy Act (NEPA) Handbook (H-1790-1) provides the BLM guidance in implementing the NEPA, and states in Section 6.8.1.2 Analyzing Effects, that:

"The effects analysis must demonstrate that the BLM took a "hard look" at the impacts of the action. The level of detail must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (40 CFR 1502.1). A "hard look" is a reasoned analysis containing quantitative or detailed qualitative information."

The TMP EA contains both qualitative and quantitative analysis of the impacts associated with each alternative. Where possible, impacts were quantified, but in areas where quantification of impacts was not possible, or in cases where the impacts/resources are not conducive to such analysis, the TMP EA thoroughly examines these impacts qualitatively and presents the results to help the reader understand the differences.

Quantitative analysis has also been provided in the TMP EA. Table 5 of the TMP EA shows the degree of increase or decrease in OHV route mileage for each alternative that in turn can be associated with potential effects. Page 133 of the TMP EA identifies the acreage of soils with a high potential to support biological soil crusts, which are currently affected by existing routes: "At present, the planning area has 440 miles (4.69 miles per square mile) of routes that occur on soils with a high potential to support biological soil crusts (Table 33). This equates to about 530 acres of sensitive soils that would continue to be disturbed."

On page 134 of the TMP EA, the effects to the potential biological soil crusts as a result of implementing the Proposed Action are described:

"Compared to Alternative 1, major reductions in impacts would occur due to the elimination of routes on sensitive soils and the prohibition of all cross-country motorized and mechanized travel in this alternative. Approximately 169 miles of existing motorized and non-motorized routes, on soils with a high potential to support biological soil crusts, would be closed under this alternative so rehabilitation could occur, which would result in about 205 fewer acres of this sensitive soil type being disturbed, or a 38% reduction in the overall route density on biological soil crust soils, (Table 35). Closing these routes would permit rehabilitation to occur on these acres."

Many other examples of quantitative analysis and comparison of effects to land health among alternatives are found in the Summary of Comparison of Environmental Consequences section (TMP EA, pp. 36-49).

Qualitative analysis was used in the Socio-Economic and Environmental Justice analysis sections. Land health has a direct bearing on social consequences within and adjacent to the planning area. Effects to social components would be different among the alternatives, depending upon the degree of change implemented. Alternatives 2, 3, and 4 in the TMP EA

contain different activities or actions that, if implemented, would result in different effects to land health indicators, and thus different social consequences. For instance, if elk and deer habitat types, which can be indicators of land health, were to be altered by an alternative, then hunting, a socio-economic factor in the local communities could be affected. This effect could result in less income to local outfitters.

Another example of qualitative analysis is the potential impact to the Threatened, Endangered, and Sensitive Species component. Language in paragraph 4, on page 89 of the RMPA, describes the difficulty in measuring indicators to this resource:

"In summary, OHV activities may have effects to wildlife, fish and plant populations in the following areas: habitat fragmentation, patch size, edge to interior ratio, barriers to movement, facilitation of invasions of non-native and/or opportunistic species, mortality rates, noise and other disturbance factors. Measuring indicators of all these factors for the numerous species of interest would be an excessively difficult task. In addition, for most of the species of interest, the relationships between these factors and population dynamics are not well understood. Because of these difficult to measure potential impacts to sensitive wildlife and plant populations, we assume that any reduction in routes, or reduction in class of use (from motorized to non-motorized) would, in general, improve wildlife, fish and plant habitats in the area."

Regardless of whether an existing route is closed to motorized uses while remaining open to hiking or horseback use, or is targeted for reclamation, accelerated soil erosion from trails or trail usage would result in mitigation actions being taken, such as relocating a route, changing the type of use permitted, or changing the maintenance technique or frequency. For a complete summary of the travel use categories by miles see Table 1 (TMP EA, p. 15) and Table 2 (TMP EA, p. 16). The mileage in Table 1 varies from 0 miles under Alternative 1 (the No Action Alternative) to 369 miles under Alternative 3. Some closed routes would remain available to the public for foot and equestrian travel, while others would be reclaimed either naturally or by mechanical means, if the route conditions warrant. Under Alternative 2, many of the existing routes that are causing or have the potential to cause environmental effects would be closed, re-routed, or maintained. Under Alternative 2, some existing routes selected for closure may not have soil or vegetative effects occurring but may have other resource concerns such as preserving cultural sites. Many existing routes that are experiencing or would potentially experience environmental effects from increasing recreation use are designated for the appropriate uses.

The environmental consequences of each alternative are summarized in Table 5 (Summary of Comparison of Environmental Consequences) beginning on page 36 of the TMP EA. Table 5 is intended to provide highlights of effects only. A more thorough and detailed description of the affected environment and comparison of potential effects between alternatives begins on page 50 of the TMP EA.

The BLM has adequately analyzed the probable effects from implementing a reasonable range of alternatives. These alternatives were developed to address the issues and concerns identified during scoping, considering the existing OHV designations and conditions on the ground, impacts to sensitive resources, public input, existing recreational uses, route density, route condition, and the need for administrative access. Please see page 14 for more information on

developing alternatives for this TMP EA. The development of the alternatives included the involvement of Resource Advisory Councils, cooperators, and interested members of the public, all whom identified issues and concerns that needed to be addressed in alternative development.

The Council on Environmental Quality (CEQ) regulations 40 CFR 1500.2, 40 CFR 1502.14 and 1505.1 establish the responsibility to consider and document reasonable range of alternatives in the NEPA process. What constitutes a reasonable range of alternatives depends on the nature of the proposal and the facts in each case. An environmental assessment (EA) shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the potential effects of the project, and evaluate the comparative merits of the alternatives. The BLM need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.

Issues Disclosed

Comment Number: PP-CO-DryCreek-PR-09-0001-122
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
D1. The issues discussed and identified internally must be disclosed in a NEPA compliant analysis. The individual agency specialists have ample opportunity for full disclosure in the document; in fact, it is required.

Comment Number: PP-CO-DryCreek-PR-09-0001-123
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
D2. The resolution of internal matters or philosophical disputes between staff is not a function of any EA.

Comment Number: PP-CO-DryCreek-PR-09-0001-124
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
D3. Internal issues that are not reviewable in the time allotted are not permitted in the analysis. Undisclosed elements in the NEPA decision-making process is prohibited at 40CFR1502.21.

Comment Number: PP-CO-DryCreek-PR-09-0001-126
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
D5. We protest the inclusion of unspecified internal issues as a factor used in the formulation of any alternative, the FONSI, or the Decision.

Summary

Inclusion of unspecified internal issues, as a factor used in the formulation of any alternative, the Finding of No Significant Impact (FONSI), or the Decision is contrary to NEPA requirements.

Response

The term “internal issues and concerns” used in the TMP EA refers to the scoping process the BLM used in the initial planning stages of the TMP EA. The BLM began the planning process with internal agency scoping to help identify the preliminary planning issues and concerns anticipated for the TMP. Internal scoping meetings were held with an interdisciplinary team of BLM staff to identify the preliminary planning issues and the methods, procedures, and data that

were used or collected for the preparation of the TMP EA. Internal scoping is routinely used to set the stage for external scoping, and it is not the sole source of issues, concerns or alternatives. Internal and external scoping are used to solicit internal and external input on the issues, effects and the potential alternatives that are to be addressed in the TMP EA.

All of the issues identified in the internal scoping process relevant to the TMP EA were disclosed to the public during the external scoping process. The issues and the management concerns from these scoping meetings are included in the TMP EA on page 13. The agency, public and individual scoping comments were placed into subject categories and summarized in the TMP EA in Appendix 5 (TMP EA, p. A13-A16). These categories were determined to be the issues and concerns to be addressed in the different alternatives.

The section titled Issues and Concerns (TMP EA, p. 13), describes the process used to determine the issues to be resolved or addressed in this EA. The process began with public and internal scoping meetings. The issues determined to be relevant for the scope of analysis in the document include Access and Transportation, Cultural and Historic Resource Management, Land Health and Threats, Reality Authorizations, Law Enforcement and Public Safety, Multiple Use Management, Noise, Recreation, Socioeconomics, Soils, Vegetation, Water Resources, and Wildlife. These issues and concerns were also included in the Draft RMPA (p. 11). This set of issues consists of, or contains, all concerns and issues identified by the public, the BLM and other agency personnel. All issues and concerns identified during development of this TMP EA were specifically and fully discussed and disclosed in the Draft and Final RMPA/EA for the Uncompahgre Field Office Dry Creek Travel Management Plan (TMP) published in December, 2008 and April, 2009, respectively, and in the Notice of Intent (March, 2007) prepared for this TMP EA.

Land Health Assessments (LHA)

Comment Number: PP-CO-DryCreek-PR-09-0001-129
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
E1. We obtained a copy of the Roubideaux LHA and we regret to say that we did not find any factual report that indicated that existing routes are contributing to land health issues.

Comment Number: PP-CO-DryCreek-PR-09-0001-133
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
We found roads mentioned once and trails never mentioned as possible causes of the problems.

Comment Number: PP-CO-DryCreek-PR-09-0001-135
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
E3. A reasonable person can look at BLM vegetation treatments of thirty acres, conducted in many sites across the area, and look at a one-foot wide motorcycle trail, and say (regardless of scientific experience) the vegetation treatments cause enormous habitat fragmentation --thus, we find those listed in the LHA far more frequently than roads or trails in the lists of causes for any noted "not up to standard" resources.

Comment Number: PP-CO-DryCreek-PR-09-0001-136
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
E4. Next question, to what is the LHA comparing in order to claim declines? What baseline? The LHA provides a standard; but we do not know if the

resources are up to standard compared to ten years ago, or whether the standards are similar enough between assessments, over time, to produce comparable data.

Comment Number: PP-CO-DryCreek-PR-09-0001-141
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
E8. Thus, the assertion on EA p. 10 that The LHA shows that existing routes are contributing to land health concerns is false. We may have missed it, but we did not find that claim in the LHA. The primary reference to roads and trails is a recommendation of more monitoring. It does not say that roads and trails are contributing to land health "concerns."

Comment Number: PP-CO-DryCreek-PR-09-0001-150
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
Further, the last column in Table 28 is in complete conflict with the LHA, which states on page 45 that the great majority of sites evaluated at "relatively low erosion risk." Thus, BLM jumps from "low erosion risk" in the LHA to "land base loss" in an EA whose need (we think but are not sure) is to stop route proliferation by motor vehicles.

Comment Number: PP-CO-DryCreek-PR-09-0001-154
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
However, in the LHA, BLM does not find any causal relationship between recreational motor access and the sites that do not meet the standards.

Comment Number: PP-CO-DryCreek-PR-09-0001-51
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
However, in the LHA, BLM does not find any causal relationship between recreational motor access and the sites that do not meet the standards, nor does BLM identify a change over time indicating that lawful public access needs to be curtailed.

Summary

The Roubideau LHA does not indicate the baseline or trend in the indices monitored to conclude that existing travel routes are contributing to land health issues, and does not recognize vegetation treatment impacts to the land's health.

Response

The Roubideau and Escalante LHA documents are identified under the Purpose for the Action (TMP EA, p. 11) along with a note in parentheses stating the documents are available to the public at the Uncompahgre Field Office.

During the scoping period, comments were received regarding existing routes effecting LHAs. During the route-by-route analysis conducted by the BLM, modifications to the existing situation were made based on these comments relative to the issues identified and the DFCs. No one requested a copy of either of the LHAs during the scoping period. During the comment period only one request was made for a copy of the Roubideau LHA document. That request was made by James Cooper by phone on June 2, 2009. T he LHA was mailed directly to him on June 3, 2009. Mr. Cooper also on June 9, 2009 left a voicemail requesting a copy of the "Roubideau Landscape Health Assessment Causative Factor Determination" document, which was electronically mailed to him on June 12, 2009.

The Roubideau LHA contains a complete description of the baseline conditions of the health indices monitored. "Roubideau Landscape Health Assessment Causative Factor Determination"

further describes the causal factors for areas that exhibited health problems. Trends for the health indicators are neither assessed in the LHA, nor in the causative factor attachment, because this health assessment was the first for this landscape unit.

The Causative Factor Determination describes (TMP EA, p. 3) land health problems associated with roads as follows:

"**Roads:** Poor road placement, road maintenance, and weeds associated with road maintenance cause problems with soil and vegetation indicators. These include causing high bare ground, runoff drainage problems, gullying, noxious weed infestation and exotic plant dominance. Roads were a contributing factor for 10,167 acres failing to meet either Standard and 26,863 acres meeting Standards 1 or 3 with problems. Standards 2, 4 and 5 were not evidently affected by roads. The nearly completed road inventory for the area also showed a substantial mileage of the road segments are contributing to gullying which was not detected during the health assessment."

Land Health problems associated with off-road travel are also discussed in the Causative Factor Determination (TMP EA, p. 4) as follows:

"**OHV Use and other Dispersed Recreation:** Off-road driving whether by motorcycle, ATV, or four wheel vehicle can cause problems with high bare soil, excessive runoff drainages, reduced understory cover, and exotic plants. Together, this type of recreation contributed to 8,230 acres failing to meet Standard 1 or 3. Another 11,534 acres had problems meeting Standards 1 and 3, in part because of OHV and dispersed recreation impacts. Standards 2, 4 and 5 were not obviously affected."

These determinations were made based on the following method outlined in the Roubideau LHA under step 9 (TMP EA, p. 40) as follows:

"**9)**. Polygon rating (Meeting, Not Meeting, Meeting With Problems) was then entered into the geo-database, along with land health problems and causes. Causes for polygons not meeting or meeting with problems for any standard were discussed by an ID team. The team considered evidence which included observations made on the site of possible disturbances, grazing dates, actual use, records of past treatments, and proximity to roads and recreational or mining related disturbance."

Other causes for land health problems, including vegetation treatments, are also cited in the Causative Factor Determination. Page 1 of the TMP EA describes how these causal factors may overlap or interrelate:

"**CAUSATIVE FACTOR DETERMINATION**

Causative factors behind land health problems are addressed here for all standards taken together. The reason behind this is that one cause may impact several indicators and health standards at once. In addition, most of the land health problems observed in the landscape unit are not clearly linked to one causative factor, nor are they always related to a cause that is

presently occurring. Often, causes were indirectly suggested, using the condition of indicators as evidence. In many areas, problems are occurring as a result of several causative factors which overlap spatially. As a result, acreage figures reported below may overlap for various causes."

User Conflicts

Comment Number: PP-CO-DryCreek-PR-09-0001-112
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
C16. We will say it again: How this conflict is manifested is not disclosed. The reason it is not disclosed is because it is impossible: "User conflict," as a social issue, is ephemeral, its occurrence is often hearsay, and there is rarely anything but anecdotal evidence. But most important of all, there are no standards by which public land visitors can reliably adjust their behavior such that the BLM does not construe more, or less, "user conflict."

Comment Number: PP-CO-DryCreek-PR-09-0001-97
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
C2. BLM declines to identify the circumstances of the above noted "conflict." BLM declines to report whether property damage occurred. BLM declines to report whether personal injury occurred. BLM declines to report even what was reported "verbally" other than "user conflicts have been observed..."

Comment Number: PP-CO-DryCreek-PR-09-0001-98
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
C2. BLM declines to define--even vaguely--what it means by user conflict.

Summary

The TMP EA declines to define user conflicts, and identify the procedural method and data collected to imply user conflict occurrence

Response

The Uncompahgre Field Office does not monitor user conflicts on a day-to-day basis; however users of the National System of Public Lands and private landowners have expressed verbal concerns. Additionally, written public input received during scoping periods identified user conflicts. The following excerpted information was received by the BLM during initial scoping.

"Our main concern with the Sub-region D is the fact that there are two in holdings of private property, both belonging to my family. They are the only, two complete in-holdings, in sub-region D. In 1995, I wrote a letter of proposal to the BLM proposing to trade the lower piece of ground for land that would connect the private ground to the SW where the majority of private ground in that area lays as even in 1995, there was constant conflict with recreation. We would still be interested in either trading or selling that piece, for public use. Twenty-one years ago I closed all the roads going to that piece of ground, and I appreciate the fact that the BLM has those roads marked as closed on all 4 alternatives, but that does not stop the constant trespassing by ATV's. I believe any alternative except alternative one would demand more consideration of the deeded in-holdings in the area."

"I am glad to see that BLM is taking the initiative to help protect our public lands for ourselves. I would like to ask that in your planning you may consider separate areas available to

mechanized, equestrian and hiking modes of travel. Many of us enjoy the public lands for the quiet peacefulness they provide. Often, horses and engines don't mix well and many people don't appreciate that a panicked horse can literally prove to be fatal."

"However, I have personally witnessed many instances where motorized recreation caused serious resource damage or user conflicts."

"On January 3, 2008 Members of COPMOBA and Motorcycle Trail Riding Association met to discuss the Dry Creek TMP Draft Alternatives. Both groups agreed that most single track trails should remain open to multi-use, including motorcycles, but no larger vehicles. The two groups also agreed that the following single track trails should remain open to non-motorized use only." "This is the most prized single-track motorized, and needs to remain as such."

"We Equestrians are grateful for the opportunity to respond to your request for input. This is a large area. I believe all multiple use is possible with careful planning. The "Motor users" will feel restricted I am sure from what they are presently doing; but right now. They are destroying the whole area. I have not personally had any bad experiences with motor traffic, but I would suggest "Motorcycle Riders." Need their own areas since they prefer difficult challenges and they come up very fast on horses. People with backpacks on and those on mountain bikes scare the horses the most especially when in close quarters and difficult areas on trails."

The written comments received and a summary of the comments received are available at the Uncompahgre Field Office. Because of the volume of the information received, this information was not reproduced in the planning documents. User conflicts can be social or physical concerns. These issues were considered when developing the DFCs s for the planning area. One of the DFCs discussed on page A-5 in Appendix 3 of the TMP EA, Sub-Region General Settings and Desired Future Conditions, is Enhance Motorized and Non-Motorized Recreation, which discusses social and physical aspects of non-motorized and motorized recreation:

"These tools will enable recreationists to choose where to go and what to do based on route designations. Management of the area will sustain the undeveloped character of the Dry Creek area's wide-open spaces for diverse, dispersed recreation use and enjoyment – protecting and rehabilitating the distinctive and productive capacity of its biophysical resources."

User conflicts can occur when travel occurs in the same location at the same time, or when an existing route becomes intensively used for a variety of activities. During the route-by-routes analysis, the BLM considered the variety of activities, uses, safety, terrain, and location in conjunction with other natural resources and sought to eliminate perceived and real conflicts. As the BLM conducted its route-by-route analysis during the finalization of alternatives prior to publication of the Draft RMPA, all individual scoping comments were considered. The DFCs were discussed and considered in determining the disposition of each existing or proposed route in each alternative. The BLM recorded information during the route-by-route analysis to document how that input was considered and used.

Natural Values

Comment Number: PP-CO-DryCreek-PR-09-0001-20
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
The goal of improving natural values has no agreed-upon standards. “Natural Values” means different things to different people. We have no way of knowing which or whose values will be applied.

Comment Number: PP-CO-DryCreek-PR-09-0001-21
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
Decisions based on “natural values” can too easily be construed as arbitrary. Further, the statement in paragraph 4 implies that “natural values” are at risk, which has not been confirmed by this analysis.

Comment Number: PP-CO-DryCreek-PR-09-0001-25
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
We find that the statement to "Improve natural values" appears nowhere in the Act.

Comment Number: PP-CO-DryCreek-PR-09-0001-33
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
What we have learned is that a close reading of FLPMA shows that the BLM is not directed to improve natural values---not even in special areas of environmental concern.

Comment Number: PP-CO-DryCreek-PR-09-0001-34
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
A3. Furthermore, none of these words or phrases is all-inclusive; that is, they only apply to various resources in varying degrees, and in some cases, the application is quite narrow. And, even in special areas of concern, such as Wilderness or the Fossil Forest or ACEC's, we still do not see the instruction to "improve natural values."

Comment Number: PP-CO-DryCreek-PR-09-0001-36
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
Page A-5 and A-6 list four DFC's, and one of them is: "IMPROVE NATURAL VALUES – Some areas would be managed to achieve higher standards than others, as they are special landscapes and possess unique values that require these higher standards." A5. The trouble with this statement is, when there is no statutory authority for an action or goal, the agency cannot do it regardless if it is raised during the planning process.

Comment Number: PP-CO-DryCreek-PR-09-0001-40
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
A7. Further, the BLM response appears to have no connection to our request to remove "improving natural values" as a goal of this document. Our contention in this matter is supported by Title 40 CFR,

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Comment Number: PP-CO-DryCreek-PR-09-0001-43
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
A8. For example, the preservation of natural values is not reflected in the VRM classification, (with the exception of the WSA) or in the other recreation activities and BLM actions in the planning area.

Comment Number: PP-CO-DryCreek-PR-09-0001-44
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
For example, natural values are not consistent with vegetation type conversions, firewood cutting, livestock grazing, high tension power lines, agricultural water developments, decorative rock collection permits, and commercial mineral extraction.

Comment Number: PP-CO-DryCreek-PR-09-0001-46
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
A9. Therefore, we protest the inclusion of the goal of improving natural values. Specifically, we protest the differing "values" assigned due to a perceived higher or lower quality of land, for the purpose of excluding or severely limiting lawful activities, or for the purpose of causing a presently lawful activity to become unlawful.

Comment Number: PP-CO-DryCreek-PR-09-0001-61
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
A22. Throughout all of this, the tables, the formulas, the charts, and so forth, BLM still declines to say what natural value is so in need of improvement that the trespass must be done, and all of these routes--the ones next to the water, and the ones high on the dry mesa tops, and the ones that aren't in very good habitat for the deer and elk calving, must be closed.

Comment Number: PP-CO-DryCreek-PR-09-0001-64
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
If one of the goals of this TMP is to "improve natural values," then improving livestock forage conditions appears to be completely inappropriate. Many acres of native vegetation must be destroyed for livestock forage to thrive.

Summary

"Improve Natural Values" is not a statutory requirement of Federal Land Policy Management Act (FLPMA), and so the inclusion of the phrase in this TMP EA implies the application of an undisclosed higher management standard inconsistent with vegetation type conversions, firewood cutting, livestock grazing, high tension power lines, agricultural water developments, decorative rock collection permits, and commercial mineral extraction.

Response

The concepts of Natural Values, Natural Conditions, and Natural Resources occur many times in the FLPMA. Here are some examples

“Sec. 102. [43 U.S.C. 1701] (a): The Congress declares that it is the policy of the United States that – (8) the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use.”

“Sec. 103. [43 U.S.C. 1702] Without altering in any way the meaning of the following terms as used in any other statute, whether or not such statute is referred to in, or amended by, this Act, as used in this Act – (c) The term “multiple use” means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and non-renewable resources, including, but not limited to, recreation, range, timber, minerals, watershed,

wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output."

“Sec. 302 (2)(d)(2) Use of public lands pursuant to a general authorization under this subsection shall be limited to areas where such use would not be inconsistent with the plans prepared pursuant to section 202. Each such use shall be subject to a requirement that the using department shall be responsible for any necessary cleanup and decontamination of the lands used, and to such other terms and conditions (including but not limited to restrictions on use of off-road or all-terrain vehicles) as the Secretary of the Interior may require to –

(A) minimize adverse impacts on the natural, environmental, scientific, cultural, and other resources and values (including fish and wildlife habitat) of the public lands involved; and

(B) minimize the period and method of such use and the interference with or restrictions on other uses of the public lands involved.”

The reference in Sec. 103(c) of FLPMA clearly mandates the BLM to consider natural, environmental, scientific, cultural, and other resources and values as the agency manages public lands, and sometimes not necessarily in a manner that will give the greatest economic return or the greatest unit output.

Managing for natural values would be consistent with all forms of multiple-use management, including vegetation type conversions, firewood cutting, livestock grazing, high tension power lines, agricultural water developments, decorative rock collection permits, commercial mineral extraction, and many other uses, such as solar energy applications. Some examples that show how natural values would be managed under the TMP EA include: Description of the Alternatives Management Common to Alternatives 2 (Proposed) Action, 3, and 4, Design Features,(TMP EA, p. 21) (concerning soils, visual resources, wetlands, and riparian areas); Affected Environment / Environmental Consequences, Wilderness, (TMP EA, pp. 128 and 129) (naturalness and supplemental values identified as wilderness values for the area); Affected Environment / Environmental Consequences, Wilderness, Environmental Consequences, Impacts from Alternative 2, (TMP EA, pp. 128 and 129); Affected Environment / Environmental Consequences Wetlands and Riparian Zones, Impacts from Alternative 2, (TMP EA, pp. 120-123) (discusses impacts that would occur to wetlands and riparian areas, a natural resource).

Recreation guidelines and Visual Resource Management guidelines provide direction for considering natural values as multiple-use management occurs on the public lands.

Fish, Wildlife, Plants, Special Status Species

Comment Number: PP-CO-DryCreek-PR-09-0001-205
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance

Protester: Glenn Graham, Don Riggle
Protester Type: Organization
Issue Excerpt Text:
BLM assumes that any reduction in routes, or

reduction in class of use (i.e., from motorized to non-motorized) would in general improve wildlife habitats.

Summary

The BLM assumes that any reduction in routes or reduction in class of use (e.g., from motorized to non-motorized) would in general improve wildlife habitats.

Response

The statement is correct. The BLM assumed that any reduction in routes or reduction in class of use would in general improve wildlife habitat. The rationale for this assumption, which is found in currently accepted literature, was described in the Threatened, Endangered, and Sensitive Species (pp. 88-90); Migratory Birds (p. 75); Aquatic Wildlife (pp. 151-152); Terrestrial Wildlife (p. 157) sections of the TMP EA. A summary of relative effects is described in Table 5 of the TMP EA (pp. 39, 40, 44, and 45). The key point in this analysis is that "Networks of routes fragment habitat, reduce patch size, and increase the ratio of edge to interior. This may have serious consequences for sensitive species, predator-prey relationships, and overall population dynamics." (TMP EA, p. 88).

Alternatives were developed considering the existing OHV designations and present resource conditions, effects to sensitive resources, public input, existing and future recreational uses, route density, route condition, and the need for administrative access. In addition, the BLM conducted extensive agency coordination and public involvement to ensure that relevant resources are considered in the analysis. The effects assessment made use of the best available data on environmental and wildlife habitat conditions.

The NEPA does not require quantitative analysis of effects. The BLM may use existing environmental analyses to determine effects associated with a proposed action. This builds on work that has already been done and helps to document the analytical and decision making process. Qualitative analysis methods based on a team of resource experts are equally valid as long as the agency has taken the "hard look" at the issues and potential effects. Typical methods for estimating environmental effects based on land use change include purely qualitative descriptions of the location and magnitude of potential effects, impact calculations based on simple assumptions about recreation use, employment growth, and trend analyses of future effects based on the historical relationship between land use change and environmental effects.

Environmental effects that alter the function of natural systems that are separated from the project location by time and distance must also be considered. This type of indirect effect is associated with encroachment. Since it is difficult to measure the effects to numerous wildlife, fish and plant populations and because their habitat distributions are not all well understood, the BLM evaluated the relationship between the reduction in routes, or in the class of use (from motorized to non-motorized) and the potential effect on habitat function (TMP EA, pp. 88-89). The effects of reducing encroachment will decrease the fragmentation of habitat and disturbance of species, benefiting a number of wildlife, fish and rare plant species, including migratory birds. By decreasing habitat fragmentation and disturbance effects in the area, it is assumed that the existing habitat quality would generally increase. These effects will protect and enhance the riparian areas and increase the diversity of vegetative communities, which the BLM identified as

important in the TMP EA.

The BLM evaluated all reasonable alternatives in the TMP EA. The impacts associated with cross-country OHV use in each alternative are described in the Environmental Consequences subsection, beginning on page 35 of the TMP EA. The No Action Alternative proposes no changes in existing routes or OHV designations. Alternatives 2, 3 and 4 change the existing OHV designations by limiting travel to designated routes. The effects from the current baseline situation are considered in the cumulative effects analysis. The analysis determines how the TMP EA affects outcomes for wildlife habitat.

Recreation, Visitor Services

Comment Number: PP-CO-DryCreek-PR-09-0001-172
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
F11. No monitoring data is included in the EA. The only reference to visitor numbers is an estimate of a single year. No trend data is presented to substantiate the leap from The BLM has thus concluded that current growing populations will engage in more OHV use, dispersed recreation, and more user created routes would potentially occur to, the most complex, most expensive, and most difficult to enforce regulatory scheme available.

Comment Number: PP-CO-DryCreek-PR-09-0001-74
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
Because BLM persists in its failure to acknowledge the effects that the climate will have on the type of recreation that predominates in the planning area.

Comment Number: PP-CO-DryCreek-PR-09-0001-75
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
BLM evades by: taking issue with calling the planning area a "desert;" adding data from two weather stations far outside the study area, at substantially higher elevations (Potter Basin and Columbine Pass, see EA page A-27); constructing a chart showing that some areas of the planning area apparently receive as much as 25 to 30 inches of rainfall, but the line on the chart goes to that amount only because of the two added weather stations more than a thousand feet higher than the highest part of the planning area.

Comment Number: PP-CO-DryCreek-PR-09-0001-78
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
B4. The point of our comment was simple: we expected BLM to include in its analysis the effects that the climate has on what recreation activities are likely to occur within the planning area.

Summary

The TMP EA does not identify visitor numbers, temperature, precipitation, monitoring data or recreation trends relative to increased OHV use, dispersed recreation, and more user created routes.

Response

The BLM used the most current visitor use data available (TMP EA, pp. 185-187). This data is reliable and represents the best available data for the analysis. The data is not a definitive snapshot of recreation use within the Dry Creek planning area but is a data source to be considered with other data when projecting trends in recreation and visitor use. The question also exists whether to use qualitative or quantitative methods when conducting an indirect effects

analysis. The use of a panel of resource experts to assist in qualitative analyses is acceptable for identifying indirect effects and defining probable future actions. This method has been used to supplement quantitative analyses, particularly in situations where there is not an established recreational travel demand model.

The protestors assert that the BLM did not take a look at weather factors related to potential recreation activities in the TMP EA. There is no technical basis or standard accepted protocols for evaluating recreation activities conducted under this EA or making changes to alternatives considered based on temperature or precipitation. The existing analysis remains valid because (1) it is not possible at this time to link specific weather conditions to specific effects on recreation or the environment (e.g., change in temperature or ambient atmospheric concentration), (2) the TMP EA addresses recreational use issues adequately, given the information available at the time such analyses were conducted, and (3) the information on weather conditions cited in the protest does not meet the criteria for new or significant information, nor does it change the context or intensity of the effects analyzed in this decision.

Socio-economic Interests

Comment Number: PP-CO-DryCreek-PR-09-0001-145
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
E11. In soils and hydrology, we find no scale of effects by which to analyze the potential effects, when weighed against the social or economic costs of the proposed action or any of the alternatives, including doing nothing.

Comment Number: PP-CO-DryCreek-PR-09-0001-183
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
H1. Yet Table 5 on page 36 in the row titled Impacts on Transportation and Access makes only general statements about the impacts to land health but makes no comparison about the social, economic or access issues.

Comment Number: PP-CO-DryCreek-PR-09-0001-9
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
5. The Benefits of the various alternatives to the public in terms of social and economic impacts have not been included in the evaluation of the cumulative effects nor in the individual, direct impacts.

Summary

The social or economic costs and benefits of the alternatives are not analyzed with respect to soil, hydrology, land health, and access.

Response

Healthy public lands and the uses of those lands contribute to the health and economic well-being of Colorado communities. Healthy public lands and healthy human communities are interrelated; therefore, social, economic, and environmental considerations must be properly balanced. An important goal of this analysis is to inform decision makers of the social and economic conditions evident in the planning area.

For the TMP EA, the goals were written in the form of Desired Future Conditions (DFCs), which are brief statements that describe the physical, biological, social and management conditions that

are expected to be achieved when the TMP has been implemented. The purpose of DFCs is to define the kinds and amounts of activities or uses (social component) that a given land area can sustain while maintaining the area's health (physical and biological components) and complying with any special management requirements (management component) that may apply in the area.

We acknowledge that there is a range of methods that may be used to predict future social and economic effects as well as the well-being of local and regional community uses of the National System of Public Lands. Often this type of analysis differs from other analyses because it considers the perception of social effects and well-being. Social meaning and significance of objective changes that are produced by cumulative actions may vary from different perspectives of affected socio economic groups. The weighing of the cost and benefits of the various alternatives need not be evaluated using quantitative measures. Social effects are less quantifiable and are determined through a qualitative assessment of potential changes to the existing conditions as a result of actions specific to the various alternatives. Social and economic well-being may affect tastes, preferences, and demand for recreational opportunities.

We chose to use qualitative measures for population characteristics, political and social resources and community and institutional organizations and potential change in business activities as the basis for our analysis. The relationship between the lifestyles, attitudes, beliefs, and values of constituents has many components. Effects vary by communities of interest according to their uses of the Dry Creek area. Recreational and environmental interest groups are becoming increasingly involved in the land management process which is depicted by the array of comments received throughout the process. Their lifestyles, attitudes, beliefs, and values also depend on the use and management of natural resources. With such a variety of communities of interest, the TMP EA influences livelihoods in many ways. Balancing the interests of each group is an issue that must be taken into account during the travel management process.

The TMP EA is an extensive route system and identifies travel management support facilities for most forms of travel (see Appendix 6 in TMP EA and supporting maps). The TMP is a transportation system on public lands for managing and supporting all modes of travel. Consideration was given to the uses of the routes which include socioeconomic access to public lands and resources for multiple uses while protecting sensitive natural and cultural resources. These socioeconomic related uses include but are not limited to: recreation, fuel wood gathering, hunting, mineral activities, and the BLM and other authorized administrative and program management, such as weed control, livestock grazing management, wildlife habitat management, rights-of-way maintenance and operation.

The planning area is largely dominated by natural-resource-based activities that support a rural lifestyle. A rural lifestyle is one that relies on agricultural opportunities and outdoor recreation supported by natural resources to maintain a sense of self-sufficiency and self-worth. The BLM expects Alternative 2 to improve recreation overall, which would have a positive effect on the social component of recreation and travel. Recreation visitors generate important economic stimulus for many businesses, which effects employment and income levels (TMP EA, pp. 185-191 and 192-195).

Travel management decisions, as they pertain to recreation, may affect the condition and relative importance of tourism and recreation-based sectors in the local economy. The natural resources sector (including grazing, wood products and processing, mining, and agriculture) makes up a small percent of total employment in the area (TMP EA, p 193). Thus, natural resource-based industries are not a major contributor to employment in the local communities; however, that sector could be of greater importance to individual communities within the region.

This alternative would also potentially have positive influences on the ranching community who use the area as part of their viable economic base of operation. Our understanding of the complex inter-relationships among economic, sociological, and ecological components of the rangeland system is improving. We discuss the direct economic benefits to the ranching community on page 183 who use the area for economic sustenance, the public in the recreation section on page 187 and economics section on page 194 of the TMP EA, which address the economic contribution of OHV use in Colorado. These semi-primitive areas provide direct and substantial economic benefits to local communities because of their importance and array of activities for recreational tourism. Several sub-regions specifically provide local economic benefits related to motorized recreation. Big game hunting also provides economic benefits to local businesses and communities. It would enhance activities for commercial outfitters because new routes would be planned, designed, designated and developed over time. It would benefit commercial big game (elk and deer) outfitters by somewhat reducing human contact with these species and potentially increase success in tracking and hunting.

The benefits of the various alternatives to the public in terms of social and economic effects have been included in the evaluation of the cumulative effects to that component (TMP EA, p. 197):

"Cumulative Effects

Population growth and residential development of surrounding private lands, along with other resource impacting trends, will occur throughout the greater region that will result in increased amounts of recreational usage on public lands therefore increasing the potential for increasing economic benefits. Activities on public lands in the travel planning area that could also potentially impact (positively or negatively) socio-economic and require possible mitigation include, Forest Service planning and projects, Uncompahgre Plateau Project activities, local land use planning, soil research, BLM Uncompahgre Field Office Resource Management Plan revision, continued population growth, vegetation treatments, county road upgrades, special recreation permits and activities, utility rights of way and corridors, fuels reduction projects, and utility corridor maintenance and upgrades. The cumulative effects to socio-economic from these activities in addition to action alternatives that would be measurable would not likely occur as a result of implementation of any alternative."

The BLM is required to address the socio-economic component while preparing a resource management plan or plan amendment according to Appendix D: Social Science Considerations in Land Use Planning Decisions, in BLM's Land Use Planning Handbook (H-1601-1). The scope of analysis required for this component in an EA prepared for a land-use-plan amendment is explained in Appendix D (H-1601.1, p. 3):

"In the Environmental Consequences section of the EIS, characterize impacts to existing conditions and trends from each of the alternatives under consideration, including the no action alternative, relative to the baseline assessment. Impacts include direct, indirect, and cumulative effects for all resources that make up the human environment. In particular, impact analyses should:

a) Analyze the positive and negative economic effects of each alternative developed within the Resource Management Plan on those communities and groups;
b) analyze the positive and negative social effects of each alternative developed within the Resource Management Plan on those communities and groups; and
c) in fulfillment of Environmental Justice requirements, identify any disproportionate negative effect on low-income or minority populations associated with one or more proposed alternatives (see Appendix D, Section IV)."

To expand that analysis to soil, hydrology, land health, and access is beyond the scope of the analysis required and performed in the TMP EA.

Soil

Comment Number: PP-CO-DryCreek-PR-09-0001-148
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
E14. The description on EA page 130 and 131 and A46 of the factors "traditionally" used build the erosion models omit one element that is in every model's formula. It is also the single most important equation factor in every erosion model. It is called R. R stands for rain, or precipitation.

Comment Number: PP-CO-DryCreek-PR-09-0001-57
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
Perhaps it is rainfall, eroding the road and trail surfaces? On page EA 130 and 131, we find the method BLM uses to estimate erosion rate and potential. The method is a model, as no one has ever actually physically measured the real-time erosion rates in this planning area. Models are an accepted scientific method for estimating. However, on page 130 and 131 the description of the factors "traditionally" used build the erosion models omit one element that is in every model's formula. It is also the single most important equation factor in every erosion model. It is called R. R stands for rain, or precipitation. No erosion model can estimate soil movement--potential or otherwise-- without an R in the formula.

Summary

Factors traditionally used build the erosion models omit "R," which stands for rain or precipitation and is used to estimate erosion potential.

Response

The "R" factor used in soil erosion models reflects the kinetic energy of falling rain on the subject area. The average "R" factor for both Montrose and Delta Counties (travel plan area is mostly in Montrose County), used by the State of Colorado for storm water permitting, is 10. The "R" factor is an important and required input parameter for erosion models that quantify erosion rates (usually in tons per acre), such as the Universal Soil Loss Equation (USLE), and the Water Erosion Prediction Project (WEPP).

The model used in the TMP EA does not attempt to predict rates of erosion. The model does use both topographic slope and physical soil properties to evaluate the potential for erosion expressed as a dimensionless fraction between 0.01 (little potential for erosion) and 1 (greatest potential for erosion). The erosion potential categories in the TMP EA (slight, moderate, and severe) are determined from even divisions of this decimal fraction. Since this model is designed to assess the hazard or risk of soil loss from un-surfaced roads and trails, the ratings are further defined as follows:

- Slight – little or no erosion likely,
- Moderate – some erosion likely, occasional road/trail maintenance may be needed, and
- Severe – significant erosion can be expected, roads/trails require frequent maintenance.

The footnotes attached to Table 28 (TMP EA, p. A-47) detail the erosion hazard criteria for the model used and states: "high "R" factors (e.g., > 200), snowmelts influences during spring thaw and other factors may require changes to slope values in the table or adjustments of ratings to one or more class".

This statement implies that where "R" factors are less than 200, which the travel plan area is, the model used in the TMP EA is appropriate to estimate the potential erosion hazard as stated above. Additionally, this soil erosion hazard model is promoted for use by the U.S. Forest Service in planning efforts, and by the U.S. Department of Agriculture, Natural Resources Conservation Service.

Travel Management

Comment Number: PP-CO-DryCreek-PR-09-0001-47
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
A10. Refer to Appendix 3; page A-5, Sub-Region A. We object to excluding general public access outside the WSA by closing existing motor routes because BLM perceives the land as "higher quality". It is unlawful, and it is particularly of concern in the absence of any analysis that shows at least an identifiable connection between declines of a resource and the public access.

Comment Number: PP-CO-DryCreek-PR-09-0001-48
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
A11. At this point in the process, the BLM has not identified any measured declines.

Comment Number: PP-CO-DryCreek-PR-09-0001-54
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
A18. So: the question remains. The rationale for closing all of these routes listed, and many, many more (in Sub-region A), is still unsubstantiated. BLM even goes so far as to close routes it cannot itself lawfully get to (1022, 1023 for example). BLM provides no rationale for those closures; in fact, it is difficult to imagine how BLM intends to enforce these closures.

Comment Number: PP-CO-DryCreek-PR-09-0001-69
Organization: Colorado Off-Highway Vehicle Coalition Trails Preservation Alliance
Protester: Glenn Graham, Don Riggle
Issue Excerpt Text:
However, BLM has failed to establish that there is any difference in effects between a cow trail and single-track motorcycle trail.

Summary

The TMP EA lacks rationale for closing routes such as distinguishing the difference between a cow trail and a single-track motorcycle trail; closing access to areas outside WSAs, listed in Sub-region A; and closing routes it cannot lawfully access.

Response

In preparing for this TMP, one of the first tasks conducted was an inventory of the existing routes so the BLM could determine a baseline of routes and types. This inventory was used in formulating alternatives. Please refer to page 51 of the TMP EA for an additional discussion about the route inventory. As the BLM conducted its route-by-route analysis during the finalization of alternatives prior to publication of the Draft RMPA, all individual scoping comments were considered. Please see page 13 of the TMP EA for a discussion of the scoping process. During the scoping process, the BLM asked the public to submit additional information regarding existing routes that might have been missed during the inventory process. Several respondents submitted new information and those routes were considered.

The DFCs were instrumental in determining how each existing or proposed route would best fit each alternative being considered. Please see the discussion concerning DFCs in the response to the issue about Purpose and Need section above. In some alternatives, various individual routes were proposed for closure.; the rationale for closing, not closing , and selecting the uses permitted on specific routes was discussed and considered during route-by-route analysis and, especially, during the analysis of environmental effects of each alternative. The BLM recorded information during the route-by-route analysis to document how that input was considered and used.

The Affected Environment/Environmental Consequences section of the TMP EA provides the analysis of the environmental consequences that would be expected to occur by implementing the alternatives analyzed (TMP EA, p.35). This serves as a basis for the BLM's rationale. During the analysis of these alternatives, all trail types were considered, including those established by domestic livestock and wildlife. A comparison of effects between alternatives shows that closing certain routes would result in improved land health conditions. Routes that are proposed to be closed are located where resource impacts are occurring. For example, effects to Threatened, Endangered, and Sensitive Species that would be anticipated to occur from implementing Alternatives 1 and 2 are discussed (TMP EA, pp. 88-95):

"**Impacts from Alternative 1**

Existing routes and management would continue along with existing levels of associated resource disturbance and habitat fragmentation. New user-created routes would continue to potentially further impact habitat and/or the species in Table 13 relative to habitat fragmentation, patch size, edge to interior ratio, barriers to movement, facilitation of invasions of non-native and/or opportunistic species, mortality rates, noise and other disturbance factors. Routes would continue to cross perennial streams at 84 stream crossings (See Water Quality section for potential effects to sediment loads).

In addition, increased travel routes may improve predator efficiency or increased opportunistic predation. This could lead to potential increased indirect mortality or increased competition for the same prey resources.

Federally Listed Species:

Motorized and non-motorized uses would continue on public lands, on routes and cross-country, that cut through Federally listed Uinta Basin hookless cactus (52.6 existing miles), Canada lynx (1.26 existing miles), and yellow-billed cuckoo (97 existing miles) habitat.

Sensitive Species:

The current motorized and non-motorized activity would also affect peregrine falcon known (4 miles of existing, affecting routes) and potential cliff habitat (8.6 miles of existing, affecting routes), Gunnison sage grouse (2.9 existing miles in potential habitat), and cutthroat trout (698.9 existing miles of affecting routes) habitat (Table 13). Existing routes would continue to affect native fish habitat in perennial streams at 84 crossings and amphibian habitat in perennial and intermittent streams at 881 crossings. See Water Quality section for potential effects to sediment loads.

Existing motorized and non-motorized routes would continue to cross or traverse San Rafael milkvetch (589.3 existing miles), Grand Junction milkvetch/Eastwood monkey flower (109.5 existing miles), and Rocky Mountain thistle/Montrose bladderpod/Colorado desert parsley (698.9 existing miles) habitat.

Impacts from Alternative 2

Existing levels of disturbance and habitat fragmentation would be reduced in varying degrees, because of the large reductions in miles of existing routes through listed and sensitive species habitat that would be designated and available for motorized and non-motorized travel. By reducing overall motorized and non-motorized route mileages, limiting use to designated routes, and changing permitted uses on some routes to non-motorized travel only, effects from habitat fragmentation, patch size, edge to interior ratio, barriers to movement, facilitation of invasions of non-native and/or opportunistic species, mortality rates, noise and other disturbance factors would reduce impacts to wildlife, fish and plants (Table 13).

Federally Listed Species:

New routes would not be established or constructed through habitat for federally listed species. Implementing the travel management plan in this alternative would have no adverse effect on the Threatened Uinta hookless cactus, or Canada lynx, and would not contribute toward the need to list the Candidate yellow-billed cuckoo. Reducing the number of existing motorized and non-motorized routes by a total of approximately 80 miles or an average of 47%, through habitat for these three listed species would result in a large reduction in potential impacts from OHV activities.

Compared to Alternative 1 – No Acton, Alternative 2 would result in large reductions in the number of miles of existing routes that pass through Uinta Basin hookless cactus (-39% or 20.7 fewer miles), Canada lynx LAU (-1%, or 0.01 fewer miles), and yellow-billed cuckoo (-33% or 32.3 fewer miles) habitat (Table 13). Considering only the number of miles of motorized routes that would be designated in this alternative, there would be even larger reductions in the number of miles of existing routes that would be available for travel through Uinta Basin hookless cactus (-45%, 23.6 fewer miles), Canada lynx LAU (-26%, 0.33 fewer miles), and yellow-billed cuckoo (-43%, 42.2 fewer miles) habitat.

Sensitive Species:

Alternative 2 would generally have a beneficial impact on BLM Sensitive species. There may still be impacts to individual BLM Sensitive species, but implementing this alternative would not likely result in a trend toward federal listing or loss of viability, or would not greatly or adversely impact the continued existence of a BLM Sensitive species.

Compared to Alternative 1 – No Acton, Alternative 2 would result in reductions in the number of miles of existing routes that pass through peregrine falcon known (-30%, or 1.2 fewer miles) and potential (-16%, or 1.4 fewer miles) habitat, Gunnison sage grouse (-25%, or 0.7 fewer miles), Cutthroat trout (-40%, or 280.2 fewer miles), and amphibian (-52%, or 461 fewer stream crossings) habitat (Table 13). This alternative would result in slight increases in the number of stream crossings in native fish habitat, compared to Alternative 1 (+4%, or 3 more stream crossings); however when considering stream crossings along motorized routes only, there would be a large decrease in the number of crossings (-58%, or 14 fewer crossings) from Alternative 1 to Alternative 2 (See Water Quality section for potential effects to sediment loads).

Compared to Alternative 1 – No Acton, Alternative 2 would result in reductions in the number of miles of existing routes that pass through San Rafael milkvetch (-41%, or 243.1 fewer miles), Grand Junction milkvetch/Eastwood monkey flower (-34%, or 36.9 fewer miles), and Rocky Mountain thistle/Montrose bladderpod/Colorado desert parsley (-40%, or 280.2 fewer miles) habitat from Alternative 1. In this alternative, there would be even larger reductions in the number of existing miles of motorized routes that would be available and designated and that would pass through San Rafael milkvetch (-47%, or 278.2 fewer miles), Grand Junction milkvetch/Eastwood monkey flower (-58%, or 49.3 fewer miles) and Rocky Mountain thistle/Montrose bladderpod/Colorado desert parsley (-49%, or 327.4 fewer miles) habitat types."

The BLM has proposed closing several miles of existing routes that enter onto public lands from private lands and are not connected to other existing routes(routes 1022, 1023, 568, and 786). These routes are proposed to be closed to discourage trespass onto private lands. If no vehicular access exists from public lands to these routes, BLM personnel would contact the landowners for permission to cross their land or hike on public lands to the closed routes to post signs or install barriers as needed.