

TALKING POINTS
Rio Grande National Forest (RGNF) Over Snow Travel Management
Draft Environmental Impact Statement (DEIS)

We recommend that the USFS adopt a modified Alternative 4 as the Agency Preferred Alternative to manage Over Snow Vehicles (OSV).

- Alt. 4 is the most responsive to public comments. It is the most effective at minimizing impacts to wildlife and conflicts between users.
- Alt. 4 applies discrete and sensible OSV management actions that will provide opportunity while protecting some quiet use areas.
- Alt. 4 complies with USFS Travel Management regulations, designating open areas and routes for snowmobile access while applying the required “closed unless open” approach

1. Preserve quiet recreation

- a. Support excluding OSV use from Nordic ski, snowshoe, yurt, and Wolf Creek Pass areas generally, as depicted in Alternative 4.
 - i. OSV noise, exhaust, and speed of travel increase conflict, reduce safety, and compromise desired experiences for non-motorized winter users.
- b. The decision must protect the Continental Divide Trail winter experience by excluding open cross-country OSV use from the ½ mile designated corridor associated with the trail, and limiting OSV use to a few specific motorized crossings
 - i.
 - ii. OSV use substantially interferes with the defined nature and purpose of this trail.
 - iii. None of the Alternatives properly depict the Continental Divide National Scenic Trail or its associated corridor.
- c. The decision must prohibit OSV use on designated USFS non-motorized trails.
 - i. Designated non-motorized trails have been managed for quiet use since the 1996 Trail Record of Decision, and as marked on USFS maps/USFS signage prohibiting motorized use.
 - ii. None of the Alternatives considered site-specific analysis of designated non-motorized trails. All current Alternatives improperly permit motorized OSV use on designated non-motorized trails, where OSV open areas essentially permit OSV use on those trails.

2. Protect wildlife and their habitats

- a. The decision must protect big game on winter range from OSV use. The DEIS must follow Colorado Parks and Wildlife (CPW) direction to exclude OSV use from identified bighorn sheep winter range from Nov 1-April 30, elk and mule deer winter range areas from Dec 1-April 30, and pronghorn antelope winter concentration areas from Jan 1-April 30.
 - i. Noise, speed of travel, and increased human presence from OSV use will further stress and displace animals from their limited winter habitats

during winter months, when they are most vulnerable due to weather and lower-quality forage.

- ii. State agencies and other groups have invested considerable efforts and funds to sustain populations of these animals of economic importance.
 - iii. None of the Alternatives fully considers all these big game species or CPW timing recommendations.
 - iv. Alternative 3 only considers a limited subset of all winter range habitats, contrary to Forest Plan Standards.
- b. Support Alternative 4, which excludes OSV use from ptarmigan winter range habitat areas.
 - i. Ptarmigan are a USFS identified Species of Conservation Concern and Colorado Species of Greatest Conservation Need that are in decline.
 - ii. Unmanaged OSV use can negatively impact ptarmigan while in their limited winter range habitats.
- c. The decision must fully consider other Species of Conservation Concern, such as nesting raptors and sensitive plant species, and limit open OSV use during winter to protect those species.
 - i. Colorado Parks and Wildlife recommends buffers around nesting raptors sensitive to human presence and disturbance.
 - ii. Some raptors, such as eagles, begin nesting before winter, while other raptors, such as certain hawks and owls, begin nesting during the winter
 - iii. Certain plant Species of Conservation Concern can be physically damaged by OSV use.
 - iv. None of the current Alternatives fully considers these species.
- d. The Forest Service should consider the recent FWS critical habitat designation for threatened Canada lynx, which includes designated habitat within the project area. In the 9th Circuit case *Cottonwood Environmental Center v. USFS*, the court held that USFS must reinstate NEPA when the FWS designates new critical habitat during current NEPA processes. That holding is not binding in the 10th circuit, but may be persuasive. Nationwide, *Marsh v. ONRC* holds USFS must supplement NEPA when significant new information would impact the analysis.

3. Reduce motorized environmental conflicts

- a. Support restrictions on OSV use in Sangre de Cristo recommended Wilderness additions.
 - i. The USFS recommended these areas for inclusion as Wilderness in the 2022 Forest Plan.
 - ii. That plan prohibits motorized use, including OSV use, in those management areas.
 - iii. All four proposed Alternatives prohibit OSV use in those areas.
- b. Support the proposed snow depth requirements in Alternative 4, including retention of the 24" requirement for open and heavily used areas.
 - i. Those requirements provide the greatest proposed protection for resources, soils, vegetation, subnivean species, and other elements that can be damaged by OSV use.

- ii. 12" of drier high-altitude snow is not very dense and can compact down to as little as 2 inches, which provides inadequate protection.
 - iii. Snow depth thresholds effectively apply the USFS Travel Management Rule.
- c. The decision must fully consider OSV noise, including impacts to wildlife, quiet users, and adjacent private property owners.
 - i. Snowmobiles are allowed by state law to emit significantly more noise than the average car emits.
 - ii. Unwanted noise is considered a significant environmental pollutant.
 - iii. Noise travels farther and clearer in colder, denser winter air.
 - iv. The DEIS does not include a quantitative analysis, including a soundscape analysis and decibel thresholds.
- d. The USFS must consider implementation and adaptive management in this decision.
 - i. Plan decisions do not actually change conditions on the ground and in the field without an effective implementation plan.
 - ii. Implementation actions must effectively and sequentially balance providing OSV opportunity with OSV restrictions.
 - iii. The decision must include a documented adaptive management plan/process that identifies measurable desired conditions, monitors those conditions, establishes thresholds for change that trigger action, and specifies actions to restore desired conditions.
- e. The plan must specify that decisions allowing or prohibiting OSV use are conditional and subject to change and reversal if desired conditions cannot be achieved or maintained.
 - i. Responsible OSV users are one of the most effective means of educating other OHV users.
 - ii. The documented potential threat of OSV route and area closure mobilizes and places more of the burden of preventing and solving problems from OSV use on responsible OSV users.
 - iii. Responsible OSV users will work to educate their peers and correct problems to avoid losing OSV riding opportunities.
- f. The plan must specify that local USFS staff have the authority to issue Orders that close OSV routes and/or areas that are resulting in considerable adverse effects on wildlife, natural/historic/cultural resources, plants, public health/safety, etc., until those effects are eliminated or nearly eliminated.
 - i. This allows local USFS staff to immediately respond to and issue Orders to stop harmful and/or damaging OSV use until solutions to those concerns are developed and implemented.