

ADMINISTRATIVE REVIEW (APPEAL)

THE GUNNISON NATIONAL FOREST TRAVEL MANAGEMENT ROD

United States Forest Service Grand Mesa, Uncompahgre and Gunnison National Forests

Date ROD was signed: July 1, 2010

Responsible Official:

Charles S. Richmond, Forest Supervisor

Grand Mesa, Uncompahgre, and Gunnison National Forest

Appellant:

Holly Annala

P.O. Box 2401, 105 Goren Street; Crested Butte, Colorado, 81224

970-349-1321, 970-260-8250

This appeal is being filed under the regulation 36 CFR 215.11.

The appellant disagrees with the following areas of the ROD for the Gunnison National Forest Travel Management Plan:

- 1) The Crystal Peak Trail 583 in the upper Cement Creek drainage is open to motorcycles from its' junction with The Mount Tilton Spur Trail 582.1A to its' junction with East Brush Creek Trail 400.
- 2) The Mount Tilton Spur Trail 582.1A remains open and is not being decommissioned.
- 3) The Cement Creek Trail 612 from its' start at Cement Creek Road to its' junction with Waterfall Creek Trail 555 remains open to motorcycles.
- 4) That the Fenceline Trail UT7071 is being closed to mountain bikes.

Explanation for the above disagreements concerning the Crystal Peak Trail 583 and Mount Tilton Spur Trail 582.1A decisions 1) and 2) above:

- A) I feel there was a lack of a "hard look analysis" by the Gunnison National Forest Travel Management Team in this area concerning public input and user conflict. There is a societal concern here because motorized use monopolizes most of the trails in this area and I assume designating the lower half of the trail is an effort to strike a balance and offer one quiet use experience in the upper Cement Creek drainage. Although this portion of trail being designated non-motorized is greatly appreciated and will be utilized by quiet users, the quiet use experience is largely lost, however, on a good portion of the Crystal Peak Trail due to the fact that the Mount Tilton Spur Trail is located directly above the open bowl amphitheater the newly non-motorized section of The Crystal Peak Trail is located in. If this spur trail remains open to motorcycles, the noise and fumes carry down onto the trail as they rev their engines to make it

RECEIVED

AUG 12 2010

APPEALS ~~82~~

up and down. I have been there and it ruins the experience to have 20 motorcycles at different intervals roaring up and down. Effectively no high alpine trail in the upper Cement Creek drainage is free of dust, noise and fumes from motorcycles if The Mount Tilton Spur Trail remains open and the entire Crystal Peak Trail is not designated non-motorized. I feel this specifically violates regulation Title 36, CFR section 212.55 (b) 3.

- B) The above decisions 1) and 2) are contrary to the subjects outlined in the Purpose of Route, Duplicative Routes and User Conflicts section in the FEIS Gunnison Basin Federal Lands Travel Management Chapter 1: Purpose of and Need for Action. There is absolutely no purpose for this trail to remain motorized as the motorcycles have a very similar parallel route accessing Trail 400, via Trails 582 & 440. It is a duplicate motorized trail less than one mile away from The Crystal Peak Trail. There are also several other similar motorcycle trails down lower in Cement Creek that parallel Trail 583, namely Hunter Hill 410, Block and Tackle 545, and Waterfall Creek 555, all within a few miles of each other. As a complete experience there is a very serious need for one entire non motorized route in this area, free of noise, exhaust, dust and conflict. Mountain bikers are being unfairly lumped with motorized, however we are a quiet user. These concerns were clearly stated and documented by many non-motorized users in the public comment periods for the Gunnison National Forest Travel Plan FEIS.
- C) User conflicts will still abound if quiet users have no motorcycle free experiences in this area. User conflict has been growing steadily in the Cement Creek Corridor with increasing motorcyclist speeds and numbers.
- D) By keeping these trails open to motorized, the Forest Service Responsible Official is allowing the continuing degradation of a natural resource, mainly thriving populations of two geographically rare plants which grow along The Mount Tilton Spur and along the ridge to Crystal and Tilton Peaks where illegal motorcycle user made trails are located. The trail up Crystal Peak and the junction between Crystal Peak Trail and The Mount Tilton Spur Trail have the highest density of *Physaria Alpina* or Avery Peak Twinpod and *Astragalus Molybdenus* or Leadville Milkvetch. Currently motorcycles turn around at this junction and high point up the illegal Crystal Peak spur, and are quickly tearing the populations up. In the ROD for The Gunnison Nation Forest Travel Management the presence of any rare plants in the analysis area is denied, however, the presence of these populations was documented and filed with the Forest Service in 2009. By keeping the Mount Tilton Spur Trail open and also therefore access to the illegal motorcycle made spur trails, the Forest Service Responsible Official is also allowing continued and documented degradation of fragile soils in this area, as seen on the ground by extensive braiding and deep rutting. This braiding and rutting is seen in many trails in the area and is being allowed to continue to happen. Mountain bikers and hikers create much less damage as the effort to go off trail is much greater under your own power, and both uses have much less impact due to less weight and less power. Keeping The Mount Spur open specifically violates Title 36 of the Code of Federal Regulations, chapter 2, section 261.53 part (a) and 36CFR 261.12 part (c) and 36CFR 261.15 (h) and 36CFR 212.55(b)1 & 4, also 36CFR 295.5.
- E) I believe the Forest Service Responsible Official's decision fails to give enough weight to the difficulty in separating halves of the Crystal Peak Trail and enforcing this designation, and also enforcing the closure of the illegal spur trails, one of which has been signed for a number of

years "closed for re-vegetation" to no avail. The motorcycles just go around the sign to high point the ridges. Closing their "runway," the Mount Tilton Spur, would help alleviate this problem, and keeping them completely off Trail 583 would eliminate the temptation to ignore more signs and just go on down the section of Crystal Peak Trail 583 closed to them. This is in direct conflict also with the ability to maintain the route in its current status. This change would also separate the user groups and help alleviate conflicts between user groups.

Explanation for disagreement concerning the above decisions 3) and 4) by appellant are as follows:

- A) This portion of the ROD is in direct conflict with language in the FEIS Gunnison Basin Federal Lands Travel Management Chapter 1: Purpose of and Need for Actions. In this chapter, public safety, access and purpose of route are listed as important issues in the decisions for these routes. I feel the Forest Service Responsible Official's decision failed to consider these concerns in his decision to decommission The Fenceline Trail UT7071. This trail is a reasonable route to get quiet users off Cement Creek Road 740, of which great need has been expressed by the public, being a moderate trail in steepness and because of its' location near the valley floor. The Doubletop and Waterfall Cutoff (now labeled as Trail 638) are much higher off the valley floor (more than 1 mile from the Fenceline Trail by foot) and are quite strenuous. The Waterfall Cutoff Trail is a very enjoyable experience also, but keeping the Fenceline Trail will help reduce user conflicts even more between mountain bikers and motorized users. In recent years this conflict has risen from an aggravation to a danger with the high speeds of OHV's on the road, and direct threats from OHV users when confronted about this aggressive and high speed behavior. There is no duplicative non motorized route to the same destination. Great need has been expressed by the public for this trail.
- B) There are many parallel motorized routes in the upper Cement Creek drainage, so I believe the parallel rule being used here as support for closing the Fenceline Trail is inconsistent with the decisions for the rest of the drainage, and causing unfair damage to mountain bikers by taking away one of few non motorized decisions.
- C) The problems that have arisen with the Private Property owners in the area are due to motorized conflict with the homeowners, and I feel mountain bikes are being unfairly lumped in with the motorized users. Several mountain bikers including myself have had many conversations and even gained an alliance with these homeowners and they have stated they do not mind mountain bikers on the trail, which is well documented. I believe a very simple reroute uphill of the trail for a short distance would also take the trail completely off private property, and the lack of noise and intrusion from the motorcycles would solve all private property issues. Closing the access to this trail by motorized, including the entire Cement creek trail, would alleviate motorcyclists losing their way and getting caught on the Fenceline Trail.

Specific changes the above appellant seeks and rational for those changes:

- 1) To close the entire Crystal Peak Trail 583, located in the upper Cement Creek drainage, in the Gunnison National Forest to all motorized use, and keep it open to mountain bikes, horseback riding and hiking in entirety. In the current ROD, this trail is split roughly in half with the section from its' junction with The Mount Tilton Spur Trail 582.1A, which runs along the ridge top to its' junction with Trail 400 remaining motorized, and the section from the junction of Mount Tilton Spur Trail and Crystal Peak Trail 583 to Cement Creek Road being changed in designation to non-motorized.
- 2) To close the Mount Tilton Spur Trail 582.1A to all uses in entirety and decommission it.
- 3) To keep the Fenceline Trail UT7071, located in the Cement Creek drainage, open to mountain bikes and closed to all motorized use.
- 4) To close to all motorized use: the entire Cement Creek Trail 612 including the section from its' junction with Cement Creek Road 740 to its' junction with Waterfall Creek Trail 555. Currently the trail is split in half, with the above mentioned section open to motorcycles and the section from Trail 555 to Hunter Creek Trail 410 open to mountain bikes, horseback riders and hikers.

Rational for above changes 1) and 2) are as follows, because this portion of the decision is in direct conflict with the language stated in 36CFR 212.55, as stated in the following reasons:

- A) In decommissioning the Mount Tilton Spur Trail 582.1A and closing the entire Crystal Peak Trail from its' start at Cement Creek Road to its' end at East Brush Creek Trail 400, The Forest Service Responsible Official allows one complete experience for quiet users including mountain bikers in the upper Cement Creek drainage, free of dust, fumes, noise and the aggressive behavior of motorcyclists in our area. There has been a distinct need for this stemming from years of conflicts between quiet users and motorcyclists in the Upper Cement Creek area. This is supported by 36CFR 295.2(a.)
- B) By making the above changes to Trails 582.1A and 583, the Forest Service Responsible Official is stopping the continuing degradation of a natural resource, mainly thriving populations of two geographically rare plants which grow along The Mount Tilton Spur Trail and the illegal motorcycle user made trails running up the ridge to Crystal and Tilton Peaks and by closing the remaining access to these illegal motorcycle user made spur trails up the ridges of Crystal and Tilton Peaks.
- C) In decommissioning the Mount Tilton Spur Trail 582.1A and closing the entire Crystal Peak Trail to motorized use from its' start at Cement Creek Road 740 to its' end at East Brush Creek Trail 400, I believe the Forest Service Responsible Official can make the enforcement of the designation of the section of Crystal Peak Trail from its' junction with Mount Tilton Spur Trail to Cement Creek Road valid and enforceable by making entire sections quiet use and easy to avoid by motorcyclists. It will also effectively close the illegal side routes up Crystal and Tilton Peaks, helping facilitate re-vegetation in these areas.

Rational for changes 3) and 4) above are as follows:

- A) In keeping the Fenceline Trail UT7071 open to mountain bikes, the Forest Service Responsible Official allows quiet users an easier option than the difficult Waterfall Cutoff Trail and a loop opportunity and access to the Cement Creek Trail that many non-motorized users currently use.
- B) Safety is an important issue here as well, and keeping this route open to mountain bikes will allow them a safe way to get up into the upper Cement Creek drainage and avoid dangerous speeding OHV's and vehicles on Cement Creek Road 740. It will also help reduce the growing tension and number of conflicts between mountain bikers and motorcyclists. These concerns are stated as important in FEIS Gunnison Basin Federal Lands Travel Management Chapter 1. Also Title 36 CFR 261.15 (g).
- C) In closing the beginning of the Cement Creek Trail to motorcyclists, the Forest Service Responsible Official helps close access to the Fenceline Trail and helps keep motorcycles out of the riparian areas and the creek on the Cement Creek Trail, which also has been well documented with the Forest Service. Motorcyclists will not be as tempted to keep going past the end of their designated route and onto the non-motorized section of the Cement Creek Trail. It is known that dead end motorized trails do not work. This change will help with enforcement and maintenance as well. A bridge to Trail 555 or an access across the Cement Creek, which seems to be acceptable to the Forest Service upstream to access 545 and 410, would be an easier, less confusing and straightforward option. I have submitted photos of this area to the Forest Service, where in fact the old access had been located, as shown on many maps.

In conclusion, I believe the Forest Service Responsible Official has made some very good changes in Cement Creek for reducing conflict between motorized and non motorized users, however a few more simple changes to the Gunnison National Forest Travel Management ROD would reduce conflict more, make management and maintenance easier and less costly, and offer mountain bikers, hikers and horseback riders a few more options for a complete quiet use experience for which a great need has been shown and documented in the Cement Creek drainage. Changing needs and conditions in our area demand new management, dispersing motorized farther from population centers. (40 CFR 1503.4.)

Thank you for considering my appeal, which is informally supported by many other residents and visitors of Cement Creek.

Holly Annala
Holly Annala