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File Code: 1570-1

Date: September 30, 2010

Route To:

Subject: Appeal Recommendation Memorandum for Gunnison Travel Management Plan

To: Maribeth Gustafson, Appeal Deciding Officer

As the designated Appeal Reviewing Officer (ARO), this is my recommendation on the disposition of the appeals filed on the Gunnison Travel Management Plan on the Gunnison and Paonia Ranger Districts of the Gunnison National Forest. The appeal was filed pursuant to 36 CFR 215 and this letter addresses the following appeal:

Holly Annala

Appeal number: 10-02-09-0060

DECISION BEING APPEALED

Forest Supervisor Charlie Richmond signed the Record of Decision (ROD) for the Gunnison National Forest Travel Management Plan on June 28, 2010. This decision was made to improve travel management on National Forest System lands on the Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forests. This decision was needed to design a sustainable transportation system in accordance with the Travel Management Rule.

APPEAL SUMMARY

The appellant (Holly Annala) submitted comments during the comment period and is eligible to appeal. The appeal was received August 12, 2010. This timely appeal is addressed by this recommendation letter. The appellant requested any or all of the following relief:

- Close entire Crystal Peak Trail 583 to motorized use
- Close Mount Tilton Spur Trail 582.1A to all uses
- Open Fenceline Trail UT7071 to mountain bikes, but closed motorized use
- Close to all motorized use – Cement Creek Trail 612 from Cement Creek Road to Waterfall Creek Trail.

ISSUES AND RESPONSES

Appeal Issue 1: Concerning the Crystal Peak Trail 583 and Mount Tilton Spur Trail 582.1A decisions, 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. Although this portion of trail being designated non-motorized the quiet use experience is largely lost 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. 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.

Response: The Gunnison National Forest considered trails 583, 582.1A and 532.1A in all stages of project development. The project record's *Travel Analysis Route-by-Route Spreadsheet* shows that there are two differing public opinions about route 583 and route 582.1A. This spreadsheet also contains comments on the Mount Tilton Spur Trail. The decision considered public comments and impacts to resources and are further discussed in the ROD p. 24 and Response to Comments (FEIS Appendix XX) comments Ss 37-44 and Ss 89-96.

Based on the record, I find no violation of law, policy or regulation. I recommend affirming the Forest Supervisor's decision on this issue.

Appeal Issue 2: The Crystal Peak Trail 583 and Mount Tilton Spur Trail 582.1A decisions, 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.

Response: Forest Supervisor Charlie Richmond considered public comments representing motorized and non-motorized interests for these trails. These considerations are discussed in the ROD p. 24 and Response to Comments (FEIS Appendix XX) comments Ss 37-44 and Ss 89-96.

Based on the record, I find no violation of law, policy or regulation. I recommend affirming the Forest Supervisor's decision on this issue.

Appeal Issue 3: By keeping these trails (Crystal Peak and Mount Tilton Spur) 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. In the ROD for the Gunnison National 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. Keeping the Mount Spur open specifically violates Title 36 of the Code of Federal Regulations, chapter 2, section 261.S3 part (a) and 36CFR 261.12 part (c) and 36CFR 261.15 (h) and 36CFR 212.55(b)1 & 4, also 36CFR 295.5.

Response: The appellant's comments were analyzed in the FEIS pages 77-81. There are no threatened and endangered plants in the analysis area. Sensitive plants do exist in the analysis area. The Forest Service states that sensitive plant species may be affected, but actions would not result in a loss of species viability within the analysis area or cause a trend toward federal listing or a loss of species viability range-wide.

Based on the record, I find no violation of law, policy or regulation. I recommend affirming the Forest Supervisor's decision on this issue

Appeal Issue 4: Decisions on the Cement Creek Trail 612 and Fenceline Trail UT7071 are 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.

Response: The Cement Trail (612) is discussed on pages 24 and 38 of the ROD. In the FEIS, p.44 it states there are some trails that have motorized and non-motorized use to complete loops. On page 24 of the ROD it states that this section of the route was opened to motorized traffic.

The Fenceline Trail (UT7071) is discussed on page 38 of the ROD. It states "*The Fenceline trail (UT-7071) was a motorized trail and has been more recently restricted to non-motorized users only because of private land owner objections to motorized use on their private lands that the trail crosses... The Fenceline trail (2.6 miles) will not be retained as a Forest Service system trail.*" It is also addressed in comment Ss 37 in Appendix XX of the FEIS. The Fenceline trail crosses private property and it not within FS jurisdiction to determine what kind of use can be on the trail without a legal easement. That is determined by the private land owner.

I feel that public safety, access and the purpose of routes was adequately taken into consideration by the Forest. Based on the record, I find no violation of law, policy or regulation. I recommend affirming the Forest Supervisor's decision on this issue

RECOMMENDATION

A review was conducted pursuant to and in accordance with 36 CFR 215.19. The review included consideration of the appeal record, FEIS, ROD, comments received during the comment period, agency response to comments, appellant's appeal issues, and relief requested. Based on the review of the record I recommend affirming the Forest Supervisor's decision in whole.



Bill Dunkelberger
Deputy Forest Supervisor, San Juan Public Lands
Appeal Reviewing Officer