



**Open Space & Recreation Advisory Committee Meeting Agenda
Tuesday, April 4, 2023, at 9:00 AM
Council Chambers - Eagle Town Hall
200 Broadway Eagle, CO 81631**

This agenda, meetings, and information about the Committee can be viewed at www.Townofeagle.org.

The public is invited to comment at the end of each agenda item

OSRAC MEETING ACCESS INFORMATION

This will be an in-person meeting with access via Microsoft Teams. First-time users of Microsoft Teams will need to download the free app before joining the meeting.

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Meeting ID: 252 517 008 239

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[+1 469-770-0416,,870694782#](#) Phone Conference ID: 870 694 782#

9:00 a.m. CALL TO ORDER and ROLL CALL

9:05 a.m. PUBLIC COMMENT

9:10 a.m. APPROVAL OF MARCH MINUTES

9:15 a.m. DISCUSSION/ BUSINESS ITEMS

9:15 a.m. (75 min) Second Gulch motorized width limit review and recommendation

10:30 a.m. (20 min) Spring trail projects update

10:50 a.m. (10 min) New Business/ Future Agenda items

11:00 a.m. ADJOURN



**Open Space & Recreation Advisory Committee
Unapproved Meeting Minutes
Tuesday, March 7, 2023, at 9:00 AM
Council Chambers - Eagle Town Hall
200 Broadway Eagle, CO 81631**

This agenda, meetings, and information about the Committee can be viewed at www.Townofeagle.org.

The public is invited to comment at the end of each agenda item

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Phone Conference ID: 870 694 782#

9:00 a.m. CALL TO ORDER and ROLL CALL

Call to Order at: 9:01

Roll Call:

Committee members present: Roger Mitchell, Chris Kehoe, Phil Kirkman, Ernest Saeger, Anna Nakae, Lizzy Owens, Erinn Hoban

Committee members absent: Jessica Foulis

Staff Present: Brian Lieberman

Town Council Present: Janet Bartnik, Ellen Bodenheimier

9:05 a.m. PUBLIC COMMENT

None.

9:10 a.m. APPROVAL OF FEBRUARY MINUTES

MOTION to approve the FEBRUARY OSRAC meeting minutes by Owens and second by Kirkman. Motion passed with a vote of 6 in favor and 0 opposed.

9:15 a.m. DISCUSSION/ BUSINESS ITEMS

Second Gulch motorized width limit review and recommendation

- Staff presented information about Second Gulch, and the background for evaluation of increasing the motorized width limit.
- The Committee discussed the motorized width limit on Second Gulch.
- The Committee accepted public comments.

Motion to continue agenda item to the April OSRAC meeting, gather additional information, and continue partner coordination to evaluate changing the Second Gulch Trail's motorized width restriction by Saeger and second by Owens. Motion passed with a vote of 6 in favor and 0 opposed.

OSRAC retreat draft agenda presentation and discussion

- Staff presented the draft agenda for the OSRAC retreat, scheduled for March 30, 2023.
- The Committee discussed the agenda.

Wildlife interpretive and bilingual signage project design discussion

- Staff presented two signage projects slated for 2023 on open space properties.
- The Committee discussed the projects.

HTC/VVMTA wildlife education and outreach campaign update

- The Hardscrabble Trails Coalition (HTC) and Vail Valley Mountain Trails Alliance (VVMTA) provided an update to the Committee on the Respect the Wild education and outreach campaign.

New Business/ Future Agenda Items

- None.

MOTION to ADJOURN at 10:58 by Saeger and second by Owens. Motion passed with a vote of 6 in favor and 0 opposed.



To: Open Space and Recreation Advisory Committee (OSRAC)

From: Brian Lieberman, Open Space and Trails Manager

Date: April 4, 2023

Agenda Item: Second Gulch motorized width limit review and recommendation

Request: Review feedback from Town Council on the Committee's recommendation to increase the motorized width limit for the Second Gulch Trail from 50 inches to 72 inches. Considering stakeholder feedback, public input, and other available information, make an updated recommendation to the Town Council on how to proceed.

Background: The Second Gulch trail, starting from the Arroyo Trailhead in Eagle Ranch, is the only motorized trail connecting the Town of Eagle with the adjoining lands managed by the Bureau of Land Management (BLM) in the Hardscrabble area. When Eagle Ranch was developed, Second Gulch was designated as the motorized access route from Town to federal lands. However, the trail was limited to motorized vehicles less than 50 inches wide. The goal of this restriction was to permit Off-Highway Vehicles (OHVs) access to public lands from Town without allowing access for full-size vehicles. The Town did not want this to become a destination trailhead or have BLM car traffic routed through neighborhoods.

The 50-inch rule worked well until the types of OHVs on the market started to change. All-Terrain Vehicles (ATVs) were the popular motorized vehicles for many years. Now, the market is saturated with Side by Sides (S x S) and Utility Terrain Vehicles (UTVs). While ATVs are generally less than 50 inches wide, the newer motorized vehicles are typically 60-68 inches wide but can be as wide as 72+ inches. For reference, smaller highway-legal jeeps and Toyotas generally are 70-72+ inches wide.

Certain features on Second Gulch were not built to accommodate the width and weight of larger motorized vehicles, such as the cattle guard at the Town boundary. As a result, the cattle guard and other features have sustained consistent damage over the years due to larger and heavier vehicles accessing the trail. Significant staff time and resources have been invested in maintaining this cattle guard and other features. To address these issues, the BLM and Town staff elected to better enforce the 50-inch restriction by positioning width limiters on the trail set at 50 inches.

The enforcement of the width limit was met with concern from the motorized community. Although doing so illegally, until this summer, recreationists could access the trail with larger OHVs. The motorized recreation community has requested that the Town review our regulations to determine if

they are still consistent with the 50-inch rule's intent, given advancements and changes in motorized technology.

Meeting History

In the summer and fall of 2022, OSRAC collected public comments, engaged with stakeholders, and discussed the motorized width limit for the Second Gulch trail. At the September 2022 OSRAC meeting, the Committee made the following recommendation to Town Council on how to proceed with this issue:

"MOTION to recommend that the Town Council of the Town of Eagle, Colorado, change Section 6.03.030A of the Town of Eagle Municipal Code to permit OHVs which are up to 72 inches in width to access adjacent public lands via the Second Gulch trail, dependent on the Bureau of Land Management matching the use change on BLM Route 8388E and the BLM portion of Second Gulch to allow OHV vehicles up to 72" and after consulting with Eagle Valley Wildland Fire to confirm access needs in the Second Gulch area in the event of an emergency by Saeger, second by Kehoe. Motion passes unanimously."

Staff brought this recommendation to the Town Council at their February 28, 2023, meeting for consideration. The Council provided feedback for the Committee to consider and requested that the Committee make an updated recommendation based on feedback included in the Analysis section below.

OSRAC discussed the issue during its meeting on March 6, 2023. The Committee requested that Town Staff coordinate with additional stakeholders and provide more time for public input before making an updated recommendation to the Town Council.

Analysis: Below is a summary of the key feedback from the February 28, 2023, Council meeting. Please refer to the [meeting recording](#) for additional comments.

1. Most Council members thought 72 inches was too wide for Second Gulch. Council members thought this was too close to the width of small SUVs and wanted to ensure full-size vehicles could not access Second Gulch.
2. The Council requested further consideration on how we would permit this access for Town residents but keep the area from becoming a destination for motorized use. The neighborhood access, small parking area, and winter wildlife habitat would not make this an ideal location for destination access.
3. If a change in the width is approved, some Council members are interested in having a review period and employing adaptive management to ensure new changes do not have any unintended consequences.
4. Members of Council and the public asked about introducing additional motorized vehicles in the area during the calving season and about the potential to limit them temporarily beyond the Town's existing seasonal closure period in the spring.
5. Council members and the public were concerned about the greenhouse gas emissions and impacts of motorized recreation and asked if there could be methods to promote or regulate for electric vehicle use.
6. Council members raised safety concerns and requested additional information on mitigating user conflicts with wider motorized vehicles accessing the Second Gulch.

7. Noise pollution on the trail and in the neighborhood was brought up as a concern.

Input from Colorado Parks and Wildlife (CPW): See the letter from Colorado Parks and Wildlife below.

Input from U.S. Forest Service:

- “The 2011 Travel Management Plan determined that the road between Brush Creek Road and Wolverton Springs (the parking area just inside the Forest boundary) would be open to licensed vehicles only, and the remainder of the road to its junction with Gypsum Creek Road would be open to licensed and unlicensed vehicles.
 - o Other roads in the area, some of which connect to BLM – such as 441, 451, 461, etc. – are open to licensed and unlicensed vehicles.
- Changing the allowed uses on Hardscrabble Road and opening the lower portion to unlicensed vehicles would require a revision of the Travel Management Plan and would be subject to review under NEPA. Revisions to existing travel management decisions follow the direction in [36 CFR 212.54](#).
- In sum, changing the allowed uses on Hardscrabble Road would require 1) that the district/Forest prioritize this work, 2) a NEPA process with public and governmental involvement that analyzes at least the criteria described in [36 CFR 212.55](#), and 3) a NEPA decision authorizing the change based on the NEPA analysis.”

Input from Eagle County: According to Colorado State Law ([C.R.S. § 33-14.5-108](#)), no off-highway vehicle may be operated on Colorado public streets, roads, or highways except for some limited allowances. One exception is that local political subdivisions can designate some or all public streets under their jurisdiction for temporary or permanent off-highway vehicle use.

OHV use on state and federal highways, including U.S. Highway 6 (Grand Ave), is not permitted.

Eagle County does not permit OHVs on paved County roads, including the County maintained sections of Brush Creek Road (CR 400). Permitting OHV use on Eagle County Roads would require the Board of County Commissioners (BoCC) to pass a Resolution or Ordinance permitting such use.

Community Input: Staff advertised a public comment period starting on March 1, 2023. Since then, staff have received over 45 comments from the public. All comments received from the community are included in this packet.

Budget/ Staff Impact: The budget summary below includes recommendations for trail and infrastructure improvements that would need to be addressed before increasing the motorized width limit on the trail. Consider if there are additional recommendations that could address concerns raised by Council or the community.

Total budget estimate: \$4,500 and significant staff time involvement

- Improved drainage at the intersection of Arroyo Drive and Second Gulch. \$200 for materials and staff time.
- New etiquette, directional signage, and materials. \$600 and staff time.
- Widening three sections for pull-offs and improving sight lines. This will require a machine rental, some materials, and staff time. Likely around \$1,200.

- New 72-inch reinforced Cattle Guard that is bike and pedestrian-friendly. \$2,500 plus staff time to install.
- Some labor could come from the youth corps or Vail Valley Mountain Trails Alliance's Trail Conservation Crew.
- Locations of the proposed improvements are shown on Map 1 (attached).

Strategic Plan(s) Alignment: Recommendation #6 of the Support Facilities and Infrastructure (SF6) section of the 2022 Open Space and Trails Master Plan (OSTMP) states: "Explore opportunities to develop better motorized access into West Eagle/Hardscrabble. This portal could have limited facilities for motorized users, supporting ride-from-home explorations rather than out-of-town visitors."

Recommendation #2 from the Trails Opportunity (T2) section says: "Evaluate support for trails (and new recreational developments or changes) within the Town or surrounding public lands based on wildlife habitat, potential seasonal wildlife closures, filling gaps in the area's offerings, and sustainability."

Recommend Action or Proposed Motion:

1. Motion to continue agenda item to next meeting, gather additional information, and continue partner coordination to evaluate changing the Second Gulch Trail's motorized width restriction.
2. Motion to recommend that the Town Council of the Town of Eagle, Colorado, maintain the existing width restriction for OHVs in Section 6.03.030A of the Town of Eagle Municipal Code for access to Bureau of Land Management lands via the Second Gulch Trail.
3. Motion to recommend that the Town Council of the Town of Eagle, Colorado, change Section 6.03.030A of the Town of Eagle Municipal Code to permit OHVs less than XX inches in width to access Bureau of Land Management lands after addressing the following....

Attachments:

1. Letter from Colorado Parks and Wildlife (Page 8)
2. Public comments (New comments since last meeting start on Page 9. Older comments start on page 34.



March 29, 2023

Town of Eagle

Open Space and Recreation Advisory Committee

1050 Chambers Ave, PO Box 609, Eagle CO 81631

RE: Second Gulch trail expansion from 50" to 72"

Dear Members of the Open Space and Recreation Advisory Committee,

Colorado Parks and Wildlife (CPW) appreciates the Committee's request to CPW for our comments regarding the Second Gulch trail expansion from 50" to 72". While CPW recognizes that this proposed trail expansion will potentially result in an increase of recreation users on this trail, CPW believes that the main issues will fall under the realm of recreation issues with minimal issues to wildlife.

CPW would recommend that the following conditions of the proposed trail expansion are followed to ensure impacts to wildlife are kept to a minimal level:

- All existing winter closures on the Second Gulch trail are kept in place
- Method of travel or snow depths do not allow for any exceptions for human occupancy on the trail during the period of the winter closure dates
- Descriptive signage and maps to be placed at the Town of Eagle Second Gulch trailhead describing the trail regulations, not just for Town of Eagle Open Space property, but also trail regulations upon sections of trail that are under BLM and USFS jurisdictions.

Again, thank you for the opportunity for CPW to provide comments on this proposed trail expansion. If you have any further questions or concerns, please reach out to District Wildlife Managers Brian Wodrich at 970-948-9166 or Layton Stutsman at 720-626-9051.

Sincerely,

Brian Wodrich

Layton Stutsman

District Wildlife Managers

Colorado Parks and Wildlife



Public Comments – Second Gulch – after March 7, 2023, OSRAC Meeting

I strongly object to any motorized vehicles allowed on any of our trails in Eagle Ranch. We should be doing all we can to protect the wildlife we have left in this community. This is totally contradicting what Eagle Ranch and the town of Eagle is preaching. Please don't allow any motorized vehicles on our precious trails!

Sincerely,
 Bobbi Hagerman
 (Homeowner in the valley for 33 years)

Bobbi Hagerman bobbihagerman@gmail.com

March 7, 2023

Re: Proposal to expand the current restriction on OHVs to 72 inches

Dear Mayor Turnipseed:

We are writing to ask you to vote "no" for expanding the width restriction for OHVs on the Second Gulch trail that connects to Hard Scrabble Road. My husband and I live on East Haystacker and regularly hike that trail (and the other trails that lace the hillsides). We are distressed to see its use expanded so drastically to include larger, noisy motorized road vehicles (essentially small cars) that can tear up and erode the trail and flora, scare the wildlife and scare the wits out of us using the trail for hiking and biking! We do not think this is consistent with the original purpose of the regulations limiting the use of the trail to smaller OHVs.

It's all very well to want to be inclusive, but let's face it, 72 inch motorized vehicles that can go at much higher speeds than the 50 inch four wheelers for which the trail was originally "zoned" don't always mix well with pedestrians and bikers on a paved road, much less a narrow, rustic trail with no passing lanes. Guess who will be leaping aside, scrambling and at risk for their safety throughout the day, in poor visibility spots along the trail and at dusk? Not the OHVs! Let's keep our wilderness pristine and usable to the majority of the neighbors and hikers and bikers that utilize the trail and not create serious safety issues.

Fortunately OHVs can access Hard Scrabble Road from other points than our quiet, rural neighborhood and lovely trail up the valley.

Thank you for hearing our voices! And thank you for serving our Town of Eagle in your position as council member.

Sincerely,

Peter and Kay Bendor-Samuel
 2753 East Haystacker Dr

Eagle, CO 81631

Dear Mr. Lieberman,

We are writing to you today to express our vehement opposition to the proposed widening of the 2nd Gulch trail.

We reside at 2727 E. Haystacker.

We would like to ask you to imagine that you are enjoying a Sunday morning breakfast with your friends and family. Then from a distance you hear the roaring engines of several OHV's. The serenity is now clearly broken. You are disturbed. Now, please imagine that you are an ELK.

As an ELK you have one response, STRESS. You run at full speed to safety.

As a human, we can rationalize the noisy disturbance.

This area belonged to the Elk and Deer before it belonged to homeowners.

Our opposition is not NIMBY based.

If this wasn't Elk and Deer habitat, We would not object.

We believe it is our sacred duty to protect the Elk habitat.

Please vote against the widening of the 2nd Gulch Trail.

Please conserve the existing habitat and prevent the urbanization of 2nd Gulch.

Regards,

Mike & Emily Sherwood

Mike Sherwood <msherwood@nevadareadymix.com>

I am opposed to this in a big way. The extra width along with the speed does not favor the walkers and bikers who use that trail. There are other places much more suited for that in the Gypsum area. Jim Penseyres and I made the mistake of going up the Spring Creek road south of Gypsum looking for a place to ride our mountain bikes. The trails there were not what I remembered. Motor cycle use. They were entrenched, eroded and dusty. We came home early. Those trails for the most part are not wide enough either for the side by sides but that may be a better place to build one. It's also closer to the motor cycle area north of I-70.

Kent Rose krr172@icloud.com

Hi Brian,

I would like to comment on the plans to make Second Gulch accessible for larger motorized vehicles from the Arroyo Parking Lot. Of Particular concern is the trail from Arroyo Parking until where 2nd Gulch intersects with Jeep Road/Hardscrabble Connector.

As a neighbor resident I have several concerns I like the committee to consider before changing the use of the trail. In the unfortunate case it is decided to broaden the access to larger motorized vehicles I respectfully request the compatibility, safety, noise, and erosion items to be carefully addressed.

Larger motor vehicle use is not compatible with the heavy use of this trail use by hikers, runners, and bikers, many of them kids and seniors. Putting them both on one path would not only be an annoyance but a safety hazard.

Motorized vehicle access would also accelerate the significant erosion on 2nd Gulch. I believe the severely damaged cattle guard last year and fast erosion of 2nd Gulch demonstrates this already. Further trail damage would interfere with the frequent use of the trail from Arroyo to 2nd Gulch and 2nd Gulch by hikers, runners and all levels of mountain and gravel bikers.

The trail from the Arroyo Parking Lot to the Cattle Guard sits in a natural amphitheater which substantially amplifies the noise of motor vehicles coming through it. I recommend that you study the noise impact/levels on the neighborhood before considering/proceeding. Note this is already a concern with the smaller motorized vehicles, especially since dirt bikes tend to use the road early and very late in the day (after sunset). The noise would only increase with larger vehicles.

Larger motorized vehicles already have multiple access points to the backcountry at Hardscrabble Road. Second Gulch access would only be shortcut for these vehicles to get into the backcountry hindering other no-motorized frequent users. The people who designed the trail to be hikers and MTB only, designed it with great insight.

Let's try to keep the environmental impact on our neighborhood limited and preserve the nearby trails for less impactful recreational use with the safety of our kids and seniors in mind. I fear any type of limited access can't be controlled and will likely mushroom.

There is ample access in the backcountry for larger motorized vehicles and I don't see any valid reason to negatively impact those who live and/or visit the area and frequently use the trail to walk, hike, run and bike.

Thanks for your thoughtful consideration.

Best,
Patrick Verheyen
Hollyhock 83, Eagle
Patrick Patrick.Verheyen@pm.me

Dear Town Council and Mayor,

We oppose the increase in width of Second Gulch Trail. Although we have no issues with OHV's, the proposed modifications to Second Gulch at the Arroyo Trailhead will certainly have a negative impact on Eagle Ranch and specially the quality of life for the Highlands and Uplands.

Added traffic and noise, which WILL come, increased potential for fire danger and the disruption to wildlife is not what is best for the community.

There has to be a better location to accommodate wider trail access, but without impacting residential homes and more impacts to wildlife.

Thank you

Wade & Carolyn Pope wadepopenv@outlook.com>

2655 E Haystack Dr.

Eagle, CO 81631

Good Morning, Brian

As a longtime resident of East Vail and an advocate for wildlife, I was delighted to attend the "Respect the Wild" opening campaign in Eagle on February 21, 2023.

It was a great evening and the energy and commitment from attendees and panel members was palpable. There was an atmosphere of collaborative spirit as we collectively agreed to place the value and needs of wildlife ahead of our own special interests. It seemed like a new dawning and I left with so much optimism.

That optimism was quickly dashed when I read the article in the Vail Daily recently regarding the proposed widening of the Second Gulch Trail to accommodate side by side motorized vehicles larger than 50 inches wide. This proposal is an assault on wildlife, residents and the environmental sustainability of the area. It completely flies in the face of the "Respect the Wild" educational campaign and undermines the mission of a newly formed grassroots effort in Eagle County. Special interests are once again attempting to step in front of wildlife to meet their own needs. Hypocrisy.

I also have some questions for how the Committee arrived at the decision to support this proposal and present it to the Eagle Town Council? Did all voting members cast a vote? And when were the opportunities for public comment? You stated to the Council that there were several opportunities last summer. It seemed several Eagle residents who offered public comment at the Council meeting, had just learned of the proposal. Perhaps I am missing something. Transparency is critical for credibility within an organization.

Thank you for your consideration and I remain hopeful the Eagle Open Space and Recreation Committee will withdraw this proposal.

Sincerely,

Blondie Vucich runblondie49@comcast.net

Dear Eagle Town Board Members,

I am a resident of the Town of Eagle and am writing to express my deep concern with the proposal to widen Second Gulch Trail.

As many community members expressed at the Eagle Town Council meeting, widening this trail would have negative impacts on wildlife, create community safety hazards, cause trail erosion leading to harmful effects to the watershed, increase noise and light pollution in the neighborhood and potentially facilitate access and utilization of neighboring trails that are not open to motorized use. It seems counter-intuitive that last year, the Town worked with BLM to reduce the width of the trail to 50" because wider and heavier vehicles had previously caused damage to infrastructure on the trail. Just one year later, there is a proposal to widen it again.

The Town of Eagle Vision Statement is, "*The Town of Eagle is a vibrant community that respects and includes **all residents, neighbors, and visitors.***" Wildlife have resided and migrated through Eagle as visitors long before we have, I submit respecting them is a part of this vision. Given the negative impacts to wildlife, the widening of this trail does not align with the vision to respect all residents, neighbors, and visitors.

The Town of Eagle Strategic Plan includes "*Protecting Public Health, Safety and the Environment: The Town is committed to protecting the well-being of the community. This means supporting dynamic and diverse neighborhoods, and maintaining a strong framework for business opportunities, **being good stewards of the environment.***" The proposal to widen the Second Gulch Trail conflicts with being good stewards of the environment for reasons stated above.

The Eagle community prioritizes wildlife interests and wants to ensure our recreational pursuits do not put wildlife at risk. A recent community survey provides evidence to confirm those priorities. The proposal to widen the Second Gulch Trail is contrary to those values.

I join many other community members in opposition to widening of the Second Gulch Trail.

Please do not approve the proposal to widen the trail and maintain the existing trail width of 50".

Thank you. jacci mckenna <xotic61@yahoo.com>

I have lived at my current address since 2007. We moved here to enjoy the natural beauty of this area as well as take advantage of the many recreational opportunities. **Please let it be known that I strongly object to increasing the vehicular width restriction on the Second Gulch trail from 50" to 72".**

I believe the increase has the potential to turn Arroyo Trailhead into a destination trailhead. Additionally, there are other routes for Off-highway Vehicles to access BLM lands without routing through Eagle Ranch neighborhoods.

The original intent of the trails was mainly for the use of bikers and hikers. The restricted use of ATV's was allowed. OHVs are larger and more powerful vehicles than ATVs. OHVs are faster than ATVs with max speeds between 25 mph and 50 mph. I am a hiker and have family members that are mountain bikers. Allowing wider vehicles with higher top speeds will lead to safety issues for non-motorized trail users. The Town restricted the use of e-bikes for the same safety reasons.

As a long-time resident of Fourth of July Road, I do not want the additional traffic and congestion on **MY STREET** that will accompany the proposed width increase.

Thank you for your consideration in this matter!

James Cooper james.a.cooper624@gmail.com

Dear Brian,

This email is in reference to the change being considered to increase the allowable width of ATV/OHV's (OHV's) beyond 52 inches. I sympathize with the local residents who have wider or Side by Side OHV's who are now unable to access the Hardscrabble Area through 2nd Gulch. Many have been using the TOE 2nd Gulch Trail section illegally to access Hardscrabble for years. They most likely did not know they were breaking the municipal code until the access points on 2nd Gulch Trail were narrowed with physical barriers. When I first heard about this issue I thought that it would probably be OK to increase the allowable width until I investigated and analyzed the situation. I have since changed my mind. After reviewing the relevant information, I believe **the width allowance of OHV's should not be increased beyond 52 inches on the TOE section of the 2nd Gulch trail.** This issue is important to me and my neighbors because the TOE 2nd Gulch Trail section is literally an extension of our backyards. Our lots back-up to TOE Open Space through which the 2nd Gulch Trail section runs from the Arroyo Parking Lot to the gate/cattle guard at the BLM land entrance. An increase in width allowance of OHV's could eventually even affect our property values as OHV traffic increased.

When thinking back over the last 11 years living at 47 Hollyhock Ct, I realized there had been an increase in OHV traffic. It was noticeable last summer when the physical barriers essentially enforced the 52" width rule. There was a perceptible decrease in OHV traffic on the trail. It is very obvious when there is OHV traffic because of the noise. Standing next to a running OHV, the engine noise breaks the OSHA safety rules for acceptable decibels of sound. The decibels produced physically damage ear structures with exposure. Due to the distance of our house from the 2nd Gulch Trail (approximately 250 yards - some houses are closer), it is not like standing next to an OHV but the noise is still extremely loud and disturbing. The neighborhood experienced a noise nuisance issue when an individual was riding their motorcycle on this piece of the 2nd Gulch Trail at 4AM - 5AM repeatedly in the summer. Fortunately, someone knew who it was and told them it was disturbing peoples' sleep and the individual kindly stopped. I doubt OHV users who do not live here would even consider or care how the noise was affecting residents.

There are numerous reasons the OHV width should not be increased: an increase in wildfire risk, safety of hikers and bikers, disturbances to wildlife, degradation and subsequent erosion of the trail, need for increased enforcement of rules like not using trail when too wet, noise disturbances for residents in the area and an increase in particulate matter in the air. In very dry conditions, there have been areas of the trail with loose dirt literally 2 inches deep. Erosion of the trail and increased need for rule enforcement would lead to increased expenses to the TOE. These are just some of the major reasons the width allowance of OHV's should not be increased.

My biggest fear, if the width allowance is increased, is an influx of OHV users over time who would ruin the area for residents, hikers, bikers and wildlife. Once OHV users discovered the "great trail in Eagle with access to Hardscrabble that has a big parking lot and clean bathrooms" this information would be shared on social media and OHV user websites. Once that happens we could have a disaster on our hands. If we experienced only a fraction of the OHV traffic and subsequent issues towns who have had an influx of OHV's describe, it would be a nightmare. It might take awhile for them to show up but eventually they would.

Please recommend that the Town Council not increase the allowable width of OHV's on the 2nd Gulch Trail for the sake of **most** people in the Town of Eagle. Thank you for your time and consideration.

Valerie Glimp 970-328-3338

Town Council Members-

We have recently become aware of the proposed change to allow much larger vehicles on the Second Gulch Open Space trail. We strongly oppose this change. There is already vehicle access to the BLM and USFS trails from Hardscrabble Road, so increasing vehicular access across Open Space is completely unnecessary. And allowing large OHVs (as well as many passenger vehicles and light trucks at 72") on the Second Gulch trail will incur significant community safety risks, disturb many of the existing recreational uses we now enjoy and disturb already stressed wildlife in the area. And for what benefit?

Community Safety

- Increased motorized traffic on the Second Gulch trail will result in significant risks to all trail users. The trail has many sections of limited visibility and is simply not wide enough for a wide vehicle to safely pass non-motorized users, let alone a similar sized vehicle. As regular trail users, we know to get well off the trail at the first sound of a vehicle, as some motorized users travel at well above 15 mph as called out in Staff memos about this issue. At current traffic levels and speeds, this is an occasional issue – with more and larger vehicles this will become a huge problem.

- Increased OHV traffic on town streets will result in significant traffic hazards for passenger vehicles and nearby pedestrians. The Municipal Code references a 15-mph speed limit for OHV on town streets, reflecting the belief that is the safe limit for this type of vehicle. What happens when you mix 15 mph traffic with 25-35 mph car and truck traffic on single lane roads? The faster traffic passes the slower traffic in No Passing zones (almost all our roads), or the OHVs increase their speed to match the other traffic (and these larger vehicles are very capable of the higher speeds).
- Many communities that have allowed (or even encouraged) OHVs have seen dramatic increases in organized meet-up events, where caravans of OHVs parade up the trails. And the new larger OHVs carry lots of cargo, including extended camping and party supplies, leading to illegal campfires by out-of-towners who are unfamiliar with wildland fire risks. In the Wildland Urban Interface where we live, we simply cannot afford to increase fire risk.

Impacts to Current Recreational Users

- People move to Eagle because of easy access to uncrowded trail networks. The current level of motorized traffic on the trails is modest. Still, during much of the summer every passing vehicle kicks up a huge plume of dust that slowly settles back to earth. Increasing the number and size of vehicles will likely force many Eagle citizens off these trails entirely.
- Larger and heavier vehicles will create a much larger erosion problem than we already have. The volcanic ash soil conditions here are not conducive to dirt trails, so deep ruts will form quickly absent a real road base. The wider vehicles are also unable to pass another vehicle on an 8-foot-wide section of two-track. One or both vehicles then drive over trail adjacent vegetation to facilitate the pass, and the trail widens substantially as a result. This effect can already be observed on many of the BLM trails adjacent to our Open Space.
- Allowing more and larger vehicles will result in significantly increased noise, disturbing trail users.

Wildlife Disturbance

- We have enjoyed seeing deer, foxes, coyotes, elk, bears and mountain lions in and around Eagle. Larger, faster, louder, and more frequent vehicle traffic on the trails will stress these animals even further. With all the community effort and programs to help our wildlife, it is hard to understand why Council would even consider increasing vehicle access to prime wildlife habitat.

Given all the reasons not to allow larger vehicles on Second Gulch, it is hard to understand what benefit to Eagle citizens is being offered here.

This is a really bad idea – just VOTE NO!

Thank you.

Greg and Carol Anderson

2510 E Haystack Drive gregory.s.anderson@comcast.net>

Public input -Second Gulch motorized width limit review and recommendation

Thank you for considering increasing the width to the 2nd Gulch Trail.
 I am not going to brag about how long of a resident I have been, nor will I compare to the
 “needs” of those city folks who now live in the Eagle Ranch.
 In short, I am in favor of increasing the width to the 2nd Gulch Trail.

Having another trail open to OHVs’ near home will be great to recreate, especially since most of
 us have two or more jobs to survive in this county. Sometimes we just need to do a quick ride,
 clear our thoughts and escape the daily struggles.

Widening the 2nd Gulch trail will be safer for inflow, outflow, up-hill and down-hill traffic within
 the trail because users will have more room to avoid each other. Also a wider trail will allow
 easier access for emergency services, and first responders.

Thank you for your time, can’t wait to use this trail!

Sincerely,
 Fernando A. fernando13almanza@gmail.com>

I write to reinforce my lack of support for the proposed change to the width restriction on lower Second
 Gulch. Please include this email in the packet for the April 4th OSRAC meeting.

Fallacies in Logic

Somebody somewhere created a “technology marches on” rational for the increase in width. Broadly
 speaking the rational went along the lines of there are new products available now that were not
 available when the current width (50”) restriction was negotiated. Comments have also been made that
 the new products (SxS, OHV) are “safer” than the narrower width ATVs. I find problems with both
 arguments.

The first argument essentially says that since new products are available, then we should adjust to meet
 the specifications of the new product. The logic of this argument is flawed since if it is applied to the
 streets and roads of Eagle, the speed limits would be raised to 120MPH since a portion of the residents
 drive cars that are safely rated at or above 120MPH. This is not an apples and oranges comparison. It is
 a direct application of the flawed logic being used to rationalize the proposed change to Second Gulch.
 The comparison may be uncomfortable—but the discomfort arises due to the mixed use of our cities
 streets. This is the source of discomfort that many of us have with the reduction in safety that will occur
 on lower Second Gulch if the width restriction is increased.

Staff has also made comments that “technology marches on” yielding “safer” vehicles. I cannot speak to
 the relative safety of an OHV/S&S versus an ATV for the driver and the occupants. But, I do know that
 the larger vehicles are less safe around pedestrians and bikers. I can speak to the physics and
 mechanics of the kinetic energy of an ATV vs a SxS. If one compares a Honda Pioneer 1000-5 SxS with a
 Honda Rancher 420 ATV, at top speed and at curb weight, the SxS carries nearly 330,000 Jules, whereas
 the ATV carries nearly 84,000 Jules. There is nearly a 4x increase in kinetic energy, the energy of motion,
 when one moves from an ATV to SxS. The impact of this difference on the human body is dramatic. The

faster speed and larger mass of the SxS will cause worse injuries than the smaller ATVs. Note that the above calculations assumed an unloaded vehicle. The difference becomes much larger if driver and passenger weights are added.

Examining the breaking performance of SxS and ATVs is also [informative](#). Let's assume a 2022 Honda Pioneer 1000-5 SxS attempting to stop from a speed of 40MPH (this vehicle is limited to 60MPH). This SxS requires 2.44 seconds and nearly 78 feet to come to a stop from 40mph.

Thank you for your consideration.

Best regards,

John Ives

Harrier Circle

I'd like to add one additional comment to the list of concerns regarding the increase in vehicle size on Second Gulch.

As we discussed over the last couple of years, there is a significant disturbance of the peace by motorized vehicles on Second Gulch trail at ridiculous hours of the night, thereby disturbing the entire neighborhood. This is a secondary but related issue to the increase in vehicle size. We believe that there should be an hours of service requirement for use of the trail by any motorized vehicle. Perhaps an example could be no motorized vehicles between dusk and dawn.

When we previously discussed the noise issue, the solution was a "gentlemen's agreement" in which you talked to the offending people. We do not think this is an appropriate way to regulate offensive activity. We therefore respectfully request that TOE establish hours of service requirements for Second Gulch Trail.

Sincerely,

Dale Decker

Dale S. Decker
2203 East Haystack Drive
X0369
Eagle, Colorado 81631-0369

To: Open Space and Recreation Advisory Committee (Voting Members)

Attn: Brian Lieberman

Advisory Board Members

Please accept this document as a continuation of our strong objection to the proposed increase in the width of 2nd Gulch. Please add this document in the OSRAC packet for the 4/4/2023 OSRAC Meeting. We are not going to rehash our previous objections, which included, but not limited to, the following points:

- This is not about OSRAC looking to provide equity access, motorized vehicles 50" and under have ALWAYS had access to 2nd Gulch Trailhead as gateway to BLM. This fact is established by Municipal Code 6.03.030.
- The procedural recommendations by OSRAC to change Municipal Code 6.03.030 has multiple implications that OSRAC has yet to address:
 - o How to keep Eagle from being a destination for out of town OHV users.
 - o How to minimize the risk of commercial operators from establishing OHV rental business in the Commercial District of ToE.
 - o How to keep ToE Motel operators from soliciting OHV users from far and wide.
- SAFETY: The Trail is a popular trail with bikers and hikers. UTVs are larger and more powerful vehicles than ATVs. Permitting larger, faster vehicles with hikers, bikers and wildlife on a trail containing many blind spots is a recipe for a catastrophic collision.
- NUISANCE: Permitting larger vehicles to utilize the Trail will only serve to increase the dust, erosion, noise and litter on the Trail spoiling the enjoyment of others who use the Trail.
- DEGRADATION OF THE TRAIL: By increasing the width restriction, OSRAC is introducing a new user group to this multi-user Trail which the Trail was not designed to accommodate.

We would like to voice concern, in this objection, to the assessment in the OSRAC Packet dated 3/7/2023 under the Section: Strategic Plan(s) Alignment:

- Specifically, OSRAC is representing that Recommendation #6 of the Support Facilities and Infrastructure (SF6) section of 2022 OSTMP supports current OSRAC width change to 2nd Gulch.

o We believe that OSRAC is overlooking #4 of its primary goals as stated in OSTMP as follows:

Strategically evaluate support for new recreational opportunities with consideration to wildlife habitat, natural resource impacts, system connectivity, user experiences, and accessibility.

- a. Together with partners, the Town strikes a community and scientifically supported balance of wildlife and resource protection with appropriate recreational opportunities.
- b. The Town encourages and promotes recreational use in appropriate areas based on resource/habitat sensitivity, parking and access, desired experiences, and neighborhood impacts.
- c. Key trail connections support access to the many different parts of the system and create a cohesive trail network.
- d. The Town strategically evaluates its support for new trails based on connectivity, wildlife habitat, user experiences, accessibility, and soil conditions.

o We feel OSRAC is ignoring the observations in Chapter 2: Existing Conditions in OSTMP document which states:

☐ Hardscrabble-East Eagle Area of Critical Environmental Concern

- The Hardscrabble-East Eagle ACEC was established to protect one of the highest known concentrations of excellent quality occurrences of Harrington's penstemon, a sensitive plant species. Miles of routes will not increase beyond the baseline of the designated routes.

While OSRAC currently proposed width recommendation to 72" in 2nd Gulch does not extend the baseline 'milage' of routes in the Hardscrabble ACEC. OSRAC current recommendation to widen 2nd Gulch to >50" DOES increase the baseline traffic with the introduction of the >50" width OHV user group.

Additionally, we see conflict in the current cost analysis of 2nd Gulch Width Expansion recommendation to Town Council (OSRAC minutes will reflect approximately \$4,500).

COST associated with SF6 (Motorized Vehicles Access) in the OSTMP which states: Explore opportunities to develop better motorized access into West Eagle/Hardscrabble. This portal could have limited facilities for motorized users, supporting ride-from-home explorations rather than out-of-town visitors. The COST for SF6 as reflected in OSTMP, Chapter 4; Priority Matrix Table 9, is \$\$\$; this translates to \$50,000+. There seems to be a disconnect between \$4,500 and \$50,000+

BTY, SF6 is ranked as #24 of 25 in order of priority projects recommended in OSTMP. The top 5 projects in the Matrix Table include: OS1-Enforcement Officer; OS2-Habitat Improvements; OS5-Habitat Studies; OS6-Ecological Assessments; OS9-Wetlands.

How did 2nd Gulch Width Expansion (SF6) jump so far ahead of these other projects?

With regards to the point in OSRACs packet dated 3/7/2023 where OSRACs recommendation to ToE to widen 2nd Gulch is supported by 'Strategic Plan Alignment: Recommendation #2 from OSTMP, Trails and Opportunity (T2) which states: Evaluate support for trails within the Town or surrounding public lands based on wildlife habitat, potential seasonal wildlife closures, filling gaps in the area's offerings, and sustainability. We do not believe that this argument holds up when keeping 50" rule is more 'aligned' with the joint initiative between the Adam Palmer Fund and the Town. This Adam Palmer Fund initiative of focusing on sustainability and responsible resource management. Town of Eagle is taking a step forward in its ongoing efforts to build a greener, more environmentally conscious community through this initiative. An environmentally conscious community that does not include OHVs >50" traversing ALL the streets, roads, and alleys of Eagle while on the way to 2nd Gulch Trailhead. (Reference: MC 6.03.030)

My wife and I chose Town of Eagle as a place to live and invest almost 10 years ago because of Eagle's quality of life and respect for Nature. We looked for a special place to have our kids and grandchildren come to and enjoy all that the mountains have to offer. In all our time in Eagle County, we do our mountain activities responsibly and to the 'rules of the area' which are designed to protect the sensitive landscape. We teach our kids and grandkids to do the same.

The biggest irony of this 2nd Gulch issue/discussion is that those who violated the Trail Rules, causing damage to the sensitive landscape, are the ones that want to use 'equity access' principles to justify their previous disregard of Trail Rules.

In my opinion, the biggest 'inequity' in this issue, if OSRAC maintains its current recommendation of expanding width to greater than 50", is to all Town of Eagle Residents that respected and observed the

'Rules' in place which were designed to maintain sustainability of our landscape and responsibly manage our resources.

The mountains and associated wildlife, landscape, fisheries, and tranquility are all under stress because of the over utilization by so many user groups. As Voting Members of OSRAC I ask that you keep the current 50" restriction on 2nd Gulch in place for the benefit of all current users and to reinforce our collective responsibility to protect these wonderful resources for our children's children.

Respectfully submitted,

Bert and Debbie Christianson

2448 E. Haystacker Dr.

I am in FAVOR of letting 72" vehicle access on our trails. Here is why:

Will never be Moab.

1. Easter Jeep Jamboree weekend in Moab has been going on for years. It's a weekend that is advertised and marketed for jeeps etc. they also have major car shows there, have Mtn biking, camping etc. There are a variety of events throughout the year and marketed that way. Moab has embraced the outdoor activities and have made it accessible to all. We will never be a Moab, no national park, large camping facilities, etc. It just won't happen.
2. Eagle advertises and markets for outdoor activities, hiking, Mtn biking, camping etc. not OHV activities. Eagle really isn't on the radar for OHV riders. And probably won't ever be.
3. The elk and deer head up to the high mountains after the snow melts. Trails are closed all winter to all traffic to not disturb the animals. I have yet to see an elk on those trails while biking or even while we are driving our RZR during the summer months when the trails are open.
4. Yes some side by sides CAN go pretty fast, but that trail doesn't allow for that. It's too rough, curvy, not enough room etc. Most drivers don't use that section for going fast.
5. I've never seen trailers parked at the Aroyo Parking lot for for RZRs/SXS, dirt bikes yes. Mtn Bikes yes, hikers yes, dogs for sure. They're multi use trails. Why deny a small population of people the use of public lands?
6. People don't trailer and park at Brush Creek, OHVs need to be road ready, ie: blinkers, lights, horn. If you park there they need to have those accessories. I can't say that I've witnessed any trucks with trailers parked there in the past.
7. A RZR that is 72" vs 50" does NOT make more noise, dust, damage, etc. as people seem to want to believe.
8. Where is the environmental impact study to back up your claims?
9. SXS don't create forest fires. PEOPLE tend to create forest fires, leaving fires unattended, throwing cigarettes out a window, playing with fireworks, etc. SXS are required by law to have spark resisters just as chainsaws and dirt bikes do.

10. Dirt bikes are just as loud if not louder than RZR/SXS. Side by sides are 4 stroke engines where dirt bike are 2 stroke as well as 4 stroke. 2 stroke engines tend to be louder pitched and noisier.

11. It's a 1/4 mile stretch that is being asked for.

12. Trail etiquette, the majority of people who use our trails understand and use trail etiquette. Although I have witnessed Mtn bikers, walkers, horseback riders, etc not follow trail etiquette. Labeling one population as out of control, loud, not following trail etiquette is a bit discriminatory. And what about all the little green bags of dog poop I see on a regular basis on the trails. That can be a whole other discussion for another time.

13. That short stretch as stated is an access point, it's nice to not have to trailer 5-10 miles to access an area for a short evening ride for a picnic dinner to watch the sunset or the full moon rise above the mountains. That entails more fuel consumption and not being "very green" as Eagle claims to be.

14. HOV pay to use public lands. A lot of money is brought into the states economy as well as local economy with licenses.

With this being said, the 72" rule should be allowed.

Thank you for your time and consideration,

Respectfully,

Pam Peterson

Eagle Ranch Resident since 2008

Eagle Valley Resident since 1989

Increasing the Motorized Width Limit on the Second Gulch Trail

There needs to be availability of recreational activities to all residents regardless of age, gender, religion, sex & preference of recreating.

As a household that volunteers on trail maintenance, participates in hiking, mountain biking, dirt biking, ATV, & Razoring on the trail system around us, & has owned Labrador dogs for decades, we can relate to the issue at hand.

There tends to be resentment towards another's recreational preference when you cannot relate or do not participate. This, in turn, makes you less understanding or less likely to be flexible in accommodations. For example, I know that I will not take my horse on certain trails on Saturday or Sunday afternoons as the dirt bikes spook them. There are miles & miles of options out there that make my decision on how I will recreate on which day & where, easier when I can relate to all recreational activities.

I've personally been a hiker with, what I would consider, a rude mountain biker coming up too fast on my back only for him to get irritated, we've been mountain biking and yelled at by hikers to "stop" because their unleashed dog was chasing us down the trail, we've also been that recreating RZR driver that has slowed down so as to not "dirt spray" others on the trail & have rescued several individuals that have gotten stuck or injured on the mountain & we've just happened to be in the right place at the right

time. We've also experienced the mean glares of hatred when riding dirt bikes past a hiker. So, to say that OHV users cannot maintain self-control & are not courteous, it goes both ways folks, & it is time to stop the generalization & discrimination.

Assuming the Forest Service & BLM are allowing the top of the trail to dump out where it currently is as OHV capacity, this second gulch trail is the **ONLY** option for ATVs & RZR's to access the open space above us without having to haul a trailer to another place with limited parking.

The given reasons (at the town & open space meetings) for not wanting this access available to those who choose this as their recreational activity are, while valid, easily solved:

- "I don't want Arroyo parking lot to turn into a bunch of trailers from locals & out-of-town people"

Resolution: Put up a NO TRAILER PARKING sign in that parking lot & any other parking lot that is seeing this problem. If we are local, we are not trailering, this trail access is a benefit of where we live & why we live here. It is not a "laziness", it is a recreational choice.

- "I don't want to be hit by a motorized vehicle while hiking second gulch"

Resolution: Education. If you do not already know of at least 4 other trails you can hike on (with your dog off a leash that shouldn't be... but I digress) then you need to be educated. We are hikers & can personally say that second gulch isn't the prettiest of hikes, get out there & explore other options for there's plenty of them; but only ONE option for an OHV & that is second gulch.

- "I don't want Jeeps, street vehicles & teenagers (going to parties) driving on that trail"

Resolution: Having rollbars & seatbelts, RZR's have become a much safer recreational option than an ATV. 72" seems a bit big & yes there are newer RZR's out there with 74" wheels that are turbo charged. The majority of RZR's are 64", as the times of 50" have been obsolete. Once you get into those bigger RZR's, yes you are starting to compete with a Jeep in size, but for those of you that bought that turbo side by side you knew that going into it. Compromise, make the trail 66" accessible.

- "I am worried about the eco system & natural habitat on that trail being destroyed & washed away"

Resolution: Create 2 or 3 passing areas (it is a very short trail). In general, if the public is educated & knows about these passing areas, they will be used. It is not hard to do & keeps minimal impact to the surrounding landscaping. We live here too & don't want to see our town destroyed any more than you do. In all our years, we've never passed another OHV on that trail. It definitely is not high traffic enough for this to have been an issue in the past.

- "I don't like dirt"

Resolution: Put up a speed limit on that trail. Those RZR's will not kick up any more dirt than your windstorm does if going an appropriate speed. Yes, we get moon sand & washouts occur, but did you realize that is happening on the bike & hiking trails as well? That is one of the reasons why we do trail maintenance. I encourage those of you that are using the trails to walk your dog, hike & bike to volunteer one day a year, not just sit back & complain about how the trails will be ruined.

- “I don’t like the noise”

Resolution: We are right there with you listening to our loud street while sitting outside (but we bought the house anyway)! Again Speed! Put a speed limit on the trail. All RZR’s & dirt bikes abide (or at least should) by the town speed limits when driving to & from trail heads already. In most cases OHV drivers drive 10 below the speed limit on these roads out of respect. Once you punch the gas, the noise increases. Other towns have done a good job of educating tourists on speed & noise while traveling by homes & through neighborhoods, there is something to take away from that.

- “They are going to start a fire”

Resolution: Education. Those that are worried about these motorized vehicles starting a fire are not properly educated. You cannot legally purchase an OHV that does not have a spark arrestor. On the other end, there needs to be education about taking care of your spark arrestor on your dirt bike & RZR if you own one.

- “I don’t like loud music”

Resolution: You need to move to a property with 20 or more acres. Sorry but not sorry. There are noise ordinances with the town & if you have issues with music then take it to the appropriate place. You don’t move next to an airport & then complain about the airplane noise, you don’t move next to a train track that is “out of service” & when they decide to start using the tracks again complain about the trains, you don’t move onto a golf course and complain about golf balls hitting your house, & you definitely do not move to a town, or valley where recreation is a top thing to do (& why people live here) & then complain about how others are recreating.

- “I’m worried about the elk & deer”

Resolution: Look in the mirror. Are you being a hypocrite? Is your house built where an empty field use to be with a herd of elk 3 times the size it used to be before you built your house? The original issue on this is something you are sleeping in. Elk & deer are more spooked by someone hiking or riding a bike than a vehicle going by (you know this because you annoyingly honk your horn on your car to get them to move out of the street & they still do not budge). Dirt bikes & RZR’s will not be pushing these animals into unwanted areas any more than they already are & most typically these animals stay away from the trails that are up there during the daytime. There are already limits on the time of year you can use the trails, put a dusk to dawn limit on it too if need be (that would also take care of your “I don’t like lights” complaint – while we’re at it can we put dusk to dawn limit on Eagle Ranch Road too as I don’t like headlights in my house windows at night – haha – no but really this is where I’m inserting my eye roll on the hypocrisy).

- “I don’t want a rental place opening up and this becoming the next Moab”

Resolution: While I can’t imagine anyone in this valley being anti small business, apparently you are out there. If you have taken an OHV on the lands above us you would realize that it’s not a “destination place” to RZR ride. I’m sure you could ask the OHV rental place on 6th Avenue how many out of towners they have renting side by sides to go in the hills above us.

The town needs to capitalize on this issue. "How many residents have RZR's & dirt bikes?" "We don't know." That is like asking how many residents have rafts. If the town required a permit for these (dirt bike & RZR's) then they would know how many are in the Town of Eagle. Oh, & fancy that, they would also be receiving money for these signs, educational avenues, & trail maintenance... hmmm. Wouldn't it be easier for a citizen complaint about noise or speed to accompany a license number rather than a color of a RZR... let's say it was orange.... ? Something to heavily consider don't you think Town of Eagle? But then the permit would allow OHV to go up Hardscrabble and you're opening another door of worms in the town, it is a double edge sword.

Utah recently implemented an education course that all users of OHV need to take if you are riding in their state. It is quite informative. There is something to take away from this Town of Eagle & here it is... Implement your own educational course. It could come with a "fee", or it could come with a "code" to the gate to get in (that code could be as simple as 81631) if you pass the course. That might deter out of towners as well if they haven't taken a course & don't know the code to get through the gate.

Education is a major part of this entire issue; for those that are partaking in this recreational activity & **for those that are against it.** You have hikers that do not even know the "right of way" or mountain bikers that can't volunteer a day to help maintain the trail they are using. Education, if only we could all go back to kindergarten and relearn how to be nice to one another.

Bottom line, we ALL need to learn to get along, not throw eggs at others. Being passionate about it on one side or the other comes with a tint of rudeness & it's hard to be kind sometimes. Just because you do not recreate the same as your neighbor doesn't mean you can also tell them what they can & can't do, we are all different & have different ways of enjoying ourselves. Do we want to look like Spring Creek in Gypsum or the overrun trails in Moab, NO. We DO, however, want to make sure that access to all recreational activities is available to all residents regardless of what they choose as their recreation, that's why we live here, & right now, second gulch is the ONLY option for these recreators.

Thanks,

Jason Sharpe & Stephanie Hays (108 Greenhorn Ave)

Effects of Recreation on Animals Revealed as Widespread through a Global Systematic Review

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5145168/#:~:text=Of%20the%20274%20articles%20analyzed,unclear%20effects%20were%20behavioral%20responses>

Dan Lambert

I support the widening of the trails. Is more convenient than having to trailer my side by side.

Jakob Egly mrjegly@gmail.com>

Brian,

I'm in favor of widening second gulch for OHV access and also in favor residential road access for OHV's.

Having residential road access, prevents over crowding limited parking areas with vehicles and trailers. Widening trails allows safer passing with all user groups.

Keep Eagle Green is being rather dramatic with their claims that Eagle will become the next Moab and also using Silverton as an example. Both those areas were overrun with out of state people vacationing during Covid, many of them were new to OHV's and were not respectable OHV users while in town. Both areas and many areas in mid to southern Colorado were over run with campers. I work in Silverton and travel to both Silverton and Moab for recreation. I got the inside scoop from the locals. Yes, there were problems with camping and a number of OHV users, I experienced it first hand. These areas market heavily to the OHV users, have large rental operations in town and large campgrounds catering to OHV users, completely different scenario than Eagle.

If worried about noise from OHV's, I would suggest the Town of Eagle require that vehicles using road access maintain stock exhaust or maintain stock exhaust noise levels. The aftermarket exhausts can be quite loud.

I am a mountain biker, kayaker, hiker and motorcyclist. We respect other user groups. This is true of the OHV users I know who live in Eagle, since we participate in many sports. We're not going to tear up the trails and run over the kids at the elementary schools. Our kids went or go to those schools. Thanks for letting me give input. Mike

Mike Duffy

Hello Brian,

You have heard from me in the past and I am writing to voice my concerns about the fact that the situation on Second Gulch Access seems to have become extreme.

I bought my home in Eagle Ranch in 2011. We purchased a side by side in 2015 because we were able to access BLM roads through Second Gulch. We ride the side- by-side less than ten times during the summer months for each year we have owned the vehicle. Fast forward to 2022 and all of a sudden, without warning mid- summer, we were unable to use the road because the width of the trail was obstructed with boulders.

As a home owner here in Eagle Ranch, I merely would like to be able to access Second Gulch for the 1/4 mile in order to be able to get to BLM. We are talking 1/4 of a mile! I am fine with allowing vehicles no wider than 65 inches. I do not want to see the trail used for cars or large recreational vehicles. The side-by-side was developed as a safer alternative to ATV's/dirt bikes.

I am hoping that we can reach a compromise with those that want access restricted to 50 inches or no motorized vehicles at all. I would like to be able to enjoy my form of recreation as I was before 2022. I believe the situation has become a fear frenzy. To speak about making this a Moab is crazy. There are also other ways that we can make our Eagle environment safe. For instance, restrict hours that the vehicles can be used and allow only Eagle residents to use the trail and clearly state that as such.

Thank you for your consideration,

Craig Mangone
224-828-2649

Dear Brian,

Please include this public input in the record of OSRAC's 4/4/23 meeting, regarding the current OHV width increase proposal at Second Gulch.

Please consider why rules are in place; such as why we can't put a 20 foot boat on Sylvan Lake. Or land a private helicopter at Eagle Town Park. There are reasons we can't ride a skateboard down Grand Avenue, or on I-70. Rules are established for a reason.

The origination of this 50" OHV Rule is for hunters to retrieve wild game. This rule was *not* established for recreation. There are **user differences**:

1. Hunters have a limited window of time to hunt, 4-8 days, Wider OHVs would have 7+ months to utilize the land. Which represents better stewardship of the land: 4-8 days or 6+ months?
2. Hunters need a hunting license and additional permits to hunt an area, OHVs do not- which nationally has created many problems with severe habitat destruction, user conflict and numerous safety problems including wildfire and accidents. There's a reason why people in Moab are calling OHVs "*The Second Pandemic*". OSRAC should strongly consider why 42 states have either banned or severely limited OHV use.
3. The new 50-72" OHVs *do not fit* between trees when retrieving a downed animal, they're too wide to drive thru densely forested area where game flees to, drops and dies.
4. The wheel base is much wider on the 50-72" OHVs; they don't navigate the significantly more uneven terrain in the high country where game retrieval occurs.

Last year our TOE Master Plan prioritized *investing in open space, natural resources, and wildlife habitat protection*(#2) **far above** *providing equitable access to the open space and trails for all users* (#5). Allowing wider OHVs does not invest in our open space, natural resources and wildlife habitat protection; allowing wider OHVs is more like opening up a can of locusts at Second Gulch.

Please remember the **Invasive Weed Analogy** the Silverton Mayor ProTem said about OHVs: Once OHVs take root & the community focuses on meeting their needs, they crowd out the other users. The fishermen stop fishing because of the noise, horses get spooked so no more trail rides, mountain bikers and hikers stop using the trails because their experience is ruined from dust clouds, having to jump off the trail for OHVs, trails all chewed up, and the general OHV culture.

OSRAC's Mission Statement was not considered or even discussed at the March 7 meeting. Mr. Philip Kirkman literally said, "*This is not a wildlife conversation*" at that meeting (he said this at the 43 minute + 1 second mark on the recording).

Does "equity" supersede OSRAC's mission statement *to preserve and protect natural open space areas and wildlife habitat while also providing outdoor recreation opportunities for Eagle's citizens and visitors*?

Preserving means *not* changing code which would clearly allow non-preservation to occur at Second Gulch. **Protecting** done adequately like Pitkin County would mean eight Wildlife Rangers who work in teams 12/hours day, and I don't see this in the \$4,500 projected budget. It is illogical to assume Second Gulch will not turn out like every other place which allows OHVs: illegal trail pirating, multiple users conflict, and wildlife habitat destruction.

Second Gulch is located within a designated BLM **Area of Critical Environmental Concern**. Can you show me where in OSRAC discussions you considered the importance of this designation?

Since "equal access" appears to be the primary reason OSRAC is considering the change, may I ask if equal access will have any boundaries, other than 72 inches? Will camper vans be allowed? Will vehicles pulling trailers of OHVs and ATVs be allowed? Will private helicopters be allowed to land? How about 72" School vans transporting students to view one of the final places on earth the rare endangered Harrington's Penstemon grows?

Sincerely,

Kate Sheldon

East Haystack Drive in Eagle Ranch

Bret Hooper
Christina Hooper
North Penstemon Lane
Eagle, Colorado 81631
Bret.hooper@icloud.com
Hooper5family5@gmail.com

March 30, 2023

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Phillip Kirkman
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Re: Town of Eagle Open Space and Recreation Advisory Committee (“OSRAC”) review and recommendation concerning Second Gulch motorized width limit

Dear OSRAC members,

For the proposal to widen the motorized width limit at Second Gulch Trail, in addition to the opposition points addressed in our March 6, 2023 letter (a copy attached), we ask you to consider the following:

1. **OSRAC Bylaws and Mission Statement.** The Eagle Town Council purposefully established OSRAC to make recommendations regarding “recreation programs in line with stated priorities” that “[p]romote open space conservation and stewardship in the town” and “[e]ncourage recreation which provides responsible use of open spaces in ways that conserve the land and provide for ongoing quality of life for current and future residents of Eagle.” *Town of Eagle Resolution No. 45 (Series of 2021)*. In turn, OSRAC’s mission statement is to “ensure . . . conservation, and sound management practices of open space, trails, and natural resources within

Second Gulch Trail is within an area expressly intended to be dedicated to “**non-motorized recreation** such as mountain biking, hiking and equestrian use.” *Town of Eagle Open Space Master Plan*, p. 19 (emphasis added).

Somehow, the ACEC designation was neither mentioned, discussed nor considered during any of your public meetings regarding proposal to widen the motorized use width limit. Nor was the ACEC designation brought to the attention of the Eagle Town Council or the public by Town staff or any member of OSRAC prior to the Town’s February 28, 2023 public meeting. Given that “[l]and conservation and protection of wildlife habitat beyond the municipal boundary is also a priority for the Town and its residents” and the directive that “[t]his information is to be considered in planning of future recreational opportunities. . .” this omission surprising and disappointing. *Town Open Space Master Plan*, p. 19.

We ask that you correct this oversight and take the ACEC designation into account during your next meeting on this proposal, and clearly explain on the record how the ACEC designation for the area connecting to and surrounding the Town’s small section of Second Gulch Trail is or is not implicated in your ultimate recommendation to Council.

3. **Adherence to priorities identified in the Town of Eagle Open Space Master Plan.** Less than a year ago (July , 2022), the Town of Eagle adopted the Open Space and Trails Master Plan (the “Open Space Plan”). The Open Space Plan (paid for by over \$60,000 in taxpayer funds and significant additional taxpayer funded Town resources) is intended to provide guidance on improving and enhancing the trail system, protecting wildlife habitat, and stewardship strategies for open space management. The Open Space Plan sets out 6 primary goals, which are “listed in order of priority.” *Open Space Plan*, p. 5. Pertinent considerations include:

- Goal number 2 is to “appropriately invest in open space, natural resources, and wildlife habitat protection.” Id.
- Goal number 3 is to “[m]aintain existing trails and recreation assets in open space and surrounding federal lands.” Id. With regard to that goal, the Town expressly notes its “capacity to maintain trails to a high standard within its boundary and **support the BLM** and other partner organizations in **managing and maintaining trails beyond its boundary**.” Id.(emphasis added).
- Goal number 4 is to “[s]trategically evaluate support for new recreational opportunities with consideration to wildlife habitat, natural resource impacts, system connectivity, user experiences, and accessibility.” In connection with this goal, the Town expressly “encourages and promotes recreational use in appropriate areas based on **resource/habitat sensitivity, parking and access, desired experiences, and neighborhood impacts**.” Id. (emphasis added).
- Goal number 5 – notably a lesser priority than the goals stated above – is to “[p]rovide equitable access to the open space and trails for all users across a variety of activities and

effectively communicate with residents and visitors to support accessibility, good etiquette, and an understanding of wildlife habitat and natural resource impacts.” Id.

Despite the ordered priorities of the Town, the primary consideration that has been expressed during public meetings so far has been equitable access (goal number 5), even though 50-inch wide side-by-side OHVs already currently have legal access at Second Gulch. Unfortunately, the very important goals with higher stated priorities appear to have been disregarded in all record proceedings regarding this proposal to date.

In future meetings, deliberations, and in your ultimate recommendation, we ask that you adhere to the Town of Eagle Open Space Plan, and the ultimate purpose for which you’ve been engaged and/or appointed. Please give appropriate consideration to goals one through four – and explain how your ultimate recommendations relate to these important factors. For goal number 3, wouldn’t expanding motorized use encourage more or wider motorized use in an ACEC area that is supposed to be focused on non-motorized uses? For goal number 4, are you considering whether this is really an appropriate area for this expansion of use given that its within critical wildlife habitat, the ACEC designation to protect natural resources, limited parking capacity, and overall neighborhood impact considerations? Isn’t it reasonable to assume the Town’s small portion of Second Gulch Trail that abuts the ACEC area is also home to the rare and endangered Harrington Penstemon species? Given that Second Gulch connects to federal trails that are designated ACEC, where motorized use is disallowed, isn’t this proposal inviting illegal and incompatible use of such lands? How is this demonstrating good stewardship and protecting these lands for current residents and future generations?

As always, we appreciate your time and efforts to ensure conservation, and sound management practices of open space, trails, and natural resources within the Town of Eagle and adjacent public and private lands. Please do not hesitate to contact either of us if you’d like to discuss our position on this proposal.

Sincerely,
/s/ Bret Hooper
/s/ Christina Hooper

Cc: Brian Lieberman
Eagle Town Council

Bret Hooper
 Christina Hooper
 North Penstemon Lane
 Eagle, Colorado 81631
Bret.hooper@icloud.com
Hooper5family5@gmail.com

March 6, 2023

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Re: Town of Eagle Open Space and Recreation Advisory Committee (“OSRAC”) review and recommendation concerning Second Gulch motorized width limit

Dear OSRAC members,

We have been continuous residents of the Town of Eagle since 1994 and 2003, respectively. For a variety of reasons, we are concerned about the proposed amendment to the Town of Eagle Municipal Code to allow the use of Off-Highway Vehicles (“OHV”) wider than 50 inches on Second Gulch Trail. You were each specifically and purposefully appointed by our Town Council to “*ensure . . . conservation, and sound management practices of open space, trails, and natural resources within the Town of Eagle and adjacent public and private lands with the goal of maintaining our community’s quality of life for present and future generations.*” In keeping with that express mission statement, we respectfully request that you vote against any ordinance or amendment that expands OHV use on Second Gulch Trail.

An increase in intensity or types of motorized use on Second Gulch Trail in the manner proposed does nothing to ensure conservation and sound management practices of the trail system. Instead,

it would, at a minimum, cause increased safety issues; create unavoidable damage to the trail and its improvements; lead to unnecessary dust, erosion and increased carbon emissions; encourage further illegal use of Hardscrabble Road; produce extra noise; interfere with other longstanding protected uses; and disturb sensitive wildlife populations.

Despite what a few proponents are saying – this is not about whether or not motorized use is allowed at all, or whether or not we "like" the "motor community." The proposal you are considering is to *expand* the allowed use for the convenience of a few, rather than the protection, conservation and sound management of the trails and the natural resources. In reality, there is no reason to change existing limitations contained in the law, adopted for cogent, pervasive and logical reasons, and which rules framed the development of the trail system and the design and construction of the Arroyo parking lot. The "equity access" argument that has been presented is specious, at best. Motorized users can already use Second Gulch Trail, including side-by-side machines under 50 inches currently on the market. A quick google search reveals that RZR advertises several different options in side-by-side OHVs 50 inches and under –specifically for "trail compatibility."¹ Motorized vehicles over 50 inches can access the legal-use backcountry areas by trailer.

Truth be told, this is really about reinstating a convenience for a small handful of people who own side-by-sides larger than 50 inches and were *illegally* using Second Gulch for many years – not about whether or not they can actually access the backcountry areas. It should go without saying that there is no requirement in any area of the law, or in equity, that would require that all types of uses and all sizes of vehicles to have identical use of any area.

The inevitable reality is that popular outdoor recreation areas must be regulated – often to the extreme of limiting traffic and requiring permitting when overuse occurs. Encouraging an expanded use here, at this point in time, would be short sighted. In your appointed roles, you have a responsibility to the community to recognize the continuous growth in our population, and the foreseeable challenges that will ensue. The myriad of potential problematic issues outweighs providing a convenient access to a small number of neighbors that possess side-by-side vehicles larger than 50 inches. For the public good, the existing law should not be changed. The reasons for the 50-inch rule continue to exist and the decision to place such limitations on the trail should be respected and maintained.

We sincerely thank you for volunteering your time and energy to fulfilling the OSRAC mission statement, and urge you not to put the convenience of a few citizens over protection of our natural resources and the wellbeing of the community as a whole.

Sincerely,
/s/ Bret Hooper
/s/ Christina Hooper

¹ See, e.g., <https://www.polaris.com/en-us/off-road/rzr/models/rzr-trail/>

Opposition to 2nd Gulch Trail Proposal to widen motorized access from 50" to 72"

From Residents: David and Jennifer Menke

2287 E Haystacker Dr, Eagle CO 81631

In addition to the opposing comments and letters you have already received, including, but not limited to: adhering to the the mission of the Open Space and Recreation Advisory Committee; honoring the original intent for the 50" restriction; and the trail being contained within an area of critical environmental concern, we are opposed to the proposal for the following additional reasons:

1. Noise issues associated with larger OHVs on both town of Eagle roads and 2nd Gulch Trail. We are not able to find a local noise ordinance and are extremely concerned about increased noise from larger vehicles.
2. Trail Erosion: we are frequent users of all the trails in the area and avoid 2nd Gulch when possible due to the erosion, dust and ruts from the motorized use. It is inarguable that larger, heavier vehicles will make that situation worse. The Town of Eagle's own Open Space & Trails Master Plan states as one of its highest goals that it will support the BLM in managing and maintaining trails beyond its boundaries. How does expanding motorized use in an area that is supposed to be focused on non motorized use align with this plan? Additionally, staff comments that "passing lanes" would need to be introduced along the trail should, in and of itself, be reason that such-sized vehicles don't belong.
3. Fire Danger: while we are well-aware of the spark arrester requirement on OHVs, we are also well-aware that many users remove them — and again, how would this be enforced? We are extremely concerned about any users — motorized or otherwise -- that increase the fire danger in and around Eagle.
4. Destination Riders: Statements suggesting that "only a few residents" will use this access are naive. Additionally, it's impossible to prevent destination use as well as impossible to enforce. We shouldn't be guessing about this. We should be learning from other towns similar to Eagle that are now struggling to deal with with OHV traffic from outside their boundaries and the noise, pollution and safety issues that follow.
5. Personal observance of illegal use of the trail by users and what seems to be a reluctance by the Town of Eagle to provide any enforcement. Given that, along with the difficulty of actually enforcing rules on OHVs moving through the area we would want to know how you plan to control it.
6. Encouraging Illegal Riding on Hardscrabble 413 to reach legal trails. The route to get to the legal trails is extremely circuitous and riders will very likely hop on to 413 and speed to Wolverton.
7. One resident, illegally using the trail "for years" (in his own words) said he "responsibly used the trail" (again, his own words). If riding daily at 4am, loudly accelerating — and every house along his route can verify this — is responsible, then we really don't want to see what irresponsible looks like.

Everything single email OSRAC and the Town has sent out to us reminds us of Eagle's commitment to wildlife protection and sustainability. How does this proposal honor those values?

Respectfully submitted,

Dave and Jennie Menke

Public Comments received before 5pm on 3.6.2023 RE: Proposed Second Gulch Motorized Width Access Change from 50-inches to 72-inches

Brian,

Please include my support for the widening of the trails in Eagle to 69" to accommodate the newer OHV's. It is essential that this be done because the more accommodating the town is to the public then the more the public can enjoy the great outdoors. It is there for all of us to use. Let's not limit the trail use to anyone.

Attachments: none

TAB Associates, Inc.
The Architectural Balance

Tab Bonidy, NCARB

No.

I do not support any increased trail size in the proposed area. OHV users have repeatedly shown they can not maintain self control and remain on designated routes. Resulting in habitat damage, new unregulated trails and increased friction between other users such as hunters, anglers and back country enthusiasts. This is a very bad idea to pursue.

Michael Salomone
town of Eagle resident since 1999.

Hello Brian,

I'm out of state and unable to attend the TOE meeting tonight, however wanted to go on record with you as being against the proposed Second Gulch Motorized Width Access Change from 50 inches to 72 inches.

I am against it because it is in a highly sensitive wildlife area, would further destroy wildlife habitat, cause more noise pollution, and eventually lead to additional accesses over time, which further devastates our local elk population and all other wildlife.

We were only given 24 hours notice of this meeting, which is not enough, with the majority of impacted homeowners being away.

Please pass my input on to TOE Council Members and Mayor Turnipseed.

Thank you,

Kate Sheldon, Homeowner

2809 E. Haystacker Dr., Eagle Ranch

I am out of town until this weekend so could not attend tonight's meeting specifically because of the last minute notice by the HOA and TOE.

Proper and timely notice allows me to adjust my work schedule to try and be in town especially for very important issues like our elk herd preservation vs continued efforts to increase human, animal (specifically dog), and motorized traffic in the elk migration areas.

I want to go on record opposing the proposed Second Gulch Motorized Width Access Change from 50 inches to 72 inches.

We already have issues up in the Highlands, which are well-known. Disregard of the signs prompted them to put in a solid barrier to the Arroyo parking lot because so many people violated the winter rules. I've also gone on record in meetings telling stories about people urging their dogs to chase the elk and deer that were present in the elks critical and severe winter range.

Does anyone really believe that people with larger motorized vehicles are going to be any more responsible when it comes to the elk?

We were only given 24 hours notice of this meeting with a large number of our neighbors and impacted homeowners being away.

Please forward this to all concerned town of Eagle council members and Scott Turnipseed.

Thank you,

Steve Mairose, Homeowner
2809 E. Haystacker Dr.,
Eagle Ranch

To whom it may concern,

We oppose changing the current width to a higher width for the gate at 2nd gulch!

Increased width will increase the volume of traffic accessing this route to BLM sanctioned 'riding' areas. Eagle County has many access points for the 'new side-by-side' recreation vehicles for entrance into BLM areas...we do not want to see our neighborhood turned into an ATV 'haven' by increasing the width and size of the access point thereby increasing the traffic volume of ATVs through our wildlife sensitive areas!

Eagle Ranch can't currently manage the dog lease requirement of our residents in this wildlife sensitive area, do not exacerbate the strain on wildlife by increasing traffic volume that will come with widening the access gate at 2nd gulch!

It does seem that a proposed increase in width is counter to the 10 year Master Plan for TOE whereby the Master Plan indicates that impact to wildlife areas is a 'priority' when considering 'capital expense' into areas that should not see additional disturbance to native wildlife. The increase in traffic associated with any widening of access surely will have negative environmental/habitat impact. I was of the impression that TOE would do impact study prior to approving further habitat erosion.

Please don't let this happen!
Bert and Deddie Christianson
2448 Haystacker

Hi Jenny,

I am a resident of Eagle Ranch. My family is a frequent user of Second Gulch. We mountain bike, gravel bike, hike and run Second Gulch.

I greatly appreciated the addition of the width restriction to the trail. I believe the restriction increases safety and reduces environmental damage to the trail.

I feel obligated to point out that the motorized vehicles that do "fit" onto trail tend to be driven or ridden by people who demonstrate very good manners. I feel the current balance is a good compromise. Expanding the width risks disrupting this balance and causing more erosion on the trail.

Best regards,

John Ives
356 Harrier Circle
303-809-0787
john.ives@me.com

Greetings Brian,

I am sending this solely in my capacity as a homeowner in Eagle Ranch.

I'd like to suggest that the Town postpone, for now, the plan to widen the trail on Second Gulch to allow more OHV traffic. As the owner of a house on Fourth of July Road, I anticipate that following completion of the project, we will hear a lot more OHV traffic coming up and down Fourth of July Rd. The problem with that traffic, as you know, is the noise. As with motor vehicles, the OHV industry is slowly moving toward electric vehicles, which are much less noisy. I would like to suggest that the Town wait for at least some period of time to allow this transition to move further along. This is consistent with the Town's goal of promoting Environmental and Energy Sustainability.

Thanks for considering my comments.

Jamie Harrison
797 Fourth of July Rd.

Hi there,

As a concerned citizen and frequent user of these trails I strongly urge you not to widen the width restrictions on the 2nd gulch trail. Having side by sides on the same trails as hikers and bikers is very dangerous, there is no allowance on that trail for bikers and hikers to get out of the way of larger vehicles. My concern would also be that I have witnessed side by side users not being courteous on these trails before the poles were out up, they were frequently driving faster than they should and not slowing down when passing other trail users. It may be a case of the few ruining opportunity for the

many but safety should be the paramount concern here. Side by side users also have ample opportunity to travel from their home to the trail head at hardscrabble without requiring a road legal vehicle, per eagle county rules and regulations. This should continue to be the access point for these wider vehicles as it allows for more room for passing in a safe manner.

Thank you for your consideration in this matter.

Miles Henson

miles.henson@gmail.com

Dear Sir or Madam,

My name is Steve Hoffman and I live at 200 Harrier Circle, Eagle, CO 81631, Please let this email serve as an objection to allow Utility Terrain Vehicles access to the 2nd Gulch Trail.

UTVs are built and used more for work than recreation. They are large, powerful vehicles, able to seat 2 to 4 passengers side by side and they have the ability to haul a lot of equipment and supplies. While they typically have 4 wheels, they can have more wheels for specialized purposes. UTVs are faster and more powerful than ATVs with max speeds between 25 mph and 50 mph. UTV's can come with windshields, roll bars, and roofs – essentially a cabin. UTVs also tend to have more safety features than ATVs. All of which lends themselves to more aggressive and faster driving.

My wife and I frequently hike and bike these trails with our dogs. Occasionally, we have encounters with motorcycles and ATVs. Usually, the motorcyclists and ATV drivers are respectful, but sometimes not. In every instance though we, as either hikers or bikers, step off of the trail with our dogs to let the motorcycles and ATVs pass. Whether they are respectful or not, these encounters are universally disruptive to our enjoyment of the trails. When hiking or biking, the last thing you want is a motorized vehicle coming quickly up behind you startling you and forcing you off the trail.

As I have indicated previously, UTVs are built and designed to go faster than ATVs and accordingly encourage more aggressive, and possibly reckless in the hands of younger or inexperienced drivers, driving. The trail has sharp turns and hills with blind spots creating the likelihood of disastrous encounters between the UTVs and hikers, bikers and wildlife. If I had the choice, I would prefer that 2nd Gulch not be open to motorcycles or ATVs, but I think that cat is out of the bag and we will continue to share the trails with them. There are plenty of off-road opportunities for UTVs in our area. 2nd Gulch Trail should not be one of them.

Thank you for hearing our concerns.

Steve and Jackie Hoffman

To OSRAC

I am a town of Eagle resident and like most residents, an avid trail user. I am writing to express my concerns about the possibility of increasing the motorized width limit on the Second Gulch Trail. I believe that this trail currently gets a nearly unsustainable amount of use and the addition of another group of users would push the situation over that sustainable limit. Second Gulch just down from the Baily trailhead already degrades to a silty mess each season, and with less rain from years of drought it keeps getting worse. An influx of additional trail users, particularly UTVs that have more impact on loosening up the dirt, could turn the trail into a sand pit.

Currently, my experience interacting with other trail users has been very positive. Mostly the cyclists, hikers and dirt bikers are very respectful of each other using the trail. However, much like congestion on a highway, when you add too many users to too small an area, tempers will rise. Since Second Gulch Trail is a major artery to connect the Eagle Ranch Loops Trails (it currently touches 4 other trails), there will only be more and more people using it as mountain biking increases in popularity and the Town continues to market itself as a biking destination. Have there been any studies to understand the impacts of adding UTV usage on top of an increasing bike population? How many expected users per day is something that should be considered, and what it will look like in 5, 10, and 20 years from now.

Additionally, the Arroyo Parking lot sees many days at or above capacity. There are currently only 4 oversized vehicle parking spots there. If trailers started taking up double spaces to fit into the lot (5 available), it would only take a handful of trucks with UTV trailers to make it a congested mess.

I would hope that the Town of Eagle would err on the side of caution when deciding how to manage its open space and not allow side-by-sides and UTVs on this trail. I think that as a community, we should focus on protecting our resources.

Thank you for your consideration,

Drew Stewart

I implore you not to approve increasing the width of motorized vehicles in Second Gulch. Let's make a concerted effort to keep things as wild as we can. More noise and larger vehicles will definitely not support this goal.

Thanks you,

Joyce Chizmadia

--

Sent from Gmail Mobile. Joyce Chizmadia

To the Town Of Eagle:

Whose bone headed request for consideration was this? Our trails are already in bad shape for hikers, can anyone imagine how much worse they will be when getting to the trails on possibly street legal vehicles will be? Do you honestly think these thrill seekers will only drive when the trails are dry?

We once had to jump out of the way for a Jeep..yes a Rubicon 2 door Jeep on their way through the trail system to Hardscrabble Road. This could become all too common if the regulations are changed.

People are so considerate that the town has had to gate Arroyo trail head parking lot during winter months....a simple indication of how some residents follow the rules.

The committee needs to evaluate whether this is in the overall interest of all residents of the town of Eagle, and not just a select few.

Thank you,
Melanie Weisman

Hi there,

Thank you for engaging with the community to determine how the town can meet community member's needs and wishes.

I've been unable to attend the town hall meetings, but wanted to share my perspective with you all.

I'm a regular user of the second gulch trail. I both run and walk it. It's a great trail option as it's wide enough for travelers to pass each other comfortably. It's also why I'll take guests for hikes on this trail when they are visiting from out of town -- we can walk and talk to each other. I also run the trail knowing I have more space to maneuver around bikes.

I'm all for sharing trails and increasing access. And I appreciate that OHV gets to enjoy the trails around Eagle. Whatever encourages people to get outside and have fun, I support.

That said, I feel changing the restrictions of second gulch to allow side-by-sides and utility terrain vehicles will permanently alter who uses the trail and, ultimately, decrease the number of people who choose to use the trail.

My concerns:

- A road with OHV deters other users such as bikers and walkers.
- Since not everyone has motorized OHVs, fewer people will use the trail. I know I will discontinue my use of the trail.
- Since these vehicles move fast, and are wide, people who choose to walk on the trail will have to constantly look over their shoulder.
- It'll change the second gulch from something used as a public trail to something like a public road.
- It'll increase the number of trailers in the parking lot, and take up parking spaces.

There's already an extensive BLM trail system, so do we really need to connect directly to these trails from our neighborhood? And side-by-sides aren't allowed on the roads, so users already have to drive their trailers to the trailhead, can they not drive a bit further?

It benefits a few people, and hinders many more.

Happy to provide any additional insight and perspective.

And thank you for all your hard work!

Katrina Brinkerhoff
805-448-0835
118 Longview Ave. Eagle, CO

What, if anything, would prevent a commercial UTV tour operator (a la Moab) from day one operation of multiple caravan tours throughout the town of Eagle and through town and up Fourth of July or East Haystack?

My concern is that this change will lead to a significant increase the volume of "traffic" the resultant noise pollution, air pollution both of which will have disturbing and negative impact on wild life in the surrounding areas.

This forms the basis of my objection to this proposal.

andrew harbourne aharbourne2017@outlook.com

I support increasing the OHV size limit from 50 to 64 or 72.

Thank you,
Scott McDaniel
Eagle Ranch Resident

Hi Brian,

My concerns with the proposed access change were documented during the ToE council meeting. Concisely, my objection is.

Since wider motorized vehicles have alternative routes to reach the Hardscrabble area, creating a route via the ToE's Second Gulch trail is a matter of convenience for the motorized vehicle owner community. The cost to the broader community and ecosystem to provide this convenience is a reduction in safety, increased erosion and expense.

In other words, it would be unfortunate to burden the larger community and ecosystem with the costs to provide a convenience to a few.

Thank you for your service,

John Ives
356 Harrier Circle

303-809-0787

Hi Brian and OSRAC, thank you for your efforts in handling the discussion regarding side by sides and the use of Second Gulch.

As an avid hiker I find that all of the trails in Eagle, including Second Gulch, are not thought of as hiking trails any longer. The primary message to hikers is that these trails are for bikes and motorized vehicles. Over the 15 years that I have lived in Eagle, the trails feel more dangerous for hikers and I don't believe that the Town considers the safety of hikers when looking to improve or modify trails. On several occasions, I have almost been taken out by bikers and motorized vehicles. By allowing wider vehicles, the trails will end up widening. But an issue is that the wider the trails get, the less room there is for a safety refuge for hikers as vehicles pass. This will create additional erosion and damage to the open space that should be considered. To now consider allowing larger vehicles on the trails seems to be an unnecessary risk when the Side by Sides can easily get to Hardscrabble via Brush Creek Road. If there is a licensing issue on Brush Creek Road, perhaps the side by side community should take that up with the county. Adding more congestion to the neighborhood connections seems like an unsafe action.

Let's also consider the fire risk that we face in the mountain region. Spark arresters should be required on vehicles using the trails to prevent forest fires (see FS regs below). Who is monitoring this safety aspect in the open space? Who is providing education and enforcement to users to be sure they are using trails safely and not putting life and structures at risk?

I realize the connection from Second Gulch is Town of Eagle Open Space but then the users reach BLM and Forest Service Land. Please see below to review the rules by the Forest Service for vehicles (<https://www.fs.usda.gov/visit/know-before-you-go/off-highway-vehicle-touring>) . If the Town of Eagle can't effectively manage free ranging dogs on open space, then how will the Town manage enforcing the vehicular usage? Who manages usage now to be sure the rules are being followed? The Town should be mindful in expanding usages until compliance with the current rules are effective.

I urge you to be mindful and cautious in considering the additional impact that side by sides will cause to all users of our precious Open Space. Roads, I don't believe were the original vision of this area. Thank you for time.

Respectfully,

Mel Richmond
95 Big Sage Ct, Eagle
303-901-5189

Comments as of 3.3.23 start here

Brian

So we are talking about Second Gulch Trail again. I was unable to attend the meeting this week but my wife did attend. She got the feeling that a decision has already been made and the meeting was a mere formality. Is that true? Where is this proposal being generated? What is the principal argument? Why is TOE even considering the proposal?

Everyone in the Highlands is opposed to the plan to allow larger vehicles on Second Gulch. The folks along East Haystacker will be the most affected by noise, dust and air pollution. There is already excessive "moon dust" on the Second Gulch trail and it will get significantly worse with larger (and likely more) off road vehicles. Safety of other trail users (mountain bikers, hikers, dirt bikers) with these larger vehicles is a serious concern. In some manner, shouldn't the perspective of the most affected folks carry additional weight?

Those in favor of this change reference convenience to access trails along Hardscrabble Road. That argument is questionable since access to Hardscrabble Road is readily accessible from Brush Creek Road. This proposal seems to be contradictory to the extreme limitations already placed on trail use and the environmental position that TOE promotes.

We are clearly opposed to this proposal.

Thanks for the opportunity to offer an opinion.

Dale S. Decker
2203 East Haystacker Drive
X0369
Eagle, Colorado 81631-0369

Dear town of Eagle,

I am writing about increasing the motorized width limit on the second gulch trail. I have several concerns about increasing the width:

The possibility of wildfire ignition goes up.

Disturbance of the elk habitat.

The increased noise - I already hear loud motocross bikes on my street (Greenhorn Ave) in Village Homes and Eagle Ranch Road.

The safety of those on foot.

The increased dust these machines create is another concern.

For these reasons, I hope you will not increase the width limit.

Thank you.

Nancy Stewart

Brian -

Thank you for seeking out input from the 2 wheel motorized community regarding the proposed 2nd Gulch width change. Please find our position below:

Rocky Mountain Sport Riders (RMSR) is a non-profit organized for the purpose of promotion and preservation of the sport of off-road motorcycling, including preserving, managing, and expanding riding opportunities for the public benefit. We represent about **450 paid members** and approximately **1400 interested Facebook followers**, who are mostly local motorcyclists.

The board of RMSR provides the following input to for the community outreach regarding increasing the width allowed for motorized travel on 2nd Gulch in Eagle:

We would not like to see the width increased on the 2nd Gulch trail.

Detail: Over the last 10-20 years, many single track motorized trails throughout the valley have been either closed to motorized use or widened into double track. Closures have been by official actions, but the widening of single tracks is often created by rogue elements of the community. The loss of single track in our valley is a significant negative impact on the quality of two wheel motorized trail riding. Enforcement is almost non-existent in the hills around Eagle and Gypsum. Maintaining the current width limits in 2nd Gulch is a critical tool for preserving smaller trails further up in the hills and for limiting human impact. There is also a safety component that should not be ignored: wider vehicles on the trails can make passing hikers, bikers, motorized riders, etc. much more problematic and unsafe. Let's not introduce more problems into our trails. Wide vehicles should be operated by licensed drivers for safety and already have sufficient access at the intersection of Hardscrabble and Brush Creek Roads.

BOD - RMSR

Brian,

I happen to live immediately north of the jeep road access that leads to second gulch (121 Hollyhock Court), so I am particularly aware of the trail system in that area. I cannot attend the upcoming meeting, but I wanted to provide some thoughts that I would have otherwise stated there.

- 1) Can there be a limited time frame that the motorized vehicles can operate on the jeep road access? We notice some riders entering very early in the morning (like 4-5A) in the summer. As you might imagine that is very loud at that time of day.
- 2) I understand that the jeep road and second gulch are desirable access to get to Hardscrabble road. From my perspective that is important because it keeps those motorized vehicles off the MTB trail system and provides easy access for people with motorized vehicles that live in Eagle ranch to avoid getting on other roads. So, I am all for the second gulch access to Hardscrabble.
- 3) However, if that is to be the case, I think it is critical to separate the uses, since the vehicles are getting bigger and faster, and MTB's use the jeep road and second gulch as access to numerous trails too.
 - a. To that end, there should be a separate single-track trail that follows the jeep road and second gulch but is limited to bikes and walking, with the motorized vehicles limited to the roads.
 - b. Speed should be controlled on the motorized access along the jeep road and second gulch because inevitably those uses will cross each other.

- 4) There should be a licensing/impact fee that is paid by users since motorized use has a greater impact and the Town will need to maintain these roads more frequently.
 - a. It could be an annual pass that you must display/ have with you, or a license you have to obtain locally.
 - b. I thought Aspen did a smart thing with their uphill policy that tracks the same way. It's a one-day fee that also serves as an annual fee.

Please feel free to follow-up in regard to this matter. Thnaks for your hard work on behalf of the Town and all the trail users.

Dan B. Brown, CPG, CP
President
Eagle, CO

Tel. (800) 763-1363
Cell (216) 214-5591

Please accept my written support of widening the access to allow for UTV's etc.

O C G: design. construct. manage.
Cody O'Kelly principal
cody@ocgdesignmanage.com

Dear Brian,

My wife and I were thrown off guard when we received an email just one day before the town meeting that dealt with a matter that would deeply affect our quality of life in the community.

The proposed increase to the allowable vehicle width on the Second Gulch Trail Head will directly impact noise levels, traffic and safety on the trail as well as the access roads of Fourth of July Rd. and Arroyo Rd.

This access point can be viewed directly from every rear facing window of our house at 847 Fourth of July Rd.

WE STRONGLY OBJECT TO THE REQUEST TO INCREASE THE VEHICLE WIDTH RESTRICTION FROM ITS CURRENT 50" LIMITATION.

During the town meeting on February 28th, it appeared that those residents that were in agreement with the width limit increase had little consideration of the impact that this might have to residents that are directly affected by the proposal.

We are also in complete support of the attached letter.

Regards,
Lee & Donna Merkel
847 Fourth of July Rd.
Eagle, CO 81631

Increasing the Motorized Width Limit on the Second Gulch Trail

There needs to be availability of recreational activities to all residents regardless of age, gender, religion, sex & preference of recreating

There tends to be resentment towards another's recreational preference when you cannot relate or do not participate. This, in turn, makes you less understanding or less likely to be flexible in accommodations. For example, I know that I will not take my horse on certain trails on Saturday or Sunday afternoons as the dirt bikes spook them. There are miles & miles of options out there that make my decision on how I will recreate on which day & where, easier when I can relate to all recreational activities

This second gulch trail is the **ONLY** option for ATVs & RZR's to access the open space above us without having to haul a trailer to another place with limited parking.

The given reasons (at the town meeting) for not wanting this access available to those who choose this as their recreational activity are, while valid, easily solved:

- "I don't want Arroyo parking lot to turn into a bunch of trailers from locals & out-of-town people"

Resolution: Put up a NO TRAILER PARKING sign in that parking lot & any other parking lot that is seeing this problem. If we are local, we are not trailering, this trail access is a benefit of where we live & why we live here.

- "I don't want to be hit by a motorized vehicle while hiking second gulch"

Resolution: Education. If you do not already know of at least 4 other trails you can hike on (with your dog off a leash that shouldn't be... but I digress) then you need to be educated.

- "I don't want Jeeps, street vehicles & teenagers (going to parties) driving on that trail"

Resolution: 72" seems a bit big & yes there are newer RZR's out there with 74" wheels that are turbo charged. The majority of RZR's are 64", as the times of 50" have been obsolete. Once you get into those bigger RZR's, yes you are starting to compete with a Jeep in size, but for those of you that bought that turbo you knew that going into it. Make the trail 66" accessible.

- "I am worried about the ecosystem & natural habitat on that trail being destroyed & washed away"

Resolution: Create 2 passing areas. In general, if the public is educated & knows about these passing areas, they will be used. It is not hard to do & keeps minimal impact to the surrounding landscaping. We live here too & don't want to see our town destroyed any more than you do. In all our years we've never passed anyone on that trail.

- "I don't like the noise"

Resolution: Put up a speed limit on that trail. All RZR's & dirt bikes abide (or at least should) by the town speed limits when driving to & from trailheads already. Once you punch the gas, the noise increases. The town of Moab has done a good job of educating tourists on speed & noise while traveling by homes & through neighborhoods, there is something to take away from that.

- "I don't like dirt"

Resolution: Again speed. Put up a speed limit, those RZR's will not kick up any more dirt than your windstorm does if going an appropriate speed.

- "They are going to start a fire"

Resolution: Education. Those that are worried about these motorized vehicles starting a fire are not properly educated. You cannot legally purchase an OHV that does not have a spark arrestor. On the other end, there needs to be education about taking care of your spark arrestor on your dirt bike & RZR if you own one.

- "I don't like loud music"

Resolution: You need to move to a property with 20 or more acres. Sorry but not sorry. There are noise ordinances with the town & if you have issues with music then take it to the appropriate place. You don't move next to an airport & then complain about the airplane noise, you don't move next to a train track that is "out of service" & when they decide to start using the tracks again complain about the trains & you definitely do not move to a town, or valley where recreation is a top thing to do & why people live here & then complain about how others are recreating.

- "I'm worried about the elk & deer"

Resolution: Look in the mirror. Are you being a hypocrite? Is your house built where an empty field used to be with a herd of elk 3 times the size it used to be before you built your house? The original issue is something you are sleeping in. Elk & deer are more spooked by someone hiking or riding a bike than a vehicle going by (you know this because you annoyingly honk your horn on your car to get them to move out of the street & they still do not budge). Dirt bikes & RZR's will not be pushing these animals into unwanted areas any more than they already are & most typically these animals stay away from the trails that are up there during the daytime. There are already limits on the time of year you can use the trails, put a dusk to dawn limit on it too if need be (that would also take care of your "I don't like lights" complaint).

The town needs to capitalize on this issue. "How many residents have RZR's & dirt bikes?" "We don't know." That is like asking how many residents have rafts. If the town required a permit for these (dirt bikes & RZR'S) then they would know how many are in the Town of Eagle. Oh, & fancy that, they would also be receiving money for these signs, educational avenues, & trail maintenance... hmmm. Wouldn't it be easier for a citizen's complaint about noise or speed to accompany a license number rather than a color of a RZR... let's say it was orange.... ? Something to heavily consider, don't you think Town of Eagle?

Utah recently implemented an education course that all users of OHV need to take if you are riding in their state. It is quite informative. There is something to take away from this Town of Eagle & here it is... Implement your own educational course. It could come with a "fee", or it could come with a "code" to the gate to get in (that code could be as simple as 81631) if you pass the course. That might deter out of towners as well if they haven't taken a course & don't know the code to get through the gate. **Education is a major part of this entire issue;** for those that are partaking in this recreational activity **& for those that are against it.** You have hikers that do not even know the "right of way".

Bottom line, we ALL need to learn to get along, not throw eggs at others. Just because you do not recreate the same as your neighbor doesn't mean you can also tell them what they can & can't do. Do we want to look like Spring Creek in Gypsum or the overrun trails in Moab, NO. We DO, however, want to make sure that access to all recreational activities is available to all residents regardless of what they choose as their recreation. That's why we live here!

Respectfully,

Jason & Stephanie Sharpe

Good evening,

I'm writing this letter in favor of increasing the width limit for motorized vehicles on 2nd gulch or allowing motorized vehicles on third gulch.

We own a RZR side by side OHV and have accessed Hardscrabble through 2nd gulch in the past (when access was allowed). It was so nice to be able to ride from our house in Eagle Ranch without having to trailer our RZR. The town has always used the phrase "your house is your trailhead", I believe this should apply to all recreation users (hikers, mountain bikers, dirt bikers, OHV users, horseback riders etc). OHVs only use a small section of second gulch to access the trails above so really the impact is not much for all of the other trail users that may be trying to fight this access. The other option would be to let OHVs use third gulch to access the trails above. Third gulch is already a double track and tends to have less mixed use traffic.

I hope the town considers that not everyone recreates the same way and that we need to provide access to everyone.

Thank you for your time,

Aly and Greg Anderson

Committee, I spoke with you at the last meeting regarding the topic last fall. Unfortunately I have another meeting at the fire station tomorrow so I will be unable to attend.

I think the under 72" access is very important for our community. This has always been a motorized access point and times have changed a bit, the types of available OHV vehicles have changed as well. The SxS market has become very popular mainly due to the fact you can put your entire family and a picnic lunch in a very comfortable and safe vehicle and go enjoy the day.

This is only an access point less than a half mile in length. To date we have not seen trailers hauling motorcycles or 4 wheeler ATVs parking at the Arroyo lot. I don't expect this be a destination stop for vehicles 50-72 in width. This will be a neighborhood access. Most people are respectful especially in our community. There are always a few bad apples out there but we can't always make rules for the few.

The haul and trailer access is really not all that convenient and is probably about 10 miles some of which on rough roads.

Let's get this done and make access for all types in our community. As I mentioned previously I hike, bike, OHV, and also jeep in our great outdoors and this would be a huge bonus for Eagle Ranch.

Eric Peterson
78 haystacker drive
(970)376-7443

TO: Town of Eagle Open Space Committee

FROM: Concerned Residents of Eagle Ranch (List Attached)

CC: Brian Lieberman, Open Space and Trails Manager

DATE: March 6, 2023

RE: Proposed Second Gulch Motorized Width Access Change from 50" to 72"

Currently, Second Gulch trail, starting from the Arroyo Trailhead in Eagle Ranch, is a motorized trail connecting the Town of Eagle with the adjoining lands managed by the Bureau of Land Management ("BLM") in the Hardscrabble area ("Trail"). At the time the Trail was designated as a motorized access route, the vehicular width restriction of 50 inches was to permit Off-Highway Vehicles ("OHVs") access to public lands from the Town without allowing access for full-size vehicles. The Town did not want to turn Arroyo Trailhead into a destination trailhead or have vehicular traffic headed to BLM lands routed through Eagle Ranch neighborhoods.

The motorized recreation community has requested that the Town increase the width restriction on the Trail from 50 inches to 72 inches ostensibly because the off-road recreational vehicle market is now dominated by the *new technology* of Side by Sides ("SxS") and Utility Terrain Vehicles ("UTVs") which are typically 60-72 inches wide. The proposed change to Section 6.03.030A of the Eagle Municipal Code is as follows:

*"Operation of motor vehicles, motor bikes, motorcycles, snowmobiles or off-highway vehicles (OHV) which are less than ~~50 inches~~ **72 inches** in width shall be allowed access to the Hardscrabble Road via the trail going up Second Gulch. Access to such trail is obtained by following the Second Gulch Trail signs from the parking area located at the bottom of Arroyo Drive."*

BECAUSE THE INCREASED WIDTH RESTRICTION TO 72 INCHES WILL ALLOW ACCESS TO THE TRAIL FOR FULL SIZE VEHICLES AND WILL TURN THE ARROYO TRAILHEAD INTO A DESINATION TRAILHEAD IN CONTRAVENTION OF THE ORIGINAL INTENT OF THE TRAIL, AND FOR THE FOLLOWING REASONS, WE STRONGLY OBJECT TO THE REQUEST TO INCREASE THE VEHICULAR WIDTH RESTRICTION ON THE TRAIL FROM 50 INCHES TO 72 INCHES.

ACCESS EQUITY IS AN INVALID REASON FOR APPROVAL:

Access equity is a terrible basis for approval of request to expand the width restriction of the Trail. In fact, it is no reason. Motorized vehicles are currently permitted on the Trail. There are plenty of options available to the OHV community that will comply with the 50-inch restriction. If a recreationist desires to choose a vehicle over 50 inches he/she can trailer it to the backcountry use areas. There is no requirement that all types of uses have equal use of any area. By denying this request, the Town is not choosing to deny access to the Trail by motorized vehicles.

If this request is granted, will the Town consider a request from the full-sized pickup truck community to allow it access to the Trail? If the Town approves the expansion to 72 inches why would it not consider expanding it further to allow full-size pickups? Since a small pickup truck can fit within the 72-inch width, wouldn't the allowance of small pickups constitute discrimination against the full-size pickup owners?

Additionally, E-bikes (*new technology*) are prohibited on bike trails around the Town. This prohibition was ostensibly adopted for many of the same reasons elicited in this paper – conflicts with hikers and human powered bikers and the degradation of the trails. How would it be **equitable** to the E-bike community if cars, SUV's, trucks and UTV's that fit within the 72-inch width restriction are permitted on the Trail, where E-bikes are prohibited on much of the Town's bike trail system. To approve this request amounts to a high degree of hypocrisy. If the Town approves the expansion of the width restriction on the Trail on **access equity principles**, it should revisit its E-bike prohibitions. Honestly, where would it stop?

Despite what the proponents of the expansion of the width restriction are saying, this is not about whether motorized use is allowed on the Trail or whether or not we "like" the "OHV Community". This is a request to EXPAND the use. The fact that UTVs are bigger than the 50-inch restriction is not a valid reason for change. In fact, no valid reason to change existing laws has been put forth by the proponents of the request. The reasons for the 50-inch restriction are manyfold, some of which are listed below. The reasons to support expanding the width restriction have little to no merit.

As currently proposed, the request to expand the width restriction on the Trail has many more implications than just trying to be '**equitable**' to a few Eagle Ranch residents who want the convenience of driving their UTVs from their house to the Arroyo parking lot in order to access the Trail into BLM lands.

CAR, SUV AND TRUCK USAGE:

Currently, Section 6.03.030A of the Municipal Code permits the operation of **all types of motor vehicles** on the Trail. The 50-inch restriction effectively limits the amounts and types of motor vehicles on the Trail. By increasing the width restriction to 72 inches, the Town would be inviting all types of vehicular traffic onto the Trail. Many cars, SUVs and trucks are less than 72 inches wide. A quick internet search yielded a small sampling of such vehicles attached as Exhibit "A". Going from 50 inches to 72 inches is not a "small" increase. Essentially, Pandora's Box would be opened, and the Trail would become a shortcut for all sorts of vehicular traffic wanting to access BLM lands. Bypass sections at certain intervals on the Trail would need to be made to permit oncoming vehicles to pass each other. This would necessitate further destruction of vegetation. Should the Trail become a road – and it surely will if the width restriction is increased - it would become virtually unusable for hikers and bikers. Staff admits in its memo to the Town Council dated February 28, 2023 that recreationists currently violate the width restriction. It is not a stretch to envision full size trucks and SUVs that exceed 72 inches in width try to utilize the Trail if this request to increase the width restriction is granted. By increasing the width restriction, the Town would essentially be redefining access to the Trail.

SAFETY:

The Trail is a popular trail with bikers and hikers. UTVs are larger and more powerful vehicles than ATVs. UTVs are faster than ATVs with max speeds between 25 mph and 50 mph. UTV's have higher clearance and can come with windshields, roll bars, and roofs – essentially a small car or a mountain dune buggy with more safety features than ATVs. All of which does not lead to more safety, as behavior adaptation, it tends to permit more aggressive and faster driving leading to more accidents. Permitting larger, faster vehicles with hikers, bikers and wildlife on a trail containing many blind spots is a recipe for a catastrophic collision. Cell service is spotty in much, if not all, of the Trail. In the event of a collision with injuries, delays in emergency response could result in serious harm, if not death. OHVs have been identified as the third leading cause of wildfires (See Article dated September 21, 2020 from the Behind the Wheel Magazine attached as Exhibit “B”). Increasing the width of the Trail will serve to increase use of the Trail by UTVs thus increasing the risk of wildfire.

NUISANCE:

Permitting larger vehicles to utilize the Trail will only serve to increase the dust, erosion, noise and litter on the Trail spoiling the enjoyment of others who use the Trail. Regrettably, not all people are considerate or follow the rules and the fact that the Town recently had to gate the Arroyo trail head parking lot during winter months is indicative of that. These larger vehicles kick dust hundreds of feet into the air. UTVs are loud requiring most users to wear ear protectors. As if the noise generated by their motors is not enough, many UTVs are tricked out with music sound systems. Also many UTVs have high intensity light bars and with cars, trucks and SUVs using the Trail, night usage of the Trail will ensue causing further nuisance. Dust, loud engine noise, blaring music and nighttime lights are not compatible with the enjoyment of most of the people who use the Trail.

DEGRADATION OF THE TRAIL:

Increasing the width restriction would permit cars, SUV's and trucks to use the Trail in addition to UTVs. By increasing the width restriction, additional vehicular use of the Trail would ensue. Currently, the Trail is not in the best shape for hikers and bikers. This was identified as a problem in the Town's Open Space Master Plan. One reason is due to the highly erosive nature of the soil in the area. Use of the Trail by larger motorized vehicles will only serve to degrade the Trail further. Also, how would the Town stop drivers from utilizing the Trail when it is wet? The use of trailers by vehicles would further exacerbate the degradation.

ENFORCEMENT:

As previously stated, Staff admits in its memo to the Town Council dated February 28, 2023 that recreationists currently violate the width restriction and have been for some time. Additionally, Staff admits in its memo that *“In the past, staff members have fielded concerns from the community about motorized traffic on Second Gulch. The complaints have mostly been related to speed, etiquette, and noise of motorized users. Some community members have also expressed concern*

about the dust and damage to the trail caused by motorized use.” Additionally, Staff advised that *“the cattle guard and other features have sustained consistent damage over the years due to larger and heavier vehicles accessing the Trail. Significant staff time and resources have been invested in maintaining this cattle guard and other features.”* The increased use of the Trail by motorized vehicles will surely result in even more enforcement activity by the Town.

The Town of Eagle should learn from experiences of the Town of Silverton with the OHV community. The Silverton Town Sheriff spent considerable time ticketing OHVs for reckless driving, speeding and going off route. During a phone interview with one of our residents, the Silverton Mayor Pro Tem described OHVs as like an invasive weed - once OHVs took root and the Town focused on meeting their needs, the OHV community crowded out other users. Other users stopped using their trails because their trail experience was ruined by OHV noise, destruction and the general OHV culture. Numerous OHV accidents limited the ability of their EMS to respond to other emergencies. The Town of Silverton ended up banning OHV use on most of their trails. The Silverton Mayor Pro Tem consulted with the Mayor of Moab when deliberating the ban on OHVs. The Moab Mayor had similar issues with OHVs and that it was one problem after another - once they would get a handle on one problem then another came up, again and again. **Attached as Exhibit B is an Article from the Colorado Sun dated June 17, 2021 documenting the problems other communities are having with OHV use.**

INCOMPATIBLE WITH OPEN SPACE VALUES:

While the Trail is a designated motorized access trail, the 50-inch width restriction serves as a limitation on the types and number of vehicles using the Trail. Increasing the width restriction will serve to increase the use of the Trail by more than just UTVs. This is inconsistent and incompatible with the Town’s open space values, the preservation of our environment, the protection of wildlife and the protection of our natural resources. The improvements to the Trail necessary to accommodate larger vehicles will result in more loss of vegetative areas. Encounters with motorized vehicles are universally disruptive to the enjoyment of the trails by hikers and bikers. Furthermore, if two vehicles approach each other head on with no passer lanes, they will have to swerve off the Trail to pass each other exacerbating vegetation and trail damage. Additionally, the increased vehicular traffic will have substantial impact with wildlife, (deer, elk, foxes, coyotes, rabbits, etc.) in the area.

We are increasingly seeing that management for popular outdoor recreation areas such as Hanging Lake has eventually led to permitting and reservation systems to limit traffic. The Town is growing in population – for good reason. It is an awesome place to live, work and play. The Town must do its utmost to preserve its natural resources that make it so wonderful. Encouraging the expansion of vehicular traffic on this Trail is not in keeping with this goal.

THE TRAIL WILL BECOME A ROAD OF CONVENIENCE:

This request is simply about convenience for a small handful of people that own UTVs larger than 50 inches. Since wider motorized vehicles have alternative routes to reach the Hardscrabble area, creating a route via the Trail is only a matter of convenience for the motorized vehicle owner community. Recreationalists still have ample opportunity to access the backcountry areas if they

choose to buy vehicles that are wider than 50 inches. The Town must evaluate whether this request is in the overall interest of all residents of the Town of Eagle, and not just a select few. The costs to the broader community and ecosystem to provide this convenience are too great. In other words, it would be unfortunate to burden the larger community and ecosystem with the costs to provide convenience to a few. There are plenty of off-road opportunities for UTVs in our area. The Trail should not be one of them.

POTENTIAL COMMERCIAL USE OF THE ARROYO TRAILHEAD PARKING AREA:

An owner/operator of an OHV rental business apparently is not prohibited from taking customers to the Arroyo parking lot by hauling trailered OHVs and having customers use the 2nd Gulch trailhead as starting point for their 'adventure'. This would be akin to a commercial rafting operator taking customers via van and towing trailered rafts to public parking areas on the Colorado River/Eagle River for their 'float adventure'. The Arroyo parking lot was not designed for commercial use. The 2nd Gulch expansion would possibly result in the commercial exploitation of a Town asset.

Additionally, OHV users are permitted by Section 11.09 of the Town Code to drive rented OHVs from the rental business through the Town and Eagle Ranch via current public streets, roads or alleys to the Arroyo parking lot. This will increase OHV traffic on our roadway system with the most direct route of this OHV traffic being Eagle Ranch Road in front of the Brush Creek Elementary School.

COSTS IN WIDENING THE TRAIL:

To be consistent with the Open Space Master Plan that was approved by the Town in July, 2022 the Town should conduct an environmental impact study when making decisions regarding capital expenditures that have impact to the environment and Town Open Space Areas.

Staff has identified that certain features on the Trail were not built to accommodate the width and weight of larger motorized vehicles, such as the cattle guard at the Town boundary. The cattle guard and other features have sustained consistent damage over the years due to larger and heavier vehicles accessing the Trail. Significant staff time and resources have been invested in maintaining this cattle guard and other features. Even more Staff time and resources will be diverted to maintaining the Trail if this proposal is approved.

Staff set forth a proposed budget totaling \$4,500 including drainage, signage, widening and improving sight lines the Trail, and a new cattleguard. We believe that the Town will incur substantially more costs than \$4,500 since the Trail will be utilized by cars, SUVs and trucks in addition to UTVs requiring even more improvements to the Trail. The \$4,500 budget does not quantify the significant Staff time that would be involved in the widening of the Trail. Additionally, the Town should be conducting an environmental impact assessment. Furthermore, the costs of the additional enforcement load on the Town Staff and Police Department must be factored into the equation. Finally, the budget does not include a cost factor for the on-going maintenance of the Trail due to the additional and intensive use by motorized vehicles.

OHV TRAFFIC ON TOWN ROADS:

In Colorado, UTVs and other off-highway vehicles (OHVs) can only be driven on public roads that have been approved for OHV use by a town, city, county, or other local jurisdiction. OHVs are permitted to be driven through the Town, including Eagle Ranch, on public roads from their place of storage to a trailhead. How can this possibly be enforced? Once OHVs start using our road system, how does our police force differentiate an OHV that is being driven legally from an owner's house to the trailhead from an OHV that is being driven down the street for a neighbor visit?

OHVs are not approved to be on roads like Brush Creek or Sylvan Lake Road. OHVs are not approved to drive on dirt roads to Sylvan State Park or to Yeoman Park. If the Town approved all roads for OHV use then the Town will have difficulty controlling where 'non-residents' park and drive. Accordingly, Brush Creek Elementary could be used as a staging area for all the 'out of town' OHV users who could use Eagle Ranch Road to access the Arroyo trailhead.

SUMMARY:

Staff has reasoned that *“upholding the existing rule would likely limit the motorized traffic on Second Gulch owing to the decrease in the popularity of ATVs. Further, the Town would not need to invest in new infrastructure to accommodate the increase in vehicle size and weight.”*

For the benefit of the majority of the residents of the Town, the myriad of potential problematic issues outweighs providing a convenient, “equitable” access to a small number of UTV owners that are larger than 50 inches. Commercialization of Arroyo Trailhead should be prohibited and vehicular traffic by the OHV community should be limited in Eagle Ranch to protect our quality of life.

Eagle Ranch Residents assisting with the drafting of this position paper and supporting the objection to the proposed widening of 2nd Gulch Trail include:

Bert Christenson	East Haystacker, Eagle, CO 81631
John and Kate Ives	Harrier Circle, Eagle, CO 81631
David Christian	4 th of July Road, Eagle, CO 81631
Steve and Jackie Hoffman	Harrier Circle, Eagle, CO 81631
Tom and Celena Olden	Eagle Ranch Road, Eagle, CO 81631
Steve Mairose and Kate Sheldon	East Haystacker Drive, Eagle, CO 81631

Eagle Ranch Residents supporting the objection to the proposed widening of 2nd Gulch Trail include:

Jerry and Lisa Smith	Left Lady Bell, Eagle, CO 81631
Dennis and Melanie Weisman	Harrier Circle, Eagle, CO 81631
Leslie Juliano	Palmer Loop, Eagle, CO 81631
Melanie Richmond	Big Sage Court, Eagle, CO 81631
Mike & Emily Sherwood	East Haystacker Drive

EXHIBIT "A"

Subaru Forester	71.5
Subaru Crosstek	71
BMW X2	71.8
Mercedes GLA Class	71
Mitsubishi Eclipse Cross	71.1
Mitsubishi Outlander Sport	71.3
Mini Cooper Countryman	71.7
Toyota C-HR	70.7
Honda HR-V	69.8
Buick Encore	69.8
Nissan Kicks	69.3
Chevy Trax	69.9
Mazda CX-3	69.6
Hyundai Kona	70.9
Ford Eco Sport	69.5
Hyundai Venue	69.7
Chevy Equinox	72.6
Ford Escape	72.4
GMC Terrain	72.4
Mazda CX-5	72.5
Nissan Rogue	72.4
Toyota RAV4	72.6
Volkswagen Tiguan	72.4

Exhibit “B”

Article from Behind the Wheel

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ORV USE IS AMONG THE THIRD LEADING CAUSE OF WILDFIRES—HERE'S HOW TO HELP

By  [Megan Randall](#) | Behind The Wheel on  September 21, 2020 6M READ

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 5

A dull, orange haze transforms the sky into something unfamiliar and otherworldly. The smell of smoke hangs heavy in the air, and a thick layer of ash covers the landscape.

What sounds like the intro to a dystopian sci-fi novel has become a daily reality for millions of Americans as deadly wildfires rage across the west coast. The fires broke out mid-August following exceptionally dry weather conditions, and they spread quickly.



An eerie orange smog has become the norm in many western United States cities.

[Photo by Sky News](#)

In an update given on September 15, the [US National Interagency Fire Center](#) reported that at least 87 wildfires were burning in 11 different states. Most of the activity is centered in the Pacific Northwest—specifically in California, Oregon, Idaho, and Washington. So far the fires have collectively burned 4.7 million acres, leaving at least 35 people dead with dozens still missing.

Even distant towns, miles from the fires' paths, are reeling from the effects. Poor air quality from the wildfire smoke makes it dangerous to be outside. This, combined with frequent power outages, has resulted in the closure of several state parks and the implementation of statewide burn bans.

It's hard to wrap your mind around this level of destruction. You can't help but wonder, how do forest fires get so out of control?

WE'RE TO BLAME

Wildfires can occur as a result of lightning paired with dry climates, drought, and heavy winds—but as it turns out, we can't place 100% of the blame on Mother Nature.

According to [Smithsonian](#), human activity caused 1.2 million out of 1.5 million wildfires from 1992 to 2012. This statistic carries a staggering cost—not just from property damage or the loss of national forests, but the cost of

lives, as well.

It's also a statistic that hits close to home when you realize that of those fires, 11% came from equipment use—including the use of off-road vehicles. This is the third cause of wildfires, only after debris burning and arson.



Human activity—including the use of ATVs and UTVs—is responsible for the vast majority of wildfires worldwide.
[Photo](#) by Norris Inc.

It's probably not something you think about often, especially if you live in a region where wildfires rarely (if ever) occur. But ATV/UTV-caused fires do happen, and a [2017 Florida incident](#) serves as a reminder of this. An ATV rollover ignited a patch of dead vegetation, resulting in a two-acre wildfire.

WHAT PRECAUTIONS CAN WE TAKE?

Despite the harrowing statistics, we're not saying we all need to stop riding during the dry season. There are plenty of precautions you can take to ensure that you're riding as safely as possible. And in light of the fires burning across the western half of the US, we want to highlight these.

1. DON'T REMOVE YOUR SPARK ARRESTOR

A spark arrestor is a device that blocks hot particles from flying out of your exhaust. Most stock machines have them—or else the muffler is designed in a way that prevents particles from escaping—so if you're running a stock muffler, you're probably taken care of.

But if you've had some work done near the exhaust, you may need to install an [aftermarket spark arrestor](#). They're required by law at pretty much all parks—and for good reason. Those hot flying particles can have disastrous effects if they land on dry grass.



Your machine's spark arrestor is there for a reason. It blocks hot particles from escaping your exhaust, reducing the risk of freak fire incidents.

[Photo by BoostATV.com](#)

2. BE AWARE OF RESTRICTIONS

Burn bans exist for a reason. Climate factors, like drought and wind, can make riding through dry grass even more risky. Pay attention to current conditions and note any official warnings or restrictions. If conditions are iffy, maybe find a different ride spot for the time being.

And we shouldn't have to say this, but you never know—if you're riding or camping while a burn ban is in effect, don't build a fire. And definitely don't toss your cigarette butts aside. (Actually, you shouldn't toss your butts even when a burn ban *isn't* in effect.)

3. BE SMART WITH YOUR CAMPFIRE

When campfires are safe and permissible, just be smart about it. We know that sometimes it's nice to build a fire and cook a hot meal the ol' fashioned way—and there's nothing wrong with that! As long as you know what you're doing.

First, make sure there are no burn bans or fire restrictions in place. You can look this up on [your state's official website](#).

Next, make sure you have a water source, bucket, and shovel nearby—just in case an accident should occur.

When you're ready to build your fire, check out your surroundings. If a pre-made fire pit is nearby, use it! And if not, establish one far away from trees or bushes—at least 15 feet away, just to be safe. The best place to build a fire is on gravel or dry, bare dirt, so you may have to sweep some debris aside.

Finally, dig a hole about a foot into the ground and surround your pit with big rocks, to act as a firewall. Now you're ready to start your fire.

Once you're done, be sure to fully extinguish your flames. It takes awhile to put out a fire, so start extinguishing it about 20 minutes before you'd like to leave. Your campfire spot should be cold to the touch before walking away!



Thoroughly extinguish your campfire when you're done by dousing it with water. You may have to repeat the process a few times before the ashes are cool to the touch.

[Photo](#) by REI

4. AVOID TALL, DRY VEGETATION

In case you haven't noticed, engines get hot. Therefore, parking your ATV or UTV in a patch of tall grass during the dry season isn't the best idea. It's not common for fires to start this way, but it can definitely happen—remember what happened in Florida a few years ago?

Avoid potential fires by parking your machine away from any type of vegetation. Hard-packed dirt is going to be your safest bet.

5. CHECK FOR LEAKS

We encourage you to perform regular maintenance on your machine for many reasons—to keep yourself safe and preserve your investment, to name a few. But avoiding accidental fires is another reason.

Part of maintaining your machine is keeping an eye out for leaks. Oil and transmission fluid are highly flammable, so if you're leaking them all over dry grass during a drought, you're just asking for trouble.

6. BE PREPARED TO PUT OUT ANY FLAMES

Always, always, always travel with a fire extinguisher. Even in cold or wet conditions, vehicle fires happen and we want you to be prepared when they do. Check out our [side-by-side fire safety](#) article to learn more about choosing the right fire extinguisher, and maybe pick up some other tips on what to do in case of an accidental fire.

Another good idea is to keep a shovel on hand when you ride, as recommended by the [Bureau of Land Management](#). It can be used to beat down or shovel dirt on top of flames. It's also helpful with putting campfires out because you can use the blade to break up any large embers.



Don't even think about getting behind the wheel of your ATV or side-by-side without a functioning fire extinguisher on hand.

Photo by RZR Forums

As off-road enthusiasts, we spend a lot of our time outdoors. That means it's our responsibility to take care of and preserve our surroundings. The current situation out west is a strong reminder of why this is so important.

Hopefully, with a few easy precautions, we can help protect our favorite ride spots. And in the meantime, our thoughts are with everyone affected by the wildfires in the western United States.

Here are some resources to help you stay up to date on current fire-related closures and restrictions:

- [California Department of Parks and Recreation Incidents Overview](#)
- [Idaho Department of Fish and Game Fire Information](#)
- [National Interagency Fire Center](#)
- [Oregon State Parks Fire Information Page](#)
- [USDA Forest Service Active Fire Mapping Program](#)
- [Washington State Parks Alert Center](#)

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BUSINESS, COLORADANS, ECONOMY, ENVIRONMENT, GROWTH, NEWS, OUTDOORS

Off-highway vehicles are revving up locals (in a bad way) in Colorado's remote mountain towns

Inundated with by go-anywhere motorized vehicles, local governments are struggling to find a balance between welcoming the spending by “motorheads” and keeping their towns from resembling sets for a Mad Max movie.



Nancy Lofholm

4:20 AM MDT on Jun 17, 2021



Off-highway vehicles parked outside of the Taylor Park Trading Post near the small town of Tin Cup, Colorado, in Gunnison County on June 2, 2021. The increasing popularity of these machines is creating controversy in the small mountain communities of Lake City, Silverton, Marble and Tin Cup because of noise and crowding. (Dean Krakel, Special to The Colorado Sun)

hen Teri Havens bought two acres tucked in a thick stand of aspen on a hill south of Marble in 1995, it was her bit of backcountry nirvana.

WYes, it sat along a popular jeeping trail – a county road leading to the historic Lead King Loop. But she could live with four-wheel-drive vehicles jouncing past her place on their way into the White River National Forest; the drivers shared her appreciation for the beauty up the trail at the fringe of a wilderness area.

Eight years ago, that began to change.



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Havens' backcountry home slipped from tranquil into periodically hellish when a new breed of off-highway vehicles began blasting by in buzzing, whining, roaring caravans.

The vehicles kick dust hundreds of feet into the air. At times, they blare music and flash colored, blinking lights from antenna-like wands and high-intensity bars. Political statement flags flap from roll bars. Havens can't recognize the drivers who are hidden behind goggles, helmets and ear protectors.

Havens and her neighbors now find human waste and toilet paper littering the edges of their property. There have been times when they have been trapped in their driveways by backcountry vehicles gridlocking the narrow road as far as they can see. In the scattering of buildings that make up Marble, they have to contend with a parking lot filled with big exhaust-belching trucks hauling trailers loaded with the newfangled vehicles.

"They are more numerous. They are more aggressive," Havens said. "I feel like we are on the verge of a crisis. I hate to be all doomsday about it, but it really feels that way."

A web of laws and regulations

Marble, a historic mining town of 140 residents in the upper Crystal River Valley near Carbondale, is by no means alone in grappling with an unprecedented, pandemic-boosted surge in off-highway vehicle use.

In 2015, the Colorado Parks and Wildlife division that oversees OHV use counted 170,000 of the vehicles registered in the state. Last year, there were 203,873. Around 46,000 of those came from out of state.

Many rural, and often remote, Colorado towns inundated with the go-anywhere motorized vehicles are struggling to find a balance between welcoming the spending by "motorheads" and keeping their towns from resembling sets for a **Mad Max** movie.

About 99 percent of all OHV trails in Colorado are on public lands, but municipalities and counties have become staging areas or pass through for trail-bound OHVs. These local governments have the often-contentious choice to put out the welcome mat or the "Closed" sign for these vehicles because Colorado is among states where off-highway vehicles are banned on public roads, streets and highways – unless the local entities opt to allow them.

Putting the onus on communities has led to a mishmash of regulations that can be trickier for motorized users to navigate than the dickest backcountry trail. Towns including Craig, Meeker, Westcliffe, Silvercliff, Leadville and Parachute welcome OHVs on all streets without restrictions. Some counties, including Custer and Delta, have opened all county roads to OHVs.

Aspen and Pitkin County have nixed them on their roads. The small Western Slope farming town of Dolores has too, following charged debate that ended with 60% of residents voting no to OHVs' noise and dust.

Other counties and towns have instituted age, speed, gear and hour restrictions. They have OK'd OHV use on some streets, but not others. They have a variety of penalties for violations.



Riders from Palisade and Grand Junction prepare their Can-Am Outlander at the Lead King trailhead in Marble.
(Olivia Sun, The Colorado Sun)

To snarl the regulations even further, the state, municipalities, counties and public land management agencies have cobbled together a patchwork of agreements on certain trails and access roads linked to trails in some popular OHV areas, including Marble.

Marble sits along the Lead King Loop, a 13-mile rugged road that cuts through the White River National Forest and winds along the edge of the Maroon Bells-Snowmass Wilderness Area.

Access to the Lead King Loop Road ran into problems because of an oversight. For the past six years, Gunnison County had an exemption that allowed OHVs on the county-owned section of road between the town limits and a hill leading to the beginning of the U.S. Forest Service loop road.

But the county inadvertently left a gap in that exemption. It OK'd OHV travel on 0.7 miles of road, but left out another 0.8 miles needed to connect Marble town roads to the Forest Service loop road. Legally, OHV drivers had to stop short of accessing the loop.

In May, the Gunnison County Commission proposed a resolution to close the gap. That set off fireworks. Concerned citizens wanted to keep that no-OHV gap in place to limit the disruptive traffic.

The commissioners ended up allowing OHVs to use the county road until the end of the year, when the issue can be revisited.

During that time, Marble and the county agreed to foot part of the bill for a Forest Service ranger to keep an eye on the Lead King Loop. The county also assigned two deputies to patrol that remote end of the county.

In the meantime, another dispute over a Marble town parking lot has turned into one more skirmish point in the OHV battle. The town had designated the Marble Mill Site Park parking lot for OHV-hauling trucks and trailers. But that turned out to not be allowed under the park's designation as a national historic site that milled local marble for the Lincoln Memorial.

Anti-OHVs, who viewed the parking lot use as a noisy, air polluting blemish in the heart of their town and a slap in the face of history, chalked up a win.

The U.S. Forest Service is working on new management plans that may eventually bring other relief. Marble residents say there is some hope the agency may come up with a permitting system or establish alternating days for different users to relieve some of the pressure and conflict.

Marble residents say they don't expect that to happen quickly because the agency is using the same land management tools put in place back when dirt bikes and electric bicycles were the problem – not lightning-fast vehicles that can make their way over any terrain and bank turns that widen trails into deep-dish roads.

"A need to make some changes"

The San Juan Mountain town of Silverton is in the running with Marble for the touchiest OHV controversy.

After seven years of all-terrain-vehicle headaches that came with allowing the vehicles on select town streets, the Silverton Board of Trustees in May adopted an ordinance that prohibits OHVs on streets, alleyways and rights-of-way within town limits "in the best interests, welfare and safety of the residents."

The ban was to take effect on June 19, but a citizens' group that included many business owners, torpedoed that with a referendum that has forced a citizen vote this fall. In the meantime, OHVs can continue to rumble down certain Silverton streets.

[Read more outdoors stories from The Colorado Sun.](#)

That means more work for San Juan County Sheriff Bruce Conrad, who is tasked with keeping order in Silverton.

For years, he has chronicled his duties in a blog printed in the Silverton Standard & Miner. OHV infractions get an inordinate amount of attention. Speeders, drinkers, noisemakers, crashers and drunks are noted. Half of all enforcement violations in the town during tourist seasons have been for OHV violations.

Conrad has occasionally let his frustration with OHVs be known in his crime chronicles: "issued 8 OHVs a verbal warning for even thinking about leaving the OHV route (Can you count to \$600?)



Signs targeted at OHV's (off-highway vehicles) are posted around the town and in front of businesses in Lake City. (Dean Krakel, Special to The Colorado Sun)

Lake City, Colorado's "Cannibal Capital" and the only incorporated town in sparsely populated Hinsdale County, allows OHVs to drive on streets that once teemed with miners and gunslingers. The town and its environs have long been a targeted getaway for vacationing Texans, and the proliferation of the visitors' off-highway vehicles has prompted some detractors to dub them "Texas wheelchairs."

Beginning this summer, OHVs can use a 3.3-mile section of Colorado 149 that traverses the town and connects the popular Alpine Loop, a rugged four-wheel-drive road that winds over high-mountain passes between Lake City, Ouray, Silverton and Telluride.

The Colorado Department of Transportation Commission approved that link through a three-year pilot program with the town and Hinsdale County. It carries a roster of local rules that build on state rules.

The state regulations are bare-bones. They require Colorado OHVs to display a registration sticker or a permit for out-of-state users (obtained online or in outdoor stores for \$25.25).

Lake City also requires proof of liability insurance, a driver's license in the driver's possession, passenger restraints and child seats, eye protection, and helmets for those under 18. In Lake City and Hinsdale County, the OHVs can only carry as many passengers as there are seats.

Fines for offenses in Lake City and the surrounding county have been doubled. An OHV scofflaw can end up paying as much as \$1,000.

Lake City and its nearby mountain roads have sprouted numerous signs warning OHV drivers to "Know before you go in an OHV." The campaign is also being used in San Juan, San Miguel and Ouray counties. The four-county coalition is an effort to put some uniform regulatory brakes on problematic OHV drivers.

"We've had OHVs in our community for years, but after what we saw last year there was a need to make some changes to continue to allow them," Hinsdale County Commissioner Kristie Borchers said. "We needed to let people know 'you are welcome to come here, but these are our rules.'"

Those changes weren't an easy sell in Lake City, where motorized visitors mean money in the coffers of restaurants, motels and souvenir shops. Borchers called it a "long, arduous public process."

In neighboring Gunnison County, Marble isn't the only problem spot. The tiny occupied "ghost town" of Tin Cup has been overrun with 25-vehicle-long caravans of mountain-pass-tackling OHVs that stop to take a break at Frenchy's On the Pond café and sometimes to frighten and annoy residents by peering into the windows of occupied historic mining cabins.

Pitkin, the oldest incorporated town on the Western Slope, had to buck some unneighborly controversy in recent years over OHVs overrunning the streets. It was settled – for the time being – by imposing a 15-mph speed limit and banning child drivers.



A sign targeted at OHV's (off-highway vehicles) outside the town of Tin Cup. Some people oppose the machines being allowed on town streets and others support them because of the economic boon they bring. (Dean Krakel, Special to The Colorado Sun)

The Taylor Park area surrounding the Taylor Park Reservoir has suffered, in the minds and ears of some campers and other recreational users, from a glut of OHVs that has made it a less desirable recreation area in recent years.

These are all problematic areas for the Gunnison County commissioners who have seen OHV use "go through the roof" in the words of Commissioner Jonathan Houck.

He said the county is seeing torn-up roads and resource damage from users "that are more interested in conquering the outdoors than in being in the outdoors." He said the OHV problem has moved into the upper echelon of county issues, alongside a serious housing shortage and looming drought.

Trying to find workable solutions

OHV groups like the [Colorado Off Highway Vehicle Coalition](#) and [Stay the Trail](#) have worked with the state, federal land management agencies, and communities to help craft workable solutions to OHV problems.

The groups, two of 77 OHV organizations listed in the state, are dedicated to lobbying for the interests of off-highway users, and also to disseminating educational information. They are tasked with updating [maps](#) and [local rule lists](#) to let OHV users know where they can ride.

The groups also do trail building and cleanups, and post signs and "ambassadors" on trails to help instill responsible trail use for the motorized crowd. Funding for those efforts for the next year will come from a pot of \$5.9 million collected from permits and registrations.

Seventy projects that include trail improvements and restoration, education and enforcement are on tap.

Scott Jones, a spokesman for the off-highway coalition, said the organization is having to wrestle with the same quandary that some local entities are: people overcrowding and abusing the outdoors because of the pandemic.

“There is a realization that the landscape is changing for Colorado,” Jones said. “There are a lot of these things out there.”



Off-highway vehicles can drive on the streets of Lake City. (Dean Krakel, Special to The Colorado Sun)

There are enough OHVs that they have become a more than \$1.6 billion economic driver in Colorado, according to a 6-year-old study commissioned by the off-highway coalition. Only skiers spend more on their outdoor recreation. The OHV spending includes sales of the vehicles, service and equipment costs, and money spent in communities by OHVs. The motorized-recreation industry is responsible for 17,000 jobs, the study found.

The vehicles alone can be “insanely expensive,” Jones said – upwards of \$30,000 for a tricked-out Polaris RZR.

“There are good and bad users in every sport”

The popular RZRs are the latest iteration of decades of powering backcountry forays with motors.

In the 1960s, off-highway motorcycles first began creating headaches for hikers and early trail cyclists. In the 1970s, all-terrain vehicles – ATVs – established a lumbering presence on trails. The squat four-wheel-drive vehicles had transitioned to recreation from farm fields and hunters’ camps. They were the summer version of snowmobiles.



A Polaris Sportsman 550 parked in Marble on June 12, 2021. "These machines have a more adverse impact than other vehicles. They tend go faster, erode the roads ... They are incredible fire hazards," said resident Teri Havens (not pictured) said. "I guess we could wait until there's a huge disaster and then try to figure it out — They're a great way to get around up here. But there needs to be a noise ordinance." (Olivia Sun, The Colorado Sun)

Side-by-sides — a sort of dune buggy for the mountains — came along in the 1990s and, as the name implies, made it possible for two riders to sit next to each other rather than having to straddle a tractor-like seat.

In the early 2000s, the RZR and other sport vehicles brought the first hint that there would be a whole new backcountry and resort-town dynamic when it comes to OHVs.

These futuristic vehicles ratcheted up problems with their sound that has been compared to blenders, chain saws and small aircraft (up to 99 decibels are allowed in Colorado for older models and 96 decibels for newer), and their speed (the fastest top out at around 90 mph).

They have wide wheel bases, high clearance and heavy-duty shocks that enable them to go anywhere.

For some drivers, if they can, they do.

Houck shared two examples of OHV bad behavior he has witnessed. He said he was on Engineer Pass last year enjoying the scenery when he saw an OHV churning up a hillside of wildflowers.

On another occasion, Houck saw OHVs with speakers blasting and flags flying, speeding full blast down the middle of the Slate River, an area near Crested Butte known for its wetlands and wildlife.

"There are good and bad users in every sport, but there seems to be a propensity of the latter in these side-by-side RZR users," he said. "It made me incredibly angry that one slice of the motorized pie is giving that entire industry a black eye."

While off-road advocacy groups and law enforcement struggle to make drivers behave responsibly, motorized users are tugged in the other direction by the off-road-vehicle manufacturers.

Polaris advertises "white-knuckle acceleration" and "G-force turns" on its new RZR XP Turbo S4 — "the biggest, baddest beast the offroad has ever seen."

Polaris videos depict RZR's kicking up huge clouds of dust as they bank turns and launch off hills.

A [2018 ad](#) highlights the expansive cockpit views of the RZR with the message, “You can see every last inch of terrain you’re about to destroy.”

That gives Tom Sobal, a longtime member of the Quiet Use Coalition, a headache. He lives in Salida, a town with 2,000 miles of routes open to OHVs within 100 miles of the town limits.

“This has become a political issue with the anti-government faction that rebels against the rules,” Sobal said. “There are a lot of bad apples in every group, but the nature of this OHV use magnifies the abuse in that group.”



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Sobal, like many who are trying to calm the off-road frenzy in Colorado, points west across the Utah border. Utah is one of 35 states that flip Colorado law and allow OHVs on all roads. Municipalities must vote to keep them out rather than to allow them to use roads in city limits.

Moab, which used to be known primarily for mountain biking and jeeping, has become a mecca for OHVs. They buzz around the town and its environs in high-decibel packs that some residents say would have Edward Abbey howling in his hidden desert grave.

Residents who are bailing out of the town call it “Mad Max on steroids” in a widely shared KZMU public radio audio piece, [“Dispatch from the Undisputed Motorhead Capital of the West.”](#)

From her Marble hideaway, Teri Havens doesn’t have to deal with that level of disruption. It has not reached the point where she is considering leaving her property. Yet, she is aware OHVs represent the fastest-growing recreational activity in the U.S. and that the sport has become, in her estimation, “out-of-control, unmanaged, destructive and heartbreaking.”

The other night she went out on an evening to walk her dog and soon heard a distant whine and a thumping stereo. She saw a cloud of dust rising beyond a hill.

“Here we go,” she thought as she got out of the way of what she knew was coming.

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March 6, 2023

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Re: Town of Eagle Open Space and Recreation Advisory Committee (“OSRAC”) review and recommendation concerning Second Gulch motorized width limit

Dear OSRAC members,

We have been continuous residents of the Town of Eagle since 1994 and 2003, respectively. For a variety of reasons, we are concerned about the proposed amendment to the Town of Eagle Municipal Code to allow the use of Off-Highway Vehicles (“OHV”) wider than 50 inches on Second Gulch Trail. You were each specifically and purposefully appointed by our Town Council to “*ensure . . . conservation, and sound management practices of open space, trails, and natural resources within the Town of Eagle and adjacent public and private lands with the goal of maintaining our community’s quality of life for present and future generations.*” In keeping with that express mission statement, we respectfully request that you vote against any ordinance or amendment that expands OHV use on Second Gulch Trail.

An increase in intensity or types of motorized use on Second Gulch Trail in the manner proposed does nothing to ensure conservation and sound management practices of the trail system. Instead,

it would, at a minimum, cause increased safety issues; create unavoidable damage to the trail and its improvements; lead to unnecessary dust, erosion and increased carbon emissions; encourage further illegal use of Hardscrabble Road; produce extra noise; interfere with other longstanding protected uses; and disturb sensitive wildlife populations.

Despite what a few proponents are saying – this is not about whether or not motorized use is allowed at all, or whether or not we "like" the "motor community." The proposal you are considering is to *expand* the allowed use for the convenience of a few, rather than the protection, conservation and sound management of the trails and the natural resources. In reality, there is no reason to change existing limitations contained in the law, adopted for cogent, pervasive and logical reasons, and which rules framed the development of the trail system and the design and construction of the Arroyo parking lot. The "equity access" argument that has been presented is specious, at best. Motorized users can already use Second Gulch Trail, including side-by-side machines under 50 inches currently on the market. A quick google search reveals that RZR advertises several different options in side-by-side OHVs 50 inches and under –specifically for "trail compatibility."¹ Motorized vehicles over 50 inches can access the legal-use backcountry areas by trailer.

Truth be told, this is really about reinstating a convenience for a small handful of people who own side-by-sides larger than 50 inches and were *illegally* using Second Gulch for many years – not about whether or not they can actually access the backcountry areas. It should go without saying that there is no requirement in any area of the law, or in equity, that would require that all types of uses and all sizes of vehicles to have identical use of any area.

The inevitable reality is that popular outdoor recreation areas must be regulated – often to the extreme of limiting traffic and requiring permitting when overuse occurs. Encouraging an expanded use here, at this point in time, would be short sighted. In your appointed roles, you have a responsibility to the community to recognize the continuous growth in our population, and the foreseeable challenges that will ensue. The myriad of potential problematic issues outweighs providing a convenient access to a small number of neighbors that possess side-by-side vehicles larger than 50 inches. For the public good, the existing law should not be changed. The reasons for the 50-inch rule continue to exist and the decision to place such limitations on the trail should be respected and maintained.

We sincerely thank you for volunteering your time and energy to fulfilling the OSRAC mission statement, and urge you not to put the convenience of a few citizens over protection of our natural resources and the wellbeing of the community as a whole.

Sincerely,
/s/ Bret Hooper
/s/ Christina Hooper

¹ See, e.g., <https://www.polaris.com/en-us/off-road/rzr/models/rzr-trail/>