



PROPOSAL TO EXTEND THE
BOUNDARIES OF THE JAMES PEAK
WILDERNESS AND TO CREATE AN
ADJACENT
SPECIAL PROTECTION AREA

INTRODUCTION

This proposal requests the enactment of federal legislation to extend the boundaries of the James Peak Wilderness Area in Gilpin and Grand County, Colorado along the Continental Divide and to create the Elk Park Special Protection Area for the adjacent area.

In 2002, due in large part to the efforts of then Representative Mark Udall, Congress passed legislation creating the James Peak Wilderness Area in Gilpin and Grand Counties in Colorado. However, because of two large private inholdings owned by Central City, the boundaries for the Wilderness Area did not include the adjacent Mammoth Gulch area, a significant glacial valley adjoining James Peak which would have been included with the Wilderness but for the Central City inholdings.

Central City has now sold its land to the Wilderness Land Trust, thereby establishing the basis for the extension of the current boundaries of the James Peak Wilderness. The office of now Senator Mark Udall, (D. Colorado) and concerned citizens have worked extensively with the Forest Service on the appropriate boundary adjustments to the James Peak Wilderness Area, and new boundaries of the Wilderness are the subject of ongoing discussion. One possible boundary adjustment is ed.

In addition to extending the boundaries of the James Peak Wilderness Area, the suggested legislation would create a Special Protection Area adjacent to the James Peak Wilderness Area. This approximately 10-12 square mile area (depending on the exact boundaries) is clearly deserving of protection. The area is comprised of a series of deep valleys and ridges that are habitat for diverse wildlife populations and provides excellent backcountry recreational opportunities. The proposed Special Protection Area also includes a large, pristine high altitude wetland and forms the eastern side of the Mammoth Gulch glacial valley, fronting the Continental Divide. The Forest Service has already blocked motorized access to the proposed Special Protection Area and with private funds has constructed barriers to protect the wetland portion of the area. These actions met with no opposition from either local government or recreational users.

The creation of the Special Protection Area would provide the Forest Service a statutory basis to manage the area for recreation, grazing and wildlife habitat while preserving the outstanding natural resources of the area.

James Peak Wilderness Extension

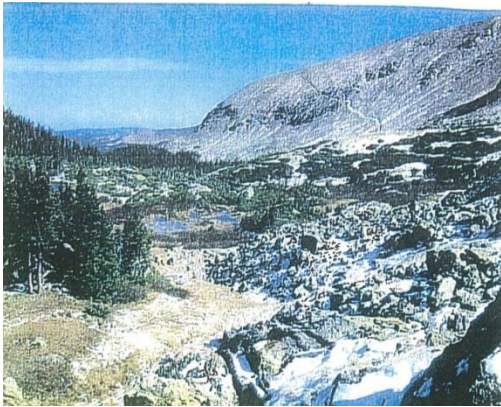
The initial wilderness boundaries were drawn so as to exclude 319 acres of land, as can be seen from the image below. That land has now been sold to The Wilderness Land Trust, in partnership with Colorado Conservation, for the purpose of protecting the land and ultimately including it within the Wilderness Area. This land was not included in the 2002 James Peak Wilderness Area designation due to potential conflicts between the management of public and private lands. Because the parcels were not included in the Wilderness, they could have been developed thereby diminishing the experience for visitors, as well as blocking legal access to the wilderness trails and vistas.

These Little Echo Lake parcels would encompass tundra and subalpine zones where vegetation types include subalpine fir, limber pine, and landscape features include krummholz, meadows, glacial lakes, rock outcrops and wetlands. The proposed area is undeveloped, and host to numerous flora and fauna, many of which are on the Forest Service's sensitive species list and are candidates for listing under the Endangered Species Act. Also, within these parcels of land there is potential botanical habitat for Moonwort species. Moonworts are also known to be present in the Mammoth Gulch area. There are also documented occurrences of rare alpine plants on nearby James Peak and the Forest Service believes there is potential habitat within the proposed area.



Pristine Lake Mammoth Gulch

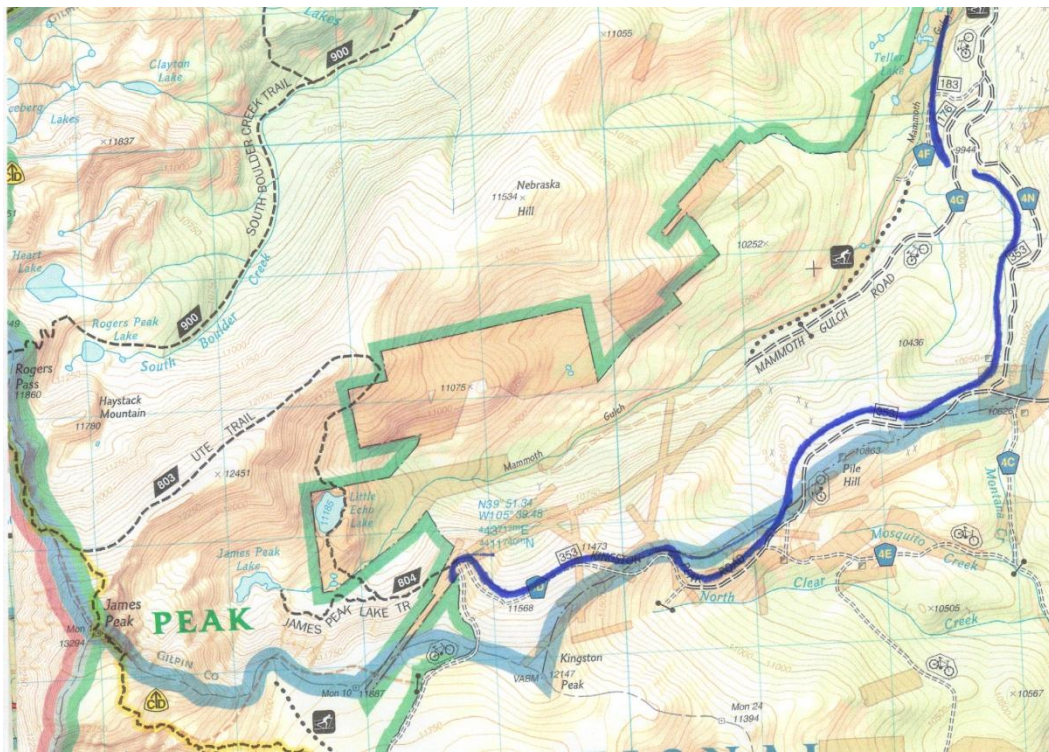
According to the Forest Service the proposed extension provides winter forage habitat for the federally threatened Canada Lynx. This land also provides traveling and hibernation habitat, with potential breeding habitat nearby, for the Boreal Toad. The Boreal Toad is a Forest Service sensitive species and candidate for listing under the Endangered Species Act. The lands may also provide year-round habitat for the wolverine, which is a Forest Service sensitive species.



Mammoth Gulch

The proposed extension contains scenic vistas and opportunities for solitude, remote high elevation hiking and backpacking opportunities and legal appropriate non-motorized access to the James Peak Wilderness and Continental Divide Trail.

The Obama Administration is currently seeking funding to buy this land from the Wilderness Land Trust.



**James Peak Wilderness Boundary
Extension Mammoth Gulch Area**

Elk Park Special Protection Area

The proposed Elk Park Special Protection Area would be adjacent to the expanded James Peak Wilderness Area. This approximately 10-12 square mile area is clearly deserving of protection.

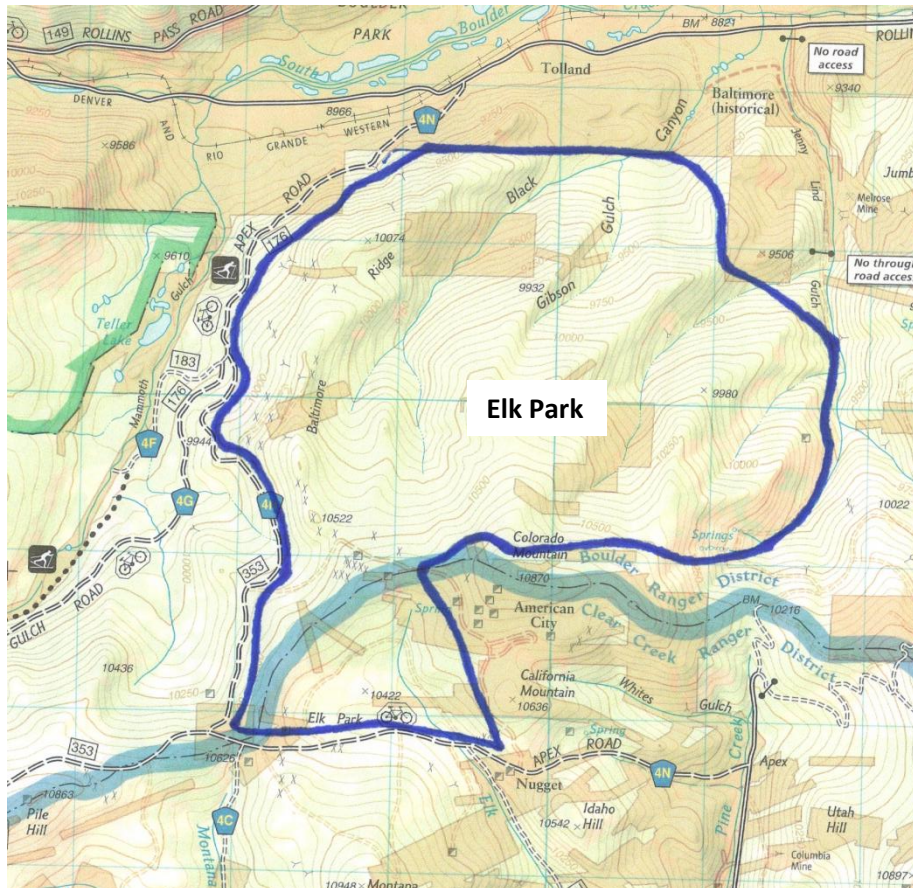
The northern portion of the proposed Special Protection Area is comprised of a saddle and five canyons running north to south. The canyons are 800-1000 feet deep and the sides are very steep. With majestic views the area is an extraordinary region for hiking. This area is also prime habitat for a variety of large and small animals as the area has been untouched and is extremely hard to access with no known roads leading in or out. It is part of the migration route for many species.



**View of James Peak from Proposed
Special Protection Area**

The southern part of the proposed Special Protection Area is dominated by a long east-west ridge that originally separated the Arapaho and Roosevelt National Forests, and now serves as the boundary between the Boulder and Clear Creek ranger districts in the Arapaho Roosevelt National Forest. This area includes a large, pristine high altitude wetland (known as the Elk Park Wetland)

and forms the eastern side of the Mammoth Gulch glacial valley, fronting the Continental Divide. The Forest Service has blocked motorized access to the area and creating a Special Protection Area will preserve this unique area into the indefinite future.



A. Environmental Values

1. The Forest Plan for the area focuses on managing the forests to assure productive healthy ecosystems and looks to balance social, physical, economic, and biological needs and values. It also includes the specific goals of maintaining or improving water quality, stream processes, channel stability and aquatic management indicator species habitats, and riparian resources, while providing for municipal and agricultural uses. The Forest Plan describes the Mammoth Gulch area as containing "a mix of upper montane, subalpine, and alpine plant communities consisting of aspen, Douglas-fir, lodgepole pine, limber pine, Engelmann spruce, subalpine fir, krummholz, willow carns, rock outcrops, alpine lakes, meadows and tundra. Elevations range from 9,100 to 12,147 feet." The area is divided into two types of management areas in the Forest Plan focusing on backcountry recreation and dispersed recreation. While there is a focus on recreation, the Plan also makes clear the need to "maintain the underdeveloped character of that portion of the area

away from existing roads and trails." The Forest Plan emphasizes certain actions like the recruitment and retention of old-growth and is interested in allowing fire to play "as natural a role as possible."

2. Elk Park Wetland is one of the most important hydrological resources in the area. Wetlands are key to the conservation of scarce water supply, ensuring water quality and protecting wildlife. In 1995, a USGS study of the Elk Park Wetland concluded that it is one of the largest and best-preserved carrs and fens near the Denver (Front Range) area. Peatlands or Fens, according to the report, are rare and "represents a unique depositional environment" and "support a much greater biodiversity" than other nearby areas.

The wetland area was formed some ten thousand years ago in the Holocene era (Ice Age) and remains much as it was then. The area experiences annual precipitation between 46 and 56 inches, with most of the precipitation occurring as snow. The area has an average elevation of 10,350 feet and lies in the subalpine zone. The bedrock is predominantly sillimanitic biotite-quartz gneiss with interlayers of biotite-quartz-plagioclase gneiss and garnetiferous biotite-quartz-plagioclase gneiss.

The wetland is a non-tidal wetland, meaning that the majority of Elk Park is fed by ground water. The landscape of the wetland is dominated by trees, shrubs, persistent emergent mosses and lichens. Since the wetland has accumulated 10-12 feet of peat, which is underlain by permafrost, it offers a continuous climatic record of the area. Furthermore core samples show that the "wetland ecosystem has been stable for its 10,000 years of existence despite evidence of fire and the intrusion of man." This, as well as its important hydrological resource, makes the area extremely important. The study further states that left undisturbed the "the wetland is an asset" as it helps filter metals.

Elk Park also contains many different plant species including *Caltha*, *Leptosepala* commonly known as Marsh Marigolds, or Rose Crown, *Dodecatheon Pulchellum* or Shooting Stars and *Pedicularis Groenlandica* or Elephant's Head. Shrubs included in the area are willows and bog birch and there are also several mosses in evidence including sphagnum. The Environmental Assessment for the Transportation and Watershed Improvement Project (EA) notes that the area adjacent to the wetland includes rare plants including Vierhapperi Aster, Reflected Moonwort, Dwarf Dogwood, Wood Lily, Heartleaf Twayblace and



**Sedum Rhodanthum or
Rose Crown**

Arrowhead Sweet Coltsfoot. Since the EA occurred on land directly next to Elk Park it is highly likely these species grow in the proposed Special Protection Area.

The USGS study suggests several areas where additional research is needed, including vegetative mapping of the wetland complex, study of the complex hydrological system, and study of climate record all of which depend on preserving the area.



Black Bear

3. The proposed area is an important habitat for many of Colorado's largest animals, including the black bear, which is Colorado's largest surviving carnivore. Black bears are wide-ranging animals requiring a great diversity of habitat types. They are considered a keystone (or umbrella) species and can act as an indicator of the health of the environment. Black bears have already lost over 60 percent of their historical range making the protection of current habitat ever more important.

The proposed Special Protection Area is also important habitat for indicator species including Elk, Mule Deer, Bighorn Sheep, Golden-Crowned Kinglet, Warbling Vireo, and Wilson's Warbler. Along with these species there are a number of sensitive species listed for the area in the Environmental Assessment for the Transportation and Watershed Improvement Project including: American Marten, Pygmy Shrew, Bighorn Sheep, River Otter, Wolverine, Boreal Toad, Northern Leopard Frog, American Three-Toed Woodpecker, Black Swift, Boreal Owl, Northern Goshawk, Olive-sided Flycatcher and White-Tailed Ptarmigan. There have also been several sightings of moose in the Wetland.



Boreal Toad

The Boreal Toad which is on the sensitive species listed is presently also listed as an endangered species by both Colorado and New Mexico, and is a protected species in Wyoming. Once common between 7,000-12,000 feet in the Southern Rocky Mountains, the Boreal Toad (*Bufo boreas boreas*) has experienced dramatic population declines over the past two decades. The wetlands is ideal habitat as the Boreal Toad is restricted to areas with suitable breeding habitat in spruce-fir forests and alpine meadows lakes, marshes, ponds, and bogs with sunny exposures and quiet, shallow water.

Ongoing Resource Conservation Efforts

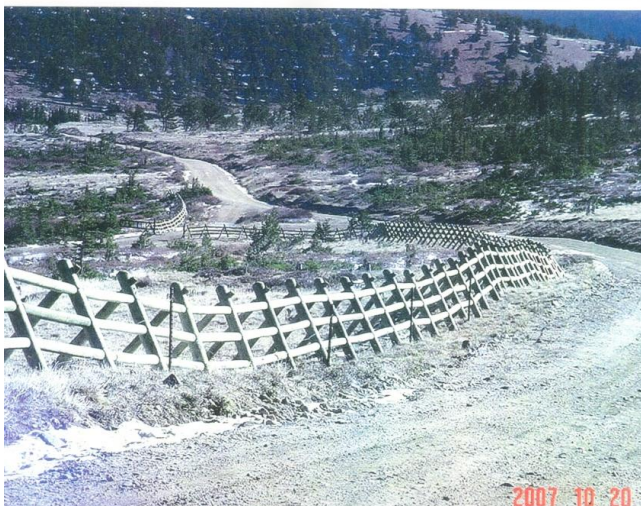
The uniqueness of this area makes its protection from damage essential. Beginning in the early 1990s, the Forest Service conducted a series of public processes to evaluate roads within the area that should be closed. As a result, the roads in the proposed Special Protection Area were administratively closed by the Forest Service. These include a couple of tracks from the Mammoth Gulch Road, and the closing of the road around the Elk Park Wetland.



**Damage to Elk Park Wetland caused by
Illegal ORV use**

More recently, during the 2008 and 2009 Transportation and Watershed Improvement Project the Forest Service determined that illegal motorized vehicle use was causing "excessive resource damage" in this area. In response, the Forest Service took the uncontroversial steps of posting closures on an already closed road and installing a buck and rail fence on National Forest land to keep out Off Road Vehicles (ORV) drivers in the area where ORV travel was not permitted. These actions have not been contested.

The Forest Service determined some revegetation of the area was necessary to repair damage. The



**Privately Financed Fence
to Protect Wetlands**

EA projected that the Forest Service plan for the watershed to protect certain areas and prevent illegal use would be beneficial to species in these areas. Species which would benefit from this protection include: Lynx, elk, Mule Deer, Bighorn Sheep, Boreal Toads, Hudsonian Emerald Dragonflies, Northern Leopard Frog, Wilsons' Warblers and

Pgymy Shrew.

According to the EA "vehicle use in wetlands" "might create ruts that drain the adjacent wetlands and lower the water table, thereby altering the wetland or riparian hydrology and making the site unsuitable for wetland and riparian plants." While ORV use is appropriate and many nearby trails permit ORVs, including Apex and Central City St. Marys Network, and the Rollins Pass to name a few, illegal ORV use can cause severe erosion as soil becomes compacted, and vegetation is damaged or lost. Such vehicle use can increase fugitive dust levels impacting the habitat. It has also been noted in studies that the noise from ORV causes animals to shift habitat, one example being elk which have been shown to move twice as far away from ATV disturbance as from people on foot. There is also the concern that ORV, even at a distance can impact the level of sedimentation and turbidity of water in a wetland.

In 2010, Forest Service staff began to reclaim the roads that have been administratively closed in the area. The roadbeds were ripped up and native seeds and hay were dispersed to facilitate the rapid reclamation of the roads.

It remains essential for the character and resources of the Special Protection Area that illegal ORV use be stopped and redirected to appropriate areas since there are no legal roads into the area.

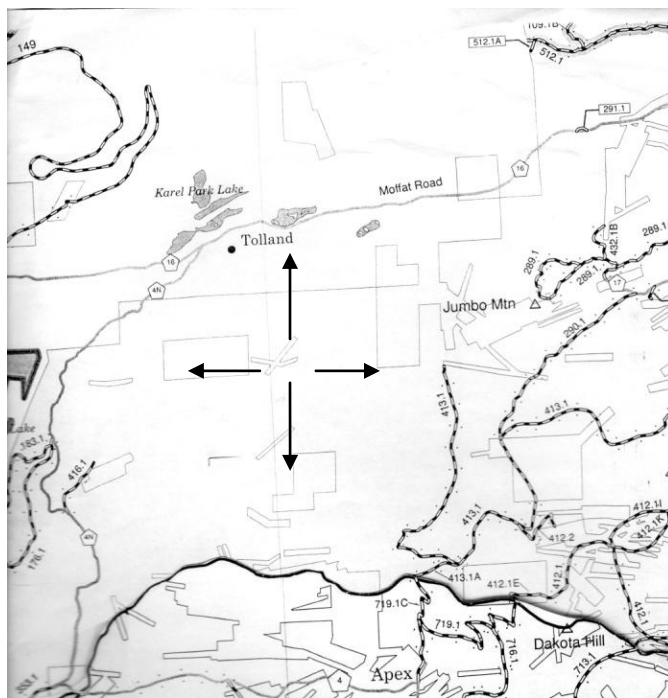
The Yankee Hill Fuels Project took place on Clear Creek Ranger District, near the proposed Special Protection Area, in order to reduce standing fuel and the risk of wildfire. If similar treatments are needed within the Special Protection Area, they would be authorized under this proposal.

The Forest Service manages livestock grazing allotments on the lands considered for the Special Protection Area. Livestock grazing management would not be affected by the land designation.

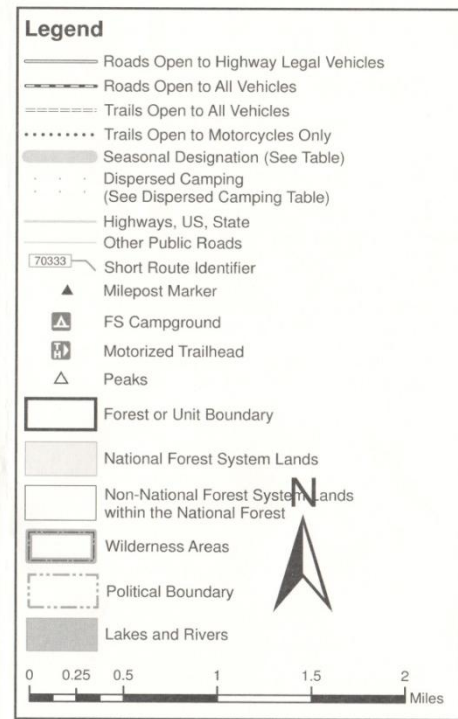
B. Roads

Motorized access to Forest Service land is governed by regulations promulgated to the Forest Service in 2005 (36 CFR 212.) Pursuant to those regulations, each national forest was tasked with the requirement to determine the status of all roads in each forest by applying the standards set forth in the national regulations. The result of this extensive effort was to be codified in forest specific transportation maps to be published by each forest. When published, those maps were intended to represent a final legal determination by the Forest Service as to what “roads” exists and which roads are open to motorized use by the public.

The proposed Special Protection Area includes land in both the Clear Creek and Boulder Ranger Districts, which published separate transportation maps in 2010. For ease of understanding, we have combined the two maps into the chart below:



Motor Vehicle Use Map

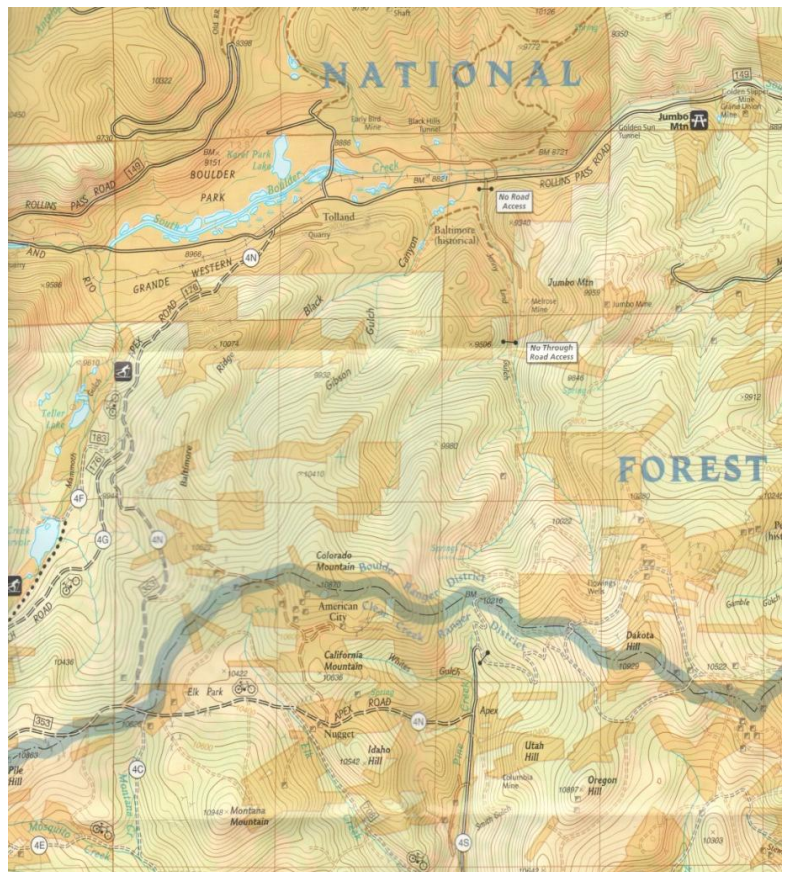


As is apparent from the above map, no road to which the public has motorized access exists within any rational boundary of the proposed Special Protection Area.

As a result of earlier Forest Service actions, creation of a Special Protection Area will not result in the closure of any road, nor will it deny access to motorized use to any area which it is not already prohibited.

By 2007, it was apparent that off road vehicles were causing major damage to the Elk Park Wetland. Given the ongoing damage, the Forest Service issued a temporary closure order of the “road” which encircled the Elk Park Wetland. The Forest Service then entered into a private partnership agreement which allowed the construction of appropriate fences and gates physically blocking access to the wetland. This action proved effective and was not protested. It successfully eliminated the disturbances to the wetland which were causing such severe damage. The Forest Service is now taking additional steps to protect the wetland.

The Forest Service, after appropriate notice and public comments, permanently closed the “road” encircling the wetland in its Final Transportation and Watershed Plan for the area. Again, this determination was not challenged, or protested.



Apart from the Forest Service's determination that no motorized access is authorized in the proposed Special Protection Area, the majority of the proposed area is physically impassable to any motorized vehicle of any sort. If one examines the topographical map of the proposed area it is immediately apparent that the area north of the saddle between Colorado Mountain and Baltimore Ridge is physically impassable.

That area, which composes well more than half of the Proposed Special Protection Area, is comprised of five ridges (with four intervening canyons). The slopes of the canyons are steep and rocky, with 800-1000 feet in elevation change between the ridge and canyon bottom.

To our knowledge, there is not now and never has been motorized vehicle access to this area. Because it is so isolated, it is excellent wildlife habitat.

Impact on ORV's

As mentioned above no additional road closures would result from the creation of the Elk Park Special Protection Area. Therefore there would be no impact on ORV users. Moreover there are numerous lawful ORV trails nearby, including to the West Mammoth Gulch trail and the Apex trail, neither of these, nor other trails in the area, will be impacted by the creation of the Special Protection Area.

Conclusion

The extension of the James Peak Wilderness and adjacent Special Protection Area are clearly warranted and would be of significant benefit to the area. The original boundaries of the James Peak Wilderness would have included two parcels if they had been available when the Wilderness was created. The proposed Special Protection Area has numerous unique characteristics of significant environmental value and provides important animal and plant habitat. Finally, the proposed actions will not impact recreational users as no additional roads will be closed. The legislation will benefit the people of Gilpin County, Colorado and the nation by providing recognition of the outstanding natural values in the Mammoth Gulch/Elk Park area, and by increasing the Wilderness lands available for recreation.