



# Continental Divide National Scenic Trail (CDT) Recommended Forest Plan Components

August 30, 2016



## Trail Administrator's Note:

The intent is for CDT Forests to use this template of recommended Forest Plan direction for the CDT corridor/management area (MA) as the basis for discussions with the public when developing the proposed plan or amendment. Individual units may develop additional plan components, remove those that are not applicable, or adjust them to respond to local conditions and public input. They may edit the recommended components to suit their writing styles. Any resulting variation should not dilute or change the intent of these recommendations and must be consistent with the legislation and policy for managing the CDT.

This template is a living document and will be updated based on lessons learned and changed circumstances. The CDT Administrator will work closely with CDT Forests and Regional Planners in the coming years to refine this document as we learn from public input and implementation under the resulting CDT plan direction. The most up-to-date version will be located here: <https://ems-team.usda.gov/sites/fs-r02-cdnst/layouts/15/start.aspx#/>

The CDT traverses many wilderness or other designated areas that are subject to additional and/or unique management direction. In these instances of overlap, the most restrictive provisions would apply.

To ensure the conservation of the CDT's nationally significant scenic, historic, natural and cultural resources, and to maximize its intended recreation opportunities, the trail's entire length, together with sufficient land area on both sides to safeguard and preserve its character, should be publically owned, permanently protected, and managed as a single entity across jurisdictions (National Trails System Act, PL 90-543, E.O. 13195).

**The CDT corridor/MA should be wide enough to encompass the resources, qualities, values, associated settings and primary uses of the Trail. The 0.5 mile foreground viewed from either side of the CDT must be a primary consideration in delineating the CDT corridor/MA boundary (FSM 2353.44b(7)).** Appendix B: Relevant Law and Policy, outlines agency responsibilities for managing National Scenic Trails and the CDT.

**Background and Description** *[This section provides trail-wide context only; it is not a plan component, and is likely too lengthy to be included in a plan "as is." Local units are encouraged to develop a more specific description of the trail locally: e.g. Describe the plan area as having \_\_\_ miles of the 3,100 mile designated trail, and identify any unique/distinctive characteristics of the trail segment within the plan area. Distinctive roles and contributions can be included as "Other Required Content in the Plan"]*

The National Trails System Act of 1968, as amended, established a system of Congressionally-designated, long-distance trails so located as to provide for maximum outdoor recreation potential and to promote the conservation and enjoyment of the nationally significant scenic, historic, natural or cultural qualities of the lands through which such trails may pass. The Continental Divide National Scenic Trail (CDT or Trail) was designated by Congress in 1978.

The CDT is a 3,100-mile continuous path that follows the spine of the Rocky Mountains from Mexico to Canada, traversing some of the most scenic terrain in the country and areas rich in the heritage and life of the Rocky Mountain West. The CDT is the highest and most rugged of the national scenic trails, reaching the 14,270-foot summit of Grays Peak in Colorado, and connects a diversity of landscapes- from desert to glacier, and remote wilderness to working lands- across portions of New Mexico, Colorado, Wyoming, Idaho and Montana.

The nature and purposes of the CDT are to provide for high-quality, scenic and primitive hiking and horseback riding opportunities and to conserve the natural, historic, and cultural resources along the CDT corridor (CDT

Comprehensive Plan, approved September 28, 2009 by Chief Tom Tidwell). The trail is to be managed to provide for its nature and purposes. Activities that would substantially interfere with the purposes for which the trail was designated should be avoided to the extent practicable (16 USC 1246). The overarching management direction for the CDT is outlined in the CDT Comprehensive Plan (2009 or most current version).

Motorized vehicle use by the general public is prohibited on the CDT, unless such use is consistent with the applicable policy set forth in the Comprehensive Plan. In general, established motorized uses, both summer and winter, are allowed to continue, but new motorized uses will not be designated on the Trail.

**Desired Condition** *[This section describes trail-wide desired conditions. Local units are encouraged to insert additional ones- within the sideboards provided here- in order to be more applicable to local conditions and opportunities.]*

01 The CDT is a well-defined trail that provides for high-quality, primitive hiking and horseback riding opportunities, and other compatible non-motorized trail activities, in a highly scenic setting along the Continental Divide. The significant scenic, natural, historic and cultural resources along the trail's corridor are conserved. Where possible, the trail provides visitors with expansive views of the natural landscapes along the Divide.

02 Viewsheds from the CDT have high scenic values. The foreground of the trail (up to 0.5 mile on either side) is naturally-appearing, and generally appears unaltered by human activities. The potential to view wildlife is high, and evidence of ecological processes such as fire, insects, and diseases exist.

03 The CDT corridor's setting is consistent with or complements a primitive or semi-primitive non-motorized setting. The CDT may intermittently pass through more developed settings in order to provide for a continuous route.

05 The trail is accessible from access points that provide various opportunities to select the type of terrain, scenery and trail length, ranging from long-distance to day use, that best provide for the compatible outdoor recreation experiences being sought. Wild and remote, backcountry segments of the route provide opportunities for solitude, immersion in natural landscapes and primitive outdoor recreation. Front-country and more easily accessible trail segments complement local community interests and needs and help contribute to their sense of place.

06 Use conflicts amongst trail users are infrequent.

07 The trail is well maintained, signed, and passable. Alternate routes are made available in the case of temporary closures resulting from natural events, such as fire or flood, or land management activities.

**Objectives** *[The following is an example appropriate to either the CDT specific section or recreation section of the plan. Forests are encouraged to develop objectives based on local conditions. Objectives should be measurable and time-specific, and the measure should be useful for demonstrating progress toward the desired condition.]*

- Restore or relocate \_\_ miles of the CDT by [year] to improve scenic viewing opportunities and/or to provide for a non-motorized experience.

**Standards** *[These are the recommended minimum standards for the CDT. Units may create additional ones as needed or to provide better direction for progress toward the desired condition or objectives. Those that are not applicable to the plan area should not be included. See Appendix A for additional guidance on what a Forest may want to consider for additional standards.]*

- No surface occupancy for oil and gas or geothermal energy leasing activities shall occur within the CDT corridor.

- No common variety mineral extraction shall occur within the CDT corridor.
- New motorized events shall not be permitted on the CDT.

**Guidelines** *[These are the recommended guidelines for the CDT. All of these may not apply to every unit. Those that are not applicable for the plan area should not be included. Units may include additional guidelines, rephrase any of these to be standards, or adjust as guidelines to meet local needs. See Appendix A for additional guidance on what a Forest may want to consider for additional guidelines.]*

- To retain or promote the character for which the trail was designated, new or relocated trail segments should be located primarily within settings consistent with or complementing Primitive or Semi-Primitive Non-Motorized Recreation Opportunity Spectrum classes. Road and motorized trail crossings and other signs of modern development should be avoided to the extent possible.
- To protect or enhance the scenic qualities of the CDT, management activities should be consistent with, or make progress toward achieving, Scenic Integrity Objectives of High or Very High within the foreground of the trail (up to 0.5 mile either side).
- If forest health projects result in short-term impacts to the scenic integrity of the trail, mitigation measures should be included, such as screening, feathering, and other scenery management techniques to minimize visual impacts within and adjacent to the trail corridor (within visible foreground of the CDT at a minimum).
- In order to promote a non-motorized setting, the CDT should not be permanently re-located onto routes open to motor vehicle use.
- The minimum trail facilities necessary to accommodate the amount and types of use anticipated on any given segment should be provided in order to protect resource values and for health and safety, not for the purpose of promoting user comfort. The purpose is to preserve or promote a naturally appearing setting.
- To protect the CDT's scenic values, special-use authorizations for new communication sites, utility corridors, and renewable energy sites should not be allowed within visible foreground (up to 0.5 mile) and middleground viewshed (up to four miles).
- Linear utilities and rights-of-way should be limited to a single crossing of the trail unless additional crossings are documented as the only prudent and feasible alternative.
- New temporary and/or permanent road or motorized trail construction across or adjacent to the CDT should be avoided unless needed for resource protection, access to private lands, or to protect public health and safety. Purpose is to provide for a naturally appearing setting and to avoid visual, aural and resource impacts from motorized use.
- Using the CDT for landings or as a temporary road for any purpose should not be allowed. Purpose is to provide for a naturally appearing setting and to avoid visual, aural and resource impacts.
- Hauling or skidding along the CDT itself should be allowed only: 1) Where the CDT is currently located on an open road or to address hazard tree removal, and 2) No other haul route or skid trail options are available. Design criteria should be used to minimize impacts to the trail infrastructure. Purpose is to provide for a naturally appearing setting and to minimize visual, aural and resource impacts.
- Unplanned fires in the foreground (up to 0.5 mile) of the CDT should be managed using minimum impact suppression tactics or other tactics appropriate for the protection of CDT values. Heavy equipment line construction within the CDT corridor should not be allowed unless necessary for emergency protection of life and property.

## **Optional Content in the Plan**

**Management Approaches** *[These are recommended for inclusion if appropriate to the plan area. Changes would be through administrative change, not plan amendment. Others may be added as needed for the plan area. These should not be written as direction in this section.]*

Potential management approaches that support the nature and purposes for which the CDT was designated include:

- Encouraging trail partners and volunteers to assist in the planning, development, maintenance, and management of the trail, where appropriate and as consistent with the CDT Comprehensive Plan.
- Evaluating proposed trail relocations or new trail segment locations using CDT optimal location criteria.
- Identifying and pursuing opportunities to acquire lands or rights-of-way within or adjacent to the CDT corridor.
- Considering how activities outside the visible foreground may affect CDT viewsheds and user experiences, and mitigating potential impacts to the extent possible.
- Providing consistent signage along the trail corridor at road and trail crossings to adequately identify the trail, and providing interpretive signs at key trail entry points and limited historic and/or cultural sites to orient visitors and enhance the visitor experience.
- Ensuring Incident Commanders are aware of the CDT as a resource to be protected during wildfire suppression activities, and clearly identifying fire suppression rehabilitation and long term recovery of the CDT corridor as high priorities for Incident Commanders, BAER Team Leaders and post-fire rehabilitation efforts.
- Establishing appropriate carrying capacities for specific segments of the CDT, monitoring use and conditions, and taking appropriate management actions to maintain or restore the nature and purposes of the CDT if the results of monitoring or other information indicate a trend away from the desired condition.

## **Appendix A: CDT Corridor/MA Suitable Uses, Standards and/or Guidelines Table**

*[This table is not a part of the base template for plan content. It is provided here as guidance in case a Forest wants to identify suitable uses for the CDT corridor or associated MA or to create additional standards or guidelines from this information. For example, if a Forest considers firewood gathering for commercial use as an activity that would not allow the Forest to progress toward the desired conditions, it could create a standard, such as “Do not authorize firewood gathering for commercial use,” or it could determine that the CDT corridor (or some other specified area) is not suitable for firewood gathering for commercial use. Creation of standards, guidelines, or the identification of lands as suitable or not suitable for a use or activity is considered plan content that can be changed only by plan amendment.*

*If the table is used to identify lands as suitable or not suitable for a use or activity, the area to which the determination applies must be identified. Such determination does not have to be made plan area-wide. There is no “conditionally suitable” category in identifying lands as suitable or not suitable. Identification of lands as suitable for a use or activity does not guarantee approval of such an activity; whereas, identification of lands as not suitable for a use or activity prohibits the use or activity.*

*Use of the words “suitable” or “not suitable” should not show up anywhere other than determinations of lands suitable or not suitable for a use or activity. ]*

Activity or Use	Suitable	Conditionally Suitable* (See Guidelines)	Not Suitable**
Firewood Gathering, commercial use			X
Firewood Gathering, permitted personal use		X	
Hydropower Projects			X
New administrative and permitted structures or facilities (including wind generation sites and communication sites).			X
Mechanized transport on the CDT, summer and winter		X	
Minerals, leasable – surface occupancy			X
Minerals, locatable			X Recommended for withdrawal
Minerals, saleable			X
Motorized recreational use, summer and winter, trails or areas			X, Except as provided for by law***
New Facilities, recreation (toilets, campgrounds, etc)		X	
Non-convertible forest products, commercial use			X
Non-convertible forest products, personal use	X		
Non-motorized non-mechanized recreational use, summer and winter	X		
Non-native invasive plant species treatments	X		
Overnight shelters, constructed and permanent, similar to the Appalachian Trail shelter system			X
Prescribed Fire	X		
Road construction, permanent			X
Road construction, temporary		X	
Silvicultural Treatments, not for timber production	X		
Special use permits, recreational, non-motorized on the CDT		X	
Timber harvest, scheduled production			X
Wildfire, use of unplanned ignition	X		

\*Only suitable when such use would not substantially interfere with the nature and purposes of the CDT (high quality, primitive hiking and horseback riding opportunities and the conservation of scenic, historic, natural and cultural resources of the trail corridor).

\*\*Unless required by law.

\*\*\*Motorized vehicle use is to be prohibited on the CDT, except as necessary to meet emergencies, to provide for landowner access, or as allowed by administrative regulations at the time of designation, as long as such use does not substantially interfere with the nature and purposes of the trail (National Trails System Act, Section 7(c)).

## Appendix B: CDT Law, Policy & Legislative History

*[For reference only, not to be included in Forest Plan.]*

The following references are provided to help agency staff understand the purposes of the Congressionally-designated National Trails System and our responsibilities in managing the CDT as a part of that system. **This appendix is to serve as a primer, not as a comprehensive list of all applicable law and policy related to the CDT.**

### LAW

**The National Trails System Act, P.L. 90-543 (NTSA)**, signed into law Oct 2nd, 1968, established policies and procedures for a system of congressionally designated, interconnected, linear landscapes for recreation, conservation and interpretation. **The National Parks and Recreation Act of November 10, 1978** amended the NTSA of 1968 (16 U.S.C. 1241-1251) and established and designated the CDT (Pub. L. No. 95-625, 92 Stat. 3467).

- Sec. 2(a): In order to provide for the ever-increasing needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation, trails should be established....
- Sec. 2(b): The purpose of this Act is to provide the means for attaining these objectives by instituting a national system of recreation, scenic and historic trails...
- Sec. 2(c): ...it is further the purpose of this Act to encourage and assist volunteer citizen involvement in the planning, development, maintenance, and management, where appropriate, of trails.
- Sec. 3(a)(2): National scenic trails...will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural or cultural qualities of the area through which such trails may pass.
- Sec. 5(a)(5): The CDT shall be administered by the Secretary of Agriculture in consultation with the Secretary of the Interior.
- Sec. 5(f): Develop a comprehensive plan that prescribes the specific objectives and practices to be observed for the acquisition, management, development and use of each trail.
- Sec. 7(c): The use of motor vehicles along any national scenic trail shall be prohibited...but limited motorized use may be allowed to: meet emergencies, provide landowner access, provide for motor vehicle crossings.
- Sec. 7(c): Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, efforts be made to avoid activities incompatible with the purposes for which such trails were established.
- Sec. 7(c): Other uses along the CDT which will not substantially interfere with the nature and purposes of the trail, and which, at the time of designation (Nov. 10, 1978) are allowed by administrative regulations, including the use of motor vehicles, shall be permitted by the Secretary charged with administration of the trail.
- Sec. 7(h): The Secretary charged with the administration of a ...national scenic...trail shall provide for the development and maintenance of such trails within federally administered areas, and shall cooperate with ...the States.

**Executive Order 13195 (Trails for America in the 21<sup>st</sup> Century, 2001):** “Federal agencies will... protect, connect, promote, and assist trails of all types... This will be accomplished by... protecting the trail corridors associated with National Scenic Trails... to the degrees necessary to ensure that the values for which [the] trail was established remain intact.”

[Author’s note: The **values of National Scenic Trails** include: (1) visitor experience opportunities and settings, and (2) the conservation/protection of scenic, natural, historical, and cultural qualities of the corridor.]

## **POLICY**

**CDT Comprehensive Plan:** Developed in response to Sec. 5(f) of the NTSA, this document, signed by the Chief of the US. Forest Service, serves as the authority for broad based policy and direction for the development and management of the CDT. This document applies to the entire CDT, not just NFS units.

- Sec. II A: The nature and purposes of the CDT are to provide for high-quality, scenic and primitive hiking and horseback riding opportunities and to conserve the natural, historic, and cultural resources along the CDT corridor.
- Sec. III E.: Land and resource management plans are to provide for the development and management of the CDT as an integrated part of the overall direction for the land area through which the trail passes.
- Trail Location:
  - Sec. IV. B(1)(b)(1): Where possible, locate the CDT in primitive or semi-primitive non-motorized ROS classes, provided that the CDT may have to traverse intermittently through more developed ROS classes to provide for continuous travel.
  - Sec. IV. B(1)(b)(2): Locate a CDT segment on a road only where it is primitive and offers recreational opportunities comparable to those provided by a trail with a designed use of Pack and Saddle Stock.
  - Sec. IV. B(1)(b)(3): The trail shall be located as close to the geographic divide as possible...
- Scenery:
  - Sec. IV(4)(c)(1): The CDT is a concern level 1 travel route. The scenic integrity objective is to be high or very high. The inventory will be performed as if the trail exists even in sections where it is proposed for construction or reconstruction.
- Uses:
  - Sec. IV(5)(b)(2): Bicycle use may be allowed if the use is consistent with the forest plan and will not substantially interfere with the nature and purposes of the CDT.
  - Sec. IV(6)(b): Motor vehicle use by the general public is prohibited on the CDT with limited exceptions. The vehicle class and width allowed on segments of the CDT prior to Nov. 10, 1978 may be allowed as long as such use does not substantially interfere with the nature and purposes of the CDT.
  - Sec. IV(6)(b): Over-snow vehicle use is allowed in accordance with 36 CFR Part 212, Subpart C, as long as the use will not substantially interfere with the nature and purposes of the CDT.

(Author’s note: During the revision process, it would be helpful to overlay the CDT MA with the following layers or MAs to evaluate compatibility with the nature and purposes of the CDT: Suitable timber, fire, utility corridor locations, ROS and SMS layers.)

### **FSM 2300, Chapter 50 (Trail, River and Similar Recreation Opportunities):**

- FSM 2353.42: Administer National Scenic and National Historic Trail corridors to be compatible with the nature and purposes of the corresponding trail.
- FSM 2353.44(b)(1)(a): Except where the CDT traverses a wilderness area and is governed by wilderness management prescriptions, establish a management area for the CDT that is broad enough to protect

natural, scenic, historic, and cultural features; b. Prescribe desired conditions, objectives, standards, and guidelines for the CDT...”

- FSM 2353.44b(7): The one-half mile foreground viewed from either side of the CDT travel route must be a primary consideration in delineating the boundary of a CDT management area.
- FSM 2353.44b(9): Trail segments should fall into Trail Class 2 or 3 and have a designed use of Pack and Saddle Stock...

#### **2012 Forest Planning Rule:**

- 36 CFR § 219.19 Definitions: *Designated area*. An area or feature identified and managed to maintain its unique special character or purpose. Some categories of designated areas may be designated only by statute and some categories may be established administratively in the land management planning process or by other administrative processes of the Federal executive branch. Examples of statutorily designated areas are national heritage areas, national recreational areas, national scenic trails, wild and scenic rivers, wilderness areas, and wilderness study areas. Examples of administratively designated areas are experimental forests, research natural areas, scenic byways, botanical areas, and significant caves.
- 36 CFR § 219.7 (d) *Management areas or geographic areas*. Every plan must have management areas or geographic areas or both. The plan may identify designated or recommended designated areas as management areas or geographic areas.

#### **FSH 1909.12 Chapter 20 (Land Management Plan):**

- Sec. 24.43(1)(c). The Interdisciplinary Team shall use the national scenic and historic trails rights-of-way maps required by 16 U.S.C. 1246(a)(2) to map the location of the trails. Where national trail rights-of-way have not yet been selected, the Interdisciplinary Team shall reference the establishing legislation (16 U.S.C. 1244(a)) as the primary source for identifying and mapping the national scenic and historic trails right-of-way. *If the right-of-way has not been selected, either through legislation or publication in the Federal Register, the Interdisciplinary Team should use other information to delineate a national scenic and historic trails corridor that protects the resource values for which the trail was designated or is being proposed for designation (16 U.S.C 1244(b)).*

*(Author’s note: Emphasis added- the CDT Right-of-Way has not been selected, so this sentence applies. FSM 2353.44b(7) says to use ½ mile foreground on either side of the trail as the primary factor in delineating a management area/corridor).*

- Sec. 24.43(1)(f): Responsible official shall include plan components that provide for the nature and purposes of existing NSHTS in the plan area.
- Sec. 24.43(1)(d): The Responsible Official shall consult with neighboring Responsible Officials when developing plan components for national scenic and historic trails that cross unit boundaries and shall strive to maintain or establish compatible management approaches while recognizing diverse resource conditions and needs in the different plan areas.
- Sec. 24.43(2): Plan “must include plan components including standards or guidelines for a designated area,” “should” include desired conditions, “may” include objectives, standards or guidelines, suitability plan components, and provide a management area. Must identify and map the trail per #1c above.

## LEGISLATIVE HISTORY

**House Report No. 90-1631 accompanying P.L. 90-543** clarifies the intent of specific wording in the NTSA: “selection of routes for National Scenic Trails – Such rights-of-way shall be:

(1) of sufficient width and so located to provide the maximum retention of natural conditions, scenic and historic features, and primitive character of the trail area, to provide campsites, shelters, and related public-use facilities, and to provide reasonable public access; and

(2) located to avoid, insofar as practicable, established highways, motor roads, mining areas, power transmission lines, existing commercial and industrial developments, range fences and improvements, private operations, and any other activities that would be incompatible with the protection of the trail in its natural condition and its use for outdoor recreation....

National scenic trails shall be administered, protected, developed, and maintained to retain their natural, scenic, and historic features; and provision may be made for campsites, shelters, and related public-use facilities; and other uses that will not substantially interfere with the nature and purposes of the trails may be permitted or authorized, as appropriate: Provided, That the use of motorized vehicles by the general public along any national scenic trail shall be prohibited...” (1968 U.S. Code Cong. & Admin. News 3855, 3863-3864, 3867).

**Senate Report No.95-636, 1978:** “The Act was intended to insure that long-distance, high-quality trails with substantial recreation and scenic potential were afforded Federal recognition and protection....”

**“Background” for H.R. 12536** states that, “Title V establishes new units of the National Park and National Trail Systems which the committee believes to be essential additions to these national programs. Timely action to preserve portions of our heritage, both historical and natural, within the states and insular areas is needed to assure these resources are not lost through adverse actions by special interest groups” (H.R. 95-1165).

**The CDT Study Report of 1976**, prepared by the Bureau of Outdoor Recreation in response to the identification of the CDT, under the NTSA, as a potential addition to the national trails system, describes:

- The primary purpose of this trail is to provide a continuous, appealing trail route, designed for the hiker and horseman, but compatible with other land uses...
- One of the primary purposes for establishing the Continental Divide National Scenic Trail would be to provide hiking and horseback access to those lands where human impact on the environment has not been adverse to a substantial degree and where the environment remains relatively unaltered. Therefore, the protection of the land resource must remain a paramount consideration in establishing and managing the trail.
- There must be sufficient environmental controls to assure that the values for which the trail is established are not jeopardized...
- The trail would provide the traveler her best encounter with the Continental Divide — its serenity and pure air — and would supply for every trail traveler some of the world's most sublime scenes.