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<https://cara.ecosystem-management.org/Public//CommentInput?Project=48214>

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RE: Pike & San Isabel National Forests Public Motor Vehicle Use Analysis #48214

Please accept the following comments regarding the Public Motor Vehicle Use Draft Environmental Impact Statement for Pike-San Isabel National Forests. These comments supplement scoping comments submitted on August 30, 2016. The scoping comments continue to be relevant to the NEPA analysis and the decision to be made. (**Attachment A**).

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Summit Trail #486 segment of the CDNST, San Isabel National Forest

## Introduction

The stipulated settlement agreement states: “*The Forest Service will undertake motorized travel management planning to designate roads, trails and areas open to public motorized vehicle use on the six districts of the Pike and San Isabel National Forests pursuant to 36 C.F.R. Part 212, Subpart B which implements Executive Order 11644, as amended by Executive Order 11989, in compliance with all applicable federal statutes and regulations, including NEPA, ESA and NFMA. The Forest Service will provide an explanation in its NEPA analysis (or analyses) of how it considered the criteria set forth in 36 C.F.R. § 212.55(a) in designating roads, trails and areas and considered, with the objective of minimizing, the criteria set forth in 36 C.F.R. § 212.55(b) in designating trails and areas...*” Another important consideration in public motor vehicle use planning is the National Trails System Act (NTSA), since the Continental Divide National Scenic Trail (CDNST) passes through the Pike-San Isabel National Forests. The NTSA describes with exceptions that, “*the use of motorized vehicles by the general public along any national scenic trail shall be prohibited.*”

Many of the following comments address the management of the CDNST. An amended CDNST Comprehensive Plan was published in the Federal Register in 2009, which took effect ten years ago on November 4, 2009 (74 FR 51116).<sup>1</sup> The amended Comprehensive Plan was approved by Chief Thomas Tidwell in September 2009<sup>2</sup> (**Attachment B**). An outcome of the amended Comprehensive Plan was the description of the nature and purposes of this National Scenic Trail: “*Administer the CDNST consistent with the nature and purposes for which this National Scenic Trail was established. The CDNST was established by an Act of Congress on November 10, 1978 (16 USC 1244(a)). The nature and purposes of the CDNST are to provide for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the CDNST corridor.*” The amended Comprehensive Plan establishes other important direction for the management of the CDNST including:

- The rights-of-way for the CDNST is to be of sufficient width to protect natural, scenic, cultural, and historic features along the CDNST travel route and to provide needed public use facilities.
- Land and resource management plans are to provide for the development and management of the CDNST as an integrated part of the overall land and resource management direction for the land area through which the trail passes.
- The CDNST is a concern level 1 route, with a scenic integrity objective of high or very high.

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<sup>1</sup> <https://www.federalregister.gov/documents/2009/10/05/E9-23873/continental-divide-national-scenic-trail-comprehensive-plan-fsm-2350>

<sup>2</sup> [https://www.fs.fed.us/sites/default/files/fs\\_media/fs\\_document/cdnst\\_comprehensive\\_plan\\_final\\_092809.pdf](https://www.fs.fed.us/sites/default/files/fs_media/fs_document/cdnst_comprehensive_plan_final_092809.pdf)

- Manage the CDNST to provide high-quality scenic, primitive hiking and pack and saddle stock opportunities... Use the Recreation Opportunity Spectrum (ROS) in delineating and integrating recreation opportunities in managing the CDNST.

The CDNST Federal Register Notice (74 FR 51116) provides additional direction to the Forest Service as described in FSM 2350. The final directives add a reference to the CDNST Comprehensive Plan as an authority in FSM 2353.01d; ... add the nature and purposes of the CDNST in FSM 2353.42; and add detailed direction in FSM 2353.44b governing implementation of the CDNST on National Forest System lands.

The Land Management Planning Handbook establishes important guidance that address relationships between National Scenic and Historic Trail Comprehensive Plans and amended and revised Forest Plans. FSH 1909.12 24.43 describe that:

- The Interdisciplinary Team shall identify Congressionally designated national scenic and historic trails and plan components must provide for the management of rights-of-ways (16 U.S.C 1246(a)(2)) consistent with applicable laws, regulations, and Executive Orders.
- Plan components must provide for the nature and purposes of existing national scenic and historic trails...
- The Responsible Official shall include plan components that provide for the nature and purposes of national scenic and historic trails in the plan area.
- The planning directives state that, “FSM 2350 has more information about national scenic and historic trails.” FSM 2353.44(b) requires that a Management Area be established for the CDNST.

The final amendments to the CDNST Comprehensive Plan and corresponding directives...will be applied through land management planning and project decisions following requisite environmental analysis (74 FR 51124).

Motor vehicle use on the CDNST travel route should have been addressed in the Public Motor Vehicle Use DEIS following the procedures described in 36 C.F.R. 212, the 2009 CDNST Comprehensive Plan, FSM 2353.44(b)(11), and 40 CFR Parts 1500-1508 requirements. CDNST route segments of concern include in part the section of the CDNST from Monarch Pass to the vicinity of Windy Peak (trails #531 and #468), since these routes were not addressed in the Gunnison Travel Plan following 36 C.F.R. 212.55(a), 36 C.F.R. 212.55(b), FSM 2353.44b, and other analysis requirements. The Gunnison Travel Plan decision was revoked with the following explanation: “The CDNST is excluded from this decision and will revert to the previous decision related to travel management, which includes motorized travel. This direction is consistent with 36 C.F.R. 212.50(b), stating the responsible official may incorporate previous administrative decisions regarding travel management made under other authorities, including designations and prohibitions of motor vehicle use....” This appeal correspondence is included as **Attachment C**. In addition to addressing the CDNST travel route, Green Creek Trail #1412

should be assessed in relation to connecting directly with the CDNST. The CDNST sections of concern that were omitted in the DEIS are depicted on a map in **Appendix A**.

The Federal Register Notice of final amendments to the Comprehensive Plan and final directives states, “The final amendments to the CDNST Comprehensive Plan and corresponding directives will provide guidance to agency officials implementing the National Trails System Act. The final amendments are consistent with the nature and purposes of the CDNST identified in the 1976 CDNST Study Report and 1977 CDNST Final Environmental Impact Statement adopted by the Forest Service in 1981 (40 FR 150). The final amendments and directives will be applied through land management planning and project decisions following requisite environmental analysis” (Federal Register, October 5, 2009 (74 FR 51116)).



The Summit Trail has never been evaluated for motor vehicle use following 36 CFR 212.55 processes. Now, this DEIS inappropriately continues to avoid evaluating and taking required actions to manage motor vehicle use on this section of the National Scenic Trail route that passes through the Salida Ranger District.

Summit Trail #486 segment of the CDNST, San Isabel National Forest

## Draft Environmental Impact Statement

**DEIS:** The DEIS at 1.3.1 on page 1-4 states that, “In 2005, the Forest Service revised its regulations regarding travel management on NFS lands (Federal Register November 9, 2005). The TMR requires designation of those roads, trails, and areas that are open to motor vehicle use, along with vehicle class and time of year. The rule applies only to motor vehicle use and does not affect or prohibit any nonmotorized access...”

**Comment:** The FEIS should also describe that, “regulations implement Executive Order (E.O.) 11644 (February 8, 1972), which describes that the, “*Use of Off-Road Vehicles on the Public Lands,*” as amended by *E.O. 11989 (May 24, 1977)*. These Executive orders direct Federal agencies to ensure that the use of off-road vehicles on public lands will be controlled



*and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands” (70 FR 68265).*

**DEIS:** The DEIS at 1.6 on page 1-9 states that, *“The purpose of this project is to comply with the TMR as well as all applicable laws by providing a system of roads, trails, and areas designated for motor vehicle use by class of vehicle and time of year on the PSI (36 CFR 212.50, EO 11644, and EO 11989).”*

**Comment:** An applicable law is the National Trails System Act, which normally restricts motor vehicle use on National Scenic Trails.

**DEIS:** The DEIS at 1.8 beginning on page 1-10 states that, *“The forest supervisor will decide what changes to make to the roads, trails, and areas designated as open to public motor vehicle use and whether forest plan amendments would need to be adopted... If the proposal is not consistent with the Forest Plan, what is the scope and scale of any required amendments? ... The responsible official may incorporate previous administrative decisions on travel management made under other authorities (36 CFR 212.50[b]).”*

**Comment:** A CDNST Forest Plan amendment is necessary if the nature and purposes of the CDNST are to be protected. For the purpose of this project, the 1984 Forest Plan should be amended to establish a Management Area corridor for the CDNST with plan components as identified in the attached CDNST Planning Handbook Chapter III Part J, pages 33-43. The Forest Supervisor CDNST responsibilities are listed in FSM 2353.04i part 13, which are related in part to public motor vehicle use along the CDNST.

The generic statement that, *“The responsible official may incorporate previous administrative decisions on travel management made under other authorities (36 CFR 212.50[b])”* is most concerning due misuse in the past. I recommend deleting or clarifying the intent of this statement in the FEIS. Regulation 36 CFR 212.50(b) states in total that, *“The responsible official may incorporate previous administrative decisions regarding travel management made under other authorities, including designations and prohibitions of motor vehicle use, in designating National Forest System roads, National Forest System trails, and areas on National Forest System lands for motor vehicle use under this subpart.”*

The concern is that the Forest Supervisor may be planning to adopt the Gunnison Travel Plan decision for San Isabel National Forest sections of the Crest Trail #531 and Summit Trail #486 (or revert back to some past Pike-San Isabel National Forest travel management decision). This would be inappropriate, since the Gunnison Travel Plan is not in compliance with the requirements of the National Trails System Act as described in an appeal decision. In addition, the current GMUG/PSCII motor vehicle use direction for the Crest Trail and Summit Trail is inconsistent with the requirements of 36 CFR 212.55.

The Gunnison Travel Plan 2010 appeal decision describes that, *“The CDNST is excluded from this decision and will revert to the previous decision related to travel management, which*

*includes motorized travel. This direction is consistent with 36 CFR 212.50 (b), stating “the responsible official may incorporate previous administrative decisions regarding travel management made under other authorities, including designations and prohibitions of motor vehicle use....”* The referenced previous Gunnison Travel Plan decision for the Crest Trail #531 and Summit Trail #486 is not in compliance with National Trails System Act and 36 CFR 212.55. In addition, adoption of the Gunnison Travel Plan would not be in compliance with the court approved settlement agreement (Civil Action No. 11-cv-00246-WYD). The FEIS must clearly identify that the decisions for this Public Motor Vehicle Use EIS revokes and supersedes any Gunnison Travel Plan decision that could be reasoned to apply to the Crest Trail #531 and Summit Trail #486 on the San Isabel National Forest.

**DEIS:** The DEIS at 1.9.3 on page 1-17 identifies public concerns describing that, *“Evaluate whether motorized vehicle use on the Continental Divide National Scenic Trail (CDNST) is creating user conflicts and how this use aligns with the nature and purpose of the trail.”*

**Comment:** The attached CDNST Planning Handbook describes steps to help ensure that motor vehicle use designation decisions are consistent with the National Trails System Act (**Attachment D**). A few basic steps to ensure compatibility are: (1) to have and utilize a complete inventory of the located and high potential CDNST travel routes that are on or adjacent to the Pike and San Isabel NFs; (2) amend the Forest Plan so that the direction is consistent with the National Trails System Act as implemented through the CDNST Comprehensive Plan, FSM 2353.4, and FSH 1909.12 part 24; and (3) base travel management site-specific decisions on the amended Forest Plan direction and considerations that are described in the Travel Management Rule.

**DEIS:** The DEIS at 1.9.4 beginning on page 1-22 discusses forest resources issue stating that, *“Alternative B does not adequately base all its changes to the PSI transportation network on scientific and other important data and could therefore affect forest resources... The Forest Service response states that, “The PSI developed an additional alternative (Alternative E) for consideration in this EIS, based on this issue. This alternative includes recommendations on what routes should remain open to public motor vehicle use. The recommendations were based on an analysis of various spatial data focused solely on natural resource conservation, such as wildlife areas (winter range and production), special-designation areas, such as CDNST and Colorado Roadless Areas, and other information about recreational use of the PSI. The potential impacts highlighted in this issue are being considered in detail in this EIS.”*

**Comment:** The response is confusing for it implies that only Alternative E addresses the requirements of 40 CFR 1502.24 when developing and analyzing alternatives to address the Travel Management Rule and related laws, regulations, and policies. If true, shouldn't Alternative B through D be eliminated from further consideration? It is inappropriate to publish a DEIS for public comment knowing that it wasn't ripe for review. Further detailed analyses need to be addressed in a Supplement DEIS.

**DEIS:** The DEIS at 2.3.3 on page 2-10 describe minimization criteria describing, “*Compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors*” with screening criteria, “...*Designated areas...*”

**Comment:** Minimization criteria for the CDNST should instead be associated with the other parts of 36 CFR 212.55(b):

- (1) Damage to soil, watershed, vegetation, and other forest resources;
- (2) Harassment of wildlife and significant disruption of wildlife habitats;
- (3) Conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands or neighboring Federal lands; and
- (4) Conflicts among different classes of motor vehicle uses of National Forest System lands or neighboring Federal lands.

Any proposed motor vehicle use trail designation must not result in a substantial interference to the nature and purposes of the CDNST, including exceeding carrying capacity.

**DEIS:** The DEIS at 2.4.8 on page 2-55 discusses Alternatives Considered but Not Studied in Detail describing other suggested alternatives on page 2-29 describing that, “*Individuals and groups suggested other alternatives during the scoping period, including the following: ... Designate no new routes in special areas,<sup>3</sup> decommission any unneeded routes in these special areas, and close all routes within 0.25 miles of the CDNST to motor vehicle use ... These were not considered as stand-alone alternatives; however, these concepts were considered in the range of alternatives.*”

**Comment:** The DEIS alternatives fail to address the substantive scoping comments that were submitted three years ago (**Attachment A**). An excerpt of these comments state that, “*The CDNST will need to be addressed following the procedures described in 36 C.F.R. 212, the 2009 CDNST Comprehensive Plan, and FSM 2353.44(b)(11), since motor vehicle use is currently allowed along the CDNST travel route. This would include the section of the CDNST from Monarch Pass to the vicinity of Windy Peak (trails #531 and #468), since these routes were not addressed in the Gunnison Travel Plan following 36 C.F.R. 212.55(a), 36 C.F.R. 212.55(b), and other analysis requirements.*” Many of my scoping comments are repeated in these comments, since the DEIS failed to act on the recommendations. The FEIS will need to address the integration requirements of the NFMA and National Trails System Act as implemented through forest and travel management planning processes.

**DEIS:** The DEIS at 3.6.1 beginning at page 3-95 describes the Affected Environment for Designated Areas.

**Comments:** The affected environment of the CDNST is not described, which is not in compliance with the requirements of 40 CFR 1502.15. The affected environment consists of

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<sup>3</sup> “For example, Forest Plan 3A areas, Colorado Roadless Areas, citizen-designated conservation areas, quiet-use areas, Rampart Range Wildlands, and CDNST.”

“the environment of the area(s) to be affected or created by the alternatives under consideration.” Put another way, the affected environment describes the existing condition of the resources that could be impacted by implementing any of the alternatives.

The Public Motor Vehicle Use FEIS must describe the current activity and use of the CDNST travel route, including the extent of use that contributes either directly or indirectly by existing Special Use Permits. The affected environment serves as the baseline for predicting changes to the human environment that could occur if any of the alternatives under consideration, including the no-action alternative, are implemented. The affected environment is separate and distinct from the no-action alternative, which describes current management rather than the current state of affected resources, and discloses how the current condition of affected resources would change, if current management was to continue.

The affected environment section must describe the degree to which CDNST values are being protected, including the protection of desired cultural landscapes, recreation settings, scenic integrity, and providing for conservation purposes along the existing CDNST travel route and any high-potential route segments (16 U.S.C. 1244(f)(3)). In addition, the status of selecting the rights-of-way should be described (16 U.S.C. 1246(a)(2)).

The NTSA states that, “National Scenic Trails, established as provided in section 5 of this Act, which 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 areas through which such trails may pass (16 U.S.C. 1242(a)(2), and specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved...(16 U.S.C. 1244(f)).” Examples of conservation and preservation attributes that should be discussed in the Affected Environment section may include the presence of designated and recommended wilderness, roadless areas, and important wildlife habitat along the CDNST travel route.

**DEIS:** The DEIS at 3.6.2 beginning at page 3-98 describes the Environmental Consequences for Designated Areas.

**Comment:** Effects, including cumulative effects, on the CDNST is not disclosed.

The amended CDNST Comprehensive Plan and related FSM 2350 direction is applied through land management planning and project decisions following requisite environmental analysis (74 FR 51116-51125). The amended CDNST Comprehensive Plan went into effective on November 4, 2009. As related to Forest Plans, the No Action alternative should describe how the CDNST rights-of-way, travel route, and high-potential route segments are being protected until such time that the Forest Plan is amended or revised to address the amended Comprehensive Plan and directives guidance.

The identification and selection of the rights-of-way (16 U.S.C. 1246(a)(2)) may lead to



varying degrees of effects, but most often a National Scenic Trail management corridor would be the primary area for addressing the effects analysis. Effects on ROS class conditions and carrying capacities will generally be based on analysis of the effects of the allowable uses and conditions of use on National Scenic Trail values that are included in the proposed action and each alternative in the NEPA document. This outcome is also a specific decision aspect of the proposed action or alternatives. Utilizing the ROS planning framework will help ensure that NEPA assessments are systematic and accurately describe the affected environment and expected outcomes from each alternative. Clearly document how the final decision is based on the best available science, scientific accuracy, and other relevant information needed to understand the reasonably foreseeable adverse effects of a choice between alternatives, the gaps in that information, and the rationale for why a reasoned choice between alternatives can be made at this time. In addition, substantial interference analyses and determinations (NTSA, Section 7(c)) need to be rigorous and be addressed as part of the cumulative impact (40 CFR 1508.7) and effects (40 CFR 1508.8) analyses and disclosure.

Management direction for Semi-Primitive Motorized, Roaded Natural, Rural, and Urban ROS classes allow uses that would substantially interfere with the nature and purposes of the CDNST if the allocation desired conditions are realized. Where the allowed non-motorized activities reflect the purposes for which the National Trail was established, the establishment of Primitive and Semi-Primitive Non-Motorized ROS classes and high and very high scenic integrity allocations would normally protect the nature and purposes (values) of a National Scenic Trail. Consistent with the 1982 ROS User Guide, ROS class definitions are described in the attached CDNST Planning Handbook.

NEPA reviews must take a “hard look” at impacts that alternatives under consideration would have on the human environment if implemented. This means that there must be evidence that the agency considered all foreseeable direct, indirect, and cumulative impacts, used sound science and best available information, and made a logical, rational connection between the facts presented and the conclusions drawn. Analyzing impacts means considering how the condition of a resource would change, either negatively or positively, as a result of implementing each of the alternatives under consideration.

The cumulative effects analysis must also address the effects of the approved Special Use Permits that directly and indirectly affect the CDNST, including the cumulative effects on the carrying capacity of the CDNST (NTSA, Section 5(f)). Examples of the types of permits to include in the effects analysis are the Monarch Crest Enduro, Monarch Crest Trail Shuttles, and the recently approved Five-Year Recreation Event permits that includes the Crest Crank and Vapor Trail 125 events (**Attachment E**).

For each alternative, the analysis of environmental effects needs to address how the decision will achieve:

- Providing for the nature and purposes of the National Trail, including protecting the National Trail resources, qualities, values, and associated settings;

- Ensuring carrying capacity is not exceeded; and
- Preventing motorized vehicle uses from substantially interfering with the nature and purposes of the National Trail.

**DEIS:** The DEIS at 3.9.1 beginning at page 3-114 describes the Affected Environment for recreation. The DEIS uses NVUM data and Forest Plan ROS allocations in the discussion.

**Comment:** The IDT should expand the discussion to describe how ROS allocation inconsistencies have been addressed during the life of the plan, especially where there are travel routes open to general public motor vehicle use in established Primitive and Semi-Primitive Non-Motorized ROS settings. The affected environment must address other uses that occur on designated motor vehicle routes. What is the extent of hiking, biking, and equestrian use on the existing routes? It is critical that this is described for the CDNST.

**DEIS:** The DEIS at 3.9.2 beginning at page 3-117 describes recreation environmental consequences.

**Comment:** The FEIS should describe the situations for why any *Miles of Mixed-Use Roads Open to Motorized Vehicle Use* and any *Miles of Trails Open to Motorized Vehicle Use* occurs in Primitive and Semi-Primitive Non-Motorized ROS settings.

Future NEPA documents for this project must describe the direct and cumulative effects of designating motor vehicle use on other recreationists, including hikers, bikers, and equestrian users. All alternatives should establish that any motor vehicle use by the general public in MA 3 will be eliminated.

**DEIS:** DEIS, Appendix C – Overall Screening Criteria and Master Alternatives Spreadsheet

**Comment:** The DEIS Appendix C does not meet the requirements of readability (40 CFR 1502.8). The FEIS should make such information ready available through both spreadsheets and geospatial data.

The *Leave No Trace* description of the Monarch Crest Trail could be used by the forest as a starting point for the affected environment discussion: “*The Monarch Crest Trail spans part of the Continental Divide National Scenic Trail from Monarch Pass to Marshall Pass in the San Isabel and Gunnison National Forests south-central Colorado. Though the Continental Divide Trail is managed primarily for hikers and equestrian user groups, this section of the CDNST is also [currently] open to mountain bikes and motorcycles. The trail has become incredibly popular with this diverse group of trail users. Overcrowding and lack of education on how to interact with other types of recreationists have caused user conflicts and the overall recreation experience to be diminished for everyone. Additionally, this high elevation trail can hold large snow drifts into July, many of which are difficult to cross causing visitors to have to travel off trail, around each snow drift, and onto fragile alpine vegetation. This, along with generally high usage, has caused trail erosion and damage to fragile alpine habitat.*”

## Designated Area Report

The *Pike and San Isabel National Forests Public Motor Vehicle Use EIS Designated Area Report (DAR)*, dated October 2018, should be important to understanding the DEIS analyses and conclusions. The following reviews the CDNST information that is presented in the report.

**Report:** The DAR describes on page 4 that, “National Scenic Trails Act – This act established the Continental Divide National Scenic Trail, which passes through the PSI. The trail is a nonmotorized use trail.”

**Comment:** I agree that a desired condition of the CDNST travel route is a nonmotorized trail. The use of the CDNST travel route should in most cases be compatible with the nature and purposes of this National Scenic Trail. The NTSA, Section 2(a), policy describes an objective as, “...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...” Section 3(a)(2), states that, “national scenic trails...will be...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 areas through which such trails may pass.” Section 5(f), describes that a comprehensive plan, which is being completed through staged decision making on NFS lands, will provide management direction that addresses, “specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved..., and a protection plan for any...high potential route segments.” Section 7(c) restricts uses and activities, including the removal of vegetation describing that, “Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted.”

The CDNST Comprehensive Plan and FSM 2353.42 policy describe desired conditions, “Administer National Scenic and National Historic Trail corridors to be compatible with the nature and purposes of the corresponding trail... The nature and purposes of the CDNST are to provide for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the CDNST corridor.”

**Report:** The DAR describes on page B-3 that – “*Applicable Regulations/Forest Service Guidance 36 CFR 212.55a: When designating NFS RTAs, consider the effects on NFS natural and cultural resources, public safety, recreation opportunities, access needs, conflicts among uses of NFS lands, the need for maintenance and administration of RTAs that would arise if the uses under consideration were designated, and the availability of resources for that maintenance and administration....*”

**Comment:** I am reading a Designated Area Report dated October 2018, is this report the same report that is referenced as document “Forest Service 2018h?” This Forest Service publication is not referred to in the DAR references that are cited. This reference to Forest Service 2018h should be readily available.

**Report:** DEIS, Appendix C: Overall Screening Criteria and Master Alternatives Spreadsheets (PDF pages) were embedded in the report.

**Comments:** The best tool for reviewing the DEIS information would have been a geodatabase with supporting attribute data. This GIS information was not made available to the public in a timely manner. I did receive an email a link to geospatial information on October 29. Unfortunately, I wasn't able to use much of the information prior to submitting these comments.

The October 29, 2019 email also described that, *“Please follow the link below to an excel spreadsheet that contains our proposed seasonal closure dates. Be mindful that there are still a few dates missing. We were expecting DEIS comments on these and will make final closure date determinations following the DEIS comment period.”* In general, I feel the forest needs to have seasonal closure dates for all public use, but additional requirements for any permitted events. Motorized and mechanized vehicle use events should be subject to Forest Service review and cancellation if route conditions are substantially degraded due to late spring snow melt or late summer snow storms.<sup>4</sup>

## Motor Vehicle Use Route Recommendations

The following are some specific recommendations for routes:

- **Crest Trail #531 and Summit Trail #486 – Salida Ranger District.** The Crest Trail #531 and Summit Trail #486 on the Salida Ranger District must be closed to motor vehicle use and not designated as motor vehicle routes in the future unless motor vehicle use is addressed and approved as a result of the development of a CDNST unit plan (FSM 2353.44b(2)&(11)). The Gunnison Ranger District NVUM must be amended to indicate this closure. This closure is necessary due to the direct and cumulative effects of motor vehicle and bicycle use on the Crest Trail that substantially interferes with the nature and purposes of the CDNST and is inconsistent with 36 CFR 212.55(b).
- **Salvation Creek 1171 – Salida Ranger District.** The route should be closed to conform to the SPMN ROS setting.
- **Marshall Pass Parking – Salida Ranger District.** The consideration of adding a parking area at Marshall Pass should be deferred until the development and approval of a CDNST unit plan.
- **Monarch Ridge Trail 531 – Salida Ranger District.** This route should be closed to motor vehicle use to protect the CDNST. Motor vehicle use on this route would result in additional user group conflicts and degrade CDNST values.

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<sup>4</sup> <https://www.pinkbike.com/news/the-monarch-crest-enduro-rocky-mountain-enduro-series-round-5-highlights-and-recap-video.html>

- **Road 225.F – Salida Ranger District.** This route should be closed to motor vehicle use to protect the CDNST. Motor vehicle use on this route would result in additional conflicts and degrade CDNST values.
- **Road 243.G – Salida Ranger District.** The road should be closed to public use to protect CDNST and The Colorado Trail purposes and minimize user conflicts.
- **Green Creek Trail #1412 – Salida Ranger District.** This route should be managed as a nonmotorized trail to reduce conflicts on the Crest Trail. The closure could be reconsidered when a CDNST unit plan is developed and approved.
- **Middle Fork south Arkansas River and Hoffman Park Trailhead – Salida Ranger District.** The consideration of adding a parking area at this location should be deferred until the development and approval of a CDNST unit plan.
- **Williams Pass Road 298.A – Salida Ranger District.** The road should be closed in order to protect wetlands, riparian areas, and fens. Closing the road would also add to the protection of the CDNST corridor.
- **South Halfmoon Creek Road 110.J – Leadville Ranger District.** I recommend that this road be decommissioned and converted to a sustainable non-motorized trail. This change would contribute to protecting unique backcountry and wildlife values in the established MA 3A area in South Halfmoon Creek.
- **Cloyses Lake Road 381 – Leadville Ranger District.** I strongly support the decommissioning of this cherry stemmed road. Motorized use in the existing road corridor is negatively impacting the wildness and recreation values of this Collegiate Peaks area. Consider establishing a designed use hiker/pedestrian level 2 route within the decommissioned road corridor. A Forest Plan amendment should change the Management Area of this corridor to MA 3A.
- **Halfmoon Road Trailhead – Leadville Ranger District.** The consideration of adding a parking area at this location should be deferred until the development and approval of a CDNST unit plan.
- **Turquoise Lake Trailhead – Leadville Ranger District.** The consideration of adding a parking area at this location should be deferred until the development and approval of a CDNST unit plan.
- **CDNST Road Segments.** The presence of the CDNST management corridor may affect motor vehicle use designations in the vicinity of Marshall Pass, Middle Fork South Arkansas River, Hancock, Tincup Pass, and Webster Pass. Prior to any CDNST road segment being designated for motor vehicle use, ensure that motor vehicle use on any existing CDNST road segment is consistent with the requirements of the National Trails System Act as implemented through the direction in the CDNST Comprehensive Plan and related directives (CDNST Comprehensive Plan, Chapter IV part 8 and FSM 2353.44b(2)&(11)).



## CDNST Forest Plan Amendment and FEIS

The Forest Supervisor should consider correcting the DEIS deficiencies by developing and releasing a Draft CDNST Plan Amendment and Supplemental DEIS to further address the requirements of the National Trails System Act, NFMA, and NEPA CEQ regulations as found in 40 CFR Parts 1500-1508. Land use planning associated NEPA must (1) rigorously explore and objectively evaluate all reasonable alternatives, and (2) take a hard look at the effects of the alternatives. The following are NEPA process considerations that are important to the travel management EIS analyses:

- The DEIS affected environment section needs to describe the CDNST corridor conditions, including identifying the location by depicting the travel route on alternative maps. (40 C.F.R. 1502.15)
- The Environmental Consequences section needs to describe, in part, (1) any substantial interference to the CDNST nature and purposes and (2) how each action alternative, “ensures that the use of off-road vehicles on public lands is controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands...” (40 C.F.R. 1502.16) and meets the requirements of the criteria for designation of roads, trails, and areas (36 C.F.R. 212.55).
- Where CDNST route segments are currently designated for motor vehicle use, or are to be designated for motor vehicle use through 36 C.F.R. 212 processes, the DEIS needs to identify (1) the specific date that the route was added to the forest transportation atlas, and (2) the date that the segment was constructed. This is necessary since some sections that are currently open to motor vehicle use must be managed to be in conformance with restrictions found in the NTSA, CDNST Comprehensive Plan, and related directives (Comprehensive Plan, Chapter IV(B)(6)). The 1984 Gunnison National Forest map indicates that the Crest Trail did not exist as a continuous route between Green Creek and Monarch Pass. The 1983 Rio Grande National Forest Travel Map indicates that the CDNST travel route from Silver Creek to Windy Peak did not exist. (See **Appendix B**)
- NEPA “substantial interference” and “minimize conflicts” analyses and determinations need to be rigorous (40 C.F.R. 1502.24).
- Geospatial data that supports the assessments should be openly available to the public.

The Forest Plan needs to be amended or revised to fully integrate the management direction for the CDNST. The CDNST must also be integrated into travel management planning, which unfortunately, did not occur in the development of the DEIS proposed action and alternatives. I have attached a document titled, “CDNST Planning Handbook” to be part of the DEIS comments for this project, as well as to provide baseline planning information to help guide future amendments and the revision of the Forest Plan – **Attachment D**.

Geospatial data was requested following FOIA procedures on September 25, 2019, which is yet to be received. *“Planning Team and FOIA Officer: I have initiated a review of the Pike & San Isabel National Forests Motorized Travel Management (MVUM) Analysis DEIS, but did not find any supporting geospatial information posted on the projects website-- <https://www.fs.usda.gov/project/?project=48214>. I need elements of the project’s geospatial data in order to complete an adequate review of the proposed action and alternatives. If the projects geospatial data is already posted online, please disregard this FOIA request and please send to me a web-link to where the data is located. If the data is not online, please process the following request... Under the Freedom of Information Act, I am requesting geospatial data for the Pike & San Isabel National Forests MVUM Analysis DEIS that supports the analyses of the proposed action and alternatives. I would appreciate receiving the following geospatial datasets that correspond to each alternative:*

- *Established Forest Plan Management Areas*
- *Established Recreation Opportunity Spectrum Classes – Summer and Winter*
- *Continental Divide National Scenic Trail travel route as an independent data layer*
- *Travel route status for each alternative including the attribute data that corresponds to the DEIS map legend that is posted below for reference...*

*Please send to me an email with the data attached in a zip file with embedded shapefiles, or a personal geodatabase which is preferred. If you have any questions about processing this request, please contact me... Your help is appreciated.”*

Unfortunately, these datasets were not available in time for my review of this DEIS. As such, my comments are more general and narrow than what I was hoping to provide in this submittal. Please readily provide these geospatial datasets in future releases of planning and NEPA documents for this project.

Thank you for considering these comments.

Greg Warren

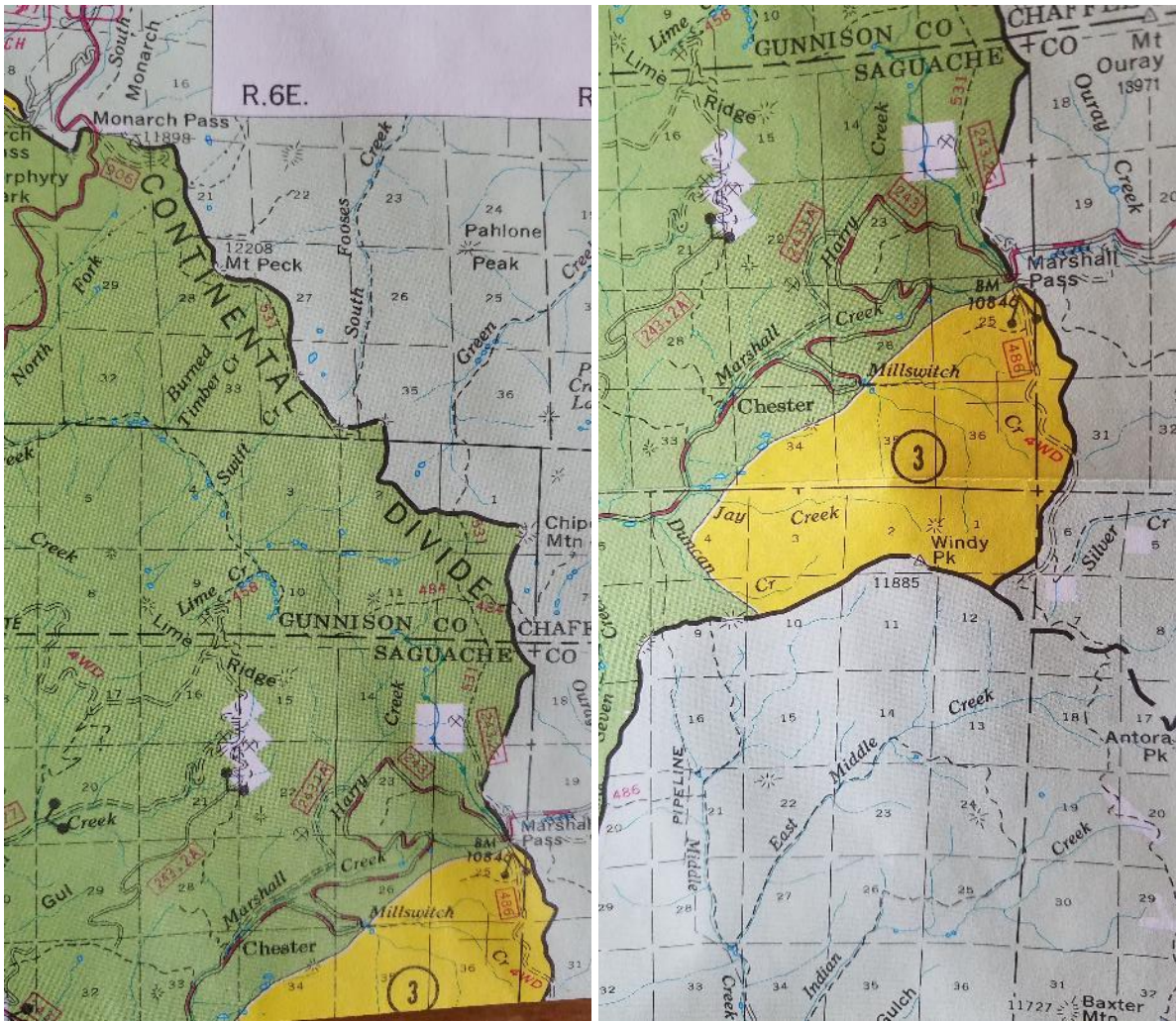
Attachments A – Travel Management Scoping Comments August 2016  
B -- CDNST Comprehensive Plan as amended  
C – Gunnison Travel Plan Appeal September 2010  
D – CDNST Planning Handbook v.10242019  
E – Five-Year Recreation Event Decision Memo

**Appendix A** – The Crest Trail #531 and Summit Trail #486 segments of the CDNST were omitted in the Pike and San Isabel Public Motor Vehicle Use Analysis DEIS. This omission must be corrected in the Pike and San Isabel Public Motor Vehicle Use Analysis FEIS.



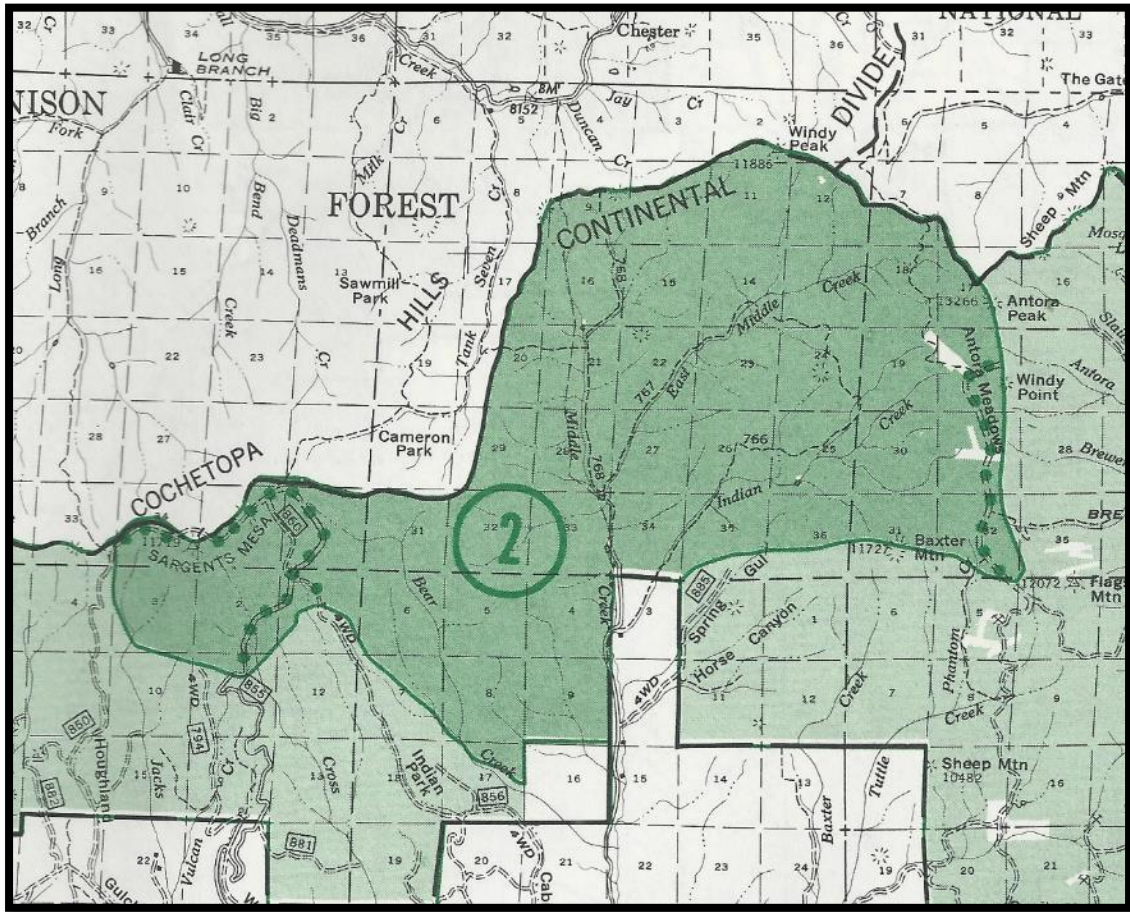


**Appendix B** – Gunnison NF 1984 Map – The map indicates that the Crest Trail did not exist as a continuous route between Green Creek and Monarch Pass in the 1984.



Gunnison National Forest 1984 Map

Rio Grande NF 1983 Travel Map of the Windy Peak Area – The area identified by the #2 signifies being closed to motor vehicle use. This map also indicates that there was not a National Forest System trail leading from the Salida Ranger District to Windy Peak in 1983.



Rio Grande 1983 Map