

USDA Forest Service
Rocky Mountain Region
Attn: Objection Reviewing Officer
PO Box 18980
1617 Cole Boulevard, Building 17
Lakewood, CO 80402

December 21, 2020

Objection submitted through:

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

Pike & San Isabel National Forests Motorized Travel Management (MVUM) Analysis #48214; Your comment has been received by our system on 12/21/2020

This correspondence is an Objection to the Pike and San Isabel National Forests Motorized Travel Management Analysis Draft ROD and FEIS. The name and title of the responsible official, and the name of the National Forest on which the project is located:

Pike and San Isabel National Forests Motorized Travel Management Analysis
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The objector's name, address, and email:

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I would appreciate a meeting with the reviewing officer to discuss issues raised in this objection and potential resolution of those issues.

This objection is consistent with submitted Scoping comments (**Attachment A**) and Travel Management DEIS comments (**Attachment B**). Included for reference is the CDNST Comprehensive Plan (**Attachment C**), Gunnison Travel Plan Appeal of 2010 (**Attachment D**), a CDNST Planning Handbook included as part of DEIS comments (**Attachment E**), and a Decision Memo for a 5-Year Recreation Event (**Attachment F**). More information supporting this objection is found in FSM 2350 (**Attachment G**) and the ROS Book 1986 (**Attachment H**).

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Summit Trail, San Isabel National Forest – Route Not Inventoried in FEIS

I. Statement of Issues – FEIS

The following are statements of the issues and/or the parts of the project to which the objection applies and concise statements explaining the specific issues; violations of law, regulations and policy; and suggested remedies.

1. Purpose of and Need for the Project

FEIS: The FEIS on page I-9 states, *“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) ...*

Specific criteria for designation of trails and areas. In addition to the general criteria listed above, in designating NFS trails and areas on NFS lands, the responsible official shall consider effects on the following, with the objective of minimizing: (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 NFS lands or neighboring federal lands; and (4) Conflicts among different classes of motor vehicle uses of NFS lands or neighboring federal lands. In addition, the responsible official shall consider: (5) Compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors.”

Issue and Statement of Explanation: An 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.”*

An amended CDNST Comprehensive Plan was published in the Federal Register in 2009, which took effect on November 4, 2009 (74 FR 51116).¹ The amended Comprehensive Plan was approved by Chief Thomas Tidwell in September 2009². 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 need to use the Recreation Opportunity Spectrum (ROS) in delineating and integrating recreation opportunities in managing the CDNST.

The purpose and need description should have recognized the need to address motor vehicle use on the CDNST travel route. CDNST route segments of concern include in part the section of the CDNST from

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

² https://www.fs.fed.us/sites/default/files/fs_media/fs_document/cdnst_comprehensive_plan_final_092809.pdf

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....”*

The Summit Trail has never been evaluated for motor vehicle use following 36 CFR § 212.55 processes. Now, this FEIS 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 forest. The CDNST Summit Trail segment on the San Isabel National Forest was not part of the FEIS route inventory. The route should be shown on the forest route atlas, but not designated for motor vehicle use. The Summit Trail segment that is on the Salida Ranger District is depicted on a map in **Appendix A**.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation, or policy: National Trails System Act, CDNST Comprehensive Plan Chapter IV.B.6. Motorized Use (74 FR 51125), and FSM 2353.44b(11).

Connection with Comments: Scoping Comments at 1; DEIS Comments at 6, 7, 8, 11, and 14.



Summit Trail segment of the CDNST, San Isabel National Forest

2. Decision Framework

FEIS: The FEIS on page I-10 states, *“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.”*

The decision will take into consideration the following questions:

- *Is the proposal consistent with the PSI’s Forest Plan?*
- *If the proposal is not consistent with the Forest Plan, what is the scope and scale of any required amendments?*
- *What alternative or combination of alternatives ensures that the PSI follows the requirements for multiple uses, outlined in the Multiple Use Sustained Yield Act of 1960?*
- *What alternative or combination of alternatives best represents the trails and areas designated as open to public motor vehicle use, taking into consideration the minimization criteria for motor vehicle use on trails and areas outlined in 36 CFR 212.55?*
- *What is the MRS needed for safe and efficient travel and for administration, utilization, and protection of NFS lands on the PSI, per 36 CFR 212.5(b)?”*

Issue and Statement of Explanation: Another important question that was not address in the FEIS is whether the proposal is consistent with the National Trails System Act as addressed in the CDNST Comprehensive Plan and FSM 2353.4 policy.

In addition, the Administrative Correction #1 was improper.

Furthermore, the draft ROD is proposing to designate motor vehicle routes without site-specific analyses.

Suggested Remedies that would Resolve the Objection: Revoke Administrative Correction #1.

See Section IV of this objection.

Violation of law, regulation, or policy: National Trails System Act, CDNST Comprehensive Plan, FSM 2353.4, and 36 CFR § 219.13(b).

Connection with Comments: New information and National Trails System Act, CDNST Comprehensive Plan, 16 U.S.C. § 1604(f)(1), 36 CFR § 219.10(b)(1)(vi), and FSH 1909.12 part 24.43.

3. Public Involvement and Scoping

FEIS: The FEIS on page I-11 states, *“The formal public scoping comment period, as required by NEPA, began on July 25, 2016, and was slated to run 45 days, to September 8, 2016. The PSI later provided 14 additional days, extending scoping until September 23, 2016.”*

Issue and Statement of Explanation: I provided scoping and DEIS comments, but did not receive notice of the proposed Administrative Correction #1.

Suggested Remedies that would Resolve the Objection: Revoke the administrative changes actions directing MA boundary changes be addressed through amendment or revision processes.

Violation of law, regulation, or policy: 36 CFR § 219.13.

Connection with Comments: New information.

4. Designated Areas – Affected Environment and Environmental Consequences

FEIS: The FEIS beginning on page 3-110 reviews the affected environment and environmental consequences for designated areas.

Issue and Statement of Explanation: The Continental Divide National Scenic Trail (CDNST) is omitted from the discussion. Furthermore, there are no site-specific discussions.

The amended CDNST Comprehensive Plan was published in the Federal Register in 2009 and took effect on November 4, 2009 (74 FR 51116).³ The amended Comprehensive Plan was approved by Chief Thomas Tidwell in September 2009.⁴ 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: ... 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) provided 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(2) governing implementation of the CDNST on National Forest System lands.

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).

Forest Service directives discuss amendments to a Forest Plan in FSH 1909.12 part 21.3 describing that, “Plan amendments are intended to be an adaptive management tool to keep plans current, effective, and relevant between required plan revisions (every 15 years). Amendments help Responsible Officials adapt an existing plan to new information and changed conditions. Maintaining plans through amendment also may reduce the workload for subsequent plan revisions.” The planning rule describes that, *“The responsible official shall... base an amendment on a preliminary identification of the need to change the plan. The preliminary identification of the need to change the plan may be based on a new*

³ <https://www.federalregister.gov/documents/2009/10/05/E9-23873/continental-divide-national-scenic-trail-comprehensive-plan-fsm-2350>

⁴ https://www.fs.fed.us/sites/default/files/fs_media/fs_document/cdnst_comprehensive_plan_final_092809.pdf

assessment; a monitoring report; or other documentation of new information, changed conditions, or changed circumstances. (36 CFR § 219.13(b))."

Suggested Remedies that would Resolve the Objection: Address the CDNST analysis omission through issuing a Draft SEIS.

See Section IV of this objection.

Violation of law, regulation, or policy: 40 CFR §§, 1502.9, 1502.15, and 1502.16; National Trails System Act, CDNST Comprehensive Plan, 16 U.S.C. § 1604(f)(1), 36 CFR § 219.10(b)(1)(vi), and FSH 1909.12 part 24.43.

Connection with Comments: Scoping and DEIS submitted comments – the CDNST was cited over 500 times in submitted scoping and DEIS comments.

5. Recreation Opportunity Spectrum

FEIS: The FEIS on page 3-130 states, *"The recreation opportunity spectrum (ROS) is the framework for understanding the relationships and interactions of users, recreation activities, and forest conditions (Forest Service 2018p). Maintaining a broad spectrum of classes across the forest is very important to provide users with choices to facilitate their desired recreation experiences...."*

Issue and Statement of Explanation: The FEIS review of effects is only programmatic, which is not sufficient to address the Travel Rule NEPA requirements for designating routes.

The effects on CDNST qualities and values are not disclosed in the FEIS. The designation of the Monarch Crest and Summit routes for motor vehicle use would substantially interfere with the recreation purposes of the CDNST due to direct, indirect, and cumulative effects.

Utilizing ROS framework principles, the FEIS should have disclosed that designating South Halfmoon Creek Road 110.J degrades a substantial portion established MA 3A area in South Halfmoon Creek and the designation of Cloyses Lake Road 381 substantially degrades the wilderness character of the Collegiate Peaks Wilderness. These routes are displayed on the map in **Appendix B**.

Where the allowed non-motorized activities reflect the purposes for which the CDNST was designated, 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 (qualities and values) of the CDNST. 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.

This assessment is based in part on recreation research and handbooks including information found in (1) *The Recreation Opportunity Spectrum: A Framework for Planning, Management, and Research*, General Technical Report PNW-98 by Roger Clark and George Stankey; (2) *ROS Users Guide* (U.S. Department of Agriculture, Forest Service. ROS Users Guide. 1982/1986, Washington, DC: U.S. Department of Agriculture, Forest Service; (3) *Recreation Opportunity Setting as a Management Tool Technical Guide* by Warren Bacon, George Stankey, and Greg

Warren;⁵ and (4) Landscape Aesthetics, A Handbook for Scenery Management, Agricultural Handbook Number 701.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation, or policy: 16 U.S.C. § 1246(c), 36 CFR § 219.10(b)(1)(i), and FSM 2310.3 (WO Amendment 2300-90-1).

Connection with Comments: CDNST Planning Handbook; DEIS comments at 13; CDNST Planning Handbook at 10, 33, 38, and 69.

6. Soils and Hydrology

FEIS: The FEIS beginning on page 3-174 states, *“The WCF is a comprehensive approach for classifying watershed condition, implementing integrated restoration in priority watersheds on national forests and grasslands, and tracking and monitoring outcome-based program accomplishments for performance accountability. The WCF provides a consistent way to evaluate watershed conditions at both the national and forest levels...”*

Soil erosion data are under Forest Service review and have not been formally published...

The impact on the soils watershed condition indicator [for Alternative C] would be similar to Alternative B. There would be 3.8 fewer miles of routes traversing the most erodible of soils that would be open to public motor vehicle use. This would reduce impacts on soil from motor vehicle use. There would be 111.7 fewer miles open to public motor vehicle use compared to Alternative A, which would reduce impacts on soil from motor vehicle use. The presence or use of routes would affect soil, as described under Alternative A...

The impacts on water quality, water quantity, and aquatic habitat watershed condition indicators in the WCATT would be similar to those under Alternative A...”

Issue and Statement of Explanation: The FEIS only reviewed programmatic effects associated with the proposed action and alternatives. At a minimum, soil and water effects associated with those travel routes addressed in public comments should have been addressed through site-specific analyses prior to designation.

It is improper that the Forest Service withheld data awaiting formal publication. The Forest Service soil erosion data should have been utilized in the FEIS as the best available information.

A general travel management planning recommendation is that any route that is to be designated for motor vehicle use should be in compliance with the applicable motor vehicle use route design parameters. This would help provide for the protection of vegetation and water resources.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

⁵ http://nstrail.org/carrying_capacity/ros_tool_1986.pdf

Violation of law, regulation, or policy: 40 CFR § 1502.24, FSH 2309.18 – Design Parameters

Connection with Comments: Scoping comments at 2.

7. Forest Plan Compliance

FEIS: The FEIS beginning on page 3-230 states, *“The Forest Plan Compliance Report provides relevant Forest Plan direction related to the resources described in Tables 1 through 11 of the Forest Plan Compliance Report. These tables also provide a discussion on how the alternatives are or are not consistent with the Forest Plan for each resource.*

Not all roads comply with Management Area 3A direction at this stage under all alternatives. Addressing this noncompliance requires a Forest Plan administrative correction and Forest Plan amendment. This is because Management Area 3A is closed to public motorized use (see Forest Service 1984, page III-125). Routes open to public motor vehicle use occur in Management Area 3A due to previous technological limitations and the lack of synchronization of management area boundaries, road locations, and land ownership data during development of the Forest Plan (Forest Service 2019).

An administrative change is any change to a plan that is not a plan amendment or plan revision. Administrative changes include corrections of clerical errors to any part of the plan, conformance of the plan to new statutory or regulatory requirements, or changes to other content in the plan. Refer to Forest Service (2019) for additional details on administrative corrections related to 3A routes and boundary changes.

In addition to an administrative correction, three existing road segments that occur within Management Area 3A, specifically NFSRs 126, 398, and 398.B, require an amendment to the Forest Plan under some alternatives. The need to change the plan, proposed amendment, and environmental effects of the proposed amendment are described below.

Although the PSI prepared the current Forest Plan (Forest Service 1984) under an earlier planning rule, it must comply with the procedural provisions of the 2012 planning rule and meet the directly related substantive requirements in 36 CFR 219.8–219.11 and the plan amendment requirements under 36 CFR 219.13...

Other than the direction described above, all of the action alternatives were determined to be consistent with the components of the PSI’s current Forest Plan. Implementation of any of the action alternatives would not exceed thresholds identified in the Forest Plan standards and would contribute to the achievement of the Forest Plan’s goals and objectives...

There is a need to change the Forest Plan to rectify the Management Area 3A boundaries and provide recreational access on the South Platte and Leadville Ranger Districts under alternatives C and D. NFSRs 126, 398, and 398.B are existing routes that currently provide motorized recreational access; a plan amendment would ensure future motorized recreational use is consistent with the Forest Plan...

Under Alternative C, the proposed amendment would adjust the boundaries of Management Area 3A to exclude NFSRs 126, 398, and 398.B. There would be no changes to standards, guidelines, or other management direction or monitoring in the Forest Plan....”

Appendix B-2 describe regulations and policy, screening criteria, and design criteria:

36 CFR § 212.55a: When designating NFS RTAs, consider the effects on NFS natural resources, recreation opportunities, access needs, and conflicts among users of NFS lands.

36 CFR § 212.55b: When designating NFS trails and areas, consider the effects, with the objective of minimizing conflicts among different classes of motor vehicle uses on NFS lands or neighboring federal lands, and compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors.

36 CFR § 212.55c: When designating NFS roads, consider compatibility of vehicle class with road geometry and road surfacing.

36 CFR § 212.55e: NFS RTAs on NFS lands in wilderness areas or primitive areas would not be designated for motor vehicle use, unless, in the case of wilderness areas, motor vehicle use is authorized by the applicable enabling legislation for those areas.

6. Motor vehicle conflict and compatibility

- Conflict among different classes of motor vehicles on trails
- Compatibility of motor vehicle use with existing conditions
- Compatibility of motor vehicle class with road surface

9. Designated areas, special designations, or potential special designations

- Wilderness areas
- Roadless areas
- Research natural areas
- National Scenic Trails
- Gold Medal Waters
- Other potential special designation areas

Issue and Statement of Explanation: The specialist designated area report and FEIS did not discuss the CDNST. Hence, the Draft ROD CDNST route decisions were not informed by the FEIS.

Forest Plan Administrative Correction No. 1 states, *“The Forest Plan. i.e. Land and Resource Management Plan (LRMP) for the PSICC was approved in November, 1984, and the corresponding PSI Travel Map/Travel order was approved in October, 1984. The relationship between the Management Areas identified in the LRMP and the Travel Map is described in the Monitoring and Evaluation section of the LRMP on page IV-16. Management Area (MA) boundaries were created based on topographic features, approximate location of existing roads and ownership boundaries, and local knowledge of the suitability of an area for various types of management...*

Due to 1980’s technological limitations, MA boundaries, road locations and land ownership data were not accurately synchronized during the development of the LRMP. Spatial polygons for each MA were created based on the original lines from the original LRMP MA map. Since that time, increases in technology have increased the accuracy of this data so that MA polygons can now be accurately matched up with ownership boundaries and roads. These technological advances have recently resulted

in the identification of numerous existing public road segments and some non-public road segments currently under analysis for conversion to public road segments that encroach into 3A polygons, none of which have any major ramification to overall management objectives.”

The Forest Plan maps clearly display routes in MA 3A that must be closed to motor vehicle use unless the Forest Plan is modified through revision or amendment processes. These travel route violations are not ambiguous. It would be arbitrary to modify MA boundaries after 36 years that the Plan has been in effect based on a monitoring and evaluation section of the LRMP page IV-16 a page that is nonexistent in the posted version of the plan. An Interdisciplinary Team review of Forest Plan maps in the 1980s was not limited by technology. The 1984 Travel Plan, a resource plan, does not control Forest Plan decisions.

The 2012 planning rule ROD Federal Register describes the difference between Amendment verses an administrative change. The Forest Service response states, *“Plan components are the plan’s desired conditions, objectives, standards, guidelines, suitability of areas, or goals described in § 219.7. An amendment is required if a change, other than correction of a clerical error or a change needed to conform to new statutory or regulatory requirements, needs to be applied to any of these plan components.*

Administrative changes are made to correct clerical errors to plan components, to alter content in the plan other than the plan components, or to achieve conformance of the plan to new statutory or regulatory requirements. A clerical error is an error of the presentation of material in the plan such as phrasing, grammar, typographic errors, or minor errors in data or mapping that were appropriately evaluated in the development of the plan, plan revision, or plan amendment. An administrative change could not otherwise be used to change plan components or the location in the plan area where plan components apply, except to conform the plan to new statutory or regulatory requirements. Changes that could be made through an administrative change may also be made as part of a plan amendment or revision instead” (Planning Rule 77 FR 21239).

Furthermore, I provided scoping comments for this EIS, and yet, I was not notified of the proposed administrative change that had direct bearing on the scope of the decisions to be made for this NEPA process.

Suggested Remedies that would Resolve the Objection: Revoke Administrative Correction No. 1.

Violation of law, regulation, or policy: 36 CFR § 219.13

Connection with Comments: New information.

8. Response to Comments

2302-1: Appendix D, page D-196 comment characterization: *“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." Response: "The Crest Trail #531 is not the CDNST, although sections of this trail are co-aligned with the CDNST. The section of #531 closest to Old Monarch Pass Road is not co-aligned with the CDNST and is open to motorcycles. The Summit Trail #486 is on the Gunnison National Forest and not open to motorized use."

Observation: The response is not factual. The official CDNST travel route and Gunnison Travel Plan indicates that trail #531 is the CDNST route (See **Appendix C**). Summit Trail #531 is partially located on the Salida Ranger District (see **Appendix A**). The Gunnison MVUM indicates that Summit Trail #532 is open to motorcycles.

2302-11: Appendix D, page D-196 comment characterization: "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." Response: C7 and "N/A"

Observation: The FEIS does not address motor vehicle use that may substantially interfere with the nature and purposes of National Scenic and Historic Trails.

2302-12: Appendix D, page D-197 comment characterization: "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, 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." 3 "For example, Forest Plan 3A areas, Colorado Roadless Areas, citizen-designated conservation areas, quiet-use areas, Rampart Range Wildlands, and CDNST." 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." Response: C7 and "N/A"

Observation: The FEIS failed to address this comment.

2302-13: Appendix D, page D-197 comment characterization: *"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."* Response: C7 and "N/A"

Observation: The FEIS does not describe the affected environment of the CDNST corridor.

2302-14: Appendix D, page D-197 comment characterization: *"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))."* Response: See Response to Concern ID(s): C12"

Observation: The FEIS does not address direct, indirect, and cumulative effects of motor vehicle use on the nature and purposes of the CDNST.

2302-15: Appendix D, page D-197 comment characterization: *"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."* Response: "See Response to Concern ID(s): C12"

Observation: The FEIS does not describe how CDNST qualities and values are protected.

2302-18: Appendix D, page D-198 comment characterization: *“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).”* Response: “See Response to Concern ID(s): C12 and N/A”

2302-19: Appendix D, page D-198 comment characterization: *“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.”* Response: “See Response to Concern ID(s): C12 and N/A”

Observation: The Draft ROD is proposing to designate motor vehicle use on CDNST routes without determining carrying capacity and addressing direct, indirect, and cumulative effects on CDNST nature and purposes (qualities and values).

2302-2: Appendix D, page D-198 comment: *“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.”* FEIS response states, “See Response to Concern ID(s): C12”

Observation: The FEIS fails to recognize that a portion of the Summit Trail is located on the Salida Ranger District.

2302-20: Appendix D, page D-198 comment characterization: *“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.”* Comment considered but no changes needed.

Observation: The FEIS failed to use the ROS planning framework in the Travel Plan analyses.

2302-21: Appendix D, page D-198 comment characterization: *“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.”* C20. See Response to Concern ID(s): C20”

Observation: The Forest erred when approving Forest Plan Administrative Correction No. 1.

2302-25: Appendix D, page D-199 comment characterization: *“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.” FEIS draft remarks states, “See Response to Concern ID(s): C12”*

Observation: The FEIS failed to respond to this comment.

2302-40: Appendix D, page D-201 comment characterization: *“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)).” Response: “Site-specific analysis related to impacts on the CDNST will occur separately from this EIS as necessary.”*

Observation: It is improper to designate the CDNST travel route for motor vehicle use without a site-specific analysis and as addressed through the preparation of a CDNST unit plan.

Issue and Statement of Explanation: See the following reply to C7, C12, and C20 responses.

C7: Appendix D, page D-1 comment characterization: *“Commenters stated that the plan amendment does not adequately address or describe the current activity and use of the Continental Divide National Scenic Trail (CDNST), that it does not comply with the 2009 CDNST Comprehensive Plan, that it does not describe how the CDNST is being protected for future planning effort, and that it does not address substantive scoping comments regarding the CDNST. Commenters stated that certain decisions on route*

designations or parking areas should be deferred until the development and approval of a CDNST unit plan.”

FEIS draft remarks states, *“Amending the Forest Plan and establishing a CDNST management corridor is not within the scope of this EIS, and it would be conducted under a separate process. Decommissioning short spur routes and converting them to parking meets the purpose of and need for the PSI travel management and would not preclude development of a CDNST unit plan. A site-specific analysis related to impacts on the CDNST will occur separately from this EIS when necessary.”*

Observation: The Draft ROD is proposing to designate motor vehicle use on the CDNST travel route without either a programmatic or site-specific analysis consistent with the National Trails System Act, the CDNST Comprehensive Plan, and FSM 2353.4. Such action would be arbitrary and capricious.

C12: Appendix D, page D-2 comment characterization: *“Commenters stated that the DEIS does not adequately address impacts on National Scenic Trails or approved special use permits that directly and indirectly affect the CDNST. In addition, commenters stated the DEIS should better described the National Scenic Trail corridor conditions.”*

FEIS draft remarks states, *“Comment considered but no changes needed. There would be no construction of new routes on the CDNST under any of the alternatives. A site-specific analysis related to impacts on the CDNST will occur separately from this EIS when necessary.”*

Observation: Stating that, *“There would be no construction of new routes on the CDNST under any of the alternatives”* is not germane to the comments. The Travel Management Rule requires site-specific analyses before routes and areas are designated.

C20: Appendix D, page D-2 comment characterization: *“Commenters said the cumulative effects analysis was incomplete because it failed to consider the environmental impacts of other authorized activities that affect resources, such as domestic livestock grazing and forest thinning activities. In addition, commenters said the cumulative effects analysis fails to evaluate the effects of climate change and other known unauthorized roads and trails.”*

FEIS draft response and draft remarks state, *“Comment considered but no changes needed. Reasonably foreseeable future actions on the PSI are analyzed in Chapter 3 of the DEIS, Cumulative Actions for Cumulative Impact Analysis. Additional information is related to authorized activities and climate change; unauthorized activities are addressed separately. The cumulative effects analysis is based on the best available scientific information.”*

Observation: The FEIS does not address direct, indirect, and cumulative effects on the nature and purposes of the CDNST.

Issue and Statement of Explanation: To the extent the Forest Service provided any explanation for failing to consider substantive comments, that explanation was arbitrary and capricious.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation, or policy: 40 CFR § 1503.4(a) (2005)

Connection with Comments: DEIS Comments

9. Designated Area Report

The designated specialist report on page 4 states, *“National Scenic Trails Act (Sic) - This act established the Continental Divide National Scenic Trail, which passes through the PSI. The trail is a nonmotorized use trail.”*

Issue and Statement of Explanation: Managing the CDNST travel route as a nonmotorized use trail is consistent with providing for the nature and purposes of this National Scenic Trail as designated by an amendment to the National Trails System Act. The concern is that the decision fails to apply National Scenic Trail constraints to the motor vehicle use designations.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation, or policy: 40 CFR § 1502.15 (2005)

Connection with Comments: DEIS comments at 11.

II. Statement of Issues – Draft Record of Decision

The following are statements of the issues and/or the parts of the project to which the objection applies and concise statements explaining the specific issues; violations of law, regulations and policy; and suggested remedies.

1. Applicable Laws, Regulations, and Policies

DROD: The DROD on page 4 lists Applicable Laws, Regulations, and Policies failing to identify relevant National Scenic Trail direction.

Issue and Statement of Explanation: The National Trails System Act, CDNST Comprehensive Plan, and FSM 2353.4 should be included.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation, or policy: National Trails System Act, CDNST Comprehensive Plan, and FSM 2353.4.

Connection with Comments: DEIS comments at 5.

2. Decision Rational

DROD: The DROD pages 16-22 describe rational for the decision stating, *“In reaching my decision, I have considered the criteria in the TMR, the purpose and need for action, the issues surrounding this action, the range of alternatives analyzed, and the potential environmental consequences of each. I have also considered public comments on the DEIS and scoping comments on the original proposed action, the Forest Plan amendments, the FEIS, and the documents incorporated by reference, including resource specialist reports. The FEIS uses the best available science, as evidenced by the extensive literature citations and its acknowledgment of incomplete and imperfect information (FEIS, p. 16)”*

Issue and Statement of Explanation: This programmatic mid-level planning FEIS does not address forest planning or resource plan analysis requirements. A site-specific analysis is required for designating routes as reviewed in the final Travel Management Federal Register Notice.

“Regulations implementing NEPA are issued by the Council on Environmental Quality and are found at 40 CFR part 1500. Agency direction on NEPA compliance is found in FSH 1909.15. The Department believes that the scope, content, and documentation of NEPA analysis associated with designating routes and areas for motor vehicle use will ultimately depend on site-specific factors, including the local history of travel planning, public input, and environmental impacts at the local level. Therefore, the Department is not addressing NEPA compliance in this final rule” (70 FR 68268)

“The Department disagrees with establishing any of these principles as national policy. Designation decisions are best left to local managers, working closely with State, tribal, and local governments, users, and other members of the public and informed by site-specific evaluation of environmental impacts” (70 FR 68270).

“This final rule is essentially procedural. It has no direct environmental effects, and consideration of extraordinary circumstances would be meaningless at this level. This rule will be implemented through travel management decisions at the administrative unit or Ranger District level, which may have environmental impacts. These site-specific decisions will involve appropriate environmental analysis and documentation” (70 FR 68286).

Presented specialist reports are programmatic in nature. For example, the October 2018 Soils and Hydrology Report is sufficient to address watershed concerns for a programmatic analysis, but it does not address site-specific issues associated with motor vehicle use on specific roads and trails.

The Forest Service did not ensure that travel management planning efforts satisfied the executive order obligation to minimize resource damage and recreational use conflicts associated with ORV use. The most obvious and effective approach is for the agency to: (1) actually minimize impacts – not just identify or consider them – when designating areas and trails for ORV use, and show how they did so in the administrative record; and (2) apply a transparent and common-sense methodology for meaningful application of the minimization criteria that provides opportunities for public participation, incorporates the best available scientific information and best management practices, addresses site-specific and larger-scale impacts, and accounts for monitoring and enforcement needs and available resources. The record that supports the Final ROD and FEIS does not show how the minimization criteria were *“implemented into the decision process.”*

Suggested Remedies that would Resolve the Objection: Resource analyses should ensure that each route to be designated for motor vehicle use is addressed through site-specific assessments. This is especially needed for the evaluation of the direct, indirect, and cumulative effects on soils and water resources.

See Section IV of this objection.

Violation of law, regulation, or policy: Executive Order 11644 and 11989, 36 CFR § 212.55, and the National Trails System Act. Executive Order 11644 and 11989 – Use of off-road [motorized] vehicles on

the public lands: "...By virtue of the authority vested in me as President of the United States by the Constitution of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (42 U.S.C. § 4321), it is hereby ordered as follows: Section 1. Purpose. It is the purpose of this order to establish policies and provide for procedures that will ensure that the use of off-road [motorized] 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...."

Connection with Comments: CDNST Planning Handbook; DEIS comments at 6.

3. National Trails System Act

DROD: The DROD on page 29 reviews the National Trails System Act stating, *"This act established the Continental Divide National Scenic Trail, (CDNST) which passes through the PSI. Though the National Trails System Act intends that National Scenic Trails be established for hiking and horseback use, the 1978 amendment specifically provides for limited motorized use. According to policy, motor vehicle use by the general public is prohibited on the CDNST, unless that use is consistent with applicable land management plan and is designated in accordance with 36 CFR Part 212, Subpart B, and, the segment of the CDNST was constructed as a road prior to November 10, 1978. My decision to designate Alternative C does not change any National Recreation Trail management and complies with the National Trails System Act. Site-specific analysis would occur separately from this EIS when necessary."*

Issue and Statement of Explanation: Alternative C Designated Motor Vehicle Routes affect the CDNST nature and purposes. The CDNST Comprehensive Plan in Chapter IV Part A states, *"The primary policy is to administer the CDNST consistent with the nature and purposes for which this National Scenic Trail was established. 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."*

For the purpose of providing for the nature and purposes of the CDNST and resolving this objection, the Forest Service should only designate routes for motor vehicle use by the general public if that use is consistent with the applicable CDNST unit plan and:

- a. Is necessary to meet emergencies;
- b. Is necessary to enable adjacent landowners or those with valid outstanding rights to have reasonable access to their lands or rights;
- c. Is for the purpose of allowing private landowners who have agreed to include their lands in the CDNST by cooperative agreement to use or cross those lands or adjacent lands from time to time in accordance with Forest Service regulations; or
- d. Is on a motor vehicle route that crosses the CDNST, if that use will not substantially interfere with the nature and purposes of the CDNST;
- e. Is designated in accordance with 36 CFR Part 212 Subpart B and:
 1. The vehicle class and width were allowed on that segment of the CDNST prior to November 10, 1978, and the use will not substantially interfere with the nature and purposes of the CDNST or

2. That segment of the CDNST was constructed as a road prior to November 10, 1978; or
- f. In the case of over-snow vehicles, is allowed in accordance with 36 CFR Part 212, Subpart C and the use will not substantially interfere with the nature and purposes of the CDNST.⁶

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation, or policy: 16 U.S.C. §§ 1242(a)(2), 1244(f), 1246(c); 36 CFR § 219.10(b)(1)(vi); Executive Order 11644 and 11989; CDNST Comprehensive Plan Chapter IV.A, Chapter IV.B.6. Motorized Use; FSM 2353.44b(11); 40 CFR §§ 1502.15, 1502.16, 1502.24, 1508.7, 1508.8, 1503.4(a).

Connection with Comments: Scoping comments at 2, DEIS comments at 10, CDNST Planning Handbook at 35.

III. CDNST Regulatory Planning Framework

The planning and management of National Scenic Trails is addressed by many interrelated laws, regulations, and policies. The following summarizes regulatory framework provisions that are important to the decisions to be made:

- 16 U.S.C. § 1242(a)(2) – National Scenic Trail Purpose is ... 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. § 1244(f) – The responsible Secretary shall ... submit ... a comprehensive plan for the acquisition, management, development, and use of the trail, including but not limited to, the following items: 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 ... an identified carrying capacity of the trail and a plan for its implementation....
- 16 U.S.C. § 1246(c) – National scenic trails may contain campsites, shelters, and related-public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail... To the extent practicable, efforts be made to avoid activities incompatible with the purposes for which such trails were established. The use of motorized vehicles by the general public along any National Scenic Trail shall be prohibited....”
- E.O. 13195 – Trails for America in the 21st Century – Federal agencies will ... protect, connect, promote, and assist trails of all types throughout the United States. This will be accomplished by: ... (b) Protecting the trail corridors associated with national scenic trails...to the degrees necessary to ensure that the values for which each trail was established remain intact....
- Executive Order 11644 and 11989 – Use of off-road vehicles on the public lands.
- 36 CFR 212 Subpart B - Designation of Roads, Trails, and Areas for Motor Vehicle Use
- CDNST Comprehensive Plan

⁶ 16 U.S.C §§ 1244(a)(5), 1246(c); CDNST Comprehensive Plan Chapter IV.B.6 and FSM 2353.44b – 74 FR 51125

- Chapter III.E, Land Management Plans (74 FR 51124) – 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.
- Chapter IV.A, Nature and Purposes (74 FR 51124) – 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.
- Chapter IV.B.5, Recreation Management (74 FR 51125) – Manage the CDNST to provide high-quality scenic, primitive hiking and pack and saddle stock opportunities. Backpacking, nature walking, day hiking, horseback riding, nature photography, mountain climbing, cross-country skiing, and snowshoeing are compatible with the nature and purposes of the CDNST.
- Chapter IV.B.6. Motorized Use (74 FR 51125) – Motor vehicle use by the general public is prohibited by the National Trails System Act unless that use:
 - Is necessary to meet emergencies;
 - Is necessary to enable adjacent landowners or those with valid outstanding rights to have reasonable access to their lands or rights;
 - Is for the purpose of allowing private landowners who have agreed to include their lands in the CDNST by cooperative agreement to use or cross those lands or adjacent lands from time to time in accordance with Forest Service regulations; or
 - Is on a motor vehicle route that crosses the CDNST, if that use will not substantially interfere with the nature and purposes of the CDNST;
 - Is designated in accordance with 36 CFR Part 212, Subpart B, on National Forest System lands or is allowed on public lands and:
 - The vehicle class and width were allowed on that segment of the CDNST prior to November 10, 1978, and the use will not substantially interfere with the nature and purposes of the CDNST or
 - That segment of the CDNST was constructed as a road prior to November 10, 1978; or
- In the case of over-snow vehicles, is allowed in accordance with 36 CFR Part 212, Subpart C and the use will not substantially interfere with the nature and purposes of the CDNST.
- FSM 2353.44b(11) – Motor vehicle use by the general public is prohibited on the CDNST, unless that use is consistent with the applicable CDNST unit plan and: [repeats Comprehensive Plan Chapter IV.B.6 list and refers to CDNST unit plan].
- 36 § 212.55 Criteria for designation of roads, trails, and areas
- 36 CFR § 219.10(b)(1)(i) – Sustainable recreation

- 36 CFR § 219.10(b)(1)(vi) – Management of other designated areas
 - FSM 2310.3 (WO Amendment 2300-90-1) – Recreation Planning
 - FSH 1909.12 part 23.23a – Sustainable Recreation Resources
 - FSM 2353.4 – National Scenic Trails – CDNST (74 FR 51125)
 - FSH 1909.12 part 24.43 - National Scenic and Historic Trails
- 36 CFR § 219.13 - Plan amendment and administrative changes
 - (b) Amendment requirements
 - (c) Administrative changes
- 40 CFR § 1502.14 – Proposed Action and Alternatives
- 40 CFR § 1502.15 – Affected Environment
- 40 CFR §§ 1502.16, 1502.24, 1508.7, 1508.8 – Environmental Consequences
- 40 CFR § 1503.4(a) – Response to Comments

IV. Proposed Solution to Improve the Decision

1. Administrative Change

Revoke Forest Plan Administrative Correction No. 1.

2. Route Recommendations

The following are some specific travel route recommendations:

- **Crest Trail #531 (aka Monarch Ridge) 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). Direct that the Gunnison MVUM be changed to reflect that these routes are not designated for motor vehicle use.
- **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.
- **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 qualities and 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.

- **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.
- **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.
- **Cloyes 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 watershed, 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.
- **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)).

I appreciate your consideration of the information and concerns addressed in this objection.

Sincerely,

Greg Warren

Greg Warren

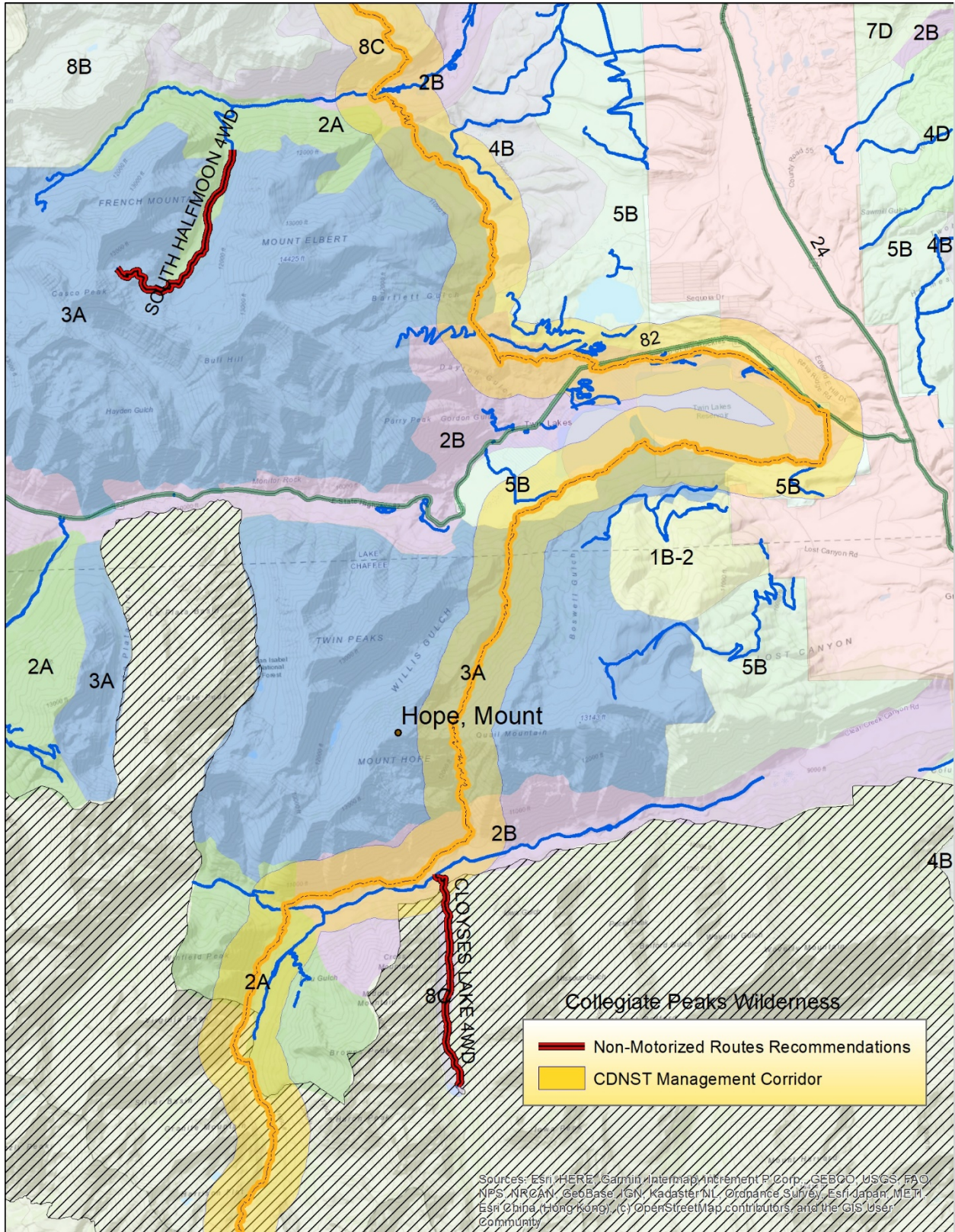
Attachments A- PSI MVU Scoping Comments
 B – PSI MVU Analysis DEIS Comments
 C -- CDNST Comprehensive Plan
 D – Gunnison Travel Plan Appeal September 2010
 E – CDNST Planning Handbook v.10242019
 F – Five-Year Recreation Event Decision Memo
 G – FSM 2350 (2300-2020-1)
 H – ROS Book 1986

⁷ Signature or other verification of authorship will be sent upon request.

Appendix A – Non-Inventoried Summit 486 trail segment on the Salida RD.



Appendix B – South Halfmoon and Cloyses Lake ROS class inconsistencies.



Appendix C – Crest Trail #531 is also aka Monarch Ridge Trail for this location on the Salida RD.

