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Organization: Continental Divide Trail Coalition

Title: Trail Policy Program

Comments: Re: Objection to the Draft Record of Decision, Final Environmental Impact Statement, and Revised Land Management Plan for the Carson National Forest

Dear Objection Reviewing Officer,

Representing approximately 2,000 members nationwide, the Continental Divide Trail Coalition (CDTC) is the 501(c)(3) national nonprofit organization formed in 2012 to work with the federal land management agencies to complete, promote, and protect the Continental Divide National Scenic Trail (CDNST). The Continental Divide National Scenic Trail (CDNST) was designated by Congress in 1978 as a unit of the National Trails System. The 3,100-mile CDNST traverses nationally significant scenic terrain and areas rich in the heritage and life of the Rocky Mountain West along the Continental Divide between Mexico and Canada. It travels through 25 National Forests, 21 Wilderness areas, 3 National Parks, 1 National Monument, 8 BLM resource areas and through the states of Montana, Idaho, Wyoming, Colorado and New Mexico. CDTC's vision for the CDNST is a primitive and challenging backcountry trail for the hiker and horseman on or near the Continental Divide to provide people with the opportunity to experience the unique and incredibly scenic qualities of the area.

The CDNST passes through Montana, Idaho, Wyoming, Colorado, and New Mexico, and is administered by the U.S. Forest Service in cooperation with the NPS, BLM, and Tribal, state, and local governments, as well as numerous partner groups including the CDTC. In 2020, CDTC signed an Inter-agency Memorandum of Understanding with the U.S Forest Service, the Bureau of Land Management, and the National Park Service, which identifies the Continental Divide Trail Coalition as a lead national partner in the management and administration of the Continental Divide National Scenic Trail. To date, CDTC has been successful in coordinating more than 250,000 hours of volunteer stewardship and raising over \$5 million in private funds to maintain and improve the CDNST, building positive relationships with federal land managers and local trail-focused groups, organizing special events to help educate the public about the CDNST, implementing Trail Adopter and Gateway Community programs, and encouraging Congress to continue to appropriate funding for the CDNST in the USFS budget.

#### Background

The Continental Divide National Scenic Trail (CDNST) is far more than a path on the ground; rather, it is the sum of the myriad scenic, natural, cultural, and historical qualities of the areas surrounding the trail that make a journey along the CDNST unique and spectacular. The CDNST is protected and maintained not only for the physical trail itself, but more importantly, for the experience it provides.

The Continental Divide National Scenic Trail Comprehensive Management Plan was approved by the U.S. Forest Service and set forth as policy in 2009. This over-arching policy direction serves to implement Congress's direction in the National Trails System Act, and is an essential tool for guiding decisions regarding Forest Plan direction for the CDNST. The Comprehensive Plan also incorporates FSM 2353.42 and 2353.44b.

CDTC Has provided the following additional materials with our Objections:

CDTC comments on the Carson National Forest Draft Land Management Plan and Draft Environmental Impact Statement on November 7, 2019

CDTC Atlas of the CDT

CDTC: CDT Experience Policy

#### Statement of Objection:

With these factors in mind, and upon review of the Draft Record of Decision, Final Environmental Impact

Statement, and Revised Land Management Plan for the Carson National Forest, the Continental Divide Trail Coalition is submitting the following objections regarding the Carson National Forest Plan Revision and associated documents. The relevant objections are as follows:

Objection 01: Some CDNST plan components described in The Plan do not align with the intended nature and purposes of the CDNST as established in the 2009 Comprehensive Plan, guided by the National Trails Act. Specifically, the stated Desired Conditions, Standards, and Guidelines for the CDNST do not align with the 2009 Comprehensive Plan, which is the established management plan for the trail under which all Forest Service plan components should align.

Objection 2: None of the developed alternatives addressed CDNST concerns and legal requirements. Particularly urgent, is the exclusion of any alternative that identifies CDNST high potential route segment corridors that are protected for the nature and purposes of a National Scenic Trail.

Objection 3: The Plan does not reflect adequate consideration of the impacts to the scenic, cultural, and natural resources specifically related to the trail. Management objectives of the trail are not secondary to other management objectives within the proposed Forest Plan, and cumulative and site-specific impacts should be adequately considered and included in The Plan. Monitoring plans to ensure stewardship continues to meet the established nature and purposes of the trail include mitigation strategies of actions that could potentially impact the CDNST as well as monitoring plans that inform the establishment of a carrying capacity.

Standing: CDTC has standing as we submitted substantive comments on the Carson National Forest Draft Land Management Plan and Draft Environmental Impact Statement on November 7, 2019. These comments are included with this objection.

Issue and Statement of Explanation - CDTC Objection 1: CDTC objects to the lack of alignment with the 2009 Comprehensive Plan and the National Trails System Act. Primarily, the Desired Conditions, Standards, and Guidelines described in The Plan do not meet the nature and purposes of the CDNST.

As noted in the Land Management Plan, the Continental Divide National Scenic Trail Comprehensive Management Plan was approved by the U.S. Forest Service and set forth as policy in 2009. This overarching policy direction serves to implement Congress's direction in the National Trails System Act, and should be incorporated into Forest Plan direction and project proposal evaluation. The Comprehensive Plan also incorporates FSM 2353.42 and 2353.44b.

We commend the inclusion of the CDNST and its mile-wide corridor as a Designated Area in all action alternatives in this plan. This designation is required by the CDNST Comprehensive Plan and FSM 2353.42 and 2353.44(b) to help ensure that the CDT remains a "primitive and challenging backcountry trail for the hiker and horseman."

Overall, we feel that the plan components for National Scenic, Historic, and Recreation Trails as written provide appropriate protection for the CDNST as a congressionally-designated resource of national significance. We suggest the following changes to ensure that the CDNST is managed within the Carson NF in a manner consistent with the nature and purposes of the trail throughout the life of the plans.

Desired Conditions for the Continental Divide National Scenic Trail  
DA-DC-CDNST

The first desired condition states:

The Continental Divide National Scenic Trail provides high-quality scenic, primitive hiking, pack and saddle stock opportunities while conserving natural, historic, and cultural resources along the trail. Other activities and

opportunities, including mountain biking, are allowed when compatible with the nature and purposes of the Continental Divide National Scenic Trail.

This description does not align with the CDNST Comprehensive Plan.

Solution: As stated in our comments, this desired condition should read:

The Continental Divide National Scenic Trail is a well-defined trail that provides high-quality scenic, primitive hiking and pack and saddle stock opportunities. The natural, historic, and cultural resources along the trail corridor are conserved. Other non-motorized activities and opportunities are allowed when compatible with the nature and purposes of the trail.

The inclusion of the phrase "well-defined trail" is critical to ensuring the experience of trail travelers and forest visitors is a safe and enjoyable one. Without this qualifier, there could be concerns about the on-the-ground conditions of the trail, the standard of accessibility for the CDT Experience, and the transparency, for the public, of the location of the trail and its corridor in relation to any actions impacting the trail.

Furthermore, the omission of "non-motorized activities", in the third sentence of this desired condition, further confuses the established nature and purposes of the trail. Recognizing the intention of the legislation establishing the Trail and the Comprehensive plan, it must be made clear that there are substantial differences between non-motorized and motorized access, and that neither is intended for the CDT along its entirety or in the future of the trail's eventual completion as a footpath, primarily for hikers and equestrians. Available language, as found above in the phrasing pulled from our comments above, can be found in the CDNST Comprehensive Plan. It is clear that the standard for evaluating the substantial interference from non-motorized and motorized travel must be set and evaluated in order to ensure the nature and purposes of the CDNST are managed effectively. Deviation from this wording is a contradiction of Forest Service Policy.

The second desired condition states:

Viewsheds from the Continental Divide National Scenic Trail have high scenic values. The foreground of the trail (up to 0.5 mile on either side) is natural-appearing and generally looks unaltered by human activities. This desired condition does not clearly state the Scenic Integrity Objective.

Solution: Clearly state the Scenic Integrity Objective in the Desired Solution. The Scenic Integrity of the trail is of high or very high scenic values. While the foreground is priority, the cumulative viewshed of the trail, as a ridgeline trail with sweeping views, should be taken into consideration when actions could have negative impacts on the natural, historic, and cultural resources along the trail. As the 1976 Study Report stated, and the Comprehensive Plan reiterates, the trail is intended for, "access to those lands where man's impact on the environment has not been adverse to a substantial degree and where the environment remains relatively unaltered." If the environment is altered and man's impact on the environment impacts the experience, including the scenic values, then the purpose of the CDNST begins to deteriorate as man's impact grows. These impacts should be evaluated on a site-specific basis and a cumulative basis for the trail throughout the Forest.

Additionally, as noted in CDTC's comments to the Draft Plan, CDTC encourages the additions of another desired condition that is included in The ILan for other national scenic, historic, and recreation trails, but is not currently included for the CDNST. The desired condition should read as follows:

DA-NTRL-DC-8: The trail is well maintained, signed, and passable. Alternate routes are made available in the

case of temporary closures resulting from natural events, such as fire or flood, or land management activities. On a related note, we assume (as noted in our previous comments), that based on the duplication of DA-NTRL-DC-1 as DA-NTRL-DC-9, that the plan components for "other national scenic, historic, and recreation trails" do not apply to the CDNST. We encourage the inclusion of a statement in this section that makes it clear whether this assumption is, in fact, correct (or not!) so that those implementing the plan will have no doubt as to which plan components apply to which trails.

Standards for the Continental Divide National Scenic Trail  
DA-STD-CDNST

2.) The second standard states:

Management of the Continental Divide National Scenic Trail must comply with the most recent version of the Continental Divide National Scenic Trail Comprehensive Plan. Best available science can be used in lieu of the comprehensive plan if the plan is more than 15 years old.

CDTC supports the efforts on the part of the Carson NF to manage the CDNST in a way that adapts with the newest science. However, we believe this phrasing could be strengthened. In this standard, the phrasing "in lieu of" could lead to management that is not compliant with the CDNST Comprehensive Plan. The Comprehensive Plan should, hopefully, never be out of date, since there are processes for amending and adopting new direction that can update the Comprehensive Plan, and management practices regarding the CDNST should never contradict or deviate from the Comprehensive Plan.

Solution: CDTC suggests the following rewording of this standard to ensure future compliance with the CDNST Comprehensive Plan and management practices that embrace the newest science:

Management of the trail shall comply with the most recent Continental Divide National Scenic Trail comprehensive plan. Best available scientific information should be used to update management direction and actions that align with the comprehensive plan.

Once again, CDTC commends the Carson National Forest planning team for the inclusion of this standard, as it embraces the adaptive foundation that all planning processes need. With this change in language, we believe it ensures future compliance, while allowing for adaptive and cooperative management approaches that can embrace new science. This can strengthen the cooperative stewardship model, particularly in recognizing the new science being elevated regarding the effectiveness of Indigenous stewardship and the best management practices therein.

Solution: This standard should be removed.

The third standard states:

Surface occupancy for geothermal energy leasing activities is prohibited within 0.5 mile either side of the Continental Divide National Scenic Trail.

This standard does not meet the nature and purposes of the CDNST recognized by the Comprehensive Plan.

Solution: It is unclear why geothermal energy is specifically identified as in conflict with the nature and purposes of the CDNST, when development, activity, and other actions related to other extractive activities degrade the scenic, cultural, and historic values of the CDNST as much, if not more so. Particularly, oil and gas development permanently alters ecosystems, disrupts wildlife habitat and crossings, and creates a human activity disturbance that directly contradicts the hiking experience described in the 1976 Study Report of the CDNST and reiterated in the Comprehensive Plan. As such, we recommend this standard be altered with the following wording:

DA-NTRL-S-3: No surface occupancy for oil and gas or geothermal energy leasing activities shall occur within 0.5 mile either side of the Continental Divide National Scenic Trail.

DA-GDI-CDNST

3.) The third guideline states:

New or relocated trail segments should be located primarily within settings consistent with or complementing primitive or semi-primitive non-motorized recreation opportunity spectrum classes, to retain or promote the character for which the Continental Divide National Scenic Trail was designated. Road and motorized trail crossings and other signs of modern development should be avoided.

This guideline does not meet the standard set in the Comprehensive Plan.

Solution: While we commend the majority of this guideline, it could be strengthened with specifics. Particularly, the last phrasing should identify that not only should road and motorized crossings be 'avoided', but if or when such crossings occur, there should be an analysis evaluating whether there is substantial interference with the CDNST, and if so, outline monitoring, management, and mitigation strategies to ensure such interference is minimally interfering with the experience of travelers on the CDNST. Currently, no such strategies are outlined within The Plan.

Violations of Law, Regulation or Policy: National Trails System Act; 2009 CDNST Comprehensive Plan; FSH 2353.44.

Issue and Statement of Explanation - CDTC Objection 2: None of the developed alternatives addressed CDNST concerns and legal requirements. Particularly urgent, is the exclusion of any alternative that identifies CDNST high potential route segment corridors that are protected for the nature and purposes of a National Scenic Trail.

While this statement is correct and aligns with the National Trails System Act of 1968, the affected environment seemingly does not take into consideration the CDNST corridor and does not give any reference to the high potential route segments that could be impacted by the alternatives under consideration in The Plan. As is recognized in the FEIS and The Plan, and is supported by the National Trails System Act and the CDNST Comprehensive Plan, protecting the values for the CDNST, including the landscapes, cultural values, scenic integrity, and the conservation purposes of the CDNST is of critical importance within the CDNST Management Area and to the CDT Experience. Many of these important features of the CDNST are not addressed, regarding cumulative or site-specific analysis of potential impacts from the alternatives.

Additionally, there are many areas within the FEIS, where high potential routes exist, but there is no indication that there are potential monitoring, management, or mitigation strategies to be implemented under The Plan to protect these areas for the nature and purposes of the CDNST. There are approximately 102 miles of the CDNST through the Carson National Forest. Of those 102 miles, about 97 miles are current trail miles, with approximately 6.2 miles of the CDNST is still located on roads. This means that about 6.2 miles of high potential routes, at least, exist for future planning efforts, but the current stewardship plan needs to account for the miles if it is a priority of the Forest Service to relocate those 6.2 road miles onto high-quality trail miles.

Solution: Conduct an additional Environmental Impact Statement with at least one alternative that identifies CDNST high potential route segment corridors, guided by the Comprehensive Plan and the NTSA. The routes identified in the alternative should be protected with plan components that align with the nature and purposes of the CDNST. Additionally, these routes, taking into consideration the .5-mile wide corridor on either side, should be at least 1-mile wide, if not more, in order to give flexibility for future route layout considerations.

Violations of Law, Regulation or Policy: National Trails System Act; National Forest Management Act; 2009 CDNST Comprehensive Plan; FSH 2353.44.

Issue and Statement of Explanation - CDTC Objection 3: The Plan does not reflect adequate consideration of the impacts of each alternative in regards to the Recreation Opportunity Spectrum (ROS) or the Scenic Integrity Objective (SIO) specifically related to the trail. Management objectives of the trail are not secondary to other management objectives within the proposed Forest Plan, and cumulative and site-specific impacts should be adequately considered and included in The Plan, as well as monitoring plans to ensure stewardship continues to meet the established nature and purposes of the trail.

As noted in previous comments, since 2012 CDTC has documented a dramatic increase in long-distance users on the CDNST, who represent only a small fraction of the total number of CDNST users. Our data, from the annual from the CDTC Southern Terminus Shuttle Report, indicates that, on average, the number of attempted thru-hikes along the CDT has increased by 35% each year since 2013 (with variation in 2020 due to COVID restrictions). Anecdotal evidence suggests that day use has seen significant increases, especially during the COVID-19 pandemic, along various segments of the trail, but reliable day-use data is harder to come by. It would be helpful to understand visitor use of the Carson NF portion of the CDNST as part of understanding a baseline against which to measure future use.

Solution: We would like to work collaboratively with Carson NF managers to more fully understand current and projected use of the Trail, and impacts from other user groups, trails within the corridor, and other actions and activities occurring within the zone of concern. In doing so, CDTC believes monitoring and carrying capacity would inform an adaptive management scheme, which fits perfectly into the USFS Planning process.

CDTC offers the following language to address monitoring and carrying capacity for inclusion in the Forest Plan: Include a monitoring indicator measuring the number of water sources to be developed in the next 5-10 years.

Add a monitoring indicator to measure increases in signage and suitable access over the next 5 years

Establish carrying capacity and monitoring standards and indicators relative to the CDNST, the appropriate ROS settings

Conduct a viewshed analysis that determines the impacts to foreground, middle ground, and the high visibility points that the CDNST, as a uniquely, predominantly ridgeline trail, are known for and determine mitigation strategies to protect the high and very high scenic values of the trail

Additionally, as suggested in previous comments, CDTC urgently supports the inclusion of the CDNST in Table 13: "Monitoring questions and associated indicators that evaluate the status of visitor use, visitor satisfaction, and progress toward meeting recreation objectives," on page 188 of the Draft Land Management Plan. Monitoring questions related to the Desired Conditions for the CDNST could include the following:

Are visitors aware of the CDNST corridor and its nature and purposes?

What are the trends in usage of the CDNST? Are conflicts among CDNST users increasing or decreasing?

Do visitors feel that the CDNST provides a high-quality, primitive experience?

Indicators could include visitor satisfaction surveys, dispersed campsite monitoring, and trail user counts via registers or other methods.

Violations of Law, Regulation or Policy: National Trails System Act; National Forest Management Act; 2009 CDNST Comprehensive Plan; FSH 2353.44.

## Conclusion

In addition to plan components specific to management of the CDNST, much of the forestwide direction will also affect the trail and its corridor. The plan components for Cultural Resources, Recreation, Scenery, and Partnerships complement and reinforce the management direction for the CDNST corridor as provided by the CDNST Comprehensive Plan. In particular, we feel that the repeated emphasis on collaboration with partners and volunteers, tribes, landowners, recreation users, and other Carson NF stakeholders can only improve management of the forest, and we offer our support wherever it is helpful.

In general, CDTC suggests the inclusion of several Management Approaches similar to those proposed in the Santa Fe National Forest's draft land management plan in order to better educate and engage the public:

Collaborate with livestock permit holders and recreationists to resolve conflicts.

Consider multilingual interpretation in recreation areas popular with non-English-speaking visitors.

Consider programs to educate the public on land stewardship using minimum impact principles (e.g., Leave No Trace, Tread Lightly, or Don't Bust the Crust!).

Develop conservation education, visitor information, and interpretation materials to inform and engage visitors and local communities. These resources are readily available and encourage increased forest stewardship, ecological awareness, visitor orientation, and knowledge of recreation opportunities

Particularly of use for future planning, could be the Scenic Inventory Assessment that should be released soon and add to the conservation science we have about the CDNST, in order to make the most well-informed decisions about the future of the trail.

As an organization with many connections in the surrounding communities and a dynamic working knowledge of the area, the CDTC is uniquely positioned to inform and assist as this project moves forward, and we look forward to providing any insight that could be productive for this discussion.

We appreciate the opportunity to provide comments on the scoping of this proposed action.