



Promoting and protecting foot trails and the hiking experience

**American Hiking Society Comments on the Re-routing of a Portion of the CDNST-
Cochetopa Hills area of the Rio Grande National Forest
Submitted 12/17/2012**

Please accept these comments by the American Hiking Society (AHS) in response to the Notice of Opportunity to Comment on the environmental assessment analyzing a proposal to relocate a segment of the Continental Divide National Scenic Trail from its current alignment on existing roads and trails to a newly constructed trail, in an area between Lujan Pass and the La Garita Wilderness boundary located north and west of Saguache, Colorado.

AHS is very concerned with the fact that the project did not comply with the public participation requirements of the National Environmental Policy Act (NEPA), and the Forest Service Manual (FSM). Both NEPA and the FSM specify that notice will be provided in the Federal Register, yet in this case, no such notice was posted. We could also argue that NEPA dictates that the Forest Service should have directly informed AHS about the possible action and comment period. The Council on Environmental Quality has published regulations stating that notice of actions “with effects of national concern” are to be published in the Federal Register and that they also require “notice by mail to national organizations reasonably expected to be interested in the matter.”ⁱ

The rerouting and management of the Continental Divide National Scenic Trail (CDNST) certainly should be viewed as having effects of national concern. The fact that the CDNST has been designated as a National Scenic Trail and is already a part of the National Trails System clearly demonstrates this. National Scenic and Historic trails historically draw users from across the country and area often seen as an international destination as well. National Scenic Trail the CDNST draws users from the entire nation and internationally as well, signifying that economic and social impacts are felt well beyond the reach of the closest communities. Hiking enthusiasts travel far and wide when considering where to have their boots hit the ground and the CDNST (along with the Pacific Crest Trail and the Appalachian Trail) can be considered a part the “holy grail” of hiking in this country and is of national significance.

The Forest Service Manual requires the Regional Forester to approve the location of National Scenic Trails and publish notices in the Federal Register.ⁱⁱ The Manual goes so far as to state that the Regional Forester is required to publish “non-substantial relocations” of National Scenic Trails in the Federal Register.ⁱⁱⁱ

The Forest Service should have provided notice by mail to AHS. AHS is a national organization who works to protect and insure that footpaths are available and accessible to hikers throughout the nation, particularly on public lands, including Forest Service lands, and nationally significant trails. AHS regularly works with the USDA Forest Service on issues at a variety of levels and are very proud of our long partnership with the USFS and look forward to future efforts as well.

Given that AHS is the only national organization that is dedicated to the promotion and protection of foot trails and the hiking experience and we have a long and rich history of working with the Forest Service on matters related to hiking, it is reasonable to think that we should have received notice of this action by mail.

It is important to understand that our comments are solely on the lack of proper notice for public participation, regardless of the issue at hand as we take the matter of public participation very seriously. We are not offering comments on the specific action but rather on the lack of notice for the public’s participation in the hope that future actions will follow the requirements prescribed both in NEPA as well as the Forest Manual.

Sheila Franklin
Director of Government Relations
American Hiking Society
1422 Fenwick Lane,
Silver Spring, MD 20910

ⁱ 40 CFR 1506.6 (2).

ⁱⁱ USDA Forest Service Manual § 2353.04(g)(3)(b.)(2) Amendment No.: 2300-2009-2, (November 4, 2009).

ⁱⁱⁱ FSM § 2353.04(g)(3)(b.)(6), (2009)