

**Continental Divide Trail Coalition**

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December 16, 2012

Jeff Burch

CDNST, USFS

2250 Hwy 50

Delta, CO 81416

RE: CDNST Relocation, Lujan Pass to La Garita Environmental Assessment

Dear Mr. Burch,

I am writing on behalf of the Continental Divide Trail Coalition (CDTC) to provide comments on the Environmental Assessment of the Proposal to relocate 31.2 miles of the CDNST from Lujan Pass to the La Garita Wilderness Boundary. Our comments are specific to the planning and management of the Continental Divide National Scenic Trail.

**Background**

**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 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. The 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. National Scenic Trails are created to conserve the nationally significant scenic, historic, natural and cultural qualities of the area. In addition, National Scenic Trails are designed for recreation and the enjoyment of these very special places.

**The Continental Divide Trail Coalition** (CDTC) was established in June 2012 to provide a national voice and advocate for the CDNST and ensure all areas of Trail protection, promotion, and volunteer stewardship continue to be fully realized. Prompted by the continued threat of a lack of progress in the Trail’s completion due to shrinking agency budgets and to ensure opportunities for public involvement existed, trail enthusiasts formed the Continental Divide Trail Coalition to work with the Federal Agencies tasked with administrative responsibility for the CDNST. The CDTC is comprised of natural resource professionals, CDNST volunteers and supporters, and most importantly Trail users. CDTC is committed to work on behalf of the Trail and the Trail’s community. The goal of the CDTC is to advise on policy, monitor policy impacts, advocate for congressional appropriations, and establish community based on-going volunteer stewardship of the Trail.

CDTCsupports the preferred alternative for routing the CDNST in this Environmental Assessment and feels the evaluation of specific and cumulative impacts in the EA are appropriate for this specific section of the CDNST. Furthermore, CDTC would like to commend the USFS for their thorough review, inclusion, and understanding of all the pertinent management direction and policy for the CDNST and its use in the development of this document. This also includes the supplementary maps and legal documents provided in appendices included with the EA. CDTC does have additional comments we would like the Forest Service to consider and we have included these in our response.

**Preferred Alternative**:

CDTC agrees and supports that there is a need to establish a non- motorized Trail and corridor location for the CDNST in this project area with the location, character and use designation consistent with the purpose and intents of the Continental Divide National Scenic Trail System. CDTC supports Alternative 2. CDTC agrees and supports the need for the development of trailheads and facilities to support the users of the CDNST and the development of a safe crossing of Highway 114.

CDTC does not support Alternative 1, nor does it support Alternative 4 which would develop the CDNST without providing resources to support additional use of the segment. CDTC does not support Alternative 3 because it does not meet the nature and purpose statement for which the CDNST was created.

CDTC supports the assertion for the allowable uses of horse and foot only for this trail segments. While CDTC recognizes that mechanized users have a desire to use this segment, we feel the availability of the existing route, and the potential for impacts and resulting substantial interference requires the Forest Service make the determination to not permit mechanized use on this particular Trail segment. However, if mechanized use is reconsidered, CDTC strongly recommends this only be done alongside a Limits of Acceptable Change (LAC) process undertaken by the USFS, as well as establishing specific management guidelines as to the monitoring of any such use so as to ensure that the primary users of this Trail segment are not displaced, or their experience subject to substantial interference. Some of these management guidelines should include not allowing shuttle services and the use of the segment for competitive events. These might also include instituting a permit system for users to have adequate recognition of the use of the new segment and manage impacts resulting from use. CDTC requests that if this type of public process occurs that CDTC be a asked to participate.

### CDNST Comprehensive Plan Direction:

The CDNST Comprehensive Plan was set forth as policy in 2009. This policy direction is the implementation of the National Trails System Act and is the over arching policy incorporated into Forest Plan direction and project proposal evaluation. CDTC commends the USFS for implementing the following policy direction as stated in the CDNST Comprehensive Plan to achieve the desired condition of the CDNST.

**Section 5. Recreation Resource Management**

b. Policy

1) 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.

(2) Bicycle use may be allowed on the CDNST (16 U.S.C. 1246(c)) if the use is consistent with the applicable land and resource management plan and will not substantially interfere with the nature and purposes of the CDNST.

### Section 9. Carrying Capacity

a. Background

The 1977 Final Environmental Statement prepared by the BOR concluded that establishment of the CDNST was the environmentally preferred alternative. This is because the CDNST would have significant status providing for a high degree of protection.

b. Policy

Establish a carrying capacity for the CDNST that accommodates its nature and purposes. The Limits of Acceptable Change or a similar system may be used for this purpose.

c. Management Direction

(1)Capacity determination within a management area will consider the biophysical environmental needs and the social capacity factors needed to provide desired recreation experience opportunities.

(2) National Park Service managers will utilize existing capacity estimates developed for General Park or Resource Management Plans.

### Section 10. Monitoring and Evaluation

a. Background

Federal regulations pertaining to land and resource management planning for the Forest Service and Bureau of Land Management require that the National Forest and BLM unit plans include a monitoring and evaluation program. The program will provide a basis for a periodic determination and evaluation of effects of management practices. The purpose of this monitoring and evaluation is to initiate the need for management actions, and plan revisions or amendments.

b. Policy

Each agency will develop and implement a monitoring and evaluation plan for segments of the CDNST for which they have responsibility. These plans should be integrated into the overall monitoring and evaluation process and schedule set forth in the individual unit land and resource management plan. Implementation of the monitoring will begin immediately following locating a trail segment as a part of the CDNST system.

c. Management Direction

(1) Monitoring and evaluation plans will include provisions for involvement of affected landowners in the determination of trail and user impacts on non-Federal land.

(2) The reports from these plans will provide, as a minimum, the following information on an annual basis:

(a) A summary of opportunities, concerns, and issues;

(b) An estimate of the types and levels of use on the trail, including trends, as related to the established carrying capacity;

(c) An assessment of compliance with the policy and direction contained in the Comprehensive Plan;

(d) A description of any ROS class change to the CDNST rights-of-way corridor and the reasons for such a change; and

(e) A description of any recommended Comprehensive Plan amendment.

**Nature and Purpose of the CDNST:**

As stated in the CDNST Comprehensive Plan, “the nature and purposes of the Continental Divide National Scenic Trail are to provide for high quality, scenic, primitive hiking and horseback-riding, non-motorized recreational experiences and to conserve natural, historic, and cultural resources along the Continental Divide.” The CDNST Study Report (page 14) states “one of the primary purposes for establishing the Continental Divide National Scenic Trail would be to provide hiking and horseback access to those lands where man's impact on the environment has not been adverse to a substantial degree and where the environment remains relatively unaltered. Therefore, the protection of the land resource must remain a paramount consideration in establishing and managing the trail and its corridor. There must be sufficient environmental controls to assure that the values for which the trail is established are not jeopardized ”.

Some general findings from the CDNST Study Report that assist in describing these terms include:

* 1. “Designation and establishment of a 3,100 mile Continental Divide Trail…would provide the American people with recreational opportunities of national significance and that trail users would wind their way through some of the most spectacular scenery in the United States and have an opportunity to enjoy a greater diversity of physcial and natural qualities than found on any other extended trail.” (Study Report; page 4)
  2. The Study Report also “advocates that the most minimal development standards consistent with these circumstances be employed..the trail should be regarded as a simple facility for the hiker-horseman.” (Study Report; page 8)
  3. The Study Report describes the trail experience as an “intimate one, where one can walk or ride horseback across vast fields of wildflowers and contemplate a story dating from the dawn of earth’s history…along the way the tranquility of the alpine meadows, verdent forests and semi—desert landscape overwhelms anyone who passes that way. The Trail would provide the traveler his best encounter with the Continental Divide—its serenity and pure air—and would supply for every trail traveler some of the world’s most sublime scenes.” (Study Report; page 18)

The Study Report further identifies the significant qualities, characteristics and trail opportunities desired for the CDNST including:

1. Scenic Qualities: Spectacular Scenery of the quality and magnitude along the proposed CDT route is not available anywhere in the Continental United States. The trail traverses a variety of terrain, including high desert, forests, geologic formations, and mountain meadows. Flora abounds in the near views, while distant views of major valleys and mountain peaks are exceptional. (Study Report page 98)
2. Cultural Qualities: There are significant segments of the trail and adjacent trails that were used by early-day Indians, ancient cliff-dwelling tribes, Spanish explorers and mountain men in their travels within and through the Continental Divide area. Little visible evidence is left of these activities; however, through interpretative signing, trail users will be alerted to the cultural significance of the area. (Study Report page 101)
3. Historic Qualities: Many signs of historical activity are within the vicinity of the trail and throughout its entire length. Thus, any person visiting the area may have some advance knowledge of the historical significance of the area to make the visit more meaningful. (Study Report page 103)
4. Natural Qualities: The “visitor” of the proposed route of the CDNST would encounter a great variety of terrain, geology, climate, and plant and animal life. This would include the unique and unusual character of Glacier, Yellowstone and the Rocky Mountain National Parks and the back-country solitude of 16 (now 25) National Forest Wilderness and primitive Areas, as well as the living quality of the Red Desert of Wyoming. Certain plants, trees, and animals that may be observed along the Trail are unique to the area traversed. (Study Report page104, as modified)

**CDTC recommends the inclusion of a management area for the CDNST and suggests the following desired condition for the CDNST Corridor:**

CDTC defines the CDNST Experience as a continuous non-motorized trail designed in nature from the Mexico-New Mexico Border to Montana–Canada Border for travel by hikers and equestrians through the wild, scenic, forested, desert and culturally significant lands of the Rocky Mountains. It is usually a simple path, purposeful in direction and concept, favoring the Continental Divide and located for minimum construction to protect the resource. The body of the Trail is the lands it traverses and its soul is in the living stewardship of the volunteers and workers of the Trail community.

CDNST desired conditions should include a recreation experience not materially different in quality than that extended by a bona fide hiking and equestrian trail and one that is quiet, in a wild and primitive setting, with a natural surface and narrow in width, that harmonizes and compliments the surrounding landscapes and one where travel is at a slow pace.

CDTC recognizes that today only a few thru hikers of the entire CDNST exist, but there are many day, weekend, longer section hikers that do use the CDNST. CDTC feels that with the construction of this new location, and the increasing availability of resources (Map guides and data books) and promotion of this Trail by multiple sources, the day, weekend, section and longer distance use will increase. Much like the experience on the Appalachian Trail (A.T.) and Pacific Crest Trail (PCT) upon their continued development and promotion, with this increase we feel strongly that this segment of the Trail must set an example of appropriate long term consideration of the Trail Experience provided for users to come, not simply today. This long-term vision for the Trail is critical in ensuring the above Experience is that which Trail users encounter.

**Trail Design and Construction:**

CDTC recommends the consideration of the following principals in evaluation of this or any project affecting the CDNST as the route is actually laid on the ground and suggests as the current proposed Trail route is evaluated and refined to include the following:

1. Any proposed location will serve to protect the significant experiences and features that exist along the CDNST.
2. Any proposed location will establish the best location for the CDNST through the most primitive, scenic, diverse and undeveloped landscapes on or near the trail that will provide a wide range of experiences and challenges for the hiker and equestrian.
3. Any proposed location will adhere to sustainable Trail design for the hiker/horseman and minimize unnecessary elevation gains or losses in place of graded trail location that maintains a consistent grade.
4. Any proposed location will provide the user with adequate access to sustainable water sources for hikers, equestrians and stock.
5. Any proposed location will highlight unique features of the terrain to provide a diverse set of landscapes and features for the user to enhance their experience, this may include rock out crops, waterfalls, etc.
6. Any proposed location may allow for existing trails to be considered for the final CDNST route so long as they meet the nature and purpose for a National Scenic Trail, and do not substantially interfere with the nature and purposes for which the CDNST was established.
7. Any proposed location will require on going monitoring and evaluation of the conditions on and around the CDNST.
8. Any proposed location will assure proper and sensitive standards pertaining to establishment, operation and maintenance of the trail. Further, it would provide common objectives and means to coordinate the efforts of many agencies and interests having responsibility for implementation.

**Additional Conditions**:

CDTC recommends the USFS include discussion on both competitive events, other new uses, and special use permits for large scale shuttle services along the new trail segment. CDTC suggests the USFS should include the following guidelines:

There be established a management area for the CDNST to identify this specific Congressionally designated area.

Competitive events should not be allowed along the CDNST in its entirety.

Competitive events may be allowed to bisect the route, and for connection purposes utilize small segments of the route, but not include more than is necessary to provide connections, and the Trail itself should not be promoted in the process.

If new uses are allowed along the CDNST route, these uses should not be promoted especially over the primary uses of horseback riding/packing and foot travel.

**Protection of Recreational Experiences and Substantial Interference**

As a unit of the National Trails System, and congressionally designated resource, the project proposal should include a fully evaluated section on impacts to recreational experiences within, intersected by, or otherwise impacted by the proposed project. We realize that each section of the CDNST is unique with specific localized conditions; however, there should be consistent treatment of the Trail and its resources and the experience regardless of where the Trail is located.

*Substantial Interference defined:* A person is entitled to the right to enjoy his recreational pursuits without interference from others. In order for this interference to be considered a nuisance, it must be both substantial and unreasonable. The nuisance complained of by the user cannot be a petty complaint, but one that a reasonable person would find bothersome.

In making any decision regarding a new use being added to this trail segment, we wish to see a determination that any new use will not substantially interfere with the nature and purpose of the CDNST. To evaluate the additional of any new uses should require extensive review of the following issues and we suggest the following questions be addressed:

1. What is the desired recreational experience for this proposed land management decision?

2. What is the carrying capacity of this trail segment? What factors will be used to establish these base line figures.

3. What is the strategy to address carrying capacity questions and the ability of this trail segment to support recreational uses (current and any potential future uses) in a way to provide a high quality and safe recreational experience?

4. Will a Limits of Acceptable Change (LAC) be established to help USFS follow requirements and or management of the CDNST?

5. How will you address nature and purpose statement for the CDNST?

6. Can a decision be implemented without changing the nature and character of the current or future CDNST?

7. What is the strategy to address if allowing additional uses does substantially interfere with the CDNST in the future.

8. How will this possible impact be monitored, controlled and managed if a new use is established?

9. If new uses are allowed, what management actions will occur to prevent or address displacement of current users of CDNST?

10. What is the strategy to provide resources to fund a management and monitoring program?

11. How will the public be engaged in a monitoring and management program?

12. Are there other locations suitable for the new uses that avoid the CDNST in order to protect its nature and purpose and minimize impacts from possible decisions resulting from this process?

In this particular segment, with the amount of mountain bike use that is currently experienced along the Monarch Crest segment of the CDNST, it is very plausible to assume that the same could happen in this location, even without the shuttle service operators. This is partly due to promotion by user groups to use this area. It is also becoming true that once mechanized use is established, the use is hard to manage and restrict. We feel that in this area, this is likely to happen with the allowance of mechanized use. We also feel, like in the case of the Monarch Crest, the primary users of the CDNST have the potential to be displaced or alter their behavior due to the desire to avoid this use. Even with low-level use that might be expected by the desire for long distance cycling, the reality is without strong management guidelines regarding this activity, and without additional public involvement and engagement, it will be unlikely to not have displacement occur. Furthermore, there is an alternate route for mechanized use to continue that does not impact the CDNST’s new location. Therefore, although mechanized use may be allowed on the CDNST in certain instances, in this case, we do feel it would substantially interfere with the nature and purposes of the CDNST (FSM 2353.44b 10.)

In conclusion, we wish to commend this USFS on their thorough evaluation of this trail decision. We support the preferred alternative (Alternative 2). We encourage the consideration of a few additional guidelines for protection of the Trail Experience. Finally, we ask and encourage the review team and agency to engage with CDTC to work in the design, construction, and maintenance of this Trail segment.

Thank you for the opportunity to express our concerns regarding the proposed project. We request to remain on the mailing list and to be engaged in future public involvement processes regarding this process and any other proposal affecting the CDNST in the Rio Grande National Forest. I can be reached at [tmartinez@continentaldividetrail.org](mailto:tmartinez@continentaldividetrail.org) if needed to clarify our comments.

Sincerely,

Teresa Ana Martinez /s/

Teresa Ana Martinez,

Co-founder and Director

Continental Divide Trail Coalition

Cc: Greg Warren-United States Forest Service, Bryan Martin, President, CDTC Board of Directors, Jim Wolf-Continental Divide Trail Society, Gary Werner- Partnership for the National Trails System, Steve Staley-Chair, Colorado Trail Foundation, Mike Dawson- Pacific Crest Trail Association, Morgan Sommerville - Appalachian Trail Conservancy