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Jim Pitts, District Ranger
Saguache District, Rio Grande National Forest
46525 State Highway 114
Saguache, CO 81149

John Murphy, District Ranger
Gunnison District, Grand Mesa, Uncompahgre and Gunnison National Forests
216 N. Colorado
Gunnison, CO 81230

Dear Rangers Pitts and Murphy,

Thank you for the opportunity to provide input on the Environmental Assessment for the Continental Divide National Scenic Trail Addition. This letter contains the formal comments of the International Mountain Bicycling Association (IMBA). IMBA supports the project to enhance the Continental Divide National Scenic Trail experience by creating new singletrack that more closely follows the geographical Continental Divide. However, we can not support the Preferred Alternative, nor any other alternative that will preclude bicycle use on the new trail segment. IMBA has concerns with this Environmental Assessment as well as the process that has been used to develop it.

About IMBA

Founded in 1988, IMBA leads national and worldwide mountain bicycling communities through a network of 80,000 individual supporters, 750 affiliate clubs, and 600 dealer members. IMBA teaches sustainable trail building techniques and has become a leader in trail design, construction, and maintenance. IMBA encourages responsible riding, volunteer trail work, and cooperation among trail user groups and land managers. Each year, IMBA members and affiliated clubs conduct nearly one million hours of volunteer trail stewardship on America's public lands and are some of the best assistants to federal, state, and local land managers.

Failure to Comply with Public Notice Regulations

This project has failed to comply with the public participation requirements of the National Environmental Policy Act, and the Forest Service Manual. The Forest Service failed to comply with NEPA and the Forest Service Manual by failing to provide notice in the Federal Register. The Forest Service further failed to meet the notice requirement of NEPA by failing to directly inform IMBA about this action. Council on Environmental Quality regulations for public participation require notice

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of actions “with effects of national concern” to be published in the Federal Register and to provide “notice by mail to national organizations reasonably expected to be interested in the matter.”¹ Because we were not involved in the Scoping phase of this action resulting in a Draft that reflects a woeful lack of trail science and understanding.

The rerouting and management of the Continental Divide National Scenic Trail (CDNST) has effects of national concern. This is not a matter of simply adding a new trail and those associated effects to the local environmental, social and economic systems. As a component of the National Trails System and the CDNST this route has already been found to have national significance. Because of the spotlight created by designation as a National Scenic Trail the CDNST draws users from the entire nation and internationally as well. Therefore, the economic and social impacts are felt well beyond the reach of the closest communities. Mountain bicyclists are known to travel long distances to ride destination quality trails. The CDNST is no exception, even following its current route it is sought out as a test of endurance, intestinal fortitude and outdoor skill. Relocated on singletrack, this trail would draw even more users from across the country.

Even if not considered a national matter the Forest Service Manual requires the Regional Forester to approve the location of National Scenic Trails and publish notices in the Federal Register.² The Manual even requires the Regional Forester to publish “non-substantial relocations” of National Scenic Trails in the Federal Register.³ Because this decision will effect mountain bikers nationwide and the Forest Service Manual explicitly requires publication in the Federal Register the Forest Service should restart the process, including scoping, with proper notice.

The Forest Service should have provided notice by mail to IMBA. IMBA is a national organization with an interest in trail management, design and sustainability, particularly on Forest Service lands and nationally significant trails. IMBA engages the USDA Forest Service on issues at all levels from individual Districts to headquarters in Washington D.C. We hold a national memorandum of understanding with the USDA Forest Service which states that the Forest Service will “[u]tilize IMBA’s technical expertise to address mountain bicycling management on NFS lands...”⁴ The terms of the MOU are not what compels the Forest Service to provide notice to IMBA, but rather it is an indication that the Forest Service should reasonably expect IMBA to have an interest in whether bicycles will be allowed on a segment of the CDNST, a component of the National Trail System. Furthermore IMBA had direct participation and drove substantial public participation in the formulation of the 2009 CDNST Comprehensive Plan, thus demonstrating particular interest in the management of the CDNST. IMBA is a national organization and has demonstrated considerable interest in the management of trails on Forest Service lands and the CDNST in particular. IMBA’s MOU and engagement in the development of the 2009 CDNST Comprehensive Plan should

¹ 40 CFR 1506.6 (2).

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

³ FSM § 2353.04(g)(3)(b.)(6), (2009)

⁴ Memorandum of Understanding Between The International Mountain Bicycling Association And The USDA, Forest Service, FS Agreement No. 11-MU-11132424-359.





give the Forest Service sufficient indication of our interest in the matter thereby requiring the Forest Service to provide notice of this action to IMBA by mail.

Improper Responsible Officials

The Responsible Official for this project has been improperly assigned to District Rangers rather than the Regional Forester or the Forest Supervisor. The Forest Service Manual explicitly assigns the “study, planning, location and operation” of the CDNST to the Regional Forester for the Rocky Mountain Region.⁵ Even without the relocation element of this plan, the proposed action includes a decision whether bicycle use will be permitted on this segment of the CDNST, which is explicitly committed to the Forest Supervisor and it may not be redelegated.⁶ Because the appropriate Responsible Official has not been assigned any decision made by the current Responsible Official would be outside of their authority and thus void. The action should be terminated and restarted and assigned to a Responsible Official with the authority to make the decisions proposed.

The Environmental Assessment Does Not Meet The “Hard Look” Requirements of NEPA

The Environmental Assessment and Proposed Alternative analysis of bicycle use do not meet the “hard look” requirements of the National Environmental Policy Act because they are unsubstantiated assertions rather than critical examinations of the potential environmental, social or economic effects of bicycle use on the new singletrack trail. The National Environmental Policy Act (NEPA) decisions that are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law” will not withstand judicial review and will be overturned by the courts. 5 U.S.C. §706(2)(A). “To withstand scrutiny the agency must have taken a “hard look” at the environmental consequences of the proposed action.” *Kleppe v. Sierra Club*, 427 U.S. 390, 410 (1976) citing *Natural Resources Defense Council v. Morton*, 148 U.S. App. D.C. 5, 16, 458 F. 2d 827, 838 (1972). The EA “must articulate a rational connection between the facts found and the conclusions reached.” *Midwater Trawlers Co-op v. Env'tl. Def. Ctr.*, 282 F.3d 710, 716 (9th Cir. 2002). Furthermore, “agency action is arbitrary or capricious if the agency... entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise. *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). The Draft treatment of bicycle use of trails is so inadequate that we are reluctant to call it an analysis at all. It consists of unsubstantiated conclusory statements, we shall address each in turn:

⁵ FSM § 2353.04(g)(5)(b.), (2009)

⁶ FSM § 2353.04(i)(13)(b.), (2009)





“Mountain bike use on the trail would have environmental effects.”⁷

While true, this statement is misleading because it is incomplete. Mountain bicycles do have environmental effects, but so does every other trail use or activity in the forest. The immediate and substantial albeit short term effect of this plan is cutting the trail in the first place. The long term environmental effects are mostly attributable to the design, construction and maintenance of the trail rather than any particular use. For example: A trail that runs parallel to the fall line or exceeds the maximum sustainable grade will quickly erode due to water channeling down the uncovered soil. However, a trail that is designed to follow the contours of the landform and run across the fall line will last much longer with less erosion and soil displacement. Further still, a trail with a rolling contour alignment and surface grades that do not exceed half the side slope and uses trail construction techniques that encourage water to sheet across the trail rather than channel along it will have even fewer effects. When a trail is properly designed the potential impacts from use are substantially limited.

There are comprehensive publications on building sustainable trails that are available and should be used as references but are not cited anywhere in the Draft. The USDA Forest Service has been a valued contributor to these publications and that guidance should not be so easily dismissed. *Trail Solutions: IMBA's Guide to Building Sweet Singletrack* was first published in 2004 and is still considered amongst the most reputable resources for sustainable trail building.⁸ The National Park Service has published a *Guide to Sustainable Mountain Trails: Trail Assessment, Planning and Design Sketchbook* which also embraces many of the same principles of sustainable trail building.⁹ The Forest Service's own *Trail Construction and Maintenance Notebook -2007 Edition* also embraces many of these trail design and construction principles.¹⁰ These examples of sustainable trail building guidance should be fully examined before making blanket statements that bicycles cause effects or improperly attributing the effects of poor trail design and construction to bicycle use.

“Mountain bikes affect [sic] trail tread. In situations where trails climb or descend over forest soils such as are found along the proposed trail alignment (any trail alignment in this area located off of gravel surface roads), through repeated digging of

⁷ Draft Environmental Assessment Continental Divide National Scenic Trail Reroute Lujan to La Garita Wilderness (Draft EA)p.28

⁸ A hard copy of *Trail Solutions: IMBA's Guide to Building Sweet Singletrack* has been mailed to the address for written comments.

⁹ The 2007 Edition of *Guide to Sustainable Mountain Trails: Trail Assessment, Planning and Design Sketchbook*, National Park can be found at

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&ved=0CDcQFjAA&url=http%3A%2F%2Fwww.nps.gov%2Fdsc%2Fdocs%2FGuideToSustainableMountainTrails_2007.pdf&ei=DarKUOv1BYiVjAKhhIDwDA&usg=AFQjCNHOnfeFLA1nQVjkFJGwwsYLkktCHg&sig2=2ltNBZa3jDUz-lU0v4tViQ&bvm=bv.1355325884,d.cGE

¹⁰ The Forest Service *Trail Construction and Maintenance Notebook -2007 Edition* can be found online at

https://www.fhwa.dot.gov/environment/recreational_trails/publications/fs_publications/07232806/

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*mountain bike tire tread, trails are entrenched over time. The tread loosens soils, and subsequent rains wash it, creating down-cutting.*¹¹

This assertion is misleading, all trail uses displace soil and have an effect on the trail tread. As previously stated the majority of the effects are mitigated through sustainable trail design. Numerous recent scientific studies exist regarding the natural resource impacts of mountain biking showing that mountain bicycles do not disturb the environment any more than hiking, and significantly less than equestrian and motorized uses. All of these studies taken together, at the very least strongly suggest -- if collectively they do not prove -- that mountain biking has no more significant impacts on trail surfaces than does hiking or horseback riding. For instance, See Jeffrey L. Marion, *Assessing and Understanding Trail Degradation: Results from Big South Fork National River and Recreational Areas*, United States Department of Interior (2006) (finding that bicycle trails were the least eroded, narrowest, and least muddy of the trails studied, including hiking, equestrian, ATV, and mixed-use trails) Luke Chiu & Lorne Kriwoken, *Managing Recreational Mountain Biking in Wellington Park, Tasmania, Australia*, *Annals of Leisure Research*, Vol. 6, No. 4, 339-361 (2004) (finding no significant difference in the surface wear on a control plot by hikers and mountain bicyclers); and John Wilson & Joseph P. Seney, *Erosional Impacts of Hikers, Horses, Motorcycles and Off-Road Bicycles on Mountain Trails in Montana*, *Mountain Research and Development*, Vol. 14, No.1, 77-88 (1994) (finding no difference between the erosional impacts of hikers and mountain bicyclers in a controlled study, and noting that horses cause the most erosion as does motorcycle riding on wet trails).

These studies are remarkably consistent in their findings. The range and depth of sources, from academics to government researchers, suggests that these studies were objectively conducted to determine what, if any, impacts mountain bicycles have on trail surfaces and the surrounding environment. In revising the developing this Draft Environmental Assessment the Forest Service did not point to or discuss any studies that contradict these findings. As such the purely conclusory statements that have not be subject to the scrutiny of peer review or publication beyond this Environmental Assessment can not be sufficient analysis to constitute the “hard look” required by NEPA.

“[W]here the trail created by hiker and horse use is more likely to have relatively flat walking surface, the ‘cross section profile’ of the tread of a trail used by mountain bike traffic is often rounded, or open horseshoe shaped. The consequence of this to the hiker and horse is that with each step, the foot is placed on an inward slope, turning the ankle and knee, and even hip, in an unnatural fashion. Long hikes on this kind of trail can result in unusual soreness in hikers or horses, and simply be uncomfortable. This can affect user experience.”¹²

¹¹ Draft EA p.28.

¹² Draft EA p.28.





Again this statement is misleading if not outright fiction. These effects are commonly seen on trails without bicycle use. The channeling effect described is generally attributable to slower moving water, such as melting snow, that is running down the trail rather than sheeting across it. As the water accelerates it creates more of a V shape. This may be common where the trail follows a gentle grade but the tread has not been constructed with outslope – slightly tilted toward the downhill edge of the trail – thus contributing to the erosion of the trail. This effect can be avoided by initial construction that uses sustainable trail techniques such as outsloped tread, rolling grade dips and drainage kinks that move the water off the trail in a sheeting manner rather than channeling it along the surface. Purposeful construction and routine maintenance will create a sustainable trail bed that will withstand the abuses of mother nature and the impacts of multiple uses.

Where a route is created by use rather than intentional trail construction it will be a bad experience regardless of the use that created it. Significant quantities of the Forest Service trails currently in use were not designed or constructed to be sustainable recreation trails. They were developed as temporary extraction roads, firebreaks, hunting routes, or game trails and have been repurposed as long term public access routes. Because these routes often were not planned to act as recreational trails they often fail to showcase the landscape or effectively manage visitor access, let alone do so with an eye toward sustainability. A purposefully designed trail system is light on the land, showcases the land, steers visitors away from sensitive areas, and provides a myriad of experiences.

“Another effect observed in mountain bike trails in certain circumstances of slope and soils is the creation of a washboard or hummocking effect. Going uphill, each power stroke of the rider places uneven force on the soils, and over time can result in a hummocking effect, not unlike washboarding of roads but with much longer distances between dips. The gentle slopes of the new proposed location would be susceptible to this effect over time. The result for the hiker or horseback rider is that they find themselves walking up and down these dips to stay in the trail.”¹³

The justification for this statement is patently false and should be stricken completely. The effect described is more likely due to motorcycle use, even the strongest professional cyclists cannot generate the shearing forces required to achieve this effect. A washboard effect similar to what is described in the EA can develop in the trail surface where mountain bikers are routinely forced to brake hard when going downhill. Again the main culprit is flawed design. Avoiding sharp turns on a steep slope or abrupt change in the trail will allow bikers to smoothly transition without hard braking is often referred to as trail flow. Understanding and purposefully manipulating trail flow can reduce erosion and potential for user conflict in addition to providing a more enjoyable experience for all types of users.

¹³ Draft EA p.28.





“The social effects of mountain bike use on the trail include encounters by hikers and horseback riders with mountain biking parties. Mountain bikers travel much faster than hikers and or horses, and often “appear” quickly, causing hikers and horses to have to quickly yield. In downhill (from bikers perspective) situations this can even lead to safety issues. A biker coming around a corner at high speed can come upon a hiker before either party is aware of the other.”

The speed of mountain bikes is controlled by the rider. While a few mountain bikers may ride too fast for the situation most cyclists are respectful of other trail users. The same lack of trail manners can be attributed to other user groups as well, hiking or riding abreast rather than single file or cutting switchbacks. Trailhead educational materials on trail etiquette and reminders to retain your common courtesy when heading into the backcountry can help keep trail users on their best behavior.

As we previously mentioned, manipulating trail flow can influence users speed and common construction and maintenance principles can help avoid potential conflicts as well. Some examples include: avoiding steep descents with loose surfaces, descents into trail intersections, blind turns, and long straight-aways that allow riders to build up speed. Ensuring that the trail and the corridor it follows have a good line of sight will give riders the opportunity to slow long before there is any conflict. Using natural features such as logs and rocks to apply texture to the trail surface and as obstacles within the trail corridor serves the dual purpose of slowing riders down and adding challenge to the trail. If there are areas of the trail corridor where conflict may occur, and they can not be avoided, using short alternate routes can relieve the pressure.

Conflict and even the perception of conflict can be avoided by management prescriptions such as directional travel or alternating use days. There are also some more creative solutions such as using sleigh bells or cowbells to provide an audible warning to other human trail users and they are familiar sounds to horses so they are less likely to be spooked when encountering a mountain biker. Though this segment of trail is not likely to have the number of users that necessitate these measures they are reasonable alternatives that should be considered before resorting to an outright prohibition of any use.

“In general terms, bicycle use on the CDNST is not consistent with the overall objectives for the CDNST.”¹⁴

This is simply an unsubstantiated conclusion that is inconsistent with both The National Trails System Act (NTSA)¹⁵ and the 2009 CDNST Comprehensive Plan. The National Trails System was established “to provide for the ever-increasing outdoor recreation needs of an expanding population and in order 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.”¹⁶ Bicycling is the

¹⁴ Draft EA p.28.

¹⁵ The National Trails Act 16 U.S.C. § 1241 *et seq.* (2012).

¹⁶ 16 U.S.C. § 1241(a) (2012).





first in the enumerated list of potential trail uses.¹⁷ Nowhere in the NTSA is bicycle use of CDNST prohibited, the only uses that are restricted on the CDNST are motorized uses.¹⁸ The 2009 CDNST Comprehensive Plan (Comprehensive Plan), which has been incorporated into the USDA Forest Service Manual, states “Bicycle use may be allowed on the CDNST using the appropriate trail design standards, if the use is consistent with the applicable CDNST unit plan and will not substantially interfere with the nature and purposes of the CDNST.” (internal citations omitted).¹⁹

On its face this statement contradicts both the letter and spirit of the Comprehensive Plan and the NTSA. If the Comprehensive plan subscribed to the notion that bicycle use was not consistent with the overall objectives for the CDNST, it would have prohibited bicycles outright. However, that is not the case. The Comprehensive Plan allows for bicycle use where it is consistent with the land or resource management plans for the landscape surrounding the trail segment.²⁰ This segment of the CDNST does not cross through any designated Wilderness nor are there other land management proscriptions in the unit plans that would otherwise prohibit bicycle use in the area. The EA has not shown by any measure of evidence how mountain bicycle use would “substantially interfere with the nature and purposes of the CDNST.”²¹

If the blanket assertion made by the EA is permitted to prevail it is tantamount to saying that bicycle use always substantially interferes with hiking and horseback riding experiences in the backcountry. This is simply not true. In the Butte and Jefferson Districts of the Beaverhead-Deerlodge NF hikers, horseback riders and mountain bikers are sharing segments of the CDNST to the north and south of Homestake Pass. These trails are only 6 miles east of Butte, MT and the trail is within one hundred yards of the highway. With proximity and accessibility inviting even more users than would be likely on this segment they are still successfully accommodating all three uses. Due to the remoteness of this segment use numbers would be substantially lower thus yielding an effect that that is more accurately described as de minimus, rather than substantial. Without some substantiation as to why bicycle use would have a substantial effect on the purposes of the CDNST the Forest Service action would be contrary to their own regulation.

¹⁷ 16 U.S.C. § 1246(j) (2012).

¹⁸ The general rule is that National Scenic Trail are to be non-motorized with exceptions for where route is on a road or in emergency circumstances. 16 U.S.C. § 1244 (5) and 16 U.S.C. § 1246(c) (2012).

¹⁹ USDA Forest Service Manual § 2353.42 Amendment No.: 2300-2009-2 (November 4, 2009).

²⁰ FSM § 2353.44(10) (November 4, 2009).

²¹ The 2009 Comprehensive Plan defines the nature and purpose of the CDNST as “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.” FSM § 2353.42. However, this was developed as a result of heavy reliance on components of Senate reports from a time when off road bicycle use was uncommon. The language Congress used in the NTSA is substantially more inclusive and would presumably encompass modern mountain biking. To narrow the purpose of the CDNST beyond the express language of the National Trails System Act likely exceeds the authority delegated to the Secretary of Agriculture in the NTSA.





In July of this year, twelve mountain bikers and six horseman collaborated with the Forest Service to clear downed timber and encroaching growth on a segment of the CDNST in Idaho. Reports of the effort indicated that all the users got along well and had a great day clearing the trail and identifying future work to be done. There are reports all across the country where all trail users have collaborated to build and maintain trails that accommodate as many users as possible and get more people engage in outdoor recreation.

Mountain bicycling is a quiet human powered form clearly within the uses contemplated by the NTSA.²² The declared purpose of the NTSA is to provide more opportunities for outdoor recreation and promote access to Americas backcountry, not to reduce them.²³ To reduce the scope and purpose of a legislative act in the name of environmental impacts without justification or analysis is arbitrary and capricious and fails the requirements of NEPA. If the Forest Service can not provide peer reviewed scientific justification showing that mountain bikes will substantially interfere with hiker and horse use of the CDNST bicycles should be allowed on the new segment of singletrack.

Bicycles Should be Allowed on the New Singletrack

In addition to the numerous reasons why the Draft Environmental Assessment falls short of the NEPA requirements there are a number of pragmatic reasons why this CDNST segment should be open to bicycle use. The current administration has made reconnecting Americans with the outdoors and increasing America's overall physical fitness and well being a top priority. One of the goals of the White House and its initiative on America's Great Outdoors (AGO) is to "Enhance Recreational Access and Opportunities."²⁴ Allowing bicycles on remote backcountry trails, outside of designated Wilderness, is a very easy way to move in that direction. Bicycling is considered a gateway activity that draws people into the outdoors. With 46.2 million participants cycling is only surpassed by running and fishing as American interest in the outdoors.²⁵ Another goal of AGO is to "Engage Young People in Conservation and the Great Outdoors"²⁶ In outdoor participants ranging from six to seventeen, bicycling is the most popular activity.²⁷ AGO represents a long-range plan to re-engage Americans as active and healthy stewards of our public lands, allowing bicycle use on backcountry trails is a step in that direction.

²² 16 U.S.C. § 1246(j) (2012).

²³ 16 U.S.C. § 1241(a) (2012).

²⁴ America's Great Outdoors: A Promise to Future Generations p.6

²⁵ Outdoor Industry Association, *Outdoor Recreation Participation Report*, p.23 , (2012) available at <http://www.outdoorindustry.org/research/participation.php>

²⁶ America's Great Outdoors: A Promise to Future Generations p.7

²⁷ OIA at p.35





The NTSA encourages the use of volunteers to plan, develop, maintain and manage trails including the CDNST.²⁸ Current Forest Service budgets and staffing depend on partnerships and volunteers. IMBA and our local Chapters and affiliated clubs are organized and committed volunteer group actively contributing hundreds of thousands of hours to trail stewardship and landscape conservation. Through programs like IMBA's National Mountain Bike Patrol and the Subaru Trail Care Crew, mountain bikers frequently provide assistance to land managers on the trail. With services ranging from friendly trail directions and insights to potentially life saving first aid and rapid search capabilities mountain bike patrols are invaluable. If permitted on this new trail, mountain bicyclists could be counted on to provide considerable time and effort in the construction and maintenance of this trail as well as helping to ensure the safety and quality experience. Given the goals of the National Trails System Act, the CDNST Comprehensive Plan and Americas Great Outdoors as drafted this Environmental Assessment is a substantial step backwards. We look forward to working with the Forest Service to develop an analysis that is accurate and in keeping with the legislative and regulatory purposes of the CDNST.

We greatly appreciate your efforts to enhance outdoor recreation opportunities and thank you for accepting our comments. We look forward to continuing a productive relationship in the future. Please feel free to call us (303) 545-9011 if we can be of further assistance.

Respectfully Submitted,

Michael Van Abel
Executive Director
International Mountain Bicycling Association

²⁸ 16 U.S.C. § 1250 (2012).

