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Golden, CO 80401

USDA Forest Service  
Rocky Mountain Regional Office  
Attn: Objection Reviewing Officer  
PO Box 18980  
Golden, CO 80402

Re: Objection to Pike & San Isabel National Forests Motorized Travel Management (MVUM) Analysis

Dear Objection Reviewing Office

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. 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.

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 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 United States Congress designated the Continental Divide National Scenic Trail by an Act of Congress in 1978. 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:

1. CDT Recommended Plan Components (USFS Guidance 2017)
2. CDTC Comments on the Scoping Letter dated September 8, 2016
3. CDNST Management Tool: Managing Recreational Uses (USFS Guidance 2019)
4. [CDTC Atlas of the CDT](#)
5. FSH 2353.44 Management of National Scenic and Historic Trails
6. Memorandum of Understanding Between the Continental Divide Trail Coalition and the USDA, the Forest Service, etc.

### **Statement of Objection:**

With these factors in mind, and upon review of the 2020 Pike and San Isabel National Forest Travel Management Analysis, the Continental Divide Trail Coalition is submitting three objections regarding the Pike and San Isabel Land Management Plan and associated documents. The three objections are as follows:

**Objection 01:** The 'motorized-use' designation for multiple trails connecting to the Continental Divide Scenic Trail (CDNST) and traveling through the CDNST corridor is directly averse to the intended nature of the trail as dictated in the 2009 *Comprehensive Plan* for the CDNST. The intended use of the trail is for primitive travel such as hiking or equestrian use, with exceptions in areas where proper analysis has been done. This proposed Alternate C does not comply with the directive asserting the intended use nor does it appear that thorough analysis or justification has been provided to rationalize such a departure from CDNST protection protocol.

**Objection 2:** The proposed allowance of over snow winter travel by snowmobiles on trails connecting, intersecting, or within the CDNST corridor, would not only be in direct conflict with the 2009 Comprehensive Plan direction and FSM 2350; it would be a decision made without providing an evaluation or analysis on the impact of such use on nature and purposes for which the CDNST was designated and whether or not substantial interference would occur, contrary to the direction provided in the *Comprehensive Plan*.

**Objection 3:** The proposed plan lacks an adequate delineation, for both the CDNST and the CDNST Management Area, in the information and maps provided for the Pike and San Isabel Travel Management

Analysis. This includes demarcation of the trail as well as the boundaries of the CDNST Management Area, which includes the trail corridor. The decision to omit these delineations in project maps and information throughout the process could lead to a substantial gap in the public's ability to review these new plans, as well as demonstrate a lack of analysis on the part of the Forest Service as to the potential negative impacts that this plan could have on the CDNST management area.

**Standing:** CDTC has standing as we submitted substantive comments on September 8, 2016 to the Scoping Letter. These comments are included with this objection.

**Issue and Statement of Explanation - CDTC Objection 1:** CDTC objects to the 'motorized-used' designation for multiple trails that connect to the CDNST and would substantially interfere with the intended nature of the trail.

**The current Travel Management Plan - Alternate C would substantially interfere with the nature and purpose of the CDNST, and, within this corridor, we urge the Forest Service to adhere to the guidelines in the 2009 Continental Divide National Scenic Trail Comprehensive Plan.** As stated in the *2009 Comprehensive Plan*, the CDT's nature and purposes are "to provide high-quality, scenic and primitive hiking and horseback riding opportunities and to conserve the natural, historic and cultural resources along the CDNST corridor". The *Comprehensive Plan* further states the intent to, manage the Continental Divide National Scenic Trail 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 (FSM 2353.42). Alternative C allows for motorized vehicles on multiple trails that connect to the CDNST, which would considerably disrupt the CDNST corridor as designated by the Forest Service and the management intent as defined above. The allowance of motorized use in the CDNST management area would substantially alter the experience of CDNST travelers who plan and prepare for a non-motorized, non-mechanized experience.

For national scenic trails in general, the National Trails System Act (16 USC 1241) declares that "the use of motorized vehicles by the general public along any national scenic trail shall be prohibited..." The Act further specifies that "other uses along the CDNST, which will not substantially interfere with the nature and purpose of the trail, and which at the time of designation, are allowed by administrative regulations, including the use of motorized vehicles, shall be permitted by the Secretary of Agriculture" Furthermore, in September of 2020 a memorandum from the Deputy Chief of the Forest Service to Regional Foresters clarifies the Forest Service's intent with respect to motorized use along the CDT, stating:

"As the CDNST is further developed, it is expected that the trail will eventually be relocated off of roads for 'its entire length...it is the intent of the Forest Service that the CDNST will be for non-motorized recreation.... Allowing motorized use on these newly constructed trail segments would substantially interfere with the nature and purpose of the CDNST."

The *2009 Comprehensive Plan* expands further on this qualification, and details the set of conditions that must be met in regards to trails which received a motorized-use designation prior to 1978,

Sec. IV(6)(b): Motor vehicle use by the general public is prohibited on the CDT with limited exceptions. The vehicle class and width allowed on segments of the CDT prior to Nov. 10, 1978 may be allowed as long as such use does not substantially interfere with the nature and purposes of the CDT.

Based upon these Forest Service direction for management of the CDNST, the specific concerns that lead to our Objection include the following:

**Monarch Pass to Windy Peak Trails (Trails #531 and #486)** were not addressed in the Gunnison Travel Plan and have been addressed in the analysis for this Travel Management Plan. The CDNST travel route to Windy Peak was not constructed prior to November 10, 1978. Additionally, the Rio Grande National Forest 1983 Travel Map of the Windy Peak Area identifies the area being closed to motor vehicle use. An analysis is absolutely necessary under the CDNST management guidelines as dictated by the Forest Service. The analysis should consider whether the designation should be revised to meet changing conditions: specifically, the change in conditions resulting from the establishment of the CDNST and the conflict of motorized use with the nature and purposes of the trail. Further analysis should analyze the impacts of increased mechanized and motorized use in this area.

**Green Creek Trail (Trail #1412)** is a trail that connects directly to the CDNST and it is proposed to be open to motorized use. Where the CDNST route segments are currently designated for motor vehicle use, or are to be designated for motor vehicle use through 36 C.F.R. 212 processes, the DEIS needs to identify the name of the NEPA document related to motor vehicle use designation, the specific date the route was added to the forest transportation atlas, and the date the segment was constructed. This is necessary since some sections that are currently open to motor vehicle use may not be in conformance with restrictions found in the National Trails System Act, *2009 CDNST Comprehensive Plan*, and related directives.

**Road 225.F (Open Admin. Use Road - Special Use Designation)** is a road that directly connects to the CDT and while the special designation for administration may be an attempt to minimize interference with the CDT, the remainder of the road leading up to this small section is open to motorized use by anyone. While a gate was recently constructed to try and prevent access from illegal users, signage has been vandalized and motorized travelers have continued through to the CDNST Management Area and onto the CDT with little barrier to entry in terms of enforcement. This presents substantial interference to CDT travelers and the sensitive environment within the corridor.

Lacking analysis, the proposed decision leaves these key questions unanswered:

- How are levels of mechanized traffic likely to change over time?
- How will increasing levels of mechanized uses affect the opportunities for “high-quality foot and horseback riding”, the primary purposes of the CDNST?
- How will recreational uses affect grizzly bears and other wildlife in this key movement corridor just a stone’s throw from Rocky Mountain National Park?
- How will changing mechanized technology and marketing impact future CDNST experiences?
- How will the National Forests enforce the motorized restrictions along the CDNST when there infractions are coming from these connector trails?

The Forest Service should utilize the *Continental Divide National Scenic Trail Management Tool: Managing Recreational Uses* on the CDNST to evaluate a decision around allowing mechanized use on the CDNST across the Forest. This document, prepared by the Forest Service in 2019 and signed by all of the Federal land-managing agencies involved in the management of the CDT provides extensive internal guidance for National Forests to evaluate proposals that could substantially interfere with the recreational purposes and values of the CDT. CDTC has included that document with our objection.

Executive Orders No. 11644 (Feb. 8 1977) and Executive Order No. 11989 (May 24, 1977), as amended by Exec. Order No. 11989 (May 24, 1977), were issued in response to the growing use of off-road vehicles (ORVs) and the associated environmental damage, social conflicts, and public safety concerns. The Forest Service has codified these “minimization criteria” in subparts B and C of its travel management regulations. [36C.F.R. §§212.55, 212.81(d)]. The Forest Service has a substantive legal obligation to meaningfully apply and implement minimization criteria, not just identify or consider, particularly in a heavily protected and sensitive environment like the Management Area of the CDNST. The Forest Service has an obligation to not only look at the site-specific impacts like the loss of wildlife habitat to the cumulative impacts of sustained auditory disruption from motored users. Application of the minimization criteria should also take into account available resources for monitoring of enforcement of the designated systems. Trail #531, #486, and #1412 and Road 225.F connect and interact with the CDNST Management area, and as such, come with a codified, heightened threshold of analysis to establish that no substantial interference will occur. Site-by-site analysis is particularly important due to the proximity to trail, the potential increase in motorized users in this area in the future, and the limited capacity of the Forest Service to enforce these restrictions.

Currently, the proposed vehicular use suitability determinations are not supported by an assessment that has been determined to be consistent with CDNST desired conditions, nor is there any analysis that indicates these activities would not substantially interfere with the nature and purposes of the CDNST. The FEIS assessments are inconsistent with the requirements of the National Trails System Act, the *CDNST Comprehensive Plan*, the Forest Service’s own Recreation Opportunity Spectrum (ROS) framework, the Council on Environmental Quality’s (CEQ) requirement for methodology and scientific accuracy, and related directives.

With the changing designation of many of these trails, CDTC is concerned with the regulation and enforcement of motorized access on the CDT, especially with the limited capacity of the Forest Service to enforce illegal motor use on trails and the likely increase of motorized users that will result from Alternate C. Without a determination of substantial interference regarding motorized use on the CDNST and a monitoring plan, a *carte blanche* statement regarding the suitability of motorized use connecting to and within the CDNST corridor is inconsistent with the *Comprehensive Plan*. The absence of a monitoring plan is particularly alarming because the purpose of this travel management analysis is to set conditions for sustainable recreation in the future. Unfortunately, the proposed plan does not take into account the potential increase in motorized use near the CDNST and the corresponding difficulties of regulation that result from increased traffic and user conflicts.

#### **Remedies and Solutions for Objection 01:**

Given the outstanding scenic characteristics and opportunities for solitude along this section of the CDNST, opening up these trails for increased motorized use would drastically change the experience of CDT trail travelers. CDTC seeks a solution which promotes sustainable recreation in the Pike and San Isabel National Forest and manages the CDNST corridor for its Nature and Purposes, consistent with the overarching guidance and supporting policies and direction provided in the attached documents. In order to protect and promote the experiences of those traveling along the CDNST and the sensitive environment in the Management Area, we urge the Forest Service to manage the trails within and connecting to the CDNST corridor to allow pedestrian and stock travel only and severely limit the amount of motorized use in the CDT corridor.

CDTC would like to see the management of this area abide by the National Trails System Act, the 2009 Comprehensive Plan, and the *Continental Divide National Scenic trail Management Tool: Managing Recreational Uses* that is consistent and expected for the entirety of the trail. No previous decision for this Forest has established the specified connecting trails as designated for motorized-use, and removing this designation proposed by Alternate C would not conflict with the intent of the Travel Management Plan. It is inappropriate for the Plan to substantially alter the nature and purposes of the CDNST Management Area based on use that has never been legally established and without a proper monitoring plan. If it is the goal of Pike and San Isabel National Forest to change these designations and significantly alter the character of the trail, then site-by-site analysis, public review, and a thorough monitoring plan must be further developed.

### **Solutions:**

#### **1.) Revise Alternate C**

- a. Trails #531, #486, #1412 should be closed to all motorized use, and open to pedestrian and equestrian use only, directly in-line with the National Trails System Act and the *2009 CDNST Comprehensive Plan*.
- b. Road 225.F should be closed to all motorized use, and open to pedestrian and equestrian use only, directly in-line with the National Trails System Act and the *2009 CDNST Comprehensive Plan*.

#### **2.) Further Review and Amend**

- a. Forest plans and associated maps should be updated and amended to include the CDNST and the CDNST Management Area. A new review must be conducted in order to demonstrate the steps taken to analyze changing desired conditions for the Forest and potential impacts to the CDNST Management Area. Desired conditions and management should remain consistent within the sideboards of the National Trails System Act, the *2009 CDNST Comprehensive Plan*, and the FSH 2352.44. Upon analysis and public review, the Travel Management Analysis should be amended to include new information discovered in the process before further action is taken on these trails that directly impact the CDNST.
  - i. **Windy Peak Area:** There are conflicting reports, with a 1983 Travel Map showing Windy Peak as closed to motorized use. An analysis is absolutely necessary under the management guidelines as dictated by the Forest Service. The analysis should consider whether the designation should be revised to meet

changing conditions: specifically, the change in conditions resulting from the establishment of the CDNST and the conflict of motorized use with the nature and purposes of the trail.

- ii. **Green Creek:** Where the CDNST route segments are currently designated for motor vehicle use, or are to be designated for motor vehicle use through 36 C.F.R. 212 processes, the Forest Service needs to identify the name of the NEPA document related to motor vehicle use designation, the specific date the route was added to the forest transportation atlas, and the date the segment was constructed. This is necessary since some sections that are currently open to motor vehicle use may not be in conformance with restrictions found in the National Trails System Act, CDNST Comprehensive Plan, and related directives.
- iii. **Road 225.F:** The Forest Service needs to review the potential for substantial interference, especially with the potential for increased use on the entirety of Road 225 in the future, especially since current gates and enforcement have already proven to be ineffective in stopping motorized use in this area. Then amend plans to open 225.F to motorized use and prescribe only pedestrian and equestrian use designations for this length of road that is within the CDNST Management Area.

### 3.) **Revise and Restrict**

- a. Revise the plan so that it recognizes the CDNST corridor and where Trails #531, #486, #1412 and Road 225.F interact with the CDNST Management Area.
- b. Restrict usage of Trails #531, #486, #1412 and Road 225.F to have limited capacity and boundaries imposed to restrict motorized travel in the CDNST Management Area. This would allow a limited number of motorized travelers on these trails and roads, and would require additional signage, gates, and/or recreation education to ensure that motorized travelers are not recreating along the CDT in order to minimize the interference of motorized users in the CDT corridor. While this is not ideal, this would decrease the potential chance of user conflict as well as help to make up for the lack of capacity on the part of the Forest Service to enforce these restrictions.

**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:** CDTC objects to the allowance of winter motorized over snow vehicle transport over and around the CDNST.

Public motorized use may only be allowed where such use is in accordance with the direction regarding motorized use provided in the *2009 CDNST Comprehensive Plan*. In other words, winter motorized over-snow vehicle transport over and around the CDNST travel route is not allowed until a determination is made that it is open following requisite substantial interference analysis. The Pike and San Isabel Area, particularly around Windy Peak, is a destination for winter recreation, and heavy use of snowmobiles could have an adverse impact on CDT travelers who are seeking a winter backcountry experience. Winter motorized over-snow vehicle transport over and around the trail does not support CDNST nature and purposes desired conditions.

Motor vehicle use is addressed in the *2009 CDNST Comprehensive Plan*, Chapter IV.B.6 and FSM 2353.44b (11)—Motor vehicle use by the general public is prohibited on the CDNST. Motor vehicle use is only allowed or is dependent on the approval of a CDNST unit plan (FSM 2353.44b (2)). A key function of the CDNST unit plan is to identify carrying capacity for the CDNST and plan for its implementation.

The described over-snow vehicular use suitability determinations under the proposed plan are not supported by an assessment that determined the consistency with supporting CDNST nature and purposes desired conditions, nor is there any analysis that indicates the activities would not substantially interfere with the nature and purposes of the CDNST. The FEIS assessments of over-snow vehicular snow use are inconsistent with the requirements of the National Trails System Act, the *2009 CDNST Comprehensive Plan*, the Forest Service's Recreation Opportunity Spectrum (ROS) framework, the Council on Environmental Quality's (CEQ) requirement for methodology and scientific accuracy, and related directives.

As mentioned in the previous section, the Forest Service has codified "minimization criteria" from Executive Orders in subparts B and C of its travel management regulations. 36C.F.R. §§212.55, 212.81(d). The Forest Service has a substantive legal obligation to meaningfully apply and implement minimization criteria, not just identify or consider, particularly in a heavily protected and sensitive environment like the Management Area of the CDNST. The Forest Service has an obligation to not only look at the site-specific impacts like the loss of wildlife habitat that CDT travelers expect to the cumulative impacts of sustained auditory disruption from motored users. Application of the minimization criteria should also consider available resources for monitoring of enforcement of the designated systems.

The Forest Service should utilize the *Continental Divide National Scenic Trail Management Tool: Managing Recreational Uses* on the CDNST to evaluate all decisions around allowing mechanized use on the CDNST and motorized uses near the CDT. This document, prepared by the Forest Service in 2019 and adopted by all of the Federal land-managing agencies involved in management of the CDT, provides extensive internal guidance for National Forests and other agencies to evaluate proposals that could substantially interfere with the recreational purposes and values of the CDT. CDTC has included that document with our objection.

CDTC feels that the proposed regulation of snowmobiles in the Windy Peak area, specifically looking at seasonal opening of trail #1412 for further motorized use in the winter, is in direct opposition to the intended use of the trail and substantially interferes with the nature and purposes for which the CDNST was created and should be revised, after careful analysis, to better reflect direction in the Comprehensive Plan and other law and policy.

### **Solutions:**

#### **1.) Revise Alternate C**

- a. Revise Alternate C to state that motorized use, even seasonally, is not allowed on the CDT or in the CDNST Management Area and that any crossings should be perpendicular to the trail and not allow travel on the trail.



## **2.) Amend and Revise the Travel Management Analysis:**

- i. Amend the plan to say that “Except in areas where the CDNST is located on roads open to motorized use, the CDNST Management Area is not suitable for winter snowmobile use. Perpendicular crossings and snowmobile use near the trail may also be permitted so long as substantial interference with the nature and purposes of the CDNST does not occur.”
- ii. Once this language is changed in the plan, analysis should occur to conclude whether or not there is the potential for substantial interference. If there is substantial interference, the trail should not be opened to any motorized use, even seasonally. If the Forest Service reviews seasonal use conditions and plans for mitigation of interference, points of perpendicular crossing should be identified and signage placed in order to minimize motorized use on the CDT and prepare CDT users for a potential crossing of an ORV.

## **3.) Revise Alternate C, Restrict Use, and Mitigate User Conflict**

- a. Revise Alternate C to recognize the CDNST Management Area and reevaluate ‘minimization’ of interference with this new information.
- b. Place capacity restrictions for snowmobile use in the area so that increased, future motorized-use does not substantially interfere with the CDNST and the CDNST Management Area.
- c. Display signage of appropriate perpendicular crossings of the CDT and require recreation education to minimize potential for user conflict and the impacts of environmental degradation to the CDNST Management Area.

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

**Issue and Statement of Explanation - CDTC Objection 3:** CDTC objects to the omission of the delineation of the CDT and CDNST Management Area in project plan maps, including the most recent Final Environmental Impact Statement.

**In order to ascertain the potential impacts of this project, if the project area is within 4 miles of the trail, all project proposals and scoping maps should delineate the Continental Divide National Scenic Trail as well as the one-half mile corridor that is contained within the CDNST Management area.** As dictated by the Forest Service, the CDNST corridor should be a spatially identifiable area wide enough to encompass the significant scenic, historic, cultural and natural features that contribute to the trail’s setting and significance as a National Scenic Trail (FSH 1909.12, Sec. 24.43(2)(f)). If a corridor has not been identified in the Forest Plan, the one-half mile foreground viewed from either side of the CDT travel route should be the primary consideration in determining corridor width. (FSM 2353.44b(7))

The CDNST and its corridor must be adequately described, including identifying the location of the CDNST by depicting the travel route on all alternative maps. This is essential, particularly when undergoing public review, to fully understand the impact to traveler experience as well as impacts to the wildlife and vegetation surrounding the Trail. Under the guidelines published on April 5, 2019 in the *CDNST Management Tool: Managing Recreational Uses*, as agreed upon CDTC, the Forest Service and all other federal agencies with responsibility for management of portions of the CDNST:

CDT managers should focus on maintaining a naturally appearing setting with minimal visual intrusion from facilities or other development. Scenery along the trail should be conserved or enhanced. The CDT should be well maintained, signed and passable, and developed to no higher standard than necessary to safely accommodate the amount and types of use anticipated on any segment.

The protection and conservation of the integrity, scenic and auditory, of this corridor and the viewable foreground, and, where feasible, middle ground and background, must be a top priority in order to ensure that travelers on the trail have the intended experience. This includes, but is not limited to, roads and the vehicles that use them, and under the current proposed plan, would interfere in the setting of the CDNST corridor. Thus, any decisions affecting the CDT should conform to the nature and purposes of the Continental Divide National Scenic Trail as set out in the *2009 Comprehensive Plan*. If the desired conditions are an attempt to facilitate monitoring and adaptive management, the *CDNST Management Tool* also provides this guidance:

Desired conditions may vary among CDT segments **within the sideboards of the purposes of the NTSA and CDT policy**. Project level environmental analysis should describe the unique recreational opportunities and setting characteristics provided by the trail segment (connecting loop opportunities, scenic values, close to home exercise, etc), potential for substantial interference, and actions that would avoid, reduce or mitigate potential negative impacts.

Upon review of the final draft of this plan, many pieces of analysis seem to be absent and are not within the sideboards of the purposes of the National Trails System Act and CDT policy. The communication of critical information from the Forest Service to communities, and ability to comment, is a foundational step toward implementation of any plan in the NEPA process, and as such, the contents and rollout of this plan fails to meet a high standard of public review that the law requires. There is not acknowledgement of substantial interference, or even mention of the potential for it. Consequentially, this plan does not address attempts at future mitigation to avoid user conflict such as signage or education for recreationists. There exists a litany of negative impacts that motorized travel connected to and within the CDNST corridor could have for the sensitive environments and trail user experience, but the analysis of these impacts in the CDNST Management Area seems nearly nonexistent if one looks for them to be outlined in this final plan. The lack of CDNST corridor delineation and absence of critical factors that contribute to the Forest Service's management of this particular segment of the trail results in a plan that cannot receive proper public overview because of the absence of analysis and the significant lack of crucial information.

### **Solutions:**

#### **1.) Amend the Travel Management Analysis**

- a.** Amend the Travel Management Analysis to explicitly include maps and information specific to the contents of the CDNST Management Area, which includes the trail and trail corridor. Conduct further analysis, following the guidelines given in the National Trails System Act and the *2009 Comprehensive Plan*, to determine how, where, and when substantial interference could occur. Release the amended plan with the included information and actions within the sideboards of the governing policy related to the CDNST, in order to allow a thorough, well-informed public review process to occur.

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

In closing, while the National Environmental Policy Act allows the Forest Service to disclose environmental effects of a decision and then make a decision to accept those impacts, it does not allow the agency to act in contravention of other laws and regulations. To reiterate the *CDNST Management Tool: Managing Recreational Uses*, “Desired conditions may vary among CDT segments within the sideboards of the purposes of the NTSA and CDT policy.” It is CDTC’s contention that this decision is not consistent with the National Trails System Act regarding the nature and purposes of the Continental Divide National Scenic Trail, the *Continental Divide National Scenic Trail Comprehensive Plan*, as required by the Act, or the direction developed by the agency to implement the Act and the *Comprehensive Plan*. The analysis displayed in this planning is inadequate and incomplete in determining impacts and substantial interference. The Forest Service fails to adequately detail the policy, process, and documents with which it used to form the rationale behind their decisions and consequentially, circumvents policy that is foundational to the management of the Continental Divide National Scenic 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 Travel Management Analysis for the Pike and San Isabel National Forests. If you have any questions, please contact Luke Fisher, Trail Policy Program Manager, by phone at (406) 272-6179 or by email at [Lfisher@continentaldividetrail.org](mailto:Lfisher@continentaldividetrail.org).

Sincerely,



Teresa Martinez  
Executive Director  
Continental Divide Trail Coalition  
Golden, CO

cc: Brenda Yankoviak, USFS National Trails Lead, Rachel Franchina, acting CDNST Program Administrator and Tom Phillips, Chairs CDTC Trail and Lands Committee