



**CONTINENTAL DIVIDE
TRAIL COALITION**

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June 14, 2024

Dennis Kuhnel
United States Department of Agriculture
U.S. Forest Service
Rio Grande National Forest
1055 9th St.
Del Norte, CO 81132

Dear Supervisor Kuhnel,

Thank you for the opportunity to provide comments regarding the **Rio Grande National Forest Over-Snow Management Planning** scoping documents. We are happy to assist you with this process and help you strive for the highest quality outcome possible, especially as it relates to the **Continental Divide National Scenic Trail (CDNST)** within the Rio Grande, Gunnison, and San Juan National Forests.

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. The 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 3,100 miles of unceded Indigenous lands, 20 National Forests, 21 Wilderness areas, 3 National Parks, 2 National Monuments, 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 five states 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 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 overarching 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.

Background Materials

CDTC has provided the following additional materials with our proposal Comments below:

1. 2009 CDNST Comprehensive Plan
2. CDNST Experience Statement
3. Managing Recreational Uses on the CDNST

Please note that the 2009 CDNST Comprehensive Plan denotes on Page 4 that “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.”

Also, 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))

Current CDNST Route through the Rio Grande National Forest

While the CDNST crosses several different National Forests and Ranger Districts in the project area, Trail #813 on the Rio Grande National Forest does represent 274 miles of the CDNST through the RGNF. According to the Recreation Opportunity Spectrum maps and [additional GIS analysis provided by Rocky Mountain Wild](#), many miles of the CDNST fall within the “Primitive” ROS of the South San Juan Wilderness, Weminuche Wilderness, and La Garita Wilderness, which is protected from any motorized activity. However, a majority of the Saguache area adjacent to the CDT is “Semi-Primitive Motorized”, and there are portions of the Snow Mesa, Jarosa Mesa, and Wolf Creek Pass areas that are listed as “Roaded Natural”.

In an attempt to respond to the Minimization Criteria section 3c question from the scoping documents: “Is over-snow vehicle use of the road, trail or area compatible with recreation use on

the Continental Divide National Scenic Trail, the Colorado Trail, (etc.) ...?”, here is some additional background:

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...” However, it is further specified 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 a memorandum from the Deputy Chief of the Forest Service to Regional Foresters, it helps clarify the Forest Service’s intent with respect to motorized use along the CDT:

“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.”

Additionally, from the attached Managing Recreational Uses on the CDNST document (see attached), the following direction is provided:

- 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.
- Sec. IV(6)(b): Over-snow vehicle use is allowed in accordance with 36 CFR Part 212, Subpart C, as long as the use will not substantially interfere with the nature and purposes of the CDT.

Additionally, [The Rio Grande Forest plan](#) describes desired future conditions for the CDNST envisioning a “well-defined trail that provides for high-quality primitive hiking and horseback riding opportunities, and other compatible nonmotorized trail activities, in a highly scenic setting along the Continental Divide,” where “[w]ild and remote backcountry segments provide opportunities for solitude, immersion in natural landscapes, and primitive outdoor recreation.”

The RGNF plan also establishes an objective to “restore or relocate one segment of the Continental Divide National Scenic Trail to improve scenic viewing opportunities and/or to provide for a nonmotorized experience over the next 15 years.” A guideline instructs the Forest Service that “[t]o provide for a naturally appearing setting while avoiding impacts from motorized use, no new temporary or permanent roads, or motorized trails, should be constructed across or adjacent to the Continental Divide National Scenic Trail, unless needed for resource protection, private land access, or protection of public health and safety.”

Finally, in regards to the trail corridor of the CDNST and the Old Spanish Trail, the RGNF Forest Plan says that “Both trails are depicted to include a 1-mile-wide trail corridor (one-half mile on either side). The trail corridor and associated direction ensures the conservation of the

nationally significant scenic, historic, natural, and cultural resources of the congressionally designed trails. The delineation and direction maximize the intended recreation opportunities along the entire lengths of the trails and provide land area on both sides of the designated trails to safeguard the character and protect the trails across different land designations.”

In consideration of the attached materials and upon review of the scoping proposal, we offer the following comments and recommendations:

Since the CDNST Comprehensive Plan directs land managers to “Use the ROS system in delineating and integrating recreation opportunities in managing the CDNST” and “Where possible, locate the CDNST in primitive or semi-primitive non-motorized Recreational Opportunity Spectrum classes”, CDTC recommends that the Forest Service should apply a half mile buffer of non-motorized protections on each side of the CDT, using topographic features where possible, and designate specific OSV crossing areas to minimize impacts and avoid “substantial interference” with the user experience thereby best complying with the direction in the CDNST Comprehensive Plan.

Based on existing allowed uses along the CDNST through the project area, there are only around 7 miles of the CDNST on roads currently open to all kinds of motorized travel. About half of the CDNST’s 274 miles in the project area is located around Semi-Primitive Motorized zones where the trail is only open to motorbikes/motorcycles on a seasonal basis. Based on this historical use pattern, snowmobiles and other over-snow motorized travel would more accurately equate with highway vehicle/UTV/ATV use and not motorbikes/motorcycles. Therefore, a half-mile non-motorized buffer zone on either side of the CDNST is very important when coupled with the potential for additional non-motorized trail reroutes across the Rio Grande and other National Forests in the area.

After the corridor buffer is applied, CDTC looks forward to working with the Forest Service and other partners to designate these OSV-CDNST crossing zones based on the application of the CDNST Comprehensive Plan’s recommendations regarding the Recreational Opportunity Spectrum (ROS) and its application in Travel Management Plans:

(1) Use the ROS system in delineating and integrating recreation opportunities in managing the CDNST. Where possible, locate the CDNST in primitive or semi-primitive non-motorized ROS classes; provided that the CDNST may have to traverse intermittently through more developed ROS classes to provide for continuous travel between the Canada and Mexico borders. (pg 16)

We encourage close examination of these standards in determining the correct application of the ROS for the CDNST. Additionally, the CDNST Comprehensive Plan outlines the following standards under regarding the Semi-Primitive Motorized:

(c) Semi-primitive Motorized: Trail segments in the ROS class will be in a natural setting which may have moderately dominant alterations but will not draw attention, as would be judged by motorized observers on trails and primitive roads within the area. Primitive roads or motorized trail routes may access the trail no more frequently than one-half

mile intervals. Roads, better than a primitive standard, may be no closer than one-half mile from the trail.

User interaction along these segments will be low to moderate in frequency. The user may experience more control and regulation but will still have a feeling of achievement, adventure, and a release from the dominance of human structures or noise. (pg 17)

Furthermore, the CDNST Comprehensive Plan outlines the following standards regarding Roaded Natural areas:

(d) Roaded Natural: Trail segments in this ROS class pass through areas where the natural setting may have modifications that range from being easily noticed to strongly dominant to observers within the area. Roads, better than primitive, or railroads may cross the trail but no more frequently than one-half mile intervals.

User interaction may range from moderate to high on principal access roads and low to moderate on trails and local roads. There will be little opportunity for a feeling of remoteness and the presence of nonrecreational activities may result in a need for more signing for information and regulations. This ROS class fits well in those situations where good roads make access easy for people with a variety of interests and motivations. (pg 18)

To support these management decisions, CDTC asks that any actions affecting the CDNST are consistent with the nature and purposes of the CDNST (see attached for the complete *CDNST Experience Statement*):

- a. It is the intention of Congress for the Continental Divide National Scenic Trail to be a primitive and challenging non-motorized trail traversing the Continental Divide from Canada to Mexico.
- b. Any local planning updates, modifications to the existing CDNST, and/or new trail construction must involve cultural resource inventories of the area through engagement with Indigenous communities and Tribal consultation.
- c. New CDNST construction should link to existing non-motorized segments of trail, or a plan should be in place to address the motorized uses on either end in the near future in order to meet the intent of the CDNST as a non-motorized trail.
- d. All agencies should plan and maintain the CDNST to include the following characteristics:
 - Built to a non-motorized standard – Fully accessible for foot and equestrian use.
 - Portions accessible for mountain bikes where appropriate and consistent with Unit Plan direction.
 - Challenging – Requiring a need for self-reliance and backcountry skills.
 - Located through the most primitive, diverse and undeveloped landscapes on or near the Continental Divide.
 - Accesses or is routed near nationally significant scenic, historic, cultural and natural features.
 - Allows for an opportunity to view dramatic or unique scenery.

- Allows for an opportunity to view wildlife.
 - Provides appropriate access to water sources.
 - Developed to the simplest, yet high quality standard.
- e. In addition to hiking and equestrian use, other uses will be considered only when they do not substantially interfere with the nature and purposes for which the CDNST was created. If allowed, they must be accompanied by a monitoring plan and be consistent with the unit/forest-wide direction for the CDNST in the area that takes into account carrying capacity.
- Regarding mechanized uses, we recommend not permitting these uses in proximity to CDNST segments in wilderness or recommended wilderness areas, or where there is no connectivity to existing mechanized trail routes.
 - Furthermore, if allowed, trail segments should be designed from a hiker or equestrian perspective, and consider factors such as speed and line of sight distance in order to ensure a safe route for all visitors.

Conclusion

To help preserve a non-motorized winter experience on the CDNST, CDTC recommends that the RGNF OSV plan should not designate OSV use within a half-mile on either side of the Trail corridor. This buffer area should be considered a starting baseline, not the ceiling for additional protections. The RGNF must continue to consider the CDNST corridor as something beyond a linear, non-motorized “wall” passing through the landscape. Instead, when designating areas for OSV use the Forest Service should locate OSV area boundaries in a way that avoids the Trail, while also considering how topography affects the viewshed and soundscape of the area. As the CDNST corridor is much wider than the trail tread itself, the Forest Service should consider the landscape through which the CDNST passes and how that landscape affects the experience of trail users as well as OSV users.

In primitive and semi-primitive areas, where the summer CDNST experience is quite wild and motorized activity is typically not evident within the area, OSV activity should similarly be far removed from the trail. Any site-specific accommodations for OSV travel in the corridor in these areas should evaluate site specific impacts, with the goal of eliminating and/or mitigating substantial interference to the trail experience. In roaded areas, it may be acceptable to have OSV routes cross the trail more frequently, but again, site-specific analysis should evaluate impacts to the CDT with the goal of eliminating and/or mitigating substantial interference to the trail experience.

CDTC looks forward to implementing a buffer area for the CDNST that aligns with the Comprehensive Plan, local Forest Plan, and future initiatives that may involve a more optimal location of the CDT, as well as working to designate specific OSV crossing zones so that the Trail experience for all recreational visitors can match the nature and purposes for which it was designated.

Going forward, as an organization with connections in the community and an expertise on CDNST policy guidance, CDTC welcomes consultation on any decision that could impact the trail. The CDTC is eager to share our resources (volunteer scouts, membership relations,

fundraising abilities, volunteer labor, etc.) to work with the Rio Grande National Forest and adjacent land managers to determine the optimal conditions for the CDNST corridor through the area and assist in its implementation.

We thank you for the opportunity to comment and participate in the management and protection of the CDNST. We look forward to working with the regional USFS staff and ensuring the CDNST remains a high-quality recreational resource across the Rio Grande National Forest. If you have any questions, please contact Jordan Williams, Colorado Regional Representative, by phone at (360) 244-9249 or by email at Jwilliams@continentaldivide-trail.org.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Fisher". The signature is written in a cursive, flowing style.

L. Fisher
Trail Policy Manager
Continental Divide Trail Coalition

cc: Ben Lara, CDNST USFS Program Administrator; Teresa Martinez, CDTC Executive Director