



*Decision Notice and  
Finding of No Significant Impact*

# **Continental Divide National Scenic Trail and The Colorado Trail Reroute Lujan to La Garita Wilderness**



**Saguache Ranger District, Rio Grande National Forest, Saguache County, Colorado  
Gunnison County, Colorado  
and  
Gunnison Ranger District, Grand Mesa, Uncompahgre and Gunnison National Forests  
May, 2013**

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## Introduction

In 1968, Congress enacted the National Trails System Act (The Act) (P.L. 90-543) which established a nationwide trail system. The Act (16 U.S.C. 1242) describes that National Scenic Trails “will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.” The Act also specifically directed the study of a Continental Divide National Scenic Trail (CDNST). A study of possible trail routes along the Continental Divide was initiated in 1969 and completed in 1976. The 1976 Study Report describes the purposes of the CDNST:

The primary purpose of this trail is to provide a continuous, appealing trail route, designed for the hiker and horseman, but compatible with other land uses...One of the primary purposes for establishing the CDNST 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. There must be sufficient environmental controls to assure that the values for which the trail is established are not jeopardized...The basic goal of the trail is to provide the hiker and rider an entree to the diverse country along the Continental Divide in a manner, which will assure a high quality recreation experience while maintaining a constant respect for the natural environment... The Continental Divide Trail would be a simple facility for foot and horseback use in keeping with the National Scenic Trail concept as seen in the Appalachian and Pacific Crest Trails.

In 1977, a Legislative Final Environmental Statement (FES) describing the routes was completed and filed with the Council on Environmental Quality. Using the information from the Study Report and FES, Congress enacted the National Parks and Recreation Act of 1978 (P.L. 95-625, 92 Stat. 3467) which established the CDNST (16 U.S.C.1244) and amended The Act (P.L. 90-543). The amendment established and designated the CDNST “a trail of approximately thirty-one hundred miles, extending from the Montana-Canada border to the New Mexico-Mexico border, following the approximate route depicted on the map, identified as 'Proposed Continental Divide National Scenic Trail' in the Department of the Interior Continental Divide Trail study report dated March 1977...Notwithstanding the provisions of section 7(c), the use of motorized vehicles on roads which will be designated segments of the Continental Divide National Scenic Trail shall be permitted in accordance with regulations prescribed by the appropriate Secretary...” (16 U.S.C. 1244). The basic goal of the CDNST is to provide hikers and horseback riders an opportunity to experience the diverse country along the Continental Divide in a manner that will assure a high quality recreation experience while maintaining a constant respect for the natural environment. The Chief of the Forest Service adopted the 1976 CDNST Study Report and 1977 CDNST Final Environmental Statement on August 5, 1981 (46 FR 39867) pursuant to the National Trails System Act (16 U.S.C. 1244(b)).

Further, The Act requires the Secretary of Agriculture to prepare a comprehensive plan for the management and use of the CDNST (16 U.S.C. 1244(f)). The Forest Service goal in 1981 for the CDNST Comprehensive Plan was to provide a uniform trail management program reflecting the purposes of the CDNST while providing for use and protection of the natural and cultural resources along the CDNST. The Chief of the Forest Service approved the Comprehensive Plan for the CDNST in 1985.

In 1997, the Deputy Chief of the Forest Service issued a memo to Regional Foresters stating that "...as the CDNST is further developed, it is expected that the trail will eventually be relocated off of roads for its entire length." The memo further stated that "It is the intent of the Forest Service that the CDNST will be for non-motorized recreation. As new trail segments of the CDNST are constructed to link existing non-motorized segments together, and to reroute the CDNST off of primitive roads or other routes where motorized travel is allowed, motorized use should not be allowed or considered. Allowing motorized use on these newly constructed trail segments would substantially interfere with the nature and purpose of the CDNST."

In 2003, the Rocky Mountain Deputy Regional Forester issued a memo emphasizing the importance of working toward a high-quality non-motorized route for the CDNST in the Rocky Mountain Region by the trail's 30<sup>th</sup> anniversary in 2008.

The 1985 CDNST Comprehensive Plan Amendment, published in the *Federal Register* on October 5, 2009 (74 FR 51116), set forth direction to guide the development and management of the CDNST. The 2009 CDNST Comprehensive Plan herein provides consistency with the decision made in that amendment, and replaces the 1985 CDNST Comprehensive Plan. The amended Comprehensive Plan and FSM 2353.42 describe the nature and purposes of the CDNST: "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."

Numerous CDNST trail segments are still open to motorized recreational uses including the section considered in this analysis. This EA addresses the effects of a proposed reroute of a segment of the CDNST in south central Colorado. This segment is currently in close proximity to the Continental Divide in Saguache County on the Rio Grande (RGNF) and Grand Mesa, Uncompahgre, Gunnison National Forests (GMUG). In 2006, a location for the non-motorized trail was identified, flagged and mapped using GPS. Initially the entire segment from Windy Point to Lujan to the La Garita Wilderness was being considered for this project. However, the project interdisciplinary team found that issues and opportunities were substantially different for these two segments.

In this area the CDNST is coincident with The Colorado Trail (CT). Both designations have compatible goals and objectives for managing a non-motorized trail. CT developed along a similar timeline as the CDNST. In 1973, the then Regional Forester of the United States Forest Service (USFS) Rocky Mountain Region and Merrill Haskins had the idea of the "Rocky Mountain Trail" as a Bi-Centennial project between Denver and Durango to be completed in 1976. In 1976, a cooperative agreement was signed between the USFS and Colorado Mountain Trails Foundation for building the trail. In 1980, the USFS Issued "Environmental Assessment and Route Directive regarding the Colorado Trail" concept. In 1987, The Colorado Trail Foundation (CTF) was established to complete the trail and the trail segments were finally linked. In 1988, the USFS and CTF signed a Master Agreement for partnership of the trail and the trail was dedicated. In 1998, a cabin was purchased to be used for environmental education near Lake City, Colorado. And finally, in 2005, USFS and CTF signed a Memorandum of Understanding for continued cooperation.

CTF is a 501(c)(3) nonprofit corporation funded mostly by private sector individuals and companies. Their mission is to keep CT in good condition by maintaining and improving it with the help of volunteers. They recruit and train volunteers, provide leadership, organize CT work crews, supply and support the crews, and manage the Adopt-A-Trail program to accomplish annual maintenance on the entire trail. They continue to work in cooperation with public agencies.

The mission of CTF is to provide and maintain, through voluntary and public involvement, and in cooperation with the USFS and Bureau of Land Management, a linear, non-motorized, sustainable, recreation trail between Denver and Durango, Colorado. This trail will provide multi-day, inspirational, and educational values keyed to the diverse, high mountain, natural environment. To preserve the sense of community associated with the unique, high altitude experience achieved by participation in trail activities. The vision of CTF is:

- Support environmental education, to be a place for healing and self-renewal, and facilitate an appreciation for the value of natural systems.
- Support multiple-use, non-motorized, family recreation in a wide variety of unpopulated ecosystems.
- Maintain a cooperative effort that involves volunteers and promotes a sense of public ownership.

CTF is generally supportive of this proposed route realignment because the new route will be single-track and non-motorized.

The Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG) and the Rio Grande National Forest (RGNF) have determined a need to reroute and re-designate uses on a portion of the CDNST/CT consistent with The Act, *The 2009 CDNST Comprehensive Plan* and to comply with agency policy by:

- Establishing a trail and corridor with the location, character and use-designation consistent with the purpose and intent of the Continental Divide National Scenic Trail; and
- Providing trailhead facilities to accommodate safe public access to the trail from State Highway 114, as well as safe crossing of State Highway 114 by trail users.

This portion of the CDNST/CT currently consists of segments of various roads and trails which connect to convey the traveler from Lujan to the La Garita Wilderness. Current trail alignment is on the GMUG. Trail tread varies from single track to full-size vehicle roads. Designated uses include hiker/horse trails all the way to full-sized passenger vehicles. Many segments are located well below the continental divide, and have little or no resemblance to a true “continental divide scenic trail.”

The desired condition is a trail that is compatible with the nature and purposes of the Act that provides “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)

The GMUG and RGNF have prepared an Environmental Assessment (EA) for *Continental Divide National Scenic Trail and The Colorado Trail Reroute Lujan to La Garita Wilderness*. This decision is based on that analysis.

## Scope of Decision and Authority

### ***Scope of Decision***

The Regional Forester of the Rocky Mountain Region has delegated the authority for making this decision to us, the GMUG and RGNF Forest Supervisors (See Appendix B for Delegation of Authority).

We will jointly decide whether or not to:

- Approve location/relocation of the segments of new CDNST/CT and spur trail proposed;

- Recommend a design standard/specification (Trail Class) for this segment of the CDNST/The Colorado Trail and Luder's Spur;
- Designate type of use for each trail segment;
- Approve facilities to establish at trailheads and at which specific locations.
- Approve decommissioning of a non-motorized portion of the current alignment of the CDNST/CT.

## **Authorities**

The following delegation of authorities is pertinent to the decision to be made on this segment of the CDNST.

Regional Foresters is responsible for:

- Approving the location of these trails within the applicable corridor and signing notices for the Federal Register of availability of maps and descriptions of the location of these trails (16 U.S.C. 1246(a)(2) and (b)). For trails that traverse multiple regions, the lead regional forester has this responsibility.
- Approving non-substantial relocations of National Scenic and National Historic Trails, publishing required notices in the Federal Register, and referring recommendations for substantial relocations to the Chief (16 U.S.C. 1246(b)). For trails that traverse multiple regions, the lead regional forester has this responsibility. (FSM 2353.04g(3)(2 & 6))
- Establishing connecting and side trails as components of National Recreation, National Scenic, or National Historic Trails, as appropriate, under Section 6 of the National Trails System Act. (FSM 2353.04g(4))

Forest Supervisors are responsible for:

- Deciding if bicycle use will be allowed on the CDNST (FSM 2353.44b, para. 10).
- Deciding if motor vehicle use will be allowed on the CDNST (FSM 2353.44b, para. 11). (This applies only to Alternative 1).
- Encouraging the use of volunteers and volunteer organizations in planning, developing, maintaining, and managing the CDNST (16 U.S.C. 1250). (FSM 2353.04i(13)(b, c, f))

District Rangers are responsible for approving Trail Management Objectives (FSM 2353.12), unless that responsibility has been reserved by the Forest Supervisor. (FSM 2353.04)

## **Decision**

Based upon our review of the EA, administrative file including the Biological Assessment and Evaluation, the Report to SHPO, and other supporting analyses, we have selected Alternative 5 as analyzed in the EA. Under Alternative 5 we are:

- Approving the location and construction of approximately 31.2 miles of new trail CDNST/CT from the Skyline Trail (#465) in the La Garita Mountains to Lujan Pass.
- Approving the location and construction of a 0.9 mile spur trail to connect the CDNST/CT to Luder's Campground.
- Designating the following uses for both trails: biking, horseback riding and hiking. Motorized use is prohibited.
- Approving the location and construction of an approximately ¼ acre parking area (trailhead) at the top of North Pass (Hwy 114) on the south side of the road which will include a single CXT vaulted toilet.

- Approving the location and construction of an approximately ¼ acre parking area (trailhead) at Luder's Campground.
- Approving the decommissioning of approximately 2.0 miles of non-motorized trail on the GMUG NF following construction of the new trail.

The following conservation measures described in the EA are also included in our decision:

- A ½ mile buffer (corridor) on either side of the trail will be established according to the Scenery Management System (FSM 2382.1) to protect foreground view of trail. This buffer requires special visual design elements be considered when implementing other projects near the CDNST to avoid creating additional road or other motorized crossings on the trail, creating routes perpendicular to the trail or creating unnatural appearing conditions. Protecting visual resources to this degree is compatible with existing Forest Plan management areas, areas within those management areas with Scenic Integrity Objective levels of high, moderate and low, and allows for continued forest management.
- Placement of the new trail would avoid areas of accumulated down wood that could structurally support lynx denning. Lynx denning habitat characteristics are described in the Southern Rockies Lynx Management Direction, Record of Decision (USDA Forest Service 2008, see *Glossary* section).
- Where practicable, the trail location will avoid areas of multi-storied stands where a dense understory provides snowshoe hare habitat.
- In coordination with Colorado Department of Transportation (CDOT) traffic signs would be posted in the vicinity of North Pass and the North Pass trailhead to warn of wildlife crossing and reduce vehicle speeds.
- Project activities such as trail and trailhead construction would occur during the period that avoids the need for snowplowing to access sites for project implementation.
- Project personnel will be informed to report any individual lynx noted during the duration of project activities. Any sightings or encounters with lynx should be reported to the Forest Service.
- All persons associated with operations under this decision must be informed that any objects or sites of cultural, paleontological, or scientific value such as historic or prehistoric resources, graves or grave markers, human remains, ruins, cabins, rock art, fossils, or artifacts shall not be damaged, destroyed, removed, moved, or disturbed. If in connection with operations under this decision any of the above resources are encountered workers shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the Forest Service authorized officer of the findings. The discovery must be protected until notified in writing to proceed by the authorized officer (36 CFR 800.110 & 112, 43 CFR 10.4).
- Use Forest Service Region 2 Watershed Conservation Practices Handbook (FSH 2509.25) in the development of the proposed trail alignment, design elements and during construction to aid in maintaining existing watershed condition.
- Use FSH 2509.18 and FSH 2509.25 in the development of the proposed trail to be consistent with the direction contained in the Forest Service National Best Management Practices for Water Quality Management on National Forest System Lands (Volume 1: National Core BMP Technical Guide, April 2012) publication.
- Any fences on the RGNF that require breaching to allow user passage will be modified with properly constructed walk-around structures in addition to gates to minimize the occurrence of gates being left open by hikers.
- All gates will require proper signage to inform the public to close the gate.

- The UTM coordinates of all gate locations will be given to the RGNF range specialist for entry into the Forest Service database of record. Maintenance of gates and walk-around structures will be listed as protected improvements and monitored.
- All equipment/tools used in the project area will be washed and free of noxious plant seed prior to entering the project area.
- Contractors will be required to certify that their equipment has been properly cleaned prior to entering the project area.
- In heavily disturbed sites where there are larger areas of disturbance, such as parking areas and toilet installation areas, reseeded is recommended.
- All reseeded should be done using a Forest Service approved seed mix. It is recommended that approved seed mixtures from either the Saguache Ranger District or the Gunnison Ranger District be utilized for any needed reseeded. The seed may be broad-cast applied. However, the soil surfaces need to be firm enough to prevent erosion, but loose enough to allow the seed sprouts to penetrate the soil. The seeding should be done by the end of the growing season in which the disturbance takes place. Fall seeding, on snow, is often the best time to seed in the elevations of the project area.
- Natural materials should be used for erosion and sediment control. Cut brush and or aspen should be used to construct silt and sediment control structures. Engelmann spruce and Douglas-fir should not be used due to the increased risk of bark beetle infestation.
- Project personnel will be informed to report any TES species noted during the duration of project activities. Any sightings or encounters with TES species should be reported to Forest Wildlife Biologist, RGNF or District Wildlife Biologist, GMUG Gunnison Ranger District.

Trail will be jointly managed by both forests. District Rangers of the Gunnison and Saguache Ranger Districts will establish one Trail Management Objective (TMO) consistent with our decision for these two trail segments. Based on our review of the EA and administrative file regarding the current and anticipated uses of the trail, we recommend either Trail Class 2 or Trail Class 3 with the designed use of Bicycle to minimize impacts on vegetation, minimize impacts from erosion, and to have appropriate obstacle height while accommodating all anticipated users in the safest manner possible. TMO establishment is not an activity subject to appeal as it is primarily an engineering analysis.

District Rangers will work cooperatively with volunteers on the construction and continued maintenance of the trail as funding and opportunity are available.

The segments of trail covered under this analysis will be monitored over time to ensure that use and trail conditions continue to meet Forest Service Standards and Guidelines.

Finally, we recommend that one trail number be assigned to the CDNST/CT for this segment to better serve the public.

In the event of any conflict among representations of the decision the actual decision shall be taken from documents in the following order of precedence: this Decision Notice, the EA, associated reports such as the BA the BE or cultural reports, Scoping documents, any other representations. In event of conflict between maps, tables and or narrative, the narrative shall control, followed by tables, then maps.



## Reasons for Decision

We believe the selection of Alternative 5 meets the most objectives of both the CDNST and the CT as detailed in our analysis below.

We believe “Maximum outdoor recreation potential for conservation and enjoyment...” (16 U.S.C. 1242) is best met through the inclusion of bikes in these multiple-use management areas on both the GMUG and RNF.

The 1976 Study Report states, “primary purpose of this trail is to provide a continuous, appealing trail route, designed for the hiker and horseman, but compatible with other land uses...” Other land uses in this area include livestock grazing, timber production, wildlife habitat, big game winter range, and motorized recreation. These multiple-use management areas are consistent with providing a broad range of recreation opportunities including “semi-primitive non-motorized” uses. Bikes are considered a semi-primitive non-motorized use. “Primitive” uses (such as those that would occur in designated wilderness generally include hiker/horse on primitive trails) were not specified as compatible in any of the management areas in the GMUG Forest Plan. RGNF Forest Plan only specified the Recreation Opportunity Spectrum (ROS) class.

Bicycling and/or trail biking are potential uses of the CDNST considered in 16 U.S.C. 1246(j).

In 1997 and 2003, Rocky Mountain Region Regional Forester direction specified “non-motorized” recreation on the CDNST for which biking applies. This trail segment is neither in lands capable for wilderness designation (2012 Colorado Roadless Rule) or in designated wilderness which prohibits mechanized use “except as necessary to meet the minimum requirements for the administration of the area for the purpose of the [Wilderness] Act” (P.L. 88-577, 16 U.S.C. 1131-1136).

FSM 2353.03 directs us to provide a variety of opportunities, modes of travel and to emphasize long-term cost effectiveness. The authorization of one non-motorized CDNST/CT trail most effectively accomplishes providing a variety of opportunities and modes of travel. Following the direction in The Act (16 U.S.C. 1250) to use volunteers for the construction and maintenance will emphasize long-term cost effectiveness. Most of our non-motorized volunteer groups in the area are either mountain bike clubs or multiple-use advocates; therefore, the trail should be designed to accommodate those non-motorized uses to increase the chances for sustainable construction and long-term maintenance for which the forests have neither the staffing or funding to accomplish on their own.

FSM 2353.42 directs the “nature and purposes of CDNST are to provide for high-quality scenic primitive hiking and horseback riding opportunities and to conserve natural, historic and cultural resources along the corridor.” Effects on scenic, natural, historic and cultural qualities have been addressed in the EA. No significant differences in effects have been described for any of the action alternatives that would indicate that a substantial interference with the nature and purposes of The Act has occurred through the inclusion of bikes.

FSM 2353.43c “corridor may be relocated to preserve the nature and purposes for which the trail was established and to promote sound multiple-use management”. Multiple-resource management includes consideration of multiple recreation opportunities together with other management activities that are likely to occur in the same area. Moving the existing alignment off of roads and motorized trails allows for the protection of visuals along the trail corridor, provides an experience as intended, and is safer for both road and trail users due to segregation of motorized and non-motorized uses while still allowing for existing forest management activities. This segment of the CDNST is part of the 2400 miles of the 3100 mile

long trail that has not been officially located through publication in the *Federal Register*. This segment when complete would be added to the other segments awaiting Chief of the Forest Service's approval and publication in the *Federal Register*; therefore there is no *Federal Register* publication requirement at this time for relocation.

FSM 2353.44b (8 and 10) describe compatible uses, direct the use of the Recreation Opportunity Spectrum (ROS) and specify that bicycle use may be allowed on the CDNST using appropriate trail design standards "if it is consistent with the applicable CDNST unit plan and will not substantially interfere with the nature and purposes of CDNST." A CDNST unit plan will not be prepared for a single segment of the CDNST for reasons outlined in EA (EA, Appendix C. Response to Comments). The ROS was considered in the EA along with Forest Plan management areas. After reviewing the effects analysis presented in the EA, we have found no substantial interference from the inclusion of bikes with the nature and purposes of The Act.

This trail alignment is not just for the CDNST, but also the CT. The CT's goals are similar to the CDNST in relation to facilitating an appreciation for the value of natural systems and to use volunteers. Our decision to include bikes on this segment supports multiple-use, non-motorized family recreation in a wide variety of unpopulated ecosystems consistent with the goals of the CT. Selection of a hiker/horse only alternative would have undermined the duality of the non-motorized trail.

## Applicable Laws, Regulations and Policy

The following laws, regulations and policy direct the management of the CDNST and decisions to be made.

### Laws

**National Trails System Act (16 U.S.C. 1241 (note), 1241-1249)** established a National Trails System containing National Scenic Trails and connecting and side trails for the purpose of providing recreation opportunities. The act addresses trail development and administration and encourages the use of volunteers in the Forest Service's trail program. The act also authorizes agreements to carry out its purposes.

**National Parks and Recreation Act of 1978 (P.L. 95-625, 92 Stat. 3467)** established and designated the CDNST (16 U.S.C.1244) and amended National Trails System Act of 1968.

**National Forest Roads and Trails Act (16 U.S.C. 532-538)** recognizes construction and maintenance of an adequate system of roads and trails within and near the National Forests are essential to meeting the increasing demands for timber, recreation, and other uses. The act establishes procedures related to rights-of-way, easements, construction, record-keeping, and agreements.

**Surface Transportation Assistance Act of 1978, as amended (23 U.S.C. 101a, 201-204)** establishes criteria for forest highways, defines NFS roads and NFS trails, and authorizes funding for construction and maintenance of NFS roads and NFS trails.

**Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151 et seq)** requires that all facilities designed, constructed, altered, or leased by a federal agency be accessible to persons with disabilities. This Act will apply to approval of new facilities such as restrooms at trailheads as it relates to this decision.

## ***Executive Orders***

**Executive Order 13195, “Trails for America”** directs federal agencies to the extent permitted by law and where practicable--and in cooperation with Tribes, States, local governments, and interested citizen groups--protect, connect, promote, and assist trails of all types throughout the United States. This will be accomplished as it relates to this decision by:

- Providing trail opportunities with minimum adverse impacts and maximum benefits for natural, cultural, and community resources;
- Protecting the trail corridors associated with national scenic trail to the degrees necessary to ensure that the values for which the CDNST was established remain intact;
- Coordinating maps and data for the components of the national trails system to ensure that these trails are connected into a national system and that they benefit from appropriate national programs;
- Fostering volunteer programs and opportunities to engage volunteers in all aspects of trail planning, development, maintenance, management, and education as outlined in 16 U.S.C. 1250; and
- Providing and promoting a wide variety of trail opportunities and experiences for people of all ages and abilities

## ***Regulations***

The principal regulations for administration of trails and trailheads are:

**Travel Management (36 CFR Part 212, Subparts A, B, and C)**. Subpart A establishes requirements for administration of the forest transportation system, including roads, trails, and airfields, and contains provisions for acquisition of rights-of-way. Subpart B describes the requirements for designating roads, trails, and areas for motor vehicle use and for identifying designated roads, trails, and areas on a motor vehicle use map (MVUM).

**Architectural Barriers Act Accessibility Standards (41 CFR Part 102-76, Subpart C)**. These guidelines, which were issued by the Architectural and Transportation Barriers Compliance Board (Access Board) in 2004, apply to buildings and facilities subject to the Architectural Barriers Act and were adopted on November 8, 2005, by the General Services Administration (GSA) as accessibility standards to be used by federal agencies operating under the authority of GSA. These standards will apply to approval of new facilities such as restrooms at trailheads as it relates to this decision.

## ***Other Authorities***

**The 2009 Continental Divide National Scenic Trail Comprehensive Plan** has been adopted as policy (Forest Service Manual (FSM) 2353) included below.

## ***Policy***

**FSM 2309.18** Plan and develop trails based on decisions documented in the applicable land management plan.

**See FSM 2330.12** for related direction on authorities governing accessibility of recreation programs, sites, and facilities

**FSM 2380.3** It is Forest Service policy to: (2).Employ a systematic, interdisciplinary approach to scenery management to ensure the integrated use of the natural and social sciences and environmental design. (3) Ensure scenery is treated equally with other resources. (4) Apply scenery management principles routinely in all National Forest System activities.

**FSM 2353.03**

Manage NFS trails to achieve the Trail Management Objectives identified for each trail (FSM 2353.12).

Provide a variety of trail opportunities, settings, and modes of travel consistent with the applicable land management plan.

Establish outstanding and qualified trails or trail networks as components of the National Trails System.

Emphasize long-term cost effectiveness and need when developing or rehabilitating trails.

Provide a trail system that is environmentally, socially, and financially sustainable.

**FSM 2353.28(2)** Motor vehicle use on National Scenic and National Historic Trails must be consistent with the National Trails System Act (16 U.S.C. 1244 and 1246(c)).

**FSM 2353.31**

(1) The National Trails System (16 U.S.C. 1242(a)) includes:

National Scenic Trails. These extended trails are located so as to provide for maximum outdoor recreation potential and for conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which these trails pass (16 U.S.C. 1242(a)(2)).

Connecting and Side Trails. These trails are components of National Recreation, National Scenic, and National Historic Trails (16 U.S.C. 1245). Connecting and side trails provide access to and alternate routes for National Recreation, National Scenic, and National Historic Trails.

(2) Ensure that management of each trail in the National Trails System addresses the nature and purposes of the trail and is consistent with the applicable land management plan (16 U.S.C. 1246(a)(2)).

(3) TMOs for a National Recreation, National Scenic, or National Historic Trail should reflect the nature and purposes for which the trail was established.

**FSM 2353.32** Establish connecting and side trails where appropriate (16 U.S.C. 1245). Connecting and side trails complement CDNST by providing additional public access or additional recreational opportunities. Manage connecting and side trails in accordance with the direction for the CDNST.

**FSM 2353.42** Administer trail corridors to be compatible with the nature and purposes of the corresponding CDNST. 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 corridor.

**FSM 2353.43c** A segment of a CDNST corridor may be relocated to preserve the nature and purposes for which the trail was established and to promote sound multiple-use management. Relocation requires the consent of the agency with jurisdiction over the underlying land. Publish

notice of the relocation in the Federal Register. Substantial relocations require an act of Congress (16 U.S.C. 1246(b)).

**FSM 2353.44a(3)** Except as provided in the applicable enabling legislation, do not designate a CDNST for motor vehicle use (16 U.S.C. 1246; 36 CFR 212.51).

### **FSM 2353.44b**

(1) The land management plan for an administrative unit through which the CDNST passes must provide for the nature and purposes of the CDNST (FSM 2353.42) and, in accordance with the programmatic requirements of the National Trails System Act, as amended (16 U.S.C. 1244(f)), and the CDNST Comprehensive Plan, as amended, must: (a)....Establish a management area for the CDNST that is broad enough to protect natural, scenic, historic, and cultural features (FSH 1909.12); (b) Prescribe desired conditions, objectives, standards, and guidelines for the CDNST; and (c) Establish a monitoring program to evaluate the condition of the CDNST in the management area.

(2)(c) Establish the Trail Class, Managed Uses, Designed Use, and Design Parameters for the segments of the CDNST that traverse that unit and identify uses that are prohibited on the segments of the CDNST that traverse that unit (FSH 2309.18).(d) Provide for development, construction, signing, and maintenance of the segments of the CDNST that traverse that unit. (e) Identify and preserve significant natural, historical, and cultural resources along the sections of the CDNST corridor that traverse that unit. (f). Consistent with the provisions of the applicable land management plan and the nature and purposes of the CDNST (FSM 2353.42), establish carrying capacity for the segments of the CDNST that traverse that unit (FSM 2353.44b, para. 1). The Limits of Acceptable Change or a similar system may be used for this purpose. (g) Establish monitoring programs to evaluate the site-specific conditions of the CDNST.

(3) Monitor implementation of a CDNST unit plan by establishing a program to evaluate and report on the overall condition of the segment of the CDNST that traverses that unit. To the extent practicable, utilize information collected through land management planning and site-specific monitoring programs.

(7) Use the Scenery Management System (FSM 2382.1; [Landscape Aesthetics: A Handbook for Scenery Management, Agricultural Handbook 701](http://www.fs.fed.us/cdt), 1995, <http://www.fs.fed.us/cdt>) in developing CDNST unit plans and managing scenery along the CDNST. The one-half mile foreground viewed from either side of the CDNST travel route must be a primary consideration in delineating the boundary of a CDNST management area (para. 2b). The CDNST is a concern level 1 route (*Landscape Aesthetics*, page 4-8), with a scenic integrity objective of high or very high, depending on the trail segment (*Landscape Aesthetics*, page 2-4).

(8) 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 (FSM 2353.42). Use the Recreation Opportunity Spectrum (ROS) and the ROS Users Guide in delineating and integrating recreation opportunities in CDNST unit plans and managing the CDNST (FSM 2311.1). Where possible, locate the CDNST in primitive and 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 Montana-Canada and New-Mexico-Mexico borders. Locate a CDNST segment on a road only where it is primitive and offers recreational opportunities comparable to those provided by a trail with a Designed Use of Pack and Saddle Stock, provided that the CDNST

may have to be located on or across designated routes because of the inability to locate the trail elsewhere (FSM 2353.44b, para. 11).

(9) Generally, segments of the CDNST should fall into Trail Class 2 or 3 and have a Designed Use of Pack and Saddle Stock (FSH 2309.18). However, a CDNST segment may fall into Trail Class 1, 2, or 3 and have a Designed Use of Hiker/Pedestrian where a substantial safety or resource concern exists or the direction for the management area provides only for hiker/pedestrian use. Where a CDNST segment has a Designed Use of Hiker/Pedestrian, consider establishing side trails to accommodate pack and saddle stock needs (16 U.S.C. 1245). If the interval between natural water sources is excessive, consider developing and protecting water sources for hikers and pack and saddle stock use.

(10) Bicycle use may be allowed on the CDNST (16 U.S.C. 1246(c)), 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 (FSM 2353.42).

(11) Motor vehicle use by the general public is prohibited on the CDNST, unless that use is consistent with the applicable CDNST unit plan and: (d) Is on a motor vehicle route that crosses the CDNST, as long as that use will not substantially interfere with the nature and purposes of the CDNST (FSM 2353.42); (e) Is designated in accordance with 36 CFR Part 212, Subpart B, and: (1) The designated vehicle class and width were allowed on that segment of the CDNST prior to November 10, 1978, and the use will not substantially interfere with the nature and purposes of the CDNST (FSM 2353.42) or (2) The designated segment was constructed as a road prior to November 10, 1978; or

## ***How Issues were Considered***

### **Biking Not a Substantial Interference with Nature and Purposes of the Act**

The pivotal concern received from commenters is whether or not the inclusion of bicycle use is consistent with The Act and that a determination of whether or not substantial interference with the nature and purpose of The Act needs to be made. Given that the existing alignment with motorized use is also consistent with the nature and purposes of The Act, this is an interesting argument. A brief review of the laws, policies and other direction related to this issue includes:

- The Act (16 U.S.C. 1242) describes that National Scenic Trails “will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.”
- The 1976 Study Report describes the purposes of the CDNST: The primary purpose of this trail is to provide a continuous, appealing trail route, designed for the hiker and horseman, but compatible with other land uses.... Therefore, the protection of the land resource must remain a paramount consideration in establishing and managing the trail. There must be sufficient environmental controls to assure that the values for which the trail is established are not jeopardized....”
- 16 U.S.C 1246(j) “Potential trail uses allowed on designated component of the national trails system may include, but are not limited to, the following: bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking and long-distance backpacking...”
- In 1997, the Deputy Chief of the Forest Service issued a memo to Regional Foresters stating that “...as the CDNST is further developed, it is expected that the trail will eventually be relocated off of roads for its entire length.” The memo further stated that

“It is the intent of the Forest Service that the CDNST will be for non-motorized recreation....”

- In 2003, the Rocky Mountain Deputy Regional Forester issued a memo emphasizing the importance of working toward a high-quality non-motorized route for the CDNST in the Rocky Mountain Region by 2008.
- The amended Comprehensive Plan and FSM 2353.42 describes the nature and purposes of the CDNST: “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 2353.03 Provide a variety of trail opportunities, settings, and modes of travel consistent with the applicable land management plan; Establish outstanding and qualified trails or trail networks as components of the National Trails System; Emphasize long-term cost effectiveness and need when developing or rehabilitating trails.
- FSM 2353.42 Administer trail corridors to be compatible with the nature and purposes of the corresponding CDNST. 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 corridor.
- FSM 2353.44b (8) 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 (FSM 2353.42). Use the Recreation Opportunity Spectrum (ROS) ... (FSM 2311.1)...[T]he CDNST may have to traverse intermittently through more developed ROS classes to provide for continuous travel...(FSM 2353.44b, para. 11). (10) Bicycle use may be allowed on the CDNST (16 U.S.C. 1246(c)), 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 (FSM 2353.42).

In addition to the above, the following were considered in determining whether uses should be restricted to hiker and horse or include the use of bicycles:

- Proposed CDNST is coincident with the CT which is a non-motorized trail. If bikes were determined to interfere with the nature and purposes of The Act, selection of any of the action alternatives would remove a connecting portion of the CT, thereby removing the connectivity of that trail for bikes and reducing options for an entire user group in the area.
- This area is not wilderness nor considered capable for wilderness designation, therefore concern does not exist for removing mechanized use in the future.
- ROS classes (roaded natural and roaded modified) are compatible with all non-motorized uses.
- Management areas are compatible with all summer non-motorized trail uses. Winter use should be curtailed to the extent practical to protect wildlife.
- Existing alignment is dominated by the use of hikers, bikers and motorcycles. For the proposed alignment, use is expected to continue to be primarily hikers and bicyclists unless horse use increases substantially. Motorized uses (including motorcycles) on existing routes would not be impacted.
- Volunteer base consistent with The Act (16 U.S.C. 1250) is primarily mountain biking clubs in this area. Due to limited agency funding and staffing, the GMUG and RGNF would rely heavily on these groups for the sustainable construction and long-term maintenance of this trail. CTF would be the likely continue to be coordinator/agency

partner for this segment of coincident CDNST/CT who would network with other non-motorized groups if bike use were included.

- Many hikers have expressed a desire for trail design that avoids pointless ups and downs, moderate grades, grade control (switchbacks), and proper drainage (all features similar to Trail Class 3 with the designed use of Hiker); these nearly identical design features would also be accomplished through our recommendation of Trail Class 2 or 3 with use designed for Bicycle which has the added capacity for volunteer construction and maintenance that is not likely to be generated by hiking groups alone in this remote area of Colorado.
- While we understand CDNST thru-hiker desires for exclusive use of the trail, exclusion of bikes (and for that matter horses), would not be an environmentally or fiscally responsible decision on our part. We believe that if we considered only hiker/horse use, the trail would never be fully constructed and maintenance would rarely occur because of the lack of established hiker or backcountry horseman volunteer groups in this remote part of Colorado. Under this circumstance we feel that a trail or network of braided trails would likely evolve from a series of game /cattle trails much as many hiker/horse trails have in the past. We have been reminded numerous times by commenters that this is a “national” trail. The CDNST, as a national trail, therefore must be constructed to appropriate standards to keep with the intent of the 1976 Study Report which states “...the protection of the land resource must remain a paramount consideration in establishing and managing the trail. There must be sufficient environmental controls to assure that the values for which the trail is established are not jeopardized...”
- Any of the action alternatives minimize safety concerns associated with mixed-use compared to the No Action Alternative which has motorized and non-motorized users of all varieties sharing routes. The new trail may have non-motorized mixed-use concerns/conflict; however, due to the trail design, relatively gentle topography and limited amount of projected use, this is expected to be minimal and consistent with what visitors would expect in this environment.
- Local communities rely on tourism generated by opportunities on federal lands. Rural communities would experience the largest economic benefit from the inclusion of all three user groups who would spend money on gas, food, lodging, supplies and equipment.
- There are no nationally significant scenic, historic, natural, or cultural qualities (16 U.S.C. 1242) that would be affected differently between any of the action alternatives considered in this EA.

Our review of law, policy and direction together with the considerations specific to this segment indicates that bikes are an appropriate use of the CDNST. Our selection of any of the action alternatives that allow bikes has led us to the determination that use of bikes on this segment does not cause a substantial interference with nature and purposes of The Act.

### **Create a CDNST Management Area**

Several comments suggested that we amend our existing forest plans to include a management area corridor specific to the CDNST per FSM 2353.44b. We have considered these comments and decided not to amend our Forest Plans with a new management area for the following reasons:

- The current management areas have neither the recommended primitive nor semi-primitive non-motorized ROS classes (FSM 2353.44b(8)). They are all roaded natural or roaded modified. Roads and motorized trails already exist in close proximity or crossing the new trail in many areas.



- The only areas within the a new segment alignment that have the recommended “high” Scenic Integrity Objectives (SIOs) are near developed sites, public roads or other areas that are unable to be actively managed primarily due to topography or roadless status (FSM 2353.44b(7)). The rest of the trail alignment has moderate or low SIOs compatible with active management and forest development roads or areas where visual effects are not able to be mitigated through vegetative treatments. These are not the desired SIO conditions for establishment of a CDNST management area.
- This lower elevation area around the Continental Divide includes the timber base for both forests. Establishment of a 1 mile wide CDNST management area would likely remove thousands of acres from active timber management or wood fiber production status. These timber stands are experiencing recent insect and disease mortality that may require increased near-future management to maintain or restore forest health. This level of increased forest management may be inconsistent with changing the SIO to a higher level as would be expected to properly define a CDNST management area.
- Consistent with the provisions of the applicable land management plans, carrying capacity(levels of acceptable change) has been analyzed in the EA for these ROS classes (FSM 2353.44b(2)(f)). In this area, carrying capacity will primarily be constrained by physical design of the trail or conflicting uses causing safety concerns, not by the ROS. Use will further be limited by minimizing the size of the trailheads. We believe that establishment of a CDNST management area with a more-primitive ROS class would not materially decrease the already low use levels anticipated on the trail nor would it change the Trail Class that we have recommended.
- A conservation measure has been approved in our decision that establishes a ½ mile buffer on either side of the trail to protect foreground view of the trail. This buffer will require consideration of the visual environment in the design of future management activities. This consideration is also supported by direction in the GMUG Forest Plan for Visuals Resources Management at III-15(05)(03, 04 and 05). Visual setting, roadless and other analysis related to visuals are described in Chapter 3 of the EA.
- Inclusion of a new management area for a linear feature that extends beyond the project scale and includes other forests along the Continental Divide is outside the scope of this project analysis and should be considered during Forest Plan revisions. This would affect continued multiple-use management on a much larger scale than is considered in the EA.

### ***Factors Other than Environmental Considered in Making Decision***

The desired condition is a trail that is compatible with the nature and purposes of the Act that provides “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). Our decision provides for this opportunity and also for other non-motorized recreation opportunities.

In this remote part of the state it is vital for us to continue building relationships with local governments and local user groups as their livelihood is often intimately affected by the decisions we make for forest management activities and the recreation opportunities we consider. In this location we struggled with whether or not the inclusion of mountain biking on the trail would result in this becoming a destination for that use at the possible exclusion of other uses over time. As a destination, there is an expectation, or hope, that this would aid the local economies through purchase of goods and services and that the attractiveness of the trail would garner long-term support from user groups necessary for continued maintenance. We believe that if this trail becomes a biking destination, its popularity (particularly from local bike users)

might only last a few seasons due to the distance from population centers (just a little too distant for daily use), gentle nature of terrain should limit the opportunities for challenge for very experienced riders, and the nature of the linear trail that would require out-and-back travel as it dead ends for bikes at the La Garita Wilderness, require connecting loops via roads, or require setting up a shuttle. We don't believe this segment will attract the volume of use (> 15 parties-not total number of individuals- met per day) that would preclude either hikers or horses from having a positive experience due to crowding. Further, volume of use will be limited by small trailheads and the numerous entry and exit points at intersections with various roads making patterns of use that might emerge with the construction of the trail unpredictable at this time.

Commenters expressed concern that the use of bikes on this segment of trail would encourage illegal use of the CDNST in the La Garita Wilderness. This segment joins the existing non-motorized alignment before the wilderness boundary where this had not previously been an over-arching concern. This trail junction further serves as an entry/exit point back to the road system for bikers wishing to make a loop. While illegal use may occasionally occur in the wilderness, it is not anticipated to be more of a concern on the new alignment than on the existing route.

### ***Identification of Environmental Documents Considered in Making the Decision***

This decision is based on our review of the analysis contained in the *Continental Divide National Scenic Trail and the Colorado Trail Reroute Lujan to La Garita Wilderness EA*, analysis in the administrative file including the Biological Assessment and Evaluation, the Report to State Historic Preservation Officer and his concurrence, other supporting analyses, public comments and the agency response to comments.

### ***How Considerations were Weighed and Balanced in Arriving at the Decision***

All action alternatives present a better CDNST experience compared to the existing combination of roads, motorized and non-motorized trails. All action alternatives more closely follow the Continental Divide. Environmental impacts for all action alternatives are similar resulting in approximately 22 ½ to 23 acres of disturbance and have similar impacts of very low magnitude.

Our decision is not setting a precedent for the CDNST as a whole regarding mountain bike use. Many segments of the CDNST in Montana, Wyoming, Colorado and New Mexico (where not in designated wilderness) include mountain bikes as a valid use. Many areas of the current CDNST alignment (such as the existing alignment) allow motorized use if it occurred when The Act was signed.

The issues we have had the most discussion over are discussed in the "How Issues were Considered" section above.

### ***Relationship to Public Involvement***

Nearly all comments received generally supported a non-motorized CDNST/CT of some variety. Some users specified preferences for certain types of allowed use; others specified inclusion of all non-motorized uses.

Development of the analysis leading up to this decision has had several tenuous moments over approximately 7 years of effort. Changing policy and regulations, changing analysis teams, differences in interpretations have all played out in our forests' efforts and in public comments.

We have done several course corrections along the way including: publishing legal notices in the correct newspapers of record; extending comment periods; getting appropriate delegations of authority; removing personal biases that were included in the pre-decisional EA; including the CT in analysis; adding best available science, additional alternatives and Response to Comments (Appendix C) to the EA.

Public involvement efforts are described in the section below.

## **Summary of Alternatives Considered**

In addition to the selected alternative (Alternative 5), we considered four other alternatives in detail; these are summarized below. Six other alternatives were considered but eliminated from detailed study (see EA, Chapter 2). Trail alignments and mileages for were the same for Alternatives 2 through 5.

### ***No Action Alternative/Alternative 1***

Under the No Action Alternative (Alternative 1), no new trail construction would be undertaken. CCNST/CT would remain on the existing blend of motorized and non-motorized routes below the Continental Divide.

### ***Alternative 2***

Alternative 2 is similar to Alternative 5 that we selected except it did not include the use of bikes.

### ***Alternative 3***

Alternative 3 is similar to Alternative 5 that we selected except it did not include trailheads at either North Pass (HWY 114) or Luder's Campground.

### ***Alternative 4***

Alternative 4 is similar to Alternative 3 except it did not include the use of bikes.

## **Public Involvement**

Scoping for public concern and comment for these facilities was initiated in 2010. Scoping consisted of adding this project to the Schedule of Proposed Actions published through PALS in July of 2010, and sending a scoping letter and map to an extended list of potentially affected/interested parties, agencies and elected representatives. The scoping letter and map, as well as the mail lists to whom they were sent are in the administrative record. The scoping comment period was from August 13, 2010 (the date of the scoping letter), to September 17, 2010. It should be noted that this was NOT the 30 day Notice and Comment period required under 36 CFR 215, and that another comment period was offered upon completion of a draft EA.

Letters and emails were received from 19 parties, including individuals, organizations, and the Colorado Division of Wildlife (now Colorado Parks and Wildlife). These responses are in the record and were used directly to identify issues listed in the EA (Chapter 2).

In addition to the project specific scoping discussed above, the analysis process that supported the Gunnison Basin Federal Lands Travel Management decision of 2010 provided an opportunity for comment on the Continental Divide Trail. Comments received are recorded in

Appendix XX of the Final Environmental Impact Statement, Gunnison Basin Federal Lands Travel Management, April 2010, at pages XX-24 to XX-30. These comments were reviewed and considered during the development of the EA and are incorporated by reference. Comments on that analysis argued the question of whether the CDNST should be used for motorized use, or not, and advanced positions supported by “intended purposes for the use of the CDNST.” All of these comments were also considered in the development of issues and alternatives in the EA.

A pre-decisional version of this EA was circulated from October 20 through December 17, 2012 for the official comment period. Approximately 57 letters were sent out which included local media; EA was posted to the web; and legal notices were printed in the local newspapers and newspapers of record. Approximately 890 comments were received during the comment period and approximately 28 were received after the comment period closed. Several local trail groups commented, as well as, counties, individual users, and national groups such as the Continental Divide Trail Coalition, The Colorado Trail Foundation, American Hiking Society and the International Mountain Biking Association.

Comments have been summarized and included along with agency responses in Appendix C of the EA. Copies of all comment letters have been included in the Project File.

## **Finding of No Significant Impact**

Based on our review of the EA, public comments on the EA, the agency responses to comments(both in EA, Appendix C) , resource analysis (EA, Chapter 3 and project file), the supporting administrative record, and upon our analysis immediately below, we find that actions resulting from our decision do not constitute major Federal actions significantly affecting the quality of the human environment, as defined in the Code of Federal Regulations at 40 CFR 1508.27 in terms of either context or intensity; and therefore, an environmental impact statement need not be prepared.

### ***Context***

#### **Locality**

This decision would commit approximately 23 acres of NFS lands on the Gunnison and Saguache Ranger Districts to a National Scenic Trail, spur trail to a National Scenic Trail, and trailheads. An additional 20,480 acres (½ mile buffer on either side of the 6’ wide trail), while not changing existing uses or management areas in Forest Plans may need additional restrictions to protect visual resources of the CDNST during on-going management activities until Forest Plan Revisions occur and determine whether or not to make management areas that correspond to the trail.

Lands in the CDNST/CT area are managed for multiple uses including, timber/vegetation management, range management, wildlife habitat, and recreation (EA, Forest Plan Direction and Cumulative Actions Considered in the Analysis sections). Given the extent of other activities occurring in the vicinity of the CDNST/CT alignment, ground disturbance would not appreciably add to existing surface uses. Future activities/uses/opportunities would be similar to existing activities/uses/opportunities and trails would be designed and constructed to reduce overall resource impacts. Therefore, the effects on public land and users over both the short-term and long-term would remain consistent with that which is presently occurring. No short or long term significant impacts are expected as a result of this decision in the local context (EA, Chapter 3).

## **Affected Interests and Affected Region**

Affected interests for this project are range permittees with authorizations in the project area; people using the area for dispersed recreation, wildlife watching and hunting; public and Forest road users; residents in Saguache and Gunnison County; and adjacent private landowners; timber industry and individuals collecting fuel wood. Concerns raised focus mainly on local issues in the immediate vicinity of the trail alignment. This decision allows continued use by livestock permit holders and recreational users of the area. Monitoring and conservation measures have been identified and prescribed to protect and preserve other forest uses in the immediate area (see Decision and EA, Chapters 2 & 3). Gunnison and Saguache Counties will receive economic benefit through goods and services purchased consistent with existing conditions. No short or long term significant impacts on affected interests are expected as a result of this decision in the regional context (EA, Chapter 3).

## **Society as a Whole**

While this decision could result in small scale use and commitment of the land surface, requirements for careful project design would keep these effects to low levels. Therefore, no negative impacts to society as a whole are expected. In fact, some positive benefit may be derived from the development of these trails and facilities regarding enhanced non-motorized recreational opportunity on a nationally recognized trail resource, socio-economic benefit to local communities through increased tourism, and the continued opportunity to participate in volunteer activities for the construction and maintenance of the trails and facilities as envisioned by enabling legislation (EA, Chapter 3).

## ***Intensity***

### **Consideration of Beneficial and Adverse Impacts**

Beneficial and adverse impacts were described in the EA (Chapter 3) and considered other sections of this Decision Notice. A benefit of this decision will be a safer and more desirable non-motorized recreation opportunity than currently exists. Although both beneficial and adverse impacts are disclosed, they are of small scale and focused geographically and in duration. None are severe enough to be considered significant (summarized in EA, Table 2-5). None of the expected beneficial or adverse impacts have a significant amount of intensity that would require documentation in an EIS.

### **Consideration of Public Health and Safety**

We considered public health, safety and potential conflicting uses (EA, Chapter 3) in this decision. Due to the low volume of non-motorized traffic anticipated on the trail, we expect user conflict to be minimal. Safety concerns for crossing State Highway 14 are mitigated by the design and location of the crossing. Mixed-use concerns on the existing motorized route will also be reduced with non-motorized users likely using the new trail instead. Public hazards would be consistent with other areas of the forest managed for timber, range and dispersed recreation uses.

### **Consideration of Unique Characteristics such as Proximity to Historic or Cultural Resources, Park Lands, Prime Farmlands, Wetlands, Wild and Scenic Rivers, or Ecologically Critical Areas**

There will be no significant effects on unique characteristics of the area. There are no unique characteristics or ecologically critical areas (historic or cultural resources, park lands, prime farmlands, wild and scenic rivers or ecologically critical areas) within the affected project area. Wetlands located in the general vicinity area are avoided by the trail alignment.

### **Consideration of the Degree to Which the Effects on the Quality of the Human Environment Are Likely to be Highly Controversial**

This decision and its effects are not unique. The Forest Service has constructed the highest number and mileage of trails in the country. The quality and use of the human environment in the project area is understood (EA, Chapter 3), has been analyzed, and is not highly controversial from a scientific standpoint. The surface disturbing activities would have no discernible effects on local communities. Given the small scale, localized impacts associated with this project, the intensity of this factor does not require documentation in an EIS.

### **Consideration of the Degree to Which the Possible Effects on the Human Environment are Highly Uncertain or Involve Unique or Unknown Risks**

This decision is not unique for the GMUG and the RGNF from the standpoint of understanding potential effects. The forests have decades of experience analyzing and managing similar projects that involve trail alignment and construction. The forests have experience implementing and monitoring similar projects, the effects of which have been found to be reasonably predictable. Based on review of this analysis and compared to our local conditions, the risks associated constructing a non-motorized trail are understood, and can be evaluated and reasonably predicted. No effects from this decision would be classified as highly uncertain or involving unique or unknown risks. The intensity of this factor does not require documentation in an EIS.

### **The effects on the quality of the human environment are not likely to be highly controversial.**

There is no scientific controversy over the physical impacts of the project; effects discussed in the EA are understood and known from science and similar experience. The Forest Service has extensive experience with the types of activities to be implemented. The Forest Service builds, maintains and manages more trails than any other organization on earth. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk.

### **Consideration of the Degree to Which the Action May Establish a Precedent for Future Actions with Significant Effects or Represents a Decision in Principle about a Future Consideration**

This action is not likely to establish a precedent for any future actions with significant effects. We have thoroughly analyzed the laws, regulations and policy in order to determine that including mountain bikes on this segment is not a substantial interference with the nature and purposes of the Act. Because location of this trail is a discretionary decision that has been delegated to us, any future trail alignment proposals would have to be evaluated on their own merits based on the issues and impacts related to the location, timing and intensity of each

action. My decision does not set a precedent or represent a decision in principle about a future consideration; therefore, documentation in an EIS is not required.

**Consideration of the Action in Relation to Other Actions with Individually Insignificant but Cumulatively Significant Impacts**

The lands in proximity to the trail alignments are managed for multiple uses or are developed for public access and private use. The cumulative impacts are discussed under each resource heading throughout the EA and are not significant.

**Consideration of the Degree to Which the Action May Adversely Affect Areas or Objects Listed in or Eligible for Listing in the National Register Of Historic Places or May Cause Loss or Destruction of Significant Scientific, Cultural, or Historical Resources.**

See section below for discussion.

**Consideration of the Degree to Which the Action May Adversely Affect an Endangered or Threatened Species or Its Habitat Has Been Determined Not to be Critical Under The Endangered Species Act.**

A Biological Assessment (BA) was prepared for this decision. All known endangered or threatened or candidate species in the area were considered. Due to “may affect, but not likely to adversely affect” determinations for Canada Lynx informal consultation with the USFWS was required. Canada lynx are covered under the Southern Rockies Lynx Amendment. Additionally, our decision includes conservation measures for the protection of Canada lynx. North American wolverines and Gunnison sage-grouse are currently proposed for listing and have also been considered in the consultation. Wolverine and Gunnison sage-grouse have determinations of “not likely to jeopardize” which is consistent with the lack of individuals or habitat affected in the analysis. USFWS concurrence was received on May 16, 2013. If additional findings regarding threatened or endangered, proposed or sensitive species are discovered, a new biological assessment or evaluation will be written, and consultation reinitiated.

**Consideration of Whether the Action Threatens a Violation of Law or Requirement Imposed for the Protection of the Environment.**

To the best of our knowledge, this decision does not threaten violation of any laws and regulations imposed for the protection of the environment (see following section for analysis).

**Findings Required by Other Laws and Regulations**

***National Trails System Act (16 U.S.C. 1241 (note), 1241-1249)***

National Trails System Act established a National Trails System containing National Scenic Trails and connecting and side trails for the purpose of providing recreation opportunities. The act addresses trail development and administration and encourages the use of volunteers in the Forest Service’s trail program. This trail provides the recreation opportunities as described and permitted in the Act.

### ***National Parks and Recreation Act of 1978 (P.L. 95-625, 92 Stat. 3467)***

National Parks and Recreation Act of 1978 established and designated the CDNST (16 U.S.C.1244) and amended National Trails System Act of 1968. Designation or re-designation of the CDNST is consistent with this act.

### ***National Forest Roads and Trails Act (16 U.S.C. 532-538)***

National Forest Roads and Trails Act recognizes construction and maintenance of an adequate system of roads and trails within and near the National Forests are essential to meeting the increasing demands for timber, recreation, and other uses. This trail will be added to the National Forest System Trail inventory for both forests and will have Trail Management Objectives established to carry out the construction and maintenance. Therefore, designation and subsequent construction of the trail is consistent with this Act.

### ***Surface Transportation Assistance Act of 1978, as amended (23 U.S.C. 101a, 201-204)***

Surface Transportation Assistance Act of 1978, as amended (23 U.S.C. 101a, 201-204) establishes criteria for forest highways, defines NFS roads and NFS trails, and authorizes funding for construction and maintenance of NFS roads and NFS trails. This trail will be adhering to Trail Management Objectives and will apply national design standards. Therefore, designation and subsequent construction of the trail is consistent with this Act.

### ***Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151 et seq)***

Architectural Barriers Act of 1968, as amended requires that all facilities designed, constructed, altered, or leased by a federal agency be accessible to persons with disabilities. This Act will apply to construction standards of new facilities such as restrooms at trailheads. Therefore, our decision to authorize the CXT toilet and trailheads is consistent with this act.

### ***Executive Order 13195, "Trails for America"***

Executive Order 13195 directs federal agencies to the extent permitted by law and where practicable--and in cooperation with Tribes, States, local governments, and interested citizen groups--protect, connect, promote, and assist trails of all types throughout the United States. This will be accomplished as it relates to this decision by:

- Providing trail opportunities with minimum adverse impacts and maximum benefits for natural, cultural, and community resources;
- Protecting the trail corridors associated with national scenic trail to the degrees necessary to ensure that the values for which the CDNST was established remain intact;
- Coordinating maps and data for the components of the national trails system to ensure that these trails are connected into a national system and that they benefit from appropriate national programs;
- Fostering volunteer programs and opportunities to engage volunteers in all aspects of trail planning, development, maintenance, management, and education as outlined in 16 U.S.C. 1250; and
- Providing and promoting a wide variety of trail opportunities and experiences for people of all ages and abilities.



### ***Travel Management (36 CFR Part 212, Subparts A, B, and C)***

Travel Management Subpart A establishes requirements for administration of the forest transportation system, including roads, trails, and airfields, and contains provisions for acquisition of rights-of-way. Subpart B describes the requirements for designating roads, trails, and areas for motor vehicle use and for identifying designated roads, trails, and areas on a motor vehicle use map (MVUM). Our decision is consistent with these regulations.

### ***Architectural Barriers Act Accessibility Standards (41 CFR Part 102-76, Subpart C).***

Architectural Barriers Act Accessibility Standards are guidelines, which were issued by the Architectural and Transportation Barriers Compliance Board (Access Board) in 2004, apply to buildings and facilities subject to the Architectural Barriers Act and were adopted on November 8, 2005, by the General Services Administration (GSA) as accessibility standards to be used by federal agencies operating under the authority of GSA. These standards will apply to construction standards of new facilities such as restrooms at trailheads as it relates to this decision. Our decision is consistent with these standards.

### ***National Forest Management Act of 1976***

The GMUG Forest Plan was approved in 1983 and amended in 1991, as required by this Act. The Rio Grande Forest Plan was revised in 1996 and amended in 2003. These long-range land and resource management plans provide guidance for all resource management activities in each forest. The National Forest Management Act requires all projects and activities to be consistent with the Forest Plan. The Forest Plans have been reviewed in consideration of this trail (EA, Forest Plan Direction). Our decision is consistent with both Forest Plans.

### ***Clean Air Act of 1955, as amended 1977***

This Clean Air Act (CAA) required States to develop plans to implement, maintain, and enforce primary and secondary ambient air quality standards for any criteria air pollutants, and called federal agencies to prevent deterioration of air quality. There would be no effect on air quality from the implementation of this project. Therefore, our decision is consistent with this Act.

### ***Clean Water Amendments of 1972***

This Act requires State and Federal agencies to control and abate water pollution. This project was designed to comply with this Act (Decision; EA, Chapter 2) through the inclusion of conservation measures for trail construction. Our decision is consistent with this Act.

### ***Executive Order 11990 and 11988***

The management of wetlands and floodplains are subject to Executive Orders 11990 and 11988, respectively. The purpose of the EOs are to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and floodplains and to avoid direct or indirect support of new construction in wetlands wherever there is a practical alternative. This order requires the Forest Service to take action to minimize destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands. In compliance with this order, Forest Service direction requires that an analysis be completed to determine whether adverse impacts would result (EA, Chapter

3, Watershed Conditions). The project was designed to avoid impacts to wetlands and floodplains through the through the inclusion of conservation measures for trail construction (Decision; EA, Chapter 2). Our decision is consistent with these orders.

## **National Historic Preservation Act**

There have been thirteen previous cultural resource inventories within or surrounding the new trail alignments. Mountain Heritage Enterprise Unit performed Class III (100%) surveys specific to this project. Rio Grande National Forest personnel also surveyed a segment of the trails. A total of 787 acres were completely inventoried. During the current inventory, three historic sites and seven historic isolates were identified and recorded. Two sites are recommended *not eligible* to the National Register of Historic Places (NRHP). One site is recommended *eligible* to the NRHP. Two previously recorded historic sites with an NRHP eligibility status of *needs data*, including a linear historic site (Cochetopa Pass Stock Driveway) were noted. All sites recommended as *eligible* or *need data* (unevaluated) will be avoided by trail activities and construction crews will be notified of their locations. Sites and isolates that are recommended as *not eligible* to the NRHP require no further work. Negative direct effects will be mitigated by avoidance, proper documentation, and the inclusion of the conservation measure included in our decision. Our decision will have *no adverse effects* if eligible and unevaluated sites are avoided. Concurrence was received from the State Historic Preservation Office regarding NRHP eligibility and effect on August 14, 2012. Our decision is consistent with this and other acts protecting heritage resources.

## **Endangered Species Act**

Discussion of the Endangered Species Act is addressed in Section “Consideration of the Degree to Which the Action May Adversely Affect an Endangered or Threatened Species or Its Habitat Has Been Determined Not to be Critical Under The Endangered Species Act” above. Our decision is consistent with this act.

## **National Environmental Policy Act**

The documentation for this project supports compliance with this Act. The process of environmental analysis and decision making for this proposed action, and the associated documentation, have been conducted to fully comply with the requirements of NEPA. These include requirements of the Act itself, CEQ regulations at 40 CFR 1500, Forest Service policies at Forest Service Handbook 1909.15 and 36 CFR 220, requirements that evolved through the practice of NEPA, and from case law.

## **Implementation Date and Administrative Review and Appeal Opportunity**

### ***Implementation Date***

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15<sup>th</sup> business day following the date of the last appeal disposition. However, construction of this segment is not anticipated to begin until summer 2014 depending on availability of volunteers and funding.

## ***Administrative Review or Appeal Opportunities***

This decision is subject to administrative review pursuant to Federal Regulations at 36 CFR 215. Appeals (including attachments) must be in writing and filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the Appeal Deciding Officer (§ 215.8) within 45 days following the date of publication of a legal notice of this decision in the *Grand Junction Daily Sentinel* and *Valley Courier* (date will be calculated by whichever paper publishes later). Attachments received after the 45-day appeal period will not be considered. The publication date of the legal notice in the newspaper(s) of record is the exclusive means for calculating the time to file an appeal (§ 215.15 (a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at:

Appeals Deciding Officer  
U.S.D.A. Forest Service  
Rocky Mountain Region  
740 Simms Street  
Golden, CO 80401

Fax: 303-275-5134 to the attention of Appeals

Email: [appeals-rocky-mountain-regional-office@fs.fed.us](mailto:appeals-rocky-mountain-regional-office@fs.fed.us)

The office business hours for those submitting hand-delivered appeals are 8:00 AM to 4:30 PM Monday through Friday, excluding federal holidays. Electronic appeals must be submitted in a format such as an e-mail message, plain text (.txt), rich text format (.rtf), or MSWord (.doc). In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Individuals or organizations who expressed interest during the comment period (identified as the scoping period in early 2010 or comment period on the EA in late 2012) specified at 36 CFR 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

## ***Contact***

For more information about this project, contact Niccole Mortenson, phone 406-329-3163 or at [nmortenson@fs.fed.us](mailto:nmortenson@fs.fed.us).

## SIGNATURE AND DATE

As Forest Supervisors of the two affected National Forests, with the delegated authority to do so, we jointly are making this decision.

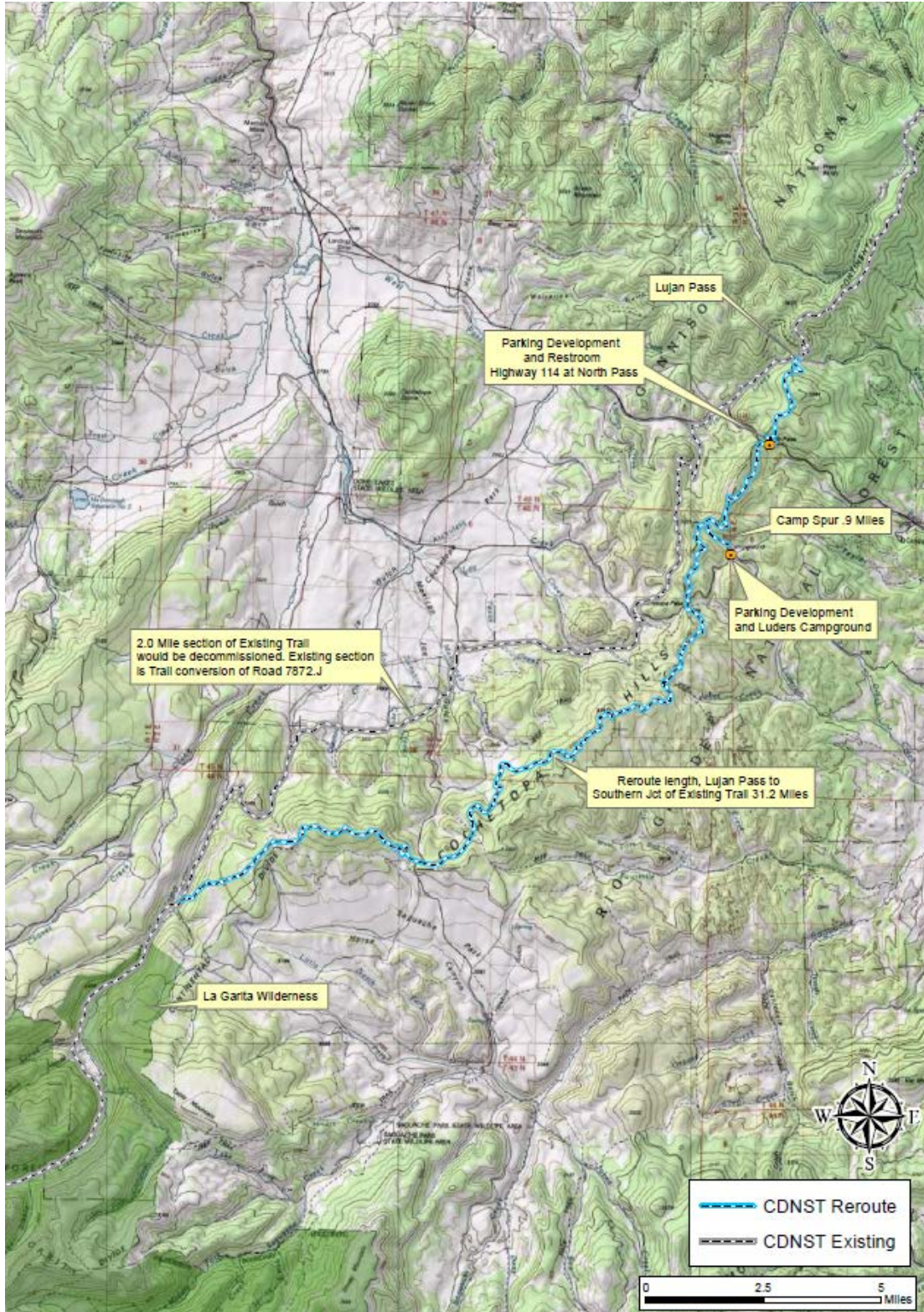
  
\_\_\_\_\_  
DAN S. DALLAS  
Forest Supervisor  
Rio Grande National Forest

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
SCOTT G. ARMENTROUT  
Forest Supervisor  
GMUG National Forests

  
\_\_\_\_\_  
Date

# Appendix A. Decision Map



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## Appendix B. Delegation of Authority



Forest  
Service

Rocky  
Mountain  
Regional Office

740 Simms Street  
Golden, CO 80401-4702  
Voice: 303-275-5350  
TDD: 303-275-5367

File Code: 2350  
Route To: (1920), (2300)

Date: February 26, 2013

Subject: Delegation of Authority - Continental Divide National Scenic Trail

To: Forest Supervisor, Grand Mesa, Uncompahgre, and Gunnison National Forests,  
Forest Supervisor, Rio Grande National Forest

You are hereby delegated the approval authority to locate, relocate, construct, and reconstruct the Continental Divide National Scenic Trail (FSM 2353.04g), as addressed in the "Environmental Assessment Continental Divide National Scenic Trail Reroute Lujan to La Garita Wilderness." As such, you are delegated signing authority for the, "Decision Notice and Finding of No Significant Impact" for this Environmental Assessment. This authority cannot be further delegated.

*/s/ Craig Bobzien (for)*  
DANIEL J. JIRÓN  
Regional Forester

cc: Jim Bedwell  
Greg Warren



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