

United States  
Department of  
Agriculture

Forest Service

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# Decision Notice and Finding of No Significant Impact (FONSI)

## Continental Divide National Scenic Trail Relocation Halfmoon Creek to South Fooses Pass

**Leadville Ranger District**  
Pike and San Isabel National Forests  
Lake and Chaffee Counties, Colorado

**Salida Ranger District**  
Pike and San Isabel National Forests  
Chaffee County, Colorado

**Gunnison Ranger District**  
Grand Mesa, Uncompahgre and Gunnison National Forests  
Gunnison County, Colorado

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## Table of Contents

BACKGROUND .....	1
DECISION .....	2
EA CORRECTIONS, ADDITIONS & ACCIDENTAL OMISSIONS .....	4
PURPOSE AND NEED .....	6
RATIONALE FOR THE DECISION .....	6
ALTERNATIVES CONSIDERED IN DETAIL .....	8
PUBLIC INVOLVEMENT .....	10
ENVIRONMENTAL JUSTICE .....	11
FINDING OF NO SIGNIFICANT IMPACT (FONSI) .....	11
AMENDMENT OF PREVIOUS DECISION .....	14
FOREST PLAN CONSISTENCY AND FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS .	15
IMPLEMENTATION DATE .....	15
SIGNATURES .....	18
Appendix A – Comparison of Alternative Effects .....	19
Appendix B – List of Commenters .....	21
Appendix C – Response to Comments .....	29

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**Decision Notice  
and  
Finding of No Significant Impact (FONSI)**

**CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL RELOCATION  
HALFMOON CREEK TO SOUTH FOOSSES PASS  
ENVIRONMENTAL ASSESSMENT**

USDA Forest Service, Rocky Mountain Region

Leadville and Salida Ranger Districts, Pike and San Isabel National Forests, Cimarron and Comanche  
National Grasslands  
Gunnison Ranger District, Grand Mesa, Uncompahgre and Gunnison National Forests

Lake, Chaffee and Gunnison Counties, Colorado

**BACKGROUND**

In 2001, the United States Department of Agriculture Forest Service (Forest Service or USFS) Leadville, Salida and Gunnison Ranger Districts initiated a planning effort for the relocation of portions of the Continental Divide National Scenic Trail (CDT) to ensure consistency with the original vision of the trail. The Study Area for this planning effort encompasses portions of the Leadville and Salida Ranger Districts on the Pike and San Isabel National Forests, Cimarron and Comanche National Grasslands (PSICC) in Lake and Chaffee Counties, the Gunnison Ranger District on the Grand Mesa, Uncompahgre and Gunnison National Forests (GMUG) in Gunnison County, and the Aspen and Sopris Ranger Districts on the White River National Forest in Pitkin County, Colorado<sup>1</sup>. The San Isabel and Gunnison National Forest will be collectively referenced as the Forest(s).

The *Continental Divide National Scenic Trail Relocation – Halfmoon Creek to South Fooses Pass Environmental Assessment (EA)* describes the environmental effects of a proposal to relocate portions of the CDT between Halfmoon Creek and South Fooses Pass from existing travel routes presently open to motorized use to newly constructed non-motorized routes or to existing non-motorized routes in close proximity to the Continental Divide. These relocated portions of the CDT would tie to existing non-motorized segments of the CDT between Halfmoon Creek and South Fooses Pass. Each of these new or existing CDT segments would be designed for primitive pack and saddle stock use and managed to emphasize hiking and pack and saddle stock use while preserving the significant natural, historic, and cultural resources along the trail. In addition to the proposed action, the EA also describes and compares the environmental effects of implementing a No Action Alternative, as well as an alternative that

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<sup>1</sup> Because the portion of the Study Area in the White River National Forest contains no segments of the existing CDT or any segments of the trail Alternatives carried forward for analysis (EA, Chapter 2), the White River National Forest was not analyzed and therefore will not be referenced in the remainder of the FONSI.

would relocate the CDT onto the present Colorado Trail location between Twin Lakes and South Fooses Pass.

This proposal was developed to ensure that the CDT between Halfmoon Creek and South Fooses Pass meets the nature and purpose of the trail as outlined by legislation and subsequent study reports and legal decisions. On October 2, 1968, Congress enacted the National Trails System Act (P.L. 90-543), which established a nationwide trail system and designated the Appalachian Trail and Pacific Crest Trail. Based on this Act, a study of the CDT was initiated. The Study Report was completed in 1976, addressing development plans and costs, operation and maintenance needs, expected visitation, land ownership and use, and economic impacts of the trail. The legislative Final Environmental Impact Statement (FEIS) for the proposed Continental Divide Trail, to accompany the Study Report, was completed in 1977. The CDT Study Report identifies that:

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.... 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.... The basic goal of the trail is to provide the hiker and rider an entry 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 Study Report also states that “national scenic trails are intended to be established primarily for hiking and horseback riding, and that motorized vehicular use is specifically prohibited by the National Trails System Act.” On November 10, 1978, based on the FEIS, Congress amended the National Trails System Act with the National Parks and Recreation Act of 1978 to establish and designate the CDT. A more detailed history of the CDT legislation and policy direction can be found in Chapter 1 of the EA, pages 1-1 to 1-4.

## DECISION

It is our decision to fully implement Alternative C utilizing the Lake Creek Bridge Option following an easterly alignment around Twin Lakes as described in Chapter 2 of the *Continental Divide National Scenic Trail Relocation – Halfmoon Creek to South Fooses Pass Environmental Assessment*. This project action will consist of the relocation of key areas of the present CDT between Halfmoon Creek to Monarch Pass (approximately 90 miles in distance) to create a route that utilizes the current general location of the existing CDT, but incorporates both new trail segments as well as existing trail segments in order to better fulfill the nature and purpose of the CDT. This will result in a non-motorized CDT route between Halfmoon Creek and Monarch Pass that is designed for pack and saddle stock use, managed for primitive hiking and pack and saddle stock opportunities, and located in close proximity to the Continental Divide. It is also our decision to defer the location decision for the CDT from Monarch Pass to South Fooses Pass to a future planning process that will evaluate the location of the CDT from Monarch Pass to the northern boundary of the La Garita Wilderness. In order to make a decision, reviews and

analysis of the following information and documents were completed: environmental effects as described in the EA and associated record, comments received from interested parties, and direction provided by the 1984 *Land and Resource Management Plan for the Pike and San Isabel National Forests, Cimarron and Comanche National Grasslands*, and the 1991 *Land and Resource Management Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forests*.

The specific components of this decision are included in the following implementation component list and in the discussion of design criteria. A complete, detailed discussion of each component is provided in Chapter 2 of the EA.

### **A. Specific Implementation Components**

- The new construction of approximately 41 miles of trail (see Table 2-4 on page 2-7 of the EA). Forty-one miles of which will not be open to summer or winter motorized use. Approximately 32 miles of which will not be open to mechanized use (e.g., bicycles).
- The reconstruction of approximately 16 miles of existing Forest Service National System trail (see Table 2-4 page 2-7 of the EA). Existing managed uses for reconstructed trail segments will not be changed by this decision from that described by PSICC and GMUG Forest Plan direction.
- The construction of a 100-foot stringer bridge crossing on Lake Creek at the east side of Twin Lakes.
- The construction of up to 11 additional bridges at predetermined locations on the trail.
- The new construction of four spur trails (approximately 1.3 miles total) to provide access from trailheads or to viewpoints, including: South Elbert trailhead spur, Winfield spur, and two spur trails at Cottonwood Pass (see Table 2-4 page 2-7 of the EA).
- The establishment of 15-20 new large group, small group and stock campsites.
- The consolidation of the Mt. Huron and existing Silver Creek trailheads in the Upper South Fork of Clear Creek.
- The closure and naturalization of approximately 1.2 miles of the Silver Basin trail (#1462.1), 0.9 mile of the Huron Basin trail (#1462.3), 3.0 miles of the Lake Ann trail from the Mt. Huron trailhead, and approximately 4.0 miles of the Pear Lake-Clohesy Lake trail (#1461).
- The changing of the management objective for the Apostles Basin trail (#1462.2) from a “Most Difficult” hiking trail to a way trail.

### **B. Design Criteria**

Design criteria are management practices that will be incorporated into this decision in order to minimize or eliminate adverse effects resulting from project implementation. The specific design criteria that that will be implemented with this decision are listed in the EA in Chapter 2 on pages 2-18 through 2-24. A number of additions to this list have been added since the public comment period for the EA as a result of the Forest Service’s consideration of public and internal comments received. Several Design Criteria have been added to those listed in the EA; the additional Design Criteria include the following:

**a. Trail Standards**

- The Forest Service retains the authority to regulate and manage any trail use that is inconsistent with or substantially interferes with the nature and purpose of the CDT and the protection of environmental values within the Study Area. Annual monitoring will occur to ensure that the integrity of environmental values and the nature and purpose of the CDT as a primitive or semi-primitive hiking and pack and saddle stock recreation opportunity are maintained.
- The volume of CDT trail users with domestic dogs, and their respective handling techniques, will be monitored by the USFS.
- Project implementation will provide for the continued, unencumbered access to ditches to complete maintenance work as well as to provide for the long-term integrity of ditch structures.

**b. Plants and Wildlife**

- In order to protect amphibian populations from the spread of a chytrid fungus, all Forest Service employees, volunteers, and cooperators will be required to disinfect clothing (including gloves), boots, and tools within areas of concern according to a method determined by the Forest wildlife biologist.

**c. Soil and Water**

- The USFS will monitor the need for additional public waste disposal services that the project may generate.

**EA CORRECTIONS, ADDITIONS & ACCIDENTAL OMISSIONS**

The following section lists significant corrections to the EA or accidental omissions from the EA.

1) In order to clarify that monitoring will also include safety concerns, interaction between users, and overall satisfaction levels related to the nature and purpose of the CDT with regard to mountain bike use and motorized use on the existing CDT, the fourth paragraph on page 2-4, and the last paragraph of page 2-6 of the EA should read:

Annual monitoring would occur in this alternative to evaluate safety concerns, interactions between motorized, mountain bike, hiking, and pack and saddle stock users, and overall satisfaction levels related to the nature and purposes of the CDT. Additional measures, such as management actions or reroutes, to rectify site specific problems based on monitoring results that identified situations where uses were substantially interfering with quality primitive and semi-primitive hiking and pack and saddle stock recreation opportunities, will be implemented. If needed, separate planning processes and additional environmental analysis will be completed prior to implementation.

2) The first sentence of the second paragraph of page 2-7 of the EA should read:

Currently, as identified by the PSICC National Forest Trail System Trail Management Objectives, mountain biking is allowed on all segments of the existing Colorado Trail, except on those segments that are located in the Collegiate Peaks Wilderness (Map B-7 and Map B-8).

3) In order to clarify the legal managed use for newly constructed trail segments when designated as National Forest System Trails, the second sentence of page 2-11 in the EA should read:

Newly constructed trails will be designed for hiking and pack and saddle stock use during the snow-free season, and will not be legally open to either summer or winter motorized use when designated as National Forest System Trails.

4) On page 2-11 of the EA, 7.5 miles should be changed to 9.2 miles as the number of miles of trail Alternative C would add to the total mileage available to mountain bike use in the study area.

5) The following paragraph should be added below the first paragraph on page 2-12 in the EA to indicate that monitoring will be included in Alternative C to evaluate the effect of mountain bike use on primitive and semi-primitive hiking and pack and saddle stock recreation opportunities for those segments of the CDT where mountain bike use is allowed under this alternative (Alternative C):

Annual monitoring would occur in this alternative to evaluate safety concerns, interactions between mountain bike, hiking, and pack and saddle stock users, and overall satisfaction levels related to the nature and purposes of the CDT. Additional measures or management actions to rectify site specific problems based on monitoring results that identified situations where uses were substantially interfering with quality primitive and semi-primitive hiking and pack and saddle stock recreation opportunities, will be implemented. If needed, separate planning processes and additional environmental analysis will be completed prior to implementation.

6) The Environmental Consequences discussion for the Recreation resource on page 3-17 of the EA should include the following, under Indirect Effects of Alternative C:

Due to improved access to the south side of Twin Lakes and the Interlaken Historic Site, wildland fire occurrences due to escaped campfires, vandalism, illegal camping, and litter in this area could increase. Because of the Special Order prohibiting camping around Twin Lakes and the increased Forest Service enforcement presence, a function of improved access, these impacts could be reduced to result in no net increase.

7) On page 3-38 of the EA, "Twin Lakes Prescribed Burn" should be removed from the subheading of *Timber Harvest*.

## PURPOSE AND NEED

The purpose and need of this proposed action, as outlined in Chapter 1 of the EA, calls for the relocation of portions of the CDT between Halfmoon Creek and South Fooses Pass to ensure that the CDT will be a nationally renowned, high-quality, primitive hiking and pack and saddle stock trail that provides access to the diverse country in close proximity to the Continental Divide. Furthermore, the purpose and need states that the trail should improve the trail safety for trail users, provide opportunities for cultural, historic and natural interpretation along the trail, provide a hiking and pack and saddle stock trail experience consistent with the founding Acts, and is intended to be a long-distance trail for non-motorized use that connects communities and people along the trail.

## RATIONALE FOR THE DECISION

Our criteria for making decisions on this project were based on how well the proposed actions analyzed in the EA address the purpose and need of the project and how adequately the decision addresses issues raised during the scoping process and the comment period on the EA. We also considered Forest Plan standards and guidelines for both the PSICC and the GMUG National Forests. We considered issues raised through public involvement, which included comments from the general public, environmental groups, off-highway vehicle groups, state and local governments, tribes, and consultation with regulatory agencies. Nearly 300 letters and/or emails were received from interested publics during the 30-day comment period, December 19, 2005 – January 17, 2006. The majority of the correspondence received was in support of Alternative C. Various levels of support were demonstrated for the central Twin Lakes bridge, including strong opposition to and full support of the action.

The implementation of Alternative C as outlined in Chapter 3 of the EA will more closely address the purpose and need of this project than the other alternatives considered by providing a non-motorized alignment for the Continental Divide National Scenic Trail between Halfmoon Creek and Monarch Pass that will be a scenic, nationally renowned, high quality primitive and semi-primitive hiking and pack and saddle stock trail in close proximity to the Continental Divide. This alternative more closely implements legislation, other legal decisions, and Forest Service policy that address the nature and purposes of the CDT. Consolidation of the Mt. Huron and existing Silver Creek Trailheads, and the closure and naturalization of portions of several trails in the Collegiate Peaks Wilderness adjacent to the relocated CDT will also address the purpose and need of this project to protect natural features along the CDT by reducing and minimizing impacts to fragile sub-alpine wilderness resources and pristine wilderness character. The No-Action Alternative (A) does not address the purpose of the CDT as a National Scenic Trail that provides primitive and semi-primitive hiking and pack and saddle stock experiences. The Colorado Trail Alternative (B) does not address the purpose of the CDT and the associated need to provide access to diverse and scenic country in close proximity of the Continental Divide.

Numerous issues, concerns, and comments were raised during scoping and comment periods. This internal and public input was utilized to develop nine key issues (EA, Chapter 1 page 1-10

and 1-11). These issues formed the basis for alternative development and for the analysis of the affected environment and environmental consequences associated with action and no-action proposals by the interdisciplinary team. In making this decision it is clearly understood that Alternative C is the most costly to implement and will result in the largest change to the affected environment. Even so, as detailed in the analysis of environmental consequences located in Chapter 3 of the EA, and as addressed in the development of an extensive list of design criteria (EA, Chapter 2), these environmental effects will have no significant impact to the human environment. In contrast, the implementation of Alternative C will provide the public with a resource of national significance that brings together people in an unparalleled natural setting to construct, maintain and use this treasure. Throughout the public involvement process, an overwhelming majority of comments supported the provision of a high quality primitive and semi-primitive hiking and pack and saddle stock recreation opportunity in close proximity to and corresponding with the Continental Divide.

Additionally, Alternative C is consistent with the goals, objectives, and standards contained in both the PSICC and GMUG Land and Resource Management Plans (Forest Plans) as outlined in Chapter 1 of the EA, pages 1-5 and 1-6. This is true both in following general management requirements by addressing the provision of a range of quality motorized and non-motorized recreation opportunities, enhancing scenic values and augmenting economic opportunities, as well as by adhering to specific standards and guidelines outlined in Management Area (MA) direction to protect natural resource conditions. Separating non-motorized use from motorized use will also reduce user conflicts and will enhance public safety on the respective trails.

The EA evaluated two options to traverse the Twin Lakes area; the Twin Lakes bridge option and the Lake Creek bridge option. We have decided to choose the Lake Creek bridge option following an easterly alignment around Twin Lakes due to the combination of a number of factors highlighted in the Environmental Consequences section of the EA. The Lake Creek bridge option is by far the least costly of the options to traverse the Twin Lakes area. In order to reduce the overall cost of the entire project from Halfmoon Creek to South Fooses Pass, we believe that the Lake Creek bridge option is the best alternative to traverse the Twin Lakes area. The benefits of other options do not necessarily outweigh their substantial difference (increase) in cost. As outlined in the EA, the Lake Creek bridge option will have the least impact on the important cultural resources (especially pre-historic sites) in the Twin Lakes area. Even though the Twin Lakes bridge option will meet Forest Plan guidelines for visual quality management (VQOs) we believe that a large bridge between the lakes would be a focal point for many of the viewsheds in the Twin Lakes area, and thereby would have an unacceptable effect to the scenic quality of Twin Lakes.

We have decided to defer the decision to locate the CDT from Monarch Pass south to South Fooses Pass. This is necessary to ensure that best locations of the trail from the South Fooses Creek/Agate Creek area to the La Garita Wilderness coincide with the best location from Monarch Pass to the South Fooses Creek/Agate Creek area. This decision will be made in a subsequent planning process that will evaluate the location of the Continental Divide National Scenic Trail from Monarch Pass to the La Garita Wilderness.

We believe that this decision provides for the continuation of products, goods, and services from the National Forest without impairment of the productivity of the land, and with consideration being given to the relative values of the various resources (Ref. Multiple Use Sustained-Yield Act of 1960; Act of June 12, 1960 [P.L. 86-517, 74 Stat. 215; 16 USC 528 (note), 528-531]), particularly in light of that fact that this decision will not change motorized trail opportunities on the Forests. It is also consistent with both the PSICC and GMUG National Forests Land and Resource Management Plans (as amended), as required by 36 CFR 219.10(e).

## ALTERNATIVES CONSIDERED IN DETAIL

The Forest Service developed three alternatives that were considered in detail to cover the broad range of issues. Other alternatives were also considered but were ultimately eliminated from further consideration because they did not meet the purpose and need of this project or because they contained unacceptable resource constraints. The alternatives considered and analyzed in detail include: 1) Alternative A – No Action, 2) Alternative B – Colorado Trail Corridor, and 3) Alternative C – Proposed Action - CDT Realignment. Discussions of alternatives considered in detail and alternatives considered but eliminated from further consideration can be found in Chapter 2 of the EA.

### 1) Alternative A – No Action

The No Action Alternative would involve no relocations of the CDT between Halfmoon Creek and Monarch Pass. Segments of the CDT that are currently located on roads or trails open to motorized uses would remain on those routes. Trail users would continue to use the bridge on Colorado State Highway 82 to cross Lake Creek in the Twin Lakes area. This alternative is generally located in the proximity of the Continental Divide.

Annual monitoring would occur in this alternative to evaluate safety concerns, interactions between motorized, mountain bike, hiking, and pack and saddle stock users, and overall satisfaction levels related to the nature and purposes of the CDT. Additional measures, such as management actions or reroutes, to rectify site specific problems based on monitoring results that identified situations where uses were substantially interfering with quality primitive and semi-primitive hiking and pack and saddle stock recreation opportunities, will be implemented. If needed, separate planning processes and additional environmental analysis will be completed prior to implementation.

### 2) Alternative B – Colorado Trail Corridor

Alternative B would utilize the majority of the existing 90-mile segment of the Colorado Trail traversing the eastern, forested shoulder of the Sawatch Range primarily below treeline up to 10 miles from the actual Continental Divide, between Halfmoon Creek and South Fooses Pass as the CDT corridor. This alternative included two options to traverse the Twin Lakes area; the Twin Lakes bridge option traversing between the two lakes, and the Lake Creek bridge option following an easterly alignment around Twin Lakes. Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses.

Because 12.1 of the 88.9 miles are presently routed on existing roads open to motorized traffic, only the 76.8 non-motorized miles of this Colorado Trail segment would be officially “located” as the CDT. The remaining miles of the Colorado Trail would be utilized as connections to the officially “located” segments of the CDT on an “interim” basis (as outlined in the 1985 Comprehensive Plan) to provide a continuous travel route until relocations to routes that more closely meet the nature and purpose of the CDT can be completed. “Interim” utilization of these existing Colorado Trail connectors is necessary due to timing and cost issues related to the adjacency of private land and private land access. Between Halfmoon Creek and Twin Lakes, this alternative utilizes the current general location of the existing CDT, but incorporates five realignments to address motorized use, and resource and safety issues. A viable and economically feasible public land corridor was available along this reach of trail to include these construction and reconstruction projects in this analysis effort. Abandoned segments of trail would be stabilized and restored to natural conditions.

Annual monitoring would occur in this alternative to evaluate safety concerns, interactions between motorized, mountain bike, hiking, and pack and saddle stock users, and overall satisfaction levels related to the nature and purposes of the CDT. Additional measures, such as management actions or reroutes, to rectify site specific problems based on monitoring results that identified situations where uses were substantially interfering with quality primitive and semi-primitive hiking and pack and saddle stock recreation opportunities, will be implemented. If needed, separate planning processes and additional environmental analysis will be completed prior to implementation.

### **3) Alternative C – Proposed Action – CDT Realignment**

The components of our decision are identical to the Proposed Action utilizing the Lake Creek bridge option following an easterly alignment around Twin Lakes as described in the EA. This alternative also included the analysis of an option to traverse Twin Lakes via a bridge between the two lakes. This alternative utilizes the current general location of the existing CDT, but incorporates reroutes in order to better fulfill the intent of the CDT. The reroutes also create a completely non-motorized route between North Halfmoon Creek and Monarch Pass. This alternative includes the construction and reconstruction of approximately 57 miles of trail. The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses.

This alternative proposes the consolidation of the Mt. Huron and existing Silver Creek trailheads in the Upper South Fork of Clear Creek basin. This trailhead would provide access for the Mt. Huron Trail (#1462.22) and the realigned CDT in the South Fork of Clear Creek drainage. This alternative also proposes closing and naturalizing portions of several trails in the Collegiate Peaks Wilderness adjacent to the relocated CDT. Overall, these actions would reduce and minimize impacts to fragile sub-alpine resources in the Collegiate Peaks Wilderness by addressing trails that presently receive little use, are difficult to maintain, are located in fragile riparian areas and on unstable slopes, or are located in areas with primarily pristine character. This alternative also includes changing the management objective for The Apostles Basin Trail (#1462.2) from a “Most Difficult” hiking trail to a way trail, in order to ensure that a range of travel route opportunities, including minimally developed routes, are provided in the Collegiate

Peaks Wilderness. Abandoned segments of trail as a result of relocation or closures would be stabilized and restored to natural conditions.

Trails segments would be constructed or reconstructed according to the “More Difficult” pack and saddle stock trail standards, as found in the U.S. Forest Service Trails Management Handbook. Newly constructed trails will be designed for hiking and pack and saddle stock use during the snow-free season, and will not be legally open to either summer or winter motorized use when officially established as National Forest System Trails at completion of construction. The location and layout of the realignments would not be designed for winter use. The trail standard applied would provide a primitive and challenging trail experience. The trail would not be designed or managed for mountain biking. All trail segments within the Collegiate Peaks Wilderness, between Cottonwood Pass and the Tincup Pass road, and between Sheep Gulch and the Silver Basin trail within the Clear Creek drainage would be closed to mountain bike use. No existing trails currently open to mountain bike routes would be closed with this alternative.

Annual monitoring would occur in this alternative to evaluate safety concerns, interactions between mountain bike, hiking, and pack and saddle stock users, and overall satisfaction levels related to the nature and purposes of the CDT. Additional measures or management actions to rectify site specific problems based on monitoring results that identified situations where uses were substantially interfering with quality primitive and semi-primitive hiking and pack and saddle stock recreation opportunities, will be implemented. If needed, separate planning processes and additional environmental analysis will be completed prior to implementation.

#### 4) Comparison of Alternatives

Appendix A provides a table comparing the effects alternative components and the effects of implementing each alternative. The information in the table is focused on activities and effects where different levels of effects or outputs can be distinguished quantitatively or qualitatively among alternatives.

## PUBLIC INVOLVEMENT

Scoping for the Environmental Assessment was initiated with notification in local newspapers and a mailing to over 400 persons, either known to be interested in similar projects or who had asked to be informed of such projects or of the proposed project. Approximately fifty people attended three open houses that were held in November 2004 and March 2005.

Three public scoping meetings were held: Wednesday, November 3, 2004, 5:30 - 8:30 PM at the National Mining Hall of Fame and Museum; November 4, 2004, 5:30 - 8:30 PM at the Chaffee County Fairgrounds; and Wednesday, March 30, 2005 6:00-9:00 PM at the Twin Lakes Schoolhouse. The meeting format, with exhibits and opportunities to make written and oral comments, was intended to promote informal interaction. The attendees at the meetings were asked to visit four stations to learn more about the background, existing conditions, issues and alternatives, and to provide their input to Forest Service representatives and the consulting team. Attendees provided their input directly on station display boards, to representatives or on comment sheets. Based on this evaluation and public input, the alternatives were refined and public issues were identified.

Notices were published in the *Pueblo Chieftain*, Pueblo, Colorado and *Grand Junction Sentinel*, Grand Junction, Colorado prior to public release of the EA. Persons on the USFS mailing list were notified by letter that they could view the EA online, at one of the three ranger districts, forest supervisor, and regional forester offices, or that they may request a copy of the EA directly from the U.S. Forest Service. The U.S. Forest Service created a website where the EA was posted electronically for online reading or personal download. Copies of the EA and large print maps were available at each of the three ranger district offices, at the PSICC and GMUG forest supervisors' offices, and at the Rocky Mountain Region 2 offices. The public was allowed 30-days, December 19, 2005 through January 17, 2006, to comment on the EA. Nearly 300 letters and/or emails were received from interested publics nationwide. The majority of the correspondence received was in support of the proposed project, Alternative C. The U.S. Forest Service read and responded to all substantive comments received. Substantive comments and the U.S. Forest Service responses can be found in Appendix C. All letters and emails, in their entirety, are available in the project record at the Leadville Ranger District, Leadville, Colorado.

## ENVIRONMENTAL JUSTICE

Executive Order 12898 requires federal agencies to address disproportionately high and adverse human health or environmental effects on minorities and low-income populations and communities. This decision would not be expected to cause significant changes in the socioeconomic environment of the project area and thus would not affect low income or minority populations or communities.

## FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Based on the interdisciplinary environmental analysis, review of the National Environmental Policy Act (NEPA) criteria for significant effects, and our knowledge of the expected impacts, we have determined that this action does not pose a significant effect upon the quality of the human environment. Therefore, an Environmental Impact Statement will not be prepared. This determination is based on the following factors:

### **A. Context**

The significance of an action must be analyzed in several contexts such as society as a whole (e.g., human or national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For example, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (40 CFR 1508.27).

The disclosure of effects in the EA found the proposed actions to be limited in context. The project area is limited in size and the construction activities area limited in duration. Effects are local in nature and are not likely to significantly affect regional or national resources.

The implementation of Alternative C will result in the new construction of approximately 41 miles of trail and the reconstruction of approximately 16 miles of trail. The overall anticipated disturbance area is estimated to be approximately 11.8 acres for the entire study area. Project duration is expected to be 3 to 5 years (snow-free seasons from 2006 to 2010), depending on funding and volunteer efforts. Although the project holds regional and national interest, the people most affected by the project would be primarily Colorado residents and through-hikers on the CDT.

## **B. Intensity**

Intensity refers to the severity of impact. Responsible officials must keep in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluation of intensity (40 CFR 1508.27):

### **1. Environmental Effects**

We find that Alternative C, as modified with the implementation of the Lake Creek bridge option, can be carried out without any significant effects to social, economic, cultural, and natural resources as documented by the EA. Overall, this project will have a long-term beneficial impact on the environment (EA, Chapter 3).

Trail construction and reconstruction would result in an improvement of recreation opportunities and user satisfaction (EA, pg. 3-15). The proposed action would increase the non-motorized recreation opportunities in the study area by 32 miles. Additionally, the proposed action would remove the existing CDT from motorized trail and road segments which will help to alleviate user conflicts and improve safety for all trail system users. Local businesses could see a slight increase in patronage as the CDT system is improved (EA, pg. 3-29).

The rehabilitation and relocation of trails, especially along stream corridors (EA, pgs. 2-9), will help to reduce erosion and stream sediment loading and will result in a long-term beneficial impact to water quality, riparian areas, downstream fisheries and aquatic habitat. Implementing the design criteria listed in Chapter 2 of the EA will help minimize the risk of sediment entering streams.

Trail reconstruction, construction and decommissioning activities could cause minor, mostly short-term impacts if sensitive wildlife species or habitats are present. Design criteria for wildlife are presented in the EA and Forest Plan direction will minimize any adverse impacts (EA, Chapter 2). The overall increase in trails could accelerate the dispersion of noxious weeds. To reduce weeds in the project area, educational information will be presented to the public at the contact station and parking areas that informs users on ways to reduce and manage weeds in the area.

Environmental effects associated with the project are discussed in the Environmental Consequences in Chapter 3. These impacts are within the range of those identified in the Forest Plan and will not have significant impacts on resources identified and described in the EA.

## **2. Public Health or Safety**

This action does not pose a substantial question or significant effect on public health or safety. It would, however, have some benefits to public safety by providing a formalized trail system consisting of clearly designated non-motorized trails. The Proposed Action will create safer conditions for trail users by removing the CDT from motorized trails and roads.

## **3. Unique Characteristics of the Area**

There are no unique characteristics of the geographical area that will be significantly affected by the proposed actions. Historic or cultural resources will not be affected because sites will be avoided and mitigation measures (EA, see Chapter 2) will be implemented to ensure that any eligible or potentially eligible heritage sites are not disturbed. The selected alternative will not adversely affect the potential for the creation of pristine management area prescription.

## **4. Controversy**

The effects of the proposed alternative on the various resources are not considered to be highly controversial by professionals, specialists and scientists from associated fields of forestry, wildlife biology, hydrology, recreation, etc. We do not believe that there is significant controversy over the effects of this project, particularly because 1) the central Twin Lakes bridge option was not selected for implementation and, 2) no motorized recreational opportunities are jeopardized as a result of implementation. Due to the limited scope of the Proposed Action, significant effects to the human environment are not anticipated (see EA Chapter 3). It is our judgment that there does not exist an unusual or high degree of controversy related to this project.

## **5. Uncertainty**

There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks. All of the effects of the proposed action are similar to those taken into consideration in the Forest Plan(s). Design criteria, Best Management Practices (BMPs), and adaptive management techniques will ensure that the effects of the proposed action are within expected parameters (EA, Chapter 2). Therefore, we conclude that there are no highly uncertain, unique or unknown risks.

## **6. Precedent**

The proposed action does not represent a precedent for future actions with significant effects or represent a decision in principle about a future consideration. The environmental assessment is site-specific and its actions incorporate those practices envisioned in the PSICC and GMUG Forest Plans and are within the management direction and Standards and Guidelines included in the Forest Plans. Future projects not addressed in this EA will have to be evaluated through separate NEPA processes. The decision to be made is within the scope of the PSICC and GMUG Forest Plans and is not expected to establish a precedent for future actions. The decision to be made does not represent a decision in principle about a future consideration.

## **7. Cumulative Impacts**

There are no known significant cumulative effects between this project and other projects implemented or planned in the area. The EA describes the anticipated cumulative effects (EA, Chapter 3). We are satisfied, after reviewing the EA, that none of the cumulative effects of the

decisions are significant. Furthermore, the cumulative long-term effects of reconstructing or relocating trails in sensitive areas, associated restoration activities and other projects would be beneficial.

### **8. Properties On or Eligible for the National Register of Historic Places; Significant Scientific, Cultural, or Historical Resources**

Qualified professionals have completed a heritage resource inventory of the project area. A report has been prepared indicating that no adverse effects to cultural resources will result from the proposed project, and detailing how all known cultural resources will be protected. This report is being forwarded to the Colorado State Historic Preservation Officer for concurrence. Project implementation will not begin until a letter of clearance is received from the Colorado State Historic Preservation Office. If cultural resources are found during operations when implementation begins, work will be stopped, Forest Service archaeologists will be consulted, and appropriate mitigation measures will be implemented to protect these resources under the requirements of Federal Law.

### **9. Endangered or Threatened Species**

We find the action will not jeopardize the continued existence of any federally listed, proposed endangered or threatened species nor would it adversely modify critical habitat. The entire project area was surveyed and a Biological Evaluation (BE) was prepared that determined that the proposal will not adversely affect endangered, threatened, or sensitive species or their habitat (the project record contains the BE). Therefore, we find that the action can be carried out with no significant adverse effect to federally listed species.

### **10. Legal Requirements for Environmental Protection**

Implementation of the proposed action will not violate any Federal, State, or local law or requirements imposed for the protection of the environment. Applicable laws and regulations were considered in the EA. This project is fully consistent with the PSICC and GMUG Forest Plans and will comply with Best Management Practices and design criteria thereby complying with Clean Water Act requirements within the project area. In arriving at this conclusion, we have considered the potential effects in terms of Context and Intensity as described in 40 CFR 1508.27.

Based upon the review of the test for significance and the environmental analyses conducted, we have determined that the actions analyzed for the Continental Divide National Scenic Trail Relocation project is not a major Federal action and that its implementation will not significantly affect the quality of the human environment. Accordingly, we have determined that an Environmental Impact Statement is not necessary for this project.

### **AMENDMENT OF PREVIOUS DECISION**

This Decision Notice amends the August 20, 1993 Record of Decision for the *Continental Divide National Scenic Trail in Colorado and Wyoming Final Environmental Impact Statement*. This amendment reflects changes in the route locations between Halfmoon Creek and Monarch Pass identified in the 1993 Record Of Decision (ROD) and updates them to include the trail locations

as described in the *Continental Divide National Scenic Trail Relocation – Halfmoon Creek to South Fooses Pass Environmental Assessment*.

A majority of these route location changes between Halfmoon Creek and Monarch Pass consist of minor adjustments from roads or trails open to motorized uses, to new routes within the same drainage no more than one half mile distant from the original location. There are two locations where changes in route locations are of greater extent. The first is in the Twin Lakes area where the route location change moves the alignment from the west end of Twin Lakes to an easterly alignment between Twin Lakes Dam and Colorado State Highway 82. The second extensive realignment is between Texas Creek and Tincup Pass. In this area the route location is changed from an alignment on the Timberline Trail (#414), located west of the Continental Divide, to an alignment following South Texas Creek to Cottonwood Pass and then traversing the east side of the Continental Divide between Cottonwood Pass and the Tincup Pass Road (#267).

## FOREST PLAN CONSISTENCY AND FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This project was designed in conformance with the PSICC and GMUG Forest Plans standards and guidelines. As such, our decision to proceed with the modified Proposed Action is consistent with the Forest Plan and the National Forest Management Act.

The analysis documented in the EA is tiered to the Final Environmental Impact Statement for the PSICC and GMUG National Forest's Land and Resource Management Plans (40 CFR 1500.4, 40 CFR 1502.20 and 40 CFR 1508.28). We have determined that this decision is consistent with the Revised Forest Plans that were approved by the Rocky Mountain Regional Forester in 1984 and 1991, respectively.

Executive orders 11988 and 11990, dealing with floodplains and wetlands will be complied with under the selected alternative. The selected alternative also complies with other laws and regulations such as Section 7(a)(2) of the National Trails System Act which states, "Development and management of each segment of the National Trails System (1968, P.L. 90-543) shall be designed to harmonize with and complement any established multiple-use plans for the specific area in order to insure continued maximum benefits from the land." Further, it is consistent with Forest Service direction (July 3, 1997) that clarifies policy regarding newly constructed trail segments of the CDNST. Best Management Practices will be applied to meet state water quality standards.

## IMPLEMENTATION DATE

If no appeal is received, implementation of this decision may occur on, but not before, five business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

## ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

### A. Appeal Standing

Pursuant to 36 CFR 215.5, the public was invited to review and comment on the EA for a 30-day period. Individuals or organizations that submitted “substantive” written or oral comments during the 30-day comment period established “standing” to appeal this final decision. The 30-day comment period began December 19, 2005 and ended January 17, 2006. Nearly 300 letters and/or emails were received during the 30-day comment period. Individuals and organizations that provided substantive comments are eligible to appeal.

### B. Appeals Information

This decision is subject to administrative review pursuant to Federal Regulations at 36 CFR 215.11. 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 (36 CFR 215.8) within 45 days following the date of publication of this notice. The publication date of the legal notice in the *Pueblo Chieftain*, Pueblo, Colorado and *Grand Junction Sentinel*, Grand Junction, Colorado and is the exclusive means for calculating the time to file an appeal (36 CFR 215.15(a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

Pursuant to 36 CFR 215.13(b), only those individuals and organizations that submitted substantive comments during the 30-day comment period may file an appeal. Where to file an appeal:

U.S. Mail: Appeals Deciding Officer, Regional Forester  
ATTN: 1570 APPEALS  
P.O. Box 25127  
Lakewood, CO 80225

UPS or Federal Express: Appeals Deciding Officer  
USDA, Forest Service  
Rocky Mountain Region  
740 Simms  
Golden, Colorado 80401  
Phone: 303-275-5296  
Fax: 303-275-5134

The office business hours for those submitting hand-delivered appeals are 8:00 until 5:00 Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), and Word (.doc) to [appeals-rocky-mountain-regional-office@fs.fed.us](mailto:appeals-rocky-mountain-regional-office@fs.fed.us). 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.

### **C. Appeal Content Requirements**

It is an appellant's responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed. At a minimum, an appeal must include the following (36 CFR 215.14):

- 1) Appellant's name and address (36 CFR 215.1), with telephone number, if available;
  - 2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
  - 3) When multiple names are listed on an appeal, identification of the lead appellant (36 CFR 215.2) and verification of the identity of the lead appellant upon request;
  - 4) The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
  - 5) The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251, subpart C (36 CFR 215.11(d));
  - 6) Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
  - 7) Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
  - 8) Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
  - 9) How the appellant believes the decision specifically violates law, regulation, or policy.
- Notices of Appeal that do not meet the requirements of 36 CFR 215.14 will be dismissed.

The appellant is responsible for submitting an appeal on or before the last day of the appeal filing period. Where there is a question about timeliness, the U.S. Postal Service postmark on a mailed appeal or the time and date imprint on a facsimile appeal will be used to determine timeliness. Pursuant to 36 CFR 215.9(a), if no appeal is filed, implementation of this decision may occur on, but not before, the fifth day from the close of the appeal filing period.

The *Continental Divide National Scenic Trail Relocation – Halfmoon Creek to South Fooses Passes Project Record* is available for public review at the Leadville Ranger District Office, 810 Front Street, Leadville, Colorado, 80461. To review the Project Record, contact Jeff Leisy, Continental Divide National Scenic Trail Project Manager. Request for copies of the EA and questions concerning this document can be directed to Jeff Leisy at the address provided above or by calling (719) 486-0749.

### **D. Contact**

For additional information concerning this decision or the Forest Service appeal process, contact James E. Zornes, District Ranger, Leadville Ranger District, 810 Front Street, Leadville, Colorado, 80461. Mr. Zornes can be reached at 719-486-0749.

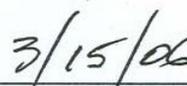
## SIGNATURES

The Forest Supervisors for the Pike and San Isabel National Forests, Cimarron and Comanche National Grasslands and the Grand Mesa, Uncompahgre and Gunnison National Forests have been delegated the approval authority by Regional Forester Letter (February 3, 2006) to “locate, construct, reconstruct, and provide for visitor use management practices for the Continental Divide National Scenic Trail (FSM 2353.04), as addressed in the *Continental Divide National Scenic Trail Relocation – Halfmoon Creek to South Fooses Pass Environmental Assessment (EA)*.”

As such they are the delegated signing authority for the Decision Notice and the Finding of No Significant Impact for the EA.



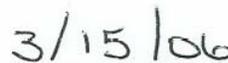
ROBERT J. LEAVERTON  
Forest Supervisor  
Pike and San Isabel National Forests,  
Cimarron and Comanche National Grasslands



Date



CHARLES S. RICHMOND  
Forest Supervisor  
Grand Mesa, Uncompahgre and Gunnison National Forests



Date

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## Appendix A – Comparison of Alternative Effects

### Decision Notice and Finding of No Significant Impact (FONSI)

#### CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL RELOCATION HALFMOON CREEK TO SOUTH FOOSSES PASS ENVIRONMENTAL ASSESSMENT

Table A-1. Comparison of Alternative Effects.

<b>Resource</b>	<b>Alternative A</b>	<b>Alternative B</b>	<b>Alternative C</b>
<b>Hydrology and Soils</b>	No new soil disturbance or stream crossings are planned. This would result in minor impacts to soils and hydrology due to increased use of trail located near or adjacent to streams.	Approximately 1.6 acres of soil disturbance is planned and three new stream crossings. This would result in minor impacts to soils and hydrology due to increased use of trail located near or adjacent to streams.	Approximately 11.8 acres of new soil disturbance would occur. Fourteen larger stream crossings are planned. The miles of trail located in the WIZ* is anticipated to be over 5 miles, resulting in only minor new impacts to stream systems.
<b>Riparian and Wetlands</b>	No new impacts to wetlands or riparian areas. Indirect impacts to riparian areas due to the proximity of trail within the WIZ.	Result in a minor impact to approximately 0.6 acre of riparian habitat. Indirect impacts to riparian areas due to the proximity of trail within the WIZ.	Result in a minor impact to approximately 2.0 acres of riparian habitat. Indirect impacts to riparian areas due to the proximity of trail within the WIZ.
<b>Cultural Resources</b>	No new impacts to cultural resources.	Impacts to cultural resources if mitigation is not implemented. Opportunities for interpretation and education.	Impacts to cultural resources if mitigation is not implemented. Opportunities for interpretation and education.
<b>Wildlife (Federally listed, Forest Service sensitive, and Management Indicator Species)</b>	No new impacts to wildlife.	Individuals may be impacted from increased use concentrated near important wildlife areas.	Increase in amount of trail in MA 4B. Individuals may be impacted by increased use.
<b>Fisheries and Aquatic Resources</b>	No new trail construction. Approximately 9 miles of existing trail within the WIZ.	Approximately 10 miles of trail within the WIZ. Approximately 7 miles of new trail construction or reconstruction, 0.2 miles would be in the WIZ. One new stream crossing.	Approximately, 6 miles of trail within the WIZ. Approximately 58.1 miles of new trail construction or reconstruction, 2.3 miles is in the WIZ. Fourteen new large stream crossings.
<b>Vegetation (Federally listed and Forest Service sensitive plants)</b>	No direct impacts to vegetation. Minor indirect impacts from increase use and dispersion of noxious weeds.	Minor direct impacts to vegetation (2.8 acres) as a result of construction. Individuals may be impacted. Minor indirect impacts from increase use and dispersion of noxious weeds.	Direct impacts to vegetation (21.1 acres) as a result of construction. Individuals may be impacted. Minor indirect impacts from increase use and dispersion of noxious weeds to new areas.
<b>Recreation</b>	Decrease in user satisfaction. User conflicts continue. Only partially	Decrease in user satisfaction. Overcrowding on Colorado Trail. User conflicts continue.	Increase in user satisfaction. Meets the intent of the CDT trail. Reduces user conflicts

<b>Resource</b>	<b>Alternative A</b>	<b>Alternative B</b>	<b>Alternative C</b>
	meets the intent of the CDT. Decreases pedestrian safety.	Does not fully meet the intent of the CDT.	Improves recreation opportunities.
<b>Wilderness</b>	Provides unofficial access into the primitive and pristine basins. The impacts of this unofficial use are resulting in the development of user created routes.	Concentration of users in one location (eastern portion of wilderness), long-term could affect ability to meet wilderness criteria. Removes CDT user base from western side of wilderness, may result in local resource condition improvement.	Increase in amount of wilderness accessible by users. Potential direct effects include wilderness fragmentation, decrease in opportunities for solitude, campsite development, visual impacts, and obvious evidence of human influence.
<b>Socioeconomics</b>	Least costly to implement (\$0-\$330,000). No additional economic benefit to surrounding communities.	Approximately \$658,000 - \$1.5 million (with Twin Lakes bridge option) to implement. Minor additional economic benefit to immediate surrounding communities.	Most costly to implement \$2 million - \$2.8 million (with Twin Lakes bridge option). Local and regional economic benefits.

\*The Water Influence Zone (WIZ) is defined as the area 100 feet to either side of a stream channel bank, see the Hydrology and Soils and Wetlands and Riparian Affected Environment for more discussion.

## Appendix B – List of Commenters

### Decision Notice and Finding of No Significant Impact (FONSI)

#### CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL RELOCATION HALFMOON CREEK TO SOUTH FOUSES PASS ENVIRONMENTAL ASSESSMENT

NUMBER	FIRST NAME	LAST NAME	ORGANIZATION
1.	John	Kester	
2.	Cliff	Tucker	
3.	Steve	Erickson	
4.	Daniel	Drew	
5.	Robert	Kippen	
6.	Walt	Green	
7.	Thomas	Laubenthal	
8.	Ron	Smith	
9.	Craig	Hill	
10.	Bernard	Drier	
11.	David	Riker	
12.	Jim	Colln	R&R Duners Club
13.	Mark	Hoffman	Crazy Mountain Motorsports, Inc.
14.	Mark	Setterholm	
15.	Jody	Norton	
16.	Randy & Cindy	Norton	
17.	Terry	Simpson	
18.	Rory	Copeland	
19.	George	Skrypek	
20.	Mark	Baker	
21.	James	Smetona	
22.	Kathleen	Rensky	
23.	Daryl	Bender	
24.	Burt	Lamborn	
25.	Mike	Trout	
26.	A.J.	Johnson	
27.	Robin	Chacon	
28.	Tom	Ferch	
29.	Robert	Hormell	
30.	Angelina	Pryich	
31.	Glenn	Jaffas	
32.	Eric	Dudley	
33.	Carl	Palomo	
34.	Marshal	Lines	
35.	Lyle	Jones	

36.	Martin	Miller	
37.	Harold	Leeper	
38.	Mal	Sillars	
39.	Christopher	Johnson	
40.	Dave	Helgeson	
41.	John	Brock	
42.	Dan	Johnson	
43.	David	Van Duyn	
44.	Larry	Shepherd	
45.	Lynn	Andrew	
46.	George	Noxon	
47.	Mike	Gasman	
48.	BD	Brazill	
49.	Rod	Lampman	
50.	John	Patterson	
51.	Jay	La Bonte	
52.	John	Lindberg	
53.	Steven	Ware	
54.	Pamela	Weidemoyer	
55.	Phil	Schreiner	
56.	Barry	Krayer	
57.	Greg	Seeds	
58.	Michael	Scott	
59.	Randy	Parsons	
60.	Donald	Powell	
61.	Tom	Thomas	San Juan Trail Riders, Telluride Chapter
62.	Bruce	Friend	
63.	Chris	Briggi	
64.	Russell	Regentine	
65.	Kristopher	Penzig	
66.	Brian	Eicher	
67.	Mike	Kruger	
68.	Doug	Brewer	
69.	James	Robinson	
70.	Terry	McKinney	
71.	Nancy	McReady	Conservationists with Common Sense
72.	Ron	Ney	
73.	S.R.	Smith	
74.	Edward	Brooks	
75.	Andy	Canavan	
76.	Paul	Lambotte	
77.	Keith	Peter	
78.	Mike	Brown	
79.	Carlos	Molieri	

80.	Terry	Post
81.	Matthew	Newman
82.	Vince	Brunasso
83.	Scott	Kramer
84.	David	Ware
85.	Michael	Manley
86.	Steve	Patterson
87.	_____	_____
88.	Robert	Hatton
89.	Tim & Darlene	Sumrall
90.	Keith	Ehlers
91.	Tom	Ables
92.	Fred	Peters
93.	Dave	Kiesow
94.	Bill	Jones
95.	Kent	Sundgren
96.	Barb	Iwan
97.	Jim	Schreiner
98.	William	Hall
99.	Norman	DeLamar
100.	Ron	Smith
101.	Terry	Pickens
102.	Ron	Gentry
103.	Roger	Tebo
104.	Kenneth	Brotz
105.	Gary	Geiger
106.	Jim & Dorris	Miller
107.	John	Schnorr
108.	David	Merriam
109.	Kurt	Hargarten
110.	Robert Mike	Neeley
111.	Kenneth	Upchurch
112.	Jon	Pergl
113.	Sandy	Jackson
114.	Alan	Elliot
115.	Lee	Sadow
116.	Kirk	Patterson
117.	Doug	Reynolds
118.	Daniel	Scott
119.	Dan	Walling
120.	Scott	Ashton
121.	Jeff	Slavens
122.	Jim	Fleming
123.	Michael	Anderson
124.	Jim	Goeldner

Florida Recreation Action Network  
Bob's Quads ATV Service and  
Repair

125.	Benjamin	Fisler
126.	Nicholas	Pellegrino
127.	Greg	Ashby
128.	Shannon	Bushman
129.	Jed	Johnson
130.	Dale	Reynolds
131.	William	Barnard
132.	Seldon	Gifford
133.	Scott	Smith
134.	Christopher	Plumb
135.	Sean	Goldwasser
136.	David	Johnson
137.	Robert	Carr
138.	Stephen	Humes
139.	Tracy	Riffe
140.	Dave	Rockwell
141.	Steve	Morgan
142.	Robert	Baumgarten
143.	Joe	Poerschke
144.	Greg	Boucher
145.	John	O'Malia
146.	Mike	Lagomarsino
147.	Mark	Hudson
148.	Lee	Karr
149.	Albert	Llata
150.	Dinda	Evans
151.	Julie	Yerigan
152.	William	Holzappel
153.	Rob	Burson
154.	Steve	Vanatta
155.	Charles	Cobun
156.	Susan	Cobun
157.	David	Dougherty
158.	Paul & Karen	Smith
159.	Corky (C.L.)	Behrle
160.	Larry	Holt
161.	Brian	Stadelman
162.	Joe	Doan
163.	Gary	Ferguson
164.	Dick	Emborg
165.	Frank & Martha	Showers
166.	Rick	Culver
167.	Valdi	Stefanson
168.	Jarna	Rainey
169.	Gary	Baumert
170.	Richard	Whiteford

171.	Troy	Runck	
172.	Gregg	Daniels	
173.	Lon	Sawdey	
174.	Landon	Tate	
175.	Bruce	Chatwell	
176.	Jinny	Lucas	
177.	Hurley	Wilvert	New Mexico OHV Alliance
178.	Garry	Owen	
179.	Keith	Allen	
180.	William	Hoard	
181.	Malcolm	Hunter	
182.	James	Spindler	
183.	R. James	Johnson	
184.	John	Davis	
185.	Mike	Nelson	
186.	Jon	Snider	
187.	Ward	Hinsen	
188.	Wilford	Duersch	
189.	Jay	Rose	
190.	David	Bacon	
191.	Rod	McGowan	
192.	Mike	McRoberts	
193.	Mark	Wefler	
194.	Steve	Erickson	Twin Lakes Improvement Assoc.
195.	Bob	House	
196.	Nancy	Mottinger	
197.	Josh	Harmon	
198.	Joel	Gabler	
199.	Jim	Wolf	Continental Divide Trail Society
200.	Harry	Franzgen	
201.	Lois	Silvernail	
202.	Nick	Clark	
203.	Glenn	Johnson	
204.	Dave	Hamilton	
205.	Dick	Leever	Southeast Oregon Resource Advisory Council
206.	Dan	Sands	
207.	Larry	Wheeler	
208.	Dan	Blankenship	
209.	Keith	Kinzel	
210.	Mark	Gigas	Ventura County Motorcycle Club
211.	David	Stroud	
212.	Jim & Laura	Cornwell	
213.	Brent	Hoak	
214.	John	Piller	
215.	Trisha	Nelson	

216.	Becky & Dan	Smith
217.	Steve & Sandy	Heinz
218.	T.C.	Grant
219.	Mitchell	Smith
220.	Michelle	Cassella
221.	Jeffrey	Rook
222.	Joseph	Bellinger
223.	Peggy	Bogart
224.	Chris	Ruske
225.	Jeff	Wilkes
226.	Lynn	Kehler
227.	Keith	Yancy
228.	Keith	Yancy
229.	Ken	Salo
230.	Michael	Damianakis
231.	Robert	Norton
232.	Thomas	Popp
233.	Jason	Elliott
234.	Mark	Klatke
235.	Randolph	Montgomery
236.	James	Krajnik
237.	Scott	Pettinger
238.	Scott	Pettinger
239.	Michael	Hughes
240.	Alan	Randall
241.	Ruxton	Noble
242.	Clay	Cralle
243.	Homer	Van Zandt
244.	Hubert	Walker
245.	Larry	Hopkins
246.	Steve	Christensen
247.	Jim	Burgel
248.	Ed	Askew
249.	Louis	Roppo
250.	Christopher	Tsokalas
251.	Greg	Fleming
252.	Jerry	Trudeau
253.	Robert	Johnson
254.	Tim	Nowak
255.	Glenn	Cox
256.	Carolyn	Bennett
257.	Don	Carberry
258.	Robert	Gottschalk
259.	Fred	Pittman
260.	Dudley	Varnery
261.	Nick	Campion

Capital Trail Vehicle Association

262.	David	Dougherty
263.	Chris	Vargas
264.	John	Potter
265.	Jim	Maucker
266.	Scott	Correll
267.	Robert	Clark
268.	Donald	Potter
269.	David	Kaiser
270.	Craig	Hill
271.	Craig	Hill
272.	Cornelia	Patti
273.	Rob	Stickler
274.	Mark	Thome
275.	Carolyn	Abbott
276.	Annie	Mueller
277.	Dennis	Zadra
278.	Randolph	Montgomery
279.	Bruce	Wyman
280.	_____	_____
281.	Lyn	Berry
282.	Lee	Kerrison
283.	Dennis	O'Neil
284.	Matthew	Feier
285.	Jeff	DeChristopher
286.	Matthew	Comer
287.	Anita	Schleis

Continental Divide Trail Alliance

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## Appendix C – Response to Comments

### Decision Notice and Finding of No Significant Impact (FONSI)

#### CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL RELOCATION HALFMOON CREEK TO SOUTH FOOSSES PASS ENVIRONMENTAL ASSESSMENT

#### INTRODUCTION

The Forest Service received 287 public comment letters/emails on the Environmental Assessment (EA). The letter/emails have been documented and analyzed for content, and responses have been prepared for all substantive comments. This section presents all of the substantive comments received on the EA and the Agency's response to those comments. Comments that simply favor or oppose specific alternatives or those that only agree or disagree with Agency policies were not considered substantive comments.

Comments were grouped by key topics and subjects. Comment excerpts in **boldface** are used to briefly describe the main points that are made in the comment letters. The letters/emails are not presented here in their entirety; however, they are available for public review in the Project Record. Comment numbers in parenthesis preceding the boldface comment excerpts refer to the numbering system used in the content analysis process and can be found in the Project Record appendices. Agency responses to the comments are in *italics*.

#### TWIN LAKES AREA

(199) **If the Central option were not to be adopted, we think the best course would be to select a West Twin Lakes Option. What we have in mind is the existing trail (west of Twin Lakes) from Bartlett Gulch to Highway 82, crossing Dayton Gulch and Gordon Gulch along the way. (See the San Isabel National Forest map, Twin Lakes Recreation Area inset.) The route would continue south of the highway by going around the west end of the reservoir, with a bridge across Lake Creek and such other engineering measures as may be needed. Several reports from hikers document that this is a feasible course, though currently it involves some bushwhacking and moist ground. It would be easy to connect with the trail up Willis Gulch and continue south to Hope Pass on the CDNST.**

*The EA states (pg. 2-16), "A western route around Twin Lakes, including utilizing the existing Willis Gulch bridge, was [considered] as part of this analysis. However, due to riparian and wildlife issues, site feasibility concerns for a sustainable crossing of a continuously shifting stream channel, private property issues, and a permanent seasonal area closure to protect 'a threatened, endangered, rare, unique, or vanishing species of bird', this alignment was dismissed from further consideration." There are numerous reasons why this is not a feasible option.*

**(3) The E.A. did not adequately explore all the impacts of a Twin Lakes bridge such as lake water levels, animal migration, channel dredging, security of historic and archeological sites, and proximity to the B.O.R. Power plant, just to name a few.**

*The Bureau of Reclamation (BOR) was consulted during the alternative development process. The BOR supported the central Twin Lakes bridge and concurred that bridge design would address water levels and channel dredging issues. The BOR did not see any conflict with the present location of the trail or its proximity to the power plant which is closer than the central Twin Lakes bridge option. Migration pattern disruption was not identified by IDT wildlife biologists as a potential impact. The EA states on pg. 3-14 that Forest Service enforcement presence will increase as a function of improved access, therefore the security of historic and archeological sites will be improved. Furthermore, as stated on pg. 3-104 of the EA, "...Impacts can be avoided or minimized through the implementation of appropriate site-specific design criteria through consultation with the Colorado State Historic Preservation Office and the Advisory Council on Historic Preservation."*

**(256) I am writing to protest the construction of a bridge between the two lakes of Twin Lakes. I believe that making access to the south shore of the lakes readily available will only serve to promote irresponsible campers by virtue of the sheer increase in volume of visitors that is bound to occur with the construction of such a bridge. No doubt, there will be an increase in trash and vandalism to our beautiful, historic jewel. Right now, because people have to hike so far to get into Interlaken, I believe they exercise more respect for the historical area and surrounding forest, hence the area stays unlittered from year to year.**

*As addressed in the EA Chapter 3, Section B. Recreation (pg. 3-14), indirect effects for Alternatives B and C will result in increased access to the south shore of Twin Lakes and increased enforcement and educational presence by the Forest Service thereby potentially reducing impacts related to escaped campfires, trash and vandalism.*

**(256) Regarding the proposed bed and breakfast at Interlaken, this will be an unfortunate change to Twin Lakes, an area whose main highlight is that it stays basically the same from year to year, untainted by the advent of commercialism that other resort areas in Colorado are valued for.**

*None of the alternatives considered in this EA include a bed and breakfast at the Interlaken Historic Site as an alternative component.*

**(260) I have seen historic photos showing one there, as access to Interlakin, but I worry that one there now would further contribute to the vandalism across the lakes.**

*As addressed in the EA Chapter 3, Section B. Recreation (pg. 3-14), indirect effects for Alternatives B and C will result in increased access to the south shore of Twin Lakes and increased enforcement and educational presence by the Forest Service thereby potentially reducing impacts related to escaped campfires, trash and vandalism.*

**(194) This highly visible bridge would detract from the natural geological beauty of the area. The man-made structure would give the impression of a “theme park.”**

*The EA states on pg. 3-13, “The PSICC Forest Plan directs that recreational and scenic resources in the Twin Lakes bridge area be managed for the Visual Quality Objective of Partial Retention...Management activities must blend with the natural setting, and should be designed to enhance or provide more viewing opportunities in selected areas.” Numerous comments were received questioning whether a bridge at this location would blend with the natural setting. The Forest Service agrees that a bridge at this location may not blend with the natural setting. Therefore, the Lake Creek bridge option was selected for implementation. This was one of the reasons that the Lake Creek bridge option was selected.*

**(194) Sailboats and larger water vessels would no longer be able to pass between the two lakes.**

*The Forest Service acknowledged this issue on pg. 3-13 of the EA. This issue was one of the reasons that the Lake Creek bridge option was selected for implementation.*

**(194) A bridge between the lakes may change animal migration routes. (Note: We did not find this topic covered in the EA and believe a full environmental impact study should be conducted prior to approval of the bridge structure.)**

*Migration pattern disruption was not identified by IDT wildlife biologists as a potential impact of the central Twin Lakes bridge. The Lake Creek bridge option was selected for implementation due to a number of other concerns regarding a central Twin Lakes crossing; therefore, a full environmental impact study is not necessary.*

**(194) It is wasteful spending \$1,000,000 to erect a bridge just to shorten the hiking experience by five miles.**

*Implementation costs were analyzed beginning on pg. 3-27 of the EA. Cost was a major factor in the decision; ultimately the least expensive option for a Twin Lakes crossing (Lake Creek bridge option) was selected for implementation.*

**(194) During high-water levels, watercraft would be unable to pass under the bridge. The E.A. does not address lake water level fluctuation.**

*The BOR was consulted during the alternative development process. The BOR supported the central Twin Lakes bridge and concurred that bridge design would address water levels.*

**(194) With a low-level bridge, dredging would be nearly impossible.**

*The BOR was consulted during the alternative development process. The BOR supported the central Twin Lakes bridge and concurred that bridge design would address channel dredging issues.*

**(194) Easy access to the south shores of the lake may encourage future development, environmental and water degradation, and increase vandalism to the historic Interlaken site.**

*The location of a trail and bridge that provides access to the south side of Twin Lakes would have no direct effect on potential future development or environmental and water degradation. This Environmental Assessment does not address development decisions on the south shore of Twin Lakes. Any potential development proposals on the south shore would require a separate planning process. As addressed in the EA Chapter 3, Section B. Recreation (pg. 3-14), indirect effects for Alternatives B and C would result in increased access to the south shore of Twin Lakes and increased enforcement and educational presence by the Forest Service thereby potentially reducing impacts related to vandalism.*

**(194) Several TLIA members feel strongly that the “western route” utilizing the Willis Gulch Bridge crossing Lake Creek should be re-examined in detail. The “western route” alignment using lands north of Highway 82 from the South Elbert Trailhead to the Willis Gulch Bridge, in our opinion, would be a much more enjoyable hiking experience than any of the other three alternatives presented in the EA. Another important consideration is**

**that by crossing Highway 82 nearer to the Willis Gulch Bridge, the elk calving area would remain undisturbed.**

*Crossing Colorado State Highway 82 near the location of the existing Willis Gulch Bridge would require traversing between one half to one mile of private land. The CDNST Comprehensive Plan directs under the Management Policies and Direction: Location Criteria section to “use public lands or existing public right of ways as much as possible.” Deviations from the continental divide may be made to “deviate around private land” where a public right of way (ROW) does not presently exist, utilizing public land. Please see pg. 2-15 for the discussion on “Alternatives Considered but Eliminated from Detailed Study” for further information regarding the complexity of issues at the west end of Twin Lakes.*

(194) Many day hikers use the current section of the Colorado and Continental Divide trails located between the southeast corner of the lower-lake Trailhead parking area to reach the historic Interlaken Hotel buildings. **TLIA would like to see better signage directing Highway 82 travelers to this parking area, as well as better road maintenance into the parking area. We also would ask that this section of the trail into Interlaken not be closed due to trail construction and that it be highly maintained.**

*Additional signage, in areas other than along the trail alignment, and road maintenance are beyond the scope of this EA. According to Forest Service policy, all trails will remain open during construction and reconstruction activities unless public safety issues are identified.*

(194) TLIA encourages non-motorized use of the lakes’ surface, favoring sailboats, windsurfers, ice boating, canoes, and kayaks. Moreover, because the lakes are also used as a water storage facility, a time may come when motorized restrictions will be necessary. If this should happen, more non-motorized use on the lakes is highly probable. **If a bridge were erected over the channel connecting the two lakes, it would create a very undesirable obstacle to this type of recreation.**

*The Forest Service acknowledged this issue on pg. 3-13 of the EA. This is one of the reasons the Lake Creek bridge option was selected for implementation.*

(194) **In the EA on page 3-29, it stated that the historic Village of Twin Lakes would benefit as a result of the Twin Lakes bridge. TLIA believes its members would rather have increased tourism based on the natural, geologic landforms and not on a man-made concrete and steel structure. Also, we believe a slow, steady growth of tourism in the area would result in a much higher quality experience for both residents and tourists and would lessen the social impacts of a fast, uncontrolled influx of visitors. Of utmost importance, the USFS should be aware of the lack of current infrastructure in the Twin Lakes area,**

**specifically, sewage disposal, water treatment facilities, and fire protection before embarking on projects that would result in “noticeable impact to the character of the community.”**

*Because Twin Lakes is not on public water or sewer, the capacity to meet infrastructure requirements such as water treatment and sewage disposal is the responsibility of private property and business owners. The potential need for additional public waste disposal services that this project may generate will be monitored by the Forest Service. Leadville-Lake County Fire and Rescue currently provides fire protection for the Twin Lakes area as a community-based service. It is the responsibility of the county residents to identify the need for additional services.*

(276) Overall, trails on the three Districts are currently in poor-fair condition due to a maintenance backlog. Much of this backlog is due to a lack of maintenance funding in recent years and the fact that many of these trails were not originally designed or laid out for the present use levels and types, therefore these trails require a higher than normal level of maintenance. Many of the existing routes were originally constructed for logging and mining purposes and have been grandfathered into the Forest Service trail system (page 2 Chapter 3) **and yet the USFS plans to spend hundreds of thousands of dollars – even a million dollars - on a bridge that is not wanted nor needed? Could the Feds not better use this money for the e maintenance that has been neglected? Once again it appears to be a use it or lose it situation. Is it just so unglamorous to maintain trails compared to the building of self aggrandizing monuments that will greatly disappoint the year round residents?**

*Implementation costs were analyzed beginning on pg. 3-27 of the EA. Implementation regulations of NEPA expressly avoids a cost-benefit analysis as being a necessary basis for decisions: “For purposes of complying with the Act, the weighing of the merits and drawbacks of the various alternatives need not be displayed in monetary cost-benefit analysis and should not be when there are important qualitative considerations” (40 CFR 1502.23). Even so, cost was a major factor in the decision; ultimately the least expensive option for a Twin Lakes crossing (Lake Creek bridge option) was selected for implementation.*

(276) **Due to improved access to the south side of Twin Lakes and the Interlaken Historic Site, wildland fire occurrences due to escaped campfires, vandalism, illegal camping, and litter in this area could increase. Because of the Special Order prohibiting camping around Twin Lakes and the increased Forest Service enforcement presence, a function of improved access, these impacts could be reduced to result in no net increase.(page 14 Chapter 3)**

**It should be obvious that a bridge directly accessing the Interlaken site would exacerbate this problem many times over with far more casual access. Those taking the time and energy to take the long way around the lakes would inevitably have more respect for such a**

**site than those out for a casual picnic, and the ensuing effects as described above by this EA.**

*As addressed in the Environmental Assessment Chapter 3, Section B. Recreation (pg. 3-14), indirect effects for Alternatives B and C will result in increased access to the south shore of Twin Lakes and increased enforcement and educational presence by the Forest Service thereby potentially reducing impacts related to escaped campfires, vandalism, illegal camping and litter.*

**(287) As avid hikers ourselves, the longer route (below the dam) is appropriate. Hikers want to hike, so why cut the trails short and make it convenient for those who are only here temporarily and passing through.**

*The intent of the planning process was to relocate trail off of motorized routes and to provide a route that most closely meets the nature and purpose of the CDT as directed by the National Trails System Act.*

**(276) (page 11 Chapter 1) ignores the fact that the USFS removed the south Shore of Twin Lakes from private ownership in order to preserve it's natural state and yet has tried over and over again to privatize this area. It is my assumption that there is a concessionaire in the wings waiting for the bridge to be built so as to profit from increased casual traffic, directly in opposition to the quality of the CDT as it is intended. Why else would the USFS pursue the 'preferred' alternative including this unnecessary bridge unless there was some sort of special interest payoff? Perhaps the EDAH folks and their expected profits override the public's concerns and interests?**

*The location of a trail and bridge that provides access to the south side of Twin Lakes would have no direct effect on potential future development. This Environmental Assessment does not address development decisions on the south shore of Twin Lakes. Any potential development proposals on the south shore would require a separate planning process.*

**(277) The safest, most practical CDNST route around Twin Lakes is the one that was safely, efficiently used pre-Homeland Security, that being the road across the dam.**

**Should the Forest Service shrink from this obligation to serve the public by failing to convince Homeland Security of the frailty of its logic, it will then have to deal with CDOT to provide the pedestrian/horseman warning signs along the Highway 82 bridge, the route of choice for prudent horsemen. Of course CDOT will probably be as turf-jealous as Homeland Security, BOR and all the other imperious bureaucracies around Twin Lakes and so little cooperation is likely on this administrative front either.**

*The Bureau of Reclamation (BOR) has the authority and responsibility to manage the security of Twin Lakes Dam. As stated in the EA, the BOR has formally notified the USFS that the CDT and CT cannot be located on the dam for Homeland Security reasons.*

**(277) So the default USFS decision might be to defy the public, build the horse-less bridges and look the other way as prudent CDNST horsemen brave the Highway 82 bridge, sans signs, until a serious accident occurs which draws public attention to such a cowardly compromise.**

**- Would it be the safest route for man and beast around Twin Lakes?**

*As outlined in the EA all trails and trail structures will be constructed according to the standards and specifications outlined in Standard Specifications for Construction and Maintenance of Trails (U.S. Forest Service 1996) for the “More Difficult” pack and saddle stock standard. These standards have been developed to provide for a reasonable level of safety to match the corresponding Recreation Opportunity Spectrum (ROS) zone(s).*

**(277) Would a million \$ bridge be compatible with the primitive and undeveloped management mandate of Twin Lakes south shore?**

*As identified in the EA on pg. 3-13, “The PSICC Forest Plan directs that recreational and scenic resources in the Twin Lakes bridge area be managed for...an ROS of Roaded Natural north of Deception Point and Semi-primitive Non-motorized south of Deception Point.” A non-motorized pack and saddle stock and footbridge does not conflict does not conflict with the semi-primitive non-motorized ROS classification.*

**(277) Would this intrusive eyesore maintain a constant respect for the natural environment?**

*The EA states on pg. 3-13, “The PSICC Forest Plan directs that recreational and scenic resources in the Twin Lakes bridge area be managed for the Visual Quality Objective of Partial Retention...Management activities must blend with the natural setting, and should be designed to enhance or provide more viewing opportunities in selected areas.” Numerous comments were received questioning whether a bridge at this location would blend with the natural setting. The Forest Service agrees that a bridge at this location may not blend with the natural setting. This is one of the reasons the Lake Creek bridge option was selected for implementation.*

**(276) It is also evident that the USFS is determined to build the bridge across the Twin Lakes despite the very vocal solidarity amongst the public - ‘public scoping’ - who attended the March 30, 2005 meeting in the town of Twin Lakes, clearly stating that they did NOT approve of such a plan.** If the total ‘public scoping’ comprised some 50 individuals, then that March 30<sup>th</sup> meeting comprised a majority of opinions sought. It is common practice of all bureaucracies to ‘use it or lose it’ in terms of their budgets. Clearly the massive influx of funds and staff into new USFS office in Leadville needs to be justified. It is severely irresponsible for this agency to pursue the extravagant spending of federal dollars on an unnecessary bridge to justify its own existence. This EA is a notorious example, where the most costly proposal with the greatest impact is the ‘preferred’ alternative.

*During scoping, the Forest Service received comments both supporting and opposing the central Twin Lakes bridge option. The Forest Service has an obligation under the National Environmental Policy Act to consider all viable options; therefore this was one option presented and analyzed in the EA.*

**(279) It is also illegal to restrict traffic on waterways!**

*The Forest Service acknowledged the issue of restricted traffic on waterways on pg. 3-13 of the EA. This is one of the reasons the Lake Creek bridge option was selected for implementation.*

**(279) A bridge would make access to the south shore too easy. At present, people need to hike two miles into the historic buildings. Generally, these people are careful about campfires, trash, etc. Making it easy would allow people over there with campfires (dangerous for the historic buildings and the tinder-dry sagebrush and beetle kill trees), and we would have no ability to get a fire truck over there (even if we had one), trash and vandalism without much effort.**

*As addressed in the EA Chapter 3, Section B. Recreation “Indirect Effects” for Alternatives B and C, increased access to the south shore of Twin Lakes will also result in increased enforcement and educational presence by the Forest Service thereby potentially reducing impacts related to escaped campfires, trash and vandalism.*

**(279) It would create a security danger for the Mt. Elbert Power Plant.**

*The BOR was consulted during the alternative development process. The BOR did not see any conflict with the present location of the trail or its proximity to the power plant which is closer than the central Twin Lakes bridge option. Ultimately, the Lake Creek bridge option was selected for implementation.*

(277) The expressed purpose for this proposal (Alternative C) is to further the CDNST's mandate to provide "... an extended trail for hiking and pack and saddle stock use that connects ... the borders of Canada and Mexico." **The two bridges would not be in keeping with those goals because they would create serious safety hazards for pack and saddle stock and their riders/handlers.**

*As outlined in the EA all trails and trail structures will be constructed according to the standards and specifications outlined in Standard Specifications for Construction and Maintenance of Trails (U.S. Forest Service 1996) for the "More Difficult" pack and saddle stock standard. These standards have been developed to provide for a reasonably expected level of safety to match the corresponding Recreation Opportunity Spectrum (ROS) zone(s).*

(277) **It is plain that the safest, most cost effective crossing is the Highway 82 bridge. This crossing is the widest, sturdiest option and it already exists. Its only drawback is possible animal/vehicle collision hazards, a threat that could be effectively, cheaply managed with warning signs along Highway 82. The existing bridge is conveniently located because approaching traffic and pedestrians/horsemen have ample opportunities at this straight, unobscured stretch of highway to recognize impending hazards.**

*During the analysis phase, Forest Service engineers and CDOT officials have determined that the continued used of the Highway 82 bridge is not a safe option for trail or road users.*

## MOTORIZED USES

**(229) The needs and support of motorized recreationists must be adequately addressed in this planning effort by preserving all reasonable existing motorized recreational opportunities. This planning effort must also adequately address the increasing popularity by creating new motorized recreational opportunities.**

*All existing motorized recreational opportunities are preserved with this project, regardless of the alternative selected. Regarding Alternative B, page 2-7 of the EA explicitly states, "Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses." Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, "The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses." The increasing popularity of off-highway vehicle use and the subsequent creation of additional "motorized recreational opportunities" is beyond the scope of this project and should be addressed in separate planning efforts and environmental analyses.*

**(229) Access to and use of public land should be the highest of priorities for multiple-use lands. However, current decision-making is out of touch with these priorities. The minority interests (non-motorized recreationists) are recipients of new recreational opportunities with each decision while the majority interests (motorized recreationists) lose opportunities with each decision.**

*All existing motorized recreational opportunities are preserved with this project, regardless of the alternative selected. Regarding Alternative B, page 2-7 of the EA explicitly states, "Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses." Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, "The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses."*

**(229) We are concerned that the conversion of the CDNST to non-motorized use in Colorado will have a significant negative impact on motorized access and motorized recreation. We are very concerned that adequate NEPA compliance including an adequate mitigation plan is not be carried with any conversion of the CDNST from motorized to non-motorized. Conversion of sections of the CDNST from motorized to non-motorized is a very significant federal action and is subject to NEPA compliance. However, NEPA compliance for this decision has not been addressed. Also, a policy that is this different from the authorizing legislation is not legal. We respectfully ask that the agency address**

**this lack of authorization, and NEPA compliance surrounding the conversion of the CDNST from motorized to non-motorized.**

*Within the study area, the existing CDT corridor is not being converted from motorized to non-motorized. Instead, the CDT is being RELOCATED to new or reconstructed non-motorized trail segments. This is consistent with the National Trails System Act, the Continental Divide Trail Study Report, and the Continental Divide National Scenic Trail Comprehensive Plan. Trails currently located as the CDT will remain open to all current designated uses, however trails designated for motorized uses will no longer be considered the CDT. Therefore, this project action is fully compliant with the National Environment Policy Act and is within the confines of the authorizing legislation. Regarding Alternative B, page 2-7 of the EA explicitly states, "Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses." Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, "The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses."*

**(229) Any motorized closures resulting from this action must be adequately mitigated in order to avoid adding to the significant cumulative effects that motorized recreationists have experienced. The proposed does not provide any mitigation for the proposed motorized closures and as such, the proposed action does not adequately address this issue.**

*The proposed action does not include any motorized trail closures, therefore mitigation measures are unnecessary. Regarding Alternative B, page 2-7 of the EA explicitly states, "Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses." Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, "The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses."*

**(229) Furthermore, we request an adequate evaluation of the cumulative negative impact on motorized recreation and access opportunities that occurs when motorized routes are converted to non-motorized routes to establish the CDNST because we believe that they are significant.**

*As no motorized trails are proposed for closure under any alternative analyzed, the requested cumulative impact analysis and evaluation is beyond the scope of the EA.*

**(229) We request a network of national recreation trails for motorized visitors equivalent to the CDNST, Pacific Crest Trail, National Recreation Trail and other national nonmotorized trails that travel a long distance and interconnect with other forests. If motorized recreationists had trails of regional and national significance, they would see considerable use. Non-motorized recreationists have considerably more national trail recreation opportunities than motorized recreationists. We request that the needs of motorized recreationists for regional and national travel ways be evaluated. We request an evaluation of the cumulative impacts and environmental justice issues surrounding the lack of regional and national motorized trails for motorized recreationists. We request that regional and national motorized recreational trails be identified and actions be taken to implement those trails.**

*The EA analyzed the effects of relocating segments of the CDT to non-motorized routes. The creation of a network of national motorized recreational trails is beyond the authority of the Forest Service. The authority to designate National Recreation Trails is held by the United States Congress. Therefore, the creation of such trail facility is beyond the scope of this EA and should be addressed in another forum.*

**(229) We acknowledge the value of solitude and point out that there are many acres of wilderness/non-motorized/exclusive-use available to provide that solitude. Our concern is in regards to the diminishing amount of multiple-use lands and the unreasonable concept that multiple-use lands should be managed as wilderness/nonmotorized/ exclusive-use lands. Managing multiple-use lands by wilderness criteria and for perfect solitude does not meet the communal needs of the public and is not a reasonable goal for multiple-use lands.**

**The opportunity for solitude must be reasonably balanced with the multiple-use needs of the public. For example, the Montana Standard in an article on December 14, 2000 reported that hikers on the Continental Divide trail “walked for 300 miles without seeing another human being”. This article illustrates a significant long-distance interstate recreational opportunity available to non-motorized visitors and the negligible use that it sees. Additionally, we have been camping in the Telegraph Creek drainage for 27 years and we have met only 2 people using the CDNST in that area. In contrast, a long-distance interstate recreational opportunity similar to the CDNST does not exist for OHV recreationists. It is not equitable to provide recreationists seeking solitude and wilderness experiences exclusive access to tens of millions of acres and thousands of miles of non-motorized trails while restricting the public seeking multiple-use opportunities access to an inadequate road and trail system. We request an equitable and balanced allocation of motorized access and recreational opportunity.**

*Both Forest Plans (PSICC and GMUG) direct for the provision of motorized and non-motorized recreation opportunities outside of designated wilderness. Achieving a balance between non-motorized and motorized recreation opportunities on National Forest lands is outside of the scope of this EA. The purpose and need of this project is to develop a non-motorized trail*

*facility for the CDT, compliant with the 1968 National Trails System Act. Alternative C will not alter the direction of the Forest Plans and it does not include changing any multiple-use land designations.*

**(229) We have seen a low level of use used as a factor to close motorized routes. This criterion should also be applied equally to non-motorized routes. For example, a low level of use by motorcycles was used as a reason to close the Nez Perce and Mormon Gulch trails in the Beaverhead-Deerlodge National Forest. This same reason should be used to open up non-motorized trails such as the CDNST that experience a low level of use to more public use by allowing motorized use.**

*The nature and purpose of the CDT, as defined in the National Trails System Act and supporting legislation, calls for non-motorized use. The purpose and need of this project is to address the relocation of the CDT from shared motorized roads and trails to non-motorized routes. Therefore, opening non-motorized trails to motorized use because of current use levels is beyond the scope of this EA.*

**(229) ...Motorized routes are all too commonly closed for exclusive non-motorized use. The proposed action continues this massive trend.**

*The proposed action does not include the closure of any motorized routes. Regarding Alternative B, page 2-7 of the EA explicitly states, "Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses." Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, "The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses."*

**(229) The Forest Service looks out for the interests and needs of nonmotorized interests and is willing to create many miles of new non-motorized trails as demonstrated by the proposed project. We request the same cooperation between the Forest Service and a recreation group be extended to motorized recreationists. We request the same attention to our needs by the Forest Service. Additionally, considerable OHV grant money is available to fund motorized projects.**

*The purpose and need of this project is to address the relocation of the CDT from shared motorized roads and trails to non-motorized routes. Therefore, addressing additional motorized recreation opportunities is outside of the scope of this EA. Proposals for additional motorized recreation opportunities should be addressed in separate planning efforts.*

**(229) A reasonable alternative instead of all motorized closures is a sharing of resources. A reasonable alternative for accomplishing this can be done in all project segments by designating alternating weeks for motorized and non-motorized use. The schedule can be communicated to the public by signs at each end of the trail segments, newspaper articles, and through local user groups. This alternative eliminates any reasonable concern about conflict of users (which we think is over-stated and over-emphasized for self-serving reasons).**

*The nature and purpose of the CDT, as defined by the National Trails System Act and supporting legislation, prohibits motorized use on the trail. Therefore, alternating motorized and non-motorized use on the CDT is not a viable alternative. Please note that no motorized trail closures are proposed in any of the alternatives. Regarding Alternative B, page 2-7 of the EA explicitly states, "Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses." Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, "The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses."*

**(229) It is our understanding that some interests are pushing the wildlife corridor concept as a reason to close areas to motorized use. We have not seen adequate documentation or reasoning to justify this position and suspect that it is being used inappropriately as a reason to justify defacto wilderness by non-motorized interests. Significant issues must be answered before this concept can be given any credibility. Issues include:**

**a) Why would wildlife follow physically challenging basin divides where food and water is scarce versus other corridors? They don't. This is easily verified by open areas such as McDonald Pass or the jagged areas of the continental divide where we have never observed any significant number of wildlife crossings versus great numbers of wildlife crossings that we have observed in other areas that are more favored by wildlife.**

**b) Where is the documentation that the continental divide or other basin divides are favored for wildlife migration? Especially theories that purport that wildlife will migrate from Mexico to Canada. This is counter-intuitive to the types of habitat that different species require in order to survive. There is a significant lack of credible evidence to support these claims.**

**c) The lack of authorization or mandate from congress.**

**d) The socio-economic issues associated with the attempt to use the wildlife corridor concept to convert multiple-use lands to defacto wilderness.**

*Closing motorized trails is beyond the scope of this EA. Motorized recreational opportunities will not be affected by the implementation of any of the alternatives. Regarding Alternative B, page 2-7 of the EA explicitly states, "Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses." Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, "The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses." The questions regarding the "wildlife corridor concept" and motorized trail closures are beyond the scope of this EA.*

**(229) A reasonable alternative would be to locate a new non-motorized segment of the CDNST that does not affect existing motorized routes. NEPA requires adequate consideration of all reasonable alternatives and the scoping statement of alternatives is too limited. Alternative routes exist for a new non-motorized section of the CDNST that can be constructed without closing existing motorized routes. Therefore, there are no compelling reasons to close existing motorized routes in the project area to create non-motorized sections of the CDNST.**

*The Proposed Action, Alternative C, does in fact "locate a new non-motorized segment of the CDNST that does not affect existing motorized routes," as recommended by your comment. All reasonable alternatives were considered, including an alternative route which "can be constructed without closing existing motorized routes," as your comment further suggests. Please see "Alternatives Considered but Eliminated from Detailed Study" (page 2-15 of the EA) for a list of alternatives and alternative components considered but dismissed and the rationale for dismissal. The proposed action does not "close existing motorized routes in the project area to create non-motorized sections of the CDNST." Regarding Alternative B, page 2-7 of the EA explicitly states, "Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses." Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, "The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses."*

**(229) Any closure of the CDNST to motorized recreationists represents yet another significant loss of recreational opportunity for multiple-use and motorized recreation interests. The uncontrolled, unmeasured, undisclosed, and immensely significant cumulative effect on multiple-use and motorized recreationists must be considered as part of this CDNST action. Therefore, the Continental Divide National Scenic Trail act must be re-considered based on the current state of significant negative cumulative impacts on motorized recreationists.**

*Closing motorized trails is beyond the scope of this EA. Motorized recreational opportunities will not be affected by the implementation of any of the alternatives. Regarding Alternative B, page 2-7 of the EA explicitly states, "Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses." Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, "The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses." The authority to revise the National Trail System Act of 1968, as amended, is held by the United States Congress and is therefore beyond the scope of this EA. The authority to designate National Recreation Trails is also held by the United States Congress.*

**(205) I also strongly feel that the motorized portions should also be designated as a National Scenic Trail. There is no reason a motorized trail cannot have such a designation. The method of transportation utilized by the users has no bearing upon the scenic value of the trail.**

*The authority to revise the National Trail System Act of 1968, by designating a National Scenic Trail or portion of a National Scenic Trail open to motorized use, is held by the United States Congress and is therefore beyond the scope of this EA.*

**(229) We are very concerned about any proposed closures of the existing CDNST because congress specifically stated that existing motorized sections would remain open. We ask that you honor that commitment as part of the Halfmoon Pass to South Fooses Pass project and future CDNST projects.**

*As outlined in the EA, the implementation of the proposed action would not result in the closure of any existing travel routes presently open to motorized use. No closures of motorized trails are proposed with this project. Regarding Alternative B, page 2-7 of the EA explicitly states, "Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses." Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, "The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses." Future CDT relocation projects are beyond the scope of this EA.*

**(229) Basically in order to address our concerns the project evaluation must address:**

**Why are motorized recreationists the only ones to lose ground in every action?**

**Where does the public go to replace the motorized access and motorized recreation that will be closed?**

**What is the cumulative effect on the public of this motorized access and motorized recreational closure combined with all other motorized access and motorized recreation closures in the state?**

**The development of a plan to mitigate the significant impacts on the public from the loss of motorized access and motorized recreational opportunities from the proposed action and the combined cumulative effect of all other actions in the state.**

**There are no compelling reasons to close as many motorized access and motorized recreational opportunities as proposed. It is simply contrary to the public need in the area and the way that the public uses the area.**

*Motorized recreation opportunities in the study area will remain unchanged, regardless of the alternative selected for implementation. Motorized recreationists will therefore not “lose [any] ground” with the implementation of Alternative C. Regarding Alternative B, page 2-7 of the EA explicitly states, “Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses.” Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, “The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses.”*

**(229) There are compelling reasons to maintain and enhance the existing level of motorized access and motorized recreation in the project area.**

*Motorized recreation opportunities in the study area will remain unchanged, regardless of the alternative selected for implementation. Regarding Alternative B, page 2-7 of the EA explicitly states, “Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses.” Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, “The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses.” Additional motorized recreation opportunities are beyond the scope of this EA.*

**(239) I understand that there are proposals to make this trail a non-motorized trail. I consider this to be an unacceptable proposal and urge you to keep the trail open to off road motorized recreationists. If there are factions that prefer a non-motorized trail, then a separate trail should be developed for those folks.**

*None of the alternatives analyzed in this EA propose the closure of motorized trails. Regarding Alternative B, page 2-7 of the EA explicitly states, "Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses." Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, "The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses."*

**(265) Please be very aware of motorized trails and future possibilities for motorized trails in these areas I have mentioned as well as all other areas. No motorized trail or road should be negatively impacted, closed, or relocated away from the Continental Divide on behalf of the CDNST. Nor should any future possibility for trail improvement or new trail be reduced or prevented by the development of the CDNST.**

*Motorized recreation opportunities in the study area will remain unchanged, regardless of the alternative selected for implementation. Regarding Alternative B, page 2-7 of the EA explicitly states, "Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses." Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, "The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses." The purpose and need of the EA does not address any additional motorized opportunities, therefore this is outside the scope of the analysis. This does not cumulatively affect motorized recreation opportunities as there are currently no projects being analyzed that include motorized recreation opportunities in the study area.*

**(265) The CDNST should be picked up off of the motorized routes and placed where it cannot interfere with them. Also, buffer zones are not acceptable when they reduce the areas in which motorized trails may be rerouted or built new. Also, it is not acceptable to deny motorized trails the opportunities to cross the CDNST.**

*The proposed action does, in fact, "[pick]" the CDT "up off of the motorized routes and [place it] where it cannot interfere with them," as your comment suggests. Additionally, motorized opportunities are not affected by crossings of the CDT. The planning process does not propose any buffer zones that would reduce present or future motorized recreation opportunities.*

**(229) We ask that the CDNST planning address:**

**We are very concerned about the closure of any motorized routes in the Pike and San Isabel National Forest to create CDNST. The closure of any existing motorized route to create a non-motorized segment of the CDNST was not authorized by the National Trail**

**Systems Act and in the direction given in a policy memorandum by the Deputy Forester in 1997.**

*Motorized recreation opportunities in the study area will remain unchanged, regardless of the alternative selected for implementation. Regarding Alternative B, page 2-7 of the EA explicitly states, "Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses." Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, "The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses."*

**(138) I support Alternative C to allow motorized vehicles access to the CD.**

*There will be no change to motorized recreation opportunities in the study area: Alternative C will not result in the loss of any motorized recreation opportunities in the study area nor will it create any additional trail for motorized recreation. Motorized use will not be allowed on the newly constructed or reconstructed segments located as the CDT. The nature and purpose of the CDT as defined in the National Trails System Act and supporting legislation prohibits motorized use on the CDT. Regarding Alternative B, page 2-7 of the EA explicitly states, "Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses." Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, "The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses."*

## ENABLING LEGISLATION & POLICY

**(194) According to the National Parks and Recreation Act of 1978, Section 7(c), motorized vehicle use of the bridge would be allowed. This would be very undesirable.**

*The nature and purpose of the CDT, as defined by the National Trails System Act and supporting legislation, prohibits motorized use on the trail. Therefore, no motorized vehicles would be allowed on the bridge.*

**(266) As this trail was not specifically designated in legislation as non-motorized it should remain open to motorized travel on those segments called for relocation.**

*Several legislative and planning documents address the management of the CDNST. A brief summary of key documents follows:*

- *National Trails System Act of 1968 – Congress established a nationwide trail system for “...Extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historical, natural, or cultural qualities of the areas through which such trails may pass.” The Act also specifically directed a study of a Continental Divide Trail.*
- *Continental Divide Trail Study Report – Completed in 1976, the Study Report identifies that “...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 ...” and recommended the inclusion of existing primitive road rights-of-way in the proposed alignment and states “most were so primitive in nature that they would offer a recreation experience little different in quality from where motorized vehicles are excluded.”*
- *National Parks and Recreation Act of 1978 – Amended the National Trails System Act; established and designated the CDNST, “notwithstanding the provision of section 7(c), the use of motorized vehicles on roads which will be designated segment of the CDNST shall be permitted in accordance with regulations prescribed by the appropriate Secretary.” Section 7(c) allows for other motorized use along the trail by exception – “the Secretary ... shall establish regulations which shall authorize ... other uses along the historic trails and the CDNST, which will not substantially interfere with the nature and purposes 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 charged with administration of the trail.”*
- *National Trails System, House of Representatives Report No. 98-28 – It is intended, for example, that motorized vehicles will not normally be allowed on national scenic or historical trails and will be allowed on recreational trails only at such times and places where such use will not create significant on-trail or off-trail environmental damage and will not jeopardize the safety of hikers, equestrians, or other uses or conflict with the primary purposes for which the trail, or portion of the trail, were created.*

- *Continental Divide Trail Comprehensive Plan* – The specific location and management of the CDNST would reflect rather than dictate the land and resource management policies and activities on the lands through which it passes.
- *Comprehensive Plan Direction Clarification* – Correspondence from the Deputy Chief of the Forest Service to Regional Foresters in 1997 stated that “...as the CDT 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 CDT will be for non-motorized recreation. As new trail segments of the CDT are constructed to link existing non-motorized trail segments together, and to reroute the CDT off of primitive roads or other routes where motorized travel is allowed, motorized use should not be allowed nor considered. Allowing motorized use on these newly constructed trail segments would substantially interfere with the nature and purposes of the CDT.”

*This management direction indicates that the CDNST should be managed for a non-motorized experience. The proposed action addresses this direction by relocating sections of the CDNST from motorized or partially motorized routes onto new or reconstructed, non-motorized trails.*

**(265) In fact, it is not true that "motorized use is allowed on extended portions of the CDNST". The truth is that the CDNST has been allowed to exist upon pre-existing motorized trails and roads, and that the USFS and BLM are NOT allowed to diminish the motorized opportunities, now or in the future, in developing a non-motorized CDNST.**

*No motorized trails in the project area are being converted to non-motorized use as a result of this project. Regarding Alternative B, page 2-7 of the EA explicitly states, “Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses.” Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, “The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses.” This does not cumulatively affect motorized recreation opportunities as there are currently no projects being analyzed that include motorized recreation opportunities in the study area.*

**(229) The requirement for non-motorized sections in the original CDNST in the National Trails System Act was precipitated by un-restricted noise levels that were prevalent at that time. The motorized recreational industry and motorized recreationists have addressed this issue by implementing mechanical mitigation measures that have significantly reduced sounds levels and effectively addressed and eliminated this concern. Therefore, the requirement for non-motorized sections of the CDNST should be re-considered.**

*Reconsidering the direction of the National Trails System Act for national scenic trails to be non-motorized is beyond the authority of the Forest Service. Any changes to the NTSA would require an amendment to the Act by the United States Congress.*

**(229) The 1997 Policy Letter by the Deputy Chief of the Forest Service is being used to justify conversion of motorized, multiple-use sections of the CDNST to non-motorized use only. Our interpretation of that policy memo is completely different. The 1997 directive to Regional Foresters clearly says that conversion of the CDNST to nonmotorized applies only to "newly constructed trail segments" and that reaches of the existing CDNST that use existing roads and trails should continue to accommodate that motorized use.**

*The CDT will be relocated to NEWLY constructed trail segments or reconstructed (currently existing) non-motorized trail segments, consistent with the language of the 1997 letter. Existing roads and motorized trails will continue to accommodate motorized use. No motorized trails in the project area are being converted to non-motorized use as a result of this project. Regarding Alternative B, page 2-7 of the EA explicitly states, "Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses." Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, "The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses."*

**(229) Specifically, the National Trails System Act (16 U.S.C. 1241) was the authorizing law for Continental Divide National Scenic Trail. The general criteria as stated in the National Trail Systems Act, is that "the use of motorized vehicles by the general public along any national scenic trail shall be prohibited". However, in the case of the Continental Divide National Scenic Trail (CDNST), an exception is made for "the use of motorized vehicles on roads which will be designated segments" (Section 5 (5), page 2-6). The law also allows uses (including motorized vehicle use) along the CDNST "which will not substantially interfere with the nature and purposes of the trail" where such uses are permitted at the time of designation (Sec. 7 (c), page 2-21).**

*Several legislative and planning documents address the management of the CDNST. A brief summary of key documents follows:*

- *National Trails System Act of 1968 – Congress established a nationwide trail system for "...Extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historical, natural, or cultural qualities of the areas through which such trails may pass." The Act also specifically directed a study of a Continental Divide Trail.*
- *Continental Divide Trail Study Report – Completed in 1976, the Study Report identifies that "...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 ..." and recommended the inclusion of existing primitive road rights-of-way in the proposed alignment and states "most*

*were so primitive in nature that they would offer a recreation experience little different in quality from where motorized vehicles are excluded.”*

- *National Parks and Recreation Act of 1978 – Amended the National Trails System Act; established and designated the CDNST, “notwithstanding the provision of section 7(c), the use of motorized vehicles on roads which will be designated segment of the CDNST shall be permitted in accordance with regulations prescribed by the appropriate Secretary.” Section 7(c) allows for other motorized use along the trail by exception – “the Secretary ... shall establish regulations which shall authorize ... other uses along the historic trails and the CDNST, which will not substantially interfere with the nature and purposes 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 charged with administration of the trail.”*
- *National Trails System, House of Representatives Report No. 98-28 – It is intended, for example, that motorized vehicles will not normally be allowed on national scenic or historical trails and will be allowed on recreational trails only at such times and places where such use will not create significant on-trail or off-trail environmental damage and will not jeopardize the safety of hikers, equestrians, or other uses or conflict with the primary purposes for which the trail, or portion of the trail, were created.*
- *Continental Divide Trail Comprehensive Plan – The specific location and management of the CDNST would reflect rather than dictate the land and resource management policies and activities on the lands through which it passes.*
- *Comprehensive Plan Direction Clarification – Correspondence from the Deputy Chief of the Forest Service to Regional Foresters in 1997 stated that “...as the CDT 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 CDT will be for non-motorized recreation. As new trail segments of the CDT are constructed to link existing non-motorized trail segments together, and to reroute the CDT off of primitive roads or other routes where motorized travel is allowed, motorized use should not be allowed nor considered. Allowing motorized use on these newly constructed trail segments would substantially interfere with the nature and purposes of the CDT.”*

*This management direction indicates that the CDNST should be managed for a non-motorized experience. The proposed action addresses this direction by relocating sections of the CDNST from motorized or partially motorized routes onto new or reconstructed, non-motorized trails.*

**(229) The language cited above from the National Trails System Act clearly indicates the intent of the original act. The creation of non-motorized sections of the CDNST by converting motorized sections is not within the intent of the original act.**

*This project action will not result in the conversion of motorized trails to non-motorized trails. Newly constructed or reconstructed non-motorized trail segments will comprise the relocated CDT. Therefore, this proposed action is within the parameters defined in the National Trails System Act and the 1997 letter from the Deputy Chief of the Forest Service.*

**(229) The 1997 Policy Letter by the Deputy Chief of the Forest Service (<http://www.mtvra.com/Docs/CNDST%20July%201997%20Memo.pdf>) should be used to justify continued motorized, multiple-use sections of the CDNST. The 1997 directive to Regional Foresters clearly says that conversion of the CDNST to non-motorized applies only to "newly constructed trail segments" and that reaches of the existing CDNST that use existing roads and trails should continue to accommodate motorized use.**

*The 1997 clarification by the Deputy Chief of the Forest Service states that CDT will, over time, be developed and relocated off of motorized roads. The roads will remain open to motorized uses. The letter explicitly states, new trail segments: "As new trail segments of the CDNST are constructed to link existing non-motorized trail 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 nor considered."*

*The CDT will be relocated to newly constructed trail segments or reconstructed (currently existing) non-motorized trail segments. Existing roads and motorized trails will continue to accommodate motorized use. No motorized trails in the project area are being converted to non-motorized use as a result of this project. Regarding Alternative B, page 2-7 of the EA explicitly states, "Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses." Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, "The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses."*

**(188) I understand that legislation authorizing the Continental Divide National Scenic Trail did not specifically exclude this trail being open to motorized vehicles.**

*Several legislative and planning documents address the management of the CDNST. A brief summary of key documents follows:*

- *National Trails System Act of 1968 – Congress established a nationwide trail system for "...Extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historical, natural, or cultural qualities of the areas through which such trails may pass." The Act also specifically directed a study of a Continental Divide Trail.*
- *Continental Divide Trail Study Report – Completed in 1976, the Study Report identifies that "...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 ..." and recommended the inclusion of existing primitive road rights-of-way in the proposed alignment and states "most were so primitive in nature that they would offer a recreation experience little different in quality from where motorized vehicles are excluded."*

- *National Parks and Recreation Act of 1978 – Amended the National Trails System Act; established and designated the CDNST, “notwithstanding the provision of section 7(c), the use of motorized vehicles on roads which will be designated segment of the CDNST shall be permitted in accordance with regulations prescribed by the appropriate Secretary.” Section 7(c) allows for other motorized use along the trail by exception – “the Secretary ... shall establish regulations which shall authorize ... other uses along the historic trails and the CDNST, which will not substantially interfere with the nature and purposes 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 charged with administration of the trail.”*
- *National Trails System, House of Representatives Report No. 98-28 – It is intended, for example, that motorized vehicles will not normally be allowed on national scenic or historical trails and will be allowed on recreational trails only at such times and places where such use will not create significant on-trail or off-trail environmental damage and will not jeopardize the safety of hikers, equestrians, or other uses or conflict with the primary purposes for which the trail, or portion of the trail, were created.*
- *Continental Divide Trail Comprehensive Plan – The specific location and management of the CDNST would reflect rather than dictate the land and resource management policies and activities on the lands through which it passes.*
- *Comprehensive Plan Direction Clarification – Correspondence from the Deputy Chief of the Forest Service to Regional Foresters in 1997 stated that “...as the CDT 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 CDT will be for non-motorized recreation. As new trail segments of the CDT are constructed to link existing non-motorized trail segments together, and to reroute the CDT off of primitive roads or other routes where motorized travel is allowed, motorized use should not be allowed nor considered. Allowing motorized use on these newly constructed trail segments would substantially interfere with the nature and purposes of the CDT.”*

*This management direction indicates that the CDNST should be managed for a non-motorized experience. The proposed action addresses this direction by relocating sections of the CDNST from motorized or partially motorized routes onto new or reconstructed, non-motorized trails.*

**(276) In addition, promoting a costly plan that does not require deviating from the CDT, is in direct opposition to the Comprehensive Plan:**

**There is no Key Issue justifying such a costly intrusion into the existing natural setting of the Twin lakes environment as the proposed bridges EXCEPT Key Issue 3 which directly opposes the bridge option: (pages 3 and 4 Chapter 1)**

*Key Issue 1 – Recreation (EA, pg. 1-10) addresses the needs for an alternative Twin Lakes crossing to the State Highway 82 bridge: safety and the recreational experience. “Safety concerns may occur on motorized roads...and on narrow highway bridge crossings. Poor recreational experiences can result from the CDT located in areas without way-finding signage,*

*high noise areas near highways, areas lacking alpine character that are not in close proximity to the Continental Divide, and locations with poor scenic quality.”*

*Additionally, as stated in the 1985 Continental Divide Trail Comprehensive Plan, Section B. 1. c.:*

*(4) Unacceptable reasons for deviation from routes which more closely follow the geographic Divide.*

*The following are examples of reasons which do not justify significant deviation from the geographic Divide:*

*(e) Costs – A less costly route must also provide essentially equal or greater scenic recreational opportunities than a more costly route located closer to the Divide. Exception may be made during the interim period before relocation or new construction of a preferred route can be implemented.*

*Therefore, the Twin Lakes bridge is not in conflict with the Comprehensive Plan. However, implementation costs were analyzed beginning on pg. 3-27 of the EA. Cost was a major factor in the decision; ultimately the least expensive option for a Twin Lakes crossing (Lake Creek bridge option) was selected for implementation.*

## EA ERRORS & OMISSIONS

### **(276) Why is this issue not raised in the ‘preferred’ Alternative C, since the exact same impact can be expected?**

*This is an accidental omission. The Indirect Effects discussion for Alternative C in the Recreation resource analysis should include the following:*

*Due to improved access to the south side of Twin Lakes and the Interlaken Historic Site, wildland fire occurrences due to escaped campfires, vandalism, illegal camping, and litter in this area could increase. Because of the Special Order prohibiting camping around Twin Lakes and the increases Forest Service enforcement presence, a function of improved access, these impacts could be reduced to result in no net increase.*

### **(281) What is the proposed Alternative for the short segment from Monarch Pass to South Fooses Pass? Other than with alternative B there seems little or no mention of this short segment.**

*The proposed action for the segment from Monarch Pass to South Fooses Pass is no action pending a planning effort for the CDT segment from Monarch Pass to the La Garita Wilderness. This is necessary, as part of Alternative C to ensure that the route selected in the future planning process will connect with the route selected in the present planning process. South Fooses Pass may or may not be the best location for the CDT if the trail is to be located through Monarch Pass. This decision will be made in a future planning process to locate the CDT from Monarch Pass to the La Garita Wilderness.*

### **(286) Correction to the EA: Alternative C for Tables 2-1, 3-4, 3-5, 3-6, 3-9, 3-16, 3-22, 3-28 and 3-31 should reflect the impacts of building new trail. This could come in the form of an additional column(s) for total trail with each alternative. These tables are misleading in that Alt. C often appears less imp active than alternatives A or B despite the current CDT and CT remaining open with the proposed action.**

*In all alternatives, the existing CDNST trail and the Colorado Trail will remain open to their current uses. Table 2-1 is intended to represent the mileages for the individual alternative alignments only. Table 2-2 indicates the amount of new trail system miles as a result of the implementation of each alternative. These are companion tables, which represent the impacts of building new trails. Regarding Alternative B, page 2-7 of the EA explicitly states, “Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses.” If Alternative B is selected, this excerpt explains that the existing CDT route would remain open, in addition to the realigned CDT and Colorado Trail corridor. Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, “The existing motorized trails and roads (approximately 39 miles)*

*presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses.” If Alternative C is selected, this excerpt explains that the existing CDT alignment would remain open. It should be inferred that the Colorado Trail will remain unaffected and open to all uses, as none of the Alternative C components propose any change to the Colorado Trail.*

**(286) P.2-16: “a permanent seasonal area closure to protect ‘a threatened, endangered, rare, unique, or vanishing species of bird’” would not prevent a west Twin Lakes route. This statement should be removed for the final EA.**

*The EA states (pg. 2-16), “A western route around Twin Lakes, including utilizing the existing Willis Gulch bridge, was [considered] as part of this analysis. However, due to riparian and wildlife issues, site feasibility concerns for a sustainable crossing of a continuously shifting stream channel, private property issues, and a permanent seasonal area closure to protect ‘a threatened, endangered, rare, unique, or vanishing species of bird’, this alignment was dismissed from further consideration.” The EA does not indicate that the permanent seasonal area closure alone would prevent a west Twin Lakes route. This is one of several factors that would cumulatively prevent a west Twin Lakes crossing.*

**(286) P.3-38: Twin Lakes Prescribed Burn should not be listed under Timber Harvest. This should be removed for the final EA.**

*The commenter is correct. The Twin Lakes Prescribed Burn should be removed from the “Timber Harvest” subheading.*

## WILDLIFE

**(286) If the trail is built and chytrid fungus is found to be transported by mud on hiking boots, it will probably be too late for the boreal toad population in the study area to have a good chance of survival.**

*This concern is addressed by the inclusion of Design Criteria required by the zone biologist for the PSICC, see pg. 2-22 of the EA: “In areas of known boreal toad and northern leopard frog populations, all wet area trail crossings will utilize small puncheon bridge structures rather than armored drains or fords. The local Forest Service biologist will be consulted during construction to ensure that the placement of these puncheon bridge structures meets the design need to protect the toad in these locations.” Additionally, the following design criterion will be added to the Decision Notice and FONSI as a result of public comment: “In order to protect amphibian populations from the spread of a chytrid fungus, all Forest Service employees, volunteers, and cooperators will be required to disinfect clothing (including gloves), boots, and tools within areas of concern according to a method determined by the Forest wildlife biologist.”*

(286) P.3-42 states that several sections of trail in the proposed action were rerouted around snow willow, forage for the endangered Uncompahgre fritillary butterfly (UFB). However, one extensive patch of snow willow in Mineral Basin could not be avoided. **This sounds like prime potential UFB habitat and one of the major concerns for the species is collection – have surveys been conducted for the area?** It is my understanding that the Mineral Basin area currently receives low human use and rerouting the CDT through this area will dramatically increase use. **If UFB are found in the future in this area, how will they be protected from collecting?**

*See pg. 3-42 of the EA which states that, “Recent surveys at several locations where snow willow is known to occur in the Sawatch Range have resulted in no findings of Uncompahgre fritillary butterfly. No populations have been identified in the Study Area.”*

*If UFB are found in the future in this area, a protection plan will be developed and implemented with the supervision of Forest Service wildlife biologists.*

**(286) Finally, new trails intended for summer use will receive winter use depending on the accessibility during periods of snow. Some increase in snow compaction and the associated concerns should be expected with the proposed action.**

*See pg. 3-41 of the EA which states, “This trail is designed for hiking and pack and saddle stock use in the snow-free season and would not result in snow compaction in lynx habitat areas.” Due to the extremely remote access to new segments of trail during the winter months, as well as the relative position on slopes, these trails will not be conducive to over-the-snow travel.*

*Avalanche hazard, route-finding difficulty, and adjacent easier travel corridors (e.g., ridgetops and valley bottoms) will deter winter users from following the CDT.*

(286) Wolverines are probably one of the most sensitive wildlife species to human disturbance (Copeland 1996). In addition to management areas 8B and 8C listed as potential habitat on p.3-44 there is also potential habitat outside the wilderness in sections 21 and 22 of the new construction on map B-6. **There should be additional discussion regarding habitat fragmentation for wolverines and all wildlife species. Sections 21 and 22 of new construction for the proposed action mentioned previously are the definition of habitat fragmentation. If this portion of trail were moved closer to the motorized route (within ¼ mile) for the current CDT location on map B-2, many of the associated wildlife concerns for wolverine, boreal toad and Uncompahgre fritillary butterfly would be dismissed.**

*Even in management areas specific to the management of wildlife, non-motorized travel routes are permitted. The Forest Plan acknowledges how these areas are explicitly managed for wildlife even though other uses are permitted within them.*

Wolverines and gray wolves are sensitive to road associated factors but are not particularly affected by summer recreation trails (Banci 1994, Boyd and Pletscher 1999, de Vos 1948, Mech et al. 1988, and Thiel 1985...as cited in Gaines, Singleton, and Ross 2002). Copeland (1996) suggested that winter recreational activities may displace wolverine from important natal dens. In the February 22, 2006 Supplement to the Biological Evaluation, CDNST Relocation, Halfmoon Creek to Fooses Pass, Items 6 and 8 specifically address winter travel. These items are presented in their entirety below:

6) All new and reconstructed trail segments for this project will be closed to motorized use year-round. This includes over the snow, motorized use in the winter season. This closure will be identified by the trail management objectives that will be designated for these trail segments when these segments are incorporated into the National Forest Trails System as directed by the Environmental Assessment. In as much, a separate closure order for these new trail segments will not be required to affect this closure. Winter motorized use closures of these new segments of trail are compatible with both the PSICC and GMUG Forest Plans. These closures will be clearly outlined in the Decision Notice and FONSI for this project. Upon implementation, these closures will be clearly marked on the ground and on any updates to maps and brochures.

8) For Alternative C, no motorized winter use is anticipated to occur on any segment of the CDNST between Monarch Pass and Halfmoon Creek except for two short segments of existing trail where over the snow motorized use is already legally occurring. These segments are: an existing 3-mile segment in the Chalk Creek Pass area, and an existing 3-mile segment in the Tunnel Lake Pass area. We anticipate no new over the snow motorized use to occur on all other segments because there will be in place an official prohibition of motorized use for these segments of trail, as well as the layout and design of new segments of trail will make winter motorized use difficult if not impossible

for these segments (narrow clearing widths at access areas and junctions, and long traverses on steep side hills).

Likewise, non-motorized winter use is anticipated to continue to occur only on segments of the existing CDNST between Monarch Pass and Halfmoon Creek where that use is presently occurring. Non-motorized use presently occurs on multiple use routes in the Chalk Creek Pass area described above, and on non-motorized routes between Halfmoon Creek and Interlocken south of Twin Lakes. The vast majority of the human powered winter use in the area around and north of Twin Lakes is associated with winter climbs of Mt. Elbert. Non-motorized over the snow use is not anticipated on all other new and existing segments of the CDNST due to the purposeful location of new segments of trail where over the snow motorized use is not attractive due to avalanche safety concerns, difficulty of non-motorized access due to the remote winter location of segments, or to adjacent routes (such as snow covered roads, valley bottoms and ridge tops) that provide much easier and attractive travel.

Because this project does not provide changes to existing over the snow travel opportunities within the study area, overall we do not anticipate any change in use patterns or quantities.

The Biological Evaluation for this project has determined that activities associated with the construction and use of the proposed trail may affect the above mentioned species as well as several other species. Effects however will be minimized to the extent possible through the use of a variety of design criteria including the winter restrictions presented above (refer to design criteria in EA). Locating the trail in the parallel location suggested may reduce disturbance impacts to wolverine, but would additionally impact habitat for lynx, marten and a variety of other species. The alternatives analyzed in the EA were selected for their overall compliance and environmental sensitivity with respect to the purpose and need and all other resources.

(286) The comprehensive plan states that the CDT should be within 50 miles of the Continental Divide, be as close as possible and “keep environmental impacts to a minimum” (EA p.1-3). There are several potential impacts to wildlife with the proposed action mentioned previously that could be reduced by considering the alternative route mentioned with the wolverine. P.2-19 states that a design criteria for wildlife is to minimize disturbance in Management Area 4B. **How is adding at least 9 miles of additional trail in MA4B (indicated in Table D-1) meeting this design criteria?**

*Design criteria are not standards to be achieved, but rather they are management practices that, when applied correctly, can minimize or eliminate adverse effects resulting from project implementation (pg. 2-18). Potential impacts to wildlife are discussed in Chapter 3, Section B. The alternatives analyzed in the EA were selected for their overall compliance and environmental sensitivity with respect to the purpose and need and all other resources. Other alternatives that were considered but dismissed including utilizing the existing Timberline Trail and/or creating a parallel route to the Timberline Trail, are discussed in Chapter 2 (see pages 2-15 & 2-16). See the discussion for the previous comment above.*

*Even though the route selected under this alternative will pass through Management Area 4B, the route was selected to minimize resource impacts, including impacts to wildlife. For example, the route was selected to avoid, where possible, snow willow, habitat for Uncompahgre fritillary butterfly. Other alternatives analyzed have varying effects on those same resources. The deciding official for this project can select any of the alternatives presented. His decision will be based on which alternative best fits the purpose and need for the project while minimizing negative resource effects.*

**(286) If the proposed action is not altered additional measures should be incorporated to reduce environmental impacts. These measures would limit wildlife harassment, noxious weed spread and to reduce the possibility of disease spread.**

**Stock users should be required to use certified weed free hay.**

**A leash law should be instituted and enforced for dogs on the portion of CDT being analyzed so that the zone of impact is substantially reduced.**

**Trail crew members should be required to disinfect shoes and gloves daily with a Clorox© solution or other approved disinfection method. This would reduce the possibility of disease spread to boreal toads.**

*Expected use levels will be such that the general Forest requirement that dogs be under voice command at all times so that they are not harassing wildlife or other Forest visitors will be adequate for the control of dogs on the CDT. The number of dogs and handling techniques on the CDT and the will be monitored. Forest Service regulation currently requires that all hay and straw entering the PSICC and GMUG forests must be certified weed-free. Commenter is correct, disinfecting shoes and gloves can be an effective control method for preventing the spread of disease to boreal toad. Design criteria will be added to the Decision Notice and FONSI that states: "At the direction of the Forest wildlife biologist all Forest Service employees, volunteers, and cooperators will be required to disinfect according to a method determined by the wildlife biologist within all areas of concern for the boreal toad."*

## MISCELLANEOUS

**(229) Additionally the decision must consider that non-motorized recreationists have the opportunity to go not only to designated wilderness areas but anywhere while the opportunities for motorized recreationists are limited to designated routes in a small portion of multiple-use areas.**

*Both the 1984 Land and Resource Management Plan for the Pike and San Isabel National Forests and Comanche and Cimarron National Grasslands; and the 1991 Land and Resource Management Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forests direct for the provision of both motorized and non-motorized recreation opportunities outside of designated wilderness. The proposed action will not alter this direction. Additionally, as outlined in the Purpose and Need of the Environmental Assessment the proposed action will meet the intended primary purpose of the CDT as outlined in the 1977 CDT Study Report “to provide a continuous, appealing trail route, designed for the hiker and horsemen.”*

**(229) Therefore, over 96% of the public land should be managed for multiple-uses including motorized access and mechanized recreation. However, over 50% of the public land is managed by wilderness, wilderness study area, national park, monument, roadless, non-motorized area, wildlife management, and other restrictive management criteria that eliminates most or all motorized access and motorized recreation. Note that the Final Roadless Rule published on January 5, 2001 ([http://roadless.fs.fed.us/documents/rule/roadless\\_fedreg\\_rule.pdf](http://roadless.fs.fed.us/documents/rule/roadless_fedreg_rule.pdf)) included the following directive “The proposed rule did not close any roads or off-highway vehicle (OHV) trails”. The agency must honor this commitment. Therefore, all (100%) of the remaining public lands including roadless areas must be managed for multiple-uses in order to avoid further contributing to the excessive allocation of resources and recreation opportunities for exclusive non-motorized use.**

*Both the 1984 Land and Resource Management Plan for the Pike and San Isabel National Forests and Comanche and Cimarron National Grasslands; and the 1991 Land and Resource Management Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forests direct for the provision of both motorized and non-motorized recreation opportunities outside of designated wilderness. The proposed action will not alter this direction. Additionally, as outlined in the Purpose and Need of the Environmental Assessment the proposed action will meet the intended primary purpose of the CDT as outlined in the 1977 CDT Study Report “to provide a continuous, appealing trail route, designed for the hiker and horsemen.” Regarding Alternative B, page 2-7 of the EA explicitly states, “Trail segments that comprise the existing CDT would remain open as local trails and would follow current trail management direction for allowed and managed uses.” Regarding Alternative C, the proposed action, page 2-7 of the EA explicitly states, “The existing motorized trails and roads (approximately 39 miles) presently designated as the CDT would remain open as local travel routes and would follow current trail management direction for allowed and managed uses.”*

(4-16, 18-24, 26-30, 32-33, 35-37, 39-42, 44-54, 57-58, 60-71, 74-87, 89-94, 96-102, 104, 106-107, 109-113, 115-119, 122-133, 135-137, 140-141, 143-147, 149-157, 160-170, 172-185, 187-189, 191-192, 196-197, 201, 203-208, 211, 213-226, 228, 230, 232, 236-238, 240, 242-249, 252-253, 255, 257, 258, 261, 263, 267, 269, 271, 274) **I encourage the USFS to propose a similar reroute of the CDNST south of the current project area.**

*The relocation of CDT segments outside of the current project area is not within the scope of this EA.*

**(229) The evaluation and decision-making must take into account that the total area of the Pike and San Isabel National Forests equals 2,772,000 acres and out of that total 427,000 acres or 15.4% is designated wilderness. Note that this ratio is even more lopsided toward non-motorized opportunities when the management of defacto wilderness areas including roadless areas are factored in. Therefore, this statistic supports the management of all of the remaining 2,345,000 acres (including roadless) or 84.6% of the forest for multiple-uses. Every multiple-use acre must remain available for multiple-uses in order to meet the needs of 97% of the public who visit Pike and San Isabel National Forests for multiple-uses. Every reasonable multiple-use acre must remain available for multiple-uses in order to maintain a reasonable balance of opportunities. The proposed plan does not meet the basic needs of the public for multiple-use opportunities, a proper allocation of multiple-use recreation opportunities and the laws requiring multiple-use management of these lands. These are serious and significant deficiencies surrounding the proposed plan and we ask that adequate corrective action (a revised alternative analysis and plan) be taken quickly to address these issues.**

*Both the 1984 Land and Resource Management Plan for the Pike and San Isabel National Forests and Comanche and Cimarron National Grasslands; and the 1991 Land and Resource Management Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forests direct for the provision of both motorized and non-motorized recreation opportunities outside of designated wilderness. The proposed action will not alter this direction. Additionally, as outlined in the Purpose and Need of the Environmental Assessment the proposed action will meet the intended primary purpose of the CDT as outlined in the 1977 CDT Study Report “to provide a continuous, appealing trail route, designed for the hiker and horsemen.”*

**(229) We suspect that real user conflicts are minimal or non-existent. We request documentation of the user conflicts in the project area and request that this information be categorized and weighed against the overall number of visitor-days to the area.**

*User conflicts are not driving factors for the purpose and need for this project. See the Purpose and Need discussion beginning on pg. 1-4. Documentation and analysis of user conflicts is not required.*

**(229) The construction of new trail for exclusive non-motorized use does not seem to be a good use of public funds because it will benefit a very limited number of recreationists. It would seem more reasonable for the Forest Service to focus on multiple-use trail projects and invest our limited financial resources on those types of projects.**

*As disclosed in the Socioeconomic analysis in the EA (beginning on pg. 3-23), approximately 75% of the implementation costs have been secured for Alternative C from outside funding sources (pg. 3-29). Additionally, both the 1984 Land and Resource Management Plan for the Pike and San Isabel National Forests and Comanche and Cimarron National Grasslands; and the 1991 Land and Resource Management Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forests direct for the provision of both motorized and non-motorized recreation opportunities outside of designated wilderness. The proposed action will not alter this direction. Additionally, as outlined in the Purpose and Need of the Environmental Assessment the proposed action will meet the intended primary purpose of the CDT as outlined in the 1977 CDT Study Report “to provide a continuous, appealing trail route, designed for the hiker and horsemen.”*

**(229) All of the project areas are designated as multiple-use lands by congress and should be managed as such. The proposed action does not promote multiple-use of these areas and must be modified to meet those requirements as discussed in the attachment.**

*Both the 1984 Land and Resource Management Plan for the Pike and San Isabel National Forests and Comanche and Cimarron National Grasslands; and the 1991 Land and Resource Management Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forests direct for the provision of both motorized and non-motorized recreation opportunities outside of designated wilderness. The proposed action will not alter this direction. Additionally, as outlined in the Purpose and Need of the Environmental Assessment the proposed action will meet the intended primary purpose of the CDT as outlined in the 1977 CDT Study Report “to provide a continuous, appealing trail route, designed for the hiker and horsemen.”*

**(229) Additionally, the construction of new CDNST trail for exclusive non-motorized use is not a good use of the taxpayer’s money because it will benefit a very limited number of recreationists. It would seem more reasonable for the Forest Service to focus on multiple use trail projects and invest our limited financial resources on those types of projects.**

*As disclosed in the Socioeconomic analysis in the EA (beginning on pg. 3-23), approximately 75% of the implementation costs have been secured for Alternative C from outside funding sources (pg. 3-29). Additionally, both the 1984 Land and Resource Management Plan for the Pike and San Isabel National Forests and Comanche and Cimarron National Grasslands; and*

*the 1991 Land and Resource Management Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forests direct for the provision of both motorized and non-motorized recreation opportunities outside of designated wilderness. The proposed action will not alter this direction. Additionally, as outlined in the Purpose and Need of the Environmental Assessment the proposed action will meet the intended primary purpose of the CDT as outlined in the 1977 CDT Study Report “to provide a continuous, appealing trail route, designed for the hiker and horsemen.”*

**(277) Specious Public Involvement - The ostensible purpose of an EA is adherence to NEPA dictates for the USFS to objectively inform the public and then comport with the public’s reasoned judgment as to prudent management of its (the public’s) property. The “preferred alternative” (Alternative C) reveals that the FS is not willing to comport with the public’s decision but will try again (four times in the case of Twin Lakes) to substitute the Forest Service’s agenda in place of publicly mandated management. Public opposition to the preferred alternative’s bridges was unanimously, vociferously expressed at the well attended public meeting at the Twin Lakes Schoolhouse held on March 30, 2005. Jeff Leisy and Bill Mulholland did not hear one voice of support for these outrageous bridges at this outspoken assemblage. The Lake County residents in attendance plainly stated their preference for keeping the south shore of Twin Lakes in the primitive condition that former San Isabel Supervisor Cermak used as justification for their eminent domain seizure in 1971.**

*The Forest Service did, in fact, utilize all preliminary scoping comments and draft EA comments to develop and refine alternatives and to make a decision for this project. For example, numerous comments were received both in support of and in opposition to the central Twin Lakes bridge. Therefore, alternatives and options were developed to traverse the Twin Lakes area at two different locations.*

**(286) What is the current use and satisfaction level with the current CDT alignment? What are unacceptable “satisfaction” levels with regard to the nature and purpose of the CDT (p.2-6)? What types of monitoring will be conducted to ensure design criteria are implemented?**

*Currently, CDT users in the Timberline Trail vicinity are creating unacceptable social trails and shortcuts to avoid motorized users on this segment. Additionally, safety hazards exists on the Highway 82 bridge crossing as well as all other motorized routes where hikers or pack and saddle stock and motorized vehicles are simultaneously present. Current use levels vary by trail segment from several hundred users annually to tens of thousands annually. Those segments that are open to motorized use are typically the segments least used by non-motorized users. According to the nature and purpose of the CDT, shared motorized and non-motorized trails greatly detracts from the CDT experience and therefore motorized segments are considered to be unacceptable from a satisfaction perspective. Unacceptable satisfaction levels occur when a*

*measurable number of users are encountering motorized traffic. Forest Service employees from various resource disciplines, volunteers, and cooperators will be utilized to conduct formal and informal compliance surveys.*

**(281) What timeframes or schedules have been established for implementation of the Proposed Alternative?**

*Implementation of the Proposed Action is scheduled to begin in the summer of 2006. Completion is planned for the end of 2008 or 2009 depending upon funding and available snow-free days for trail construction and reconstruction.*

## TRAIL MAINTENANCE

**(284) I am concerned how the Forest Service plans to maintain and repair the proposed new sections of trail over the long term. As I am sure you are well aware, Forest Service trail and recreation programs are woefully and chronically under-funded. As a result, the organization has had difficulty maintaining its current collection of trails and trailheads and is increasingly reliant upon the efforts of volunteers and grant awards to do so. These avenues, while of great value, are not reliable.**

*The USFS has worked closely with both the Continental Divide Trail Alliance (CDTA) and Colorado Trail Foundation (CTF) to develop plans to utilize the resources of these organizations to ensure that new and existing trail segments established as the CDNST by the proposed action will be properly maintained over time. For example, in the past several years, CDTA has focused over 2,000 volunteer hours (valued at over \$27,000) on the existing segment of the CDNST between Halfmoon Creek and Monarch Pass. In fact, the CDTA stated in their letter of comment to this Environmental Assessment, "Upon completion of this project the CDTA will continue to work with the Pike and San Isabel and Gunnison National Forests to identify long-term maintenance goals to ensure the protection of the Trail in perpetuity." The implementation of design criteria as stated in Chapter 2 of the EA will also reduce maintenance needs.*

**(284) I cannot support this trail construction proposal if it will involve creating significant lengths of parallel motorized and non-motorized trail corridor in close proximity to one another (e.g., within the same drainage, within sight or sound of one another, along the same hillside, etc.). I also cannot support this trail construction proposal if it will expose otherwise pristine, fragile, and/or inaccessible landscapes to new, large-scale human, intrusions.**

*As discussed in the EA, the trail will be narrow and non-motorized. Recreation use will be dispersed and infrequent. Additional access does not always translate to adverse impacts. Trail density increases that are a result of new trail construction will be within Forest Plan standards and guidelines for each management area that the proposed alignment will traverse. See the 1984 Land and Resource Management Plan for the Pike and San Isabel National Forests and Comanche and Cimarron National Grasslands; and the 1991 Land and Resource Management Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forests for trail density guidelines. Impacts related to each alternative are described further in Chapter 3.*

**(276) FEMA and the EPA are two other Federal Agencies that are currently under scrutiny for fiscal oversight and mismanagement, and so it seems to me that it is in the interest of the public and the USFS to practice far more practical and reasonable judgment in their 'stewardship' of the national forests, than to promote Alternative C, the most expensive and intrusive of the proposals.**

*The EA discusses the purpose and need, public involvement, affected environment and impact assessment used to examine the three alternatives. As discussed in the Environmental Assessment, the current location and increasing motorized use continues to be in conflict with the original intent of the CDT in the study area. Alternative C is needed to create a high-quality, primitive hiking and pack and saddle stock trail that provides access to the diverse country in close proximity to the Continental Divide and best meets the intent of the National Trails System Act and the intent of the CDT.*

*Potential impacts that were considered is described in Chapter 3. In addition, Page 3-23 describes the socioeconomic impacts related to the implementation of Alternative C. Though it would be the most expensive to implement, approximately 75% of the implementation costs have been allocated through outside funding sources such as the Great Outdoors Colorado (GOCO) Legacy grant. This money is only available for use under this alternative. This grant project involves a partnership between CDTA, Colorado State Trails, Lake, Chaffee, and Gunnison counties, GOCO, and the U.S. Forest Service. This Alternative would create a trail that serves 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” as defined in the National Trail Systems Act of 1978. It would comply with the National Trail Systems Act by establishing a trail that provides a primitive, non-motorized experience primarily for hiking and pack and saddle stock.*

*Good stewardship sometimes requires the expenditure of funds to provide good facilities to the public. High-quality facilities in good repair enhance the recreation experience and, more importantly, protect the natural environment from unauthorized uses and abuse.*

## DESIGN CRITERIA

**(283) Any ditch crossing needs to be removable to do maintenance work on ditches. Main issue – also, that the ditch is private property.**

*The commenter is correct. Trail standards design criteria will be added to the Decision Notice and FONSI that will direct project implementation to provide for the continued unencumbered access to ditches to complete maintenance work as well as to provide for the long-term integrity of ditch structures.*