Continental Divide Trail Society

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January 12, 2012

Lander Field Office RMP/EIS
Bureau of Land Management
Lander Field Office
P.O. Box 589
Lander, Wyoming 82520

Dear Sir or Madame:

The Continental Divide Trail Society has been devoted, since its establishment in 1978, to locating and developing the Continental Divide National Scenic Trail (CDNST) so as to achieve the goals set out in the National Trails System Act ("the Act," 16 U.S.C. 1241 et seq., as amended). With an active membership from all parts of the country, we strive for a "silent trail" that will provide a natural and beautiful experience for hikers and horsemen. Many members of our Society backpack along the CDNST in southern Wyoming every year. It is in our interest, and theirs, that the Trail should offer the experience contemplated by the Act – including, in particular, the protection of scenic quality along the route.

Under the Act, the CDNST together with other national scenic trails are to be "so located as to provide for the maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass."

BACKGROUND

The legislation, when first enacted in 1968, identified a proposed Continental Divide Trail as one of 14 potential national scenic trails to be studied to determine the feasibility and desirability of designating them as addition to the national trails system. A study of the proposed CDT was thereupon undertaken by the Bureau of Outdoor Recreation, which in 1976 issued a positive recommendation. According to the BOR Study Report, the Trail would offer spectacular scenery and a greater diversity of physical and natural qualities than found on any other extended trail, on lands where the environment remains relatively unaltered; scenic trail designation would assure proper and sensitive standards, with sufficient controls to assure that the values of the trail are not jeopardized.

Upon designation of the CDNST in 1978, the Secretary of Agriculture, in consultation with the Secretary of the Interior, prepared and in 1985 issued a Comprehensive Plan for management of the Trail. An amendment to the Plan, published in the Federal Register on October 5, 2009, 74 FR 51116, set forth revised direction to guide the development and management of the CDNST. Contemporaneously, and consistent with that notice, the 2009 CDNST Comprehensive Plan replaced the 1985 CDNST Comprehensive Plan. ("Comprehensive Plan Amendment," p.1).

Based upon the history and text of the Act, the 2009 Comprehensive Plan states that "the nature and purposes of the CDNST are to provide for high quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the CDNST corridor." (p.8)

DISCUSSION

We have reviewed the proposed RMP and DEIS with some care and acknowledge the sensitivity with which BLM has in many respects addressed the values associated with the CDNST. While visual quality management may be at the top of the list, we are also concerned about the preservation and enjoyment of cultural resources (such as South Pass City and the surrounding mining zone), wildlife resources (such as wild horses, pronghorn, sage grouse, and raptors), water access, and the minimization of conflicts with other (notably, motorized) users.

Our choice, as you might expect, would be for the adoption of Alternative B. Its emphasis on protection of physical, biological, and heritage resources would most fully meet the objectives of the Trails Act described above.

Nevertheless, we find that Alternative D, BLM's current Preferred Alternative, provides a good basis for discussion, and we will therefore devote the remainder of our comments here to the management actions that might be taken in administering that alternative.

Please note, however, that we shall be writing separately to propose that you give consideration to a relocation of the CDNST through a segment of Sweetwater Canyon.

1. Special Designations (SD) Goals and Objectives

The DEIS sets out goals and objectives for Congressionally designated trails in Table 2.32 (p.157). Goal SD 2 refers specifically to the CDNST, but does not take account of the guidance of the amended Comprehensive Plan, discussed above. An updated statement, which we recommend, is that this goal should be revised as follows:

- Goal SD 2: Provide for high quality scenic, primitive hiking and horseback riding opportunities and conserve natural, historic and cultural resources along the CDNST corridor and adjacent lands (see Glossary).

2. Management of the CDNST (Excluding CDNST ERMA)

We concur with the DEIS Preferred Alternative's specific identification and demarcation of the most sensitive portions of the CDNST for specific management attention. In general, we agree with the proposed designation of:

- The South Pass Historical Landscape ACEC
- The Heritage Tourism and Recreation Corridor.
- The Sweetwater Mining and Alkali Basin Recreation Management Zones (which comprise the CDNST Special Resource Management Area) along with the National Trails Undeveloped SRMA.

Nevertheless, we have concerns that need additional attention in order to assure consistency with the nature and purposes of the CDNST.

Scenic quality management. As shown on Map 78, the visual resource management category would be Class II (retain the existing character of the landscape).

- As in the case of national historic trails (2.6.4.8, p.56), highly visible projects outside of 5 miles on each side of the CDNST should generally not be authorized. If anything, based on Section 3(a) of the Trails Act, national scenic trails should be managed with even *greater* protection of scenic resources than national historic trails. For scenic trails, a specific goal is to provide "for the conservation and enjoyment of the nationally significant scenic … qualities of the areas through which such trails may

pass." Section 3(a) (3), relating to historic trails, makes no express mention of scenic values. The last sentence on page 56 should read: "Highly visible projects outside of 5 miles on each side of the Congressionally Designated Trails are authorized only if the project causes no more than a weak contrast." (The alternatives table – specifically, Record 7006, p.163 - should be modified accordingly, corresponding to Record 7108, p.193.)

- As stated in Table 2.25 (p.124), surface-disturbing activities within VRM Class II areas should not be allowed unless it can be demonstrated that the project will meet or exceed VRM Class II objectives.

- Record 5037 refers to surface-disturbing activities within VRM Class III and IV. (If not within view of Congressionally Designated Trails, VRM Class at the disturbance site applies; if in view, then Class II applies.) For purposes of clarification, revise the second paragraph to read: "Surface-disturbing activities within VRM Class III and IV that are within view of Congressionally Designated Trails, and out of scale with the surrounding landscape, will be evaluated based on VRM Class II standards."

Physical resources – water. We concur with Goal PR 6 (Maintain or improve surface water and groundwater quantity and quality consistent with applicable state and federal standards and regulations) as well as Objective PR 6.1 (Take appropriate actions to protect all Wyoming surface water designated uses including but not limited to fisheries, aquatic life, drinking water supplies, recreation, and agriculture, and to control all potential causes of impairment.) Table 2.10, p.67.

- We assume that adequate water availability for recreational use of the CDNST is a "Wyoming surface water designated use." If not, there should be an objective expressly directed to the protection of waters for use of the CDNST.

- Citing PR 6.1, add a management action to "identify and improve surface waters accessible to users of the CDNST and provide exclosures or other measures to protect those waters from degradation." This would be in addition to Record 1035 ("Integrate soil, groundwater, and surface water management to maintain or improve groundwater and surface water quality.") We commend BLM for its past water-related initiatives and are proposing that similar activities in the future should be recognized as an element of the management plan.

Motorized vehicle use

As provided by the Trails Act and the Comprehensive Plan, motorized vehicle use may be continued on roads that were constructed prior to November 10, 1978. Nevertheless, the noise and mere presence of motorized vehicles often conflicts with hikers' enjoyment of the scenery and natural qualities of their trail's surroundings.

Alternative D does not appear to provide for the closure of any roaded segment of the CDNST or any relocation of the Trail to an unroaded setting.

Although we do not suggest any site-specific changes at this time, we urge BLM to recognize the desirability of minimizing motorized/nonmotorized conflict and expressing its intent to consider means of mitigation. This can be accomplished in the context of Goal LR 9 (Utilize an adaptive travel management approach to minimize conflicts among the various users of BLM-administered lands) and Objective LR 9.1 (Provide route densities, route locations, or visitor information to minimize resource use/user conflict), p. 132. We would simply add another management action, common to all alternatives, to "Evaluate modifications (as needed to meet planning objectives) to the location and management of the CDNST." Alternatively, or in addition, the same principle could be articulated in the Congressionally Designated Trails section of the document; it might also be extended to refer to all Congressionally Designated Trails instead of the CDNST alone.

The most important policy concerning vehicle use is Record 7010 (p.166) that: "The BLM will not authorize activities that will expose CDNST trail users to heavy/frequent motorized traffic along the trail unless the proposed activity is within a location that currently experiences heavy/frequent motorized traffic (county and BLM-maintained roads)." This is good so far as it goes. It does not, however, adequately address adverse impacts that may result, without administrative action, from changes in allowed activities (e.g., increased motorized demand for travel along CDNST locations, new technology such as the introduction or greater popularity of larger or noisier vehicles) or the improved maintenance or upgrading of the existing route. The RMP should indicate that such developments might warrant an evaluation of needed modifications, as recommended in the previous paragraph.

The restriction of heavy/frequent traffic to county and BLM-maintained roads is very desirable. Record 7010 should include a reference to Maps 82 and 83, which depict these roads.

Section 7000 (and Appendix C) should be amended to reflect the statutory limitations on vehicle use, as set out in Chapter IV(B)(6) of the Comprehensive Plan – notably, that motor vehicle use is allowable on a segment constructed as a road prior to November 10, 1978, or otherwise only if the vehicle class and width were allowed on that segment on that date and the use will not substantially interfere with the nature and purposes of the CDNST.

Oil and gas development. As shown on Map 32, oil and gas development would be subject to "major constraints." We understand that these major constraints include the management actions in Record 7008:

- 0 to 3 miles on each side of the CDNST is NSO.
- 3 to 5 miles on each side of the CDNST are CSU to ensure that a project causes no more than a weak contrast as defined in the BLM Visual Resource Manual.

These restrictions relate specifically to the portion of the Heritage Corridor west of the CDNST ERMA. (Provisions for the proposed South Pass Historical Landscape ACEC are even more restrictive, providing for NSO in the entire area, Record 7107.)

Wind energy

We concur with the exclusion of wind energy projects from all segments of the Trail west of the CDNST ERMA, Records 6015, 7008, and 7106 , Map 100. Record 7008 might specify that "major realty actions" subject to the 5 mile closure provision include wind farms (along with large transmission lines, etc.).

Other mineral and realty actions

All authorized mineral and realty actions in the Heritage Corridor are subject to the VRM Class for the area. (Record 7008, p. 164). The same language should be used with respect to the ACEC. Record 7107 (p.192) should be revised as follows: "Mineral and realty actions are managed with the following restrictions: (New leases will incorporate these conditions to alert prospective lessees of the restrictions.) In all cases, authorized activities are subject to the VRM Class for the area. [Insert bulleted list]."

We observe that Record 7008 specifies restrictions by category for Alternatives A, B, and C. For Alternative D, we suggest the inclusion of a statement that Category 3 or higher restrictions will apply to the CDNST ERMA and Category 4 or higher restrictions will apply to other portions of the CDNST. This would of course be in addition to the VRM requirements.

Biological resources

The diversity of wildlife is an exceptional characteristic of the CDNST. While hiking the Trail in Wyoming, I personally have personally enjoyed the sighting of pronghorn and wild horses – as well as elk,

moose, badger, jackrabbits, rattlesnakes, raptors, and sage grouse among others. We definitely support effective measures to protect and enhance the habitat for sage grouse, but will leave specific recommendations on this subject to those with greater expertise. However, we do wish to single out the topic of wild horse management, as this is a must-see experience for just about every CDT hiker who traverses the Lander FO lands.

Wild horse management plans should be developed for each section of the planning area with sensitivity to its particular attributes and needs. Among other things, this includes determining how the competitive claims of horses and livestock for available forage should be resolved. For the vicinity of the CDNST (including the ERMA), the balance might be drawn more favorably for the horses than might otherwise be the case. Other measures, such as fence locations, might also take into account potential impacts upon wild horse viewing opportunities along the Trail.

Goal BR 15:3 is to provide opportunities for viewing wild horses. In support of this goal, we suggest adding a new Record 4122, "Enhance viewing opportunities for wild horses along the CDNST."

Recreation

We completely agree with your explicit statement that "the entire Congressionally Designated Trails landscape is considered an important recreation feature in the planning area" (p.1048). We believe that this factor has been an important guideline in the preparation of the RMP/EIS. Some of our comments above may serve to clarify, or further protect and enhance, the recreational experience on the CDNST. In addition, as provided in Appendix C, we concur with the closure of the special recreation management areas to competitive events. The effort to "enhance the availability of dependable on-potable water sources for trail hikers" (p.1372) should apply for all areas along the CDNST (including the ERMA), not just the Alkali Basin RMZ.

We concur with the intention to "investigate opportunities to re-route the CDNST near Phelps-Dodge Bridge, so thru-hikers do not have to parallel the Atlantic City-Three Forks County Road" (Sweetwater Mining RMZ, p.1373). In addition, however, we would add to Table C.16 Sweetwater Canyon RMZ a parallel management action "to investigate opportunities to re-route the CDNST so as to pass through a portion of Sweetwater Canyon." [We will provide a more detailed recommendation in a separate letter.]

3. Management of the CDNST ERMA (Extensive Recreation Management Area)

Appendix C of the draft RMP/EIS gives little guidance to recreational management for the CDNST ERMA. In essence, the only specific policies are those set out in Table C.1. The Resource Protection Objective should be amended to call for safeguarding of area-specific resources for Congressionally-designated trails (as well as ACECs and wild and scenic rivers). The Use/User Conflict Objective should seek to "achieve a minimum level of conflict between recreation participants and other recreation participants – but this should not necessarily "maintain a diversity of recreation activity participation" if, for example, the conflicting use were to substantially interfere with the nature and purposes of the CDNST.

In general, taking into the account the detailed provisions of Chapter 2, we think that plans for the ERMA management are reasonable. We are not persuaded, however, that this entire section "is heavily developed and affected by transmission corridors, oil and gas development [other than Happy Springs], and uranium mining." For that reason, we propose that the Alkali Basin RMZ be extended eastward past Brenton Springs. While Map 15 indicates a potential uranium project in this vicinity, we suggest that any such development that might be considered could readily be undertaken with no surface occupancy within the viewshed of the expanded RMZ. (We can also foresee other potential adverse impacts associated with uranium mining at this site, including road development and groundwater pollution.)

For certain types of development such as rights-of-way and wind farms, Record 6015 calls for "avoidance" of the CDNST ERMA. We did not find any definition of this term in the draft RMP/EIS. We understand that BLM regards an avoidance area as "an area within which land use authorizations, such as ROW grants, would be avoided to the extent possible due to some sensitive resource value that may be damaged or

diminished if development were allowed." (Kremmling FO draft RMP/EIS, p. 2-119) If this is correct, an equivalent statement should be included in the final documents.

4. Cumulative Impacts

We agree that it is appropriate (and even necessary) to consider the cumulative impacts of foreseeable activities, including activities outside the planning area, when preparing a new RMP. Section 4.10.6 (p.1242ff.) contains a discussion that projects developments in the Bairoil Region and Checkerboard Regions of the CDNST. We expressly take exception to the characterization of future energy and industrial development in the area of the Rawlins Field Office. Some of our concerns in this regard have been outlined recently in comments submitted on actions related to the proposed Chokecherry/Sierra Madre wind energy development, However, because these concerns do not relate specifically to the planning area, we request only that the language at two places on page 1243 be revised so as to report that "it has been projected" rather than "it is projected" that users will be constantly viewing intrusions and that the CDNST will continue to experience development.

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We appreciate the Lander Field Office's conscientious efforts to provide for the conservation and enjoyment of the scenic, historic, natural and cultural qualities along the Continental Divide National Scenic Trail. We hope you will find our comments helpful in achieving this objective. We would welcome the opportunity to review and discuss any of our comments with you. Please let us know how we may help.

Sincerely yours,

/s/ James R. Wolf

CONTINENTAL DIVIDE TRAIL SOCIETY

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