



DECISION MEMO

Continental Divide National Scenic Trail Relocation Project

Bridger-Teton National Forest Jackson and Illackrock Ranger Districts Teton County, Wyoming

BACKGROUND

The BTNF currently manages approximately 140 miles of the 3,200 mile-long Continental Divide National Scenic Trail (CDNST). A portion of CDNST between Sheridan Pass and Togwotee Pass is currently located on the Shoshone National Forest (SNF). This portion of the trail is primarily on roads open to motor vehicles, which is inconsistent with CONST direction for non-motorized use, and therefore hazardous to users attempting to hike or horseback ride through the area. Additionally, SNF has planned vegetation management operations in portions of areas through which the current designated CDNST passes. In order to meet CDNST non-motorized direction and allow vegetation management operations to occur without impacting CDNST trail users, the Forest Service proposed in 2018 to move the CDNST route from existing roads and active timber management areas on SNF onto National Forest System trails located on the Bridger-Teton National Forest (BTNF).

SNF would need to construct approximately 10.5 miles of new trail from Sheridan Pass to Togwotee Pass to remove the trail from existing roads and keep it passable and consistent with CONST direction for non-motorized use. By contrast, moving the SNF route onto the BTNF would result in only 4.1 miles of new trail construction (through upper Squaw Basin) and re-designation of approximately 12.6 miles of existing Forest System trail on the BTNF as CONST. Re-routing the CDNST onto the BTNF would therefore result in less ground and wildlife disturbance, cost less due to a shorter construction distance, and would be completed in a shorter timeframe so that the trail is open and usable for the public.

CDNST Comprehensive Plan

According to the CDNST Optimal Location Review (OLR), the best possible location for the CONST is one that:

1. Meets the intent of Congress to provide for maximum outdoor recreation potential within the scenic landscapes along the Continental Divide.
2. Ensures a trail location that is sustainable and blends with the environment in a cost-effective manner.
3. Provides reasonable separation from motorized uses, residential, commercial and industrial development.
4. Provides access to water sources.
5. Provides public access.
6. Achieves consistency with design criteria for location outlined in the CONST Comprehensive Plan.

Additionally, the following sections within the CONST Comprehensive Plan state that:

- Sec.IV.B(1)(b)(1): Where possible, locate the CONST in primitive or semi-primitive non-motorized Recreation Opportunity Spectrum (ROS) classes, provided that the CONST may have to traverse intermittently through more developed ROS classes to provide for continuous travel.
- Sec.IV.B(1)(b)(2): Locate a CONST segment on a road only where it is primitive and offers recreational opportunities comparable to those provided by a trail with a designed use of Pack and Saddle Stock.
- Sec.IV.B(1)(b)(3): The trail shall be as close to the geographic divide as possible.

The current location of the CONST does not meet several of the criteria outlined above. The existing location on open roads does not provide for reasonable separation from motorized uses, is not consistent with design criteria for the rest of the trail, and is not in a primitive or semi-primitive non-motorized (ROS) class. When vegetation management operations begin, the current route will not provide reasonable separation from a commercial timber sale, nor will it provide safe public access through the area during vegetation management operations. Lastly, the current route strays further from the geographic divide than the proposed route which would cross the actual continental divide near Wind River Lake on Togwotee Pass.

The proposed CONST relocation route is located within Desired Future Condition Categories 7A, 7B, and 10 of the BTNF Land and Resource Management Plan (i.e. Forest Plan). The proposed relocated trail would be consistent with applicable direction for these Desired Future Condition categories. The current designated CONST route on the SNF passes through occupied grizzly bear habitat. The proposed route would also pass through occupied grizzly bear habitat, meaning that current management practices which encourage users to carry bear spray and require visitors to store food and attractants per BTNF Food Storage Order Number 04-03-330, which would remain in place.

As a result of public concern about overlap between the trail and key elk habitat, the BTNF developed three route options. On-the-ground inspection of the route options was conducted during summer 2018 by Forest Service personnel to determine current trail conditions and long term route sustainability. A detailed route analysis was then completed by Jackson Ranger District Trail Supervisor and submitted to the BTNF Interdisciplinary Team. Additionally, Blackrock Ranger District (BRO) personnel completed preliminary scouting of the proposed new trail section to be constructed, and provided a GPS track of the optimal route.

DECISION

After reviewing public comments and consulting with resource specialists, I have decided to approve the proposed relocation of CONST onto the BTNF. However, after inspection of existing trail conditions in the area and hearing specific concerns from the public and outfitters, changes to the original proposed route have been made. See Figure 1 for a comparison of the proposed routes.

For the Jackson Ranger District (JRD) section, I have selected Option 1 as the route for the CONST. Option 1, on JRD, is entirely on existing FS system trails and is approximately 12.6 miles compared to the original proposed route (Option 2) which was approximately 11.5 miles in length. From South to North, the designated CONST will follow Sheridan Cr Trail #4110, Red Cr Trail #4105, Cottonwood Cr Trail #4079, Spruce Cr Trail #4106, and Spruce Cr Cutoff #4107 to the boundary with BRO. After extensive field review of trails, this route was determined to be the most sustainable in the long term, and meets desired conditions for the CONST while avoiding areas of concern that arose from the public and outfitters.

For the BRO section, I have decided to approve approximately 4.1 miles of new trail construction through Squaw Basin to connect CONST from JRD boundary to the Forest Boundary. The new trail section will differ slightly from the original proposal in that it will not join the existing two track road for the last 2 miles before reaching the Forest Boundary. Instead, new trail will be constructed the entire length to the Forest Boundary, where it will then connect to CONST on the Shoshone National Forest. This will help alleviate concerns about the existing snowmobile routes, reduce the need for heavy machinery to repair the existing two track road, and achieve a more optimal route according to CONST Comprehensive Plan.

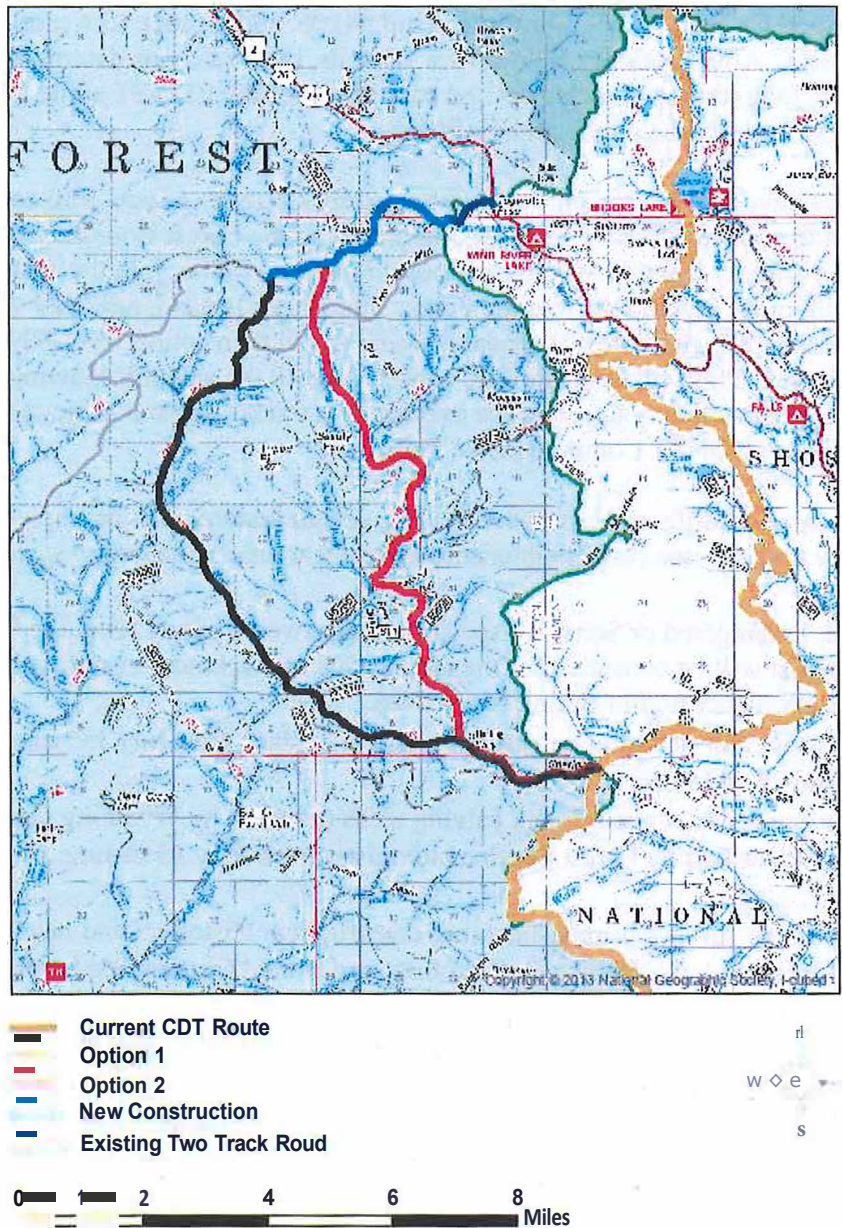
Additionally, to minimize wildlife impacts, the following design features will be implemented when conducting new trail construction, maintenance or reconstruction of existing system trails:

- 1) If Threatened, Endangered or Sensitive species are discovered at any time, the District Wildlife Biologist will be consulted for the appropriate management or mitigation, including site avoidance and/or timing restrictions.
- 2) Vegetation removal for new trail construction will take place after July 15th annually to minimize nesting bird impacts.
- 3) Project operations will not occur in elk calving areas (mapped by Wyoming Game and Fish Department or identified by Forest Service biologists) from May 15 to June 30 where elk are present.
- 4) Conduct amphibian surveys prior to new trail construction. Historical and newly discovered Boreal toad, Columbian Spotted frog, and Boreal Chorus frog breeding sites will be protected with a 300-foot buffer.
- 5) To the extent possible, snags > 12 in. diameter breast height (OBH) will be retained during trail construction and maintenance activities.
- 6) Mortality of 5-needled pines will be avoided during trail construction and maintenance activities.
- 7) Enforce food storage order.
- 8) Educational signage, field patrols, and electronic media will emphasize behaviors to reduce adverse encounters with bears, cougars, moose or other animals. For example, messaging

will reinforce staying alert, not wearing earbuds, carrying bear spray, knowing how to appropriately respond to an encounter, controlling dogs.

Figure 1.0- CDNST Route Options

Continental Divide Trail Relocation



FINDINGS FOR CATEGORICAL EXCLUSION

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures as category 32.2, described in Forest Handbook 1909.15, May 28, 28, 2014. This category is for "Construction and reconstruction of trails." 36 CFR 220.6(e)(1)

In considering this project, I find no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- **Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species -**

A portion of this project is within the Grizzly Bear Recovery Zone, and the entirety of this project traverses occupied grizzly bear habitat. This project complies with all 2016 Grizzly Bear Conservation Strategy requirements and no effects are anticipated for grizzly bears. The project design features include provisions for minimizing human-bear conflicts during implementation. The project traverses Canada Lynx habitat and designated Canada Lynx critical habitat, but no effects are anticipated for either Canada Lynx or designated Canada Lynx critical habitat. This project is not a vegetation management project as described in the Northern Rockies Lynx Management Direction, thus those provisions do not apply. No effects are anticipated for wolverine, and this project does not overlap any designated Yellow-billed Cuckoo Critical Habitat and no effects are anticipated for Yellow-billed Cuckoo. As stated in the design features, if Threatened, Endangered or Sensitive species are discovered at any time, the District Wildlife Biologist will be consulted for the appropriate management or mitigation, including site avoidance and/or timing restrictions.

Flood plains, wetlands, or municipal watersheds - Willow complexes and riparian areas are common throughout Mount Leidy area. Standard trail design avoids locating trails in riparian areas. On JRD, the CONST will be located on existing system trails so no new disturbance will occur. On BRO, no new construction will occur in wetlands as such areas do not offer sustainable locations for long-term trail maintenance and functionality

- **Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas -** The project is not located in a Wilderness, WSA or National Recreation Area.
- **Inventoried roadless areas or potential wilderness areas -** Much of the proposed trail is located within the Spread Creek - Gros Ventre River Inventoried Roadless Area (#03013). Non-motorized trails are entirely compatible with management direction for this area.
- **Research natural areas -** none are present or potentially impacted

- **American Indians and Alaska Native religious or cultural sites** - [f any cultural materials are discovered during construction, work in the area shall halt immediately, the federal agency must be contacted, and the materials evaluated by an archaeologist or historian meeting the Secretary of the Interior's Professional Qualification Standards (48 FR 22716, 09.1983)
- **Archaeological sites, or historic properties or areas** - Cultural resource specialists completed surveys in the affected areas and identified no concerns.

PUBLIC INVOLVEMENT

A scoping document was released on April 10th, 2018 to interested individuals, agencies and organizations, asking for public input on this proposal. The project was also listed on the Forest's Schedule of Proposed Actions (Project #53560). The public was notified about the proposed projects via newspaper articles. Interdisciplinary resource team meetings were held in 2018.

The Forest Service received four public comments on the proposal. Concerns that arose include displacement of elk in the Beauty Park area due to an increase in through hikers, which could potentially disturb elk and therefore negatively affect the outfitting business located there, and concern over impact to the snowmobile route on the existing two track road in Squaw Basin. These concerns have been addressed in the final decision.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS


This decision is consistent with the Bridger-Teton National Forest Land Management Plan and the specific standards and guidelines associated with DFC 7A, 78, and 10.

IMPLEMENTATION

On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014 (Pub. L. No. 113-76). Among other things, Section 431 of that Act directs that the 1992 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) and 36 CFR 218 (pre-decisional objection-s) processes "shall not apply to any project or activity implementing a land and resource management plan ... that is categorically excludedunder the National Environmental Policy Act [NEPA]." On February 7, 2014, the President signed into law the Agricultural Act of 2014 (Farm Bill) (Pub. L. No. 113-79). Section 8006 of the 2014 Farm Bill repealed the Appeals Reform Act (ARA) (Pub. L. No. 102-381). The ARA's implementing regulation was 36 CFR 215. The 2014 Fann Bill also directs that the pre-decisional objection process established in the Consolidated Appropriation Act of 2012 shall not be applicable to categorically excluded projects or activities. Therefore, this decision is not subject to appeal or objection. The project is anticipated to begin in the summer of 2019.

CONTACT

For additional information, contact: Tim Farris, Jackson Trails Supervisor, (307) 739-5414.



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4/15/2019

Date

Ja:s::t Ranger



Todd Stiles

4/12/2019

Date

Blackrock District Ranger

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