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## **Silverton Guides Helicopter Ski Terrain Exchange Environmental Assessment**

DOI-BLM-CO-S060-2016-0022-EA

### Introduction

I have reviewed the preliminary environmental assessment (EA) relating to a proposed change to Silverton Guides' Special Recreation Permit for heli-skiing operations near the Town of Silverton, Colorado. Seeing no discussion about the Continental Divide National Scenic Trail (CDNST), I am concerned about impacts upon the use and protection of the CDNST in the event that the proposed change was to be approved. The proposal as presented would substantially interfere with protecting the nature and purposes of the CDNST and as such should have been addressed through Environmental Impact Statement processes.

### Continental Divide National Scenic Trail

The EA fails to address the presence of the CDNST within the project area. The CDNST was located along this section of the Continental Divide in 2007 as result of a GOCO project and was celebrated as an important Federal agency and state partnership at that time—see the attached *Stony to Cataract Partnership* document. The CDNST location and potential National Trail Management Corridor (MS-6280) is shown on a map of the project area—see the attached *Silverton Heli-Ski CDT* map.

“The BLM, as National Trail manager, inventories the National Trail resources, qualities, values, and associated settings, and the primary use or use(s); establishes the National Trail Management Corridor through the land use planning process; manages resources and uses in a manner that will not substantially interfere with the nature and purposes of the National Trail; makes efforts to avoid incompatible activities; and monitors the National Trail” (MS-6280).

The EA describes that the Proposed Action has been found to be in compliance with “applicable laws, regulations, and policies (EA, Section 2.5). However, there is no mention of the National Trails System Act. Although the EA identifies as an issue to be analyzed “potential conflicts with [existing recreational use] resulting from the Proposed Action” (EA Section 1.5, p.3), conflicts with use and the protection of the CDNST are not discussed or disclosed.

## Nature and Purposes of the CDNST

The general rule of the National Trails System Act (NTSA) is that “the use of motorized vehicles along any national scenic trail shall be prohibited,” with limited exceptions such as emergencies and landowner access. With regard specifically to the CDNST, motorized uses may be authorized if the use would not substantially interfere with the nature and purposes of this National Scenic Trail, but only if those uses were allowed by administrative regulations at the time of designation in 1978 (NTSA Sec. 7(c)), 16 USC 1246(c)).

Permitted use of helicopters for recreational purposes appears to have lacked any authorization in 1978. In any event, such use as intended in the proposed action would substantially interfere with the nature and purposes of the CDNST. The “nature and purposes of the CDNST are to provide for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the CDNST corridor.” In addition, the Comprehensive Plan further describes, “Backpacking, nature walking, day hiking, horseback riding, nature photography, mountain climbing, cross-country skiing, and snowshoeing are compatible with the nature and purposes of the CDNST” (2009 Continental Divide National Scenic Trail Comprehensive Plan). Skiing is a recognized use of the CDNST corridor; however, not when assisted by helicopters, which would degrade CDNST values.

BLM uses the term “corridor” to apply to “a public land area of sufficient width to encompass National Trail resources, qualities, values, and associated settings and the primary use or uses that are present or to be restored” (BLM Manual 6280, Chapter 1.D.11). Heli-skiing allows a company to ferry skiers “to the top of a mountain” in a helicopter (EA, p.12); landings at or near such a site appear to be within the proposed permitted boundary and would certainly fall within the corridor of the CDNST.

The intrusion of helicopters on the CDNST conflicts with “primitive hiking ... opportunities,” with associated noise that disturbs (and does not conserve) the natural resources along the corridor. The EA emphasizes the importance of the area for providing habitat for the recovery of wolverines within Colorado. With these impacts, helicopter assisted skiing within the CDNST corridor would substantially interfere with the nature and purposes of this national scenic trail and should not be approved.

## BLM National Trail Management Policy

BLM Manual 6280 (Chapter 5, Sec. 5.3) sets out a “protocol for proposed actions which may adversely impact designated national trails.”

“The BLM may not permit proposed uses along National Trails which will substantially interfere with the nature and purposes of the trail, and the BLM shall make efforts, to the extent practicable, to avoid authorizing activities that are incompatible with the purposes for which such trails were established” (Chapter 5, Sec. 5.3 A.2.)

BLM site-specific management considerations describes, “Where necessary, notice may be provided to permittees or lease operators of the presence of a congressionally designated National Trail and the BLM’s responsibility not to permit uses along trails that would substantially interfere with the nature and purposes of the trail, and also to make efforts to avoid activities incompatible with the purposes for which trails were established, to the extent practicable, while respecting valid existing rights. (Chapter 5, Section 5.5 A.6).

For reference, I have included the most recent version of a [CDNST Planning Handbook](#) (see the attached *CDNST Planning Handbook* document). The handbook includes land management plan and NEPA guidance that may be useful for this project and for when the RMP is revised or amended.

### Recommendations

The following are recommendations for addressing the planning and management of the CDNST within the project area as related to the heli-skiing proposal:

1. Avoid impacts to the CDNST corridor by excluding from the heli-skiing permit the National Trail Management Corridor (NTMC) area as depicted on the attached map. This would include any helicopter assisted skiing that originates on private land within the CDNST NTMC; and
2. Consider through NEPA processes expanding the extent of the CDNST corridor to better protect high-quality wolverine habitat to further fulfill the conservation purposes of this National Scenic Trail. For this purpose, I recommend expanding the CDNST NTMC to include the Maggie Gulch and Minnie Gulch pods.

Another option is to suspend addressing the proposal, as it relates to the Maggie Gulch and Minnie Gulch pods, until such time that the Resource Management Plan and the Alpine Triangle Final Recreation Area Management Plan are amended to address the requirements for establishing the CDNST NTMC.

Thank you for accepting and considering these comments. Please contact me at [nstrail@comcast.net](mailto:nstrail@comcast.net) if you have any questions.

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Attachments (3)