

**National Park Service
U.S. Department of the Interior**

**Rocky Mountain National Park
Colorado**



EAST SHORE TRAIL FINDING OF NO SIGNIFICANT IMPACT

Rocky Mountain National Park was established in 1915 and is located in north central Colorado. The approximate 265,761-acre park contains spectacular scenery that includes majestic mountains and surrounding lakes, rivers, forests, and meadows. The East Shore Trail is an existing hiking and stock trail that runs roughly north/south along the east shore of Shadow Mountain Lake near the town of Grand Lake, Colorado. The entire trail is 6.2 miles long and ends at the south boundary of the park. The East Shore Trailhead and the first 0.7 miles of the trail are on land administered by the U.S. Forest Service as part of the Arapaho National Recreation Area. Bicycle use is currently permitted only on the section of the trail administered by the U.S. Forest Service. The remaining 5.5 miles of the East Shore Trail is within Rocky Mountain National Park. Hiking and fishing access to the lake are allowed along the trail. The study area for this project is a 2-mile segment of the East Shore Trail within the park extending north from the Shadow Mountain Dam to the park boundary. Within the study area, livestock (horses, mules, and llamas) is permitted on the north 0.9 mile of the trail. The north 0.9 mile of the trail is also part of the Continental Divide National Scenic Trail. The East Shore Trail corridor within the park is bounded on the west by Shadow Mountain Lake and on the east by designated wilderness within the park.

Multiple stakeholders, including wilderness advocates and Congressional staff met in January 2006 to negotiate significant components of proposed wilderness legislation for the park. Wilderness designation for the park occurred in April 2009 under the Omnibus Public Lands Management Act of 2009 (Public Law 111-11). The wilderness legislation excluded the East Shore Trail Area from wilderness to "maximize the opportunity for sustained use of the trail without causing harm to affected resources or conflicts among users." Consideration of bicycle use on the East Shore Trail was part of the legislation. The East Shore Trail area, as described in Public Law 111-11, was a strip of land 1/8 mile wide along the west boundary of the park south of Grand Lake.

Public Law 111-11 required the National Park Service (NPS) to identify an alignment for the East Shore Trail within one year of the signing of the Act in order to establish the official wilderness boundary. The alignment line was submitted to the Secretary of the Interior in 2010, and for the most part follows the existing trail. To accommodate bicycle use, some sections were proposed to be re-routed to improve public safety, to avoid sensitive natural and cultural resources, and to provide for sustainability of the trail. Upon submittal of the alignment line, the official wilderness boundary was located 50 feet east of the alignment line. Public Law 111-11 did not require the construction of a trail along the established alignment line or require the approval of bicycle use. The legislation essentially stated that the park's normal planning process would apply.

Grand County and local stakeholder groups have been long-time proponents of improvements to the East Shore Trail to allow bicycle use. The Headwaters Trails Alliance has been the primary proponent for bicycle use on the East Shore Trail. In August 2011, the Grand County Commissioners wrote to

the NPS Regional Director, Intermountain Region, requesting that planning and compliance for the East Shore Trail proceed on the northern two miles of the trail within Rocky Mountain National Park.

The National Park Service prepared an environmental assessment (EA) in 2014 to evaluate whether bicycle use should be permitted on that section of the East Shore Trail within Rocky Mountain National Park. In order to address the legislated mandate, the purpose and objective of this project is to maximize the opportunity for sustained use of the northern two miles of the East Shore Trail within Rocky Mountain National Park without causing harm to affected resources or conflicts among users. The preferred alternative was selected by the National Park Service after careful review of resource and visitor impacts and public comment.

SELECTED ACTION WITH MITIGATING MEASURES

The preferred alternative (selected action) is Alternative B – Allow Bicycle Use with Minor Trail Modifications. Under this alternative, bicycle use will be permitted on the northern two miles of the East Shore Trail within Rocky Mountain National Park, located near Grand Lake, Colorado. It will address a legislated mandate to maximize the opportunity for sustained use of the trail within Rocky Mountain National Park without causing significant impacts to affected resources or conflicts among users. The proposed trail would have the following features:

- Class 3 single track trail with a nominal width of 3 feet.
- Natural trail tread except where causeways may be necessary.
- A bog bridge or stone paver causeway would be placed in a short wetland section located at the north end of the trail. Materials used for the construction of the bog bridge (stone) would be imported from off-site locations and delivered along the shore of Shadow Mountain Lake via flat-bottom boat. No materials would be obtained from local sources to avoid the potential for inadvertent disturbance to stone features in archeological sites.
- An existing causeway that crosses a wetland and the drainage through it would be improved so the wetland is not compromised. Materials used for the construction of the causeway (road base and other materials) would be imported from off-site locations and delivered along the shore of Shadow Mountain Lake via flat-bottom boat. No materials would be obtained from local sources to avoid the potential for inadvertent disturbance to stone features in archeological sites.
- Tree limbs and other vegetation obstructions would be cleared to a width of 4 feet on both sides of the trail, and a height of 10 feet above the ground for the 0.9-mile section north of the Ranger Meadows Trail intersection, where equestrian use is permitted. Tree limbs and other vegetation obstructions would be cleared to a width of 3 feet on both sides of the trail, and a height of 8 feet above the ground for the 1.1 mile section of trail south of the Ranger Meadows Trail intersection, where equestrian use is not permitted.
- In locations with limited sight distance, passing / refuge zones would be developed so users can pass each other, as suggested during public scoping. These zones would be no wider than 6 feet, including the width of the trail, and would extend approximately 25 feet in length.
- Construction of a reroute of the trail (between approximately 1,200-1,500 feet) would be completed to reduce safety hazards and avoid sensitive natural resources.
- Minor improvements would be made to the trail tread in some locations to address safety issues. This would primarily involve covering or removing exposed tree roots and building up or stabilizing the trail tread in these areas.
- On sections where there is minimal cross slope, swales would be constructed to move water off the trail.

- As suggested during public scoping, signs and educational materials would be posted at the East Shore Trailhead and at the Shadow Mountain Dam trailhead kiosk prior to allowing mountain biking on the trail. The signs and educational materials would provide guidance on proper trail etiquette (e.g., bikers yield to hikers, slow down when passing, etc.). The intent of this action would be to proactively address the potential for user conflict and establish user norms.

Bicycle use will only be permitted once the provisions of the National Park Service Bicycle Rule (36 CFR 4.30) have been addressed, the trail improvements described above have been completed, and mitigating measures described below have been implemented.

MITIGATING MEASURES

Under the selected alternative, the following mitigation measures will be implemented to protect natural resources, cultural resources, and other values:

- Construction and trail maintenance will take place during the fall season and will be limited to the hours between 7:00 am and 5:00 pm in order to minimize impacts to wildlife. Trees that fall and block the trail may be removed at any time.
- Construction zones will be identified and marked on the ground prior to any construction activity. The marked areas will define the construction zone and confine activity to the minimum area required for construction. All trail workers will be instructed to avoid conducting activities beyond the construction zone as defined on the ground.
- In an effort to avoid introduction of exotic plant species, no hay bales will be used. Hay often contains seed of undesirable or harmful invasive exotic plant species. Therefore, on a case-by-case basis the following materials may be used for any erosion control that may be necessary: rice straw, straws determined by the National Park Service to be weed-free (e.g., Coors barley straw or Arizona winter wheat straw), cereal grain straw that has been fumigated to kill weed seed, and wood excelsior bales. Standard erosion control measures such as silt fences and/or sand bags will also be used to avoid potential soil erosion.
- If silt fencing fabric is used, it will be inspected weekly or after every major storm. Accumulated sediments will be removed when the fabric is estimated to be approximately 75% full. Silt removal will be accomplished in such a way as to avoid introduction into any wetlands, lakes, or flowing water bodies.
- Any excavated soil may be used in the trail project; excess soil will be stored in approved areas.
- Revegetation plantings, if necessary, will use native species from genetic stocks originating in the park. Revegetation efforts will focus on recreating the natural spacing, abundance, and diversity of native plant species. All disturbed areas will be restored as nearly as possible to pre-construction conditions shortly after construction activities are completed. The principal goal is to avoid interfering with natural processes.
- In many areas, soils and vegetation are already impacted to a degree by various human activities and natural events. Trail improvements will take advantage of these previously disturbed areas wherever possible. Soils within the project construction limits will be compacted and trampled by the presence of construction equipment and workers. Soils will be susceptible to erosion until revegetation takes place. Vegetation impacts and potential compaction and erosion of bare soils will be minimized by conserving topsoil. The use of conserved topsoil will help preserve microorganisms and seeds of native plants. The topsoil will be replaced as close to the original location as possible, and supplemented with

scarification, mulching, seeding, and/or planting with species native to the immediate area. This will reduce construction impacts.

- Some petrochemicals from construction equipment could seep into the soil. To minimize this possibility, equipment will be checked frequently to identify and repair any leaks.
- Although no blasting is expected for this project, any blasting will conform to NPS-65, Explosives Use and Blasting Program (1991), specifications. All blasting charges will use the minimum amount necessary to accomplish the task. All blasting will be used to shatter, not distribute, any material.
- Should construction unearth previously undiscovered archeological resources, work will be stopped in the area of discovery and the park will consult with the state historic preservation officer/tribal historic preservation officer and the Advisory Council on Historic Preservation, as necessary, according to §36 CFR 800.13, Post Review Discoveries. In the unlikely event that human remains are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act (1990) will be followed.
- The National Park Service will ensure that all personnel who work on the trail are informed of the penalties for illegally collecting artifacts or intentionally damaging archeological sites or historic properties. Personnel will also be instructed on procedures to follow in case previously unknown archeological resources are uncovered during construction. Equipment traffic will be minimized in the area of the site. Equipment and materials staging areas will also avoid known archeological resources.
- Visitors will be kept informed of construction activities.
- Construction work will be planned to reduce disruption to normal park activities.
- Personnel working on the trail will be informed about the special sensitivity of park values, regulations, and appropriate housekeeping.
- Materials used for the construction of the bog bridge (stone) and causeway (road base and other material) through wetlands will be imported from off-site locations and delivered along the shore of Shadow Mountain Lake via flat-bottom boat. No materials will be obtained from local sources to avoid the potential for inadvertent disturbance to stone features in archeological sites.
- The following adaptive management strategies will be implemented to protect park resources and avoid conflicts among users.

Adaptive Management Indicators, Thresholds, and management Actions

Indicator	Threshold	Management Action
Visitor Conflicts with Bicyclists		
Accident involving bicyclist and another trail user (any mode of travel)	First accident	Park rangers determine the cause of the accident Trail configuration: Modify the trail where possible to improve safety Bicycle speed: post speed warning signs for affected section
	Second accident on same section of trail following initial management action	Implement alternate bike days
Verbal or written complaints from trail users about trail use conflicts with bicyclists	5 or more unique verifiable complaints May through September	Increase law enforcement patrols to 2 per week
	5 or more unique verifiable complaints May through September for a second season	Place trail advocates to increase presence on trail and increase monitoring
	5 or more unique verifiable complaints May through September for a third season	Implement alternate bike days
Bicyclists in Restricted Areas		
Bicyclists in areas restricted from biking, including bicyclists on the trail on non-bike days if alternate bike days are in effect	5 or more occurrences during the first complete calendar year*	Install additional signs Issue citations for off-trail use
	5 or more occurrences during the second calendar year following initial management action*	Eliminate bicycle use
Resource Damage		
Loss of trail tread	Facility condition index exceeds 5 – 10% change	Aarmor trail with logs or rock
		Trail advocates assist with increased trail maintenance
Expansion of off trail resource damage	Expansion exceeds 1,000 sq. ft. from initial bike trail configuration	Reevaluate trail design, and trail advocates assist with establishing a defined trail edge
	Expansion exceeds 1,000 sq. ft. following initial management action	Eliminate bicycle use

* This threshold was based on statistics that indicate that since October of 2009, on average the park has received 1 complaint annually for every 50,000 visitors (Gamble pers. comm. 2013a). Typically, the nature of these complaints has included reports of horse manure on trails, poor trail signage, and noisy groups of hikers. While 5 complaints does not sound like a lot, compared to the average number of complaints received annually in the park and given the low number of users in the East Shore Trail Area, it would indicate an area of concern for park staff.

ALTERNATIVES CONSIDERED

Alternatives considered included the following:

Alternative A: No Action / Continue Current Management: The National Park Service would manage the East Shore Trail as it is currently. Pedestrian use would continue to be allowed along the entire two-mile section of trail and livestock use would continue to be allowed on the East Shore Trail north of its intersection with the Ranger Meadows Trail. The use of bicycles would not be permitted anywhere on the trail within the park. This alternative represents a continuation of existing management and provides a baseline for evaluating the impacts of the action alternative.

Alternative B: Allow Bicycle Use with Minor Trail Modifications. This is the preferred alternative and the selected action. This alternative proposes minor improvements to a two-mile portion of the East Shore

Trail within the national park to accommodate bicycle and other existing trail uses. The proposed improvements (described beginning on page 2) are for the purposes of improving public safety, trail sustainability, and to avoid impacts to natural and cultural resources. A number of management strategies are included in this alternative, and are included in the Mitigating Measures (see above) to avoid conflicts among users. Allowing bike use on this section of the East Shore Trail will not set a precedent for allowing future bike use further south on the East Shore Trail. Any additional considerations for bicycle use on trail sections with the national park or adjacent national forest lands will be subject to a separate evaluation and compliance by the National Park Service / U.S. Forest Service.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

According to the CEQ regulations implementing NEPA (43 CFR 46.30), the environmentally preferable alternative is the alternative "that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources. The environmentally preferable alternative is identified upon consideration and weighing by the Responsible Official of long-term environmental impacts against short-term impacts in evaluating what is the best protection of these resources. In some situations, such as when different alternatives impact different resources to different degrees, there may be more than one environmentally preferable alternative."

Alternative A is the environmentally preferable alternative because it would perpetuate the long-term negligible to minor adverse impacts caused by the initial construction and ongoing presence of the trail resulting in loss of vegetation, soils, and wetland functions, and wildlife disturbance caused by visitors. These impacts would also continue at similar intensities under alternative B. Alternative A would avoid short-term adverse impacts from construction and would result in less wildlife disturbance without the presence of mountain bikes. For these reasons, alternative A causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources, thereby making it the environmentally preferable alternative.

WHY THE PREFERRED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

Impacts that may be both beneficial and adverse. A significant effect may exist even if the agency believes that on balance the effect will be beneficial.

The minor to moderate beneficial aspects of this project include providing a new way for visitors to experience the park (bicycle use is currently not permitted on trails within the park) and may encourage some people to engage in an outdoor activity within the park who may not normally do so. The trail also provides connectivity between the U.S. Forest Service Green Ridge Campground and the Town of Grand Lake via an alternative mode of transportation. Local stakeholders who supported wilderness designation for Rocky Mountain National Park, and requested that bicycle use be considered on the East Shore Trail as part of the wilderness legislation, will achieve their objective. Proposed trail improvements will result in some minor beneficial effects to soils and wetlands as a result of erosion control measures.

Adverse impacts of the selected alternative to wildlife species will result from disturbance by construction crews and equipment and from trail use once construction work is complete. Adverse impacts to soils will result from loss of productivity and soil compaction, but will be minor. Minor adverse effects to vegetation will result from construction crews and equipment and removal of vegetation to widen and reroute the trail. The existing trail crosses two wetland areas, and improvements to reduce wetland impacts would be installed within the same trail alignment. The

minor adverse impacts to wetlands related to construction will be offset by long term benefits as a result of reduced erosion. Conflicts between users could result in minor adverse impacts on visitor experience. Adaptive management measures to reduce adverse impacts will be implemented if impacts reach identified thresholds. Regular maintenance activities will result in minor adverse impacts. Trail realignment and causeway construction projects will result in minor to moderate adverse impacts to visitor use and experience, as well as minor benefits. Mountain bikes are not expected to add a substantially greater safety risk to the East Shore Trail, and with implementation of mitigation measures, will result in negligible to minor adverse impacts on public health and safety. Mitigations will include increased trail widths in areas of limited sight distance, as well as increased ranger patrols, signage, visitor information, education programs, adaptive management strategies, and involvement of advocacy groups such as the Headwaters Trails Alliance. With the passage of P.L. 111-11 and identification of an alignment line, the East Shore Trail is not located within designated wilderness. No proposed actions under the selected action would take place within designated wilderness and bicycle use is prohibited within designated wilderness. If illegal incursions into wilderness occur, bicycle use could be suspended or revoked in order to protect wilderness values. Because the East Shore Trail area is not located within the designated wilderness and mitigation measures have been identified to protect wilderness values there will be no impacts to wilderness.

Degree of effect on public health or safety

As stated above, the use of mountain bikes, along with implementation of associated mitigation measures, will not add a substantially greater safety risk, resulting in negligible to minor adverse impacts on public health and safety. Allowing bicycle use will result in negligible to minor beneficial impacts on public health by providing another means for visitors to participate in outdoor recreation.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas

A cultural resources survey was conducted as part of the project. The survey did not identify any historic or cultural resources within the project area. The existing trail crosses two wetland areas, and improvements to reduce wetland impacts would be installed within the same trail alignment. While there would be minor adverse impacts to wetlands related to installing a bog bridge and improvements to an existing causeway, there would be long term benefits to wetlands as a result of reduced erosion. This project does not result in any loss of wetlands. The proposed improvements comply with National Park Service Director's Order #77-1 Wetland Protection, and qualify for exception 4.2.1 (g), which covers maintenance, repair, renovation (but not full reconstruction or expansion) of currently serviceable facilities or structures that were completed prior to May 28, 1980 (date the original "NPS Floodplain Management and Wetland Protection Guidelines" were published) but whose retention has been reviewed and justified. Retention of the existing wetland crossings, which were developed prior to May 28, 1980, are justified because relocation to a site less damaging to wetlands is not practicable and would have adverse impacts on other resources and values. Because the proposed improvements to reduce wetland impacts is considered an Excepted Action under Director's Order #77-1, and because there would be no new long term wetland impacts, a Wetland Statement of Findings (WSOF) will not be prepared. There are no prime farmlands, wild and scenic rivers, or ecologically critical areas affected by the selected alternative.

Degree to which effects on the quality of the human environment are likely to be highly controversial

During public scoping and during the public review and comment period for the environmental assessment the park received written comments supporting and opposing bicycle use on the East Shore Trail. Seventy-eight percent (78%) of those who commented on the environmental assessment

avored allowing bicycle use, while twenty percent (20%) were opposed. The remaining two percent (2%) did not specify a preference for either alternative.

Those who opposed opening the trail to bicycles made the following points:

- Consider the impact that this would have on parking, erosion, traffic and hiking.
- Rarely do bikers slow down for hikers - that's why separate trails are often better.
- Trailhead infrastructure is not designed for increased demand that comes with an additional use. This will displace other users away from the park.
- The current narrow trail accommodates walking traffic adequately. It is a pleasant, quiet walk where one can enjoy seeing osprey nests, moose and other wildlife. This would all be gone, if not at least lessened, if the trail was 'developed' to accommodate bicycles and increased traffic use.
- Mountain bicyclists already have many mountain bike trails and roads available to them in Grand County. They do not need to spoil the peacefulness of a walk/hike along the East Shore Trail.
- The East Shore Trail is the ONLY walking trail along any of the lakes in the Three Lakes area. People who enjoy being near the water, looking at the many beautiful wildflowers, and enjoying the wildlife including Osprey and other birds, use it. Bicycles should not disturb this area.
- If the NPS allows bicycle access to this trail, it will only open the door to an endless stream of requests for more cycling access to the park.
- Adding more traffic to the trail will hasten the degradation of the wildflowers and speed the establishment of invasive species
- Biking the route would not only be far more disruptive to the wildlife and their habitat, but would also be dangerous for those biking (moose are very unpredictable).

The environmental assessment determined that with implementation of the mitigating measures (see pages 3 -5 of this document), the environmental impacts that could occur are limited in context and intensity, with generally adverse impacts that range from short- to long-term and negligible to minor and long-term beneficial impacts that range from minor to moderate. In addition, adaptive management indicators, thresholds, and management actions that are incorporated into Alternative B (see page 5 of this document) are specifically designed to address resource damage and visitor experience. Given the nature of the comments received from the public, and the measures that will be implemented to protect the environment and visitor experience, this project is not likely to be highly controversial.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks

No highly uncertain effects or unique or unknown risks are anticipated to occur with implementation of the selected alternative. The selected alternative involves the use of best management practices and mitigations to minimize risks.

Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration

Public Law 111-11 excluded the East Shore Trail Area from designated wilderness to "maximize the opportunity for sustained use of the trail without causing harm to affected resources or conflicts among users." While consideration of allowing bicycle use on the East Shore Trail was part of the legislation, it does not establish a precedent for future actions. All future decisions regarding bicycle use in Rocky Mountain National Park must comply with the federal laws, regulations, and policies, including the National Park Service Bicycle Rule (36 C.F.R. 4.30).

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts

No major (significant) cumulative effects were identified in the EA.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

Efforts to identify cultural resources in the project area included archival research, literature review, and field surveys conducted in 2002 (Brunswick 2005) and September 2012. Archeological resources and historic structures, including some that could be eligible for listing in the National Register of Historic Places, were identified in the vicinity of project area but not in areas proposed for ground disturbing/clearing activities. Additionally, no staging areas or haul routes for equipment or materials are proposed for areas containing cultural resources. Therefore, the project is not anticipated to have an adverse effect on these resources.

No alterations to the historic character of park resources or other aspects of integrity that could make any park resource eligible for the National Register of Historic Places are anticipated during the temporary construction and the subsequent use. All work would occur only to the East Shore Trail alignment and would not occur on the National Register of Historic Places-listed Shadow Mountain Trail, which connects to but does not share an alignment with the East Shore Trail.

The NPS consulted with the Colorado State Historic Preservation Office (SHPO) on these findings. In a letter dated January 8, 2015, the Colorado SHPO concurred with the NPS finding of "No Adverse Effect" for the proposed activities.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat

Neither park records nor field surveys identified any individual species and/or habitat for any of the known federally listed special status species with the potential to occur within the vicinity of the project area. The U.S. Fish and Wildlife Service was consulted via email on February 1, 2013 regarding the potential for yellow-billed cuckoo and Canada lynx to occur within the project area. Of the federally listed species known to occur within the park, these are the only two land-based species known to occur within Grand County. The U.S. Fish and Wildlife Service verbally concurred on February 4, 2013 that allowing bicycle use on the East Shore Trail would have no effect on Canada lynx due to the fact that the trail is existing, currently has human use, and the nearest lynx habitat is approximately 2,000 feet to the east of the trail. Additionally, the U.S. Fish and Wildlife Service stated that the primary habitat for the yellow-billed cuckoo is riparian cottonwood, which does not exist along the East Shore Trail.

Colorado Parks & Wildlife (CPW) submitted a letter dated February 28, 2014 on the environmental assessment. The bald eagle is listed as a species of State Special Concern and habitat exists in the project area. CPW concurred that no population level impacts to wildlife are expected with non-motorized bicycle use, but cautioned that "a significant increase of any type of activity on the trail will cause displacement of wildlife currently seen in the area." This displacement would not affect endangered or threatened species or their critical habitat. However, to minimize impacts to all wildlife species a mitigation measure (see page 3) that limits trail construction and maintenance

activities (except downed tree removal) to the fall months has been included as part of this decision.

Whether the action threatens a violation of Federal, state, or local environmental protection law

This action violates no federal, state, or local environmental protection laws.

PUBLIC INVOLVEMENT AND NATIVE AMERICAN CONSULTATION

A public scoping letter was mailed on August 8, 2012 to multiple stakeholders, including affiliated Native American tribes and all trail organizations represented by the Partnership for the National Trails System (PNTS). A public meeting, attended by 20 people, was held on August 23, 2012 in Grand Lake, Colorado. No public scoping comments were received from affiliated Native American tribes or the PNTS. Comments were received from three different agencies and several organizations. In addition, 100 comments were received from individuals.

A letter inviting input specifically from affiliated Native American tribes and offering to arrange a site visit was mailed on April 18, 2013. No response was received.

On January 16, 2014, Rocky Mountain National Park released the East Shore Trail EA for public review and comment. The EA was posted on the National Park Service Planning, Environment and Public Comment (PEPC) website at that time. The public was invited to submit comments on the EA through March 3, 2014. A letter notifying multiple stakeholders that the EA was available for review was mailed on January 15, 2014, and a press release was sent to multiple media outlets on January 21, 2014. During the 46-day comment period, a public meeting was held in Grand Lake (February 11, 2014) and in Boulder, Colorado (February 24, 2014). During the review period, over 180 pieces of correspondence were entered into the PEPC system either directly by the commenter, or by uploading emails, faxes, and hard copy letters.

Of the correspondence received during the public review period, concerns regarding visitor access and the uniqueness of the East Shore Trail were most commonly expressed. The three topics that received the majority of the comments were concerns regarding visitor conflicts and safety, comments regarding visitor access for desired uses, and concerns regarding impacts to wildlife and wildlife habitat. Several of the comments received were considered substantive. A definition of what constitutes a substantive comment, the text of the substantive comments, and the NPS written response to those comments, are included in the Errata, beginning on page 16.

Several of the comments expressed support for mountain biking along the East Shore Trail in connection with the 1995 Grand County Master Trails Plan that calls for the Headwaters Trail Alliance to connect the communities of Grand County. Comments specifically expressed the desire and plan for a bike route connecting Grand Lake to Granby. Changes to trail use outside of the approximate two-mile section of East Shore Trail discussed in the EA and the subject of this decision by the National Park Service are outside the scope of this project and were not considered further. However, all comments, regardless of their topic, were carefully read and analyzed.

CONCLUSION

The Environmental Assessment and this Finding of No Significant Impact were prepared in conformance with 36 CFR 4.30 (Bicycles). A 1.75-mile section of the East Shore Trail is considered an *Existing Trail* under CFR §4.30(d). Bicycling will be allowed on this section of the East Shore Trail after:

1. Approval of the Finding of No Significant Impact by the Regional Director, Intermountain Region, National Park Service
2. Publication of a notice in the Federal Register providing the public at least 30 days to review and comment on the written determination that appears on page 15 of this document.

3. Completion of the improvements and mitigating measures as described on pages 2 – 5 of this document.

A 0.25-mile section of the East Shore Trail requires rerouting and is considered *New Trail* under CFR §4.30(e). Bicycling will be permitted on this section of the East Shore Trail after:

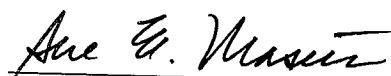
1. Approval of the Finding of No Significant Impact by the Regional Director, Intermountain Region, National Park Service
2. Promulgation of a Special Regulation allowing bicycle use on the new section of trail. For "A Guide to the Rulemaking Process" visit https://www.federalregister.gov/uploads/2011/01/the_rulemaking_process.pdf
3. Completion of the improvements and mitigating measures applicable to the new section of trail as described on pages 2 – 5 of this document.

The written determination signed by the Superintendent is included on page 15 of this document.

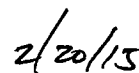
As described in this Finding of No Significant Impact, the selected action does not constitute an action meeting the criteria that normally require preparation of an environmental impact statement (EIS). The selected action will not have a significant effect on the human environment. Environmental impacts that could occur are limited in context and intensity, with generally adverse impacts that range from short- to long-term and negligible to minor and long-term beneficial impacts that range from minor to moderate. There are no unmitigated adverse effects on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the selected action will not violate any federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

Approved:



Sue E. Masica, Regional Director,
Intermountain Region, National Park Service



Date

Appendix A – Non-Impairment Finding

National Park Service (NPS) *Management Policies 2006* require analysis of potential effects to determine whether actions will impair park resources. The fundamental purpose of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. NPS managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adversely impacting park resources and values.

However, the laws do give the National Park Service the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, as long as the impact does not constitute impairment of the affected resources and values. Although Congress has given the National Park Service the management discretion to allow certain impacts within a park, that discretion is limited by the statutory requirement that the National Park Service must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise. The prohibited impairment is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. An impact to any park resource or value may, but does not necessarily, constitute an impairment. An impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- key to the natural or cultural integrity of the park; or
- identified as a goal in the park's general management plan or other relevant NPS planning documents.

An impact would be less likely to constitute an impairment if it is an unavoidable result of an action necessary to pursue or restore the integrity of park resources or values and it cannot be further mitigated.

The park resources and values that are subject to the no-impairment standard include:

- the park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.

Impairment may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. The NPS's threshold for considering whether there could be an impairment is based on whether an action will have significant effects.

Impairment findings are not necessary for visitor use and experience, socioeconomics, public health and safety, environmental justice, land use, and park operations, because impairment findings relates back to park resources and values. These impact areas are not generally considered park resources or values according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values. After dismissing the above topics, topics remaining to be evaluated for impairment include wildlife, soils, vegetation, and wetlands.

Fundamental resources and values for the park are identified in the general management plan (or foundation statement or comprehensive interpretive plan). According to that document, of the impact topics carried forward in this EA, only wildlife and vegetation are considered necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; are key to the natural or cultural integrity of the park; and/or are identified as a goal in the park's general management plan or other relevant NPS planning document.

- **Wildlife** – The project area contains three primary habitat components that provide resources for wildlife using the project area. The implementation of the selected alternative will result in temporary adverse impacts on wildlife because of disturbances created from construction equipment and crews. Continued trail use, including the use of bicycles, will result in long-term adverse impacts to wildlife. Overall, because most adverse impacts will be temporary and long-term impacts will not differ substantially from existing conditions, the selected action will not result in impairment to wildlife within Rocky Mountain National Park.
- **Soils** – Soils within the project area are largely stable with evidence of erosion occurring in a few spot locations, usually associated with slightly to moderately steep trail sections. Trail modifications and bicycle usage included in the selected alternative will result in some long-term localized adverse impacts due to loss of productivity, soil compaction, and the potential for erosion. Beneficial effects to soil will result from the implementation of erosion control measures. Overall, because there will be beneficial impacts to soils from the implementation of erosion control measures and most adverse impacts will be effectively mitigated, the selected action will not result in impairment to soils within Rocky Mountain National Park.
- **Vegetation** – The park's ecoregion is characterized by dramatic vertical zonation of vegetation, a consequence of abrupt elevation gradients between flatlands and mountains. The dominant vegetation associations throughout the project area are lodgepole pine forest (*Pinus contorta*) and small areas of sedge/willow wetlands (*Carex* spp. *Salix* spp. wetland association). Construction activities under the selected alternative may require clearing or trampling of vegetation that will result in minor, but localized short-term adverse impacts. Because impacts to vegetation will be temporary, the selected alternative will not lead to impairment of this resource.
- **Wetlands** – The existing trail crosses two wetlands and skirts the edge of two others. The dominant species composition of each location is similar, with water sedge and beaked sedge dominating the wettest soils along the shoreline and several willow species occupying the slightly drier and landward shoreline. The selected alternative includes construction of a bridge or causeway through the wetlands that will permit the passage of bicycles. The presence of work crews and the placement of trail tread materials in the

wetlands during construction of these elements will result in localized short-term, minor, adverse impacts. The addition of a bridge or causeway will result in long-term benefits to wetlands because of decreased erosion. Overall, because adverse impacts will be temporary and long-term impacts will be beneficial, the selected alternative will not result in impairment to wetlands.

In conclusion, as guided by this analysis, good science and scholarship, advice from subject matter experts and others who have relevant knowledge and experience, and the results of public involvement activities, it is the Superintendent's professional judgment that there will be no impairment of park resources and values from implementation of the selected alternative.



United States Department of the Interior

NATIONAL PARK SERVICE
Rocky Mountain National Park
Estes Park, Colorado 80517

IN REPLY REFER TO:

L76 – East Shore Trail EA

East Shore Trail Bicycle Use Determination

TO: Regional Director, Intermountain Region, National Park Service

FROM: Superintendent, Rocky Mountain National Park

After preparing an Environmental Assessment and Finding of No Significant Impact in accordance with 36 CFR 4.30 (Bicycles) and the requirements of the National Environmental Policy Act, I have determined that the addition of bicycle use on the existing segments and proposed $\frac{1}{4}$ mile long rerouted segment of the East Shore Trail extending north from the Shadow Mountain Dam within Rocky Mountain National Park is consistent with the protection of the park area's natural, scenic and aesthetic values, safety considerations and management objectives, and will not disturb wildlife or park resources.

Signed:

Vaughn L. Baker, Superintendent, Rocky Mountain National Park

Dec 15, 2014

Date

Concurred:

Sue E. Masica, Regional Director, Intermountain Region

2/20/15

Date

ERRATA

Part 1: Edits and Corrections to the Environmental Assessment

The public comments received did not result in edits or corrections to the environmental assessment.

Part 2: Environmental Assessment Comments and Responses

The following substantive comments were received during the 46-day public review period for the East Shore Trail Environmental Assessment. A substantive comment as defined in the NPS Director's Order 12 Handbook (section 4.6A), is a comment that incorporates one or more of the following:

- questions (with a reasonable basis) the accuracy of information presented in the environmental document
- questions (with reasonable basis) the adequacy of the environmental analysis
- presents reasonable alternatives other than those presented in the environmental document
- causes changes or revisions in the proposal

The National Park Service response to the substantive comments is included in italicized text below each comment.

1. The proposed single track trail does not serve the objectives of the HTA model geographically. It should not be shoe-horned into this sensitive natural resource corridor because it is a cheaper, more easily acquired right-of-way. That would be an injustice to the resource, and irresponsible public lands management.

We agree that the East Shore Trail does not meet the Headwaters Trails Alliance goal of providing "high quality paved multi-use, multi-seasonal trails in Grand County which link towns and recreational areas within Grand County." However, the East Shore Trail does meet another HTA goal to "develop, preserve and maintain a secondary trail system connecting historical, cultural, and recreational sites adjoining Grand County communities." As proposed, the East Shore Trail would connect the Town of Grand Lake to the Green Ridge area within the Arapaho National Recreation Area.

2. The East Shore is arguably the richest, most biologically diverse zone in the park. It comprises an entirely unique riparian corridor unlike any other in the park. It is ripe with important, critical wetland habitats.

Because Shadow Mountain Lake is manmade, and was introduced into a lodgepole pine forest when it was constructed in the 1940s, the riparian corridor along the lake is limited in size. The Environmental Assessment correctly indicates that the dominant vegetation associations throughout the project area are lodgepole pine forest and small areas of sedge/willow wetlands. Lodgepole pine forests typically are not the most biologically diverse areas of the park. The wetland area impacted by the proposal is 540 square feet, and the EA indicates that the trail improvements would provide a long-term minor benefit to wetlands as there would be less potential for erosion and sediment deposition that would degrade the wetlands. Under current conditions without bicycle use, 780 square feet of wetlands is impacted by the trail.

3. Existing sections of the east shore Trail are in need of minor trail modifications to avoid impacts whether or not bicycles are allowed.

The existing East Shore Trail does receive cyclic maintenance by park trail crews at a level that would sustain foot traffic for the foreseeable future. Routine maintenance, and even some minor trail modifications, is covered by a Categorical Exclusion from the National Environmental Policy Act (NEPA). Public Law 111-11 directed the National Park Service to consider whether to allow bicycle use on the East Shore Trail, but also stated that the normal planning process would be followed. The normal planning process for the National Park Service is in the context of NEPA, which included the preparation of an Environmental Assessment (EA) and public involvement as part of the decision process. As part of the EA we evaluated minor trail modifications and a trail reroute that would improve the trail and make it more sustainable for bicycle use.

4. The proposed trail work including the minor re-route are necessary to provide a sustainable trail experience, regardless of use. The reroute is needed due to the trail being eroded by the wave action from Shadow Mountain Lake.

Please refer to the previous response. We agree that a section of the trail that runs along the shoreline of Shadow Mountain Lake will eventually need to be moved inland due to erosion of the bank. While that section of trail can currently accommodate foot traffic, it is not a desirable situation for bicyclists traveling at a higher rate of speed where there is a sharp drop-off.

5. Covering or removing tree roots would compromise the desired primitive tread surface/trail experience on the CDNST.

There is one section of the trail where there are numerous exposed tree roots. This section is not a part of the Continental Divide National Scenic Trail. The proposed trail reroute would avoid the section where there are multiple exposed tree roots.

6. Rougher sections of the trail should be retained as much as possible in order to keep bicycle speeds down and retain a desired primitive feel for the trail.

Chapter 2 in the Environmental Assessment (EA) describes Alternative B (the selected alternative) which includes minor trail modifications. The EA states that the purpose for the modifications is to improve public safety, trail sustainability, and to avoid impacts to natural and cultural resources. The EA indicates that the trail would be "Class 3 single track trail with a nominal width of 3 feet." This trail class is based on the USDA Forest Service "Trail Class Matrix" (2008). Class 3 trails have the following characteristics:

- *Tread continuous and obvious;*
- *Single lane, with allowances constructed for passing where required by traffic volumes in areas with no reasonable passing opportunities available;*
- *Native or imported materials;*
- *Obstacles may be common, but not substantial or intended to provide challenge;*
- *Vegetation cleared outside of trailway*

These trail characteristics are consistent with the "Grand County Headwaters Trails Master Plan," which states that mountain bike trails ". . . should be maintained sufficiently enough to prevent dangerous amounts of loose rocks and trees from impeding progress."

7. Please consider the impact that this would have on parking, erosion, traffic and hiking. Rarely do bikers slow down for hikers - that's why separate trails are often better.

Parking is available at the north and south ends of the section of trail that is proposed for bicycle use. Both parking areas are managed by the USDA Forest Service. The National Park Service and the USDA Forest Service do not believe that opening this 2 mile section of trail to bicycle use will substantially increase the demand for parking. Based on experience, limiting the amount of available parking will also serve to manage the amount of use the trail receives. The Environmental Assessment (EA) did evaluate the potential impact on soils (including erosion), and did consider conflicts among different users. The decision includes a number of management indicators, thresholds, and management actions that are designed to protect resources and minimize conflict among users. A separate trail system for bikes and foot travel was considered, and does currently exist for the south 1 mile of the trail. The environmental consequences of building a separate trail for the north 1 mile in the park and the 0.7 mile in the national forest was deemed too significant and was not considered further in the EA.

8. Trailhead infrastructure is not designed for increased demand that comes with an additional use. This will displace other users away from the park.

Parking is available at the north and south ends of the section of trail that is proposed for bicycle use. Both parking areas are managed by the USDA Forest Service. The National Park Service and the USDA Forest Service do not believe that opening this 2 mile section of trail to bicycle use will substantially increase the demand for parking. Based on experience, limiting the amount of available parking will also serve to manage the amount of use the trail receives. The displacement of other users from the park should not be significant given that the park contains numerous trailhead parking areas that provide access to approximately 350 miles of hiking trails that are not open to bicycles.

9. The current narrow trail accommodates walking traffic adequately. It is a pleasant, quiet walk where one can enjoy seeing osprey nests, moose and other wildlife. This would all be gone, if not at least lessened, if the trail was 'developed' to accommodate bicycles and increased traffic use.

In the Environmental Assessment (EA) we stated that, "the addition of bicycle use would not have any meaningful additional impact on wildlife because bicycle riders would pass through the wildlife habitat in less time than hikers and there would be less time for disturbance to occur." Colorado Parks and Wildlife (CPW) commented on the EA and stated that "Although bicycles pass through the area in less time, the increase in human activity in the area would lead to the disturbance." CPW also stated that "An increased disturbance on the East Shore Trail likely will disperse moose to other habitats outside of RMNP where dogs are permitted."

Note: CPW indicated that most serious conflicts with moose and humans involved pet owners and their dogs. Dogs are not permitted on trails inside the national park.

We believe the EA conclusion is correct as it states that the adverse impacts of the selected alternative on wildlife species found along the East Shore Trail would be short-term, local, and minor, and result from disturbance by construction crews and equipment, with long-term, local, minor adverse effects from trail use once construction work is complete. There would be no population level effects.

10. Mountain bicyclists already have many mountain bike trails and roads available to them in Grand County. They do not need to spoil the peacefulness of a walk/hike along the East Shore Trail.

There are certainly times when a hike along the East Shore Trail is very peaceful. However, Shadow Mountain Lake is open to motorized boats when the lake is free of ice and snowmobiles when the lake is frozen. The trail is close to the shoreline in some sections, and the lake is visible from the trail along most of its length. Given that the trail is:

- *Close to the park boundary;*
- *Adjacent to a national recreation area where motorized use is permitted; and*
- *Outside designated wilderness*

Bicycle use is deemed appropriate in this setting.

11. The East Shore Trail is the ONLY walking trail along any of the lakes in the Three Lakes area. People who enjoy being near the water, looking at the many beautiful wildflowers, and enjoying the wildlife including Osprey and other birds, use it. Bicycles should not disturb this area.

Please see the previous response.

12. I believe that if the NPS allows bicycle access to this trail, it will only open the door to an endless stream of requests for more cycling access to the park.

Rocky Mountain National Park is considering whether to develop a multiuse trail that would be open to bicycle use on the east side of the park near Estes Park. However, the east side multiuse trail feasibility study was initiated in 2005 before the East Shore Trail Area was designated in P.L. 111-11, and no other trails that would be open to bicycles are being considered at this time. Given that 95 percent of Rocky Mountain National Park is designated wilderness where bicycles are prohibited, cycling access cannot expand significantly.