

United States
Department of
Agriculture

Forest
Service

Washington
Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

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Date: July 3, 1997

Subject: Continental Divide National Scenic Trail - Motorized Use

To: Regional Foresters

This memorandum is to clarify Forest Service policy concerning whether the Forest Service may open to motorized use newly constructed portions of the Continental Divide National Scenic Trail (CDNST).

The National Trails System Act ("Trails Act") is ambiguous as to motorized use on the CDNST. Section 7(c) of the Trails Act sets a general standard for prohibiting motorized uses on National Scenic Trails. 16 U.S.C. 1246(c). However, there is special language in subsections 5(a)(5) and 7(c) of the Trails Act referring to motorized uses on the CDNST. That special language provides that motorized use may be permitted on segments of the CDNST where such use will not "substantially interfere" with the nature and purpose of the trail and where, at the time of designation, such use was allowed by administrative regulations.

To clarify our policy regarding newly constructed segments of the CDNST, the following additional direction is provided.

When designated by Congress, the route of the CDNST followed some segments of primitive roads on which motorized vehicle use was allowed. The special language of subsections 5(a)(5) and 7(c) was intended to allow continued motorized use of such roads. However, as the CDNST is further developed, it is expected that the trail will eventually be relocated off roads for its entire length.

It is the intent of the Forest Service that the CDNST will be for non-motorized recreation. As new trail segments of the CDNST are constructed to link existing non-motorized trail segments together, and to reroute the CDNST off of primitive roads or other routes where motorized travel is allowed, motorized use should not be allowed nor considered. Allowing motorized use on these newly constructed trail segments would substantially interfere with the nature and purpose of the CDNST. If any newly constructed trail segments of the CDNST are currently allowing motorized use, that motorized use should be stopped as soon as practicable, but not later than January 1, 2000.

This Office of the General Counsel has reviewed and concurs in this policy directive. Questions or comments about the above direction should be directed to Jim Miller at J.B.Miller:w01c or by telephone at 202-205-1313.

/s/ Janice H. McDougle (for)

ROBERT C. JOSLIN
Deputy Chief, NFS

cc: Glacier National Park, Yellowstone National Park, BLM - MSO, American Hiking Society, Continental Divide Trail Society, Continental Divide Trail Alliance