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March 10, 2023

Re :Broadening Public Engagement in the Federal Regulatory Process

To Whom It May Concern,

Thank you for the opportunity to provide comments on Broadening Public Engagement in the Federal Regulatory Process. As the lead private organization for a Congressionally-designated, publicly-owned resource, the Continental Divide National Scenic Trail, with partners in land management agencies, gateway communities, conservation organizations, and recreationists across the nation, we enthusiastically submit these comments that reflect our experience with federal programs and describe our hopes for addressing barriers to encourage future participation of all people and communities in federal programs and services.

Representing approximately 2,000 members nationwide, the **Continental Divide Trail Coalition (CDTC)** is the 501(c)(3) national nonprofit organization formed in 2012 to work with the federal land management agencies to complete, promote, and protect the Continental Divide National Scenic Trail (CDNST). The Continental Divide National Scenic Trail (CDNST) was designated by Congress in 1978 as a unit of the National Trails System. The 3,100-mile CDNST traverses nationally significant scenic terrain and areas rich in the heritage and life of the Rocky Mountain West along the Continental Divide between Mexico and Canada. It travels through 20 National Forests, 21 Wilderness areas, 3 National Parks, 2 National Monument, and 13 BLM resource areas, connecting 20 Gateway Communities through the states of Montana, Idaho, Wyoming, Colorado and New Mexico. The vision for the CDNST is a primitive and challenging backcountry trail for the hiker and horseman on or near the Continental Divide to provide people with the opportunity to experience the unique and incredibly scenic qualities of the area.

The CDNST passes through Montana, Idaho, Wyoming, Colorado, and New Mexico, and is administered by the U.S. Forest Service in cooperation with the NPS, BLM, and Tribal, state, and local governments, as well as numerous partner groups including the CDTC. In 2020, CDTC signed an Inter-agency Memorandum of Understanding with the U.S Forest Service, the Bureau of Land Management, and the National Park Service, which identifies the Continental Divide Trail Coalition as a lead national partner in the management and administration of the Continental Divide National Scenic Trail. To date, CDTC has been successful in coordinating more than 250,000 hours of volunteer stewardship to maintain and improve the CDNST, building positive relationships with federal land managers and local trail-focused groups, organizing special events to help educate the public about the CDNST, implementing Trail Adopter and Gateway Community programs, and encouraging Congress to continue to appropriate funding for the CDNST in the USFS budget.

### **Background**

The Continental Divide National Scenic Trail (CDNST) is far more than a path on the ground; rather, it is the sum of the myriad scenic, natural, cultural, and historical qualities of the areas surrounding the trail that make a journey along the CDNST unique and spectacular. The CDNST is protected and maintained not only for the physical trail itself, but more importantly, for the experience it provides.

The United States Congress designated the Continental Divide National Scenic Trail by an Act of Congress in 1978. The *Continental Divide National Scenic Trail Comprehensive Management Plan* was approved by the U.S. Forest Service and set forth as policy in 2009. This overarching policy direction

serves to implement Congress's direction in the National Trails System Act, and is an essential tool for guiding decisions regarding Forest Plan direction for the CDNST. The Comprehensive Plan also incorporates FSM 2353.42 and 2353.44b.

CDTC has provided the following additional materials with our Scoping Comments:

1.) CDTC Experience Statement

**Comments**

The CDTC Experience emphasizes that the Continental Divide National Scenic Trail should be, "A welcoming space for people of all races, ethnicities, backgrounds, and abilities to access the healing powers of nature and connection to something greater than oneself." As such, we are encouraged by this first step on the part of this administration to address barriers for engagement, particularly for underserved communities, and we look forward to working with partners in the federal government to increase justice, equity, and accessibility in all federal programs and resources, including those directly impacting the CDNST, trail communities, and our partners.

**General Information**

The CDTC Experience emphasizes that the Continental Divide National Scenic Trail should be, "A welcoming space for people of all races, ethnicities, backgrounds, and abilities to access the healing powers of nature and connection to something greater than oneself." As such, we are encouraged by this first step on the part of the federal government to address barriers for underserved communities, and we look forward to working with agency staff and partners to increase justice, equity, and accessibility in all federal programs and resources, including those directly impacting the CDNST, trail communities, and our partners.

The Continental Divide Trail is a U.S. Forest Service-administered National Scenic Trail. As such, CDTC works closely with the Department of Interior across its agencies, including the Bureau of Land Management, U.S. Fish and Wildlife, and the National Park Service, in our mission to complete, protect, and promote the CDT. In this capacity, CDTC works closely with federal employees in a number of programs on the ground and administratively, including in our field, GIS, gateway community, communication, trail completion, and development programs. The breadth of CDTC's work gives a perspective on many facets of the federal government's programs, principles, and practices. In CDTC's role as a facilitator and communicator of knowledge about the CDT and the Divide region, working to connect communities across the trail and often acting as the first point of contact for CDT-related concerns and interests, CDTC's perspective is also informed by the community members, conservation partners, recreationists, and local officials who also have a vested interest in the principles and actions of the Department of Interior.

CDTC is incredibly appreciative of the collaborative stewardship approach that the federal government embraces across the agencies that we work with, especially in the areas of shared management with indigenous communities and the development of rural communities across the West. An approach that grows community-led conservation and stewardship grows resiliency and sustainability across the Divide, creating space for greater connections with partner organizations, recreationists, and individuals and communities on the ground, who have experience with federal practices and programs firsthand. In order to make the most of this collaborative, community-led approach, the federal government must ensure that its principles emphasize collaboration between all stakeholders in order to administer equitable stewardship across all publicly held resources and programs. It has been the experience of CDTC and its partners that federal engagement with communities and underserved populations is limited by not only administrative factors such as staffing and funding, but also by core principles that do not seek to fully bridge the participation gap created by factors such as (but not limited to) income disparity, linguistic

isolation, organizational and community capacity, access to broadband and other technologies, geographic proximity, and historic relationships with the government and underserved communities, particularly Black, Indigenous, Latinx, and Asian communities, as well as disabled and LGBT+ communities.

### **Accessibility**

CDTC, CDT Gateway Communities, volunteers, and partners have participated in many different facets of the federal regulatory process. It is our hope that engagement in these processes continue as a mix of in-person and virtual meetings so that people of all backgrounds and lifestyles may attend with minimal burdens or constraints. The online format helps to address barriers related to work hours, childcare needs, geographic isolation, disability access, and linguistic isolation, which all limit many members of the public's ability to participate in agency meetings. To improve the online format, CDTC encourages the investment in resources that can overcome these barriers by providing language options for non-English speakers as well as providing recordings, resources in multiple languages, alternative text, translators, and interpreters during online meetings to make the online option more accessible and enjoyable for underserved communities, while increasing public participation and oversight.

While the online format helps overcome some of the barriers that communities face in engaging with stakeholder meetings, many of the rural communities in which the CDTC works still lack access to reliable broadband or mobile internet services, and therefore the federal government must understand that online meetings are simply not accessible for everyone, especially in underserved, remote, rural communities. Localized meetings, outside of urban centers, that are site-specific and intentionally targeting the stakeholders with whom connections need to be strengthened, are urgently needed to ensure that the goals of federal programs actually meet the needs of the communities in which they serve and which are most impacted by their actions. Furthermore, CDTC encourages providing additional support to participants in in-person meetings as well. For in-person meetings, providing child care, food and beverages, and similar communication tools as those mentioned above for online meetings, could all increase the participation from underserved communities who benefit the most from these additional supports.

Additionally, many federal government websites are not user-friendly for the average user, and especially for those not technologically-adept, for non-English speakers, and for disabled individuals, who would all benefit from increased accessibility tools online. Unless you are a career expert or regularly visit federal rule-making websites, the amount of readily available information is extremely limited. The federal government should provide more basic tutorials covering subjects like how to enter into relationships with federal agencies and partners, how funding programs work and maybe even go one step farther and proactively provide monthly webinars that people can attend at their leisure to learn more. Additionally, it would be incredibly beneficial for new partners, especially new organizational partners, to have dedicated outreach and education staff to provide coaching to walk and talk new partners and organizations through every step of the process. Throughout the planning process, the scope, purpose, expected timeline, and the opportunities to engage should be clear. Oftentimes, a federal regulatory process like a Forest Plan will have hundreds of pages of text, but no clear indication on what questions, topics, or perspectives would be most helpful in future decision-making in the process. This results in a public participation process that is challenged by a lack of clear direction on how participants can have the most impact in the process.

Furthermore, community members, new recreationists, grantees, trail organizations, and other partners could benefit from the creation of more streamlined and organized portals so organizations do not have to spend so much time searching for how they can best engage. This could be done with resources on the website that group similar opportunities, processes, decisions, and projects together that can be accessed and searched through in one centralized portal online. Individuals, grantees, and partners could also benefit from an e-newsletter that identifies and describes opportunities to engage on a monthly basis.. By outlining specific opportunities and providing this type of direct outreach, this tactic would help to alleviate the burden for many organizations and communities who have limited time and staffing capacity to search through numerous opportunities and/or grants across a variety of online portals.

## **Communication**

. Often, as the first point of contact for many communities and individuals interested in planning, rule-making, and other programs that impact the CDT experience, CDTC engages with many individuals reflecting on their experience with this process, particularly those impacting federally-managed greenspaces. While resources do exist to assist with understanding the federal rulemaking process, the content and quality can be sporadic depending on the agency, the topic, or the project. Seemingly, there is not a set standard for the amount of necessary information to assist potential participants in the federal public participation process, which can lead individuals to third-party communicators and websites which are not always reliable, relevant, or robust enough to effectively and efficiently participate in the federal rule-making process. Oftentimes if there is an abundance of information, it can be difficult to find and time-consuming to search for, creating a barrier for those with limited time and resources, or lacking online navigation skills.

Those wishing to engage in the federal rule-making process would be aided by a centralized information hub, similar to visitor centers that already exist in-person, that gives not only general information on the site, but aids in understanding the rule-making process starting at step one. This would help to overcome the intimidation barrier that many first-time participants with less experience must grapple with, and also help to bridge the knowledge gap that can lead to safer, more enjoyable experiences.

Communication could also be aided by an increase in Spanish-speaking and staff proficient in other languages as well as resources, tutorials, and online portals that allow greater access for communities and individuals who often find themselves linguistically isolated. Addressing language justice concerns would greatly improve the customer service experience that is currently, often, intimidating or completely inaccessible for those who English is not their first or primary language. Information and planning resources in multiple languages are urgently needed. The CDT is a world-renowned resource, attracting international visitors every year, who would benefit from additional language options. However, more importantly and urgently, is the need to connect individuals and communities which have these vital opportunities impacting their local communities, but are not able to participate effectively or enjoyably due to the language barrier that exists. The language options should extend not only about the site description and attractions, but also educational resources.

Additionally, planning resources and other educational materials should be available in multiple languages. Technological advances like QR codes help to allow more convenient, mobile access, and have begun to address this barrier, and CDTC encourages embracing new technologies to address this barrier, which will not only help the linguistically isolated, but also deaf and disabled communities as well. As a publicly owned resource everyone should be able to participate in federal processes that impact the CDT, and addressing this information and language divide is urgently needed to ensure the commitment that Congress made to the people when they created resources like the National Trail System, is met.

## **Strengthening Relationships**

The federal government can establish and maintain connections with a wider and more diverse set of stakeholders by tapping into, and supporting, new partners, organizations, and communities that are already doing related work on the ground. These organizations are oftentimes already partners, some of which, like CDTC, have an MOU with the federal agencies, and are already supporting engagement in federal programs. Organizations like CDTC can continue to strengthen this engagement within our trail community, but intentional partnerships with the federal government must acknowledge and invest in the crucial role of partners. Many underserved communities already have existing organizations and partners working toward goals that align opportunities on federal lands and waters within existing programs. However, due to the history of the federal government's relationship with many underserved communities and the current lack of connection and support for these communities, these organizations and partners are disconnected from the agencies and underutilized. Relationships with underserved communities could be strengthened by tapping into those existing networks, supporting their participation in federal programs, and listening to the voices already doing the work on the ground.

One way in which this could be accomplished, is by standardizing more direct pathways for underserved communities into positions within the agency that specifically engage in outreach and support through the public participation process. Communities rarely benefit from someone outside the community coming in to identify needs and direct support without the background knowledge or the working relationships in the community needed to inform such actions. Instead, the agency would benefit from creating pathways for individuals and leaders already doing the work in or who have experience as a member of these underserved communities. This would not only enable the agency to strengthen partnerships within underserved communities and maintain a consistent presence, but would also reflect the agency's sincere commitment to the communities in which they serve.

Over the past decade, CDTC has seen the decline of federal, on-the-ground staffing, in numerous sites across the Divide, particularly land stewardship agencies such as the BLM, USFS, FWS, and NPS staff.. Particularly impacted have been the staffing of outreach and education positions, which are just as fundamental to the engagement of communities, particularly underserved communities. The shared stewardship model for the National Trails System is, arguably, one of the most successful partnership models that exists in the federal government. However, the success of this model is dependent on ensuring that all stakeholders are able to collaborate and engage. These efforts have been hindered by a decline, and presently, a lack of consistent, dedicated outreach and education staffing positions in local offices and gateway communities. Combined with federal administration turnover, resulting in mistrust or misrecognition of federal priorities and principles on the part of many small communities in which we work, the lack of consistent agency presence in these areas has resulted in communities who are hesitant to engage with agency staff which communities are unsure will stick around after a specific project, after this administration, or after the next round of budget discussions. Partnerships and relationships with local communities would be strengthened by a more robust agency presence in local offices, particularly in rural communities. Additional staffing would be an investment that would increase community trust and participation, provide the opportunity for more public engagement and feedback, while also providing support and program education for underserved communities who could most directly benefit from greater accessibility and transparency.

## **Conclusion**

CDTC appreciates the opportunity to share our perspective, and thank you for your time and consideration in this process. For further insight into any of the above information or for future opportunities to engage, please contact Luke Fisher, CDTC Trail Policy Program Manager, by phone at (406) 272-6179 or by email at [Lfisher@continentaldividetrail.org](mailto:Lfisher@continentaldividetrail.org).



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