

USDA Forest Service
Attn: Objection Reviewing Officer,
Rocky Mountain Region
1617 Cole Boulevard, Building 17
Lakewood, CO 80401

September 29, 2019

To: r02admin_review@fs.fed.us
Subject: Rio Grande Forest Plan Revision Objection

Objection to Draft ROD, FEIS, and Revised LMP for the Rio Grande National Forest

This submittal is an objection to the Draft ROD, FEIS, and Revised LMP for the Rio Grande National Forest (84 FR 37830).

Name of the project being objected to, the name and title of the responsible official, and the name of the National Forest on which the project is located:

Rio Grande National Forest proposed Forest Plan, FEIS, and draft ROD
Dan Dallas, Forest Supervisor
Rio Grande National Forest
1803 W Highway 160
Monte Vista, CO 81144

The objector's name, address, and email:

Greg Warren

[REDACTED]

[REDACTED]

[REDACTED]

I would appreciate a meeting with the reviewing officer to discuss issues raised in this objection and potential resolution.

I. Summary of Issues and Proposed Solution

Introduction

The newly formed Continental Divide National Scenic Trail (CDNST) Leadership Council in 2004 met in Idaho Falls. Attendees included interagency Regional and State lead line-officers from along the Continental Divide: Montana, Idaho, Wyoming, Colorado, and New Mexico. In this two-day meeting, the Leadership Council formed a vision statement for the future of the CDNST and adopted guiding principles. The Vision Statement described, *“Complete the Trail to connect people and communities to the Continental Divide by providing scenic, high-quality, primitive hiking and horseback riding experiences, while preserving the significant natural, historic, and cultural resources along the Trail.”*

The Leadership Council in 2006 reviewed issues related to the 1985 CDNST Comprehensive Plan. It was clear that much of the direction in this plan was inconsistent with law and needed to be amended or revised. The Leadership Council decision was not to revise the plan, but to instead amend the Comprehensive Plan direction following 36 CFR 216 public involvement processes. The draft amended Comprehensive Plan was published in the Federal Register for public comment in 2007.

The final amended CDNST Comprehensive Plan direction was published in the Federal Register in 2009 and took effect on November 4, 2009 (74 FR 51116).¹ The amended Comprehensive Plan was approved by Chief Thomas Tidwell in September 2009.² An outcome of the amended Comprehensive Plan was the description of the nature and purposes of this National Scenic Trail: *“Administer the CDNST consistent with the nature and purposes for which this National Scenic Trail was established. The CDNST was established by an Act of Congress on November 10, 1978 (16 USC 1244(a)). 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.”* The amended Comprehensive Plan establishes other important direction for the management of the CDNST including:

- The rights-of-way for the CDNST is to be of sufficient width to protect natural, scenic, cultural, and historic features along the CDNST travel route and to provide needed public use facilities.
- Land and resource management plans are to provide for the development and management of the CDNST as an integrated part of the overall land and resource management direction for the land area through which the trail passes.

¹ <https://www.federalregister.gov/documents/2009/10/05/E9-23873/continental-divide-national-scenic-trail-comprehensive-plan-fsm-2350>

² https://www.fs.fed.us/sites/default/files/fs_media/fs_document/cdnst_comprehensive_plan_final_092809.pdf

- The CDNST is a concern level 1 route, with a scenic integrity objective of high or very high.
- Manage the CDNST to provide high-quality scenic, primitive hiking and pack and saddle stock opportunities... Use the Recreation Opportunity Spectrum (ROS) in delineating and integrating recreation opportunities in managing the CDNST.

The CDNST Federal Register Notice (74 FR 51116) provided additional direction to the Forest Service as described in FSM 2350. The final directives add a reference to the CDNST Comprehensive Plan as an authority in FSM 2353.01d; ... add the nature and purposes of the CDNST in FSM 2353.42; and add detailed direction in FSM 2353.44b governing implementation of the CDNST on National Forest System lands.

The Land Management Planning Handbook establishes important guidance that addresses relationships between National Scenic and Historic Trail Comprehensive Plans and Forest Plans. FSH 1909.12 24.43 describes that:

- The Interdisciplinary Team shall identify Congressionally designated national scenic and historic trails and plan components must provide for the management of rights-of-ways (16 U.S.C 1246(a)(2)) consistent with applicable laws, regulations, and Executive Orders.
- Plan components must provide for the nature and purposes of existing national scenic and historic trails...
- The Responsible Official shall include plan components that provide for the nature and purposes of national scenic and historic trails in the plan area.

The final amendments to the CDNST Comprehensive Plan and corresponding directives...will be applied through land management planning and project decisions following requisite environmental analysis (74 FR 51124). CDNST management direction enacted through correspondence may supplement this direction, but such direction would not supersede the guidance found in the National Trails System Act, Executive Orders, CDNST Comprehensive Plan, regulations, and directives.

Issues and Statement of Explanation – CDNST Corridor and Establishing Plan Components

CDNST Corridor and Plan Components

The plan proposes that the CDNST rights-of-way be described as a buffered linear feature. Some of the plan components apply to the described buffered corridor while others apply Forestwide. Plan components CD-CDT-2, S-CDT-1, and S-CDT-2 refer to the corridor, but also indicate that the direction applies Forestwide. Suit-CDT-1 and Suit-CDT-2 only refers to a corridor.

The primary plan components that address scenery and recreation setting include:

- Viewsheds from the Continental Divide National Scenic Trail have high scenic values. The foreground of the trail appears natural. (Forestwide)
- Forest health projects that result in short-term impacts the scenic integrity of the Continental Divide National Scenic Trail should apply mitigation measures, including but not limited to screening. (Forestwide)
- To provide for a naturally appearing setting while avoiding impacts from motorized use, no new temporary or permanent roads, or motorized trails, should be constructed across or adjacent to the Continental Divide National Scenic Trail, unless needed for resource protection, private land access, or protection of public health and safety. (Forestwide)
- The proposed CDNST buffered linear feature does not include plan components that address the management of the recreation setting defaulting to the designation resulting for the establishment of other overlapping management areas. The Alternative B Modified maps establish/display Semi-Primitive Motorized and Roded Natural settings for the CDNST corridor.

The plan has established a CDNST management corridor with the same set of plan components, which meets the definition of a Management Area. Management Area is common term used in forest planning while a buffered linear feature is not. The description of the CDNST corridor is confusing and adds to the complexity of the Forest Plan management direction. The term buffered linear landscape should be set aside and instead the CDNST rights-of-way should be described as the CDNST Management Area.

Forestwide plan components that are associated with the CDNST do not protect the scenic resource along the CDNST travel route due in part to the use of the informal descriptor that states that the CDNST viewsheds will have *high scenic values*. Scenic values are normal associated with scenic attractiveness. Scenic attractiveness classifications are: Distinctive, Typical, and Indistinctive. The FEIS did not address locating the CDNST rights-of-way (corridor) to be connected with distinctive landscapes. This direction should have informed the establishment of the CDNST corridor and has little connection with plan implementation.

The plan uses the term “*appears natural*” which is vague. To be consistent with the Landscape Aesthetics Handbook the term “*natural-appearing*” should be used instead. In addition, the visual resource guidance for forest health projects is confusing. What are “short-term impacts the scenic integrity of the Continental Divide National Scenic Trail?” Also, what about long-term impacts?

Effects Disclosure

The Direct and Indirect Effects section of the FEIS states at 312 that, “*Alternatives B, B Modified, and C include plan direction that presents a balanced approach to managing these linear features in a multiple use environment. Similar to other alternatives, the direction will continue*

to contribute to social and economic sustainability in the broader landscape and connect citizens to the land through education, interpretation, stewardship projects, and volunteerism. Effects are anticipated to be positive, resulting in more public understanding of the shared values around both trails, and include the potential for a more educated and stewardship-minded public... Recognizing the trail as a linear feature provides more flexibility to Forest managers to relocate segments of the trail as needed."

This effects statement does not address the expected effects of each alternative on CDNST nature and purposes values as measured through ROS and Scenery Management System processes, which are the accepted Best Available Science and Methodology and Scientific Accuracy analysis systems. The discussion demonstrates that the Forest Service did not take a hard look at the effects of the proposed action and alternatives.

Overlapping Management Areas and CDNST Corridor

The CDNST corridor overlaps with other management areas, including Management Areas 3 and 5. Management Area 3 establishes a standard S-MAS-1 that states that, *"The Colorado Roadless Rule direction at 36 CFR 294 Subpart D will be followed."* The rule prohibits trees from being cut, sold, or removed unless consistent with the Forest Plan or the roadless area characteristics would be improved, reduce fire risk, restore ecosystems, improve threatened and endangered species habitat, and temporary roads may be constructed. The MA-3 Forest Plan direction is circular where the plan refers to the Roadless Rule and Roadless Rule refers to the Forest plan. It is also important to note that the Colorado Roadless Rule FEIS effects analysis assumed that the direction in the CDNST Comprehensive Plan and FSM 2353.4 would be implemented through Forest Plan direction. The direction that is found in the Colorado Roadless Rule is vague and should have been further defined through the adoption of resource related desired condition, standards, guidelines, and suitability. MA-3 guidance may indirectly protect the CDNST from road developments; however, the condition of proposed CDNST and Colorado Roadless Rule plan components do not protect CDNST scenic and setting values.

Management Area 5 promotes resource development with related effects. *"A full range of activities is present with an emphasis on the production of commercial wood products... Forest visitors to these areas can expect to experience active forest management including timber harvest, livestock grazing, established infrastructure, and improvements. In timber harvest areas, stumps, logging slash, skid trails, and soil disturbance will be evident..."* The Forest Plan maps indicate that the established ROS class for this Management Area is Roaded Natural and Semi-Primitive Motorized. These ROS settings do not provide for the nature and purposes of the CDNST. Clearly, MA-5 management direction does not protect CDNST scenic and setting values.

Proposed Solution to Improve the Decision

For the purpose of providing for the nature and purposes of the CDNST, resolving this objection and addressing key proposed Forest Plan deficiencies, the Forest Service should take the following actions:

- Establish a CDNST Management Area with an extent of at least one-half mile on both sides of the recognized CDNST travel route and along high-potential route segments³ (as depicted in Appendix A).
- Recommend for wilderness the portion of the Pole Mountain/Finger Mesa roadless area that is west of the Pole Creek trail route 820.
- Scenery definitions that are used in the plan and FEIS should be identical to how the terms are described and used in the Landscape Aesthetics Handbook.
- Recreation Opportunity Spectrum class definitions need to be expanded to add descriptions of Access, Remoteness, Non-Recreation Uses, Visitor Management, Social Encounters, and Visitor Impacts setting indicators.
- Modify the CDNST Management Area (corridor) direction by adding the following plan components:
 - Desired Condition: The management area contributes to providing for 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 conserves natural, historic, and cultural resources along the corridor.
 - Desired Condition: The CDNST corridor provides panoramic views of undisturbed landscapes in a tranquil scenic environment. Scenic integrity objectives of High and Very High contribute to the desired scenic character.
 - Desired Condition: Primitive and Semi-Primitive Non-Motorized ROS class settings are protected.
 - Standard: To provide for desired Scenic Character, management actions must meet a Scenic Integrity Level of Very High or High in the immediate foreground and foreground visual zones as viewed from the CDNST travel route. Management actions within the Wolf Creek Ski Area must meet a Scenic Integrity Objective of Moderate within the ski area boundary as viewed from the CDNST travel route.
 - Standard: Resource management actions and allowed uses must be compatible with maintaining or achieving Primitive or Semi-Primitive Non-Motorized ROS class settings. Accepted inconsistencies are existing NFS roads (maintenance level 2 and higher), state and county road right-of-ways, existing utility right-of-ways, and general public motor vehicle use that is allowed as described under *motor vehicle use by the general public*.
 - Standard: Motor vehicle use by the general public is prohibited by the National Trails System Act unless that use:
 - Is necessary to meet emergencies;

³ 16 U.S.C. 1244(f)(3)

- Is necessary to enable adjacent landowners or those with valid outstanding rights to have reasonable access to their lands or rights;
 - Is for the purpose of allowing private landowners who have agreed to include their lands in the CDNST by cooperative agreement to use or cross those lands or adjacent lands from time to time in accordance with Forest Service regulations; or
 - Is on a motor vehicle route that crosses the CDNST, as long as that use will not substantially interfere with the nature and purposes of the CDNST,
 - Is designated in accordance with 36 CFR Part 212, Subpart B, on National Forest System lands or is allowed on public lands and:
 - The vehicle class and width were allowed on that segment of the CDNST prior to November 10, 1978, and the use will not substantially interfere with the nature and purposes of the CDNST or
 - That segment of the CDNST was constructed as a road prior to November 10, 1978; or
 - In the case of over-snow vehicles, is allowed in accordance with 36 CFR Part 212, Subpart C, on National Forest System lands or is allowed on public lands and the use will not substantially interfere with the nature and purposes of the CDNST.
- Standard: The CDNST travel route may not be used for a livestock driveway.
 - Guideline: To protect the values for which the CDNST was designated, resource uses and activities that could conflict with the nature and purposes of the CDNST may be allowed only where there is a determination that the other use would not substantially interfere with the nature and purposes of the CDNST.
 - Suitability: The Management Area is not suitable for timber production.
 - Objective: For the purpose of implementing CDNST comprehensive planning site-specific measures and actions, a CDNST unit plan⁴ should be completed within five years.

Suitability (Determinations to Omit): The forestwide and management area direction that affects the CDNST corridor should be silent on the suitability of motor vehicles, over-snow vehicles, mechanized transport, and livestock grazing.

Violation of Law, Regulation or Policy

Violation of laws, regulations, and policies include the National Forest Management Act, National Trails System Act, and National Environmental Policy Act. Specific issues related to these laws are addressed in the following sections.

Connection with Comments: Scoping Comments at 5 and 6; Draft Plan and DEIS comments at 2 through 16; CDNST Planning Handbook at 9, 21, 28, 32, 35, 55, 56, and 58.

⁴ FSM 2353.44(b)(2).

Specific Concerns with the Revised Forest Plan, FEIS, and Draft ROD

The proposed Forest Plan, FEIS, and draft ROD are reviewed in more detail in the following sections as outlined in the Table of Contents.

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II. Statement of Issues – Proposed Plan

The following are statements of the issues to which the objection applies and concise statements explaining the objection and suggestions on how the proposed plan decision may be improved.

Introduction

What is a Forest Plan

Plan Statement at 1: The proposed plan describes that, *“Plan components included in forest plans provide integrated management direction that provide for the social, economic, and ecological sustainability and multiple uses of national forest lands and resources. In May 2012, the U.S. Department of Agriculture adopted 36 CFR 219 regulations, commonly called the 2012 Planning Rule, to guide collaborative and science-based development, amendment, or revision of forest plans that promote the ecological integrity of national forests while considering social and economic sustainability... The forest plan provides guidance for project- and activity-level decision-making on the Forest for approximately the next 15 years. This guidance includes: ... Forestwide components that provide for integrated social, economic, and ecological sustainability and ecosystem integrity and diversity as well as ecosystem services and multiple uses; components must be within Forest Service authority and consistent with the inherent capability of the plan area (36 Code of Federal Regulations (CFR) § 219.7 and CFR § 219.8–219.10)....”*

Issue and Statement of Explanation: The plan and developed NEPA alternatives must provide for ecosystem services and multiple uses, including outdoor recreation, range, timber, watershed, wildlife, and fish, within Forest Service authority and the inherent capability of the plan area as follows: ... (b)... (1) The plan must include plan components, including standards or guidelines, to provide for: (i) Sustainable recreation; including recreation settings, opportunities, and access; and scenic character..., and (vi) appropriate management of other designated areas or recommended designated areas in the plan area...(36 CFR 219.10(b)(i)&(vi)). The CDNST is a congressionally designated area (36 CFR 219.19).

The plan does not include necessary plan components, including standards or guidelines, to provide for the management and protection of the nature and purposes of the Continental Divide National Scenic Trail.

Proposed Solution to Improve the Decision: Specific to National Scenic Trails, the plan needs to establish Standard, Guidelines, and Suitability determinations that support the nature and

purposes of the CDNST. See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- NTSA, Sections 5(f) and 7(c) – Comprehensive Plan and Nature and Purposes.
- NFMA 16 U.S.C. 1604(f)(1) – Requirement to form one integrated plan.
- NFMA Regulation 36 CFR 219.10(a) – Integrated resource management for multiple use.
- NFMA Regulation 36 CFR 219.10(b)(1)(i) - Appropriate management of other designated areas or recommended designated areas in the plan area.
- FSM 2353.4 - National Scenic Trails.
- FSH 1909.12 part 24.43 - National Scenic and Historic Trails.

Connection with Comments: Scoping Comments⁵ at 4 - 8. Draft Plan and DEIS Comments⁶ at 9 and 10.

Regulatory Direction and Consistency with the Forest Plan

Plan Statements at 2 and 3: The proposed plan describes that, *“Many other laws and regulations apply to management of the national forests including, but not limited to, the Clean Air Act, Clean Water Act, Endangered Species Act, and National Historic Preservation Act. Issues that do not warrant citation of the direction contained in the law or regulation are generally not repeated or referenced in a forest plan. Additional direction and policy for managing national forests are provided in Executive orders, the Code of Federal Regulations, and the Forest Service directives system. The Forest Service directives systems includes agency-specific manuals and handbooks that contain information that is not repeated in a forest plan... The National Forest Management Act of 1976 and the 2012 Planning Rule require that all projects and activities authorized by the Forest Service must be consistent with all applicable plan components (16 U.S.C. 1604 (i) as described at 36 CFR § 219.15 (c and d)). The approving document must describe how the given project or activity is consistent with applicable plan components by meeting the following criteria (36 CFR § 219.15(d)):*

1. *Desired conditions and objectives. Projects or activities contribute to the maintenance or attainment of one or more desired conditions or objectives or do not foreclose the opportunity to maintain or achieve any desired conditions or objectives over the long term.*

⁵

http://nstrail.org/planning/riogrande_nf/cdnst_riogrande_plan_revision_scoping_comments_gwarren_10222016.pdf

⁶ http://nstrail.org/planning/riogrande_nf/deis_dplan_comments_12282017.pdf

2. *Standards. Projects or activities comply with applicable standards.*
3. *Guidelines. Projects or activities*
 - a. *Comply with applicable guidelines as set out in the plan, or*
 - b. *Are designed in a way that is as effective in achieving the purpose of the applicable guidelines (§ 219.7(e)(1)(iv)).*
4. *Suitability. Projects or activities occur in an area*
 - a. *That the plan identifies as suitable for that type of project or activity, or*
 - b. *For which the plan is silent with respect to its suitability for that type of project or activity.”*

Issue and Statement of Explanation: Important resource management direction that is found in the CDNST Comprehensive Plan and FSM 2353.4 is referenced in the plan, but not integrated into the plan direction. There is no consistency determination step required during implementation related to the Comprehensive Plan and FS directives. The primary role of the Comprehensive Plan is to serve as an authority for broad based policy and direction for the development and management of the CDNST... Both the Forest Service and the Bureau of Land Management are required to develop land and resource management plans that are designed to integrate all resource management activities that may occur within a land use unit into a coordinated system that reflects the interaction of management activities in achieving long-range objectives and goals for public land management. This will be accomplished through the development of a series of synergetic management prescriptions developed for specific management areas.

Proposed Solution to Improve the Decision: Ensure that all FSM and FSH direction that is intended to control projects is addressed as plan components. See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy: CDNST Comprehensive Plan Chapter III(D) and III(E); and 16 U.S.C. 1604 (i) as described at 36 CFR 219.15.

Connection with Comments: Draft Plan and DEIS comments at 10. Concerns an issue that arose after the opportunities for formal comment.

Congressionally Designated Trails

Plan Statement at 49-50: The proposed plan states that, *“The National Trails System Act of 1968 authorized creation of a national trail system consisting of national scenic, historic, and recreation trails. National scenic and national historic trails may be designated only by an act of*

Congress. Both congressionally designated trails that traverse the Forest are managed with a one-half-mile-wide buffer on either side of the trail, and this buffer is shown on maps... The Forest Service is the lead agency responsible for management of the Continental Divide National Scenic Trail. Management of the trail is consistent with the nature and purposes of the trail as described in the 2009 Continental Divide National Scenic Trail Comprehensive Plan, and any revisions... Over time, appropriate carrying capacities will be established for specific segments of the Continental Divide National Scenic Trail by monitoring use and conditions. Appropriate management actions are taken to maintain or restore the nature and purposes of the trail if the results of monitoring or other information indicate a trend away from the desired conditions....”

Issue and Statement of Explanation: It is inappropriate and inconsistent with many planning processes to state that, *“Management of the trail is consistent with the nature and purposes of the trail as described in the 2009 Continental Divide National Scenic Trail Comprehensive Plan, and any revisions....”* It is a myth that the proposed management of the CDNST is consistent with providing for the nature and purposes of this National Scenic Trail, since the corridor lacks plan components to protect scenic character and more primitive ROS settings. It would be illegal for the Forest Plan to declare that any future revision to the CDNST Comprehensive Plan would be adopted without following normal amendment processes.

The Forest Plan must establish ROS classes along the CDNST that are compatible with the nature and purposes of this National Scenic Trail while addressing existing inconsistencies in the management direction. Regarding carrying capacity, ROS setting components provide programmatic recreational use capacity guidance. Specific carrying capacity for segments of the CDNST is to be established in a CDNST unit plan.⁷

The CDNST rights-of-way is yet to be selected by the Chief of the Forest Service, but it is expected that the existing CDNST travel route and identified high-potential route segments that exist on the Rio Grande National Forest will be contained within the selected corridor (FSM 2353.04b(4)). The extent of the corridor is to encompass the CDNST resources, qualities, values, and associated settings, which are principally described through established and mapped desired Scenic Integrity Objective and ROS class allocations. The selected rights-of-way must protect existing and high-potential route segments similar to the protection proposed for Eligible and Suitable Wild, Scenic, and Recreational Rivers (MA 4.34), except Nature and Purposes values would be protected instead of Outstandingly Remarkable Values.

⁷ FSM 2353.44b(2)

The revised Forest Plan Management corridor for the CDNST failed to include plan components that provide for the nature and purposes of this National Scenic Trail. The nature and purposes of the CDNST should recognize hiker and equestrian activities as the primary recreational use and protect the NST corridor as intended by the National Trails System Act (NTSA) and Executive Order 13195 – Trails for America. Management of activities and uses within this designated area corridor need to be compatible with the nature and purposes of this National Trail (FSM 2353.11, FSM 2353.4, and FSH 1909.12 part 24.4). The CDNST Comprehensive Plan describe the nature and purposes of the NST as providing for high-quality, scenic, primitive hiking and horseback riding experiences and to conserve natural, historic, and cultural resources along the NST corridor. The Comprehensive Plan also recognized backpacking, nature walking, day hiking, horseback riding, nature photography, mountain climbing, cross-country skiing, and snowshoeing as being compatible with the nature and purposes of the CDNST. Other recreation and resource uses along the National Trail may be allowed only where there is a determination that the other use would not substantially interfere with the nature and purposes of this National Scenic Trail.

Land suitability (SUIT-RNG-1) describes that, *“grazing in national forest wilderness areas is authorized by the Congressional Grazing Guidelines”* and (SUIT-MA 1-4) describes that, *“Grazing is permitted,”* should be deleted or modified to address other resource considerations. Grazing in wilderness must not substantially degrade CDNST values.

The proposed CDNST management direction must be modified, since the proposed plan would allow uses and activities along the CDNST route and rights-of-way that would substantially interfere with maintaining or achieving the nature and purposes of this National Scenic Trail. The recommended modifications found in comments on the Draft Plan and DEIS would benefit the National Trails and be consistent with the National Forest Management Act (NFMA) Planning Rule and NEPA CEQ regulations.

Proposed Solution to Improve the Decision: Modify the plan CDNST direction as described in scoping and Draft Plan and DEIS comments. See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- NTSA, [16USC1242] Section 3(a)(2) – Location and Conservation of Resources.
- NTSA, Sections 5(f) and 7(c) – Comprehensive Plan and Nature and Purposes.
- NTSA, [16USC1246] Sections 7(a)(2) – Secretary shall select the Rights-of-Way.
- NFMA 16 U.S.C. 1604(f)(1) – Requirement to form one integrated plan.
- NFMA Regulation 36 CFR 219.10(a) – Integrated resource management for multiple use.

- NFMA Regulation 36 CFR 219.10(b)(1)(vi) - Sustainable recreation
- NFMA Regulation 36 CFR 219.10(b)(1)(i) - Management of Designated Areas.
- FSM 2310.3 and FSM 2353.4 – Recreation Planning and National Scenic Trails.
- FSH 1909.12 part 23.23a - Sustainable Recreation Resources
- FSH 1909.12 part 24.43 - National Scenic and Historic Trails.

Connection with Comments: Draft Plan and DEIS comments; CDNST Planning Handbook⁸ at 3, 5, 11, 20, and 30.

CDNST Plan Components

Plan Statement at 51-52: The proposed plan describes CDNST plan components:

“DC-CDT-1: Viewsheds from the Continental Divide National Scenic Trail have high scenic values. The foreground of the trail appears natural. (Forestwide)

DC-CDT-2: The Continental Divide National Scenic Trail is a well-defined trail that provides for high-quality primitive hiking and horseback riding opportunities, and other compatible nonmotorized trail activities, in a highly scenic setting along the Continental Divide. The significant scenic, natural, historic, and cultural resources along the trail corridor are conserved. Where possible, the trail provides visitors with expansive views of the natural landscapes along the Continental Divide... (Forestwide)

G-CDT-1: Forest health projects that result in short-term impacts the scenic integrity of the Continental Divide National Scenic Trail should apply mitigation measures, including but not limited to screening. (Forestwide)

G-CDT-2: To provide for a naturally appearing setting while avoiding impacts from motorized use, no new temporary or permanent roads, or motorized trails, should be constructed across or adjacent to the Continental Divide National Scenic Trail, unless needed for resource protection, private land access, or protection of public health and safety. (Forestwide)

SUIT-CDT-1: The Continental Divide National Scenic Trail and corridor is not suitable for oil and gas or geothermal energy development or other leasable mineral activity.

SUIT-CDT-2: The Continental Divide National Scenic Trail and corridor is not suitable for common variety mineral extraction, including but not limited to limestone, gravel, and pumice.”

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http://nstrail.org/planning/riogrande_nf/attachment_a_riogrande_dplan_deis_comments_cdnst_planning_handbook.pdf

Issue and Statement of Explanation: The CDNST rights-of-way is yet to be selected by the Chief of the Forest Service, but it is expected that the existing CDNST travel route location on Rio Grande National Forest will be contained within the selected corridor (FSM 2353.04b part 4). The extent of the corridor is to encompass the CDNST resources, qualities, values, and associated settings, which are principally described through established and mapped desired Scenic Integrity Objective and ROS class allocations.

The proposed CDNST plan components fail to address concerns identified in the Draft Plan DEIS comments. The Management Area direction needs to describe nature and purposes desired conditions as described in the CDSNT Comprehensive Plan and provide for supporting standards, guidelines, and suitability determinations. The Forest Plan establishes primarily Roaded Natural and Semi-Primitive ROS settings along the CDNST where located outside of wilderness and ambiguously scenery management direction. Fails to establish Scenic Integrity Objectives for the CDNST corridor. The plan components do not protect scenic, natural, historic, and cultural resources along the CDNST corridor.

Proposed Solution to Improve the Decision: A Forest Plan Management Area or National Trail Management Corridor for the CDNST needs to be established and include plan components that provide for the nature and purposes of this National Scenic Trail. The CDNST corridor should be at least one mile in width to encompass resources, qualities, values and associated settings and the primary use or uses that are present or to be restored along the desirable (existing and potential) CDNST travel route. The extent of this NTMC recommendation is based on ROS criteria that identify remoteness for a Semi-Primitive Non-Motorized setting as: An area at least 1/2-mile but not further than 3 miles from all roads, railroads or trails with motorized use; can include the existence of primitive roads if closed to motorized use. More than 3 miles would tend to classify the area as Primitive another desirable setting especially in wilderness. The Forest Service Scenery Management System identifies that the middleground begins at 1/2-mile of the travel route.

Violation of law, regulation or policy:

- NTSA, Sections 5(f), 7(a), and 7(c) – Comprehensive Plan, Rights-of-way, and Nature and Purposes.
- NFMA 16 U.S.C. 1604(f)(1) – Requirement to form one integrated plan.
- NFMA Regulation 36 CFR 219.10(a) – Integrated resource management for multiple use.
- NFMA Regulation 36 CFR 219.10(b)(1)(vi) - Sustainable recreation
- NFMA Regulation 36 CFR 219.10(b)(1)(i) - Appropriate management of other designated areas or recommended designated areas in the plan area.

- FSM 2310.3, FSM 2353.4, and FSM 2382.1 – Recreation Planning, National Scenic Trails, and Scenery Management System.
- FSH 1909.12 part 22.1 – Plan Components
- FSH 1909.12 part 23.23a - Sustainable Recreation Resources
- FSH 1909.12 part - 23.23f – Scenery, Aesthetic Values, and Viewsheds
- FSH 1909.12 part 24.43 - National Scenic and Historic Trails.

Connection with Comments: Submitted Scoping Comments at 5 - 9. Submitted Draft Plan and DEIS comments at 2 - 6.

Recreation Management

Plan Statement at 60: The proposed plan describes identifies plan components.

Issue and Statement of Explanation: ROS class descriptions do not define ROS class components that include: Access, Remoteness, Naturalness, Facilities and Site Management, Social Encounters, Visitor Impacts, and Visitor Management (FS ROS Field Guide).

Proposed Solution to Improve the Decision: To understand the ROS planning framework, a thorough definition of each class (aka setting) needs to be presented. Each component include setting and compatibility indicators and thresholds (aka standards and guidelines). The glossary section of submitted comments describe adequate descriptions of each ROS class.

Violation of law, regulation or policy:

- NFMA Regulation 36 CFR 219.10(b)(1)(vi) - Sustainable recreation
- FSM 2310.3 – Recreation Planning
- FSH 1909.12 part 23.23a - Sustainable Recreation Resources

Connection with Comments: Draft Plan and DEIS Comments at 6.

Management Area Specific Direction

Management Area Specific Direction

Plan at 63-79: The proposed plan contents lists management areas:

“Management Area 1 – Wilderness, Management Area 1.1a – Recommended Wilderness, Management Area 3 – Colorado Roadless Areas, Management Area 4 – Special Designations,

Management Area 4.1 – Special Designation – Special Interest Areas, Management Area 4.2 – Special Designation – Research Natural Areas, Management Area 4.21 – Special Designation – Scenic Byways and Scenic Railroads, Management Area 4.34 – Special Designation – Eligible and Suitable Wild, Scenic, and Recreational Rivers; Management Area 4.8 – Ski-based Resorts, and Management Area 5 – General Forest and Rangelands”

Special designations Management Areas are described as, “*Management Area 4 emphasizes recreation and scenery. The five divisions represent areas that are designated for specific reasons that can include research; unique special areas; scenery; wild, scenic, and recreational rivers; and ski resorts....*”

Issue and Statement of Explanation: What is conspicuously missing for the list of management areas is National Scenic and Historic Trails. By not establishing a CDNST Management Area, the proposed Forest Plan fails to provide for integrated management direction for the CDNST congressionally designated area. An established Management Area would have been a clear place mark for the National Scenic rights-of-way which is yet to be selected by the Secretary. The proposed buffered CDNST linear feature with no definitive protective scenery and ROS plan components do not reflect the management requirements of protecting the nature and purposes of the CDNST. The decision to provide for simplified management is at the expense of providing for the nature and purposes of National Scenic and Historic Trail rights-a-way (corridors) does not meet the requirements to provide for the integrated management of congressionally designated areas and therefore is not consistent with the purpose and need to revise the plan.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- NTSA, Sections 5(f) and 7(c) – Comprehensive Plan and Nature and Purposes.
- NFMA 16 U.S.C. 1604(f)(1) – Requirement to form one integrated plan.
- NFMA Regulation 36 CFR 219.10(a) – Integrated resource management for multiple use.
- NFMA Regulation 36 CFR 219.10(b)(1)(i) – Management of other designated areas.
- FSM 2310.3, FSM 2353.4, and FSM 2382.1 – Recreation Planning, National Scenic Trails, and Scenery Management System.
- FSH 1909.12 part 24.43 - National Scenic and Historic Trails.

Connection with Comments: Draft Plan and DEIS comments at 2 - 17.

Management Areas

Plan Statement at 63: The proposed plan states that, “...*National Forest System lands within the Forest boundary have been divided into nine management areas, each with a different emphasis that is intended to direct management activities on that particular piece of land. Management area allocations are specific to the areas across the Forest with similar management needs and desired conditions... Overlapping management direction occurs when a special feature occurs within another management area; for example, when a research natural area occurs within a wilderness boundary. The direction related to wilderness is the most restrictive and is established by Congress. A research natural area that occurs within a wilderness area boundary is bound by all of the laws, regulations, policies, and forest plan direction that apply to wilderness as well as by direction related to the management of that individual research natural area.*”

Issue and Statement of Explanation: National Scenic and Historic Trails are not identified as Management Areas or Geographic Areas. The very nature of addressing the CDNST as a buffered linear feature which allows for continuous visual and recreation impacts from timber management and other uses does not protect the values for which the area was established by an act of congress. The plan fails to establish protect plan components for the CDNST and values are not protected, which is not in compliance with the NFMA and NTSA as implemented through the Comprehensive Plan, regulation, and policy.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- NTSA, Sections 5(f) and 7(c) – Comprehensive Plan and Nature and Purposes.
- NFMA 16 U.S.C. 1604(f)(1) – Requirement to form one integrated plan.
- NFMA Regulation 36 CFR 219.10(a) – Integrated resource management for multiple use.
- NFMA Regulation 36 CFR 219.10(b)(1)(i) - Appropriate management of other designated areas or recommended designated areas in the plan area.
- FSM 2310.3, FSM 2353.4, and FSM 2382.1 – Recreation Planning, National Scenic Trails, and Scenery Management System.
- FSH 1909.12 part 24.43 - National Scenic and Historic Trails.

Connection with Comments: Scoping Comments at 5 - 6; Draft Plan and DEIS comments at 2 -

Glossary

Plan at 105: The glossary the does not contain important definitions to support proposed Forest Plan terms.

Issue and Statement of Explanation: National Scenic and Historic Trails are not described. ROS class definitions are incomplete. Additional definitions would facilitate consistent implementation of the Forest Plan.

Proposed Solution to Improve the Decision: National Scenic and Historic Trails should be described and National Scenic and Historic Trail nature and purposes defined. The definition of ROS classes be expanded to address Access, Remoteness, Naturalness, Facilities and Site Management, Social Encounters, Visitor Impacts, and Visitor Management of each class (FS ROS Field Guide with definition recommendations were submitted in comments). Scenic Integrity needs to be defined as described in the Landscape Aesthetics Handbook. The definition of wilderness character should be included. Definitions provided in Draft Plan and DEIS comments should be included in the plan and EIS.

Violation of law, regulation or policy: 40 CFR 1502.24, 36 CFR 219.3

Connection with Comments: Draft Plan and DEIS comments at 6 - 9.

Appendix C. Timber Suitability and Analysis

Plan Statement at 155: The proposed plan describes the timber suitability and analysis process.

Issue and Statement of Explanation: Primitive and Semi-Primitive Non-Motorized areas are not compatible with timber production.

Proposed Solution to Improve the Decision: The Plan should recognize that timber production and associated activities are inconsistent with Primitive and Semi-Primitive Non-Motorized ROS classes, which are ROS desired allocations for the CDNST corridor. To reflect ROS principles, the CDNST corridor with an extent of one-half mile on each side of the travel route should be identified as not being suitable for timber production (36 CFR 219.11(a)(1)(iii)). Timber harvest should only occur within the CDNST Management Area to protect CDNST values. Managing the CDNST corridor for Roaded Natural and Semi-Primitive Motorized ROS settings and timber production purposes (with likely ongoing scenic integrity short-term exemptions) would lead to

management actions that substantially interfere with the nature and purposes of the CDNST, which is not allowed by the National Trails System Act.

Violation of law, regulation or policy: 40 CFR 1502.24, 36 CFR 219.3, 36 CFR 219.10(a)

Connection with Comments: Submitted scoping comments at 3.

Appendix H. Relevant Federal Statutes, Regulations, Policies, and Agreements

Plan Statement at 202: The proposed plan describes that, *“Management direction in the Forest Service Directive System, including the Forest Service manuals and handbooks, is part of the forest plan management direction and is not repeated in the forest plan directions. Management direction also includes applicable laws, regulations, and policies, although they are not restated in this forest plan... Direction for managing National Forest System land comes from a variety of levels. National and regional direction includes laws, Executive orders, regulations, and Forest Service policies. The hierarchy of management direction from national and regional direction to the site-specific, project-level direction used in implementing the forest plan is illustrated in Figure 16.”*

Issue and Statement of Explanation: Under the 2012 Rule, “plan components” are the decisions made in a forest plan that are enforceable. They are enforceable because the Planning Rule requires all future management actions to be “consistent with the applicable plan components.” While courts have largely found “consistency” to mean that projects implementing plans must comply with standards and guidelines, the new Rule extends that requirement to all plan components. Under the 2012 Rule, “desired conditions” are a plan component. Desired conditions are the basis for the rest of the plan components; objectives, standards, guidelines and suitability determinations must be developed to help achieve the desired conditions.

National Scenic and Historic Trails Comprehensive Plans should be added to illustration and list of authorities. In addition, E.O. 13195 is important direction that addresses protecting National Trail corridors.

It is inconsistent with the planning rule and directives, as well as being impractical, to suggest that the, *“Management direction in the Forest Service Directive System, including the Forest Service manuals and handbooks, is part of the forest plan management direction and is not repeated in the forest plan directions. Management direction also includes applicable laws,*

regulations, and policies, although they are not restated in this forest plan... Direction for managing National Forest System land comes from a variety of levels. National and regional direction includes laws, Executive orders, regulations, and Forest Service policies."

Issue and Statement of Explanation: National Scenic and Historic Trails Comprehensive Plans should be added to the illustration and list of authorities. In addition, E.O. 13195 is important direction that addresses protecting National Trail corridors.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- NFMA 16 U.S.C. 1604(f)(1) – Requirement to form one integrated plan.
- NFMA Regulation 36 CFR 219.10(a) – Integrated resource management for multiple use.

Connection with Comments: Concerns an issue that arose after the opportunities for formal comment.

Appendix I. Proposed and Possible Actions - CDNST

Plan Statement at 214: The proposed plan states that, *"Identify and pursue opportunities to acquire lands or rights-of-way in or adjacent to the Continental Divide National Scenic Trail corridor... Establish appropriate carrying capacities for specific segments of the Continental Divide National Scenic Trail, monitoring use and conditions, while taking appropriate management actions to maintain or restore the nature and purposes of the trail if the results of the monitoring or other information indicate a trend away from the desired condition."*

Issue and Statement of Explanation: The land management plan must include a list of types of possible projects for the next 3 to 5 years to move toward the desired conditions and objectives. The possible actions may be displayed in an appendix as a brief summary of the types of possible projects expected. The plan should describe preparing a site-specific plan for the management of the CDNST to address the requirement of FSM 2353.44b(2). The Plan should describe the need to address site-specific visitor use management issues such as carrying capacity and bicycle use.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy: 36 CFR 219.12 and FSM 2353.44b(2).

Connection with Comments: Scoping comments at 7.

III. Statement of Issues – FEIS

The following are statements of the issues to which the objection applies and concise statements explaining the objection and suggestions on how the FEIS may be improved. Forest Service NEPA 36 CFR Part 220 regulations do not lessen the applicability of the CEQ 40 CFR 1500 regulations—see 36 CFR 220.1(b)).

Chapter 1. Purpose and Need for Action

Purpose and Need for Action

FEIS Volume 1 at 11: The FEIS states that, *“The purpose and need for this action is primarily the existing condition on the Forest which presents a significant change from the 1996 forest plan... The purpose and need includes revising the current plan to incorporate new policies, priorities, information from monitoring reports, and scientific research as required under the 2012 Planning Rule. The 2012 Planning Rule requires inclusion of plan components that address social and economic sustainability, ecosystem services, and multiple uses integrated with the plan components for ecological sustainability and species diversity....”*

Issue and Statement of Explanation: the purpose and need for action should have described the need to provide for the integration of the CDNST to address the planning requirements of the National Trails System Act, CDNST Comprehensive Plan, and directives. The purpose of adding the statement is to ensure that the CDNST nature and purposes values are protected through establishing CDNST management corridor with supportive plan components.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy: The Purpose and Need (40 CFR 1502.13), since the discussion did not include an element to provide for the integration of the planning requirements of congressionally designated areas.

Connection with Comments: Draft Plan and DEIS comments at 10; CDNST Planning Handbook at 55.

Decision Framework

FEIS Volume 1 at 14-15: The FEIS states that, *“The decision will: Establish desired conditions and objectives, Establish Forestwide standards and guidelines, Establish management areas and geographic areas, Determine suitability of land, Determine the maximum amount of timber that might be removed, Recommend areas for inclusion in the National Wilderness Preservation System (36 CFR 219.7(c)(2)(v)) if applicable, and Identify eligible and suitable wild, scenic, and recreational rivers (36 CFR 219.7(c) (2) (vi)) if applicable... The forest plan provides strategic direction and a framework for decision-making during the life of the plan, and does not repeat information already required or described in existing laws, regulations, or guidance.”*

Issue and Statement of Explanation: The revised plan must provide for integrated resource management. General references to the *existing laws, regulations, or guidance* fails to provide this integration.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- NFMA 16 U.S.C. 1604(f)(1) – Requirement to form one integrated plan.
- NFMA Regulation 36 CFR 219.10(a) – Integrated resource management for multiple use.

Connection with Comments: Concerns an issue that arose after the opportunities for formal comment.

Plan Components

FEIS Volume 1 at 21-22: The FEIS states that, *“Many of the comments received addressed the need to make forest plan direction more consistent with the intent of the 2012 Planning Rule, while making the forest plan simpler and easier to understand. Specifically commenters felt that plan components were not in compliance with the rule direction and that the Management Approaches were improperly used to supplement plan direction. In response to internal and external comments received, plan components, including desired condition, objectives, standard, and guidelines have been revised to better meet the intent and direction of the 2012 Planning Rule (36 CFR 219) and it’s implementing direction (FSH 1909.12). The intent of the direction did not change. Rewrites combined like or redundant direction, added clarity and*

specificity... Congressionally Designated Trails - Desired conditions were reduced from 11 to five."

Issue and Statement of Explanation: The FEIS fails to adequately describe how changes between the DEIS and FEIS addressed NFMA planning requirements as implemented through the planning regulations and directives. The purpose of the planning directives is to clarify the intent of the NFMA and regulations. The establishment of a CDNST management corridor with supporting plan components is to ensure the nature and purposes of this National Scenic Trail is addressed as an integrated part of the revised plan. The DEIS alternatives as did not protect CDNST values and modification that were made in the FEIS did not make the plan simpler to understand, since there is little correlation between the modified plan components and the need to establish Forest Plan direction that protect the CDNST nature and purposes. Draft Plan and DEIS comments presented an integrated CDNST planning framework with plan components that would protect CDNST values if adopted. However, recommended plan components were rejected without cause for the proposed action and were not included in any of the alternatives that were considered in detail. This arbitrary rejection of a solution to protect CDNST values resulted in constricting the evaluation of reasonable alternatives for achieving desired conditions for this National Scenic Trail.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- The Proposed Action and Alternatives (40 CFR 1502.14), since the management direction for CDNST is inconsistent with the requirements of the NTSA. In addition, none of the alternatives addressed substantive public comments relating to establishing more primitive ROS settings for the non-wilderness CDNST MA.
- Environmental consequences (40 CFR 1502.16, 40 CFR 1502.24, 40 CFR 1508.7, and 40 CFR 1508.8), since the effects of the proposed action and alternatives on the CDNST *nature and purposes*. This would include not disclosing the effects of plan components that would allow activities and use that substantially interfere with the *nature and purposes* of the CDNST. Cumulative impact from the incremental impact of actions when added to other past, present, and reasonably foreseeable future fire suppression, fire management, and vegetation management actions, including timber production and road infrastructure development, are not addressed in the FEIS.
- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Draft Plan and DEIS comments. Concerns an issue that arose after the opportunities for formal comment.

Revision Topic: Special Designations

FEIS Volume 1 at 26-27: The FEIS states that, *“The need for change identified several concerns related to special designations. In addition, public comments included many additional designations or changes to existing designations. A need to revise forest plan direction was related to changes in the management of: ... Regional and national direction for the Continental Divide National Scenic Trail ... The ... Continental Divide National Scenic Trail are addressed through inclusion of desired conditions, objectives, standards, and guidelines for congressionally designated trails. Additionally, in alternative A both trails are identified as linear features on the Congressionally Designated Trails map, which is contained on the external drive located at the back of this document. The direction does not include the visual buffers or the plan direction. The trail designations for alternatives B, B Modified, and C are included on the map and identify the visual restraint buffers one-half mile on either side of the trail. Alternative D combines both trails into a new management area specifically for the congressionally designated trails and includes plan direction for the management of the trails.”*

Issue and Statement of Explanation: I agree that there is, *“A need to revise forest plan direction was related to changes in the management of: ... Regional and national direction for the Continental Divide National Scenic Trail ... The ... Continental Divide National Scenic Trail are addressed through inclusion of desired conditions, objectives, standards, and guidelines for congressionally designated trails.”* The discussion about Alternative A is in error. The existing Forest Plan contains appropriate Scenic Integrity Objective direction for the CDNST, but revision documents do not recognize that this direction exists. Was the direction discarded by an amendment to the 1996 Forest Plan or somehow exempted through other Forest Plan direction?

Unfortunately, the proposed plan CDNST desired conditions, objectives, standards, guidelines, suitability components do not protect the CDNST nature and purposes and thus did not address the need for change issue.

Dispersed Recreation

- STANDARDS
1. A Scenic Integrity Objective of "High" ("management activities are not evident to the casual visitor and the area appears natural") will be met within the foreground for all National Scenic and Recreation Trails.
 2. Camping is limited to 14 days within a 30-day period.
 3. Close, rehabilitate, or otherwise mitigate dispersed sites when:
 - * Campsite condition reaches Frisell-Cole Class 4 or 5.
 - * Site occupancy does not meet the adopted Scenic Integrity Objective.

III-32 *Forestwide Standards and Guidelines*

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- NFMA Regulation 36 CFR 219.10(b)(1)(vi) - Sustainable recreation
- NFMA Regulation 36 CFR 219.10(b)(1)(i) - Appropriate management of other designated areas or recommended designated areas in the plan area.
- FSM 2310.3, FSM 2353.4, and FSM 2382.1 – Recreation Planning, National Scenic Trails, and Scenery Management System.
- FSH 1909.12 part 22.1 – Plan Components
- FSH 1909.12 part 23.23a - Sustainable Recreation Resources
- FSH 1909.12 part - 23.23f – Scenery, Aesthetic Values, and Viewsheds
- FSH 1909.12 part 24.43 - National Scenic and Historic Trails.
- 40 CFR 1503.4 – Response to Comments.

Connection with Comments: Scoping Comment at 2.

Chapter 2. Alternatives, Including the Proposed Action

Forest Plan Components and How They Vary by Alternative

FEIS Volume 1 at 29: The FEIS states that, "*Forest plan direction developed for the action alternatives (B, B Modified, C, and D) addresses requirements of the 2012 Planning Rule. This direction is not explicitly included in alternative A, but is addressed at the project level. Other*

than lynx direction developed here, forest plan direction is the same across all action alternatives.”

Issue and Statement of Explanation: The proposed management direction for the CDNST does not protect CDNST nature and purposes values. The establishment of an adequate CDNST corridor with appropriate plan components was not evaluated in the DEIS and FEIS. This inaction is inconsistent with the National Trails System Act, NFMA, and NEPA.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy: The Proposed Action and Alternatives (40 CFR 1502.14), since the management direction for CDNST is inconsistent with the requirements of the NTSA. In addition, none of the alternatives addressed substantive public comments (40 CFR 1503.4) relating to establishing more primitive ROS settings for the non-wilderness CDNST MA.

Connection with Comments: Draft Plan and DEIS comments at 9-12.

Alternatives Considered in Detail

FEIS Volume 1 at 30: The FEIS states that, “Three alternatives to the proposed action were developed in response to issues raised during scoping. Following completion of the review and public comment period on the draft forest plan and environmental impact statement a fourth alternative was added.”

Issue and Statement of Explanation: The phrase "range of alternatives" refers to the alternatives discussed in environmental documents. It includes all reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as those other alternatives, which are eliminated from detailed study with a brief discussion of the reasons for eliminating them. The DEIS and FEIS alternatives as presented do not protect CDNST values as described in the CDNST Comprehensive Plan and should not have been considered in detail. In addition, plan components for CDNST resource allocations did not vary by alternative, which resulted in constricting the evaluation of reasonable alternatives for achieving desired conditions for this National Scenic Trail. Rejecting the recommendation of the proposed CDNST management area and associated plan components is an action not based upon consideration of relevant factors and is not in accordance with law and not in observance of procedure required by law.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- The Proposed Action and Alternatives (40 CFR 1502.14), since the management direction for CDNST is inconsistent with the requirements of the NTSA. In addition, none of the alternatives addressed substantive public comments relating to establishing more primitive ROS settings for the non-wilderness CDNST MA.
- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Draft Plan and DEIS comments at 9-12.

Features Common to All Alternatives

FEIS Volume 1 at 30 and 32: The FEIS states that, *“All alternatives incorporate higher level direction. This includes other laws, regulation, and policy, as well as programmatic direction such as the Southern Rockies Lynx Amendment and the Colorado Roadless Rule... All applicable amendments to the 1996 forest plan that occurred from 1996 through 2016 are incorporated into all of the alternatives... All alternatives propose suitability determinations tied to communication sites, renewable energy development, and motorized and mechanized travel in summer and winter. These determinations vary across the alternatives.”*

Issue and Statement of Explanation: The FEIS did not incorporate the direction in the 2009 CDNST Comprehensive Plan, which requires the Comprehensive Plan direction be integrated into the revised plan.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- The Proposed Action and Alternatives (40 CFR 1502.14), since the management direction for CDNST is inconsistent with the requirements of the NTSA. In addition, none of the alternatives addressed substantive public comments relating to establishing more primitive ROS settings for the non-wilderness CDNST MA.

- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Draft Plan and DEIS comments at 9-12.

Alternative B Modified – Proposed Action – Overview

FEIS Volume 1 at 38: The FEIS states that, *“This alternative addresses concerns about complexity by reducing the number of management areas and making those boundaries similar to the geographic area boundaries in alternative B. This alternative presents the congressionally designated trails, Continental Divide National Scenic Trail and the Old Spanish National Historic Trail, as features on the alternative maps that cross multiple management areas. The trails include with the one-half mile scenic corridors on either side.”*

Issue and Statement of Explanation: National Scenic and Historic Trails are not just features on a map. This alternative fails to provide the most fundamental plan component for protecting the Scenic Integrity of the linear landscape along the National Trail corridor. Proposed plan CDNST scenery plan components are described as:

- **DC-CDT-1:** Viewsheds from the Continental Divide National Scenic Trail have high scenic values. The foreground of the trail appears natural. (Forestwide)
- **G-CDT-1:** Forest health projects that result in short-term impacts the scenic integrity of the Continental Divide National Scenic Trail should apply mitigation measures, including but not limited to screening. (Forestwide)

What is a high scenic value? Scenery described conditions must be described as the Scenic Integrity Objective (FSH 1909.12 23.23f). The guideline does not describe the purpose of the guidance, which could be described as ensuring that project impacts do not substantially interfere with the nature and purposes of the CDNST.

This alternative fails to even attempt to protect the ROS setting and to provide for the conservation purposes of a National Scenic Trail. The No Action Alternative A better protects CDNST values through just one established standard: “STANDARDS 1. A Scenic Integrity Objective of "High" (“management activities are not evident to the casual visitor and the area appears natural”) will be met within the foreground for all National Scenic and Recreation Trails.”

Describing National Scenic and Historic Trails as “features on the landscape” is at best confusing and does not reflect the need to provide for the nature and purposes of these National Trails through plan components that protect the landscape setting. The plan approach is inconsistent

the Comprehensive Plan and national policy that requires that a management corridor be established with appropriate plan components. FSM 2353.44b(1) requires that the CDNST corridor be established as a Management Area.

A Management Area is defined as a land area identified within the planning area that has the same set of applicable plan components. A National Trail feature on the landscape is not described in law, regulation or policy, and with the lack of substantive standards and guidelines, suggests that forest planners believe that National Scenic and Historic Trail protections are subordinate to providing other resource programs. The establishment of unique National Scenic Trail and National Historic Trail Management Areas is the best surrogate for protecting National Trails values within a linear landscape until such time as the Secretary selects the rights-of-way for these National Trails (NTSA, Section 7(a)(2)).

The Interdisciplinary Team failed to adequately address the totality of the guidance found in law, regulations, and policy when describing desired conditions along the CDNST travel route and rights-of-way (aka National Trail Management Corridor). The planning team should have noted findings reached in the “2009 CDNST Comprehensive Plan and the 2009 amendments to [the CDNST] Comprehensive Plan and final directives” (CDNST Comprehensive Plan, FSM 2353.42, and [74 FR 51116](#)). Managing the CDNST corridor for Primitive and Semi-Primitive Non-Motorized ROS settings will normally assure a high quality recreation experience while maintaining a constant respect for the natural environment in the rights-of-way.

The adopted CDNST nature and purposes description recognizes, in part, the guidance in the National Trails System Act describing that, “*National scenic trails, ... which will be... for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.*” Instead of the Study Report sentence that is embedded in the DEIS, the following CDNST nature and purposes description must be quoted in this part of the FEIS and repeated in the plan: “*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*”.

Proposed plan components do not protect the nature and purposes of the CDNST. None of the revised Forest Plan FEIS alternatives proposes management of the CDNST as directed in the 2009 Comprehensive Plan, FSM 2353.4, FSH 1909.12, and as described in 74 FR 51116. The revised Forest Plan must establish appropriate management direction to guide the protection and management of the CDNST corridor. The proposed plan and FEIS establish extensive corridor segments of Semi-Primitive Motorized and Roaded Natural ROS settings in the CDNST

corridor, which is inconsistent with the Comprehensive Plan which directs, in part, for the agencies to:

- Manage the CDNST to provide high-quality scenic, primitive hiking and pack and saddle stock opportunities. 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.
- Use the ROS system in delineating and integrating recreation opportunities in managing the CDNST. Primitive and Semi-Primitive Non-Motorized ROS settings would normally provide for the nature and purposes of this National Scenic Trail where activities are appropriately managed.

The discussion of cumulative effects fails to address the cumulative impacts on the nature and purposes values of the CDNST, especially on values that are not associated with recreational experiences. The EIS discussion needs to address both: (1) visitor experience opportunities and settings, and (2) the conservation and protection of scenic, natural, historical, and cultural qualities of the corridor within the Rio Grande National Forest as well as the existing conditions on adjacent National Forest System lands.

In summary, plan components do not protect the Continental Divide National Scenic Trail consistent with Forest Service policy and the CDNST Comprehensive Management Plan. The FEIS should be supplemented to address alternative CDNST plan components as presented in Draft Forest Plan and DEIS comments.

Proposed Solution to Improve the Decision: Establish a Management Area for National Trails that is broad enough to protect their nature and purposes through plan components as described in Draft Plan and DEIS comments. See Section I for a possible solution that addresses the CDNST.

Violation of law, regulation or policy:

- The Proposed Action and Alternatives (40 CFR 1502.14), since the management direction for CDNST is inconsistent with the requirements of the NTSA. In addition, none of the alternatives addressed substantive public comments relating to establishing more primitive ROS settings for the non-wilderness CDNST MA.
- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: New Information presented in proposed plan; Draft Plan and DEIS comments at 11. CDNST Planning Handbook at 17 and 41.

Alternative B Modified – Overlapping Management Areas

FEIS Volume 1 at 40: The FEIS states that, *“Overlapping management direction occurs when a special feature occurs within another management area. For example, when a research natural area occurs within a wilderness boundary. The direction related to wilderness is the most restrictive and is established by Congress. Therefore the research natural area that occurs within the wilderness area boundary is bound by all of the laws, regulation, policy, and forest plan direction that applies to wilderness as well as direction related to the management of that individual research natural area... Designated Wilderness, Research Natural Areas, Suitable and Eligible Wild, Scenic, and Recreational Rivers, Recommended Wilderness, [and] Colorado Roadless Areas....”*

Issue and Statement of Explanation: National Scenic and Historic Trails were not addressed in this narrative. There is no mention of the relationship between National Scenic and Historic Trails “linear features” hierarchy of protection with Management Area designations.

Proposed Solution to Improve the Decision: Establish a Management Area for National Trails that is broad enough to protect their nature and purposes through plan components as described in Draft Plan and DEIS comments.

Violation of law, regulation or policy:

- The Proposed Action and Alternatives (40 CFR 1502.14), since the management direction for CDNST is inconsistent with the requirements of the NTSA. In addition, none of the alternatives addressed substantive public comments relating to establishing more primitive ROS settings for the non-wilderness CDNST MA.
- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Draft Plan comments at 2 -6 and new information presented in proposed plan.

Alternative D – Overview

FEIS Volume 1 at 43: The FEIS states that, *“This alternative follows the same management framework as alternative B. Therefore broader geographic areas are presented with smaller management areas nested inside. Some geographic areas are based on designations that establish line officer discretion at a strategic level. For example, existing wilderness and roadless areas offer the line officer limited levels of discretion when managing these areas, most managements decisions are made in the establishing legislation. The geographic areas include general forest, primitive wilderness, roadless, and specially designated areas.*

This alternative proposes additional special interest areas and areas that emphasize management of native fish, as well as areas based on cultural and botanical resources and tribal uses. This alternative proposes the addition of Management Area 4.23 for congressionally designated trails, including both the Continental Divide National Scenic Trail and the Old Spanish National Historic Trail....

Issue and Statement of Explanation: Plan components fail to protect the nature and purposes of the CDNST. However, of the action alternatives presented, this alternative directly and indirectly best protects the values for which the CDNST was established. Although, the No Action alternative better protects the scenic character along the CDNST travel route through the following standard: *“STANDARDS 1. A Scenic Integrity Objective of "High" (“management activities are not evident to the casual visitor and the area appears natural”) will be met within the foreground for all National Scenic and Recreation Trails.”*

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- Of the action alternatives presented, Alternative D best protects CDNST values. However, the management direction for CDNST is inconsistent with the requirements of the NTSA. In addition, none of the alternatives addressed substantive public comments relating to establishing more primitive ROS settings for the non-wilderness CDNST MA.
- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Draft Plan and DEIS comments at 2, 9, and 11.

Alternative D – Overlapping Management Areas

FEIS Volume 1 at 45: The FEIS states that, *“Overlapping levels of management occur in this alternative. Where the overlap occurs, the most constraining management would be applied. For example, where Management Area 1.1 overlaps with other management areas, any management proposed would be done in compliance with wilderness direction. Overlapping management areas are described below.*

Additional overlaps in this alternative include Management Area 4.23. This management area is approximately 83,997 acres of congressionally designated trails that would overlap primarily with wilderness and Colorado roadless designation. As previously stated, the most limiting management area designation would take precedence in management.”

Issue and Statement of Explanation: Management Area 5 – General Forest and Rangeland – significantly overlaps Management Area 4.23. The comparison should have described that CDNST plan components would not protect desired National Scenic Trail ROS class conditions in Management Area 5. Implementation of the plan direction will lead to proposed actions that will substantially interfere with the nature and purposes of the CDNST.

Proposed Solution to Improve the Decision: Establish a Management Area for National Trails that is broad enough to protect their nature and purposes through plan components as described in Draft Plan and DEIS comments.

Violation of law, regulation or policy:

- The Purpose and need (40 CFR 1502.13), since the discussion did not include an element to provide for the integration of the planning requirements of congressionally designated areas.
- The Proposed Action and Alternatives (40 CFR 1502.14), since the management direction for CDNST is inconsistent with the requirements of the NTSA. In addition, none of the alternatives addressed substantive public comments relating to establishing more primitive ROS settings for the non-wilderness CDNST MA.
- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Draft Plan and DEIS comments at 11 and 12. New information in proposed plan and FEIS.

Alternative D - Revision Topic: Special Designations

FEIS Volume 1 at 46: The FEIS states that, *“The Continental Divide National Scenic Trail and the Old Spanish National Historic Trail are proposed to be included in Management Area 4.23 – Congressionally Designated Trails. This management area includes the total visual corridor as defined in trail management guidance. Making a management area for the trails provides consistent management direction across the Forest. In alternatives A, B, and C the trails pass through multiple management areas, leaving the direction open to potential differences in interpretation.”*

Issue and Statement of Explanation: Protecting National Trail values must be an attribute of all action alternatives or the alternative should not have been considered.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- The Proposed Action and Alternatives (40 CFR 1502.14), since the management direction for CDNST is inconsistent with the requirements of the NTSA. In addition, none of the alternatives addressed substantive public comments relating to establishing more primitive ROS settings for the non-wilderness CDNST MA.
- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Draft Plan and DEIS comments at 10.

Alternatives Considered but Eliminated from Detailed Study

FEIS Volume 1 at 46: The FEIS states that, *“Federal agencies are required by the National Environmental Policy Act to rigorously explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). Public comments received in response to the proposed action provided suggestions for alternatives, a number of which were considered. The rationale for eliminating potential alternatives, or components of an alternative, from detailed consideration is summarized below.”*

Issue and Statement of Explanation: The phrase "range of alternatives" refers to the alternatives discussed in environmental documents. It includes all reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as those other alternatives, which are eliminated from detailed study with a brief discussion of the reasons for eliminating them. Section 1502.14.

The proposed Forest Plan and FEIS alternatives fail to make substantive changes in the action alternatives to address comments: *"The corridor for a high potential route segment to the north of Saguache Park should be part of the described CDNST MA, and"*

The term "*high potential route segments*" means those segments of the...Continental Divide NST which would afford high quality recreation experience in a portion of the route having greater than average scenic values (16 U.S.C 1251(2)). The high potential route that I described in the comments on the Draft Plan and DEIS protected alternative routes being considered in the 2010 Environmental Assessment for the relocation of the CDNST from Windy Peak to the La Garita Wilderness.

Plan components for the CDNST corridor fail to provide for the nature and purposes of the CDNST. As such, all presented action alternatives fail to provide for an integrated forest plan and must be modified or discarded.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- The Proposed Action and Alternatives (40 CFR 1502.14), since the management direction for CDNST is inconsistent with the requirements of the NTSA. In addition, none of the alternatives addressed substantive public comments relating to establishing more primitive ROS settings for the non-wilderness CDNST MA.
- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Draft Plan and DEIS comments at 9-10 and CDNST Planning Handbook at 55-58.

Chapter 3. Affected Environment and Environmental Consequences

Nature of the Analysis

FEIS Volume 1 at 68: The FEIS states that, *“This chapter summarizes the physical, biological, social, and economic environments of the project area and the effects of implementing each alternative on that environment. It also presents the scientific and analytical basis for the comparison of alternatives presented in Chapter 2.*

The analysis of alternatives addresses changes in forest plan direction across the alternatives. The analysis addresses impacts on overall programs. Forest plan direction is included in the Rio Grande National Forest Land Management Plan and can be referenced there.”

Issue and Statement of Explanation: The identified values for each designation should be addressed in the EIS to inform the decision and to be adopted in the revised Plan. A recurrent theme in designated area legislation has been the mandate to preserve areas for future generations and to keep the protected resource in a condition representative of the values or conditions for which it was designated. Important land conservation legislation that is relevant to land management planning includes the National Trails System Act of 1968 (PL 90-543), which states that “National scenic trails,...will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass... National scenic or national historic trails may contain campsites, shelters, and related-public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted... [T]o the extent practicable, efforts be made to avoid activities incompatible with the purposes for which such trails were established. The use of motorized vehicles by the general public along any national scenic trail shall be prohibited... (Sections 3(a) and 7(c)).”

Regarding the CDNST, the Associate Chief described that in consideration of the language in the National Trails System Act, Congressional Reports, CDNST Study Report and public comments, the nature and purposes policy for the CDNST is: “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” (CDNST Comprehensive Plan, FSM 2353.42, and 74 FR 51116).

Proposed Solution to Improve the Decision: The proposed plan and FEIS must be supplemented to address the omission of clear descriptions of the designated area values.

These values must be fully protected in all alternatives, since designated areas did not drive alternatives.

Violation of law, regulation or policy:

- Affected Environment (40 CFR 1502.15), since only travel route characteristics are described omitting description of the scenic, historic, natural, and cultural qualities of the CDNST corridor.
- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Draft Plan and DEIS comments at 10 – 12. CDNST Planning Handbook at 59.

Use of Best Available Scientific Information

FEIS Volume 1 at 69: The FEIS states that, *“The 2012 Planning Rule requires the responsible official to use the best available scientific information to inform the development of a forest plan, including plan components, the monitoring program, and plan decisions. The plan components developed for the Rio Grande forest plan were based on the assessments completed in 2016 and the best available scientific information and analyses therein. New best available science published since the 2016 assessments has been used by resource specialists to develop the plan components and inform the analysis.”*

Issue and Statement of Explanation: A requirement of NEPA is that the EIS analyses meet the requirements of 40 CFR 1502.24 - Methodology and scientific accuracy. Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.

Proposed Solution to Improve the Decision: CDNST plan components do not reflect the use of the best available scientific information and methodology. The FEIS must ensure that the requirements of 40 CFR 1502.24 are met.

Violation of law, regulation or policy: 40 CFR 1502.24

- Environmental consequences (40 CFR 1502.16, 40 CFR 1502.24, 40 CFR 1508.7, and 40 CFR 1508.8).

- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Draft Plan and DEIS comments at 11 and 12. CDNST Planning Handbook at 59.

Effects on Other Resources from the CDNST

FEIS Volume 1: The FEIS does not describe the effects on timber production, vegetation management, range management, recreation management, wildlife management, wilderness, recommended wilderness, and fire management of managing the CDNST corridor (aka rights-of-way (NTSA, Section 7(a)) to provide for the nature and purposes of National Scenic and Historic Trails.

Issue and Statement of Explanation: The FEIS failed to address the effects on other resources of managing to protect CDNST values.

Proposed Solution to Improve the Decision: Supplement the FEIS for the purpose of disclosing these effects.

Violation of law, regulation or policy:

- Affected Environment (40 CFR 1502.15), since only travel route characteristics are described omitting description of the scenic, historic, natural, and cultural qualities of the CDNST corridor.
- Environmental consequences (40 CFR 1502.16, 40 CFR 1502.24, 40 CFR 1508.7, and 40 CFR 1508.8), since the effects of the proposed action and alternatives on the CDNST *nature and purposes*. This would include not disclosing the effects of plan components that would allow activities and use that substantially interfere with the *nature and purposes* of the CDNST. Cumulative impact from the incremental impact of actions when added to other past, present, and reasonably foreseeable future fire suppression, fire management, and vegetation management actions, including timber production and road infrastructure development, are not addressed in the FEIS.
- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Draft Plan and DEIS comments at 11 and 12.

Effects on Forest Products from Recreation Management

FEIS Volume 1 at 151: The FEIS states that, *“The action alternatives differ from the no-action alternative by including additional management direction for congressionally designated trails, including the Continental Divide National Scenic Trail and the Old Spanish National Historic Trail. Under alternatives B, B Modified, C, and D, these trails were removed from the suitable timber acreage along with a one-half-mile buffer on each side of the trail. This has a small effect on the suitable timber acreage since some, but not all, of this area would have been in the suitable timber acreage otherwise. The management direction for these areas is also more restrictive in terms of the type of vegetation management that can be done (for reasons other than timber production).”*

Issue and Statement of Explanation: As previously discussed, the scenery management direction for *Alternative A* better protects the CDNST than that proposed for the action alternatives. ROS classes to be established should have been discussed describing the compatibility of timber production in each of the established ROS settings. The FEIS fails to address the totality of the effects on Forest Products from providing for the nature and purposes of National Scenic and Historic Trails.

Proposed Solution to Improve the Decision: Supplement the FEIS for the purpose of disclosing these effects.

Violation of law, regulation or policy:

- Affected Environment (40 CFR 1502.15), since only travel route characteristics are described omitting description of the scenic, historic, natural, and cultural qualities of the CDNST corridor.
- Environmental consequences (40 CFR 1502.16, 40 CFR 1502.24, 40 CFR 1508.7, and 40 CFR 1508.8), since the effects of the proposed action and alternatives on the CDNST *nature and purposes*. This would include not disclosing the effects of plan components that would allow activities and use that substantially interfere with the *nature and purposes* of the CDNST. Cumulative impact from the incremental impact of actions when added to other past, present, and reasonably foreseeable future fire suppression, fire management, and vegetation management actions, including timber production and road infrastructure development, are not addressed in the FEIS.
- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Draft Plan and DEIS comments at 7-12

Effects on Forest Products from Conserving Natural Resources along the CDNST Corridor.

FEIS Volume 1 at 151: The FEIS states that, *“The action alternatives differ from the no-action alternative by including additional management direction for congressionally designated trails, including the Continental Divide National Scenic Trail and the Old Spanish National Historic Trail. Under alternatives B, B Modified, C, and D, these trails were removed from the suitable timber acreage along with a one-half-mile buffer on each side of the trail. This has a small effect on the suitable timber acreage since some, but not all, of this area would have been in the suitable timber acreage otherwise. The management direction for these areas is also more restrictive in terms of the type of vegetation management that can be done (for reasons other than timber production).”*

Issue and Statement of Explanation: The FEIS fails to address the totality of the effects on Forest Products from providing for the nature and purposes of National Scenic and Historic Trails.

Proposed Solution to Improve the Decision: Supplement the FEIS for the purpose of disclosing these effects. Include a National Scenic and Historic Trail Suitability statement that states: *“Suitability: The identified National Scenic and Historic Trail corridors are not suitable for timber production.”*

Violation of law, regulation or policy:

- Affected Environment (40 CFR 1502.15), since only travel route characteristics are described omitting description of the scenic, historic, natural, and cultural qualities of the CDNST corridor.
- Environmental consequences (40 CFR 1502.16, 40 CFR 1502.24, 40 CFR 1508.7, and 40 CFR 1508.8), since the effects of the proposed action and alternatives on the CDNST *nature and purposes*. This would include not disclosing the effects of plan components that would allow activities and use that substantially interfere with the *nature and purposes* of the CDNST. Cumulative impact from the incremental impact of actions when added to other past, present, and reasonably foreseeable future fire suppression, fire management, and vegetation management actions, including timber production and road infrastructure development, are not addressed in the FEIS.

- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Scoping comments at 6, Draft Plan and DEIS comments at 9, and CDNST Planning Handbook at 58-59.

Congressionally Designated Trails – Affected Environment

FEIS Volume 1 at 311: The FEIS describes that, *“National Scenic and National Historic trails may only be designated by Congress, while National Recreation Trails are administratively designated by the Secretary of Interior or the Secretary of Agriculture. Three nationally designated trails traverse portions of the Rio Grande National Forest. The Continental Divide National Scenic Trail and the Old Spanish National Historic Trail were designated by Congress in 1978 and 2002, respectively. The West Lost Trail, a National Recreation Trail, was designated by the Secretary of Agriculture in 1979... About 170 miles of the Continental Divide National Scenic Trail is routed through the Forest, from the northern boundary with the Gunnison National Forest to the New Mexico state line. As described in the comprehensive management plan (USDA Forest Service 2009), the nature and purposes of the Continental Divide National Scenic Trail are to: Provide for high-quality scenic, primitive hiking, and horseback riding opportunities, and Conserve natural, historic, and cultural resources along the Continental Divide National Scenic Trail corridor... Management is intended to be consistent with the nature and purposes.”*

Issue and Statement of Explanation: The affected environment fails to address the status of the CDNST rights-of-way and management direction on the Rio Grande NF. The FEIS does not describe the degree to which current management direction is protecting the values for which each National Trail was designated, including protecting cultural landscapes, recreation settings, scenic integrity, and addressing the conservation purposes of the CDNST.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- Affected Environment (40 CFR 1502.15), since only travel route characteristics are described omitting description of the scenic, historic, natural, and cultural qualities of the CDNST corridor.

Connection with Comments: DEIS comments at 10-12.

Scenic Integrity

FEIS Volume 1 at 281: The FEIS states that, “*Scenic integrity measures the degree to which a landscape is free from visible disturbances that detract from the natural or socially valued appearance of a viewshed, including visible disturbances due to human activities or **extreme natural events outside of the natural range of variation** (emphasis added). Scenic integrity measures these disturbance effects in degrees of consistency, harmony, dominance, and contrast with the valued scenic character. Scenic integrity uses a graduated scale of five levels: very high, high, moderate, low, and very low (Table 66). The visual examples were simulated from a landscape that is characteristic of the current scenic condition of the Forest, with a large number of dead and dying trees due to the spruce beetle. The missing canopy and grey trees have exposed more of the ground over much of the forest canopy across the Forest. The simulations were created from the same viewpoint to show different harvesting levels and techniques in the middleground and background, and how they represent each of the different scenic objectives described below. The increasing amount of straight line edges, contrast on the visible landscape, and visible ground indicates increasing levels of management activity and lowered objectives.*”

Issue and Statement of Explanation: The Forest Supervisor must, “*Use the Scenery Management System (SMS) in all plan revisions to address scenic character and develop scenery-related plan direction unless the Responsible Official provides written justification and obtains concurrence from the Regional Forester (FSM 1901.03 part 2b).*” I do not believe that modifying the definition of Scenic Integrity is warranted. Any justification for not following the SMS should be explained in the plan and FEIS while discussing effects on other resources.

Landscape Aesthetics definition: “*Scenic integrity is defined as the degree of direct human-caused deviation in the landscape, such as road construction, timber harvesting, or activity debris. Indirect deviations, such as a landscape created by human suppression of the natural role of fire, are not included... Scenic Integrity is the state of naturalness or, conversely, the state of disturbance created by human activities or alteration.*” Landscape Aesthetics - A Handbook for Scenery Management (Agricultural Handbook Number 701).

The Planning Rule requires all forest plans to include plan components that maintain or restore ecological integrity. Ecological (or ecosystem) integrity occurs when dominant ecosystem characteristics occur within the natural range of variation (NRV), and can recover from perturbations. The natural range of variation must then be determined for the key ecosystem characteristics. NRV is not defined in the Rule. The concept derives from the natural, historic

variability of the landscape, but with recognition that historic conditions may not be ecologically achievable or desirable. Because it is a range over time and space, the scale selected for each ecosystem characteristic will be important.

The plan is unclear as to how the scenery management system interfaces with maintaining or restoring ecological integrity. I support the need to maintain or restore ecological integrity after decades of fire suppression and related forest health effects. However, restoration activities that involved road construction and timber production goals create other ecological effects and degradation of Primitive and Semi-Primitive Non-Motorized settings and the scenic integrity of landscapes. The rate of change is also important with restoration activities where there should be a limit on how many early seral stages are created in any decade within a defined landscape.

Proposed Solution to Improve the Decision: The Landscape Aesthetics Handbook may need to be amended following 36 CFR 216 processes to address changed conditions and any new scenery management concepts. However, until the handbook is revised, the current Scenery Management System direction should be followed.

Violation of law, regulation or policy: FSM 1901.03 part 2b and environmental consequences (40 CFR 1502.16, 40 CFR 1502.24, 40 CFR 1508.7, and 40 CFR 1508.8).

Connection with Comments: Scoping comments at 2-6 and Draft Plan and DEIS comments at 11-12.

Scenic Integrity Objectives

FEIS Volume 1 at 284-289: The FEIS states that, *“Alternative A (No Action). The scenic integrity objectives for alternative A (Table 67) would remain the way they are currently mapped. Some terminology in management direction is inconsistent with current scenery management system terminology, such as the categorization of scenic condition...*

Alternative B Modified - the Continental Divide National Scenic Trail would also be assigned a high or very high (in areas through existing primitive wilderness) scenic integrity objective within the one-mile trail corridor. A narrower, one-half-mile corridor was used where the trail corridor abuts Wolf Creek Ski Area accounting for the trail being located where the Forest borders the adjacent San Juan National Forest. Wolf Creek Ski Area was assigned a moderate scenic integrity objective within the ski area boundary... Management activities may be visible in background views to trail users from the Continental Divide National Scenic Trail under

alternative B Modified due to the increased rate of timber salvage harvest in spruce fir ecosystems...

Alternative D - the Continental Divide National Scenic Trail was given a high or very high scenic integrity objective within the one-mile trail corridor. A narrower, one-half-mile corridor was used where the trail corridor abuts Wolf Creek Ski Area. Wolf Creek Ski Area was given a moderate scenic integrity objective within the ski area boundary... Management activities within the one-half- to one-mile corridor for the Continental Divide National Scenic Trail would prioritize and promote trail values, and trail users would see less human-caused alternation to the landscape under alternative D."

Issue and Statement of Explanation: Proposed plan components for scenery are not reflective of what is described in the FEIS. The current Forest Plan (Alternative A) describes appropriate scenery management direction along the CDNST where located outside of wilderness and established outside of Primitive ROS settings: *STANDARDS 1. A Scenic Integrity Objective of "High" ("management activities are not evident to the casual visitor and the area appears natural") will be met within the within the foreground for all National Scenic...Trails.* The plan components that address scenery in the action alternatives (Alternatives B, B-Modified, C, and D) do not address the requirement to protect the scenic character along the CDNST, since the proposed direction does not establish a Scenic Integrity Objective (Desired Condition) and Scenic Integrity thresholds (Standards and Guidelines) for the CDNST viewshed.

Proposed Solution to Improve the Decision: The CDNST desired scenic character and long range scenic integrity objectives would be best described as "Naturally Evolving" and "Naturally Appearing." The CDNST Desired Condition Scenic Integrity Objective is High or Very High. See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- Affected Environment (40 CFR 1502.15), since only travel route characteristics are described omitting description of the scenic, historic, natural, and cultural qualities of the CDNST corridor.
- Environmental consequences (40 CFR 1502.16, 40 CFR 1502.24, 40 CFR 1508.7, and 40 CFR 1508.8), since the effects of the proposed action and alternatives on the CDNST *nature and purposes*. This would include not disclosing the effects of plan components that would allow activities and use that substantially interfere with the *nature and purposes* of the CDNST. Cumulative impact from the incremental impact of actions when added to other past, present, and reasonably foreseeable future fire suppression,

fire management, and vegetation management actions, including timber production and road infrastructure development, are not addressed in the FEIS.

- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Draft Plan and DEIS comments at 10-12, CDNST Planning Handbook at 49.

Congressionally Designated Trails – Direct and Indirect Effects

FEIS Volume 1 at 312: *The FEIS states that, “Alternative A does not have any specific management direction for any congressionally designated trails on the Forest. A comprehensive management plan for the Continental Divide National Scenic Trail, following congressional designation, was completed in 2009 (USDA Forest Service 2009). A comprehensive plan for the Old Spanish National Historic Trail was recently completed. Activities that would substantially interfere with the purpose for which the trails were designated would be avoided to the extent practicable.*

Generally, uncontrollable impacts result from public use and vandalism. Natural processes such as wind and water cause soil erosion, and these impacts to the trails would continue to occur. The action alternatives include management activities that include timber management, permitted grazing, prescribed burning, wildlife and fisheries management, facilities construction and maintenance, road and trail construction, recreation use and management, and special uses authorization to third parties.

Alternatives B, B Modified, and C include plan direction that presents a balanced approach to managing these linear features in a multiple use environment. Similar to other alternatives, the direction will continue to contribute to social and economic sustainability in the broader landscape and connect citizens to the land through education, interpretation, stewardship projects, and volunteerism. Effects are anticipated to be positive, resulting in more public understanding of the shared values around both trails, and include the potential for a more educated and stewardship-minded public.

Alternative B includes the trails in the Specially Designated Geographic Area, with the corridor mapped as a linear feature crossing multiple management areas. Alternatives B Modified and C addresses the trails similarly to alternative B, but includes the trails in the Specially Designated Management Area.

Many segments of the Continental Divide National Scenic Trail on the Forest are not located on the Continental Divide. Alternative D establishes the Congressionally Designated Trail Management Area, which in some areas overlaps with existing wilderness and Colorado roadless areas. Alternative D also converts management approaches related to these trails, used as optional plan content in alternative B to facilitate adaptive management, to standards and guidelines. Designating the trail as a management area with related standards and guidelines means that if the trail were proposed to be relocated to the Continental Divide itself, the Forest would have to complete an amendment of the forest plan to do so. Amending the forest plan involves more detailed environmental analysis. Recognizing the trail as a linear feature provides more flexibility to Forest managers to relocate segments of the trail as needed.”

Issue and Statement of Explanation: Alternative A scenery management is prescribed as, *“STANDARDS 1. A Scenic Integrity Objective of "High" (“management activities are not evident to the casual visitor and the area appears natural”) will be met within the foreground for all National Scenic and Recreation Trails”* (1996 Forest Plan at III-32). This direction is not reflected in the description of the No Action alternative.

The description of Alternatives B, B Modified, and C is misguided stating that, *“Effects are anticipated to be positive, resulting in more public understanding of the shared values around both trails, and include the potential for a more educated and stewardship-minded public”* is not reflective of the purposes of the National Trails System Act and the nature and purposes of the CDNST as described in the Comprehensive Plan, regulations, and related policy. The description is subjective opinion and should be deleted.

The description of Alternative D is puzzling suggesting a lay understanding of the National Trails System Act by describing that, *“Designating the trail as a management area with related standards and guidelines means that if the trail were proposed to be relocated to the Continental Divide itself, the Forest would have to complete an amendment of the forest plan to do so. Amending the forest plan involves more detailed environmental analysis. Recognizing the trail as a linear feature provides more flexibility to Forest managers to relocate segments of the trail as needed.”* One of the principle purposes of establishing a CDNST management corridor through Forest Plan revision processes is to protect existing and high-potential route segments from development until such time that the Chief selects the rights-of-way. The task of amending the Forest Plan and providing flexibility for development activities is an unreasonable argument for not protecting the CDNST corridor by establishing plan components that protect the nature and purposes of the CDNST.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- Environmental consequences (40 CFR 1502.16, 40 CFR 1502.24, 40 CFR 1508.7, and 40 CFR 1508.8), since the effects of the proposed action and alternatives on the CDNST *nature and purposes*. This would include not disclosing the effects of plan components that would allow activities and use that substantially interfere with the *nature and purposes* of the CDNST. Cumulative impact from the incremental impact of actions when added to other past, present, and reasonably foreseeable future fire suppression, fire management, and vegetation management actions, including timber production and road infrastructure development, are not addressed in the FEIS.
- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.
- Administrative Procedure Act – The characterization of the National Trails System Act purposes is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law.

Connection with Comments: New information in FEIS, Draft Plan and DEIS comments at 11-12.

Recreation Opportunity Spectrum

FEIS Volume 1 at 292-294: The FEIS states that, *“Recreation on national forests encompasses more than just the activities themselves. Outdoor recreation is generally described in terms of several integrated aspects: recreation opportunities, access, use, and settings. These individual elements, examined in further detail below, collectively represent how recreation resources are valued, considered, and managed. Further, integration of these elements ultimately produces specific recreation experiences for Forest visitors based on the chosen activity, equipment, and timeframe within a given setting. This range of opportunities, access, use and settings is called the recreation opportunity spectrum. The Forest Service uses this tool to facilitate providing opportunities for high-quality and satisfying recreation experiences to match a broad range of visitors and interests.*

The recreation opportunity spectrum describes different settings available across a given landscape and the attributes associated with those settings. The level of access, development, and social encounters increases when moving from primitive (P) to urban (U) on the spectrum.

The level of remoteness and solitude increases when moving from urban (U) to primitive (P) on the spectrum (USDA Forest Service 1990).

The recreation opportunity spectrum has six distinct classes in a continuum ranging from highly modified and developed settings to primitive and undeveloped settings. There are five recreation opportunity spectrum classes that apply to the Rio Grande: rural, roaded natural, semi-primitive motorized, semi-primitive nonmotorized, and primitive...

Each alternative was analyzed for the total number of acres and percentage of the desired summer recreation opportunity spectrum settings... Motorized over-snow vehicle suitability maps for alternatives A through D (contained on an external drive located in the back of this document) reflect areas on the Forest where motorized over-snow vehicle use would be suitable and unsuitable for each alternative."

Issue and Statement of Explanation: The ROS classes desired conditions are briefly described, but supporting standard and guidelines indicators for ROS class characteristics are not presented in the FEIS. Important to the CDNST, the process for establishing ROS classes for the proposed the action alternatives failed to provide for the protection of the nature and purposes of the CDNST.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- The Proposed Action and Alternatives (40 CFR 1502.14), since the management direction for CDNST is inconsistent with the requirements of the NTSA. In addition, none of the alternatives addressed substantive public comments relating to establishing more primitive ROS settings for the non-wilderness CDNST MA.
- Environmental consequences (40 CFR 1502.16, 40 CFR 1502.24, 40 CFR 1508.7, and 40 CFR 1508.8), since the effects of the proposed action and alternatives on the CDNST *nature and purposes*. This would include not disclosing the effects of plan components that would allow activities and use that substantially interfere with the *nature and purposes* of the CDNST. Cumulative impact from the incremental impact of actions when added to other past, present, and reasonably foreseeable future fire suppression, fire management, and vegetation management actions, including timber production and road infrastructure development, are not addressed in the FEIS.

- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Draft Plan and DEIS comments at 6, 7, 8 and 11; CDNST Planning Handbook at 12, 24, 25, 50, 58, and 59.

Over-Snow Vehicle

FEIS Volume 1 at 294: The FEIS states that, *“Over-snow vehicle use suitability determinations were made based on considerations for recreation user group preferences, wilderness areas, wildlife habitat, and areas of the Forest under long-term closure orders where applicable. Each alternative was then analyzed for the total number of acres and percentage of the Forest where motorized over-snow vehicle use would be suitable, unsuitable, and limited to designated routes. Over-snow vehicle use suitability determinations are not travel management decisions; however, suitability determinations can be used to inform travel management decisions when the Forest undergoes that separate decision-making process.”*

Issue and Statement of Explanation: The over-snow vehicle suitability analysis failed to address the requirements of the National Trails System Act to provide for the nature and purposes of National Scenic and Historic Trails.

Proposed Solution to Improve the Decision: Remove the over-snow suitability direction from the proposed action and alternatives.

Violation of law, regulation or policy:

- The Proposed Action and Alternatives (40 CFR 1502.14), since the management direction for CDNST is inconsistent with the requirements of the NTSA. In addition, none of the alternatives addressed substantive public comments relating to establishing more primitive ROS settings for the non-wilderness CDNST MA.
- Affected Environment (40 CFR 1502.15), since only travel route characteristics are described omitting description of the scenic, historic, natural, and cultural qualities of the CDNST corridor.
- Environmental consequences (40 CFR 1502.16, 40 CFR 1502.24, 40 CFR 1508.7, and 40 CFR 1508.8), since the effects of the proposed action and alternatives on the CDNST *nature and purposes*. This would include not disclosing the effects of plan components that would allow activities and use that substantially interfere with the *nature and purposes* of the CDNST. Cumulative impact from the incremental impact of actions

when added to other past, present, and reasonably foreseeable future fire suppression, fire management, and vegetation management actions, including timber production and road infrastructure development, are not addressed in the FEIS.

- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Scoping comments at 5 and 6; Draft Plan and DEIS comments at 2; new information in the FEIS.

Recreation Opportunities

FEIS Volume 1 at 298-306: The FEIS states that, *“The Continental Divide National Scenic Trail and Old Spanish National Historic Trail are additional unique recreation opportunities that are further described under their own section in Chapter 3. About 80 miles of the Colorado Trail also pass through the Forest, roughly in step with the Continental Divide National Scenic Trail. The Colorado Trail is a long-distance trail that stretches nearly 500 miles from Denver to Durango. Major uses are hiking, mountain biking, and horseback riding. While the Colorado Trail has no official management designation on the Forest, it was built, and is currently maintained, by volunteers of the Colorado Trail Foundation and the Forest Service. The Colorado Trail Foundation is another active partner of the Forest Service...*

Suitable - Areas suitable for motorized over-snow vehicle use across all action alternatives (B, B Modified, C, and D) include Roadless (MA 3.5 and 3.6), General Forest (MA 5.11), and Scenic Byways (MA 4.21). Motorized over-snow vehicle use is also suitable under alternatives B, B Modified, and C in the following special interest areas: Bachelor Loop, Elephant Rocks, and Wagon Wheel Gap Experiment Station. Suitable areas under alternatives B and D also include dispersed and developed recreation, forest production, and grassland production.

Unsuitable - Areas unsuitable for motorized over-snow vehicle use across action alternatives include existing wilderness areas, eligible wild, scenic, and recreational rivers, ski-based resorts, all research natural areas, and the following special interest areas: Blowout Pass Geologic, Devil’s Hole, and Liberty-Duncan. Motorized over-snow vehicle use across all alternatives is also unsuitable within areas on the Forest with closure orders. Specifically, the long-term closure order for a 543-acre area in the vicinity of Chama Basin is specifically in place to prevent winter recreation use conflicts.

Under alternative B, 58,669 acres of recommended wilderness would also be unsuitable for motorized over-snow vehicle use. Under alternative D, all special interest areas would be unsuitable for motorized over-snow vehicle use. Additional unsuitable areas under alternative D are: backcountry, congressionally designated trails, and 284,853 acres of recommended wilderness. Alternative C does not have any recommended wilderness.”

Issue and Statement of Explanation: Determinations for motorized over-snow vehicle use must be accompanied by an analysis and determination the use does not substantially interfere with the nature and purposes of the designated National Scenic and Historic Trails. The over-snow vehicle use suitability determination is not ripe for a decision since the FEIS does not contain such an analysis.

Proposed Solution to Improve the Decision: Remove the over-snow suitability direction from the proposed action and alternatives.

Violation of law, regulation or policy:

- The Proposed Action and Alternatives (40 CFR 1502.14), since the management direction for CDNST is inconsistent with the requirements of the NTSA. In addition, none of the alternatives addressed substantive public comments relating to establishing more primitive ROS settings for the non-wilderness CDNST MA.
- Affected Environment (40 CFR 1502.15), since only travel route characteristics are described omitting description of the scenic, historic, natural, and cultural qualities of the CDNST corridor.
- Environmental consequences (40 CFR 1502.16, 40 CFR 1502.24, 40 CFR 1508.7, and 40 CFR 1508.8), since the effects of the proposed action and alternatives on the CDNST *nature and purposes*. This would include not disclosing the effects of plan components that would allow activities and use that substantially interfere with the *nature and purposes* of the CDNST. Cumulative impact from the incremental impact of actions when added to other past, present, and reasonably foreseeable future fire suppression, fire management, and vegetation management actions, including timber production and road infrastructure development, are not addressed in the FEIS.
- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Scoping comments at 5 and 6; Draft Plan and DEIS comments at 2; new information in the FEIS.

Congressionally Designated Trails

FEIS Volume 1 at 310-312: The FEIS does not address the effects from Fire Management, Livestock Grazing, Mineral Resource Activities, Motorized Recreation Activities (SPM and RN ROS classes), Roads, Timber Harvest, and Vegetation Management on the CDNST nature and purposes.

Issue and Statement of Explanation: The EIS must disclose effects on scenic integrity, ROS class conditions, and carrying capacities and will generally be based on analysis of the effects of the allowable uses and conditions of use on National Scenic Trail values that are included in the proposed action and each alternative. Utilizing the ROS and Scenery Management System will help ensure that NEPA assessments are systematic and accurately describe the affected environment and expected outcomes from each alternative. The EIS should recognize that management direction for Semi-Primitive Motorized, Roaded Natural, Rural, and Urban ROS classes allow uses that would substantially interfere with the nature and purposes of a National Scenic Trail if the allocation desired conditions are realized. The establishment of Primitive and Semi-Primitive Non-Motorized ROS classes and high and very high scenic integrity allocations would normally protect the nature and purposes (values) of a National Scenic Trail. The EIS effects analysis should include cross-tabular tables that explore and disclose the relationship between (1) the proposed CDNST travel route location and management corridor/rights-of-way extent and (2) the intersection and overlap with the proposed ROS Classes and Scenic Integrity Objectives allocations. For each alternative, the analysis of environmental consequences needs to address how the land management planning decisions will achieve, including providing for the nature and purposes of the National Trail, including protecting the National Trail resources, qualities, values, and associated settings.

Proposed Solution to Improve the Decision: A Supplemental DEIS must address for the following relationships for the proposed action and alternatives: effects on CDNST Nature and Purposes from Timber Harvest, Vegetation Management, Livestock Grazing, Roads, Designated Motor Vehicle Trails, Fire Management, and Mineral Resource Activities.

Violation of law, regulation or policy:

- Environmental consequences (40 CFR 1502.16, 40 CFR 1502.24, 40 CFR 1508.7, and 40 CFR 1508.8), since the effects of the proposed action and alternatives on the CDNST *nature and purposes*. This would include not disclosing the effects of plan components that would allow activities and use that substantially interfere with the *nature and purposes* of the CDNST. Cumulative impact from the incremental impact of actions when added to other past, present, and reasonably foreseeable future fire suppression,

fire management, and vegetation management actions, including timber production and road infrastructure development, are not addressed in the FEIS.

- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives. Instead, many of the agency responses were not factual.

Connection with Comments: Draft Plan and DEIS comments at 12 and 13.

Recommended Wilderness and the CDNST

FEIS Volume 1 at 323: The section does not describe the relationship of the recommended wilderness and the CDNST. Specifically, the effects on areas of recommended wilderness from the CDNST must be addressed in this section.

Issue and Statement of Explanation: Forest Plan comments described that, *“Wilderness evaluations and NEPA assessments should describe the positive CDNST benefits if the Pole Mountain, Finger Mesa, Bristol Head, Chama Basin, Summit Peak, and Elwood Pass Roadless Areas are recommended for wilderness designation. Protecting wilderness values would include establishing a plan component that identifies recommended wilderness as not being suitable for motor vehicle use and mechanized transport. Management of recommended wilderness to protect wilderness characteristics supports the conservation purposes of this National Scenic Trail and is fully compatible with the CDNST nature and purposes.”* Effects on areas of recommended wilderness from the establishment of a CDNST corridor must be described in order to have been considered in the decision. The proposed Plan and FEIS should not have been published until after the roadless area evaluations were final.

Proposed Solution to Improve the Decision: A Supplemental DEIS should describe that, *“Protecting wilderness values is provided by establishing a plan component that identifies recommended wilderness as not being suitable for motor vehicle use and mechanized transport. Management of recommended wilderness to protect wilderness characteristics supports the conservation purposes of this National Scenic Trail and is fully compatible with the CDNST nature and purposes.”* See Section I for a partial solution to this issue.

Violation of law, regulation or policy:

- FSH 1909.12 part 74
- Affected Environment (40 CFR 1502.15), since only travel route characteristics are described omitting description of the scenic, historic, natural, and cultural qualities of the CDNST corridor.

- Environmental consequences (40 CFR 1502.16, 40 CFR 1502.24, 40 CFR 1508.7, and 40 CFR 1508.8), since the effects of the proposed action and alternatives on the CDNST *nature and purposes*. This would include not disclosing the effects of plan components that would allow activities and use that substantially interfere with the *nature and purposes* of the CDNST. Cumulative impact from the incremental impact of actions when added to other past, present, and reasonably foreseeable future fire suppression, fire management, and vegetation management actions, including timber production and road infrastructure development, are not addressed in the FEIS.
- Response to Comments (40 CFR 1503.4), since the FEIS failed to address substantive factual comments identifying the need to modify the proposed action and alternatives.

Connection with Comments: Draft Plan and DEIS comments at 10.

Glossary

FEIS Volume 1 at 483: The glossary the does not contain important definitions to support FEIS terms.

Issue and Statement of Explanation: National Scenic and Historic Trails are not described. ROS class definitions are incomplete. Additional definitions would facilitate consistent implementation of the Forest Plan.

Proposed Solution to Improve the Decision: National Scenic and Historic Trails should be described and National Scenic and Historic Trail nature and purposes defined. The definition of ROS classes should be expanded to address Access, Remoteness, Naturalness, Facilities and Site Management, Social Encounters, Visitor Impacts, and Visitor Management of each class (FS ROS Field Guide with definition recommendations submitted in comments). Scenic Integrity needs to be defined as described in the Landscape Aesthetics Handbook. The definition of wilderness character should be included. Definitions provided in Draft Plan and DEIS comments should be included in the revised Plan and supplemental FEIS.

Violation of law, regulation or policy: 40 CFR 1502.24, 36 CFR 219.3

Connection with Comments: Draft Plan and DEIS comments at 6 - 9.

Response to Comments – FEIS Volume II

The following address responses to comments that I submitted on the Draft Plan and DEIS, and concerns that arose after formal comment due to the Forest Service responses. In addition, responsiveness to the requirements of 40 CFR 1503.4 are summarized.

Congressionally Designated Trails

FEIS Volume II at 27-39:

Comment CDT – 1

The analysis should include more discussion of management that would apply when the Continental Divide National Scenic Trail goes through other management areas.

FS Response

Chapter 2 of the forest plan addresses management of the congressionally designated trails and overlapping direction. In situations where management areas overlap, management for both designations applies; however, the most restrictive management prevails over all other direction. As an example, the portion of the Continental Divide National Scenic Trail that passes through wilderness would not be available for mountain bike or over-snow motorized use as these uses are not permitted in designated wilderness.

Issue and Statement of Explanation: The CDNST is described as a linear feature and not as a management area, so the referenced overlap direction would not apply. Mountain bike and over-snow motorized vehicles are restricted along the CDSNT based on the Comprehensive Plan and FSM 2353.44(b). However, the FS does not address the question. For example, CDNST plan components do not protect the CDNST nature and purposes when passing through General Forest Management Areas.

Proposed Solution to Improve the Decision: Identify each National Scenic and Historic Trail corridors as Management Areas.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a), FSM 2353.44b(2).

Connection with Comments: New Information from FEIS.

Comment CDT – 2

The Forest Plan should not have Forestwide plan components, nor a separate management area or geographic area for the Continental Divide National Scenic Trail. Include these components in management areas that the Continental Divide National Scenic Trail crosses. The Forest Plan should include an objective to develop Continental Divide National Scenic Trail unit plan in accordance with Forest Service Manual 2353.44b.

FS Response

“Natural” appearing conditions are not explicitly stated as a management requirement in the National Trails System Act; however, the term comes from an interpretation of manual direction related to scenery. The Act requires development of a comprehensive plan to provide specific objectives and practices to be observed in management of congressionally designated trails (16 USC 1244 e and f). The 2009 Continental Divide National Scenic Trail Comprehensive Plan identifies the trail as a concern level 1 route, with a scenic integrity objective of high or very high, depending on the trail segment.

Issue and Statement of Explanation: This discussion is incomplete. Congressionally Designated Trail plan components are to complement the National Trails System Act and serve to further protect the National trail for a continued long-term quality recreation trail opportunity and provide for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass. Uses and management activities are allowed in designated areas to the extent that these uses are in harmony with the purpose for which the area was designated.

FS Response

Forest Service Manual 2353.44b(1, 7) addresses the need for a management area that is broad enough to protect the natural, scenic, historic, and cultural features along the trail (FSH 1909.12). The Forest Service Manual also prescribes a one-half mile foreground viewed from either side of the Continental Divide National Scenic Trail travel route as a primary consideration in delineating the boundary of a Continental Divide National Scenic Trail management area (para. 2b).

Issue and Statement of Explanation: The discussion in the fourth paragraph of the response is incomplete and erroneous. FSM 2353.44b(8) is as equally important as the scenery management direction in FSM 2353.44b(7). 2353.44b(8) describes that, *“Manage the CDNST to provide high-quality scenic, primitive hiking and pack and saddle stock opportunities. 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 (FSM 2353.42). Use the Recreation Opportunity Spectrum (ROS) and the ROS Users*

Guide in delineating and integrating recreation opportunities in CDNST unit plans and managing the CDNST (FSM 2311.1). Where possible, locate the CDNST in primitive and semi-primitive nonmotorized ROS classes, provided that the CDNST may have to traverse intermittently through more developed ROS classes to provide for continuous travel between the Montana-Canada and New-Mexico-Mexico borders. Locate a CDNST 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, provided that the CDNST may have to be located on or across designated routes because of the inability to locate the trail elsewhere (FSM 2353.44b, para. 11)."

FS Response

Forest Service Manual 2353.44b already provides direction to develop a unit plan for the Continental Divide National Scenic Trail and does not need to be readdressed in the forest plan.

Issue and Statement of Explanation: The Forest Service has chosen to implement the requirements of the National Trails System Act through staged-decisionmaking beginning with the requirements of the NTSA to prepare a comprehensive plan as implemented through Forest planning and similar land and resource management programmatic plans and with the final stepped being the development and approval of a National Trail resource plan (described as a CDNST unit plan in the FSM 2353.44b directives).

FS Response

The forest plan is meant to complement Handbook and Manual direction without having to add direction from each area.

Issue and Statement of Explanation: Project consistency is based on plan components not FSM and FSH direction. Every project and activity must be consistent with the applicable plan components. A project or activity approval document must describe how the project or activity is consistent with applicable plan components developed or revised in conformance... (36 CFR 219.15(d)). Comprehensive Plan, FSM, and FSH resource management direction must be added to the plan if the direction is to be effective when the plan is implemented.

FS Response

Planning for designated areas may be met through the land management plan, unless the authorities for the designation require a separate plan. Specific plans for designated areas must be consistent with the plan components (36 CFR 219.15(e)). The designated area authorities may require specific plans (such as wild and scenic river plans or national scenic and historic trail plans) for a designated area with additional requirements than those of the Planning Rule.

Any parts of a designated area plan that meet the requirements for land management plan components must be included in the land management plan. The entire area plan does not need to be included in the land management plan. The land management plans must also be compatible with these designated area plans or either the land management plan or the designated area plan must be amended to achieve this compatibility.

Issue and Statement of Explanation: It is incorrect that the forest plan is meant to complement Handbook and Manual resource management planning direction. The key issue is that projects do not need to be consistent with the resource management direction that is found in the FSM and FSH Series 2000 National Forest Resource Management directives as inferred in the response. FSH 1909.12 21.33 describes that, "Every project and activity must be consistent with the applicable plan components." Resource management direction that is intended to be implemented must be part of the Forest Plan direction. CDNST staged-decisionmaking practices warrants describing proposed and possible actions that would be outcomes of completing a CDNST unit plan. A CDNST unit plan should complete the comprehensive planning requirements of the NTSA for the Rio Grande National Forest.

Proposed Solution for CDT–2 to improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 4

Condense and clarify plan components for the Continental Divide National Scenic Trail and ensure they are consistent with management allowed in the National Trails System Act. This does not require management for "natural" appearing conditions.

FS Response

The National Trails System Act, Administration and Development, Section 7 directs the trail manager in subpart (a) to develop and manage each segment of the National Trails System to be designed to harmonize with and complement an established multiple use plan for that specific area in order to ensure continued maximum benefits from the land. Subpart (c) states that "Other uses along the trail, which will not substantially interfere with the nature and purpose of the trail, may be permitted by the Secretary charged with the administration of the trail." "to the extent practicable, efforts shall be made to avoid activities incompatible with the purposes for which such trails were established.

Natural-appearing condition is addressed in comment CDT – 2, above. "Natural" appearing conditions are not explicitly stated as a management requirement in the National Trails System Act; however, the term comes from an interpretation of manual direction related to scenery. The Act requires development of a comprehensive plan to provide specific objectives and practices to be observed in management of congressionally designated trails (16 USC 1244 e and f). The 2009 Continental Divide National Scenic Trail Comprehensive Plan identifies the trail as a concern level 1 route, with a scenic integrity objective of high or very high, depending on the trail segment.

Issue and Statement of Explanation: The statement that, "*Section 7 directs the trail manager in subpart (a) to develop and manage each segment of the National Trails System to be designed to harmonize with and complement an established multiple use plan for that specific area in order to ensure continued maximum benefits from the land*" intent is at best confusing, but more importantly, the guidance is no longer relevant after the NFMA was enacted.

Proposed Solution to Improve the Decision: This phrase should be deleted from the FEIS.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS; CDNST Planning Handbook at 14.

Comment CDT – 7

The Forest Plan direction for the Continental Divide National Scenic Trail should be consistent with Forest Service Manual 2353.44b(7). Include an objective to develop a unit plan (FSM 2354.44b).

FS Response

Forest Service Manual 2353.44(7) prescribes that the Continental Divide National Scenic Trail have a scenic integrity objective of high or very high. Desired condition DC-CDT-1 and guidelines G-CDT-1 and G-CDT-2 are consistent with Forest Service Manual direction.

Issue and Statement of Explanation: DC-CDT-1 fails to use standard Scenery Management System terminology and should be edited to describe high and very high scenic integrity objectives. G-CDT-1 suggests that forest health projects with only short-term impacts might want to consider mitigation measures. What about long-term impacts? More importantly, this guidelines fails to describe the purpose of the direction and to ensure the protection of the nature and purposes of this National Scenic Trail. G-CDT-2 describes the purpose of the guideline of providing for a naturally appearing setting, but fails to define adjacent to the CDNST travel route. Is it intended that this apply to roads and motorized trails within the foreground? What is resource protection? Plan components recommended in the comments

on the Draft Plan and DEIS address these concerns, while the proposed direction is inconsistent with FSM 2353.44b(7). To be consistent with the Landscape Aesthetics Handbook, the correct terminology is “natural-appearing” and not “naturally appearing.”

FS Response

Forest Service Manual 2353.44b(2) already provides direction to develop a unit plan for the Continental Divide National Scenic Trail and does not need to be readdressed in the forest plan. The forest plan is meant to complement Handbook and Manual direction without having to add direction from each area.

Issue and Statement of Explanation: Relying on direction in FSM and FSH Series 2000 National Forest Resource Management directives for implementation of the Forest Plan is inconsistent with the integrated planning requirements of the planning directives. CDNST staged-decisionmaking practices warrants describing proposed and possible actions that would be outcomes of completing a CDNST unit plan. The unit plan should complete the comprehensive planning requirements of the NTSA for the Rio Grande National Forest.

FS Response

The forest plan incorporates Forest Service Manual 2353.44b(2)(b) by reference; it states “Except where the Continental Divide National Scenic Trail traverses a wilderness area and is governed by wilderness management prescriptions (36 CFR Part 293) and except where delineated in the applicable land management plan, establish a management area for the segments of the Continental Divide National Scenic Trail that traverse that unit that is broad enough to protect natural, scenic, historic, and cultural features (FSH 1909.12).”

Issue and Statement of Explanation: The plan must establish plan components to protect the nature and purposes of the CDNST. Project consistency determinations only address plan components and not the resource management direction that is found in the FSM and FSH Series 2000 National Forest Resource Management directives.

FS Response

Alternative B includes the trail in Specially Designated Geographic Area whereas alternatives B Modified and C address the trail in the Specially Designated Management Area. Plan components ensure management of the trail is consistent with the nature and purposes of the trail as described in the 2009 Continental Divide National Scenic Trail Comprehensive Plan, and any revisions. Additionally, alternative D proposes creating a management area that encompasses the trail and the one-half mile corridor on either side of the trail.

Issue and Statement of Explanation: Alternative B Modified does not include the CDNST travel route within a Specially Designated Management Area, nor does it rationally attempt to

establish plan components to protect the CDNST values from other major uses that may degrade CDNST values. It is inconsistent with law to suggest that the plan would be modified by any future revision to the CDNST Comprehensive Plan without a plan amendment.

Overall Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS.

Comment CDT – 8

A management area should be developed for the trail.

FS Response

Forest Service Handbook 1909.12 Ch. 20 Sec. 24.43 requires designated trail corridors to be identified and mapped as part of the forest plan, and requires plan components that provide for the nature and purposes of the trails. Plans may provide a management or geographic area for a national scenic or historic trail, but are not required to do so.

Issue and Statement of Explanation: As acting National Recreation Planner, I argued against the direction in FSH 1909.12 24.43(2), which describes in part that, *“The plan: ... (f) May, to apply plan components unique to the National and Scenic Historic Trail: provide one or more management or geographic areas for a national scenic and historic trail; reference the identified national scenic and historic trail right-of-way, place a corridor around the trail, or use other means to clearly identify where the plan components apply in reference to the trail (emphasis added).”*

I found that the direction being adopted by EMC staff to be ambiguous and felt that it would lead to National Trails not being fully integrated into the Forest Plan direction. Fortunately for the CDNST, the planning directives reference that, “FSM 2350 has more information about national scenic and historic trails.” FSM 2353.44(b)(1) requires that a Management Area be established for the CDNST.

The CDNST rights-of-way has not been selected, so the Interdisciplinary Team should use other information to delineate a national scenic and historic trails corridor [for existing and high-potential route segments] that protects the resource values for which the trail was designated... (16 U.S.C 1244(b)). National Scenic trail values include visitor experience opportunities and

settings; and the conservation/protection of scenic, natural, historical, and cultural qualities of the corridor. Primitive and Semi-Primitive Non-Motorized ROS settings in general provide for desired experiences. Furthermore, the NTSA goes beyond ROS descriptors requiring the protection of significant resources and qualities along the National Trail corridor. The ROS planning framework, NTSA Comprehensive Plan (Section (5(f)) components, NTSA rights-of-way (Section 7(a)), and E.O. 13195 requirements point to the need for land management plans to map the extent of the corridor and apply to the described corridor appropriate plan components (desired conditions, objectives, standards, guidelines, and suitability of lands) to protect National Trail values (nature and purposes).

Alternative B Modified states that the, “Continental Divide National Scenic Trail and the Old Spanish National Historic Trail, as features on the alternative maps that cross multiple management areas. The trails include the one-half mile scenic corridors on either side.” Alternative D establishes CDT Management Area 4.23 and describes in part that, “Making a management area for the trails provides consistent management direction across the Forest. In alternatives A, B, and C the trails pass through multiple management areas, leaving the direction open to potential differences in interpretation.”

Alternative B Modified fails to describe the added complexity of understanding the relationship between a buffered linear features and protecting the nature and purposes of National Scenic and Historic Trails. There is ambiguity in understanding the intent applying plan components to the buffered areas, since the relationship of the buffered area to overlapping management areas are not described, and appropriate ROS and scenery components are not established for the corridors.

A “buffer” around a proposed rights-of-way corridor segment would be acceptable terminology, but describing the CDNST corridor segment a buffered area along a travel route is inappropriate where a principle purpose of describing the rights-of-way is to allow for relocations of the travel route and where a primary purpose is to conserve scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy: NTSA, E.O. 13195, 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 9

The Continental Divide National Scenic Trail should be located in primitive and semi-primitive nonmotorized recreation opportunity spectrum, or only on a road where it is primitive. Consider identifying segments that do not meet these criteria and include goals or objectives for improvement.

FS Response

Maintaining primitive and semi-primitive nonmotorized recreation opportunity spectrum classes throughout the trail would be inconsistent with the management direction for the Continental Divide Scenic Trail, which authorizes “the use of motorized vehicles on roads which will be designated segments of the Continental Divide National Scenic Trail shall be permitted in accordance with regulations prescribed by the appropriate Secretary....”

Issue and Statement of Explanation: This response has the appearance of being cherry picked from the National Trails System Act without noting other findings and conclusions reached in the Comprehensive Plan, Forest Service directives, and related Federal Register Notice (51116 Federal Register / Vol. 74, No. 191 / Monday, October 5, 2009 / Notices). Although ROS inconsistencies is addressed in the FEIS, the FEIS fails to consider establishing a corridor segment that is broad enough to allow for the relocation of sections of the CDNST travel route and/or to manage motor vehicle use as an ROS class inconsistency.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy: 40 CFR 1503.4(a); CDNST Planning Handbook at 32.

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 10

The forest plan must provide for the nature and purpose of Continental Divide National Scenic Trail and establish a management area that is broad enough to protect natural, scenic, historic, and cultural features (except in wilderness areas); must prescribe desired conditions, objectives, standards, and guidelines for Continental Divide National Scenic Trail.

FS Response

Congressionally designated trails are addressed in the forest plan. The nature and purpose of the trail is provided for in the desired conditions, objectives, standards, guidelines, and management approaches.

Issue and Statement of Explanation: This response is not factual. The nature and purposes of the CDNST is defined in the 2009 CDNST Comprehensive Plan and FSM 2353.42, but not in the revised Forest Plan. The proposed CDNST plan components do not support the defined nature and purposes of the CDNST.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 11

The forest plan should contain stronger standards and guidelines, which supersede those of management areas where the trails pass through.

FS Response

Chapter 2 of the forest plan addresses management of the congressionally designated trails and overlapping direction. In situations where management areas overlap, management for both designations applies; however, the most restrictive management that applies prevails over all other direction.

Issue and Statement of Explanation: The adopted plan components for the CDNST travel route and “buffer” area do not protect the nature and purposes of the CDNST due to resource developments not being constrained by established CDNST desired conditions, standards, and guidelines.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 13

The forest plan should include a standard to manage the Continental Divide National Scenic Trail to provide high-quality scenic, primitive hiking and pack and riding opportunities and to conserve natural, historic, and cultural resources along the trail corridor.

FS Response

Forest Service Manuals 2353.31 and 2353.42 direct that the trail should have trail management objectives and be administered consistent with the Act as described by commenter. Desired condition DC-CDT-2 includes this direction. Management activities should move resources toward the desired condition. Scenery is also addressed in the *Scenery* section of the forest plan.

Issue and Statement of Explanation: The comment was not addressed in the response. Policy for the administration of National Trails is described in FSM 2353.31 stating in part that, “Ensure that management of each trail in the National Trails System addresses the nature and purposes of the trail and is consistent with the applicable land management plan.” Furthermore, FSM 2353.42 policy states, “Administer National Scenic and National Historic Trail corridors to be compatible with the nature and purposes of the corresponding trail. 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.” The nature and purposes description should be a desired condition. The Scenery section of the plan appears to allow for short-term impact deviations from the assigned SIO, which will likely have cumulative national trail impacts in areas being managed for timber production.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 14

The Forest Plan should include the following standards:

- Within the management area and on the trail, management actions and allowed uses must be compatible with maintaining or achieving primitive or semiprimitive nonmotorized recreation opportunity spectrum class settings, and providing for high quality primitive opportunities, to the greatest extent practicable.

- Other uses that could conflict with the nature and purposes of the Continental Divide National Scenic Trail may be allowed only where there is a determination that the other use will not substantially interfere with the nature and purposes of the Continental Divide National Scenic Trail....

FS Response

Comment appears to include, at least in part, the regulations, general direction, and the direction provided for a unit plan consistent with 16 U.S.C. § 1246 and Forest Service Manual 2353.44b. To the extent this applies, it has already been covered by regulation and policy. Recreational shooting may be restricted by the responsible official... Recreation opportunity spectrum direction is included in the *Recreation* section of the plan. This applies Forestwide, so to restate the direction under the designated trails section would be redundant.

Issue and Statement of Explanation: Project consistency is based on plan components not FSM and FSH directions. Every project and activity must be consistent with the applicable plan components. A project or activity approval document must describe how the project or activity is consistent with applicable plan components developed or revised in conformance... (36 CFR 219.15(d)). The direction that is in Comprehensive Plans and directives do not control the implementation of the Forest Plan unless adopted in the Forest Plan revision ROD. The plan fails to establish plan components that are to be applied to the CDNST corridor to ensure that the nature and purposes (values) of the CDNST protected. Furthermore, for implementation clarity (and FEIS disclosure), any redundancy would be beneficial.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information.

Comment CDT – 16

Consider using the latest version of the Continental Divide National Scenic Trail Planning Handbook (attached to letter 192).

FS Response

The Forest is following all relevant Continental Divide National Scenic Trail law and policy including the 1920;2350 letter on Developing Forest Plan Direction for the Continental Divide National Scenic Trail signed by Regional Foresters from Regions 1, 2, 3, and 4, and the

Continental Divide National Scenic Trail (CDT) Recommended Forest Plan Components
(Updated 11.16.2016).

Issue and Statement of Explanation: The referenced Regional Forester letter does not legally supplant the direction in the 2009 CDNST Comprehensive Plan and FSM 2353.01d(5), FSM 2353.42, and FSM 2353.44 guidance that were formulated following 36 CFR 216 processes ((74 FR 51116).

The purpose of the CDNST Planning Handbook that was submitted as Draft Plan and DEIS comments was to supplement and clarify agency planning processes. The handbook provides a description and summary of relevant National Trails System Act requirements that offer foundational rationale for understanding and providing for the nature and purposes of the Continental Divide National Scenic Trail.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 17

The following are recommendations for Continental Divide National Scenic Trail plan component desired conditions, objectives, and standards to be applied to a described management area for either the NEPA proposed action or for an alternative to be considered in detail. Additional Continental Divide National Scenic Trail plan component recommendations are found in the accompanying Continental Divide National Scenic Trail Planning Handbook in Chapter III. Plan component modifications are found.

- Recommended Standard: Manage the Continental Divide National Scenic Trail travel route as a visual quality concern level 1 travel route. Resource management actions must meet a Scenic Integrity Level of Very High or High (2009 Continental Divide National Scenic Trail Comprehensive Plan, Chapter IV(B)(4)).
- Recommended Standard: Resource management actions and allowed uses must be compatible with maintaining or achieving primitive or semiprimitive non-motorized recreation opportunity spectrum class settings, except motor vehicle use is allowed if such use is in accordance with the 2009 Continental Divide National Scenic Trail Comprehensive Plan, Chapter IV(B)(6) and Forest Service Manual 2353.44b(11).

- Recommended Standard: Motorized and mechanized use by the general public may only be allowed where such use is in accordance with the 2009 Continental Divide National Scenic Trail Comprehensive Plan, Chapter IV(B)(5) and (6) and Forest Service Manual 2353.44b(10) and (11).
- Recommended Standard: Road construction and reconstruction for public use is prohibited; excepted are motor vehicle use circumstances described in the 2009 Continental Divide National Scenic Trail Comprehensive Plan Chapter IV(B)(6) and FSM 2353.44b(11).
- Recommended Standard: Other uses that could conflict with the nature and purposes of the Continental Divide National Scenic Trail may be allowed only where there is a determination that the other use would not substantially interfere with the nature and purposes of the Continental Divide National Scenic Trail (16 USC 1246(c)).
- Recommended Standard: Where the Continental Divide National Scenic Trail corridor overlaps with Wilderness designations the most restrictive measures control.

FS Response

This direction is addressed in the 2009 Comprehensive Plan, Forest Service Manuals and Handbooks; therefore, it does not need to be added to the forest plan.

Issue and Statement of Explanation: Project consistency is based on plan components not Comprehensive Plans and Forest Service directives. Every project and activity must be consistent with the applicable plan components. A project or activity approval document must describe how the project or activity is consistent with applicable plan components developed or revised in conformance... (36 CFR 219.15(d)). The FS response does not provide a reasonable explanation that is consistent with regulations and policy on why the proposed standards were not added as CDNST plan components.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 18

The Forest Plan should establish a Continental Divide National Scenic Trail Management Area to be consistent with the National Trails System Act. A corridor is not addressed in alternatives A, B, and C.

FS Response

The trail is presented as a corridor that encompasses the one-half-mile side scenic buffer in alternative B, B Modified, and C. Alternative B includes the trail in a Specially Designated Geographic Area whereas alternatives B Modified and C address the trail in the Specially Designated Management Area. Plan components ensure management of the trail is consistent with the nature and purposes of the trail as described in the 2009 Continental Divide National Scenic Trail Comprehensive Plan, and any revisions.

Issue and Statement of Explanation: Alternative B Modified does not include the CDNST travel route within a Specially Designated Management Area, nor does it rationally attempt to establish plan components to protect the CDNST values from other major uses that may degrade CDNST values. It is also inconsistent with law to suggest that the plan would be modified by any future revision to the CDNST Comprehensive Plan without a Plan amendment. It is not factual to state that the proposed CDNST plan components provide for the nature and purposes of this National Scenic Trail. Compatible Scenery Management and ROS plan components are not established for the CDNST corridor.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 19

The purpose and need for action should describe the need and purposes that Congress established for National Scenic and Historic Trails.

FS Response

The purpose and need for action established for the National Scenic and Historic Trails are addressed in the National Trails System Act of 1968, National Parks and Recreation Act of 1978, and Old Spanish Trail Recognition Act of 2002 as addressed elsewhere.

Issue and Statement of Explanation: The response does not address the comment. The purpose and need statement in the EIS should have described the need to provide for integrated resource management that is compatible with the nature and purposes of National Scenic and Historic Trails.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 20

The draft environmental impact statement affected environment description does not describe the effects of alternatives being considered, including recreation opportunity spectrum, scenic integrity, and carrying capacity of allowable uses. This section should include various impacts of current management.

FS Response

Affected environment established and described the existing condition and does not vary by alternative. Programmatic analysis considers the outcomes that may result from implementing the proposed management direction for each alternative. Estimating effects at the programmatic forest-plan level makes assumptions that the types of resource-management activities allowed under the prescriptions are reasonably foreseeable future actions to achieve the goals and objectives stated in the forest plan. The impacts of current management are addressed in the description of the existing condition.

Since forest plans do not prescribe site-specific projects, effects are displayed to programs more than resources. Cumulative effects result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. The analysis of cumulative effects provides a larger context in which to evaluate the effects of the forest plan, Cumulative effects described in terms of a program at the forest-plan scale can be discussed only in terms of general programmatic tendencies toward either improved or declining condition.

Issue and Statement of Explanation: The characterization of the comment is confusing due to combining affected environment with effects; however, the response suggests that appropriate analyses were not completed by the forest. A Forest Plan and FEIS decision that was based primary on “program” effects would be arbitrary.

My DEIS comments describe that: *“The DEIS provides a general national overview of the CDNST Affected Environment. However, the description does not described the environment of the area*

to be affected by the alternatives under consideration as required by 40 CFR 1502.15. The Affected Environment section should describe the degree to which current management direction is protecting the values for which each National Trail was designated, including protecting cultural landscapes, recreation settings, scenic integrity, and addressing the conservation purposes of each National Trail... This discussion of Alternative B, C, and D does not address the environmental consequences of these action alternatives on the nature and purposes of National Scenic and Historic Trails. The section fails to form the scientific and analytic base for the comparisons of the alternative under 40 CFR 1502.14. The disclosure is inconsistent with 40 CFR 1502.24, including not using the Recreation Opportunity Spectrum and Scenery Management System planning frameworks to address the environmental effects of the alternatives. This section is inadequate and is inconsistent with the requirements of 40 CFR 1502.16... The EIS should discuss effects on scenic integrity, ROS class conditions, and carrying capacities and will generally be based on analysis of the effects of the allowable uses and conditions of use on National Scenic Trail values that are included in the proposed action and each alternative. Utilizing ROS and Scenery Management System will help ensure that NEPA assessments are systematic and accurately describe the affected environment and expected outcomes from each alternative. The level of precision or certainty of the effects can be guided by the CEQ regulations regarding the use of "methodology and scientific accuracy" (40 CFR 1502.24) and the information needed to support a reasoned choice among alternatives (40 CFR 1502.22):. In addition, substantial interference analyses and determinations need to be rigorous and be addressed as part of the cumulative impact analysis (40 CFR 1508.7)... The EIS should recognize that management direction for Semi-Primitive Motorized, Roaded Natural, Rural, and Urban ROS classes allow uses that would substantially interfere with the nature and purposes of a National Scenic Trail if the allocation desired conditions are realized... The establishment of Primitive and Semi-Primitive Non-Motorized ROS classes and high and very high scenic integrity allocations would normally protect the nature and purposes (values) of a National Scenic Trail... The EIS effects analysis should include cross-tabular tables that explore and disclose the relationship between (1) the proposed CDNST travel route location and management corridor/rights-of-way extent and (2) the intersection and overlap with the proposed ROS Classes and Scenic Integrity Objectives allocations."

The FEIS fails to describe basic relationships between ROS and scenery allocations and associated effects on the nature and purposes of the CDNST. The statement that, "since forest plans do not prescribe site-specific projects, effects are displayed to programs more than resources," and description of the cumulative effects, confirm that the FEIS did not perform even a simple assessment nor the required hard look at the effects of the proposed action and alternatives on the nature and purposes of the CDNST.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments at 10 and 11.

Comment CDT – 21

The draft environmental impact statement erroneously states that "Alternative A does not have any specific management direction for any congressionally designated trails on the Forest." (DEIS, p. 290)

FS Response

Alternative A, which would allow for the Forest to continue using the current forest plan, does not contain any specific management direction for congressionally designated trails. Management would adhere to the National Trails System Act of 1968 and other relevant policy.

Issue and Statement of Explanation: The Forest Plan does contain specific scenery management direction for the CDNST:

Dispersed Recreation

STANDARDS

1. A Scenic Integrity Objective of "High" ("management activities are not evident to the casual visitor and the area appears natural") will be met within the foreground for all National Scenic and Recreation Trails.
2. Camping is limited to 14 days within a 30-day period.
3. Close, rehabilitate, or otherwise mitigate dispersed sites when:
 - * Campsite condition reaches Frisell-Cole Class 4 or 5.
 - * Site occupancy does not meet the adopted Scenic Integrity Objective.

III-32 *Forestwide Standards and Guidelines*

There is also no indication that the current forest plan is adhering to the National Trails System Act as implemented through the 2009 Comprehensive Plan, FSM 2353.4, and the direction in the related Federal Register Notice (51116 Federal Register / Vol. 74, No. 191 / Monday, October 5, 2009 / Notices). For example, the recent scoping notice for the proposed Lujan Pass Timber Management Project did not mention the CDNST.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 22

This discussion of alternatives B, C, and D does not address the environmental consequences of these action alternatives on the nature and purposes of National Scenic and Historic Trails. The disclosure is inconsistent with 40 CFR 1502.24, including not using the recreation opportunity spectrum and scenery management system planning frameworks to address the environmental effects of the alternatives. This section is inadequate and is inconsistent with the requirements of 40 CFR 1502.16.

FS Response

See response to Comment CDT-20.

Issue and Statement of Explanation: See Issue and Statement of Explanation for CDT-20.

Comment CDT – 23

The draft environmental impact statements fails to disclose cumulative impacts and fails to describe impacts to the nature and purposes of Continental Divide National Scenic Trail and Old Spanish National Historic Trail.

FS Response

Forest plan analysis represents a programmatic level of planning. Since forest plans propose no on-the-ground impacts, effects are expressed relative to how the direction in the forest plan would impact the overall resource program. Site-specific analysis would be conducted for project-level proposals and would address on-the-ground changes and impacts that are likely to occur if the proposal is implemented. Since these trails are managed under higher level direction, the National Trails Act, applying forest plan-level direction would not likely impact the nature or purpose of the trails.

See response to Comment CDT-20.

Issue and Statement of Explanation: See Issue and Statement of Explanation for CDT-20.

Comment CDT – 24

The draft environmental impact statement effects analysis should include tables that describe the relationship between the proposed Continental Divide National Scenic Trail travel route location and management corridor/rights-of-way extent and the intersection and overlap with the proposed recreation opportunity spectrum classes and scenic integrity objectives allocations.

FS Response

Proposed trail relocations would be addressed in site-specific analysis. Maps display overlap of Continental Divide National Scenic Trail in alternatives in relation to management areas, which further define recreation opportunity spectrum classes and scenic integrity objectives.

Issue and Statement of Explanation: The response fails to address the comment. The comment did not mention “trail relocations.” The mere display of the location of the CDNST travel route (“linear feature”) across proposed management areas does not substitute for narrative that describes the effects of ROS, scenery, and suitability allocations on the nature and purposes of the CDNST. The FEIS failed to take a hard look at the proposed action and alternatives.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 25

The analysis needs to address how the land management planning decisions will 1) provide for the nature and purposes of the National Trail; 2) identify primary users; 3) address carrying capacity; and 4) prevent other uses from substantially interfering with the nature and purposes of the National Trails.

FS Response

These concerns are more appropriately addressed in relation to actual site-specific proposals that relocate the trails. Forest plan direction provides sideboards for implementing site-specific proposals.

Issue and Statement of Explanation: The response demonstrates that the proposed plan and FEIS fail to define and provide for the nature and purposes of the CDNST through establishing plan components that protect those values. The Forest Service has failed to take a hard look at the Forest Plan EIS proposed action and alternatives.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 28

Establishing a management area for congressionally designated trails such as Management Area 4.23 outlined in alternative D would be helpful in the forest plan to specifically address the associated rule set.

FS Response

The trail is presented as a corridor that encompasses the one-half mile side scenic buffer in alternatives B, B Modified, and C. Alternative B includes the trail in the Specially Designated Geographic Area whereas alternatives B Modified and C address the trail in the Specially Designated Management Area.

Issue and Statement of Explanation: See CDT – 8.

Comment CDT – 31

A mapped trail corridor might allow more flexibility in future decisions regarding management of the trails.

FS Response

The trail is presented as a corridor that encompasses the one-half-mile side scenic buffer in alternative B, B Modified, and C. Alternative B includes the trails in Specially Designated Geographic Area whereas alternatives B Modified and C address the trail in the Specially Designated Management Area. Additionally, alternative D proposes creating a management area that encompasses the trail and the one-half mile corridor on either side of the trail.

Issue and Statement of Explanation: See CDT - 8

Comment CDT – 43

The setting of the Continental Divide National Scenic Trail corridor is consistent with or complements a primitive or semi-primitive non-motorized setting. Recreation opportunity spectrum class inconsistencies are managed to protect trail values.

FS Response

Recreational opportunity spectrum classes are described by management areas. These are well described in the forest plan and all direction applicable to the Continental Divide National Scenic Trail. This desired condition is addressed in other plan direction.

Issue and Statement of Explanation: The prescribed ROS management direction for areas along the CDNST travel route are in many cases incompatible with the nature and purposes of this National Scenic Trail. Managing the CDNST corridor for Roded Natural and Semi-Primitive Motorized ROS settings and timber production purposes would lead to management actions that substantially interfere with the nature and purposes of the CDNST, which is not allowed by the National Trails System Act.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 46

The final environmental impact statement should consider defining and mapping a corridor in the forest plan with alternatives evaluated. Proposed standard CDT-1, 2, and 4 should be restated to reflect this change.

FS Response

The final environmental impact statement considers both congressionally designated trails in several ways. Alternative A addresses only the width of the trail on the landscape. Alternatives B, B Modified, and C consider these trails as corridor with the inclusion of a one-half-mile-wide scenic buffer. Alternative D creates a management area specific to the congressionally designated trails. The selected alternative will display the trail as a one-half-mile-wide corridor on all maps.

Issue and Statement of Explanation: Alternative A scenery management is prescribed as, “STANDARDS 1. A Scenic Integrity Objective of "High" (“management activities are not evident to the casual visitor and the area appears natural”) will be met within the foreground for all

National Scenic and Recreation Trails.” (1996 Forest Plan III-32). The FEIS failed to recognize this management direction. The 1996 Forest Plan EIS states that, “*The Continental Divide National Scenic Trail corridor is identified on our alternative maps and carried forward in the Final. Standards and guidelines are in place to manage and maintain this trail*” (1996 FEIS Appendix N).

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 54

G-CDT-4 should read, in order to promote a nonmotorized setting, the Continental Divide National Scenic Trail travel route should not be permanently relocated onto routes open to motor vehicle use.

FS Response

G-CDT-4 has been removed in the forest plan. Plan direction incorporates policy that already requires this. On July 3, 1997, correspondence from the Deputy Chief of the Forest Service to Regional Foresters stated that “...as the CDT is further developed, it is expected that the trail will eventually be relocated off of roads for its entire length.”: FSM 2353.44b(8) “...Where possible, locate the CDNST in primitive and semiprimitive nonmotorized recreation opportunity spectrum classes, provided that the CDNST may have to traverse intermittently through more developed recreation opportunity spectrum classes to provide for continuous travel between the Montana-Canada and New-Mexico-Mexico borders. Locate a CDNST 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, provided that the CDNST may have to be located on or across designated routes because of the inability to locate the trail elsewhere (FSM 2353.44b, para. 11).”

Issue and Statement of Explanation: The response states that, “Plan direction incorporates policy that already requires this.” The referenced direction applies to both revising the Forest Plan which was to establish a CDNST management corridor that was broad enough to protect established and high-potential route segments of the CDNST. The plan and FEIS failed to address the described direction.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a), 16 U.S.C. 1244(f)(3).

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 59

The Forest Plan supersedes the Comprehensive Plan until amended. The Forest Plan should clarify the relationship between the Comprehensive Plan and the Forest Plan in G-CDT-13.

FS Response

The 2009 Comprehensive Plan is included as policy in Forest Service Manual 2353. Guidance is provided in a letter (File Code: 1920;2350) on Developing Forest Plan Direction for the Continental Divide National Scenic Trail, signed by Regional Foresters from Regions 1, 2, 3, and 4, and the Continental Divide National Scenic Trail (CDT) Recommended Forest Plan Components (Updated 11.16.2016). This guidance, along with the comprehensive plan, is used in managing the Continental Divide National Scenic Trail.

Issue and Statement of Explanation: The response is inaccurate. The 2009 CDNST Comprehensive Plan is an authority that guides and may in some cases constrain Forest Plan direction. The Comprehensive Plan states that, *“Land and resource management plans are to provide for the development and management of the CDNST as an integrated part of the overall land and resource management direction for the land area through which the trail passes. The management direction given in Chapter IV is to be used in the development of specific land and resource management prescriptions.”* Chapter IV describes in part direction for locating the CDNST; establishing the rights-of-way; establishing that the CDNST is a concern level 1 travel route, and the scenic integrity objective is to be high or very high depending on the CDNST segment; to use the ROS system in delineating and integrating recreation opportunities; and motorized use. Most important the Comprehensive Plan describes that the, *“The primary policy is to administer the CDNST consistent with the nature and purposes for which this National Scenic Trail was established. 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.”* The 2009 Comprehensive Plan final amendments and FSM 2353 directives will be applied through land management planning and project decisions following requisite environmental analysis (74 FR 51124). The direction in the referenced Regional Forester correspondence, due to set hierarchy of authorities, does not supersede the direction in the Comprehensive Plan and FSM 2353.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment CDT – 61

The environmental impact statement does not adequately analyze the Rio Grande National Forest revised forest plan's impact on the Continental Divide National Scenic Trail.

FS Response

Specific to the Rio Grande National Forest, the one-mile-wide trail corridor encompasses about 75,445 acres over a span of 170 miles along the Forest's western boundary. The preferred alternative contains specific management direction for the Continental Divide National Scenic Trail that were developed with consideration of both the Continental Divide National Scenic Trail 2009 Comprehensive Management Plan and the continuously revised 2016 Continental Divide National Scenic Trail Recommended Forest Plan Components.

The Continental Divide National Scenic Trail corridor is mapped as a linear feature which overlays multiple management areas in the preferred alternative. In addition to the management direction specific to the Continental Divide National Scenic Trail corridor, plan direction associated with each management area the trail corridor traverses across the Forest would also apply.

Under the preferred alternative, the majority of the trail corridor falls within Management Areas 1 – Wilderness (34,265 acres) and 3 – Colorado Roadless Areas (16,230 acres). These two management areas account for about 50,495 acres (67 percent) within the Continental Divide National Scenic Trail corridor. About 20,300 acres (27 percent) of the trail corridor falls within Management Area 5 – General Forest and Rangelands. The remaining 4,650 acres (6 percent) of the Continental Divide National Scenic Trail corridor encompasses lands within Management Area 4 – Special Designations, including Scenic Byway and Railroad (Management Area 4.21), Eligible Wild and Scenic Rivers (Management Area 4.34), and Ski-Based Resort (Management Area 4.8).

Under the preferred alternative, the majority (75 percent) of the Continental Divide National Scenic Trail corridor is located within nonmotorized desired summer recreation opportunity spectrum settings. Specifically, about 22,110 acres (29 percent) of the trail corridor are within a primitive setting while about 34,875 acres (46 percent) are within a semiprimitive nonmotorized setting. The remaining 18,460 acres (25 percent) of the Continental Divide National Scenic Trail corridor encompass motorized desired summer recreation opportunity spectrum settings. About 11,220 acres (15 percent) of the trail corridor are within a semiprimitive motorized setting, about 5,320 acres (7 percent) are within a roaded natural setting, and about 1,920 acres (3 percent) are within a rural setting.

Issue and Statement of Explanation: I appreciate reading this description of the relationship between the CDNST one-mile-wide mapped linear feature and the proposed management areas. However, the effects analysis should have been further developed and presented in Chapter 3 of the FEIS. The discussion confirms some of my concerns:

- Unfortunately, the 2016 Continental Divide National Scenic Trail Recommended Forest Plan Components did not protect the CDNST setting by requiring the establishment of a more primitive ROS setting for the CDNST corridor. The controlling 2009 Comprehensive Plan direction to use the ROS system to provide for the nature and purposes of this National Scenic Trail should have been followed. The proposed plan direction does not protect the CDNST setting and scenic integrity.
- Wilderness direction should have been complemented with appropriate CDNST plan components to address grazing standards and stock driveways. CDNST management direction is not controlled by the Wilderness grazing guidelines.
- General forest and rangelands provide little direction to protect the nature and purposes the CDNST. Managing lands for timber production and motor vehicle use degrade CDNST values. Management direction for Semi-Primitive Motorized and Roaded Natural classes allow uses that would substantially interfere with the nature and purposes of the CDNST if the allocation desired conditions are realized.
- CDNST effects from development activities may be compounded by the planned scenic integrity definition, which allows for short-term impacts and modifies the definition of scenic integrity to address extreme events.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy: 40 CFR 1503.4(a)

Connection with Comments: New Information from FEIS and Draft Plan and DEIS comments.

Comment Grazing in Wilderness

FEIS Volume II at 98: Comment RNG – 8

Controlled driving of livestock is a necessary management action, limiting this use is inconsistent with congressional guidelines for grazing in wilderness areas.

FS Response

Controlled driving of livestock is a necessary management action. Driving of livestock is a practice used to access allotments and move livestock from area to area. Site-specific analysis addresses the impacts of this practice and keeps the use to the established stock driveways. Forest plan direction has been adjusted relative to the comment. In most cases, livestock driveways have been in existence and used for many years.

Plan components address grazing in wilderness:

- SUIT-MA 1-4: Grazing is permitted.
- SUIT-RNG-1: Grazing in national forest wilderness areas is authorized by the Congressional Grazing Guidelines (§108, P.L. 96-560, H.R. Report 96-617 dated 11/14/79). Grazing authorizations would be included as part of any legislation on Management Area 1.1a, Recommended Wilderness. However, the acres of recommended wilderness are not currently grazed.

Issue and Statement of Explanation: Livestock driveways should not be allowed on the CDNST travel route. The wilderness grazing guidelines do not apply to the protection of the CDNST.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy: 40 CFR 1503.4(a)

Connection with Comments: Draft Plan and DEIS comments at 33.

Comment CDNST and Wilderness Evaluations

FEIS Volume II at 191: Comment WILD – 10

The positive benefits of the Continental Divide National Scenic Trail should be included in the wilderness evaluations and NEPA assessments.

FS Response

The final environmental impact statement notes the overlap between the Continental Divide National Scenic Trail and areas analyzed for recommendation as wilderness. Some users may prefer to hike through a wilderness area, but the plan components related to management of the Continental Divide National Scenic Trail have been designed, in cooperation with the public and other stakeholders, to ensure that the values for which the trail was designated are maintained or enhanced, and that all users experience the trail as Congress intended.

Issue and Statement of Explanation: The DEIS comment described that, “Wilderness evaluations and NEPA assessments should describe the positive CDNST benefits if the Pole Mountain, Finger Mesa, Bristol Head, Chama Basin, Summit Peak, and Elwood Pass Roadless Areas are recommended for wilderness designation. Protecting wilderness values would include establishing a plan component that identifies recommended wilderness as not being suitable for motor vehicle use and mechanized transport. Management of recommended wilderness to protect wilderness characteristics supports the conservation purposes of this National Scenic Trail and is fully compatible with the CDNST nature and purposes.”

It is not clear if my comments were addressed in the final wilderness evaluations, since only the draft evaluations are referenced in the Forest Plan. The DROD should not have been published for review prior to the finalization of the wilderness evaluations.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy: 40 CFR 1503.4(a)

Connection with Comments: Draft Plan and DEIS comments at 10.

IV. Statement of Issues Draft ROD

The following are statements of the issues to which the objection applies and concise statements explaining the objection and suggestions on how the proposed decision may be improved.

Need for Change

The DROD at 3: The DROD states that, “*The needs for change, informed through public involvement, were summarized into four plan revision topics: special designations, fire management, management area complexity, and recommended wilderness. These revision topics were used to develop the draft LMP and alternatives to the proposed plan. Public*

comments on the draft plan and draft environmental impact statement were then used to further refine the preferred alternative. The Rio Grande National Forest Land Management Plan is a shared product resulting from significant public involvement throughout the plan revision process.”

Issue and Statement of Explanation: The ROD should recognized the CDNST finding. Need for Change July 2016: *“Revise the previous plan to provide management direction for...the Continental Divide National Scenic Trail (CDT), including language from the 2009 CDT Comprehensive Plan.”*

Proposed Solution to Improve the Decision: The ROD should include the need to change the CDNST direction as described in the July 2016 Need for Change document.

Violation of law, regulation or policy: FSH 1909.12 Chapter 10.

Connection with Comments: New Information.

Rationale for the Decision

The DROD at 7: The DROD states that, *“The revised land management plan sets direction to maintain a healthy, accessible, and sustainable forest that integrates multiple uses; provides economic, ecological, and social opportunities; promotes education, environmental justice, cultural and environmental identity, and awareness for the conservation of its natural resources; and adaptive forest management that is inclusive and collaborative. The Rio Grande National Forest will implement the plan by designing and developing projects in cooperation with partners, and by using monitoring information and available scientific information... I chose alternative B modified as the land management plan because it: ... Balances multiple-use values in the public interest. The plan addresses the need to accelerate active management and reduce hazardous fuels; maintain existing recreation areas and access opportunities; while also adding recommended wilderness; and eligible and suitable wild, scenic, and recreational rivers in areas with broad public support; ... Alternative B modified best addresses the needs for change, the purpose and need to revise the plan, and the four primary plan revision topics. It is not a substantial departure from the draft version of the LMP, but rather a modified version of existing action alternatives falling within the bounds of analysis in the draft environmental impact statement...”*

Issue and Statement of Explanation: Protecting National Scenic and Historic Trails values through the establishment of national trail management corridor with supportive plan components should be a factor in the decision.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy: Record of Decision (40 CFR 1505.2(b)), since the draft ROD did not identify and discuss all such factors including the protection of National Scenic and Historic Trail values.

Connection with Comments: New Information.

Planning Rule Requirements- Multiple Use

The DROD at 14: The DROD states that, *“I have reviewed and determined that the LMP provides plan components and management area direction for ecosystem services and multiple uses, including outdoor recreation, range, timber, watershed, wildlife, and fish, within the inherent capability of the Rio Grande National Forest... The LMP contributes to multiple uses by addressing multiple use, sustainable recreation, and protection for specially designated areas as follows: ... Plan Components for Sustainable Recreation, Protection of Cultural and Historic Resources, Areas of Tribal Importance, Wilderness Areas, Wild and Scenic Rivers, and Designated Areas - The LMP contains plan components that specifically address recreation sustainability, areas of tribal importance, protection of cultural and historic resources, as well as wilderness areas, wild and scenic rivers, and special interest areas.”*

Issue and Statement of Explanation: The LMP fails to provide for protecting the location of existing and high-potential CDNST corridor segments by establishing a CDNST Management Area and through establishing plan components that protect the nature and purposes of this National Scenic Trail.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy: Record of Decision (40 CFR 1505.2(b)).

Connection with Comments: No Information.

Recommended Wilderness

The DROD at 16: The DROD states that, *“I am recommending 40,052 acres of the Forest for inclusion in the National Wilderness Preservation System. I understand the concerns from all sides of the issue, from those requesting additional acres to those wanting a zero net increase in wilderness acres. On the basis of evaluation and public comment, I believe the acres being recommended represent high-quality acres that are capable of maintaining the unique social and ecological characteristics that make them eligible for wilderness designation while minimizing the effects to those concerned with the inherent tradeoffs that come with managing these areas to maintain their wilderness characteristics....”*

Issue and Statement of Explanation: The DROD should not have been published for review prior to the finalization of the wilderness evaluations. Only the draft wilderness evaluations are available for public review.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy: Record of Decision (40 CFR 1505.2(b)).

Connection with Comments:

Alternatives Considered

The DROD at 19: The DROD states that, *“Alternative A, the no-action alternative, reflects the 1996 forest plan as amended, and accounts for current laws and regulations. The no-action alternative retains the 1996 management direction, as amended, including management area prescriptions. This alternative serves as a baseline for comparison with the action alternatives...*

Alternative B modified was developed after public comment was received on the draft plan and draft environmental impact statement. Adding this new alternative was a logical outgrowth of the public process and reflects improvements that were suggested by the public, including the need to simplify management by reducing the number of management areas and geographic areas; reducing the number and complexity of plan components; and incorporating timber projections that better reflect the salvage situation over the next few years. Alternative B modified incorporated aspects of alternative B and alternative C and falls within the bounds of analysis for those two alternatives. Additional information was analyzed specifically for alternative B modified, where appropriate, in the final environmental impact statement...

Alternative D proposed the greatest amount of recommended wilderness and additional special interest areas. As such, this alternative reduced the amount of motorized recreation available, emphasized protected areas, and reduced the amount of acres available for timber production.”

Issue and Statement of Explanation: The CDNST corridor and plan components that I presented in Draft Plan and DEIS comments should have been rigorously explored and objectively evaluated, since the proposed alternative is a reasonable approach to protecting the nature and purposes of the CDNST.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

Connection with Comments: Draft Plan and DEIS comments at 2-6.

Alternatives Considered but Eliminated from Detailed Study

The DROD at 21: The DROD states that, *“The National Environmental Policy Act requires Federal agencies to rigorously explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). Public comments received in response to the proposed action provided suggestions for alternative methods of achieving the purpose and need. Some of these may have been outside the scope of what can be included in the revised Rio Grande Land Management Plan, duplicative of the alternatives considered in detail, or determined to be components that would cause unnecessary environmental harm....”*

Issue and Statement of Explanation: The phrase "range of alternatives" refers to the alternatives discussed in environmental documents. It includes all reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as those other alternatives, which are eliminated from detailed study with a brief discussion of the reasons for eliminating them. Section 1502.14. Plan components for all action alternatives do not provide for the protection of the nature and purposes of the CDNST. These alternatives should have been eliminated from detailed study.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy: The Proposed Action and Alternatives (40 CFR 1502.14), since the management direction for CDNST is inconsistent with the requirements of the NTSA.

Connection with Comments: Draft Plan and DEIS comments at 2-6.

Best Available Scientific Information

The DROD at 23: The DROD states that, *“Resource specialists consider what is most accurate, reliable, and relevant in their use of the best available scientific information. The best available scientific information includes the publications listed in the Referenced Cited sections of the assessments, environmental impact statement, and land management plan. It also includes additional information used, updated, or included in the project record for the assessments, environmental impact statement, and land management plan. The final environmental impact statement provided documentation of how the best available scientific information was used to inform planning, the plan components, and other plan content, including the land management plan monitoring program (36 CFR 219.3). The References Cited sections of the final environmental impact statement and land management plan may include science that is discussed to address opposing science, as required by the National Environmental Policy Act.”*

Issue and Statement of Explanation: Specific to CEQ requirements, the ROD should also attest that the requirements of 40 CFR 1502.24 have been met in the preparation of the FEIS.

Proposed Solution to Improve the Decision: Modify the draft ROD.

Violation of law, regulation or policy: To be determined.

Connection with Comments: Not applicable.

Findings Required by Other Laws

Endangered Species Act

The DROD at 26: The DROD states that, *“The Southern Rockies Lynx Amendment identified four linkage areas on the Forest that remain important areas of habitat connectivity. Connective habitat in the San Juan Mountains is essential for facilitating movement of Canada lynx across the landscape. The plan provides Forestwide plan components to protect connectivity.”*

Issue and Statement of Explanation: Identifying connectivity areas as being suitable for over-snow vehicles is inconsistent with protecting Canada lynx linkage areas.

Proposed Solution to Improve the Decision: Canada lynx habitat and linkage areas should be described as, “Not Suitable for Over-Snow Vehicles.”

Violation of law, regulation or policy: Endangered Species Act, National Trails System Act, and 40 CFR 1502.24.

Connection with Comments: Draft Plan and DEIS comments at 2.

Multiple-Use Sustained-Yield Act

The DROD at 30: *The DROD states that, “The Forest Service manages National Forest System lands to sustain the multiple use of its renewable resources in perpetuity while maintaining the long-term health and productivity of the land. Resources are managed through a combination of approaches and concepts for the benefit of human communities and natural resources. As demonstrated in the final environmental impact statement and as required by the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528-531), the land management plan guides sustainable and integrated management of Forest resources in the context of the broader landscape, giving due consideration to the relative values of the various resources in particular areas. Therefore, the land management plan is fully compliant with the Multiple-Use Sustained-Yield Act.”*

Issue and Statement of Explanation: The structure of the Planning Regulations and Directives provide for the integration of congressionally designated areas as a multiple use component. Alternatives in the FEIS do not protect CDNST nature and purposes values with supporting plan components failing to produce an integrated plan. Due to this lack of integration of protecting the CDNST for the purposes for which it was established, I do not believe that it is reasonable to declare that the plan is fully compliant with the Multiple-Use Sustained-Yield Act. The plan must contain plan components that to provide for the nature and purposes of the CDNST.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy: 36 CFR 219.10

Connection with Comments: New information from Draft ROD.

National Environmental Policy Act

The DROD at 31: The DROD states that, *“The National Environmental Policy Act required Federal agencies to prepare detailed statements on proposed actions that may significantly affect the quality of the human environment. The Act’s requirement is designed to serve two major functions: To provide decision makers with a detailed accounting of the likely environmental effects of the proposed actions prior to adoption. To inform the public of, and allow comment on, such efforts... All substantive comments, written and oral, made on the draft environmental impact statement have been summarized and responded to in appendix D of the final environmental impact statement. As a result, changes were made to plan direction and clarifications were added to the analysis. I find that the environmental analysis and public involvement process the environmental impact statement is based on complies with each of the major elements of the requirements set forth by the Council on Environmental Quality regulations for implementing the National Environmental Policy Act (40 CFR 1500-1508). This conclusion is supported by the following findings... The final environmental impact statement considered a broad range of reasonable alternatives. The five alternatives considered in detail in the final environmental impact statement cover a broad range of possible management allocations based on revision topics identified through public involvement and scoping...”*

Issue and Statement of Explanation: For the reasons laid out in this objection, it is not reasonable to conclude that the, *“environmental analysis and public involvement process the environmental impact statement is based on complies with each of the major elements of the requirements set forth by the Council on Environmental Quality regulations for implementing the National Environmental Policy Act (40 CFR 1500-1508).”*

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy: 40 CFR 1500-1508

Connection with Comments: New information.

National Forest Management Act

The DROD at 32: The DROD states that, *“The National Forest Management Act requires the development, maintenance, amendment, and revision of land management plans for each unit of the National Forest System. These plans help create a dynamic management system, so an interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and*

other sciences will be applied to all future actions on the unit. Under the Act, the Forest Service is to ensure coordination of the multiple uses and sustained yield of products and services of the National Forest System....”

Issue and Statement of Explanation: The alternatives presented in the FEIS do not provide for the integrated management of the CDNST protecting the values for which this National Scenic Trail was established by an act of Congress.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy:

- NFMA 16 U.S.C. 1604(f)(1) – Requirement to form one integrated plan.
- NFMA Regulation 36 CFR 219.10(a) – Integrated resource management for multiple use.

Connection with Comments: Concerns an issue that arose after the opportunities for formal comment.

National Trails System Act

DROD: Discussion not present. The DROD did not address, but could not factually describe that, *“Management area direction in the land management plan provides protection for the nature and purposes for which National Scenic and Historic Trails were established providing for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the Continental Divide NST and protecting the Old Spanish NHT historic route and its historic remnants and artifacts for public use and enjoyment. Management direction in the land management plan provides protection. Therefore, the land management plan is compliant with the National Trails System Act.”*

Issue and Statement of Explanation: The proposed plan and FEIS should be supplemented to protect National Scenic and Historic Trail values, so that the finding could be objectively made.

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

Violation of law, regulation or policy: National Trails System Act and E.O. 13195.

CDNST Comprehensive Plan and FSM 2353

DROD: Discussion not present. The Comprehensive Plan describes that, *“The primary role of the Comprehensive Plan is to serve as an authority for broad based policy and direction for the development and management of the CDNST... Both the Forest Service and the Bureau of Land Management are required to develop land and resource management plans that are designed to integrate all resource management activities that may occur within a land use unit into a coordinated system that reflects the interaction of management activities in achieving long-range objectives and goals for public land management. This is will be accomplished through the development of a series of synergetic management prescriptions developed for specific management areas.”*

Issue and Statement of Explanation: The ROD should be able to describe how the plan provides for the nature and purposes of the CDNST by establishing plan components that reflects the nature and purposes as a desired condition with supporting scenery, recreation, and conservation considerations addressed as standards and guidelines. The CDNST is a concern level 1 route, with a scenic integrity objective of high or very high, depending on the trail segment... Manage the CDNST to provide high-quality scenic, primitive hiking and pack and saddle stock opportunities. 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... Use the Recreation Opportunity Spectrum (ROS) in delineating and integrating recreation opportunities in managing the CDNST. The NTSA are to provide for the conservation of natural, historic, and cultural resources in the areas traversed by the CDNST (74 FR 51116).

Proposed Solution to Improve the Decision: See Section I of this objection for a proposed solution to improve the decision.

- **Violation of law, regulation or policy:** NTSA, [16USC1244] Sections 5(f) – Comprehensive Plan - (1) specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of any anticipated cooperative agreements to be consummated with State and local government agencies or private interests, and for national scenic or national historic trails an identified carrying capacity of the trail and a plan for its implementation; (3) a protection plan for any high potential historic sites or high potential route segments;
- NTSA, [16USC1246] Sections 7(a)(2) – Secretary shall select the rights-of-way for national scenic and national historic trails and shall publish notice thereof of the availability of appropriate maps or descriptions in the Federal Register

- NTSA, [16USC1246] Sections 7(c) – Nature and Purposes - National scenic or national historic trails may contain campsites, shelters, and related-public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail... to the extent practicable, efforts be made to avoid activities incompatible with the purposes for which such trails were established. The use of motorized vehicles by the general public along any national scenic trail shall be prohibited.
- CDNST Comprehensive Plan, Chapters II, III, and IV.
- FSM 2353.42 and FSM 2353.44

Connection with Comments: New Information.

Plan Implementation

The DROD at 36: The DROD states that, *“Any resource plans developed that apply to the resources or land areas within the planning area will be consistent with the plan components. Resource plans developed prior to the plan decision will be evaluated for consistency with the plan and amended if necessary.”*

Issue and Statement of Explanation: The plan inappropriately describes that it adopts the resource management direction that is found in the FSM and FSH Series 2000 National Forest Resource Management directives. Specific the CDNST, response to comments describe that, *“This direction is addressed in the 2009 Comprehensive Plan, Forest Service Manuals and Handbooks; therefore, it does not need to be added to the forest plan.”*

Proposed Solution to Improve the Decision: To account for this approach to forest planning, the ROD must describe that, *“Any resource plans developed that apply to the resources or land areas within the planning area will be consistent with the plan components and the resource management direction in the FSM and FSH Series 2000 National Forest Resource Management directives, including the 2009 CDNST Comprehensive Plan. Resource plans developed prior to the plan decision will be evaluated for consistency with the plan and amended if necessary.”*

Violation of law, regulation or policy: NFMA 16 U.S.C. 1604(f)(1) – Requirement to form one integrated plan.

Connection with Comments: New Information.

V. Providing for the Management of the CDNST

The FEIS should be supplemented to correct NEPA deficiencies. Land use planning associated NEPA processes must be in compliance with the National Trails System Act and CEQ regulations 40 CFR Parts 1500 - 1508, including (1) rigorously exploring and objectively evaluating all reasonable alternatives, and (2) taking a hard look at the effects of the alternatives. The Forest Service must ensure that its analysis of the impacts of actions on the Rio Grande National Forest are scientifically accurate and fully considers all of the adverse impacts of uses along the CDNST corridor.

The proposed plan should be supplemented to provide for the integrated management of congressionally designated areas and to clarify and strengthen the direction presented. National Scenic and Historic Trails must be managed in accordance with the National Trails System Act of 1968, as amended. The CDNST must be protected to provide for the nature and purposes of this National Scenic Trail. Primitive and Semi-Primitive Non-Motorized ROS settings normally provide for the nature and purposes of the CDNST. Semi-Primitive Motorized and Roaded Natural ROS allocations do not protect CDNST values; however, the CDNST Comprehensive Plan recognizes that crossing State Highways and other similar permanent developments is unavoidable. National Scenic Trails may contain campsites, shelters, and related-public-use facilities. Other uses that could conflict with the nature and purposes of the CDNST may be allowed only where there is a determination that the other use would not substantially interfere with the nature and purposes of the CDNST.

The NFMA requires that the Forest Service, “form one integrated plan for each unit of the National Forest System, incorporating in one document or one set of documents...” The DEIS/FEIS and Draft/Proposed Plan fail to meet this requirement, which resulted incomplete draft documents, which has resulted incomplete reviews and the opportunity to comment. The revised Plan needs to incorporate direction from each of the following management plans and directives where the intention is for the plan to adopt the management guidance:

- All amendments to the 1996 Forest Plan
- 2009 CDNST Comprehensive Plan and related directives , and
- Resource management direction that is found in the FSM and FSH Series 2000 National Forest Resource Management directives

The Record of Decision must address providing for the integrated management of congressionally designated areas. Congressionally designated areas must be managed to achieve the purposes for which they were established. The draft ROD decision is not based on a reasonably thorough discussion of...significant aspects of the probable environmental

consequences on the CDNST nature and purposes values. The ROD is not in compliance with the requirement of 40 CFR 1505.2(b), since the draft ROD did not identify and discuss all such factors including the protection of National Scenic and Historic Trail values.

A reasoned decision cannot be made until the identified NEPA deficiencies are corrected. I recognize and respect that the responsible official is charged with making a reasoned decision on the project after an interdisciplinary team takes a hard look at the environmental consequences of reasonable alternatives including disclosing and analyzing the direct, indirect, and cumulative environmental impacts of the proposed action. I also recognize the critical role of a planning team to inform decisions. However, in my professional judgment, I do not believe that the FEIS supports the draft Record of Decision and that a decision based on the presented final FEIS would be arbitrary, capricious, an abuse of discretion and not in accordance with law.

VI. Assessing the Plan and FEIS

My objection and assessment of the proposed plan and FEIS is based in part on recreation research and handbooks including information found in (1) The Recreation Opportunity Spectrum: A Framework for Planning, Management, and Research, General Technical Report PNW-98⁹ by Roger Clark and George Stankey; (2) ROS Users Guide (U.S. Department of Agriculture, Forest Service. ROS Users Guide. Washington, DC: U.S. Department of Agriculture, Forest Service; 1982 (FSM 2311.1); (3) Recreation Opportunity Setting as a Management Tool Technical Guide¹⁰ by Warren Bacon, George Stankey, and Greg Warren; (4) Landscape Aesthetics, A Handbook for Scenery Management, Agricultural Handbook Number 701; and (5) other similar publications and papers.

My assessment is also based on a professional knowledge of the National Trails System Act, NEPA, and related regulations and policies that was acquired, in part, through various U.S. Forest Service work assignments. I was the National Program Administrator for the CDNST where duties included developing and implementing national CDNST policy, which included preparing a Federal Register Notice of final amendments to comprehensive plan and final directives (74 FR 51116). I was acting as the National Recreation Planner during the period that the FSH planning directives were being developed providing directives input to the Ecosystem Management Coordination staff. I was a regional planner for the Northern Region of the Forest Service. Another example of relevant experience includes an assignment as the Southern Rockies Canada Lynx Forest Plan Amendment/EIS Interdisciplinary Team Leader for the Forest

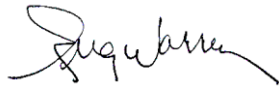
⁹ http://nstrail.org/carrying_capacity/gtr098.pdf

¹⁰ http://nstrail.org/carrying_capacity/ros_tool_1986.pdf

Service (65 FR 40601). I have a B.S. degree in Wildlife Biology and a M.S. degree in Wildland Recreation Management.

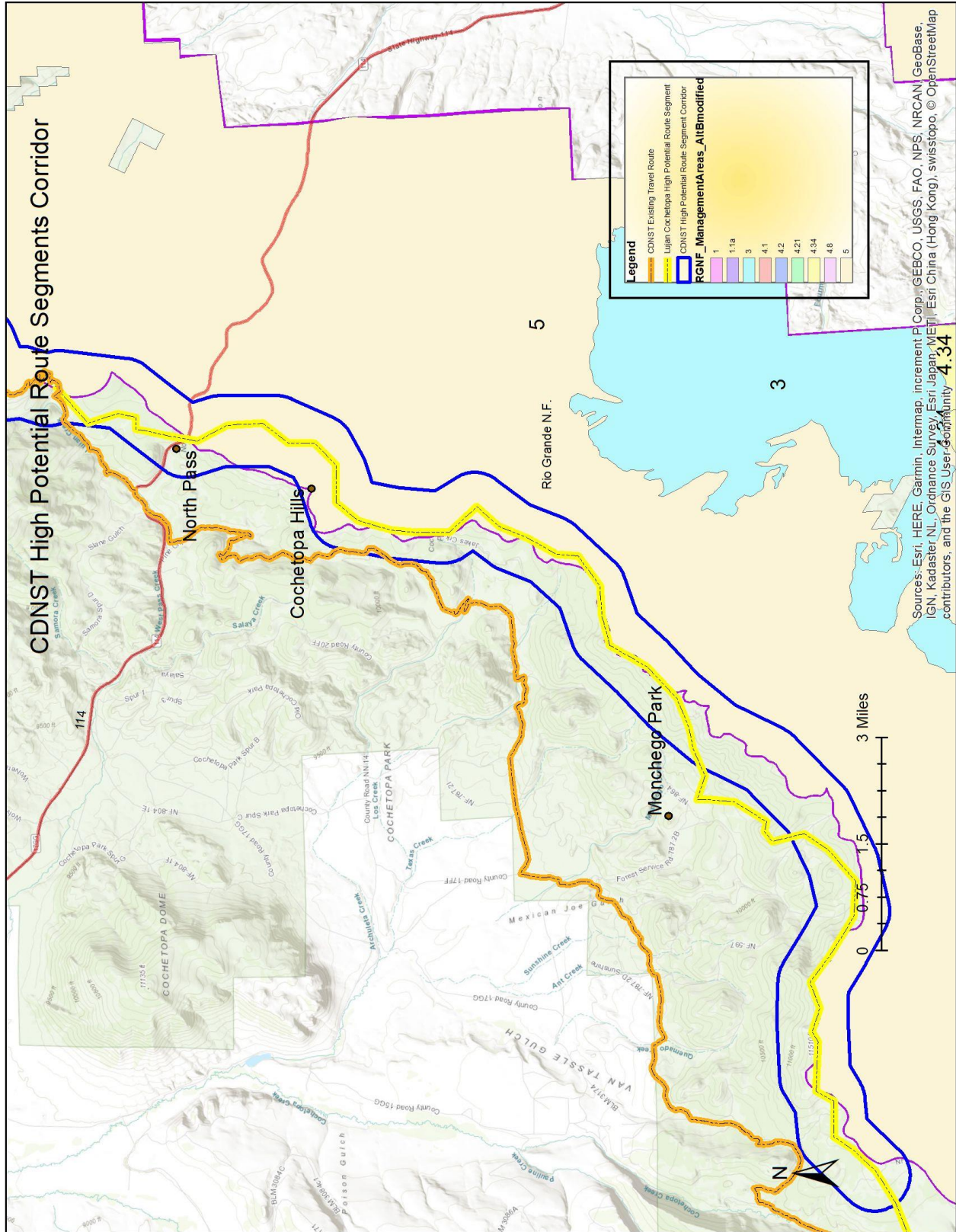
I now contribute to conserving National Scenic Trail recreational, scenic, natural, and historical values through being involved in land and resource management planning and through information on the NSTrail.org website. National Scenic Trail Planning Handbooks posted on this website offer foundational rationale for understanding and providing for the nature and purposes of National Scenic Trails.

Thank you for accepting and considering this objection and proposed resolution.

A handwritten signature in black ink, appearing to read "Greg Warren", with a stylized, cursive script.

Greg Warren

Appendix A – CDNST Saguache Park High Potential Route Segment Corridor



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community - 4, 34