Steve Hattenbach, Forest Supervisor November 4, 2019

Attn: Plan Revision Team

Cibola National Forest

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Submittal: https://cara.ecosystem-management.org/Public/CommentInput?project=46268

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The following comments are regarding the Cibola National Forest Draft Revised Forest Plan and DEIS. These comments address primarily the planning and management of the Continental Divide National Scenic Trail (CDNST) and the Recreation Opportunity Spectrum (ROS) planning framework. In many cases, the following comments echo the concerns and recommendations that were provided in scoping comments on March 25, 2015.

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## Introduction

The following comments largely address the Continental Divide National Scenic Trail (CDNST). An amended CDNST Comprehensive Plan was published in the Federal Register in 2009, which took effect on November 4, 2009 (74 FR 51116).[[1]](#footnote-1) The amended Comprehensive Plan was approved by Chief Thomas Tidwell in September 2009[[2]](#footnote-2) (**Attachment A**). 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.
* 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 describe 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 planning directives state 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 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, but not supersede, the guidance found in the National Trails System Act, Executive Orders, CDNST Comprehensive Plan, regulations, and directives.

## Draft Forest Plan

### Recreation

**Draft Plan:** The Draft Forest Plan discusses recreation on pages 122 describing that, “*Recreation opportunities on the Cibola include nonmotorized, motorized, developed, and dispersed recreation on land, water, and in the air. The social, managerial, and physical attributes of a place, when combined, provide a distinct set of recreation opportunities. Cibola personnel use the recreation opportunity spectrum to define the types of outdoor recreation opportunities, settings, and experiences the public might desire, and identifies that portion of the spectrum the national forest might be able to provide. The opportunities, settings, and activities for obtaining experiences are arranged across a continuum or spectrum of six classes: primitive, semi-primitive nonmotorized, semi-primitive motorized, roaded natural, rural, and urban….*”

**Comment:** The introduction should briefly describe how each ROS setting or class is defined by desired conditions and indicators. Forest Service directives describe, “*Use the Recreation Opportunity Spectrum (ROS) system and the ROS Users Guide (1982) to delineate, define, and integrate outdoor recreation opportunities in land and resource management planning” (FSM 2311.1).*

*“Managing for recreation requires different kinds of data and management concepts than does most other activities. While recreation must have a physical base of land or water, the product—recreation experience--is a personal or social phenomenon. Although the management is resource based, the actual recreational activities are a result of people, their perceptions, wants, and behavior.*

*While the goal of the recreation is to obtain satisfying experiences, the goal of the recreation resource manager becomes one of providing the opportunities for obtaining these experiences. By managing the natural resource settings, and the activities, which occur within it, the manager is providing the opportunities for recreation experiences to take place. Therefore, for both the manager and the recreationist, recreation opportunities can be expressed in terms of three principal components: the activities, the setting, and the experience.*

*For management and conceptual convenience possible mixes or combinations of activities, settings, and probable experience opportunities have been arranged along a spectrum, or continuum. This continuum is called the Recreation Opportunity Spectrum (ROS) and is divided into six classes. The six classes or portions along the continuum, and the accompanying class names have been selected and conventionalized because of their descriptiveness and utility in Land and Resource Management Planning and other management applications. The Recreation Opportunity Spectrum provides a framework for defining the types of outdoor recreation opportunities the public might desire, and identifies that portion of the spectrum a given National Forest might be able to provide.*

*Planning for recreation opportunities using the Recreation Opportunity Spectrum are conducted as part of Land and Resource Management Planning. The recreation input includes factors such as supply and demand, issues and identification of alternative responses to those issues, which the planner must assess in order to develop management area prescriptions designed to assure the appropriate recreation experience through setting and activity management on the Forest…*

*Land and Resource Management Planning assure that National Forest System lands provide a variety of appropriate opportunities for outdoor recreation… Each prescription should contain minimum guidelines and standards to be met as well as directions concerning the type of activities, settings, and experience opportunities to be managed for during the planning time periods… The land and water areas of the Forest are inventoried and mapped by Recreation Opportunity Spectrum class to identify which areas are currently providing what kinds of recreation opportunities. This is done by analyzing the physical, social, and managerial setting components for each area. The characteristics of each of these three components of the setting affect the kind of experience the recreationist most probably realizes from using the area.*

* *PHYSICAL SETTING-The physical setting is defined by the absence or presence of human sights and sounds, size, and the amount of environmental modification caused by human activity.*
* *SIZE OF AREA-Size of area is used as an indicator of the opportunity to experience self-sufficiency as related to the sense of vastness of a relatively undeveloped area. In some settings, application of the remoteness criteria assures the existence of these experience opportunities; in other settings, the remoteness criteria alone do not. Therefore, apply the size criteria to the map or overlay developed using the remoteness criteria to insure that the appropriate experience opportunities are available. (Most useful for ROS setting inventory.)*
* *EVIDENCE OF HUMANS-evidence of Humans is used as an indicator of the opportunity to recreate in environmental settings having varying degrees of human influence or modification.*
* *SOCIAL SET'TNG-The social setting reflects the amount and type of contact between individuals or groups. It indicates opportunities for solitude, for interactions with a few selected individuals, or for large group interactions.*
* *MANAGERIAL SETTING-The managerial setting reflects the amount and kind of restrictions placed on people's actions by the administering agency or private landowner which affect recreation opportunities*.”

The Forest Service Planning Handbook (FSH 1909.12 – Part 23.23a) addresses recreation resources. “*The Forest Plan must include desired conditions for sustainable recreation using mapped desired recreation opportunity spectrum classes. This mapping may be based on management areas, geographic areas, designated areas, independent overlay mapping, or any combination of these approaches. The plan should include specific standards or guidelines where restrictions are needed to ensure the achievement or movement toward the desired recreation opportunity spectrum classes.*” (1982 ROS User Guide, Forest Service)

To meet the Planning Rule analysis requirements of using the *Best Available Scientific Information* and to ensure CEQ requirements for *Methodology and Scientific Accuracy*, ROS plan components with desired conditions, standards, and guidelines must be described in the plan. In addition, Primitive or Semi-Primitive Non-Motorized ROS class “Social Setting” guidance for party size and encounters would meet the NTSA comprehensive planning requirement for addressing carrying capacity in a Forest Plan. The following descriptions present plan components that link specific ROS characteristics to the appropriate ROS class.

**Primitive ROS Setting**

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| **Primitive ROS Class Desired Conditions** |
| Setting: The area is essentially an unmodified natural environment. Interaction between users is very low and evidence of other users is minimal.  |
| Experience: Very high probability of experiencing isolation from the sights and sounds of humans, independence, closeness to nature, tranquility, and self-reliance through the application of woodsman and outdoor skill in an environment that offers a high degree of challenge and risk.  |
| Evidence of Humans: Evidence of humans would be un-noticed by an observer wandering through the area. Natural ecological processes such as fire, insects, and disease exist. The area may provide for wildlife connectivity across landscapes. Primitive ROS settings contain no motorized and mechanized vehicles and there is little probability of seeing other groups. They provide quiet solitude away from roads and people or other parties, are generally free of human development, and facilitate self-reliance and discovery. Signing, and other infrastructure is minimal and constructed of rustic, native materials. |
| **Primitive ROS Class Standards and Guidelines** |
| Standards: (1) Motor vehicle use is not allowed unless necessary to protect public health and safety or the use is mandated by Federal law and regulation; and (2) Management actions must result in Very High Scenic Integrity.  |
| Guidelines: (1) No new permanent structures should be constructed, since structures may degrade the unmodified character of these landscapes; (2) Less than 6 parties per day encountered on trails and less than 3 parties visible at campsite since an increase in the number of groups may lead to a sense of crowding; (3) Party size limits range between 6 and 12; and (4) No roads, timber harvest, or mineral extraction are allowed in order to protect the remoteness and naturalness of the area.  |
| **Primitive ROS Class Suitability of Lands** |
| Suitability: (1) Motorized and mechanized recreation travel are not suitable; and (2) lands are not suitable for timber production. |

**Semi-Primitive Non-Motorized ROS Setting**

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| **Semi-Primitive Non-Motorized ROS Class Desired Conditions** |
| Setting: The area is predominantly a natural-appearing environment where natural ecological processes such as fire, insects, and disease exist. Interaction between users is low, but there is often evidence of other users.  |
| Experience: High probability of experiencing isolation from the sights and sounds of humans, independence, closeness to nature, tranquility, and self-reliance through the application of woodsman and outdoor skill in an environment that offers a high degree of challenge and risk. |
| Evidence of Humans: Natural setting may have subtle modifications that would be noticed but not draw the attention of an observer wandering through the area. The area provides opportunities for exploration, challenge, and self-reliance. The area may contribute to wildlife connectivity corridors. Closed and re-vegetated roads may be present, but are managed to not dominate the landscape or detract from the naturalness of the area. Rustic structures such as signs and footbridges are occasionally present to direct use and/or protect the setting’s natural and cultural resources. |
| **Semi-Primitive Non-Motorized ROS Class Standards and Guidelines** |
| Standards: (1) Motor vehicle use is not allowed unless necessary to protect public health and safety or the use is mandated by Federal law and regulation; and (2) Management actions must result in High or Very High Scenic Integrity level; and (3) No new roads may be built.  |
| Guidelines: (1) The development scale of recreation facilities should be 0-1 to protect the undeveloped character of desired SPNM settings; (2) Less than 15 parties per day encountered on trails and less than 6 parties visible at campsite, since an increased in the number of groups may lead to a sense of crowding; (3) Party size limits range between 12 and 18; and (4) Roads may not be constructed. |
| **Semi-Primitive Non-Motorized ROS Class Suitability of Lands** |
| Suitability: (1) Motorized recreation travel is not suitable; and (2) Lands are not suitable for timber production. |

**Semi-Primitive Motorized ROS Setting**

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| **Semi-Primitive Motorized ROS Class Desired Conditions** |
| Setting: The area is predominantly natural-appearing environment. Concentration of users is low, but there is often evidence of other users. |
| Experience: Moderate probability of experiencing isolation from the sights and sounds of humans, independence, closeness to nature, tranquility, and self-reliance through the application of woodsman and outdoor skill in an environment that offers a high degree of challenge and risk. Opportunity to have a high degree of interaction with the natural environment. Opportunity to use motorized equipment. |
| Evidence of Humans: Natural setting may have moderately alterations, but would not draw the attention of motorized observers on trails and primitive roads within the area. The area provides for motorized recreation opportunities in backcountry settings. Vegetation management does not dominate the landscape or detract from the experience of visitors. Visitors challenge themselves as they explore rugged landscapes.  |
| **Semi-Primitive Motorized ROS Class Standards and Guidelines** |
| Standards: (1) Management actions must result in at least a Moderate Scenic Integrity level, and (2) Roads may not be constructed.  |
| Guidelines: (1) The development scale of recreation facilities should be 0-1 to protect the undeveloped character of desired SPM settings; (2) Low to moderate contact between parties to protect the social setting, and (3) Vegetation management may range from prescribed fire to limited and restricted timber harvest for the purpose of maintaining or restoring natural vegetative conditions.  |
| **Semi-Primitive Motorized ROS Class Suitability of Lands** |
| Suitability: Lands are not suitable for timber production. |

**Roaded Natural ROS Setting**

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| **Roaded Natural ROS Class Desired Conditions** |
| Setting: The area is predominantly natural-appearing environments with moderate evidences of the sights and sounds of human activities. Such evidences usually harmonize with the natural environment Interaction between users may be low to moderate, but with evidence of other users prevalent. Resource modification and utilization practices evident, but harmonize with the natural environment. Conventional motorized use is provided for in construction standards and design of facilities. |
| Experience: About equal probability to experience affiliation with other user groups and for isolation from sights and sound of humans. Opportunity to have a high degree of interaction with the natural environment. Challenge and risk opportunities associated with a more primitive type of recreation are not very important. Practice and testing of outdoor skills might be important. Opportunities for both motorized and non-motorized forms of recreation are possible. |
| Evidence of Humans: Natural settings may have modifications, which range from being easily noticed to strongly dominant to observers within the area. However, from sensitive travel routes and use areas these alternations would remain unnoticed or visually subordinate. The landscape is generally natural with modifications moderately evident. Concentration of users is low to moderate, but facilities for group activities may be present. Challenge and risk opportunities are generally not important in this class. Opportunities for both motorized and non-motorized activities are present. Construction standards and facility design incorporate conventional motorized uses. |
| The **Roaded Modified subclass** includes areas that exhibit evidence of extensive forest management activities that are dominant on the landscape, including having high road densities, heavily logged areas, highly visible mining, oil and gas, wind energy, or other similar uses and activities.  |
| **Roaded Natural ROS Class Standards and Guidelines** |
| Standard: Management actions must result in at least a Low Scenic Integrity level.  |
| **Roaded Natural ROS Class Suitability of Lands** |
| Suitability: Lands may be suitable for timber production. |

**Rural ROS Setting**

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| **Rural ROS Class Desired Conditions** |
| Setting: Area is characterized by substantially modified natural environment. Resource modification and utilization practices are to enhance specific recreation activities and to maintain vegetative cover and soil. Sights and sounds of humans are readily evident, and the interaction between users is often moderate to high. A considerable number of faculties are designed for use by a large number of people. Facilities are often provided for special activities. Moderate densities are provided far away from developed sites. Facilities for intensified motorized use and parking are available. |
| Experience: Probability for experiencing affiliation with individuals and groups is prevalent as is the convenience of sites and opportunities. These factors are generally more important than the setting of the physical environment. Opportunities for wildland challenges, risk-taking, and testing of outdoor skills are generally unimportant except for specific activities like downhill skiing, for which challenge and risk-taking are important elements.  |
| Evidence of Humans: Natural setting is culturally modified to the point that it is dominant to the sensitive travel route observer. May include intensively managed wildland resource landscapes. Pedestrian or other slow moving observers are constantly within view of the culturally changed landscape. |
| **Rural ROS Class Suitability of Lands** |
| Suitability: Lands may be suitable for timber production. |

**Draft Plan:** The Draft Forest Plan recreation standards on page 127 describes that, “*FW-STD-DISP.*

1. *No new motorized routes (roads and trails) or areas shall be constructed or designated in desired primitive recreation opportunity spectrum settings.*
2. *No new motorized routes (roads and trails) or areas shall be constructed or designated in desired semi-primitive nonmotorized recreation opportunity spectrum settings, except for necessary administrative activities, permitted activities, and emergency access.*”
3. *Any temporary project-level motorized routes or road construction in semi-primitive nonmotorized settings must be rehabilitated within two years of project completion*.

**Comments**: There should an explanation of how Primitive and Semi-Primitive Non-Motorized ROS inconsistencies will be managed. For Primitive and SPNM ROS allocations, any existing designated motorized roads, trails, and areas must be managed to minimize their effects on the Primitive and SPNM settings. This should be reflected in the description of the standards. Standard #2 should also describe that a temporary road may only be constructed for resource actions that benefit the SPNM setting. Standard #3 should describe that any routes or roads will be decommissioned as opposed to rehabilitated.

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 settings for the CDNST corridor. Primitive and SPNM settings are not suitable for timber production. In areas of timber production, continuous harvesting, stand tending, road construction and reconstruction, and other activities are incompatible with the desired conditions and indicators. In addition, I recommend that the planning team reevaluate allocating Roaded Natural and Semi-Primitive Motorized settings for areas planned for timber production believing that a Roaded-Modified ROS setting would be more appropriate where extensive timber production activities are expected.

Timber production within the CDNST corridor would be inconsistent with providing for the nature and purposes of this National Scenic Trail. 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. 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 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.

### Scenery Resources

**Draft Plan and Comment:** The Draft Forest Plan on page 125 uses the terminology “landscape character." The planning directives indicate that for forest planning the term “scenic character” might be more appropriate.

**A general comment**: Guidelines must describe the specific purpose of the guidance. These are mandatory constraints on project and activity decision-making that provide flexibility for different situations so long as the purpose of the guideline is met. Guidelines should be written so that their intent is clear. If there is evidence that a different approach would be more or equally effective in meeting the intent, divergence can be justified.

**Draft Plan:** The Draft Plan Guideline FW-SCEN-G #4 on page 130 describes that, “*Management activities that result in short-term impacts inconsistent with the scenic integrity objectives should achieve the scenic integrity objectives over the long term. Short- and long-term timeframes should be defined during site-specific project planning. Projects should include mitigation measures to address impacts to scenic resources.*”

**Comment:** This guideline does not protect scenic character in areas that may be suitable for timber production. The revised forest plan cannot delay acting on the scenery management requirements established in FSH 1909.12 22.2 and 23.23f. If the “short-term” guidance is retained, it should be limited to Roaded Natural/Roaded Modified settings. Another approach would be to establish a Roaded Modified setting and a LOW SIO for the areas planned for extensive vegetation management activities and road construction/reconstruction.

**Draft Plan**: The Draft Forest Plan describes broad scenery exceptions on page 131 stating for guideline #12 that, “*For vegetation management, ecosystem restoration, and forest health improvement projects:*

* *Scenic integrity objectives may be temporarily lowered in the short term if necessary to meet project objectives, but should meet scenic integrity objectives over the long term.*
* *Vegetation management projects should avoid even spacing of retained trees, leave a diversity of tree species and sizes, avoid damage to remaining vegetation, and naturalize disturbed areas. Edges of treatment units should be natural-appearing, feathered, and blend with general surroundings.*
* *Prescribed slash treatment in the immediate foreground (up to 300 feet) of concern level 1 and 2 travelways (area with the most public concern for scenery as found in the Scenery Management System) should be completed as soon as conditions permit.*
* *Healthy, large trees should comprise the majority of the immediate foreground along concern level 1 and 2 travelways as defined in the Scenery Management System, unless doing so would not achieve project goals; some younger and mid-aged trees are retained to serve as replacement trees and as additional screening.*
* *In the immediate foreground along concern level 1 and 2 travelways as defined in the Scenery Management System, stumps should be treated to reduce their visibility by methods such as cutting as low as possible (no more than 6 inches above ground on uphill side) and angling large stump faces away from viewing locations unless doing so would pose a safety hazard*. ”

**Comment:** I appreciate the detail list of mitigation measures to address limiting the effects of vegetation management, ecosystem restoration, and forest health improvement projects. Is short-term the entire planning period or longer? The Plan must provide additional guidance to protect scenic integrity by controlling the amount and distribution of human caused deviations. After 100 years of fire suppression, I would recommend that the forest establish seral stage goals by habitat type to be implemented over decades limiting the rate of human caused change during this planning period. Repeating, I recommend that the plan establish a Roaded Modified setting and a LOW SIO for the areas planned for extensive vegetation management activities and road construction/reconstruction.

**Draft Plan:** The Draft Plan addresses Management Areas and Designated Areas in Chapter 3. The Draft Plan on page 137 states that, “*Management areas that occur on more than one ranger district are: recommended wilderness areas; eligible wild and scenic rivers; conservation management area; and • restoration management area. Some management areas overlap with designated areas, such as inventoried roadless areas and the Continental Divide National Scenic Trail. Refer to the “Designated Areas” section of this chapter for a complete understanding of all related management direction for an area.”*

**Comment**: The congressional designated CDNST is to be described as a Management Area, in part, to protect the National Trails System Act rights-of-way. FSH 1909.12 24.43(2) describe 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*.” This direction is ambiguous. Fortunately, for the CDNST the planning directives describe 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.

Specific to the CDNST, Forest Plan CDNST Management Area (MA) direction must describe desired conditions, standards, guidelines, and suitability that provide for the nature and purposes of the CDNST.  The nature and purposes of the CDNST should recognize hiker and equestrian activities as the primary recreational use as intended by the National Trails System Act (NTSA). The extent of the Management Area may reflect the unique qualities of the linear landscape of the area along the National Trail travel route. National Scenic Trails are 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 (NTSA Section 3(a)(2)) and significant natural, historical, and cultural resources are to be preserved and existing and high potential route segments are to be protected (NTSA Section 5(f)). Protection of scenic landscapes and unique wildlife habitat may warrant establishing a corridor of a greater breadth than that normally provided by a Semi-Primitive Non-Motorized ROS setting.

### Continental Divide National Scenic Trail

**Draft Plan:** The Draft Plan beginning on page 153 describes that, “*The National Trails System Act of 1968, as amended, established a system of congressionally designated, long-distance trails located to provide maximum outdoor recreation potential and promote the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the lands through which such trails may pass. The Continental Divide National Scenic Trail was designated by Congress in 1978… The nature and purposes of the Continental Divide National Scenic Trail are to provide high-quality scenic and primitive hiking and horseback riding opportunities and to conserve the natural, historic, and cultural resources along the trail corridor*….”

**Comments:** Management activities and uses within the CDNST MA need to be compatible with the nature and purposes as described in the CDNST Comprehensive Plan and policy (FSM 2353.11, FSM 2353.42, FSM 2353.44, and FSH 1909.12 part 24.4).  The National Trails System Act, Congressional Record, E.O. 13195, and 74 FR 51116 supports the nature and purposes of the CDNST as described in this background and description statement.

Providing for the protection of the nature and purposes of this National Scenic Trail requires that a CDNST MA be established along existing and high-potential route segments with a corridor extent of at least one mile. Scoping comments that were submitted on March 25, 2015, identified recommended management areas for existing and high potential route segments that are still applicable and are included in this submittal as **Appendix A and Attachment B**.

The CDNST MA must have supporting plan components and I recommend the forest adopt the ones that are described the attached CDNST Planning Handbook in Chapter III (**Attachment C**) and repeated below. The Forest Plan must describe where the plan components apply. For the CDNST, the extent of the national trail management corridor should be identified as a Management Area (FSM 2353.44b). For the purpose of providing for the nature and purposes of the CDNST and addressing key proposed Forest Plan deficiencies, the Forest Supervisor should 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 segments.[[3]](#footnote-3)

I believe that the CDNST direction could be simplified and modified to be consistent with the National Trails System Act. Recommendations for CDNST plan components, as applied to a Management Area that is associated with existing and high potential CDNST route segments, are described in the following table.

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| Descriptions |
| **CDNST Management Area Desired Conditions** |
| The CDNST corridor provides for high-quality scenic, primitive hiking and horseback riding opportunities and conserves natural, historic, and cultural resources along the corridor (CDNST nature and purposes). |
| The area is predominantly a natural-appearing or naturally evolving landscape. Scenic integrity objectives are High and Very High.  |
| Interaction between users is very low and evidence of other users is minimal. Semi-Primitive Non-Motorized or Primitive ROS class settings are protected or restored.  |
| The management area provides for natural ecological processes where the composition, structure, functions, and connectivity operates normally. |
| The CDNST linear landscape provides connectivity for people and wildlife. |
| **CDNST LMP MA Objectives** |
| For the purpose of addressing the National Trail System Act comprehensive planning site-specific planning requirements, a CDNST unit plan should be completed within five years.[[4]](#footnote-4) |
| **CDNST Management Area Standards and Guidelines** |
| **Scenery Management** |
| Standard: Manage the CDNST travel route as a concern level 1 travel route. 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. |
| **Recreation Setting Management** |
| Standard: Resource management actions and allowed uses must be compatible with maintaining or restoring Primitive or Semi-Primitive Non-Motorized ROS class settings. Accepted Semi-Primitive Non-Motorized ROS class inconsistencies include existing: (1) NFS roads, (2) state and county road right-of-ways, and (3) utility right-of-ways. Manage ROS class inconsistencies with the objective of minimizing effects on the CDNST nature and purposes. |
| Standard: The CDNST must be managed 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. Forms of hiking include cross-country skiing, snowshoeing and other similar walking activities. |
| **Motor Vehicle Use by the General Public** |
| Standard: Motor vehicle use by the general public is prohibited on the CDNST travel route unless that use:* + - Is necessary to meet emergencies;
		- 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 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 and the use will not substantially interfere with the nature and purposes of the CDNST.
 |
| **Special Uses Management** |
| Standard: Activities, uses, and events that would require a permit must not be authorized unless the activity, use, or event is compatible with the nature and purposes of the CDNST. |
| **Minerals Management** |
| Standard: Mineral leases are to include stipulations for no surface occupancy. |
| Standard: Permits for the removal of mineral materials are not to be issued. |
| **Vegetation Management** |
| Standard: Rangelands where affected by livestock use must be maintained in a Proper Functioning Condition. |
| Standard: Timber harvests may only be used for maintaining or making progress toward the Management Area desired conditions. |
| Guideline: Vegetation may be managed to enhance CDNST nature and purposes values, such as to provide vistas to view surrounding landscapes and to conserve natural resources. The purpose of this guidance is to allow for limited vegetation management for CDNST purposes. |
| Guideline: Vegetation may be managed to maintain or improve threatened and endangered species, proposed and candidate species, and species of conservation concern habitat. The purpose of this guidance is to recognize the conservation purposes of the CDNST. |
| **Lands Acquisition** |
| Standard: Provide for land acquisitions to protect the nature and purposes of the National Trail. Prohibit land disposals. |
| **Travel Routes** |
| Standard: The CDNST travel route may not be used for a livestock driveway. |
| **Fire Suppression** |
| Guideline: Fire suppression activities should apply the Minimum Impact Suppression Tactics Implementation Guidelines. The purpose of this guidance is to protect the CDNST nature and purposes from suppression activities. |
| **Other Uses Considerations** |
| Standard: 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. |
| Guideline: Where congressionally designated areas overlap, apply the management direction that best protects the values for which each designated area was established–the most restrictive measures control. The purpose of this guidance is to protect the values for which all congressionally designated areas are established. |
| **Suitability of Lands** |
| Lands are not suitable for timber production.[[5]](#footnote-5) |

**Draft Plan**: The Draft Plan presents CDNST plan components beginning on page 154.

**Comments:** The Draft Plan presents CDNST plan components that do not reflect nature and purposes of the CDNST. The reference on page 240 must be corrected as indicated: ~~1985~~ **2009** CDNST Comprehensive Plan. The following are brief discussions that display and describe some of the issues with the Draft Forest Plan CDNST plan components.

* ~~The Continental Divide National Scenic Trail provides high-quality scenic, primitive hiking, and pack and saddle stock opportunities. The natural, historic, and cultural resources along the trail corridor are conserved. Other activities and opportunities are allowed when compatible with the nature and purposes of the trail.~~ {There are elements of this descriptions that do not align with the Comprehensive Plan. I recommend retaining the nature and purposes language that is found in the Comprehensive Plan.}
* ~~Viewsheds from the Continental Divide National Scenic Trail are consistent with desired conditions for scenery, and have high 1982 ROS1982 ROS. The foreground of the trail (up to 0.5 miles on either side) is natural appearing~~. {Desired conditions need to state the SIO.}

CDNST standards components include:

* ~~Management of the Continental Divide National Scenic Trail shall comply with the most recent version of the Continental Divide National Scenic Trail Comprehensive Plan. Best available science can be used in lieu of the comprehensive plan if plan is more than 15 years old~~. {This is inconsistent NFMA and NEPA planning requirements and must be deleted.}
* ~~New motorized uses shall not be authorized on the Continental Divide National Scenic Trail, except where the trail is located on a designated road or trail or for administrative or permitted use~~. {This direction is inconsistent with the NTSA as implemented through the Comprehensive Plan and policy. The TMR doesn’t control the decision for motor vehicle use on the CDNST travel route and area.}

CDNST guidelines components include:

* ~~To be consistent with the most current comprehensive management plan, the Continental Divide National Scenic Trail route should be relocated to occur off roads in the life of the plan. The trail will be located as close to the geographic Continental Divide as possible~~. {Locating the CDNST travel route within the established CDNST MA should be identified as an objective. The plan should address any location criteria for the rights-of-way.}
* To protect or enhance scenic qualities of the Continental Divide National Scenic Trail, management activities should be consistent with the scenic integrity ~~objective~~ {level} of high within the foreground of the trail (up to 0.5 miles on either side).
* ~~Management projects and activities within the Continental Divide National Scenic Trail corridor (up to 0.5 miles on either side) should be compatible with the original intent for the trail’s national designation as well as current management direction~~. {This is ambiguous and should be deleted.}
* ~~If~~ {Management activities may not substantial interfere with the nature and purposes of the CDNST, but if there are} ~~result in~~ short-term impacts to the scenic integrity of the Continental Divide National Scenic Trail, mitigation measures should be included to meet the scenic integrity objectives within and adjacent to the trail corridor (within visible foreground of the trail at a minimum, up to 0.5 mile on either side of the trail). Examples of mitigation measure are screening, feathering, and other scenery management techniques for forest health projects.
* To retain the character for which the trail was designated, management actions, including special use authorizations, should be consistent with ~~the~~ {Primitive and Semi-Primitive Non-Motorized} recreation opportunity spectrum classes ~~of the Continental Divide National Scenic Trail~~.
* Uses that could conflict with the nature and purpose of the Continental Divide National Scenic Trail ~~should~~ {is} ~~be~~ prohibited when it is determined that the use would interfere with the nature and purpose of the trail. {This needs to be standard.}
* ~~New road or motorized trail construction across or adjacent to the Continental Divide National Scenic Trail should be avoided unless needed for resource protection, provide access to public lands, or protect public health and safety.~~ {This direction would be better addressed through establishing ROS settings and by guidance that recognizes any public motorized use that is allowed by the NTSA.}
* ~~Using the Continental Divide National Scenic Trail for landings or as a temporary road should not be allowed. Hauling or skidding along the Continental Divide National Scenic Trail itself should be allowed only when design criteria are used to minimize impacts to the trail infrastructure and where the Continental Divide National Scenic Trail is currently located on an open road and no other haul route or skid trail options are available~~. {This direction is addressed through establishing appropriate ROS settings and establishing that the CDNST is not suitable for timber production.}

### Timber Production Suitability Analysis

**Draft Plan:** The Draft Plan reviews timber production suitability beginning page 166.

**Comment**: The National Trails System Act describes promoting the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation. National Recreation Trails provide a variety of outdoor recreation uses in or reasonably accessible to urban areas. National Scenic Trails are 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 Historic Trails shall have as their purpose the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment. The purpose of timber production is the purposeful growing, tending, harvesting, and regeneration of regulated crops of trees to be cut into logs, bolts, or other round sections for industrial or consumer use, which is in stark contrast and clearly incompatible with protecting the purposes for which National Trails are established.

Timber production is not compatible with achieving the CDNST nature and purposes desired conditions established by the Comprehensive Plan. The NTSA, Section 7(c), restricts the removal of vegetation to only those actions that would not substantially interfere with the nature and purposes of a National Scenic or Historic Trail. The Plan should recognize that timber production and associated activities are inconsistent with Primitive and Semi-Primitive ROS classes, where Primitive and SPNM settings are the appropriate ROS allocations for a CDNST management corridor/rights-of-way.

Managing the CDNST corridor for Roaded Natural/Modified 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. In areas of timber production, reoccurring harvesting, stand tending, road construction and reconstruction, CDNST travel route closures, and other activities are incompatible with desired ROS settings and Scenic Integrity Objectives. The lasting effects of an activity (roads, timber harvest) as well as short-term effects (logging trucks, noise) degrade CDNST values. The CDNST rights-of-way is not suitable for timber production as described in 36 CFR 219.11(a)(i) and (iii).

### Monitoring and Evaluation

Forest Plans and Resource Management Plans must monitor progress toward meeting desired conditions and objectives for National Scenic Trails. Specific to the Forest Service – Has plan components provided for desired natural-appearing or naturally evolving landscapes? Indicator: Acres meeting the high or very high scenic integrity levels. Are the current recreation settings providing for or moving toward desired ROS classes? Indicator: ROS indicators consistency with desired ROS class. Have natural ecological processes persisted or been restored? Indicator: Acres of fires managed for resource objectives within the CDNST corridor. Is the CDNST travel route maintained to standard? Indicator: Miles of trails maintained annually. Has a CDNST unit plan been prepared and approved? Indicator: CDNST unit plan scoping, draft, and final. Has the effects from any uses or activities been as predicted that were allowed due to a not likely to substantially interfere with the nature and purposes determination (NTSA, Section 7(c))? Indicator: Monitoring plan as described in the other uses or activities approving decision document.

## Draft Environmental Impact Statement

### Alternatives Considered in Detail

**DEIS:** The DEIS describes beginning on page 14 that, “*All four alternatives share a number of features. In particular, they all: … provide direction for existing designated areas including designated wilderness areas, inventoried roadless areas, scenic byways, the Continental Divide National Scenic Trail*….”

**Comment**: As described in this submittal, the alternatives do not provide for protecting the CDNST along existing and high potential route segments.

### Alternative Comparison Tables

**DEIS**: The DEIS states on page 31 that, “*This section provides a summary comparison of the alternatives. Table 1 summarizes the differences in management direction for resource areas and anticipated outputs that can be compared quantitatively or qualitatively by alternative. Table 2 compares proposed management areas by alternative for the mountain districts. Table 3 is a summary of existing designated areas by mountain district. Table 4 compares the recommended wilderness areas by district and alternative, table 5 provides a total acreage of recommended wilderness by alternative, and table 6 compares socioeconomic characteristics.*”

**Comment**: Table 3 should have described not only the CDNST travel route miles, but also the CDNST management corridor acres.

### Affected Environment – Locatable Minerals

**DEIS:** The DEIS on page 177 describes that, “*Under alternative C, there would be a reduction of 24,265 acres potentially available to be nominated for leasing of mineral resources, based on acres of recommended wilderness. Additionally, a corridor of ¼ mile on either side of the Continental Divide National Scenic Trail would be specified as removed from leasing under this alternative. The plan area has no known areas that are geologically suited for conventional leasable minerals*.”

**Comment**: I appreciate that an alternative recognized a level of need to protect the nature and purposes of the CDNST. However, how was it decided that a ¼ was needed for removal from leasing. A better approach for all action alternatives is to require that any lease within the CDNST Management Area include a non-surface occupancy stipulation.

### Affected Environment – Recreation Setting and Opportunities

**DEIS:** The Description of Affected Environment, on page 183 describes that, “*Recreation opportunities include nonmotorized, motorized, developed, and dispersed recreation on land, water, and in the air. The social, managerial, and physical attributes of a place, when combined, provide a distinct set of recreation opportunities. Opportunities are provided along the spectrum from a very high probability of solitude, self-reliance, challenge, and risk (primitive) to very social opportunities where self-reliance, challenge, and risk are relatively unimportant (rural or urban). The physical setting is defined by the absence or presence of human sights and sounds, size, and the amount of environmental modification caused by human activity. The social setting reflects the amount and type of contact between individuals or groups. The recreation opportunity spectrum class characterizations are shown in table 35 below.*”

**Comment:** The description appropriately describes that the ROS framework is divided into six major classes (Urban, Rural, Roaded Modified/Roaded Natural, Semi-Primitive Non-Motorized, Semi-primitive Motorized, and Primitive).

I believe that Table 35 must be consistent with the ROS class characterizations and evident of humans descriptions that are found in withe 1982 ROS User Guide.

The glossary should further describe each class by discussing the seven setting indicators (access, remoteness, naturalness, facilities, social encounters, visitor impacts, and visitor management). The more complete descriptions of each ROS class should be added to the Forest Plan and EIS glossaries.

**DEIS**: Recreation Issues and Trends, on page 185, describes that, “*Catastrophic wildfire and insects and disease outbreaks have negatively impacted recreational settings and scenic character in recent years. Events such as these are becoming the norm in the Southwest and result in a marked contrast to the naturally appearing landscape.*”

**Comments**: The issue is more complex then what can be captured in a bullet statement and should be addressed in a much broader context.

### Environmental Consequences for Recreation

**DEIS:** The DEIS on page 186 describes that, “*Recreation opportunity spectrum: All alternatives will continue to manage the forest using the recreation opportunity spectrum system. This has a potential positive effect on recreation by allowing for a variety of uses across the forest. A potential effect to recreation from the recreation opportunity spectrum system is that within each classification, use types are specific, limited, or both therefore causing possible impacts to those users who may want to do a certain activity in an area that does not allow it based on the recreation opportunity spectrum classification. For example, semi-primitive nonmotorized does not allow for motorized access. An overlay of the desired recreation opportunity spectrum classes is in appendix D*….”

**Comment**: None of the alternatives established desired Primitive and Semi-Primitive Non-Motorized settings for all the established and high potential route segments. This not in compliance with the comprehensive planning requirement to the protection of the CDNST travel route and rights-of-way. This lack of action will lead to uses and activities that will substantially interfere with nature and purposes of the CDNST.

More detailed maps and geospatial data must be available to the public to allow for informed commenting on the proposed action and alternatives. However, in a review of gross maps, it appears that the establishment of the Semi-Primitive Motorized ROS setting overlaps with areas identified for timber production, which is not consistent with the intent of this ROS class. Instead, the forest should assign areas of timber production to either Rural or Road Modified ROS class categories.

### Environmental Consequences for Recreation Common to Alternatives B, C, and D

**DEIS**: The DEIS describes on page 189 that, “*Alternatives B, C, and D would include and potentially adopt desired recreation opportunity spectrum classes for the Cibola National Forest and the guidance for project-specific analysis and implementation would be referenced by the recreation opportunity spectrum guidebook and in plan components. Decisions related to recreation settings and related physical and social components would be consistent with the adopted desired recreation opportunity spectrum classes… Under alternatives B, C, and D, the revised plan would contain components in the form of desired conditions, objectives, standards, and guidelines to better address or align with the framework for sustainable recreation. These components would also help Cibola personnel in moving toward the management of a sustainable recreation program and allow a better response to current recreation activities and adapt to current and future demands for recreation*.”

**Comment**: The decision must adopt and map desired ROS class allocations for the forest.

### Environmental Consequences for Scenic Resources

**General Comment:** The introductive comments should include a summary of the assumptions found in the Landscape Aesthetics Handbook. “*Scenic Integrity indicates the degree of intactness and wholeness of the Landscape Character; conversely, Scenic Integrity is a measure of the degree of visible disruption of the Landscape Character. A landscape with very minimal visual disruption is considered to have very high Scenic Integrity. Those landscapes having increasingly discordant relationships among scenic attributes are viewed as having diminished Scenic Integrity. Scenic Integrity is expressed and mapped in terms of Scenic Integrity levels: Very High, High, Moderate, Low, Very Low, and Unacceptably Low. Scenic Integrity is used to describe an existing landscape condition, a standard for management, or a desired future condition… 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… Integrity could also be used to define the wholeness or condition of the ecosystem but it is assumed that will take place as part of the overall integrated ecosystem management process. However, a landscape character goal of high scenic integrity should also be one of high ecosystem integrity. One does not necessarily ensure the other… HIGH scenic integrity refers to landscapes where the valued landscape character "appears" intact. Deviations may be present but must repeat the form, line, color, texture, and pattern common to the landscape character so completely and at such scale that they are not evident*.”

**DEIS**: The DEIS discusses scenery assumptions on page 199 stating that, “*Scenery is a key component of the designated areas of the Cibola National Forest. Designated wilderness areas provide distinctive scenic features and unaltered, naturally evolving scenic character. Inventoried roadless areas have a naturally appearing scenic character. Scenic byways and the Continental Divide National Scenic Trail provide sought-after scenic viewing experiences for northern New Mexico*.”

**Comment**: I recommend modifying the CDNST saying that, “*The Continental Divide National Scenic Trail desired condition is to provide much sought-after natural-appearing or naturally evolving landscapes.*”

### General Consequences of Management Activities on Scenic Resources

**DEIS:** The DEIS on page 204 describes that, “*There is potential for management activities to impact the existing landscape and scenic integrity under all alternatives. Management activities affect scenic resources by altering the appearance of the landscape and include both short-term and long-term effects. Short term and long term would be defined in the project-level analysis based on the potential effects of the activities proposed. Short-term effects for scenery are usually noticeable after project completion and are seen as contrasts to the surrounding natural landscape. Management activities, although they may have some short-term impacts on scenery, also may begin to move the landscape toward the desired scenic character. Effects that move the landscape toward the desired scenic character are often realized over a long period or cumulatively and lead to the lasting sustainability of valued scenery attributes. Project mitigation or design would consider scenic resources under any alternative to meet the visual quality objectives or proposed scenic integrity objectives. It is assumed that, through site specific project design or mitigation, the landscape would move toward scenery desired conditions under all alternatives.*”

**Comment**: Defining a desired scenic character (landscape character) conditions must be consistent with the processes and assumptions describe in the Landscape Aesthetic Handbook. I mostly expect that the plan direction will provide for high and very high scenic integrity along the CDNST. However, the following are some thoughts for your consideration on scenic character and recreation settings of the planning area must be addressed in the context of ecosystem integrity and diversity. It is important to understand the spatial extent and distribution of ecosystems and habitat types and spatial relationships to the natural range of variation. Understanding these relationships is critical to addressing scenic character and recreation setting stability along the CDNST corridor and throughout the forest.

Scenic stability and sustainable recreation in an ecological context is the degree to which the scenic character and recreation settings can be sustained through time with ecological progression. Scenic and setting stability may be at risk if the landscape vegetation is outside the natural range of variation. Older forested areas may be at risk from large intense wildfires and be subject to land clearing from timber harvest, road construction, and other developments in Roaded Natural/Roaded Modified ROS settings.

The natural range of variation analyses can be used to assess the scenic and setting stability of forest landscapes. This can be measured in terms of the landscape’s departure from the natural range of variation and rate of seral-stage change. Seral-stage communities consist of vegetation types that are adapted to the site’s particular set of physical and biotic conditions. In the unmanaged forested landscape, various natural disturbance agents (such as fire, wind-throw, landslides, and insects) are responsible for creating forests containing a full range of stand ages. Insufficient fire or too much timber harvest on the landscape can determine the level of departure from the natural range of variation or rate of progression between seral-stages. Departures in fire regime, extensive insect outbreaks, excessive timber production, and other disturbances from the natural range of variation and rate of seral- stage change help assess scenic stability and sustainable recreation.

Scenic integrity is defined as the degree of direct human-caused deviation in the landscape, such as road construction, timber harvesting, or activity debris. Sustainable recreation is the set of recreation settings and opportunities on the National Forest System that is ecologically, economically, and socially sustainable for present and future generations. Indirect deviations, such as a landscape created by human suppression of the natural role of fire and insect and disease infestations, are not included. In congressionally designated areas such as the CDNST rights-of-way corridor, limited prescribed fire or non-intervention policies are often the desired approach in order to promote natural processes and natural rejuvenation. Outside of protected areas and in Roaded Natural and Roaded Modified settings, interventions may include removal of infected and dead trees or clear cuts, associated road construction, and then followed by artificial reforestation. However, clear cuts are typically disliked by forest visitors.

A number of studies have addressed public perceptions toward the ecological and economic consequences of forest insect outbreaks. Yet, little is known about the influence of naturally altered conifer forest landscapes and forest management interventions and the location of the impacted forest stands (near-view to far-view) in relation to each other on forest visitors’ visual preferences. Expanded ‘salvage’ logging to prevent wildfire rarely contributes to ecological recovery in the disturbed area. Logging of dead or dying trees may be appropriate near roads where standing dead trees pose a safety hazard but should generally be avoided in areas where maintaining natural ecosystem processes is a priority. Controversial projects must have meaningful evaluation and public engagement to ensure achieving the basic principles of science-based forest management, including the use of best available science and the application of robust decision-making processes to provide for effective and beneficial management actions to address the vital need to improve the climate and fire resiliency of our national forests and the safety of our communities.

To provide for the nature and purposes of the CDNST over time, scenic and recreation setting stability must be considered when addressing fire, insect, and disease concerns. Managing for CDNST desired Scenic Integrity Levels of Very High and High and Primitive and Semi-Primitive Non-Motorized settings will accommodate management practices, such as prescribed fire, to sustain ecosystem integrity and diversity.

### Affected Environment – Designated Areas

**DEIS:** The description of Affected Environment, on page 23 describes that, “*The Continental Divide National Scenic Trail is a designated hiking trail running 3,100 miles between Mexico and Canada. An approximately 45-mile segment was constructed on the Mt. Taylor Ranger District between 2007 and 2010. It runs from the Continental Divide Trailhead near Grants in an irregular, but generally northeasterly direction from the trailhead onto Bureau of Land Management land north of El Dado Mesa. It provides high-quality, scenic, primitive hiking, and horseback riding recreational experiences, while conserving natural, historic, and cultural resources along the Continental Divide. Trail users are responsible to bring their own water as there is no potable water along the trail. Camping on state land is allowed only with a permit and is prohibited on private lands (USDI Bureau of Land Management 2019). Mountain biking also occurs on sections of the trail… As defined in its comprehensive plan, 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 to conserve natural, historic, and cultural resources along the trail corridor. The trail is temporarily located along state and county highways over an approximately 52-mile section of trail in the Mt. Taylor and Magdalena Ranger Districts. This alignment is not consistent with a primitive hiking and horseback riding experience and presents a safety issue for those hiking on the road.*”

**Comment:** The affected environment must describe the environment of the CDNST rights-of-way/corridor, including the high potential route segments, to be affected or created by the alternatives under consideration. What is 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. Further affected environment guidance is found in the attached CDNST Planning Handbook. Existing and high potential route segment corridors are depicted on the maps in **Appendix A**.

### Environmental Consequences – Designated Areas

**DEIS**: The DEIS on page 237 describes Environmental Consequences Common to Action Alternatives, B, C, and D for the Continental Divide National Scenic Trail: “*The three action alternatives define a 0.5 mile corridor on either side of the Continental Divide National Scenic Trail and defines management direction to better protect and preserve hikers experience as well as the natural resources affected by the use of this special area. The established corridor under the action alternatives is wider than the current route. The effects from the purpose of this designated trail and buffer to conserve the natural, historic, and cultural resources along the trail corridor are benefits to water resources located adjacent to the corridor (such as increased infiltration, water retention, improved water quality) and benefits to historic and cultural resources (such as site protection, avoidance or mitigation). Updated plan direction for the Continental Divide National Scenic Trail under the action alternatives also guides the Cibola in relocation off roads within the life of the plan as close to the geographic Continental Divide as possible. This would potentially result in effects of less user conflicts and would bring the trail closer to guidance for national policy and management of the Continental Divide National Scenic Trail. Updated plan direction under action alternatives also provides alignment with best available science for scenery management using the Scenery Management System. This would result in direct scenery guidance for the Continental Divide National Scenic Trail which meets the intent of the designation of the trail as a national scenic trail… While this trail must comply with its comprehensive plan, allowable activities must align with the original intent for the trail’s national designation and current management direction possibly limiting recreation, administrative and natural resources management activities that could occur under the no-action alternative*.”

**Comment:** In general, the Forest Service has failed to establish ROS desired conditions, standards, and guidelines to protect the nature and purposes of the CDNST. Comprehensive planning for the CDNST, as implemented through Cibola National Forest staged decision making processes, is inconsistent with the NTSA, Section 5(f) and 7(c) direction as implemented through the CDNST Comprehensive Plan, E.O. 13195, and directives. The Forest Service has failed to protect the purposes for which the CDNST was established by Congress.

Providing for the protection of the nature and purposes of this National Scenic Trail requires that a CDNST MA be established along existing and high-potential route segments with a corridor extent of one mile. The purpose of the CDNST rights-of-way is many faceted and not just a “buffer.” In fact, there is no CDNST travel route constructed within the described high potential route segment corridors.

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 to provide for the nature and purposes of this National Scenic Trail.

The DEIS does not address the expected effects of each alternative on CDNST nature and purposes values as measured through Recreation Opportunity Spectrum and Scenery Management System planning frameworks, 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.

The EIS must disclose effects of the proposed action and alternatives on scenic integrity and ROS class conditions. 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.

### Environmental Consequences – Alternative A

**DEIS:** The DEIS describes on page 241 that, “*The Continental Divide National Scenic Trail under alternative A would not include the proposed 0.5 mile buffer on either side of the trail; the effects of not having this corridor would result in less of the scenery being considered since the immediate foreground is only accounted for and would result in best available science not be considered in management since it would be managed under the visual management system instead of the Scenery Management System*.”

**Comment**: The amended CDNST Comprehensive Plan and related FSM 2350 direction is applied through land management planning and project decisions follow requisite environmental analysis (74 FR 51116-51125). The amended CDNST Comprehensive Plan went into effective on November 4, 2009. As related to Forest Plans, the No Action alternative should described how the CDNST rights-of-way, travel route, and high-potential route segments are being protected until such time that the Forest Plan is amended or revised to address the amended Comprehensive Plan and directives guidance.

**General Comment:** In general, the Forest Service has failed to establish ROS desired conditions, standards, and guidelines to protect the nature and purposes of the CDNST. Comprehensive planning for the CDNST, as implemented through forest planning staged decision making processes, is inconsistent with the NTSA, Section 5(f) and 7(c) direction as implemented through the CDNST Comprehensive Plan, E.O. 13195, and directives. The Forest Service has failed to protect the purposes for which the CDNST was established by Congress.

### Timber Suitability Analysis

**DEIS:** The DEIS, Volume 2, on page 13 describes that, “*Timber production is the purposeful growing, tending, harvesting, and regeneration of regulated crops of trees to be cut into logs, bolts, or other round sections for industrial or consumer use” (36 CFR 219.19)… Screens are applied to identify “lands not suitable for timber production” based on legal and technical factors. No timber harvest is permitted on the following lands for any purpose… “Lands suitable for timber production” based on compatibility with desired conditions and objectives6 are a subset of “lands that may be suitable for timber production” and may vary by land management plan alternative. Analysis of alternatives allows the responsible official to identify where timber production is compatible with the desired conditions established through the land management planning process.7 Planners should identify lands suitable for timber production based on compatibility with desired conditions and objectives by determining if meeting and sustaining desired conditions and objectives would involve developing and maintaining regulated forest structure using planned, periodic timber harvest activities and planned regeneration of the stand. Timber production may not be the key management objective for the area. However, if regulated forest structure conditions maintained by periodic forest harvest and regeneration would be either consistent with or necessary for achieving and maintaining land management goals and desired conditions (such as fuel conditions, wildlife habitat, or other conditions), these lands should be classified as suitable for timber production, and harvest quantity projections are included in projected wood sale quantity and projected timber sale quantity calculations*….”

**Comment:** The declaration is not factual that, “*Other designated areas with management specified by the laws associated with their enactment including, national recreational trails, national scenic trails, and national historic trails were not removed from lands that may be suitable for timber production because sustainable timber harvest is not inconsistent with the law, regulation, policy, or plan direction that directs management of these lands*” and must be discarded.

*Continental Divide National Scenic Trail*: Timber production is incompatible with achieving National Trails System Act objectives and the CDNST nature and purposes desired conditions. The purpose of timber production is the purposeful growing, tending, harvesting, and regeneration of regulated crops of trees to be cut into logs, bolts, or other round sections for industrial or consumer use, which is in stark contrast and clearly incompatible with protecting the purposes for which National Trails are established. The CDNST rights-of-way/management corridor is not suitable for timber production (36 CFR 219.11(a)(i) and (iii)).

The NTSA, Section 2(a), policy describes an objective as, “…to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation….” Section 3(a)(2), states that, “national scenic trails…will be…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.” Section 5(f), describes that a comprehensive plan, which is being completed through staged decision making on NFS lands, will provide management direction that addresses, “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…, and a protection plan for any…high potential route segments.” Section 7(c) restricts uses and activities, including the removal of vegetation describing that, “Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted.”

The CDNST Comprehensive Plan and FSM 2353.42 policy describes desired conditions, “Administer National Scenic and National Historic Trail corridors to be compatible with the nature and purposes of the corresponding trail... 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 lasting effects of an activity (roads, timber harvest) as well as short-term effects (logging trucks, noise) degrade CDNST values. Managing the CDNST corridor for Roaded Natural/Modified 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. In areas of timber production, reoccurring harvests for timber purposes, stand tending, road construction and reconstruction, CDNST travel route closures, and other activities are incompatible with desired ROS settings and Scenic Integrity Objectives.

The Plan should recognize that timber production and associated actions and activities are inconsistent with the provisions of (1) the National Trails System Act, including providing for the nature and purposes of the CDNST and (2) Primitive and Semi-Primitive Non-Motorized ROS classes, which are appropriate ROS allocations for a CDNST management corridor or rights-of-way. Regulated forest structure conditions maintained by periodic forest harvest and regeneration is inconsistent with and unnecessary for achieving CDNST, Primitive ROS class, and Semi-Primitive ROS class desired conditions; these areas must not be classified as suitable for timber production, and harvest quantity projections must not be included in projected wood sale quantity and projected timber sale quantity calculations.

*Eligible Wild and Scenic Rivers*: The Wild and Scenic Rivers Act protects the vestiges of primitive America along Wild River areas, shorelines or watersheds still largely primitive and shorelines largely undeveloped along Scenic River Areas, and there may be some development along the shorelines of Recreational River Segments. Regardless of classification, each river in the National System is administered with the goal of protecting and enhancing the values that caused it to be designated.

Timber production does not protect ORVs of Scenic and Recreational Rivers. The only timber harvest to occur along eligible Scenic and Recreational Rivers is for resource benefit. A range of vegetation management and timber harvest practices may be allowed along Scenic River areas and Recreational River areas, if these practices are designed to protect users, or protect, restore, or enhance the river environment, including the long-term scenic character. Eligible Scenic Rivers and Recreational Rivers are not suitable for timber production (36 CFR 219.11(a)(i) and (iii)).

## Recommendations – Revised Draft Plan and Supplemental DEIS

The draft plan should be revised 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 extent of the established CDNST Management Area must also be based on compatible Recreation Opportunity Spectrum allocations along the CDNST travel route. If the proposed plan components are not modified to reflect a desirable Primitive or Semi-Primitive Non-Motorized ROS setting along the CDNST than a new alternative should be developed to protect the CDNST setting. This ROS assessment and recommendation 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-98 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 Guide by Warren Bacon, George Stankey, and Greg Warren (**Attachment D**); and (4) Landscape Aesthetics, A Handbook for Scenery Management, Agricultural Handbook Number 701.

The glossary of the Forest Plans and EIS should be consistent and expanded to include description or definitions of the National Trails System Act, National Scenic Trail, National Scenic and Historic Trail nature and purposes, and Scenic Integrity. 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. The Forest Plan glossary should include other descriptors for clarity and recommend adding those definitions and terms that are found in the attached CDNST Planning Handbook.

A revised Draft Plan must address the requirements of the National Trails System Act as implemented through the 2009 CDNST Comprehensive Plan, FSM 2353.4, FSH 1909.12 22.2 and 24.43, and direction in Federal Register Notice dated October 5, 2009 (74 FR 51116). In addition, the Draft Plan does not address the requirements of FSH 1909.12 22.2, 23.23a, and 23.23f. This inaction has resulted in a Draft Plan that does not meet the integration requirements of the National Forest Management Act (16 U.S.C. 1604(f)(1)).

A Supplemental DEIS must address several important planning steps and NEPA processes. The Forest Supervisor should correct the DEIS deficiencies and release a revised Draft Plan and Supplemental DEIS to further address the requirements of the National Trails System Act, NFMA, and NEPA CEQ regulations as found in 40 CFR Parts 1500-1508. Land use planning associated NEPA must (1) rigorously explore and objectively evaluate all reasonable alternatives, and (2) take a hard look at the effects of the alternatives.

Geospatial data was requested following FOIA procedures on September 8, 2019, which is yet to be received. “*Under the Freedom of Information Act, I am requesting geospatial data for the Carson, Santa Fe, and Cibola NFs Draft Plans and DEISs that support the analyses of the revision proposed action and alternatives for each national forest. I would appreciate receiving the following datasets:*

* *Administrative Boundaries (FSH 1909.12 part 22.2)*
* *Land Ownership (FSH 1909.12 part 22.2)*
* *Designated Areas, including Recommended Wilderness, Wilderness Study Areas, Suitable and Eligible Wild & Scenic Rivers, Inventoried Roadless Areas, and the extent of the CDNST management corridor/rights-of-way to be established (acres) (FSH 1909.12 parts 22.2 and 24)*
* *Recreation Opportunity Spectrum Classes to be established – Summer and Winter (FSH 1909.12 parts 22.2 and 23.23a)*
* *Scenic Integrity Objectives to be established (FSH 1909.12 parts 22.2 and 23.23f)*
* *Lands that May be Suitable for Timber Production (FSH 1909.12 Chapter 60)*
* *CDNST travel route as an independent data layer (FSH 1909.12 part 23.23l)*
* *NFS roads and trails with attribute data (FSH 1909.12 part 23.23l)*

*If the above GIS data is posted on the Forest Service websites, please provide to me the web-link locations. If this data is not to be posted to the Forest Service website, please send to me an email with the data attached in a zip file with embedded shapefiles, or a personal geodatabase which is preferred*.”

Unfortunately, these datasets were not available in a timely manner for my review of the Draft Plan and DEIS. As such, my comments are more general then what I was hoping to provide in this submittal. Please readily provide these geospatial datasets in future releases of the planning documents.

Thank you for considering these comments.

Greg Warren

Attachment A – CDNST Comprehensive Plan (as amended in 2009)

Attachment B – CDNST High Potential Route Segment Corridors (Google Earth format)

Attachment C – CDNST Planning Handbook

Attachment D – Recreation Opportunity Setting as a Management Tool Technical Guide

**Appendix A. CDNST Management Corridor Segments/Rights-of-Way – 1 of 3**



**CDNST Management Corridor Segments/Rights-of-Way – 2 of 3**



CDNST Management Corridor Segments/Rights-of-Way – 3 of 3



1. https://www.federalregister.gov/documents/2009/10/05/E9-23873/continental-divide-national-scenic-trail-comprehensive-plan-fsm-2350 [↑](#footnote-ref-1)
2. https://www.fs.fed.us/sites/default/files/fs\_media/fs\_document/cdnst\_comprehensive\_plan\_final\_092809.pdf [↑](#footnote-ref-2)
3. 16 U.S.C. 1244(f)(3) [↑](#footnote-ref-3)
4. This stage of stepped-down planning could be addressed in a Forest Plan if supported by the Forest Plan EIS. [↑](#footnote-ref-4)
5. Timber production does not contribute to protecting and enhancing the nature and purposes of the CDNST. Any timber management activities on federal lands within the CDNST rights-of-way/management area must only be done for the protection and enhancement of the values for which this National Scenic Trail was designated. [↑](#footnote-ref-5)