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Subject: Carson National Forest Plan Revision Objection

This submittal is an objection to the Draft ROD, FEIS, and Revised LMP for the Carson National Forest. 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:

Carson Forest Plan, FEIS, and Draft ROD
James Duran, Forest Supervisor
Carson National Forest
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Section I. Brief Review of Issues and Proposed Solutions

A. Introduction

The Continental Divide National Scenic Trail (CDNST) Leadership Council 2004 vision for the future of the CDNST states, "*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 concerns related to the 1985 CDNST Comprehensive Plan and decided to amend the Comprehensive Plan direction following official public involvement processes.[1] The final amended CDNST Comprehensive Plan programmatic direction was published in a Federal Register Notice and took effect on November 4, 2009.[2] The CDNST Comprehensive Plan should eventually be revised to further address the conservation,[3]

[1] 36 CFR § 216
[2] https://www.federalregister.gov/documents/2009/10/05/E9-23873/continental-divide-national-scenic-trail-comprehensive-plan-fsm-2350
[3] 16 U.S.C. §§ 1242(a)(2), 1246(k)

protection,[4] and preservation[5] purposes of this National Scenic Trail.

The amended Comprehensive Plan was approved by Chief Thomas Tidwell[6] (**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 right-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 protection, 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 travel route with a scenic integrity objective of high or very high.
- Manage the CDNST to provide high-quality scenic, primitive hiking and pack and stock opportunities. Use the Recreation Opportunity Spectrum (ROS) in delineating and integrating recreation opportunities in managing the CDNST.[7] The use of motorized vehicles by the general public along any national scenic trail shall be prohibited with limited exceptions.[8]

The CDNST Federal Register Notice provided additional direction to the Forest Service as described in FSM 2353 (**Attachment** B). The final directives added a reference to the CDNST Comprehensive Plan as an authority in FSM 2353.01d; … added the nature and purposes of the CDNST in FSM 2353.42; and added detailed direction in FSM 2353.44b for governing implementation of the CDNST on National Forest System lands.

The Land Management Planning Handbook establishes important guidance that address relationships between National Scenic and Historic Trail Comprehensive Plans and Forest Plans. Appropriate management of National Scenic Trails (36 CFR § 219.10(b)(1)(vi)) is addressed in FSH 1909.12 24.43 stating:

- The Interdisciplinary Team shall identify statutorily designated national scenic and historic trails and plan components must provide for the management of rights-of-ways

[4] 16 U.S.C. §§ 1244(f)(3), 1246(i)
[5] 16 U.S.C. §§ 1241(a), 1244(f)(1)
[6] https://www.fs.fed.us/sites/default/files/fs_media/fs_document/cdnst_comprehensive_plan_final_092809.pdf
[7] Primitive and Semi-Primitive Non-Motorized ROS settings provide for the nature and purposes of the CDNST.
[8] 16 U.S.C. § 1246(c)

(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 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 (NTSA), Executive Orders, CDNST Comprehensive Plan, regulations, and directives.

Comments submitted on the Draft Plan and DEIS (**Attachment C**) that included a CDNST Planning Handbook (**Attachment D**) and recommendations in this objection are consistent with the direction proposed in H.R. 5118. Specifically, Draft Plan, DEIS, and these objection recommendations support the direction in H.R. 5118 Section 2, which states, "*(1) Complete the Continental Divide National Scenic Trail by acquiring land as necessary to eliminate gaps between sections of the Trail and secure corridors compatible with the nature and purposes of the Trail. (2) Optimize the Trail by relocating existing portions of the Trail on Federal land as necessary to maximize conservation and enjoyment of the nationally significant scenic, historic, natural, and cultural qualities of the Trail corridor*."

Much of the revised Carson National Forest plan direction departs from the CDNST Comprehensive Plan, FSH 2353.4, and FSH 1909.12 23.23a, 23.23f, and 24.43 guidance without providing a reasoned basis or a detailed justification for ignoring these previous findings and direction.

B. Summary of Issues and Statements of Explanation

1. Recreation Opportunity Spectrum

The Recreation Opportunity Spectrum (ROS) provides a framework for stratifying and defining classes of outdoor recreation environments, activities, and experience opportunities. The Forest Service uses the recreation opportunity spectrum to define recreation settings. The 1982 ROS User Guide, 1986 ROS Book (**Attachment E**), and FSM 2310 (WO Amendment 2300-90-1) were the recreation resource technical basis for the planning rule and planning directives. To be consistent with the planning rule and recreation policy and research the Forest Plan must define and apply ROS principles that are consistent with the ROS planning framework which is the best available scientific recreation planning information. Most important is including ROS physical setting indicators when describing Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized ROS setting desired conditions.

The ROS Book states, "*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 physical setting is documented by combining these three criteria as described below. Physical Setting - The physical setting is best defined by an area's degree of remoteness from the sights and sounds of humans, by its size, and by the amount of environmental change caused by human activity… The explicit nature of the ROS assists managers in identifying and mitigating conflict. Because the ROS identifies appropriate uses within different recreation opportunities, it is possible to separate potentially incompatible uses. It also helps separate those uses that yield experiences that might conflict, such as solitude and socialization… The ROS also helps identify potential conflicts between recreation and non-recreation resource uses. It does this in several ways. First, it can specify the overall compatibility between a given recreation opportunity and other resource management activities. Second, it can suggest how the activities, setting quality, or likely experiences might be impacted by other non-recreation activities. Third, it can indicate how future land use changes might impact the present pattern of a recreation opportunity provision. The apparent naturalness of an area is highly influenced by the evidence of human developments. If the landscape is obviously altered by roads, railroads, reservoirs, power lines, pipe lines, or even by highly visual vegetative manipulations, such as clearcuttings, the area will not be perceived as being predominately natural. Even if the total acres of modified land are relatively small, "out of scale" modifications can have a negative impact."

The Forest Service, in FSM 2310 (WO Amendment 2300-2020-1) on April 23, 2020, modified the 1982 ROS User Guide and 1986 ROS Book Recreation Opportunity Spectrum setting definitions and no longer refers to the 1982 ROS User Guide direction for planning purposes. The agency does not explain the change to policy, but it appears that the agency wishes to allow for mechanical treatments and timber production in Semi-Primitive Motorized ROS settings and to allow for road construction in Semi-Primitive Non-Motorized ROS settings for the vague purpose of forest health. Concerning is that the agency does not disclose the consequences of those changes to recreationists seeking Primitive and Semi-Primitive ROS experiences when new roads and vegetation management activities are encountered, including those seeking high-quality scenic, primitive hiking and horseback riding opportunities along the Continental Divide National Scenic Trail.

Primitive and Semi-Primitive ROS classes must constrain some management actions such as mechanical treatments of vegetation that utilize heavy equipment and permanent or temporary roads if these desired ROS class opportunities as described in the 1986 ROS Book and used in the Planning Rule PEIS are to be protected.

The recreation opportunity spectrum provides a framework for integrating recreational opportunities and nonrecreational activities. The central notion of the spectrum is to offer recreationists alternative settings in which they can derive a variety of experiences. Because the

management factors that give recreational value to a site are interdependent, management must strive to maintain consistency among these factors so that unplanned or undesired changes in the opportunities do not occur.

2. CDNST Plan Components

The National Trails System Act of 1968, 82 Stat. 919, as amended, provides that the CDNST shall be administered by the Secretary of Agriculture and so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of nationally significant scenic, historic, natural, or cultural qualities. It empowers and requires that the Secretary of Agriculture select the CDNST rights-of-way which informs the National Scenic Trail corridor location and width. The CDNST travel route is to be located within the established corridor. The establishment of the CDNST corridor thus constitutes an overlay on the management regime otherwise applicable to public areas managed by land management agencies. The NTSA and *Trails for America in the 21st Century* Executive Order limits the management discretion the agencies would otherwise have by mandating the delineation and protection of the CDNST rights-of-way (aka National Trail Management Corridor) for the purpose of providing for the nature and purposes of the CDNST.

The revised Forest Plan CDNST plan components do not reflect the guidance in the National Forest Management Act of 1976 and the National Trails System Act as amended in 1978. The Forest Service relies on an ambiguous right-of-way[9] statement in the National Trails System Act as enacted in 1968 as an indicator that the management and protection of National Scenic and Historic Trails is subordinate to common multiple-use programs. This improper interpretation of the rights-of-way selection guidance in the NTSA often goes as follows: "*The National Trails System Act at 16 U.S.C. § 1246(a)(2) indicates that management in the vicinity of the CDNST while it traverses management areas that are subject to development or management is acceptable, but should be designed to harmonize with the CDNST as possible. Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land. The wording recognizes multiple uses and seeks to moderate impacts on the trail from resource management to the extent feasible while meeting resource management objectives."*[10]

The 1968 guidance "*to be designed to harmonize with and complement any established multiple-use plans for that specific area*" was to some extent addressed in 1980 directives by Chief Max Peterson: "*Development and administration of a National Scenic Trail or National Historic Trail will ensure retention of the outdoor recreation experience for which the trail was*

[9] 16 U.S.C. § 1246(a)(2)

[10] Medicine Bow Landscape Vegetation Analysis Project, Reviewing Officer's Instructions, June 10, 2020.

established… Land management planning should describe the planned actions that may affect that trail and its associated environments. Through this process, resource management activities prescribed for land adjacent to the trail can be made compatible with the purpose for which the trail is established. The objective is to maintain or enhance such values as esthetics, natural features, historic and archeological resources, and other cultural qualities of the areas through which a National Scenic or National Historic Trail goes."

The National Forest Management Act requires that a Land Management Plan address the comprehensive planning and other requirements of the NTSA in order to form one integrated Plan. As such, the NTSA guidance that a National Trails System segment be, "*designed to harmonize with and complement any established multiple-use plans for that specific area*," is not applicable to a land management plan approved after the passage of the National Forest Management Act (NFMA) in 1976 and as addressed in the 1982 planning regulations. Furthermore, the NTSA was amended in 1978 in part to designate the CDNST and require comprehensive planning for National Scenic and Historic Trails, which the Forest Service until recently was attempting to complete through staged decisions for the CDNST whereas the revised Carson Forest Plan is critical in contributing to NTSA comprehensive planning requirements.

The National Forest Management Act requires the formulation of one integrated plan (16 U.S.C. § 1604(f)(1)). The 2012 NFMA regulations 36 CFR § 219.1 requires integrated resource management of the resources within the plan area and that plans must comply with all applicable laws and regulations. These regulations also require integrated resource management of multiple use (36 CFR § 219.10(a)), including providing for plan components to provide for the, *"(vi) Appropriate management of other designated areas or recommended designated areas in the plan area, including research natural areas.*" Planning directives describe that planning for designated areas may be met through the land management plan, unless the authorities for the designation require a separate plan; however, in the case of the CDNST the Comprehensive Plan directs that Forest Plans further implement the CDNST comprehensive planning requirements through staged-decision making. *"… 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*." (FSH 1909.12 – 24.3)

The revised Forest Plan CDNST plan components do not protect the qualities and values of this National Scenic Trail. The plan components do not address the National Trails System Act and CDNST Comprehensive Plan requirements to: (1) provide for high-quality scenic, primitive hiking and horseback riding opportunities that reflect ROS planning framework conventions,

and (2) conserve scenic, historic, natural, or cultural qualities of the areas through which such trails may pass (16 U.S.C. § 1242(a)(2)). In addition, the plan does not establish direction to: (1) preserve significant natural, historical, and cultural resources (16 U.S.C. § 1244(f)(1)); and (2) protect the CDNST corridor to the degree necessary to ensure that the values for which the CDNST was established remain intact or are restored (E.O. 13195, FSM 2353.44b(1) and FSH 1909.12 24.43). The revised plan draft decision does not avoid approving activities that are incompatible with the purposes for which the CDNST was established (16 U.S.C. § 1242(c)).

C. Proposed Solution to Improve the Decision

The CDNST Comprehensive Plan in Chapter IV Part A states, "*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.*" 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:

- Reference and follow the direction in the 2009 CDNST Comprehensive Plan.
- ROS class definitions need to be expanded to add descriptions of Non-Recreation Uses and Evidence of Humans. ROS setting descriptions need to be consistent with the 1986 ROS Book which was a basis for the recreation direction in the planning rule as informed by the Planning Rule PEIS and FSM 2310 (WO Amendment 2300-90-1).
- The plan must indicate where established ROS classes, Scenic Character, and Scenic Integrity Objectives apply. Forest Plan modifications of where ROS, Scenic Character, and SIO direction applies (including maps) must follow amendment processes and not be addressed as an administrative change.
- Modify the CDNST management corridor direction by adding the following plan components and eliminating proposed plan guidance that may conflict with the following direction:
  1. Desired Condition: The CDNST provides for high-quality scenic, primitive hiking and horseback riding opportunities and conserves natural, historic, and cultural resources along the corridor (nature and purposes).[11]
  2. Desired Condition: Primitive or Semi-Primitive Non-Motorized ROS settings[12] are protected or restored.
  3. Desired Condition: Scenic Character is Naturally Evolving or Natural-Appearing. Scenic Integrity Objective is Very High or High.[13]
  4. Standard: Resource management actions must be compatible with maintaining or restoring Primitive or Semi-Primitive Non-Motorized ROS class settings.

[11] 16 U.S.C. §§ 1242(a)(2), 1244(f), 1246(c); CDNST Comprehensive Plan Chapter IV.A.; FSM 2353.42 – 74 FR 51124
[12] CDNST Comprehensive Plan Chapter IV.B.5 and FSM 2353.44b – 74 FR 51125; ROS User Guide; ROS Book
[13] CDNST Comprehensive Plan Chapter IV.B.4 and FSM 2353.44b – 74 FR 51124; Landscape Aesthetics Handbook

5. Standard: Motor vehicle use by the general public is prohibited unless that use:
    a. Is necessary to meet emergencies;
    b. Is necessary to enable adjacent landowners or those with valid outstanding rights to have reasonable access to their lands or rights;
    c. 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
    d. Is on a motor vehicle route that crosses the CDNST, if that use will not substantially interfere with the nature and purposes of the CDNST;
    e. Is designated in accordance with 36 CFR Part 212 Subpart B and:
        i. 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
        ii. That segment of the CDNST was constructed as a road prior to November 10, 1978; or
    f. In the case of over-snow vehicles, is allowed in accordance with 36 CFR Part 212, Subpart C and the use will not substantially interfere with the nature and purposes of the CDNST.[14]
6. Suitability: The CDNST management corridor is not suitable for timber production. Timber harvest is not an objective.

D. Completing the Continental Divide National Scenic Trail

Representatives Neguse and Fernandez introduced House of Representatives Bill 5118 titled the "Continental Divide Trail Completion Act" on August 27, 2021. The passage of H.R. 5118 could help protect and complete the CDNST through National Forest System and other lands in New Mexico. Specifically, Draft Plan, DEIS, and these objection recommendations support the direction in H.R. 5118 Section 2, which states, *"(1) Complete the Continental Divide National Scenic Trail by acquiring land as necessary to eliminate gaps between sections of the Trail and secure corridors compatible with the nature and purposes of the Trail. (2) Optimize the Trail by relocating existing portions of the Trail on Federal land as necessary to maximize conservation and enjoyment of the nationally significant scenic, historic, natural, and cultural qualities of the Trail corridor*."

The proposed final revised Forest Plan does not protect the qualities and values of the CDNST, which will result in actions that perpetually prevent the CDNST from being completed with a protected corridor on the Carson National Forest.

E. Violation of Law, Regulation or Policy

See Section VI. CDNST Regulatory Planning Framework.

[14] 16 U.S.C §§ 1244(a)(5), 1246(c); CDNST Comprehensive Plan Chapter IV.B.6 and FSM 2353.44b – 74 FR 51125

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Section II. ROS and SMS Review

The following discussion summarizes key elements of Recreation Opportunity Spectrum and Scenery Management System analyses protocols that are important to the understanding of issues brought forth in this objection. Following the 1986 Recreation Opportunity Spectrum and 1995 Scenery Management System planning protocols would lead to analyses that would be consistent with the Department's Science Integrity policy, Planning Regulations Role of Science in Planning; Planning Rule requirement to use the Best Available Scientific Information to inform the planning process; and CEQ Methodology and Scientific Accuracy requirements (Departmental Regulation 1074-001, 36 CFR § 219.3, and 40 CFR § 1502.24 (2005)).

A. Recreation Opportunity Spectrum

The Recreation Opportunity Spectrum is a system by which existing and desired recreation settings are defined, classified, inventoried, established, and monitored. A recreation opportunity is a chance to participate in a specific recreation activity in a recreation setting to enjoy desired recreation experiences and other benefits that accrue. Recreation opportunities include non-motorized, motorized, developed, and dispersed recreation on land, water, and in the air. The recreation setting is the social, managerial, and physical attributes of a place that, when combined, provide a distinct set of recreation opportunities. The Forest Service uses the recreation opportunity spectrum to define recreation settings and categorize them into six distinct classes.

McCool, Clark, and Stankey in An Assessment of Frameworks Useful for Public Land Recreation Planning, General Technical Report PNW-GTR-705 states, "*Beginning in 1978, the concepts of an opportunity setting and spectrum of recreation opportunities were formalized as a planning framework in a series of significant papers involving two groups of researchers working with public land managers: (1) Roger Clark and George Stankey (Clark and Stankey 1979) and (2) Perry Brown and Bev Driver (Brown et al. 1978, Driver and Brown 1978, Driver et al. 1987). The series of papers that evolved described the rationale, criteria, and linkages that could be made to other resource uses. The goal of these papers was to articulate the concept of an opportunity spectrum and to translate it into a planning framework; today they serve to archive the fundamental rationale behind the ROS concept and planning framework. The ROS framework as a planning framework was oriented toward integrating recreation into the NFMA required forest management plans. Both the BLM and the Forest Service eventually developed procedures and user guides to do this (e.g., USDA FS 1982).*"[15]

[15] "An Assessment of Frameworks Useful for Public Land Recreation Planning by Stephen F. McCool, Roger N. Clark, and George H. Stankey (PNW-GTR-705) compares recreation planning frameworks. ROS is discussed on pages 43-66. ROS is the preferred recreation planning framework for addressing Forest Service Planning Rule requirements: 36 CFR §§ 219.6(b)(9), 219.8(b)(2), 219.10(a)(1) & (b)(1), and 219.19 definitions for Recreation

McCool, Clark, and Stankey further describe that, "*The fundamental premise of ROS is that quality recreational experiences are best assured by providing a range or diversity of opportunities: by allowing visitors to make decisions about the settings they seek, there will be a closer match between the expectations and preferences visitors hold and the experiences they realize (Stankey 1999). Thus, underlying the ROS idea is the notion of a spectrum or diversity of opportunities that can be described as a continuum, roughly from developed to undeveloped. Such opportunities are described by the setting. A setting is defined as the combination of attributes of a real place that gives it recreational value…*

As both managers and scientists gained experience with ROS, and as collaboration continued, the efficacy of implementation also increased. The arrival of computer-based geographic information systems at about the same time as the implementation of ROS also enhanced its use as a framework for examining interactions between recreation and other resource uses and values. A major output of ROS was a map of a planning area displaying the spatial distribution of recreation opportunities. This was a distinct advance in resource management and enhanced the move away from reliance on tabular displays of data…

The ROS planning framework has become an important tool for public land recreation managers. Undoubtedly, its intuitive appeal and ease of integration with other resource uses and values are responsible for its widespread adoption and modification. Its strong science foundation, and the collaborative nature of its initial development are probably also primary reasons why it has endured over a quarter century of natural resource planning. As a planning framework, ROS forces management to explicate fundamental assumptions, but in the process of moving through the framework, it allows reviewers to follow and understand results."

Roger Clark and George Stankey in the Recreation Opportunity Spectrum – A Framework for Planning, Management, and Research, General Technical Report PNW-98[16] states, "*The end product of recreation management is a diverse range of opportunities from which people can derive various experiences. This paper offers a framework for managing recreation opportunities based on six physical, biological, social, and managerial factors that, when combined, can be utilized by recreationists to obtain diverse experiences…*

We define a recreation opportunity setting as the combination of physical, biological, social, and managerial conditions that give value to a place. Thus, an opportunity includes qualities provided by-nature (vegetation; landscape, topography, scenery), qualities associated with recreational use (levels and types of use), and conditions provided by management (developments, roads, regulations). By combining variations of these qualities and conditions,

Opportunity and Setting. In addition, using ROS could lead to meeting the NEPA requirement for Methodology and Scientific Accuracy (40 CFR § 1502.24).

[16] http://nstrail.org/carrying_capacity/gtr098.pdf

management can provide a variety of opportunities for recreationists."

Recreation Opportunity settings are described using six factors: Access, Nonrecreational Resources Uses, Onsite Management, Social Interaction, Acceptability of Visitor Impacts, and Acceptable Level of Regimentation. The factor that is most closely related to the Scenery Management System is Non-recreational Resources Uses describing that, "*This factor considers the extent to which nonrecreational resource uses (grazing, mining, logging) are compatible with various opportunities for outdoor recreation. Other uses can severely conflict with opportunities for primitive experiences. For example, Stankey (1973) found that grazing in the Bridger Wilderness in Wyoming was the most serious source of conflict reported by visitors. In other cases, a variety of resource management activities that might even contribute to visitor enjoyment can be found in conjunction with outdoor recreation… Planners and managers must consider the lasting effects of a resource activity (mines, clearcuts), as well as short-term effects (logging trucks, noise from a mine) to determine the impacts on the recreational opportunity…*

The recreation opportunity setting is composed of other natural features in addition to the six factors. Landform types, vegetation, scenery, water, wildlife, etc., are all important elements of recreation environments; they influence where people go and the kinds of activities possible. Considerable work has gone into developing procedures for measuring and managing visual resources."

This technical report further states, "*The recreation opportunity spectrum provides a framework for integrating recreational opportunities and nonrecreational activities. The central notion of the spectrum is to offer recreationists alternative settings in which they can derive a variety of experiences. Because the management factors that give recreational value to a site are interdependent, management must strive to maintain consistency among these factors so that unplanned or undesired changes in the opportunities do not occur*."

The 1986 ROS Book states, "*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 physical setting is documented by combining these three criteria as described below. Physical Setting - The physical setting is best defined by an area's degree of remoteness from the sights and sounds of humans, by its size, and by the amount of environmental change caused by human activity…* (page II-11)

Chuck McConnell and Warren Bacon in the 1986 ROS Book state, "*Much of the success in managing vegetation to achieve desired visual character and meet visual quality objectives in Roaded Natural and Rural areas is tied to control of viewing positions primarily on roads, highways, and use areas. When the recreation user is traveling on trails or cross-country in Primitive or Semi-Primitive areas, near view becomes very evident. Recreation experience*

opportunities, which are not as available in Roaded Natural and Rural settings should become a primary goal. Some of these may include:

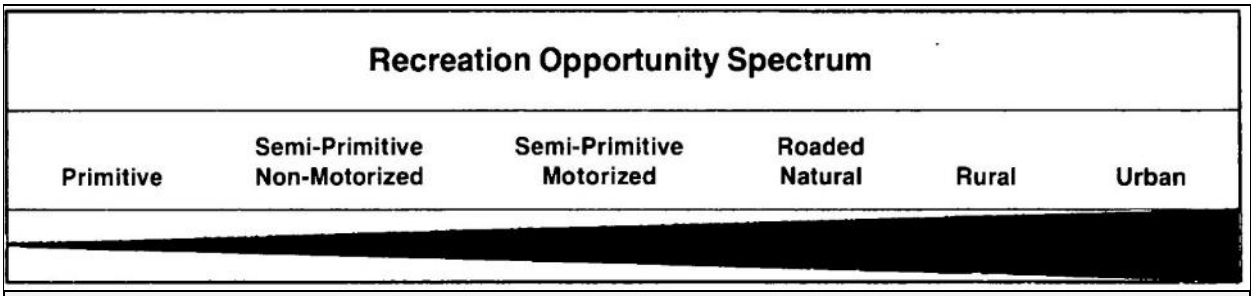
1. *Obtaining privacy, solitude, and tranquility in an outdoor setting.*
2. *Experiencing natural ecosystems in environments which are largely unmodified by human activity.*
3. *Gaining a new mental perspective in a tranquil outdoor setting.*
4. *Self-testing and risk-taking for self-development and sense of accomplishment.*
5. *Learning more about nature, especially natural processes, human dependence on them, and how to live in greater harmony with nature. To the extent practical, these opportunities should be goals in all ROS settings on the National Forest System.*

Any vegetative management must be quite subtle and for the purposes of creating and maintaining an attractive recreation setting that will offer these types of experience opportunities. Details such as the attributes of an old growth Forest (rotting logs with conks, large trees with distinctive bark, etc.,) become even more important in Primitive and Semi-Primitive than in Roaded Natural and Rural. Providing human scale or created openings generally means they must be quite small with natural appearing forest floor, edge, shape, and disbursement." (page II-17)

The Forest Service 1986 ROS Red Book repeats information that is found in the 1982 ROS User Guide and provides ROS background information, reviews research, and adds land management planning guidance. The 1986 ROS Book states, "*Settings are composed of three primary elements: The physical setting, the social setting, and the management setting. These three elements exist in various combination and are subject to managerial control so that diverse opportunity settings can be provided. These settings, however, are not ends in themselves. Providing settings is a means of meeting the third aspect of demand, desired experiences. Settings are used for providing opportunities to realize specific experiences that are satisfying to the participant. In offering diverse settings where participants can pursue various activities, the broadest range of experiences can be realized. The task of the recreation planner and manager, then, is to formulate various combinations of activity and setting opportunities to facilitate the widest possible achievements of desired experiences--or to preserve options for various types of recreation opportunities…* (page II-19)

The Forest Service ROS User Guide and ROS Book state, "*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 (Table 1). 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.*" (Table 1 is found in the 1982 ROS Users Guide on pages 7 and 8 and in the 1986 ROS Book on pages II-32 and II-33)

Table 1



Setting Characterization					
Area is characterized by essentially unmodified natural environment of fairly large size. Interaction between user is very low and evidence of other users is minimal. The area is managed to be essentially free from evidence of human induced restrictions and controls. Motorized use within the area is not permitted.	Areas is characterized by a predominantly natural or natural-appearing environment of moderate-to-large size. Interaction between users is low, but there is often evidence of other users. The area is managed in such a way that minimum on-site controls and restrictions may be present, but are subtle. Motorized use is not permitted.	Areas is characterized by a predominantly natural or natural-appearing environment of moderate-to-large size. Concentration of users is low, but there is often evidence of other users. The area is managed in such a way that minimum on-site controls and restrictions may be present, but are subtle. Motorized use is permitted.	Area is characterized by predominantly natural appearing environments with moderate evidences of the sights and sounds of man. 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 are evident, but harmonize with the natural environment. Conventional motorized use is provided for in construction standards and design of facilities.	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 facilities are designed for use by a large number of people….	Area is characterized by a substantially urbanized environment, although the background may have natural-appearing elements. Renewable resource modification and utilization practices are to enhance specific recreation activities. Vegetative cover is often exotic and manicured. Sights and sounds of humans, on-site, are predominant. Large numbers of users can be expected, both on-site and in nearby areas….

Experience Characterization					
Extremely high probability of experiencing isolation from the sights and sounds of humans, independence, closeness to nature, tranquility, and self-reliance in an environment that offers a high degree of challenge and risk.	High, but not extremely high, probability of experiencing isolation from the sights and sounds of humans, independence, closeness to nature, tranquility, and self-reliance in an environment that offers challenge and risk.	Moderate probability of experiencing isolation from the sights and sounds of humans, independence, closeness to nature, tranquility, and self-reliance in an environment that offers challenge and risk. Opportunity to have a high degree of interaction with the natural environment. Opportunity to use motorized equipment while in the area.	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 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.	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 element.	Probability for experiencing affiliation with individuals and groups is prevalent, as is the convenience of sites and opportunities Experiencing natural environments. Having challenges and risks afforded by the natural environment, and the use of outdoor skills are relatively unimportant. Opportunities for competitive and spectator sports and for passive uses of highly human·influenced parks and open spaces are common.

The Forest Service 1982 ROS User Guide further describes in part 21.23 that, "*Evidence of Humans is used as an indicator of the opportunity to recreate in environmental settings having varying degrees of human influence or modification. Apply the Evidence of Humans criteria given in Table 5* [repeated below] *to determine whether the impact of human modification on the landscape is appropriate for each class designation on the inventory overlay. If the Evidence of Humans is more dominant than indicated for the designated Recreation Opportunity Spectrum class, adjust the class boundaries on the overlay so the designations accurately reflect the situation… The Evidence of Humans criteria for each Recreation Opportunity Spectrum class is primarily based on the visual impact and effect of modifications on the recreation experience,*

as distinguished from only the physical existence of modifications. The criteria take into account the variation in visual absorption capacity of different landscapes."

The 1986 ROS Book states, "*The ROS helps planners identify different allocations of recreation, specifying where and what types of recreational opportunities might be offered and the implications and consequences associated with these different allocations. Because the ROS requires explicit definitions of different recreation opportunities, it facilitates comparisons between different alternatives. It also helps identify what specific actions might be needed in order to achieve certain allocations in the future.* (page IV-32)

The explicit nature of the ROS assists managers in identifying and mitigating conflict. Because the ROS identifies appropriate uses within different recreation opportunities, it is possible to separate potentially incompatible uses. It also helps separate those uses that yield experiences that might conflict, such as solitude and socialization… (page IV-32)

The ROS also helps identify potential conflicts between recreation and non-recreation resource uses. It does this in several ways. First, it can specify the overall compatibility between a given recreation opportunity and other resource management activities. Second, it can suggest how the activities, setting quality, or likely experiences might be impacted by other non-recreation activities. Third, it can indicate how future land use changes might impact the present pattern of a recreation opportunity provision." (page IV-32)

The apparent naturalness of an area is highly influenced by the evidence of human developments. If the landscape is obviously altered by roads, railroads, reservoirs, power lines, pipe lines, or even by highly visual vegetative manipulations, such as clearcuttings, the area will not be perceived as being predominately natural. Even if the total acres of modified land are relatively small, "out of scale" modifications can have a negative impact… (page IV-33)

Management prescriptions [17] are the building blocks for formulating planning alternatives, and for providing site specific management. Each prescription describes a set of compatible multiple-use management practices that will produce a particular mix of resource outputs. For example, one management area prescription might allow grazing and provide for primitive recreation opportunities, but permit only minimal water development structures and place strict controls on timber harvesting and mineral development. Another prescription for the same type of land might also permit grazing, but provide for roaded-natural recreation opportunities and allow for clearcutting and strip mining… (page IV-35)

The recreation opportunity spectrum provides a framework for integrating recreational opportunities and nonrecreational activities. The central notion of the spectrum is to offer

[17] Management prescription (1982 Planning Rule): Management practices and intensity selected and scheduled for application on a specific area to attain multiple-use and other goals and objectives. Similarly, the 2012 Planning Rule requires the establishment of plan components indicating where those components apply.

recreationists alternative settings in which they can derive a variety of experiences. Because the management factors that give recreational value to a site are interdependent, management must strive to maintain consistency among these factors so that unplanned or undesired changes in the opportunities do not occur.

Consistent with the 1986 ROS Book, a handbook titled *Recreation Opportunity Setting as a Management Tool* by George Stankey, Greg Warren, and Warren Bacon states, "*A recreation opportunity setting is defined as the combination of physical, biological, social, and managerial conditions that give value to a place… The seven indicators include access, remoteness, non-recreation uses, onsite management, visitor management, social encounters, and visitor impacts:*

Access - Includes the type of transportation used by the recreationists within the area and the level of access development, such as trails and roads.

Remoteness - The distance of an area from the nearest road, access point, or center of human habitation or development.

Non-recreation uses, evidence of humans, and naturalness - Refers to the type and extent of non-recreation uses present in the area, such as timber harvesting, grazing, and mining.

On-site management - The on-site management indicator refers to modifications such as facilities, vegetation management, and site design.

Visitor management – Includes the management actions undertaken to maintain conditions and enhance visitor experiences within an ROS class.

Social encounters - The number, type, and character of other recreationists met in the area, along travel ways, or camped within sight or sound.

Visitor impacts - Includes those impacts caused by recreation use and affecting resources such as soil, vegetation, air, water, and wildlife…."

The *Recreation Opportunity Setting as a Management Tool* handbook reviews Roaded Modified ROS setting considerations, on pages 22-24, which is not addressed in the 1982 ROS User Guide and 1986 ROS Book.[18] Setting indicators are describe in part as, "*Roads are an integral part of these classes and provide a range of opportunities for users of high clearance vehicles on dirt roads to passenger cars on pavement. Roads may be closed to recreational use to meet other resource management objectives. In addition to roads, a full range of trail types and difficulty levels can be present in order to meet recreation objectives… The natural setting is often heavily altered as this environment and access throughout are often the result of intensive commodity production. Timber harvest, for example, is constrained primarily by the NFMA regulation of shaping and blending harvest units with the terrain to the degree practicable. Harvest activities should protect user-established sites from alteration and provide access to them. It should be used to meet other recreation needs such as provide trailhead access, parking areas, and a diversity of travelway opportunities*…."

[18] http://nstrail.org/carrying_capacity/ros_tool_1986.pdf

Where inventories of setting characteristics are not completely aligned with a specific ROS class, a determination should be made as to which class best represents the current specific setting. As a general rule, the physical characteristics take precedent over social and managerial characteristics. This is because social and managerial characteristics can often be altered through visitor use management techniques (permits, closures, etc.) where as the physical characteristics (size, remoteness, and others) are more permanent.

Primitive and Semi-Primitive Non-Motorized ROS settings are of greatest risk of being eliminated from available recreation opportunities as pressures increase to control insect and disease through vegetation management practices that include timber harvest and permanent and temporary roads. In addition, unauthorized OHV use and excessive mechanized use may displace traditional non-motorized users from these areas. In established Primitive and Semi-Primitive ROS settings, as adjacent lands are developed, minimizing any degradation of evidence of human indicators will increase in importance if remoteness protections diminish.

How are ROS setting inconsistencies addressed in providing for desired settings along a National Scenic Trail? An inconsistency is defined as a situation in which the condition of an indicator exceeds the range defined as acceptable by the management guidance. For example, the condition of the indicators for a National Scenic Trail corridor may all be consistent with its management as a semi-primitive non-motorized area except for the presence of a trailhead and access road. In such a case, what are the implications of the inconsistency? Does the inconsistency benefit or interfere with the nature and purposes of the National Scenic Trail? What should be done about the inconsistency? Three general kinds of actions are possible. First, perhaps nothing can or should be done. It may be concluded that the inconsistency will have little or no effect on the area's general character. Alternatively, the agency may lack jurisdiction over the source of the inconsistency. A second response is to direct management action at the inconsistency to bring it back in line with the guidance established for the desired ROS class. The main point to be understood about inconsistencies is that they might be managed. The presence of one does not necessarily automatically lead to a change in ROS class. By analyzing its cause, implications, and possible solutions, an inconsistency may be handled in a logical and systematic fashion.

FSM 2310 (WO Amendment 2300-2020-1) – Sustainable Recreation Planning, approved on April 23, 2020, is reviewed in **Appendix A** of this objection.

B. Scenery Management System

The Scenery Management System (SMS) provides a systematic approach to inventory, assess, define, and monitor both existing and desired scenic resource conditions. Specific components of the SMS include scenic character, the degree of scenic diversity (scenic attractiveness), how and where people view the scenery (distance zones), the importance of scenery to those

viewing it (concern levels), and the desired degree of intactness (scenic integrity objectives). The following paraphrases discussions found in the Landscape Aesthetic Handbook.

There are several over-arching concepts of the SMS that facilitate the inclusion and integration of scenery resources with planning efforts. The SMS is grounded in an ecological context; recognizes valued aspects of the built environment; and incorporates constituent input about valued features (biophysical and human-made) of settings.

Scenic Attractiveness (ISA) classes are developed to determine the relative scenic value of lands within a Landscape Character. The three ISA classes are: Class A, Distinctive; Class B, Typical; Class C, Indistinctive. The landscape elements of landform, vegetation, rocks, cultural features, and water features are described in terms of their line, form, color, texture, and composition for each of these classes. The classes and their breakdown are generally displayed in a chart format. A map delineating the ISA classes is prepared.

The Scenic Character (aka Landscape Character) description is used as a reference for the Scenic Integrity of all lands. 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 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 Very High, High, Moderate, Low, Very Low, and Unacceptably Low.

Constituent analysis serves as a guide to perceptions of attractiveness, helps identify special places, and helps to define the meaning people give to the subject landscape. Constituent analysis leads to a determination of the relative importance of aesthetics to the public; this importance is expressed as a Concern Level. Sites, travelways, special places, and other areas are assigned a Concern Level value of 1, 2, or 3 to reflect the relatively High, Medium, or Low importance of aesthetics.

During the alternative development portion of the planning process, the potential and historical aspects of the Landscape Character Description are used to develop achievable Landscape Character Options concert with other resource and social demands. Landscape Character Descriptions and associated Scenic Integrity Objectives are identified for each option and alternative. The desired Scenic Character and Scenic Integrity are included within the descriptions of the management area and geographic area desired conditions and standards and guidelines. Generally a Very High or High Scenic Integrity Objective is assigned to Wilderness and other statutorily designated areas.

Natural scenic character originates from natural disturbances, succession of plants, or indirect activities of humans. The existing scenic character continues to change gradually over time by

natural processes unless affected by drastic natural forces or indirect human activities. In a natural-appearing landscape, the existing landscape character has resulted from both direct and indirect human activities. Scenic character may have changed gradually over decades or centuries by plant succession unless a concerted effort was made to preserve and maintain cultural elements through processes such as prescribed fires.

Scenic integrity is defined as the degree of direct human-caused deviation in the landscape, such as roads, timber harvests, or activity debris. Indirect deviations, such as a landscape created by human suppression of the natural role of fire, are not included in scenic integrity evaluations. Natural occurring incidents, such as insects and disease infestations, are not defined as human-caused deviations in the landscape.

Scenic integrity objectives in the context of a forest plan are equivalent to desired conditions. Scenic integrity describes the state of naturalness or a measure of the degree to which a landscape is visually perceived to be "*complete*." The highest scenic integrity ratings are given to those landscapes that have little or no deviation from the landscape character valued by constituents for its aesthetic quality. Scenic integrity is the state of naturalness or, conversely, the state of disturbance created by human activities or alteration.

The frame of reference for measuring achievement of scenic integrity levels is the valued attributes of the "*existing*" landscape character "*being viewed*." Naturally Evolving or Natural-Appearing Scenic Character is limited to natural or natural appearing vegetative patterns and features, water, rock, and landforms. Direct human alterations may be included if they have become accepted over time as positive landscape character attributes.

C. ROS and SMS Relationships

The relationship between the Scenery Management System and the Recreation Opportunity Spectrum systems is discussed in the 1982 and 1986 ROS Users Guides. The FSM 2310 (WO Amendment 2300-90-1) policy guidance informed and was foundational for the recreation planning direction that is found in the 2012 planning rule and 2015 planning directives.

The Landscape Aesthetics Handbook. Landscape Aesthetics - A Handbook for Scenery Management (Agricultural Handbook Number 701); **Appendix** F - 1 - Recreation Opportunity Spectrum states: "*Recreation planners, landscape architects, and other Forest Service resource managers are interested in providing high quality recreation settings, experiences, and benefits for their constituents. This is accomplished, in part, by linking the Scenery Management System and the Recreation Opportunity Spectrum (ROS) System. In addition, providing a single constituent inventory and analysis for both systems is helpful in coordinating management practices.*

Esthetic value is an important consideration in the management of recreation settings. This is especially so in National Forest settings where most people expect a natural appearing

landscape with limited evidence of 'unnatural' disturbance of landscape features…

In the past, there have been apparent conflicts between The Visual Management System sensitivity levels and ROS primitive or semi-primitive classes. One apparent conflict has been where an undeveloped area, having little existing recreation use and seldom seen from sensitive travel routes, was inventoried using The Visual Management System. The inventory led to a sensitivity level 3 classification, and thus apparently contradicted ROS inventory classes of primitive or semi-primitive non-motorized or semi-primitive motorized. Using criteria in The Visual Management System, in a variety class B landscape with a sensitivity level 3, the initial visual quality objective is 'modification' or 'maximum modification,' depending on surrounding land classification. However, because of factors such as few social encounters, lack of managerial regimentation and control, and feelings of remoteness, the same area having little existing recreation use may establish an ROS primitive, semi-primitive non-motorized, or semi-primitive motorized inventory classification. There have been concerns over the premise of The Visual Management System that the visual impact of management activities becomes more important as the number of viewers increases; yet, the ROS System emphasizes solitude, infrequent social encounters, and naturalness at the primitive end of the spectrum, with frequent social encounters and more evident management activities at the urban end. Value or importance is dependent on more than the number of viewers or users, and the key is that both the Scenery Management System and ROS are first used as inventory tools. Land management objectives are established during, not before, development of alternatives.

Where there does appear to be a conflict in setting objectives for alternative forest plans, the most restrictive criteria should apply. An example might be an undeveloped land area in a viewshed managed for both middleground partial retention and semi-primitive non-motorized opportunities. Semi-primitive non-motorized criteria are usually the more restrictive.

The Scenery Management System and ROS serve related, but different, purposes that affect management of landscape settings. In some cases, ROS provides stronger protection for landscape settings than does the Scenery Management System. This is similar to landscape setting protection provided by management of other resources, such as cultural resource management, wildlife management, and old-growth management. In all these examples, there may be management directions for other resources that actually provide higher scenic integrity standards than those reached by the Scenery Management System. Different resource values and systems (the Scenery Management System, the ROS System…) are developed for differing needs, but they are all systems that work harmoniously if properly utilized…

Evidence of Humans Criteria and the Visual Management System – While in some ways it seems possible to equate Visual Quality Objectives, or a range of objectives, with each Recreation Opportunity Spectrum class the function of the Evidence of Humans Criteria in the Recreation Opportunity Spectrum is not the same as Visual Quality Objectives in the Visual Management

System and equating the two is not recommended. For example, middle and background Visual Management System areas are often where Primitive and Semi-Primitive Recreation Opportunity Spectrum classes occur. A retention or partial retention Visual Quality Objective given to such an area for management direction could have a vastly different meaning than the delineated Recreation Opportunity Spectrum class. Thus, identify the Recreation Opportunity Spectrum classes through the setting descriptions in the Evidence of Humans Criteria—Table 5… To assist in this, the Evidence of Humans Criteria are purposely worded differently than the definitions of Visual Quality Objectives." **Table 5** is found in the 1982 ROS Users Guide on page 22 and in the 1986 ROS Book on page IV-10.

Table 5

Evidence of Humans Criteria					
Primitive	Semi-Primitive Non-Motorized	Semi-Primitive Motorized	Roaded Natural	Rural	Urban
Setting is essentially an Unmodified natural environment. Evidence of humans would be unnoticed by an observer wandering through the area.	Natural setting may have subtle modifications that would be noticed, but not draw the attention of an observer wandering through the area.	Natural setting may have moderately dominant alterations, but would not draw the attention of motorized observers on trails and primitive roads within the area.	Natural setting 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 alterations would remain unnoticed or visually subordinate.	Natural setting is culturally modified to the point that it is dominant to the sensitive travel route observer. May include pastoral, agricultural, intensively managed wildland resource landscapes, or utility corridors….	Setting is strongly structure dominated. Natural or natural-appearing elements may play an important role but be visually subordinate….
Evidence of trails is acceptable, but should not exceed standard to carry expected use.	Little or no evidence of primitive roads and the motorized use of trails and primitive roads.	Strong evidence of primitive roads and the motorized use of trails and primitive roads.	There is strong evidence of designed roads and/or highways.	There is strong evidence of designed roads and/or highways.	There is strong evidence of designed roads and/or highways and streets.
Structures are extremely rare.	Structures are rare and isolated.	Structures are rare and isolated.	Structures are generally scattered, remaining visually subordinate….	Structures are readily apparent….	Structures and structure complexes are dominant….

The following exhibit displays the relationship between ROS class and Scenic Integrity Objectives (Landscape Aesthetics Handbook).

Scenic Integrity Objectives					
ROS Class	Very High	High	Moderate	Low	Very Low
Primitive	Norm	Inconsistent	Unacceptable	Unacceptable	Unacceptable
Semi-Primitive Non-Motorized	Fully Compatible	Norm	Inconsistent	Unacceptable	Unacceptable
Semi-Primitive Motorized	Fully Compatible	Fully Compatible	Norm[19]	Inconsistent	Unacceptable
Roaded Natural-Appearing	Fully Compatible	Norm	Norm	Norm[20]	Inconsistent[21]
Rural	Fully Compatible	Fully Compatible	Norm	Norm[20]	Inconsistent[21]
Urban	Fully Compatible	Fully Compatible	Fully Compatible	Fully Compatible	Not Applicable

D. Recreation and Tourism Initiatives

"Recreation & Tourism Initiative, Igniting Research for Outdoor Recreation: Linking Science, Policy, and Action," 2020, edited by Steven Selin and others, PNW-GTR-987 describes, "*Public lands provide opportunities and settings for people to experience nature and the outdoors. These outdoor experiences are important for human health and well-being and result in visitor spending that benefits local communities. This report shows that new research, tools, and frameworks are needed to help us find new ways to conceptualize outdoor recreation and enhance the ability of public land managers to provide outdoor experiences while protecting natural and cultural resources….*"

The following reviews sections of this publication with quotes from the chapters with embedded remarks that reflect on several of the report propositions.

Chapter 1: "The Shifting Outdoor Recreation Paradigm: Time for Change" by Dale J. Blahna states, "*In general, the outdoor recreation paradigm tended to focus narrowly on the social science of visitor experiences, satisfaction, and economic values, while recreation ecology focused on the environmental impacts of recreation. A few integrative models were developed, such as VERP (visitor experience and resource protection) and LAC (limits of acceptable change), but these tools tend to be used rarely and they never grew or evolved into landscape-level models that could play key roles in decisionmaking or management planning like forest growth and yield, wildlife habitat, and fire spread models…*"

[19] Norm from sensitive roads and trails.
[20] Norm only in middleground-concern level 2, where Roaded Modified subclass is used.
[21] Unacceptable in Roaded Natural-Appearing and Rural where Roaded Modified subclass is used. It may be the norm in a Roaded Modified subclass.

The 1986 “Recreation Opportunity Setting as a Management Tool” technical guide provided an integrated model for resource management on NFS lands. The guide for each ROS class described compatible recreation, timber, wildlife, range, and water resource relationships.

“The emerging paradigm of outdoor recreation recognizes that humans are part of natural systems and that connecting with natural settings provides a broad range of human values and benefits that are not otherwise available, affirming these values and benefits to be essential for human health and well-being. As such, it is the responsibility of outdoor recreation professionals and agencies to increase public access and visitor diversity and expand the types of visitor experiences, opportunities, and benefits that people obtain from public lands, while simultaneously protecting the natural environment. Thus, the paradigm shift that is occurring in outdoor recreation has both a societal/conceptual component and an agency/practice component, and both require integrating social and environmental factors.”

This statement improperly suggests there is a common belief that current recreation planning models do not address humans as being part of natural systems, while improperly diminishing the recognition that humans can modify the natural environment in a manner that could substantially reduce human health and well-being benefits. A concern is that use continues to increase without adequate measures to protect the natural environment. In addition, more primitive recreation settings that are sought by many recreationists continue to be degraded by resource development actions.

The recreation resource does not need to be a catch-all resource category for addressing the many dimensions of human connections to the natural environment. It is my experience that describing many aspects of native American use of public lands as recreation would be a mistake. The Arctic National Wildlife Range manager in 1977 asked that I include the Gwitchin and Inuit people in a visitor use questionnaire survey. These native people continue to be part of the dynamics of the Refuge. After meeting with these people, it was clear that their connections and experiences in the Refuge would not be captured by my visitor use survey instrument. The dimensions of their use in the Refuge were complex and could not be readily described as recreation. Aspects of Gwitchin and Inuit use of public lands in Alaska were recognized and protected by the Alaska National Interest Lands Conservation Act.

“Dated recreation planning tools, a downward trajectory for appropriated government funding, and shifting societal values and growing diversity all lend urgency to the need for new ways of thinking about our profession and new practices in recreation management. Outdoor recreation is still viewed as a secondary consideration in decisionmaking by federal land management agencies, with resource production and environmental protection values dominant. Ironically, recreation access and use are the primary ways that Americans connect with public lands, and public lands could be viewed as an essential component of the nation’s health infrastructure. We need to act now for three reasons: (1) natural systems will benefit from a better relationship

with human society, (2) there is an immediate need for increased government support for recreation management and infrastructure, and (3) public lands require consistent and more public support if they are to continue to exist as a valued component of our well-being…

The anomalies and emerging agency initiatives are the converse of the assumptions underlying the current paradigm. Although solitude, remoteness, traditional uses, counting visitors, and reducing onsite conflicts will always be important parts of public lands recreation management, they are not and should not be the primary focus of the new and emerging goals of sustainable recreation. Recognizing different cultural beliefs and expectations regarding human-nature interactions, expanding understanding and measurement of the diversity of benefits of human-nature contacts, and creating an outdoor recreation ecosystem science will require significant changes for both recreation research and agency management, not unlike the scientific revolutions in fire and wildlife ecology in the 20th century…"

The statement that recreation planning tools are dated is not substantiated. The Recreation Opportunity Spectrum, as envisioned in 1986, would continue to be an effective recreation resource integration tool in forest planning if properly implemented. However, over the last several years the agencies have tended to move away from managing recreation settings; instead, recreation management has been mostly focused on recreation activities. In 2020, the Forest Service FSM 2310 recreation planning directive was modified, which will further diminish the role that the recreation resource will have in multiple use decision making. The ROS planning framework and Limits of Acceptable Change will continue to contribute to integrated planning for multiple use programs if their protocols are adhered to by agencies.

Chapter 5: Rethinking "Outdoor Recreation" to Account for the Diversity of Human Experiences and Connections to Public Lands, Dale Blahna and others state, "*A challenge for recreation managers is overcoming the trap of past mental models that have focused on the notion that recreation is a mix of a small set of activities and a small set of settings that result in recreation satisfaction and then a resultant desired benefit. The Recreation Opportunity Spectrum (ROS), for example, which is the dominant recreation analysis tool of the Forest Service and the Bureau of Land Management (BLM), is a case in point…"*

The BLM no longer uses the Recreation Opportunity Spectrum. The current BLM recreation framework is the Recreation Setting Characteristics (BLM H-8320-1). The BLM states, "*the ROS process mapped the physical, social, and operational RSCs separately and then combined all maps into one final composite map. This often resulted in inconsistencies between the physical, social, and operational recreation settings. The conflicts were resolved by emphasizing the physical character of the landscape or averaging the differences. Unfortunately, this often resulted in a misrepresentation of the social and operational qualities of the recreation area, making the ROS difficult to understand and implement. In response, the BLM has modified the*

application of the ROS by not requiring the integration of the physical, social, and operational RSCs into one final composite map."

This change may reduce the ability of the BLM to protect recreation settings. To protect the qualities and values of National Scenic and Historic Trails, the BLM should use the ROS planning framework.

"The ROS is an abstraction of human experiences that classifies an agency's lands into six very general categories (urban, rural, roaded natural, semi-primitive motorized, semi-primitive non-motorized, and primitive) based on seven criteria (remoteness, access, naturalness, facilities, social encounters, visitor impacts, and management characteristics). This abstraction has taken the diversity of the natural world and our relationship to it and has reduced the richness and complexity of our imagination. Today, the ROS appears overly reductionist and does not recognize the simultaneous effects of incongruous setting characteristics and personal and social experiences in time, space, mind, or memory."

The ROS is based on the idea that visitors participate in different recreation activities in different settings in order to realize certain experiences. There are many different types of experiences. Some relate to solitude, risk, and challenge and we typically associate these with opportunities at the primitive end of the spectrum. Others relate to meeting and enjoying others or family togetherness. The Forest Service planning directives, consistent with the ROS planning framework, states "*The interdisciplinary team is encouraged to use new approaches for managing recreation within the plan area. The interdisciplinary team should be proactive in developing a coherent system of sustainable and socially compatible recreation opportunities*."

ROS setting attributes provide for a degree of integration with other resources, which are important elements of achieving desired experiences. The recreation opportunity setting is composed of other natural features in addition to the six factors. Landform types, vegetation, scenery, water, wildlife, etc., are all important elements of recreation environments; they influence where people go and the kinds of activities possible. Considerable work has gone into developing procedures for measuring and managing visual resources.

"Like ROS, most visitor management concepts and tools used today were developed in the 1970s and 1980s. They reflect the post-World War II "recreation boom" mentality, when a new generation of recreationists provided new challenges to managers, and recreation use levels, visitor conflicts, resource impacts, and crowding became dominant agency concerns. In the 21st century, agency policies and leadership priorities are emphasizing increasing visitor use and access, diversifying the visitor base, enhancing experiences, sharing stewardship, and expanding collaborators in land management and decisionmaking. As noted in the prologue, these are very different from the boom era concerns, and concepts like visitor satisfaction, specialization, and

carrying capacity are ghosts of past models that are limiting our ability to address today's challenges…"

Agencies continue to face new generations of recreationists that provide new challenges to managers. Visitor conflicts, crowding, and resource issues have not been abated. Plus, these continuing issues are confounded by agency policies and leadership priorities that emphasize increasing visitor use and access, enhancing experiences, increased resource production that diminish recreation opportunities, and establishing management priorities that reduce recreation budgets and the number of professional wildland recreation management specialists. Wildland recreation planning and management specialists would help ensure that the agency had adequate subject matter expertise to address the recreation resource.

Chapter 12: Integrating Social, Ecological, and Economic Factors in Sustainable Recreation Planning and Decisionmaking by Dale J. Blahna and others state, *"If a primary objective of sustainable recreation is sustaining both recreation experiences and environmental conditions while encouraging increasing recreation use and visitor diversity, we know little about how to integrate with broader system resilience objectives. And goals conceived in this way will require newer and more integrated sets of principles and practices than are currently available to managers. Existing recreation management tools are limited, and existing large-scale planning and decision frameworks tend to be very complex and based on generic systems characteristics and standardized metrics, rather than context and place-specific issues. Different research approaches are needed to develop a new generation of integrated principles and practices."*

The ROS planning framework continues to be an important tool for integrated resource land management planning. Its intuitive appeal and ease of integration with other resource uses and values are responsible for its widespread adoption and modification. It has a strong science foundation. As a planning framework, ROS forces management to explicate fundamental assumptions, but in the process of moving through the framework, it allows agency and public reviewers to follow and understand results. There is no evidence that protecting natural settings using the ROS planning framework is subjectively limiting the ability of the agencies to address current human use needs and challenges.

It should not be assumed that different research approaches will lead to the development of a new generation of integrated principles and effective practices. The ROS planning framework was not intended to never change, but modifications to the ROS planning framework, and changes to other planning models, should only occur through robust public involvement processes and be based on science.

"*Humans Need Nature. Nature Needs Protection. Protected areas serve as a critical conservation tool for protecting nature and biodiversity. Humans also depend on intact ecosystems and benefit from the environmental services they provide. Guaranteeing the*

effective use and management of protected areas will ensure that all future generations will be able to enjoy the benefits they provide. Protected areas require adept, well-trained personnel and strong partnerships to deal with many challenges including lack of funding, undertrained personnel and personnel shortages, and an ever-increasing list of traditional and emerging transboundary threats…." (Warner College of Natural Resources)

E. Ecosystem Integrity and Diversity of Plant and Animal Communities

The Forest Plan refers to forest health and restoration projects and activities. The Planning Rule states, "*The plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore structure, function, composition, and connectivity...*" (36 CFR § 219.8(a)(1)). Ecological integrity is defined as, "*The quality or condition of an ecosystem when its dominant ecological characteristics (for example, composition, structure, function, connectivity, and species composition and diversity) occur within the natural range of variation and can withstand and recover from most perturbations imposed by natural environmental dynamics or human influence*" (36 CFR § 219.19).

The Forest Service states, "*Agency intent is to promote ecosystem integrity in the plan area. However, it may not be possible or appropriate to strive for returning key characteristics to past conditions throughout the plan area… Understanding the natural range of variation is fundamental in strategic thinking and planning, even if restoration to historical conditions is not the management goal or possible on parts of the plan area. Understanding the natural range of variation of an ecosystem provides an understanding of how ecosystems are dynamic and change over time. The natural range of variation is useful for understanding each specific ecosystem, for understanding its existing ecological conditions, and for understanding its likely future character, based on projections of climate regimes" (FSH 1909.12 23.11a). "Plans must contain plan components, including standards or guidelines, that maintain or restore the composition, structure, ecological processes, and connectivity of plan area ecosystems in a manner that promotes their ecological integrity*" (FSH 1909.12 23.11b). "*Desired conditions should define and identify fire's role in the ecosystem*" (FSH 1909.12 23.11c).

The 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.

Scenic stability and sustainable recreation in an ecological context are 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 as defined by the 1986 ROS Book. The Land Management Plan and related EIS should describe how much land could be devoted to timber production, mechanical treatments, and associated actions and activities while still meeting requirements for ecological integrity.

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 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. Departures in fire regime, extensive insect outbreaks, excessive timber production, development of permanent and temporary roads, and other disturbances from the natural range of variation and the rate of seral-stage change may affect scenic stability and sustainable recreation.

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. In statutorily 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 including Roaded Natural and Roaded Modified settings, interventions may include removal of infected and dead trees or clear cuts, associated roads, and then followed by artificial reforestation. In addition, the Carson Plan if implemented would allow similar interventions in Semi-Primitive ROS settings, which is inconsistent with the 1982/1986 ROS planning framework conventions.

Mark Swanson and others describe that, "*Early-successional forest ecosystems that develop after stand-replacing or partial disturbances are diverse in species, processes, and structure. Post-disturbance ecosystems are also often rich in biological legacies, including surviving organisms and organically derived structures, such as woody debris. These legacies and post-disturbance plant communities provide resources that attract and sustain high species diversity, including numerous early-successional obligates, such as certain woodpeckers and arthropods. Early succession is the only period when tree canopies do not dominate the forest site, and so this stage can be characterized by high productivity of plant species (including herbs and shrubs), complex food webs, large nutrient fluxes, and high structural and spatial complexity. Different disturbances contrast markedly in terms of biological legacies, and this will influence the resultant physical and biological conditions, thus affecting successional pathways. Management activities, such as post-disturbance logging and dense tree planting, can reduce*

the richness within and the duration of early-successional ecosystems. Where maintenance of biodiversity is an objective, the importance and value of these natural early-successional ecosystems are often underappreciated.

Naturally occurring, early-successional ecosystems on forest sites have distinctive characteristics, including high species diversity, as well as complex food webs and ecosystem processes. This high species diversity is made up of survivors, opportunists, and habitat specialists that require the distinctive conditions present there. Organic structures, such as live and dead trees, create habitat for surviving and colonizing organisms on many types of recently disturbed sites. Traditional forestry activities (e.g., clearcutting or post-disturbance logging) reduce the species richness and key ecological processes associated with early-successional ecosystems; other activities, such as tree planting, can limit the duration (e.g., by plantation establishment) of this important successional stage."[22]

Forest ecological integrity assessments must clearly describe the quality or condition of an ecosystem that may need to be restored. Forest restoration is a range of actions that strive to manage a forest in a way that reflects its historical ecological state in a certain place. This can include replanting or reintroducing native plants and animals, mechanical thinning, and prescribed burning to replicate historical tree densities, removal of invasive species, or returning physical processes, including fire behavior, functioning streams, and floodplains to a more natural and resilient state.

The goal of forest health projects should be the same as the goal of restoration which is not to recreate a specific appearance, but to reduce the effects of past human activities, such as clearcutting, fire suppression, and roads. Proposed actions to enhance forest resiliency and improve ecological integrity should clearly explain how management actions will increase age class, structural, and vegetation diversity across the landscape. Harvesting live trees in areas of extensive tree mortality, especially if temporary or new permanent roads are needed for the action, would not contribute to forest resiliency, and improve ecological integrity.

Successful restoration of any road entails many steps. It requires ripping up the road bed to remove the compacted soil layers. The side slope soil must be put back on the site, and reshaped so sub surface and surface water flow are restored. Culverts need to be removed, and stream channels fully restructured and reconstituted. Native vegetation needs to be planted and logs, rocks, and other natural structures need to be put back on the slope. Long-term monitoring of restoration actions is critical to ensure that desired site conditions are achieved and sustained.

[22] http://nstrail.org/insect_disease_fire/forgotten_stage_of_forest_succession_mark_swanson_others_2010.pdf

Restoration actions may be limited by natural resource, designated area, and Primitive and Semi-Primitive ROS setting management constraints. Roads may need to be reclaimed if Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized ROS class conditions are to be restored or recovered.

Section III. 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.

Plan components should be integrated, written clearly, concisely, and without ambiguity, and include desired conditions, objectives, standards, guidelines, goals, and suitability-of-land determinations. Taken together, plan components establish the vision of a plan, set forth the strategy to achieve it, and provide the constraints of subsequent management.

A. Recreation

Forest Plan: The Carson plan beginning on page 128 states, "*Recreational opportunities can be grouped into the following types: (1) dispersed recreation, (2) developed recreation, and (3) motorized recreation. Dispersed recreation is any recreation outside of a developed site… Recreational settings and experiences are defined by the recreation opportunity spectrum which identifies various levels of development available for recreational activities. The spectrum uses physical, biological, social, and managerial settings, ranging from primeval to paved to guide recreation planning and management. Recreation settings ranging from least to most developed are primitive, semi-primitive-nonmotorized, semi-primitive motorized, roaded natural, rural, and urban. Desired recreation opportunity spectrum classes are mapped forestwide at a broad scale. Local inconsistencies may exist. The map of desired classes may need to be updated in the future to resolve these inconsistencies or to account for changed conditions. Finer-scale project design may identify more precise boundaries for desired ROS settings than are represented on the forestwide allocation map. Any changes to accommodate proposed projects should be inconsequential in achieving or maintaining the broader area's desired setting over the long term…*

Recreation Standards (FW-REC-S)

1 Where primitive recreation settings are desired, construct or designate no new motorized roads, trails, or areas for public, administrative, or permitted use.

2 Where semi-primitive non-motorized recreation settings are desired, construct or designate no new permanent motorized roads, trails, or areas for public, administrative, or permitted use. Any temporary road construction where semi-primitive non-motorized recreation settings are desired must be decommissioned within 2 years of project completion.

Recreation Guidelines (FW-REC-G)

2 All project-level decisions and implementation activities should be consistent with recreation opportunity spectrum classes and setting descriptions in the desired recreation opportunity spectrum, to sustain recreation settings and opportunities…."

Issue and Statement of Explanation: The Forest Plan flexibility theme does not result in plan direction that addresses the integrated resource management requirements of NFMA and do not provide a sound basis for the decisions to be made.

The Planning Rule (36 CFR § 219.10(a)) requires that a plan contain plan components including standards or guidelines for integrated resource management to provide for ecosystem services and multiple use [including outdoor recreation]; and plan components including standards or guidelines to provide for: (1) Aesthetic values, air quality, cultural and heritage resources, ecosystem services, fish and wildlife species, forage, geologic features, grazing and rangelands, habitat and habitat connectivity, recreation settings and opportunities, riparian areas, scenery, soil, surface and subsurface water quality, timber, trails, vegetation, viewsheds, wilderness, and other relevant resources and uses… (b) Requirements for plan components for a new plan or plan revision.

(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. Recreation opportunities may include non-motorized, motorized, developed, and dispersed recreation on land, water, and in the air. (36 CFR § 219.10 (b)(1)(i)).

FSH 1909.12 23.23a - 2. The plan must include plan components, including standards or guidelines, to provide for sustainable recreation integrated with other plan components as described in 23.21a. To meet this requirement the plan:

> a. 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…
>
> g. Should include specific standards or guidelines where restrictions are needed to ensure the achievement or movement toward the desired recreation opportunity spectrum classes….

The integration of plan components means that all plan components work together toward achieving or maintaining desired conditions. The plan components must be internally consistent. One plan component must not directly conflict with another plan component or prevent its accomplishment. Not only must unit-wide plan components fit together, but also

unit-wide and area-specific plan components must fit together. Fitting unit-wide and area-specific plan components together may require qualification to eliminate conflicts in direction.

The Forest Plan fails to provide for the integration of the recreation resource and scenery conditions. The overlapping and combinations of desired Scenic Character and ROS classes do not meet the integration requirements of the NFMA. Requiring project analyses does not meet the definitions of standards and guidelines.

The Forest Plan emphasis on adaptive management results in Forest Plan direction that doesn't resolve visitor use or resource development conflicts.

Proposed Solution to Improve the Decision: 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. Semi-Primitive Non-Motorized setting desired conditions should include a description of Evidence of Humans that includes a statement that "*Natural setting may have subtle modifications that would be noticed but not draw the attention of an observer wandering through the area*." In addition, Semi-Primitive Non-Motorized and Semi-Primitive Motorized settings should be described as not being suitable for timber production.

The FEIS should state, "*The CDNST management corridor and areas recommended for wilderness, wilderness study areas, eligible or suitable river segments are not suitable for timber production to maintain their qualities and values. The remaining lands after subtracting the lands that are suited from the lands that may be suited are not suited for timber production because it is not compatible with the land area's desired conditions and objectives (36 CFR 219.11(a)(1)(iii))*."

The plan must indicate where established ROS classes, Scenic Character, and Scenic Integrity Objectives apply. Forest Plan modifications of where ROS, Scenic Character, and SIO direction applies (including maps) must follow amendment processes and not be addressed as an administrative change.

See Section I Part C of this objection.

Connection with Comments: Carson Draft Plan comments pages 3-8. CDNST Planning Handbook (Handbook) Chapter III Part F. New information in the FEIS.

Violation of law, regulation or policy: 16 U.S.C. §§ 219.1, 219.10(a), 219.10(b)(1)(i), 219.11(a)(1)(iii); FSH 1909.12 parts 22 and 23.23a.

B. Continental Divide National Scenic Trail

The following repeats proposed revised Forest Plan direction with notations as to the adequacy of the direction.

Forest Plan: The Carson Plan beginning on page 167 states, "*National Scenic, Historic, and Recreation Trails Desired Conditions (DA-NTRL-DC) …*

Continental Divide National Scenic Trail (CDNST)

6 ~~The Continental Divide National Scenic Trail provides high-quality scenic, primitive hiking, pack and saddle stock opportunities while conserving natural, historic, and cultural resources along the trail. Other activities and opportunities, including mountain biking, are allowed when compatible with the nature and purposes of the Continental Divide National Scenic Trail.~~ {There are elements of this description that do not align with the Comprehensive Plan. I recommend retaining the nature and purposes language that is found in the Comprehensive Plan.}

7 Viewsheds from the Continental Divide National Scenic Trail have high scenic values. The foreground of the trail ~~(up to 0.5 mile on either side)~~ is natural-appearing and generally looks unaltered by human activities.

8 The Continental Divide National Scenic Trail is consistent with a primitive or semi-primitive non-motorized setting ~~and may intermittently pass through more developed settings~~. The Continental Divide National Scenic Trail provides for a continuous route through predominately undeveloped settings.

11 Wild and remote backcountry segments of the Continental Divide National Scenic Trail provide opportunities for solitude immersion in natural landscapes and primitive outdoor recreation, ~~while easily accessible trail segments complement local community interests and needs~~.

National Scenic, Historic, and Recreation Trails Standards (DA-NTRL-S)

Continental Divide National Scenic Trail (CDNST)

1 ~~Management of the Continental Divide National Scenic Trail must 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 the plan is more than 15 years old~~. {This is inconsistent NFMA and NEPA planning requirements and must be deleted.}

2 ~~Motorized use is prohibited on newly constructed segments of the Continental Divide National Scenic Trail. Existing motorized use may continue on the Continental Divide National Scenic Trail where it overlaps with existing roads or trails designated for motorized use per the motor vehicle use map…~~ {This direction is not consistent with the NTSA as implemented through the Comprehensive Plan and Forest Service directives.}

National Scenic, Historic, and Recreation Trails Guidelines (DA-NTRL-G)

Continental Divide National Scenic Trail (CDNST)

*3 ~~New or relocated trail segments should be located primarily within settings consistent with or complementing primitive or semi-primitive non-motorized recreation opportunity spectrum classes, to retain or promote the character for which the Continental Divide National Scenic Trail was designated.~~ Road and motorized trail crossings and other signs of modern development should be avoided. {*This direction may be appropriate guidance for developing the Forest Plan, but it is irrelevant to plan implementation.}

5 If management activities result in short-term impacts to the scenic character along the Continental Divide National Scenic Trail, mitigation measures should be included (e.g., screening, feathering, and other scenery management techniques), to minimize visual impacts at key points (e.g., vistas), ~~within 0.5 mile either side of the trail~~.

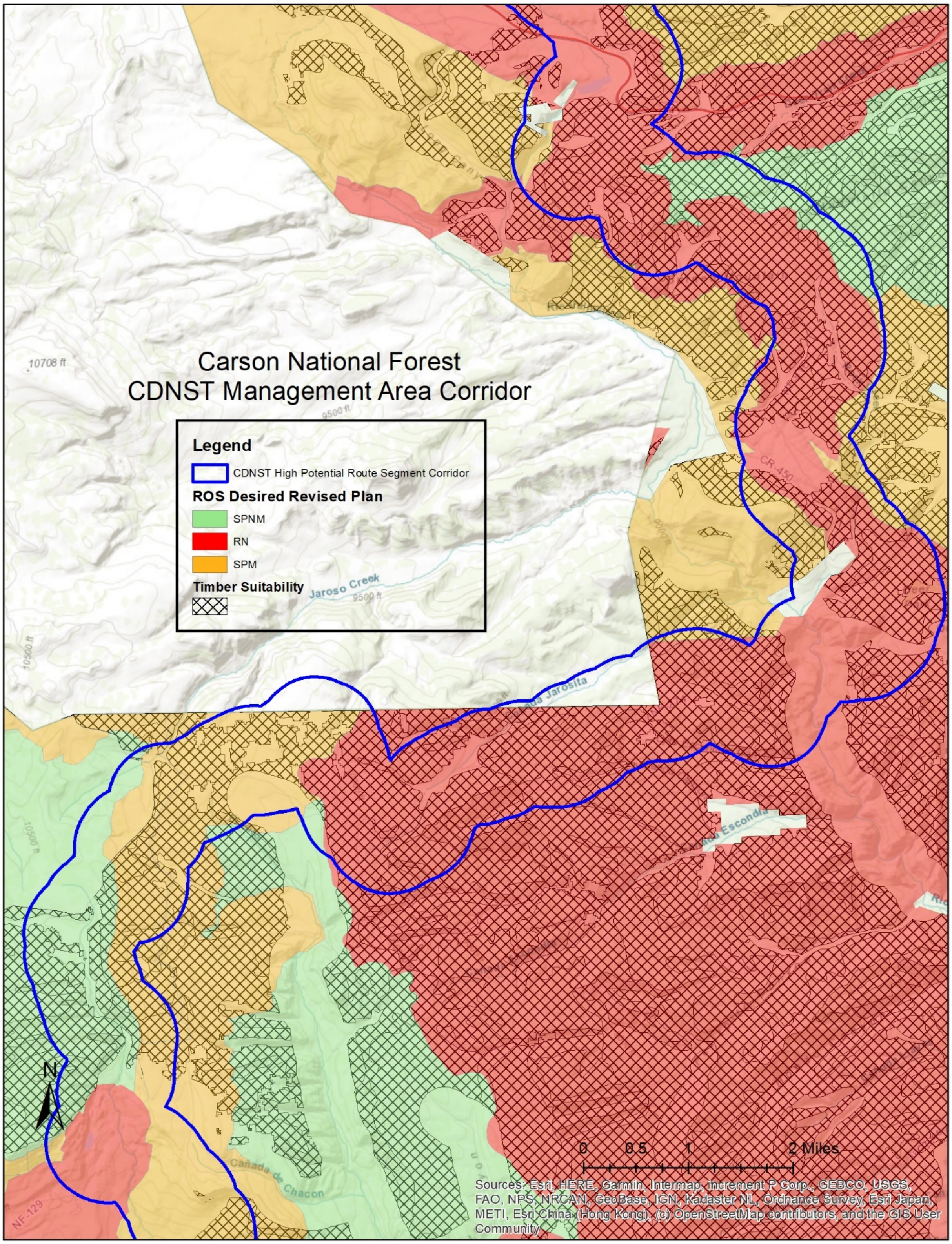
7 Special-use authorizations for new visible communication sites, utility corridors, and renewable energy sites should not be allowed within the foreground (up to 0.5 mile) and should be visually subordinate within the middle ground viewshed ~~(up to 4 miles),~~ to protect the Continental Divide National Scenic Trail's scenic values.

9 ~~New temporary and permanent road or motorized trail construction across or adjacent to the Continental Divide National Scenic Trail should be avoided, unless necessary for resource protection, access to private lands, or to protect public health and safety~~. {This direction should be addressed through establishing ROS settings and by guidance that recognizes any public motorized use that is allowed by the NTSA.}

10 ~~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.}

Issue and Statement of Explanation: As reviewed in comments on the Draft Forest Plan, the proposed plan establishes plan components that do not protect the nature and purposes of the CDNST. The Forest Plan promotes management activities and uses within the CDNST corridor that are not compatible with the nature and purposes as described in the CDNST Comprehensive Plan and policy.

A primary concern are areas within the CDNST corridor, such as the area that is depicted below, that are proposed to be managed for Roaded Natural and Semi-Primitive Motorized ROS class conditions with timber production. These settings and activities if implemented would lead to actions that substantially interfere with the nature and purposes of the CDNST, which is not allowed by the National Trails System Act.


Carson National Forest
CDNST Management Area Corridor
Legend
CDNST High Potential Route Segment Corridor
ROS Desired Revised Plan
SPNM
RN
SPM
Timber Suitability
Jaroso Creek
10708 ft
9500 ft
CR 450
NF-129
Cañada de Chacon
N
0 0.5 1 2 Miles
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), (c) OpenStreetMap contributors, and the GIS User Community

Proposed Solution to Improve the Decision: Appropriate CDNST plan components are described in Section I Part C of this objection.

Violation of law, regulation or policy: USDA DR 1074-001; 36 U.S.C. § 216; 16 U.S.C. §§ 1242(a)(2), 1244(f), 1246(a)(2), 1246(c); E.O. 13195; CDNST Comprehensive Plan Chapter III.E Land Management Planning (74 FR 51124), Chapter IV.A Nature and Purposes (74 FR 51124), Chapter IV.B.4 Scenery Management (74 FR 51124), Chapter IV.B.5, Recreation Management (74 FR 51125), and Chapter IV.B.6 Motorized Use (74 FR 51125); 16 U.S.C. 1604(f)(1); 36 CFR §§ 219.3, 219.7, 219.9(a)(1), 219.10(a), 219.10(b)(1)(vi), 219.11(a)(1)(iii); FSM 2353.44b; FSH 1909.12 23.11b; and FSH 1909.12 Part 24.43.

Connection with Comments: Carson Draft Plan comments pages 10 – 15. Handbook Chapter III Part D and J.

C. Glossary

Issue and Statement of Explanation: The Carson Forest Plan definitions are incomplete.

Proposed Solution to Improve the Decision: The glossary should add important definitions to support proposed Forest Plan:

- National Scenic Trail. Congressionally designated trail that is a long-distance trail so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant resources, qualities, values, and associated settings and the primary use or uses of the areas through which such trails may pass.
- Recreation Opportunity Spectrum Classes. ROS class desired conditions must be compatible with the 1986 ROS Book descriptions. The definitions beginning on page 274 of the Carson Plan should be modified.
    - 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 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.

- 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 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 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 Motorized ROS Class Desired Conditions. Setting: The area is predominantly a 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 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 moderate 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.
- 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. Scenic Integrity Objective is Low.

- 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 facilities are designed for use by many 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.

Violation of law, regulation or policy: 36 CFR § 219.3.

Connection with Comments: Carson Draft Plan comments pages 3-9. Handbook Chapter VI.

D. References

Issue and Statement of Explanation: The Carson proposed Forest Plan does not include important references.

Proposed Solution to Improve the Decision: The 1986 ROS Book and 2009 CDNST Comprehensive Plan should be added to references:

- USDA Forest Service. 1986. ROS Book. Washington DC: Washington Office.
- USDA Forest Service. 2009. Continental Divide National Scenic Trail Comprehensive Plan. Washington DC. Washington Office.

Violation of law, regulation or policy: 36 CFR § 219.3; 16 U.S.C. § 1244(f)

Connection with Comments: Carson Draft Plan comments pages 3-9. Handbook Chapter VI.

Section IV. 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.

The Council on Environmental Quality (CEQ) issued guidance in 2014 on effective use of programmatic National Environmental Policy Act (NEPA) reviews. CEQ states that, "*NEPA requires Federal agencies to consider the effects of a proposed action and any reasonable alternatives on the human environment. Those effects include, among others, impacts on social, cultural, economic, and natural resources. To implement NEPA, agencies undertake an assessment of the environmental effects of their proposed actions prior to making decisions. The NEPA review process is an integral and valuable tool for public engagement and thoughtful decisionmaking, a process that often produces more sound analysis and information that the federal government might otherwise overlook…*"

Forest Plan geographic bounded areas include a National Forest as a whole, Geographic Areas, Management Areas, and the extent of designated areas such as the area within a Wild and Scenic River established boundary (16 U.S.C. § 1274(b)) and a selected right-of-way (or defined National Trail Management Corridor) for National Scenic and Historic Trails (16 U.S.C. § 1246(a)(2)). Each agency zoned area has unique desired conditions and standards and guidelines that constraint use so that desired conditions are not degraded.

"The agency is obligated to conduct a meaningful impact analysis in accordance with NEPA, and that analysis should be commensurate with the nature and extent of potential impacts of the decision being made. A programmatic NEPA review should contain sufficient discussion of the relevant issues and opposing viewpoints to enable the decisionmaker to take a "hard look" at the environmental effects and make a reasoned choice among alternatives. There should be

enough detail to enable those who did not have a part in its compilation to understand and meaningfully consider the factors involved."

For each NEPA defined geographic area which includes the CDNST management corridor, NEPA reviews should describe the desired conditions for each area and how related standards and guidelines would constrain actions and prevent degradation. A NEPA document must contain sufficient information to foster informed decision-making and informed public participation. Otherwise, the decision would not be in conformance with 42 U.S.C. § 4332(2)(C) and would therefore not be in accordance with law under 5 U.S.C. § 706(2)(A) and not in be in observance of procedure required by law under 5 U.S.C. § 706(2)(D).

A. Alternatives

FEIS: The FEIS Volume 1 beginning on page 12 states, "*The alternatives represent a range of possible management options. Each alternative emphasizes specific land and resource uses and de-emphasizes other uses in response to the revision topics. This is accomplished primarily by changing management area allocations on the Forest, resulting in tradeoffs among the alternatives. See appendix B for a detailed list of specific changes to plan components by alternative… Elements Common to All Alternatives. All five alternatives have a number of features in common. In particular, they: comply with applicable laws, regulations, and policies; … retain existing designated areas (e.g., wilderness areas, wild and scenic rivers)....*

Alternatives 2, 3, 4, and 5 also share a number of features. In particular, they all: emphasize sustainable recreation and include guidance on implementing a sustainable recreation program; use the scenery management system to define scenic integrity objectives across the forest; and provide management direction for recommended wilderness."

Issue and Statement of Explanation: None of the developed alternatives addressed CDNST concerns and legal requirements.

Proposed Solution to Improve the Decision: Issue a Supplemental EIS that includes at least one alternative that identifies CDNST high potential route segment corridors that are protected with plan components that provide for the nature and purposes of this National Scenic Trail. The corridors of high potential route segments may need to have an extent that is greater than one-mile to allow for future site-specific travel route layout considerations.

Violation of Law, Regulation or Policy: 16 U.S.C. §§ 1242(a)(2), 1244(f), 1246(c); 40 C.F.R. § 1502.14.

Connection with Comments: Carson Draft Plan comments page 16. Handbook Chapter IV Part C.

B. Affected Environment Recreation Settings and Opportunities

FEIS: The Carson FEIS Volume 1 begging on page 299 states, "*Recreation Setting and Opportunities. Forest Service personnel use the recreation opportunity spectrum (USDA FS 1982) as a tool to manage for a spectrum of recreation opportunities that can be experienced in diverse settings. A recreation opportunity is the ability to participate in a specific recreation activity in a particular recreation setting. Recreation opportunities include non-motorized, motorized, developed, and dispersed recreation on land, on water, and in the air. The social, managerial, and physical attributes of a place, when combined, provide a distinct set of recreation opportunities. Opportunities vary 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 to the experience (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 setting characterizations are shown in table 57.*

Recreation opportunity spectrum classes were assigned forestwide under the 1986 Forest Plan. Thus, the existing inventory does not appropriately identify which areas are currently providing which opportunities. An important aspect of the recreation opportunity spectrum is to ensure the Carson *is providing a diversity of recreation settings and opportunities that respond to public desires and expectations*."

Table 57. Recreation opportunity spectrum class setting characterizations

Class	Characterization
Primitive	Characterized by an essentially unmodified natural environment of fairly large size. Interaction between users is very low and evidence of other users is minimal. The area is managed to be essentially free of evidence of human-induced restrictions and controls. Motorized use within the area is not permitted. There are no developed facilities.
Semi-primitive non-motorized	Characterized by a predominantly natural or natural-appearing environment of moderate to large size. Interaction among users is low, but there is often evidence of other users. The area is managed in such a way that minimum on-site controls and restrictions may be present but would be subtle. Motorized recreation is not permitted, but local roads used for other resource management activities may be present on a limited basis. Use of such roads is restricted to minimize impacts on recreation experience opportunities. A minimum of developed facilities (if any) are provided.
Semi-primitive motorized	Characterized by a predominantly natural or natural-appearing environment of moderate to large size. Concentration of users is low, but there is often evidence of other users. The area is managed in such a way that minimum on-site controls and restrictions may be present but would be subtle. Motorized use of local primitive or collector roads with predominantly natural surfaces and trails suitable for motorbikes is permitted. Developed facilities are present but are more rustic in nature.
Roaded natural	Characterized by predominantly natural-appearing environments with moderate evidence of the sights and sounds of people. Such evidence usually harmonizes with the natural environment. Interaction among users may be moderate to high, with evidence of other users prevalent. Resource modification and utilization practices are evident but harmonize with the natural environment. Conventional motorized use is allowed and incorporated into construction standards and design of facilities, which are present and well defined.

Rural	Characterized by a substantially developed environment and a background with natural appearing elements. Moderate to high social encounters and interaction between users is typical. Renewable resource modification and utilization practices are used to enhance specific recreation activities. Sights and sounds of humans are predominant on the site and roads and motorized use is extensive. Facilities are more highly developed for user comfort with ample parking.
Urban	Characterized by a substantially urbanized environment, although the background may have natural-appearing elements. Renewable resource modification and utilization practices are to enhance specific recreation activities. Vegetative cover is often exotic and manicured. Sights and sounds of people on-site are predominant. Large numbers of users can be expected, both on-site and in nearby areas. Facilities for highly intensified motor use and parking are available with forms of mass transit often available to carry people throughout the site

Issue and Statement of Explanation: The FEIS appropriately references the ROS User Guides, but the ROS characterization descriptions are incomplete.

Proposed Solution to Improve the Decision: See Section I Part C of this objection. ROS class definitions need to be expanded to add descriptions of Non-Recreation Uses and Evidence of Humans.

Violation of Law, Regulation or Policy: 40 CFR § 1502.15

Connection with Comments: Carson Draft Plan comments page 16. Handbook Chapter IV Part C. New Information.

C. Environmental Consequences for Recreation

FEIS: Carson FEIS Volume 1 on beginning on page 303 states, "*The recreation opportunity spectrum provides a framework for defining the types of motorized and non-motorized outdoor recreation opportunities the public might desire and identifies that portion of the spectrum a given national forest might be able to provide or sustain or both. The recreation opportunity spectrum provides the structure for describing the* Carson*'s contribution to sustainable flows of recreation settings, and visitor opportunities. The recreation opportunity spectrum is used to describe whether management actions would sustain classes and related opportunities, change classes and related opportunities, or both…*

Vegetation treatments in all alternatives (i.e., thinning and burning) have the potential to alter recreation opportunity spectrum classes from those that are predominantly natural-appearing (i.e., primitive, semi-primitive non-motorized, semi-primitive motorized, and roaded natural) to those with more modified environments (i.e., rural or urban). Mechanical thinning and prescribed burning actions could be consistent with managing for predominantly natural-appearing environments of primitive, semi-primitive non-motorized, semi-primitive motorized, and roaded natural recreation opportunity spectrum classes, even though they would be visually evident. However, these treatments could result in more open environments and changes in recreation opportunities by increasing the evidence of other users, which may not be consistent with semi-primitive non-motorized, semi-primitive motorized recreation opportunity spectrum classes. In contrast, primitive recreation opportunity spectrum classes would not have similar

effects because most of the primitive areas are in wilderness where mechanical thinning could not occur or are in less popular parts of the forest where the chance of encountering other users is always low. In addition, fires that are uncharacteristically large and burn with more severe intensity could have effects that occur over larger areas and last longer and are thereby inconsistent with managing for predominantly natural-appearing recreation opportunity spectrum classes. Any minor inconsistencies in managing for recreation opportunity spectrum settings would persist until the evidence of modification practices (e.g., stumps) are not evident and vegetative desired conditions are restored. Effects from uncharacteristic wildfires can be long-lasting and would take longer periods to revert back to the desired recreation opportunity spectrum setting…

Designated areas and eligible wild and scenic rivers are consistent across all alternatives. Management direction is often dictated by law, regulation, and policy. Some designated areas have a recreation focus, and some emphasize specific types of recreation opportunities. Wilderness areas allow visitors to connect with nature and experience solitude and primitive and unconfined recreation. Designated and eligible Wild and Scenic Rivers, especially those with recreation as an outstandingly remarkable value, provide opportunities for recreation on or near free-flowing rivers. National recreation, scenic, and historic trails offer opportunities for exceptional trail experiences. Together, and in concert with recreation opportunities on the rest of the forest, these designated areas expand recreation opportunities and their effects. Proposed research natural areas restrict the types of and options for recreational use…

Alternatives 2, 3, 4, and 5 would adopt desired recreation opportunity spectrum classes for the Carson *NF 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 desired recreation opportunity spectrum classes.*

Under all action alternatives, 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 assist the forest in moving toward the management of a sustainable recreation program and would allow for a better response to current recreation activities and better adaptation to current and future demands for recreation…."

Issue and Statement of Explanation: The described effects indicate that the proposed plan and alternatives fail to protect more primitive desired ROS settings from the effects of road building and vegetation treatments that require heavy equipment. These alternatives should have been dismissed from development, since they fail to provide for the integrated resource management of the forest. The appropriate ROS setting allocation for development areas should have been described as Roaded Modified.

The EIS must disclose the effects of changes to ROS desired conditions for Semi-Primitive ROS settings. A Supplemental FEIS needs to include at least a minimal discussion of effects for the proposed action and alternatives resulting from these changed definitions such as describing that:

> *Reasonable and foreseeable future actions and activities in RN and SPM ROS settings include an increase in mechanical treatment of vegetation and additional roads. Resulting forest conditions may resemble a Roaded Modified ROS setting, which is used to describe these conditions on many other forests. For example, vegetation management activities such as harvesting within and adjacent to a Semi-Primitive ROS setting and associated road construction will increase the sights and sounds of logging equipment such as chainsaws and skidders. Scenery will be degraded, especially in areas deemed suitable for timber production resulting in scenic character that is unexpected from those areas with existing Semi-Primitive ROS settings designations. Natural settings where timber is harvested occurs and roads are constructed will be substantially modified and noticed to an observer wandering through the area. Where Semi-Primitive Non-Motorized ROS setting characteristics are expected the Scenic Character will strongly deviate from that which would be expected from implementing the Planning Rule as described in the Rule PEIS and the 1986 ROS Book.*

Consistent with the 1986 ROS Book, timber production is incompatible with achieving Semi-Primitive ROS setting 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 naturalness characteristics of Semi-Primitive Non-Motorized and Semi-Primitive Motorized ROS classes. The lasting effects of an activity (roads, timber harvest) as well as short-term effects (logging trucks, noise) degrade Semi-Primitive ROS characteristics. In areas of timber production, the spread of non-native vegetation (e.g., noxious weeds) and reoccurring harvests for timber purposes, stand tending, permanent and temporary road construction and reconstruction, travel route closures, and other activities are incompatible with the desired Semi-Primitive ROS settings. In areas where timber harvest with road access is desired, the appropriate ROS class designation is a Roaded Natural/Roaded Modified setting.

Permanent and temporary roads in Semi-Primitive ROS settings must be constrained using Evidence of Humans criteria as described in the 1986 ROS Book. Rarely would permanent and temporary roads be consistent with a SPNM setting that would be expected along a National Scenic Trail. If a road was to be built for any reason, it should be decommissioned with full

obliteration, recontouring, and restoring natural slopes. Monitoring must ensure that surface areas are stabilized and revegetated with native plants.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 40 CFR § 1502.15, 36 CFR §§ 219.3, 219.10(b)(1)(i), 219.11(a)(1)(iii).

Connection with Comments: Carson Draft Plan comments page 17. Handbook Chapter IV Part E. New information in the FEIS.

D. Affected Environment – Designated Areas

FEIS: The Carson FEIS on page 388 states, "*Continental Divide National Scenic Trail. Designated by an Act of Congress in 1978, the Continental Divide National Scenic Trail traverses the Rocky Mountains from Canada to Mexico for approximately 3,100 miles (USDA FS* Carson *NF 2015a). The Continental Divide National Scenic Trail navigates dramatically diverse ecosystems through mountain meadows, granite peaks, and high-desert surroundings. It is one of the most renowned trails in the United States, for its scenic beauty, recreational opportunities, elevation gains, and primitive character. The* Carson *has completed 69.8 miles and surveyed 35 miles of the Continental Divide National Scenic Trail for improvement (see plan appendix A, figure A-7) on the Tres Piedras, El Rito, and Canjilon Ranger Districts*…."

Issue and Statement of Explanation: The National Trails System Act of 1968, 82 Stat. 919, as amended, provides that the CDNST, "*shall be administered*" "by the Secretary of Agriculture" so located as to "*provide for maximum outdoor recreation potential and for the conservation and enjoyment*" of "*nationally significant scenic, historic, natural, or cultural qualities*." It empowers and requires that the Secretary of Agriculture select the CDNST rights-of-way which informs the National Scenic Trail corridor location and width. The establishment of the CDNST thus constitutes an overlay on the management regime otherwise applicable to public areas managed by land management agencies. The NTSA and E.O. 13195 - Trails for America in the 21st Century - limits the management discretion the agencies would otherwise have by mandating the delineation and protection of the CDNST rights-of-way (aka National Trail Management Corridor) for the purpose of providing for the nature and purposes of the CDNST.

The affected environment fails to describe the environment of the area to be affected by the alternatives under consideration. The affected environment section must describe the degree to which CDNST qualities and values are being protected, including the protection of desired recreation settings, scenic integrity, and providing for the conservation purposes along the existing CDNST travel route within the presumed CDNST rights-of-way corridor.

The affected environment does not describe the environment of the CDNST rights-of-way/corridor 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?

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 40 CFR § 1502.15

Connection with Comments: Carson Draft Plan comments page19. Handbook Chapter IV Part D.

E. Environmental Consequences – Designated Areas

FEIS: The Carson FEIS beginning on page 388, states, **"***Effects of the alternatives to nationally designated trails were evaluated by comparing the plan direction of each alternative toward meeting the nature and purpose of these routes and protecting their historic, recreation, and scenic qualities. The most important management tool and metric associated with designated trails is the National Trails System Act of 1968. Numerous requirements in the National Trails System Act must be met to comply with the intent of the law. Scenic and historic trails are required to have a comprehensive trail management plan (P.L. 90-543, as amended through P.L. 111-11, 2009). These plans are developed by the trail's administering agency and provide a framework for managing and allocating uses along the trails. Additional management tools and metrics used to manage designated trails include the scenery management system and recreation opportunity spectrum…*

Analysis Assumptions

- *Management under all alternatives would be consistent with a designated trail's comprehensive management plan.*
- *Recreation opportunity spectrum classes may vary considerably depending on the alignment of the trail and its proximity to roads. However, trails are primarily non-motorized and most often classified as Semi-Primitive Non-Motorized or Primitive…*

The comprehensive plans for the Continental Divide National Scenic Trail and national historic trails along with corresponding directives guide management in implementing the National Trails System Act for these trails under all alternatives. Establishment reports for national scenic, historic and recreation trails would continue to guide management under all alternatives. The current nationally designated trails would continue to be managed to protect the values for which they were designated and provide opportunities to view natural features and scenery, in addition to recreational opportunities in a variety of recreation opportunity spectrum settings (DA-NTRL- DC 1, 2, 3, 8, and 12).

Multiple-use management activities may affect scenic resources viewed from nationally designated trails under all alternatives. Effects of other multiple-use management on scenic

resources can be found in the Scenery resource section of the FEIS. There is potential to impact scenic integrity as viewed from designated trails as a result of proposed vegetation management activities, particularly activities with mechanical treatments, under all alternatives. In the short term, restoration activities completed with mechanical treatments may alter scenic resources visible from the designated trails through changing forest stands from closed forests to more open forests and from residual stumps and soil disturbance. In the long term, vegetation treatments may improve scenery by creating vistas, promoting healthy vegetation, and improving ecosystem resilience to uncharacteristic disturbances. Prescribed fire activities typically have effects in the short term with benefits occurring within a few years. While some short-term impacts may occur, scenic integrity objectives would still be met, particularly in the long term. More detailed effects can be found in the Scenic Resources section of the FEIS…

Environmental Consequences for National Scenic, Historic, and Recreation Trails Common to Alternatives 2, 3, 4, and 5

Each nationally designated trail is included in the plan as a designated area with specific plan components in alternatives 2, 3, 4, and 5 including desired conditions that conflicts among users are rare and easily resolved. Action alternatives include specific plan components for each type of trail designation to align with the nature and purpose of the trail. Designated area plan components include comprehensive direction for: Continental Divide National Scenic Trail, national historic trails, and national recreation trails. Desired conditions, objectives, standards, and guidelines align management direction with the nature and purpose of each trail and any applicable comprehensive plans and establishment reports for national recreation trails. All action alternatives provide more comprehensive direction than alternative 1. The management direction causes the best management and protection of the scenic, recreation, cultural and historic qualities of the nationally designated trails and the associated effects (DA-NTRL- DC 1, 2, 3, 8, and 12).

Alternatives 2, 3, 4, and 5 include plan components that emphasize natural-appearing scenery, managing for natural-appearing scenery in foreground views including high or very high SIOs and moderate SIO in middleground views of national recreation trails (DA-NTRL-DC 2, 3, 11, and 12). Very high SIOs occur when the trail passes through designated or recommended wilderness. Forestwide guidelines include meeting scenery objectives as identified on the Scenic Integrity Objective Map (FW-SCEN-G-2). With more comprehensive plan direction, opportunities to protect and enhance trail qualities are anticipated with beneficial effects of connecting people with nature and enhancing natural settings (DA-NTRL-DC-1, 8, DA-NTRL-S- 1). A greater amount of beneficial effects occur in action alternatives when compared to alternative 1 due to the comprehensive plan direction…

Environmental Consequences for National Scenic, Historic, and Recreation Trails - Alternatives 2 and 5. Alternatives 2 and 5 have objectives to accomplish vegetation treatments using both mechanical treatments and prescribed fire. Stretches of these trails lie within designated wilderness, where mechanical treatment is prohibited; no mechanical treatments are anticipated in very high SIO areas. Vegetation management both mechanically or with prescribed fire would continue within the views of designated trails with both short-term effects and long-term benefits to meet the high SIO in foreground views. Alternatives 2 and 5 have guidelines that visual impacts from management activities and infrastructure should meet scenery objectives as identified on the Scenic Integrity Objective Map. Where high SIO is assigned beyond the foreground distance, the benefits of implementing vegetation management to meet the Scenic Integrity Objective Map would occur throughout a trail corridor viewshed…

Comprehensive management plans for nationally designated scenic and historic trails are developed to guide management along the entire length of a trail and to protect and enhance the nature and purpose for which the trail was designated including historic, scenic, and recreational qualities across ownership boundaries, reducing any negative cumulative consequences. The cumulative environmental consequences of proposed management efforts in the context of the larger cumulative effects analysis area though comprehensive management plans would contribute to the movement of designated trail values toward desired conditions. Ultimately, movement toward desired conditions for designated trails would provide tourism benefits for the region and communities they traverse and contribute to sustainable social and economic systems."

Issue and Statement of Explanation: The proposed revised Forest Plan CDNST plan components do not provide direction that is consistent with the NTSA and the CDNST Comprehensive Plan. The Forest Service relies on vague National Trails System Act direction for selecting the CDNST rights-of-way (16 U.S.C. § 1246(a)(2)) as an indicator that the management and protection of National Scenic and Historic Trails is subordinate to common multiple-use programs. This interpretation is inconsistent with the broad direction in the National Trails System Act. The National Trails System Act establishes National Scenic Trails (16 U. S. C. § 1244(a)), including the CDNST (16 U.S.C. § 1244(a)(5)). It also empowers and requires the Secretary of Agriculture to establish the CDNST location and width by selecting the National Scenic Trail "rights-of-way" (16 U. S. C. §§ 1246(a)(2), 1246(d), 1246(e)). A right-of-way is a type of easement limiting or burdening use. The Secretary must protect the nature and purposes of this National Scenic Trail (16 U.S.C. § 1246(c)), and to achieve the purposes for why the National Scenic Trail was designated, the Secretary is to provide for the "protection, management, development, and administration" of the National Scenic Trail (16 U.S.C. § 1246(i)).

Similar constraints and burdens are true in related contexts, such as when the Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq., would prohibit otherwise permissible land uses in a national forest if the activity would destroy a listed species or its critical habitat (16 U.S.C. § 1536(a)(2)) or where the Wilderness Act, (16 U.S.C. § 1131 et seq.) would prohibit roads, vehicles, and any commercial enterprise in a statutorily designated wilderness area within a National Forest (16 U.S.C. § 1133(c)). National Scenic Trails are established as provided in section 5 of this Act and 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 (16 U.S.C. § 1242(a)(2)). National scenic and national historic trails are authorized and designated only by Act of Congress.

The revised Forest Plan CDNST plan components do not protect the qualities and values of this National Scenic Trail. The plan components do not address the National Trails System Act and CDNST Comprehensive Plan requirements to: (1) provide for high-quality scenic, primitive hiking and horseback riding opportunities that reflect ROS planning framework conventions, and (2) conserve scenic, historic, natural, or cultural qualities of the areas through which such trails may pass (16 U.S.C. § 1242(a)(2)). In addition, the plan does not establish direction to: (1) preserve significant natural, historical, and cultural resources (16 U.S.C. § 1244(f)(1)); and (2) protect the CDNST corridor to the degree necessary to ensure that the values for which the CDNST was established remain intact or are restored (E.O. 13195, FSM 2353.44b(1) and FSH 1909.12 24.43). The revised plan draft decision does not avoid approving activities that are incompatible with the purposes for which the CDNST was established (16 U.S.C. § 1242(c)).

The revised Forest Plan direction is inconsistent with and not supportive of the 2009 CDNST Comprehensive Plan direction. The identification and selection of the rights-of-way (16 U.S.C. § 1246(a)(2)) may lead to varying degrees of effects, but most often a National Scenic Trail management corridor would be the primary area for addressing the effects analysis. Effects on scenic integrity and ROS class conditions should be based on analysis of the effects of the allowable uses. Utilizing ROS and Scenery Management systems will help ensure that NEPA assessments are systematic and accurately describe the affected environment and expected outcomes from each alternative. 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 FEIS 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 proposed plan and alternatives do not disclose that vegetation management practices are constrained to only those actions that

do not substantially interfere with the nature and purposes of National Scenic and Historic Trails.

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.

In general, the Forest Service has failed to establish ROS desired conditions, standards, and guidelines to protect the nature and purposes of the CDNST in any of the alternatives.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: Comprehensive planning for the CDNST, as implemented through Carson National Forest staged decisionmaking 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.

16 U.S.C. § 1604(f)(1); 16 U.S.C. §§ 1242(a)(2), 1244(f), 1246(c); E.O. 13195; 36 CFR §§ 219.10(b)(1)(vi), 212 Subparts B and C; CDNST Comprehensive Plan – 74 FR 51116-51125; FSM 2353.44b; 40 CFR §§ 1502.14, 1502.24.

Connection with Comments: Carson Draft Plan comments pages 19-23. Handbook Chapter IV Part E.

F. Responses to Comments

FEIS: The Carson FEIS Volume 2 on page 23 states, *"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.*

Response: The FEIS describes the affected environment and discloses environmental effects of each alternative considered (chapter 3). The forest planning process is a high-level process designed to make decisions to serve as side boards to management; it does not conduct the site-specific analysis needed to make decisions about specific projects, areas, or management actions."

Issue and Statement of Explanation: The response does not address the concern. Timber production and associated roads substantial degrade CDNST qualities and values.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) Parts (1)-(3)

Connection with Comments: New information.

FEIS: The Carson FEIS Volume 2 on page 83 states, "*The draft plan should be revised to provide for the integrated management of congressionally designated areas and to clarify and strengthen the direction presented.*

Response: The final Plan includes direction for the management of congressionally designated areas in the Designated Areas section of chapter 3. Congressionally designated areas are managed consistent with the requirements of their establishing legislation. In many cases, plan direction reiterates the Carson *NF's existing management requirements under the law. Additional plan components are generally only included to clarify unique circumstances such as management of the Rio Grande Wild and Scenic River under the Taos BLM river management plan (DA-WSR-S-3)."*

Issue and Statement of Explanation: As described in comments and this objection, many the proposed plan components for the CDNST are inconsistent with the requirements of the National Trails System Act. Recommend plan components for the CDNST clarify the requirements of National Trails System Act and not just repeat the requirements of the legislation.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) Parts (1)-(3)

Connection with Comments: New information.

FEIS: The Carson FEIS Volume 2 on page 93 states, "*The draft plan should be revised to provide for the integrated management of congressionally designated areas and to clarify and strengthen the direction for National Trails System Act of 1968.*

Response: The Findings Required by Other Laws and Relevant Directives section of the record of decision outlines how the final Plan addresses the relevant laws and executive orders, including the National Trails System Act of 1968, as amended. The introduction for the National Scenic, Historic, and Recreation Trails section in the final Plan was expanded to clarify that the National Trails System Act is the primary guidance for all nationally designated trails. Plan components are also included in the final Plan that provide for the continuation of management of any designated national scenic and historic trails on the Carson *NF (DA-NTRL-DC-1-12; DA-NTRL-S-1-5; DA-NTRL-G-1-12; Management Approaches for National Trails-1 and -2).*"

Issue and Statement of Explanation: The response does not address the expressed concern.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) Parts (1)-(3)

Connection with Comments: New information.

FEIS: The Carson FEIS Volume 2 beginning on page 96 states, "*A CDNST management area extending at least one mile from the CDNST trail should be established along existing and high-potential route segments. The management area should include comprehensive plan components.*

Response: We developed plan components using the 2012 Planning Rule, the 2015 Planning Directives, and direction from the regional foresters. All plan components are designed to protect the nature and purposes of the CDNST. We have plan components that are specific to how the corridor will be managed as part of a designated areas (DA-NTRL-G-4-5, 7, and 11). DA-NTRL-S-1 also directs us to adhere to the most up to date CDNST Comprehensive Plan, which provides additional guidance. Plan direction is in addition to law, regulations, and policies. The Forest Service must follow all laws, regulations, and polices that provide direction for the CDNST. The responsible official determined that appropriate protection and direction to provide for the nature and purposes of the CDNST can be provided through designated area plan components and the mapped corridor shown (see appendix A in the final Plan). The corridor is defined and mapped as part of existing plan components. Within the section on the trail, there are plan components that are specific to the trail, the corridor, or both…."

Issue and Statement of Explanation: It is factual incorrect that the plan was developed following the Planning Rule and associated directives. However, it is apparent that the plan was developed consistent with the Regional Forester's CDNST direction. Unfortunately, the Regional Forester direction is inconsistent with the National Forest Management Act and regulations, the National Trails System Act, and the CDNST Comprehensive Plan. See Section I Part B of this objection.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) Parts (1)-(3)

Connection with Comments: New information.

FEIS: The Carson FEIS Volume 2 beginning on page 96 states, "*The DEIS does not address the expected effects of resource management under each alternative on CDNST nature and purposes values as measured through the ROS planning framework, and must disclose effects on scenic integrity, ROS class conditions, and carrying capacities. A Supplemental DEIS effects analysis must 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. Using 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.

Response: … In the final Plan, DA-NTRL-DC-8 reflects the desire that the Continental Divide National Scenic Trail passes mainly through primitive or semi-primitive non-motorized settings. This is the case on the Carson *NF to the extent possible. The other settings along the southern portion of the trail on the* Carson *NF in the Canjilon and El Rito Ranger Districts are unavoidable because the trail must traverse existing development. The trail parallels or crosses 2 U.S. Highways, a State Highway, at least 4 county roads, and nearly 150 open National Forest System roads. It passes by two developed campgrounds and through the Vallecitos Federal Sustained Yield Unit, all of which impact the recreation opportunity setting of the surroundings.*

A range of recreation opportunity settings, including more developed settings are compatible with the Continental Divide National Scenic Trail. "Where possible, locate the CDNST in primitive or semi-primitive non-motorized ROS classes; provided that the CDNST may have to traverse intermittently through more developed ROS classes to provide for continuous travel between the Canada and Mexico borders" (USDA FS 2009a, p. 8)." …

The Carson FEIS Volume 2 on page 97 states, "*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.*

Response: … The nature and purpose of the Continental Divide National Scenic Trail is provided for by plan components found in the National Scenic, Historic, and Recreation Trails (NTRL) section in the final Plan. DA-NTRL-DC-8 describes the desire for a primitive or semi-primitive non-motorized setting while acknowledging that the trail may pass through more developed areas. The nature and purpose of the trail is provided for, regardless of the established recreation opportunity spectrum classes. The desired conditions also address access points to the trail (DA-NTRL-DC-10). The plan also includes a standard requiring that management of the Continental Divide National Scenic Trail "…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 the plan is more than 15 years old" (DA-NTRL-S-1)."

The Carson FEIS Volume 2 beginning on page 99 states, *"The extent of the established CDNST Management Area must 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.

Response: Regardless of the recreation opportunity setting that designated trails pass through, they are managed according to the National Scenic, Historic, and Recreation Trails section in the final Plan, including DA-NTRL-DC-1, which directs management to protect the nature and purposes of trail designations.

In the final Plan, DA-NTRL-DC-8 reflects the desire that the Continental Divide National Scenic Trail passes mainly through primitive or semi-primitive non-motorized settings. This is the case on the Carson *NF to the extent possible. The other settings along the southern portion of the trail on the* Carson *NF in the Canjilon and El Rito Ranger Districts are unavoidable because the trail must traverse existing development. The trail parallels or crosses 2 U.S. Highways, a State Highway, at least 4 county roads, and nearly 150 open forest roads. It passes by two developed campgrounds and through the Vallecitos Federal Sustained Yield Unit, all of which impact the recreation opportunity setting of the surroundings…*

The Carson FEIS Volume 2 beginning on page 100 states, "*Delete "may intermittently pass through more developed settings" from DA-NTRL-DC-8. The Continental Divide National Scenic Trail provides for a continuous route through predominately undeveloped settings. "Developed settings" are not a CDNT desired condition. Also, delete "New or relocated trail segments should be located primarily within settings consistent with or complementing primitive non-motorized recreation opportunity spectrum classes, to retain or promote the character for which the Continental Divide National Scenic Trail was designated" from DA-NTRL-G-3. This direction may be appropriate guidance for developing the Forest Plan, but it is irrelevant to plan implementation.*

Response: A range of recreation opportunity settings, including more developed settings are compatible with the Continental Divide National Scenic Trail. "Where possible, locate the CDNST in primitive or semi-primitive non-motorized ROS classes; provided that the CDNST may have to traverse intermittently through more developed ROS classes to provide for continuous travel between the Canada and Mexico borders" (USDA FS 2009a, p. 8). …

The Carson FEIS Volume 2 beginning on page 100 states, "*The Final Plan should include a standard for the Continental Divide National Scenic Trail addressing inconsistent uses within the primitive or semi-primitive non-motorized recreation opportunity spectrum (ROS) classes. Motorized class inconsistencies include existing: (1) NFS roads, (2) state and county road rights-of-way, and (3) utility rights-of-way. Add a standard that states: Resource management actions and allowed uses must be compatible with maintaining or restoring primitive or semi-primitive*

non-motorized ROS class settings. Manage ROS class inconsistencies with the objective of minimizing effects on the CDNST nature and purposes.

Response: … A range of recreation opportunity settings, including more developed settings are compatible with the Continental Divide National Scenic Trail. "Where possible, locate the CDNST in primitive or semi-primitive non-motorized ROS classes; provided that the CDNST may have to traverse intermittently through more developed ROS classes to provide for continuous travel between the Canada and Mexico borders." (USDA FS 2009a, p. 8)."

Issue and Statement of Explanation: The plan failed to comply with the current CDNST Comprehensive Plan, but improperly promises to follow the unknown direction in future versions.

The CDNST Comprehensive Plan states, "*Use the ROS system in delineating and integrating recreation opportunities in managing the CDNST. Where possible, locate the CDNST in primitive or semi-primitive non-motorized ROS classes; provided that the CDNST* ***may have to*** *(emphasis added) traverse intermittently through more developed ROS classes to provide for continuous travel between Canada and Mexico borders*." The intent of "*may have to*" is to address situations that are outside of authority of the Forest Service to remedy through normal planning processes.

I recognize that the CDNST travel route on the Carson National Forest currently passes through Roaded Natural/Roaded Modified and Semi-Primitive Motorized ROS settings; however, these existing settings do not control revised plan allocations. ROS settings to be established is not restricted to existing inventoried setting characteristics. The Forest Plan should recognize, in areas previously managed for timber production and harvest, that road restoration and decommissioning actions may be necessary. U.S. and State Highways and county roads should be addressed as accepted desired ROS class inconsistencies within the CDNST management corridor.

The Plan and alternatives failed to follow the guidance in the 2009 CDNST Comprehensive Plan, which will lead to actions that continue to degrade CDNST qualities and values.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) Parts (1)-(3)

Connection with Comments: New information.

FEIS: The Carson FEIS Volume 2 on page 101 states, "*The Forest Plan fails to establish ROS plan components to protect the nature and purpose of the CDNST, and comprehensive planning for the trail is inconsistent with National Trails System Act, Section 5(f) and 7(c) direction as implemented through the CDNST Comprehensive Plan, E.O. 13195, and directives.*

Response: Plan components were developed for all designated areas, including those that protect the nature and purposes of the National Scenic and Historic Trails. All action alternatives include plan components for the CDNST and provide direction that applies regardless of the ROS Setting; please see the FW-NTRL section of the Forest Plan. Analysis for the CDNST trail is included in the FEIS. DA-NTRL-DC-8 and DA-NTRL-G-3 and the Recreation section in the final Plan also address ROS settings.

The Forest Service must follow—and the final Plan is consistent with—all laws, regulations, and polices that provide direction for the CDNST. All future, site-specific project analysis will consider the CDNST trail as required by the final Plan and will need to follow associated plan components, and all laws, regulations, and policies for the CDNST. Executive Order 13195 requires Federal agencies, to the extent permitted by law and where practicable and in cooperation with Tribes, States, local governments, and interested citizen groups, to "protect, connect, promote, and assist trails of all types throughout the United States." As stated in the executive order, "This will be accomplished by… protecting the trail corridors associated with National Scenic Trails… to the degree necessary to ensure that the values for which [the] trail was established remain intact."

Additionally, DA-NTRL-S-1 states that management of the CDNST must comply with the current CDNST Comprehensive Plan."

Issue and Statement of Explanation: The FEIS should have recognized 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 revised Forest Plan failed to comply with the guidance in 2009 CDNST Comprehensive Plan.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) Parts (1)-(3)

Connection with Comments: New information.

FEIS: The Carson FEIS Volume 2 on page 102 states, "The Forest Plan should include a standard in the Continental Divide National Scenic Trail section that address the values for which the CDNST was designated. The standard should state: 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.

Response: DA-NTL-DC-1 directs land managers to protect the nature and purposes of the trail's designation. Activities that would substantially interfere with the purposes for which the trail was designated are inconsistent with the National Trails Act and DA-NTRL-DC-1 (16 U.S.C. 1241)."

Issue and Statement of Explanation: The plan should have recognized that areas identified for timber production will lead to actions that substantially interfere with the nature and purposes of the CDNST. 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 naturalness characteristics of Semi-Primitive Non-Motorized and Semi-Primitive Motorized ROS classes. The lasting effects of an activity (roads, timber harvest) as well as short-term effects (logging trucks, noise) degrade Semi-Primitive ROS characteristics. In areas of timber production, the spread of non-native vegetation (e.g., noxious weeds) and reoccurring harvests for timber purposes, stand tending, permanent and temporary road construction and reconstruction, travel route closures, and other activities are incompatible with the desired Semi-Primitive ROS settings. In areas where timber harvest with road access is desired, the appropriate ROS class designation is a Roaded Natural/Roaded Modified setting.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) Parts (1)-(3)

Connection with Comments: New information.

FEIS: The Carson FEIS Volume 2 beginning on page 105 states, "*DA-NTRL-S-2 in the National Scenic, Historic, and Recreation Trails section is not consistent with the National Trails System Act implemented through the Comprehensive Plan and policy.*

Response: The Carson *NF developed plan components using the 2012 Planning Rule, the 2015 Planning Directives, and direction in response to the multi-regional guidance from the regional foresters (USDA FS 2017). All plan components are designed to protect the nature and purposes of the CDNST trail.*

Forest plan direction is in addition to law, regulations, and policies. The Forest Service must follow all laws, regulations, and policies that provide direction for the CDNST. DA-NTRL-S-2 is consistent with policy set forth in the Comprehensive Plan. New motorized vehicle use by the general public is prohibited on the CDNST. In general, established motorized uses, both summer and winter, are allowed to continue, but new motorized uses will not be designated on the trail (USDA FS 2017)."

Issue and Statement of Explanation: DA-NTRL-S-2 is not consistent with policy set forth in the Comprehensive Plan Chapter IV.B.6. Projects and actions must be consistent with the Forest Plan, which failed to constrain motor vehicle use to protect CDNST qualities and values.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) Parts (1)-(3)

Connection with Comments: New information.

FEIS: The Carson FEIS Volume 2 on page 106 states, *"For primitive and semi-primitive non-motorized ROS allocations, any existing designated motorized roads, trails, and areas must be managed to minimize their effects on the primitive and semi-primitive non-motorized settings. This should be reflected in the description of the guidelines. DA-NTRL-G-9 should also describe that a temporary road may only be constructed for resource actions that benefit the semi-primitive non-motorized setting.*

Response: Motorized roads and trails are generally not compatible with primitive and semi-primitive non-motorized settings. Recreation opportunity spectrum mapping reflects the existing designated road and trail system and avoids creating conflicts between motorized uses and non-motorized settings. In the final Plan, FW-REC-S-1 and S-2 prevent any new permanent roads or motorized trails in primitive or semi-primitive non-motorized settings forestwide, including along the Continental Divide National Scenic Trail. DA-NTRL-G-9 identifies additional stipulations for roads near the trail and applies across all recreation opportunity spectrum settings."

Issue and Statement of Explanation: The Forest Plan should have recognized that many existing roads will need to be decommissioned and trails may need to be closed motor vehicle use if CDNST qualities and values are to be restored.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) Parts (1)-(3)

Connection with Comments: New information.

FEIS: The Carson FEIS Volume 2 on page 108 states, *"The CDNST corridor is unsuitable for timber production, as this use is incompatible with the nature and purpose of the trail and is not allowed by the National Trails System Act of 1968. To reflect ROS principles, the CDNST corridor with an extent of one-half mile on each side should be identified unsuitable for timber production and timber harvest should only occur within the CDNST Management Area to protect CDNST values.*

Response: We developed plan components in accordance with the 2012 Planning Rule, the 2015 Planning Directives, and direction in response to the multi-regional guidance from the regional foresters (USDA FS 2017), and all plan components in the Forest Plan have been designed to

protect the nature and purposes of the CDNST during future proposed site-specific management activities. In areas where the CDNST corridor overlaps lands that are suitable for timber production and other areas where harvest is allowed, timber harvest activities would be constrained by the plan components for the CDNST and timber harvest (DA-NTRL-S-1, DA-NTRL-G-4, -5, -9, -10, and FW-FFP-S-1, 2, and 8). The trail is not removed from lands that may be suited for timber production because sustainable timber harvest is not inconsistent with the law, regulation, policy, or plan direction that directs management of these lands. Site-specific actions along the CDNST, such as timber harvesting, will be analyzed through NEPA environmental analysis outside of the land management planning process."

Issue and Statement of Explanation: 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 naturalness characteristics of Semi-Primitive Non-Motorized and Semi-Primitive Motorized ROS classes. The lasting effects of an activity (roads, timber harvest) as well as short-term effects (logging trucks, noise) degrade Semi-Primitive ROS characteristics. In areas of timber production, the spread of non-native vegetation (e.g., noxious weeds) and reoccurring harvests for timber purposes, stand tending, permanent and temporary road construction and reconstruction, travel route closures, and other activities are incompatible with the desired Semi-Primitive ROS settings. In areas where timber harvest with road access is desired, the appropriate ROS class designation is a Roaded Natural/Roaded Modified setting.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) Parts (1)-(3)

Connection with Comments: New information.

FEIS: The Carson FEIS Volume 2 on page 134 states, *"The* Carson *should consider establishing a desired roaded modified ROS setting/class where timber production is intended. roaded natural/road modified ROS settings, within national scenic trail and wild and scenic river corridors, would lead to management actions that would substantially interfere with the nature and purposes of national scenic and historic trails.*

Response: Timber suitability is not related to location of or distance from roads, nor does it necessarily mean there will be a timber harvest on the land. Rather, suitability has to do with soils and how lands are designated (see FEIS Volume 2, Appendix D). FW-FFP-S-1, 2, and 8 define how resources will be protected during harvests. Wild and scenic rivers with scenic and recreation are considered suited, as there is nothing in scenic or recreational classifications against timber suitability, but primitive and semi-primitive non-motorized ROS settings are not suited to timber production (see FEIS Volume 2, Appendix D, Table 27)."

Issue and Statement of Explanation: 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)).

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) Parts (1)-(3)

Connection with Comments: New information.

FEIS: The Carson FEIS Volume 2 on page 344 states, *"Description of Affected Environment on page 306 of the DEIS should describe 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) with each class having seven setting indicators (access, remoteness, naturalness, facilities, social encounters, visitor impacts, and visitor management). The plan and EIS ROS desired condition descriptions must be consistent with the ROS class descriptions that are found in the 1982 ROS User Guide.*

Response: The six recreation opportunity spectrum classes are shown in table 58 of the FEIS; the table briefly describes the characterization of each class. The 1982 Recreation Opportunity Spectrum User's Guide contains a full description of the recreation opportunity spectrum framework and a reference to that document has been added to the FEIS (Chapter 3,

Recreation, Description of Affected Environment, Recreation Setting and Opportunities). It has also been added to the Other Sources of Information section in the final Plan (appendix C). The plan does not duplicate recreation opportunity class descriptions, because the plan does not repeat existing direction (FSH 1909.12 section 22.1(2)(f)), but instead incorporates it by reference (FW-REC-G-2).”

Issue and Statement of Explanation: ROS class narratives need to be expanded to review naturalness and evidence of human descriptions.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) Parts (1)-(3)

Connection with Comments: New information.

Section V. 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.

A. Rationale for the Decision – Recreation

Draft ROD: The Carson DROD beginning on page 16 states, “*The final LMP provides a framework for comprehensive and consistent management of recreation opportunities and scenic resources that balances developed with primitive or dispersed recreation opportunities and motorized and nonmotorized access. Taking an approach that is responsive and adaptable to changing uses and trends, it provides high-quality recreation opportunities commensurate with public interest, resource capacity, and other natural and cultural resource values; reduces conflicting uses; and contributes to the economic, cultural, and social vitality and well-being of surrounding communities. Recreation sites that blend with the natural landscape complement the* Carson*’s scenery resources and scenic character. The plan includes objectives to maintain recreation facilities, including the transportation system, so that they are sustainable and safe and function as intended.*

The final LMP requires that activities sustain recreation settings and opportunities and achieve scenic character goals; it clarifies the use of the recreation opportunity spectrum and scenery management system as tools to achieve this requirement during interdisciplinary project planning. The summer and winter desired recreation opportunity spectrums are described and mapped in detail in the separate “Desired Recreation Opportunity Spectrum Report,” referenced in the final LMP. The process for determining scenic integrity objectives, the scenic class map, and scenic integrity map are included in the Scenic Integrity Objectives Report and referenced in the final LMP…

The final LMP provides for sustainably designed, well-marked, and well-maintained roads and trails that provide safe and reasonable access for public travel, recreation uses, traditional and cultural uses, and land and resource management activities and contribute to the social and economic sustainability of local communities. With three exceptions, the final LMP does not revisit existing travel management decisions. Two existing restrictions on future transportation system decisions are carried forward from the 1986 Plan—new motorized trails are prohibited in the Valle Vidal (carried forward from the existing Multiple Use Area Guide-added from alternatives 1 and 4) and new road and motorized trail construction is prohibited in wetlands (carried forward from 1986 Plan). The wilderness recommendation process resulted in a new restriction on the authorization of motorized or mechanized uses in the six areas recommended for wilderness designation. The final LMP does not open or close any roads. Travel management decisions are best made on a case-by-case basis, taking into consideration site-specific factors, multiple-use management, and desired conditions as described in the final LMP.
The final LMP addresses negative impacts of existing roads through road maintenance and decommissioning objectives. Undetermined and temporary road management is clarified through plan direction that requires that roads be determined for need and by objectives to minimize impacts from unneeded roads. Through integrated resource management, the final LMP minimizes activities' impacts on the existing transportation system to maintain access and recreational opportunities."

Issue and Statement of Explanation: A Forest Plan provides for opportunities for specific recreation activities in defined recreation settings. Recreation settings include the social, managerial, and physical attributes of a place that, when combined, provide a distinct set of recreation opportunities. The Forest Service uses the recreation opportunity spectrum to define recreation settings and categorize them into six distinct classes. The Forest Service uses the 1986 ROS Book in developing Forest Plans. The revised plan must include plan components to provide for sustainable recreation; including recreation settings, opportunities, and access; and scenic character. The revised plan must include desired conditions for sustainable recreation using mapped desired recreation opportunity spectrum classes. 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. Restrictions are needed in Primitive and Semi-Primitive ROS settings to ensure that desired conditions are realized. The 1986 ROS Book describes desired conditions for each ROS setting or class. For example, a SPNM setting is a natural setting that may have subtle modifications that would be noticed but not draw the attention of an observer wandering through the area.

The Carson Plan definitions of ROS setting plan components do not include ROS class descriptions that address Evidence of Humans desired conditions. For example, the SPNM ROS setting no longer describes that, "*Natural setting may have subtle modifications that would be*

noticed, but not draw the attention of an observer wandering through the area." The FEIS fails to disclose the competing nature of the desire to maintain a natural setting with little evidence of management with the negative effects of mechanical treatment of vegetation and associated permanent and temporary roads.

"*The recreation opportunity spectrum has been an effective land management planning tool since 1982. The recreation opportunity spectrum is a framework for identifying, classifying, planning, and managing a range of recreation settings. The setting, activity, and opportunity for obtaining experience are arranged along a spectrum of classes from primitive to urban. In each setting, a range of activities is accommodated. For example, primitive settings accommodate primarily non-motorized uses, such as backpacking and hiking; whereas roaded settings (such as roaded natural) or rural settings accommodate motorized uses, such as driving for scenery or access for hunting. Through this framework, planners compare the relative tradeoffs of how different patterns of settings across the landscape would accommodate (or not accommodate) recreational preferences, opportunities, and impacts (programmatic indirect environmental effects) with other multiple uses*" (Planning Rule PEIS, page 209).

Established Scenic Integrity Objective and ROS setting desired conditions may constrain management actions. 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*." 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.

ROS settings is an appropriate and efficient management tool to provide for integrated resource management where compatible multiple use benefits accrue in an established ROS setting. However, Primitive and Semi-Primitive ROS classes will constrain some management actions such as mechanical treatments of vegetation that utilize heavy equipment and permanent or temporary roads if these desired ROS class opportunities as described in the 1986 ROS Book are to be protected.

The APA ensures that agencies do not change course based on the "*whim and caprice of the bureaucracy*," and prevents agencies from subverting the rule of law by making policy based on shifting "*political winds and currents*." When reversing a prior policy that "*has engendered serious reliance interests*," the agency must "*provide a more detailed justification than what would suffice for a new policy created on a blank slate*." This requires a "*reasoned explanation… for disregarding the facts and circumstances that underlay or were engendered by the prior policy*."

The Forest Service did not provide a reasoned basis or a detailed justification for modifying the 1982 ROS User Guide and 1986 ROS Book Recreation Opportunity Spectrum setting definitions

and disclosing the consequences of those changes to recreationists seeking Primitive and Semi-Primitive ROS settings, including those seeking high-quality scenic, primitive hiking and horseback riding experiences along the Continental Divide National Scenic Trail.

The Planning Rule requires "*plan components for sustainable recreation, including recreation settings, opportunities, access; and scenic character…*" and that "*plan components guide future project and activity decisionmaking. The plan must indicate whether specific plan components apply to the entire plan area, to specific management areas or geographic areas, or to other areas as identified in the plan*" (36 CFR § 219.7 Part (e)). Knowing where ROS and Scenic Character (and SIO) plan components apply is essential to developing an integrated Forest Plan. Modifying where the ROS and Scenic Character (and SIO) direction applies must follow amendment processes and not be addressed as an administrative change. A plan amendment is required to add, modify, or remove one or more plan components, or to change how or where one or more plan components apply to all or part of the plan area.

Making choices between competing resource priorities is often the nature of integrated resource management planning as required by the National Forest Management Act (16 CFR § 1604(f)(1), 36 CFR § 219.10(a), FSH 1909.12 Part 22). The ROD decision must make choices between competing resources, including establishing desired ROS settings to accurately reflect integrated resource decisions for each ROS class mapped area.

Proposed Solution to Improve the Decision: See Section I Part C and Section 3 Part C of this objection.

Violation of Law, Regulation or Policy: USDA DR 1074-001; 16 U.S.C. § 1612(a); 36 U.S.C. §§ 216, 219.3, 219.7, 219.10(b)(1)(i); 40 CFR §§ 1502.24, 1503.4(a) Parts (1)-(3).

B. Alternatives Considered

Draft ROD: The Carson DROD beginning on page 28 states*, "Alternatives to the proposed action must meet the purpose and need for change and address one or more of identified significant issues. I considered only those alternatives that met both the purpose and need for change and created a reasonable range of outputs, costs, management requirements, and effects from which to choose. A more detailed comparison of these alternatives as well as other alternatives that were considered but eliminated from detailed study because they did not meet these criteria can be found in chapter 2 of the final environmental impact statement. All alternatives adhere to the principles of multiple use and the sustained yield of goods and services required by law (36 CFR § 219.10 (b)); elements common to all alternatives are:*

- *Managing for designated areas,*
- *Managing for a common list of species of conservation concern,*

• Considering eligible wild and scenic river (WSRs) segments and plan components developed to maintain their outstandingly remarkable values, and

• Developing a forestwide plan decision with desired conditions, objectives, standards, guidelines, timber suitability, and monitoring sections.

The primary difference among alternatives is in the allocation of acres by management area and the rate of progress toward certain desired conditions as described by objectives. The five alternatives analyzed in detail are: alternative 1 (the 1986 Plan); alternative 2 (proposed revised plan), which provides for restoration and diverse ecosystem services; alternative 3, which maximizes access and commodity utilization; alternative 4, which maximizes natural processes; and alternative 5, which maximizes wilderness protection."

The Draft ROD on page 32 describes modifications and states, "*12. A one-half-mile corridor was added to Figure A-5 along the Continental Divide National Scenic Trail to depict the area within which several national trail plan components apply (DA-NTRL-DC-7; DA-NTRL-S-3 and -4; DA-NTRL-G-5, -7, and -11).*"

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

Response to comments requires the agency to assess and consider comments both individually and collectively, and shall respond by modifying alternatives including the proposed action or develop and evaluate alternatives not previously given serious consideration by the agency to address substantive concerns. Preferably, as described in Section I of this objection, alternatives would have been modified to (1) establish a CDNST management corridor with supportive plan components and (2) supplemented ROS definitions to reflect the guidance in the 1986 ROS Book. Otherwise, these proposed changes that were not previously given serious consideration should have been addressed in a new alternative.

Past travel management resource plan and decisions should not have constrained FEIS alternatives. Establishing the CDNST corridor with supporting plan components will likely require the revision of summer and winter travel plans.

NEPA requires agencies to consider a reasonable range of alternatives. Agencies must, to the fullest extent possible, include "reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment" (40 C.F.R. § 1500.2(e)). The EIS must also state how the alternatives considered will meet both NEPA and other environmental laws and policies, including the National Trails System Act, and must discuss the reasons for eliminating any alternatives from detailed study (40 CFR §§ 1502.2(d), 1502.14(a)).

The Forest Service did not consider a reasonable range of alternatives in the FEIS because the Forest Service failed to consider an alternative or alternatives that had the potential to reduce the adverse effects on the Continental Divide National Scenic Trail and better protect the purposes for which this National Scenic Trail was established

Proposed Solution to Improve the Decision: Develop an alternative that establishes a CDNST Management Area with plan components that protect the nature and purposes of the CDNST as described in comments and in Section I of this objection. See Section I Part C of this objection for a proposed solution for improving the decision.

Violation of Law, Regulation or Policy: 16 U.S.C. §§ 1242(a)(2), 1244(f), 1246(c); E.O. 13195; 42 U.S.C. § 4332(2)(C); 40 C.F.R. §§ 1502.1, 1502.14, 1502.16, 1503.4(a) Parts (1)-(3), 1508.7; 36 CFR § 219.3; USDA DR 1074-001.

C. Best Available Scientific Information

Draft ROD: The Carson DROD on page 33 states, "*The 2012 Planning Rule (§219.6(a)(3) and 219.14(a)(4)) requires the responsible official to document how the best available scientific information was used to inform the assessment, the plan decision, and the monitoring program. Such documentation must identify what information was determined to be the best available scientific information, explain the basis for that determination, and explain how the information was applied to the issues considered.*

The Carson*'s Assessment Report of Ecological, Social, and Economic Conditions, Trends, and Sustainability includes an analysis and summary of the best available scientific information and provides the foundation from which plan components for the proposed action were developed…."*

Issue and Statement of Explanation: Best available scientific information analyses would have required using ROS plan components that were consistent with the 1986 ROS Book, which the plan did not use in its formulation.

The Plan definition of the ROS Class desired conditions must include ROS Class characteristics descriptors that address, "Evidence of Humans," "Non-Recreation Uses," and "Naturalness" characteristics, and to make other changes that support providing for the integration of the recreation resource in natural resources planning processes.

Sustainable Recreation Planning direction must be consistent with the 1986 ROS Book and related research, which informed the Planning Rule. Forest Service directives (and policy by correspondence) must be consistent with the USDA Departmental Regulation 1074-001 scientific integrity policy that relates to the development, analysis, and use of data for decision-making. This DR is intended to instill public confidence in USDA research and science-based

public policymaking by articulating the principles of scientific integrity, including reflecting scientific information appropriately and accurately.

Modifying ROS characterizations to facilitate development of unroaded areas without demonstrating a clear basis for deviating from the 1986 ROS Book is unreasonable, arbitrary, and capricious and is inconsistent with the MUSYA, NFMA, and NEPA.

Proposed Solution to Improve the Decision: See Section I Part C and Section III Part A of this objection.

Violation of Law, Regulation or Policy: USDA DR 1074-001, 16 U.S.C. § 1612(a), 36 U.S.C. § 216, 36 CFR § 219.3, 40 CFR § 1502.24, Planning Rule PEIS.

D. Multiple-Use Sustained-Yield Act

Draft ROD: The Carson DROD on page 38 states, "*Consistent with the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528-531), the Forest Service manages NFS 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 act, the final LMP guides sustainable, integrated management of the resources of the* Carson *NF in the context of the broader landscape, giving due consideration to the relative values of the various resources in particular areas. Therefore, the final LMP is fully compliant with the Multiple-Use Sustained-Yield Act*."

Issue and Statement of Explanation: As recognized in the Draft ROD, alternatives in the FEIS do not protect CDNST nature and purposes qualities and 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, it is not reasoned to declare that the plan is fully compliant with the Multiple-Use Sustained-Yield Act. The plan must contain plan components that provide for the nature and purposes of the CDNST presumed rights-of-way.

The structure of the Planning Regulations and Directives provide for the integration of statutorily designated areas as a multiple use component. CDNST and ROS plan components are not integrated, written clearly, concisely, and without ambiguity.

Alternatives in the FEIS do not protect CDNST nature and purposes qualities and 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, it is not reasoned to declare that the plan is fully compliant with the Multiple-Use Sustained-Yield Act.

The characterizations of ROS classes in most cases are a significant deviation from established Physical Setting descriptions. "Evidence of Humans," "Non-Recreation Uses," and "Naturalness"

setting indicators are improperly omitted in the narratives for Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized ROS settings. The proposed ROS plan components must be consistent with the 1986 ROS Book, which supported the planning rule as informed by the PEIS.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 36 CFR §§ 219.3, 219.10(a), 219.10(b)(1)(i), 219.10(b)(1)(vi); 16 U.S.C. § 1604(f)(1); 40 CFR §§ 1502.14, 1502.24, 1503.4(a) Parts (1)-(3); Planning Rule PEIS.

E. National Environmental Policy Act

Draft ROD: The Carson DROD on page 39 states, *"The* Carson *considered a range of alternatives in the final environmental impact statement and compiled a comprehensive record of the effects relevant to the alternatives (long-term, short-term, and cumulative), considering best available scientific information. The final LMP adopts all practical means to avoid or minimize environmental harm; such means include provisions for providing the ecological conditions needed to support biological diversity and standards and guidelines to mitigate adverse environmental effects that may result from implementing various management practices. The final LMP includes monitoring requirements and an adaptive management approach, assuring necessary adjustments over time.*"

Issue and Statement of Explanation: Specific to CEQ NEPA requirements, the ROD cannot attest to meeting the requirements of 40 CFR 1502.24 Methodology and Scientific Accuracy.

The FEIS did not use the 1982/1986 ROS planning framework to establish ROS settings to provide for the nature and purposes of the CDNST. Definitions of ROS Classes desired conditions must include ROS Class Characteristics descriptors that address, "*Evidence of Humans*," "*Non-Recreation Uses*," and "*Naturalness*" characteristics, and to make other changes that support providing for the integration of the recreation resource in natural resources planning processes.

Sustainable Recreation plan components must be consistent with the 1986 ROS Book guidance and related research, which informed the Planning Rule. Forest Service directives must be consistent with the USDA Departmental Regulation 1074-001 scientific integrity policy that relates to the development, analysis, and use of data for decision-making.

NEPA requires that the responsible official make a reasoned decision, which must be dependent on clear methodologies and scientific information. To informed decision-making and informed public participation the plan direction must follow accepted methodology and scientific processes, use common definitions, and use plain writing to establish and present the

Plan direction. The CDNST plan components presented in the Plan and referred to in the FEIS do not meet these NEPA standards.

A NEPA document must contain sufficient information to foster informed decisionmaking and informed public participation. Otherwise, the decision would not be in conformance with 42 U.S.C. § 4332(2)(C) and would therefore not be in accordance with law under 5 U.S.C. § 706(2)(A) and not in be in observance of procedure required by law under 5 U.S.C. § 706(2)(D).

For the reasons laid out in this objection, it is not reasoned to conclude that the, "*environmental analysis and public involvement process that 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 Part C of this objection.

Violation of Law, Regulation or Policy: USDA DR 1074-001; 16 U.S.C. § 1612(a); 36 U.S.C. § 216, 40 CFR §§ 1502.14, 1502.24, 1503.4(a) Parts (1)-(3); Planning Rule PEIS.

F. Travel Management Rule

Draft ROD: The Draft ROD on page 40 states, "*Prior to this plan revision, the Forest designated specific roads, areas, and trails for the use of motor vehicles (which includes off-road vehicles) that are displayed on the motorized vehicle use maps required by 36 CFR 212 subpart B. This programmatic plan decision does not authorize additional motor vehicle use or prohibit existing motor vehicles uses, therefore those maps remain unchanged. Therefore, I find that this Plan is in compliance with the Travel Management Rule.*"

Issue and Statement of Explanation: Recreation Opportunity Spectrum and CDNST plan components are described in a manner that ensures that existing travel management plan decisions are consistent with the revised plan even when those previous decisions are inconsistent with the ROS class. The extent of allowing for motor vehicle use inconsistencies was not reviewed in the FEIS affected environment and environmental consequences discussions and should not be considered for allowing as a setting inconsistency without first considering the effects on the desired ROS setting.

Proposed Solution to Improve the Decision: Do not allow for existing motor vehicle use in Primitive and Semi-Primitive Non-Motorized ROS settings without appropriate analyses and disclosure.

Do not find that the land management plan is in compliance with the Travel Management Rule where motor vehicle use is approved in Primitive and Semi-Primitive Non-Motorized ROS settings. Do not find that the land management plan is in compliance with the Travel

Management Rule where motor vehicle use is approved within the corridor of existing and high potential route segments of the CDNST.

Violation of Law, Regulation or Policy: 36 CFR § 212.55; 16 U.S.C. §§ 1244(f), 1246(c); 36 CFR §§ 219.10(b)(1)(i), 219.10(b)(1)(vi); 40 CFR § 1502.14, 1502.15, 1502.16; E.O. 13195; CDNST Comprehensive Plan Chapter IV.B.6.

G. National Forest Management Act

Draft ROD: The Carson DROD on page 39 states, "*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 that an interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences is be applied to all future actions on the unit (16 U.S.C. 1604(b), (f), (g), and (0)). 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 (16 U.S.C. 1604(e)(1))*."

Issue and Statement of Explanation: The DROD did not address and could not factually describe that management area direction in the land management plan provides protection for the nature and purposes for which the CDNST was established. The plan direction does not provide for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of this National Scenic Trail.

The Plan did not use the ROS planning framework to establish ROS settings to provide for the nature and purposes of the CDNST. The Plan ROS class descriptions do not include ROS Class characteristics that describe, "*Evidence of Humans*," "*Non-Recreation Uses*," and "*Naturalness*" characteristics, and to make other changes that support providing for the integration of the recreation resource in natural resources planning processes.

Forest Plan sustainable recreation direction must be consistent with the 1986 ROS Book and related research, which informed the Planning Rule. Forest Service sustainable recreation direction must be consistent with the USDA Departmental Regulation 1074-001 scientific integrity policy that relates to the development, analysis, and use of data for decision-making.

The ROD should state, "*The CDNST management corridor is not suited for timber production. Areas recommended for wilderness, wilderness study areas, eligible or suitable river segments are not suitable for timber production to maintain their qualities and values should designation eventually occur. The remaining lands after subtracting the lands that are suited from the lands that may be suited are not suited for timber production because it is not compatible with the land area's desired conditions and objectives (36 CFR 219.11(a)(1)(iii))*."

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: USDA DR 1074-001, 36 CFR §§ 219.7, 219.10(a), 219.10(b)(1)(i), 219.10(b)(1)(vi); 40 CFR §§ 1502.24, 1503.4(a) Parts (1)-(3).

H. National Trails System Act

Draft ROD: The Draft Carson ROD does not review the National Trails System Act.

The Draft Carson ROD does not review the National Trails System Act. The National Trails System Act of 1968, as amended, provides that the CDNST, *"shall be administered*" "*by the Secretary of Agriculture*" to be so located to "*provide for maximum outdoor recreation potential and for the conservation and enjoyment*" of "*nationally significant scenic, historic, natural, or cultural qualities.*" In general, "*The use of motorized vehicles by the general public along any national scenic trail shall be prohibited*." The Act empowers and requires that the Secretary of Agriculture select the CDNST rights-of-way which informs the National Scenic Trail corridor location and width. The establishment of the CDNST thus constitutes an overlay on the management regime otherwise applicable to public areas managed by land management agencies.

Issue and Statement of Explanation: The Record of Decision must address providing for the integrated management of statutorily designated areas. Statutorily 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 CDNST nature and purposes. 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 qualities and values.

The National Trails System Act establishes National Scenic Trails (16 U. S. C. § 1244(a)), including the CDNST (16 U. S. C. § 1244(a)(5)). It empowers and requires the Secretary of Agriculture to establish the CDNST location and width by selecting the National Scenic Trail "rights-of-way" (16 U.S.C. §§ 1246(a)(2), 1246(d), 1246(e)). The revised plan should clearly establish a CDNST Management Area (aka National Trail Management Corridor) with an extent of at least one-half mile on both sides of the CDNST travel route and along high-potential route

The draft ROD decision is not based on a reasonably thorough discussion of...significant aspects of the probable environmental consequences on CDNST nature and purposes. 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 qualities and values.

The NTSA establishment and designation of the CDNST provides for the Secretary of Agriculture to manage the CDNST under existing agencies authorities, but subject to the overriding direction of providing for the nature and purposes of this National Scenic Trail. The establishment of the CDNST thus constitutes an overlay on the management regime otherwise

applicable to public areas managed by land management agencies. The NTSA and E.O. limits the management discretion the agencies would otherwise have by mandating the delineation and protection of the CDNST corridor. The draft decision fails to act on addressing the requirements of the National Trails System Act to describe the CDNST rights-of-way and approve plan components that protect the nature and purposes of the CDNST.

For the purpose of addressing CDNST issues and concerns, the FEIS does not contain sufficient accurate information to foster informed decision-making or informed public participation. A Supplemental FEIS should be prepared to address the requirements of the CEQ NEPA regulations as found in 40 CFR Parts 1500-1508 (2005). 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. A Supplemental FEIS must also address whether proposed activities and use substantially interferes with the nature and purposes of the CDNST, which did not occur in the FEIS that supports the draft ROD.

The draft ROD did not and could not factually describe how the plan provides for the nature and purposes of the CDNST through established plan components that reflect the nature and purposes as a desired condition with supporting scenery, recreation, and conservation considerations addressed as standards and guidelines. The plan encourages activities and use that if implemented will degrade CDNST qualities and values and substantially interfere with the nature and purposes of this National Scenic Trail which is not allowed by the National Trails System Act.

Much of the Carson CDNST plan direction departs from the CDNST Comprehensive Plan, FSH 2353.44b, and FSH 1909.12 24.43 guidance without providing a reasoned basis or a detailed justification for ignoring these previous findings and direction. The APA ensures that agencies do not change course based on the "*whim and caprice of the bureaucracy*," and prevents agencies from subverting the rule of law by making policy based on shifting "*political winds and currents*." When reversing a prior policy that "*has engendered serious reliance interests*," the agency must "*provide a more detailed justification than what would suffice for a new policy created on a blank slate*." This requires a "*reasoned explanation… for disregarding the facts and circumstances that underlay or were engendered by the prior policy.*"

Proposed Solution to Improve the Decision: See Section I Part C of this objection. In brief, the CDNST nature and purposes description should be the principal desired condition for the CDNST management corridor. Standards or guidelines should clearly describe providing for a Semi-Primitive Non-Motorized ROS setting and a High Scenic Integrity Objective along existing and high potential route segments.

Violation of Law, Regulation or Policy: 16 U.S.C. § 1604(f)(1); 16 U.S.C. §§ 1242(a)(2), 1244(f), 1246(c); E.O. 13195; 36 CFR §§ 219.10(b)(1)(vi), 212 Subparts B and C; CDNST Comprehensive Plan – 74 FR 51116-51125; FSM 2353.44b; 40 CFR §§ 1502.14, 1502.24, 1503.4(a) Parts (1)-(3).

I. Plan Implementation

Draft ROD: The Draft ROD on page 48 describes existing authorizations, project consistency, and maintaining the plan.

Issue and Statement of Explanation: Statements in the Plan suggest that plan components and where the components apply may be inappropriately changed following administrative change steps instead of following plan amendment processes.

Proposed Solution to Improve the Decision: Revise language in the Plan and ROD to indicate that ROS and Scenery related maps will be changed following amendment processes.

Violation of Law, Regulation or Policy: 36 CFR § 219.17(b)(2)

Section VI. CDNST Regulatory Planning Framework

The planning and management of National Scenic Trails is addressed by many interrelated laws, regulations, and policies. The following summarizes regulatory framework provisions that are important to Forest Plan decisions and the CDNST designated area:

- USDA DR 1074-001 – Scientific Integrity in policymaking that relates to the development, analysis, and use of data for decision-making.
- 36 CFR § 216 (16 U.S.C. § 1612(a)) – To give adequate notice and an opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs.
- 16 U.S.C. § 1242(a)(2) – National Scenic Trail Purpose is … for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.
- 16 U.S.C. § 1244(f) – The responsible Secretary shall ... submit ... a comprehensive plan for the acquisition, management, development, and use of the trail, including but not limited to, the following items: 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 ... an identified carrying capacity of the trail and a plan for its implementation….
- 16 U.S.C. § 1246(a)(2) – Pursuant to section 5(a), the appropriate 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.
- 16 U.S.C. § 1246(c) – National scenic 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... Other uses along the historic trails and the Continental Divide National Scenic Trail, which will not substantially interfere with the nature and purposes of the trail, and which, at the time of designation, are allowed by administrative regulations, including the use of motorized vehicles, shall be permitted."

- E.O. 13195 – Trails for America in the 21st Century – Federal agencies will ... protect, connect, promote, and assist trails of all types throughout the United States. This will be accomplished by: ... (b) Protecting the trail corridors associated with national scenic trails...to the degrees necessary to ensure that the values for which each trail was established remain intact....
- Executive Order 11644 and 11989 – Use of off-road vehicles on the public lands.
- 36 CFR 212 Subpart B - Designation of Roads, Trails, and Areas for Motor Vehicle Use (§§ 212.50 - 212.57)
- 36 CFR § 212 Subpart C - Over-Snow Vehicle Use (§§ 212.80 - 212.81)
- CDNST Comprehensive Plan
    - Chapter III.E, Land Management Plans (74 FR 51124) – The final amendments are consistent with the nature and purposes of the CDNST identified in the 1976 CDNST Study Report and 1977 CDNST Final Environmental Impact Statement adopted by the Forest Service in 1981 (40 FR 150). The final amendments and directives will be applied through land management planning and project decisions following requisite environmental analysis.
    - Chapter IV.A, Nature and Purposes (74 FR 51124) – 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.
    - Chapter IV.B.2, Rights-of-Way Extent (74 FR 51119) – The rights-of-way for the trails will be of sufficient width to protect natural, scenic, cultural, and historic features along the trails and to provide needed public use facilities....
    - Chapter IV.B.4, Scenery Management (74 FR 51124) –The CDNST is a concern level 1 route, with a scenic integrity objective of high or very high.[23]
    - Chapter IV.B.5, Recreation Management (74 FR 51125) – 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. Bicycle use may be allowed on the CDNST (16 U.S.C. 1246(c)) if the use is consistent with the applicable land and resource management plan and will not substantially interfere with the nature and purposes of the CDNST. Use the ROS system in delineating and integrating

[23] Landscape Aesthetics, A Handbook for Scenery Management, Agricultural Handbook Number 701

recreation opportunities in managing the CDNST.[24]

- FSM 2353.44b(10) – Bicycle use may be allowed on the CDNST (16 U.S.C. 1246(c)), using the appropriate trail design standards, if the use is consistent with the applicable CDNST unit plan (FSM 2353.44b(2) and will not substantially interfere with the nature and purposes of the CDNST (FSM 2353.42).

- Chapter IV.B.6. Motorized Use (74 FR 51125) – Motor vehicle use by the general public is prohibited by the National Trails System Act 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, if 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 and the use will not substantially interfere with the nature and purposes of the CDNST.
  - FSM 2353.44b(11) – Motor vehicle use by the general public is prohibited on the CDNST, unless that use is consistent with the applicable CDNST unit plan and: [repeats Comprehensive Plan Chapter IV.B.6 list and refers to CDNST unit plan].

- 16 U.S.C. § 1604(f)(1) – Form one integrated plan
- 36 CFR § 219.1(f) – Compliant with all applicable laws
- 36 CFR § 219.3 – Best Available Scientific information
- 36 CFR § 219.7 – Plan Components (where they apply)
- 36 CFR § 219.9(a)(1) - Ecosystem Integrity
- 36 CFR § 219.10(a) – Integrated Resource Management for Multiple Use
- 36 CFR § 219.10(b)(1)(i) – Sustainable recreation
- 36 CFR § 219.10(b)(1)(vi) – Management of other designated areas
- 36 CFR $ 219.11(a)(1)(iii) – Timber production not compatible with desired conditions
  - FSH 1909.12 part 22 – Requirements for an Integrated Plan

[24] This reference is to ROS classes as defined in the 1982 and 1986 ROS User Guides, which was the basis for the sustainable recreation direction in the Planning Rule as informed by the Planning Rule PEIS

- FSH 1909.12 part 22.1 – Plan Components
- FSH 1909.12 part 23 – Resource Requirements for Integrated Plan Components
- FSM 2310.3 (WO Amendment 2300-90-1) – Recreation Planning
- FSM 2382.1 – Scenery Management System
- FSH 1909.12 part 23.23a – Sustainable Recreation Resources
- FSH 1909.12 part 23.23f – Scenery, Aesthetic Values, and Viewsheds
- FSM 2353.4 – National Scenic Trails – CDNST (74 FR 51125) [25]
- FSH 1909.12 part 24.43 - National Scenic and Historic Trails

- 40 CFR § 1502.13 – Purposed and Need
- 40 CFR § 1502.14 – Proposed Action and Alternatives
- 40 CFR § 1502.15 – Affected Environment
- 40 CFR §§ 1502.16, 1508.7 (2020), 1508.8 (2020) – Environmental Consequences
- 40 CFR § 1502.24 – Methodology and Scientific Accuracy (2005)
- 40 CFR § 1502.23 – Methodology and Scientific Accuracy (2020)
- 40 CFR § 1503.4(a) Parts (1)-(3) – Response to Comments (2005)

[25] http://nstrail.org/main/fsm_2350_2300_2009_2_cdnst.pdf

Section VII. Specialized and Expert Knowledge

My professional expertise is in dispersed recreation and designated area management and natural resources planning.[26] I was the principal resource specialist in of the development and considerations of the final amendments to the CDNST Comprehensive Plan and final directives (Federal Register, October 5, 2009, 74 FR 51116). I coauthored a Recreation Opportunity Spectrum Technical Guide with Warren Bacon and George Stankey. My academic experience includes receiving a M.S. in Wildland Recreation Management and a B.S. in Wildlife Biology.

My assessment and objection of the Proposed Plan, FEIS, and Draft ROD is also based 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,[27] 1979, by Roger Clark and George Stankey;
2. ROS Users Guide 1982 (and ROS Book 1986) (U.S. Department of Agriculture, Forest Service. ROS Users Guide. Washington, DC: U.S. Department of Agriculture, Forest Service);
3. Recreation Opportunity Setting as a Management Tool Technical Guide,[28] 1986, by George Stankey, Greg Warren, and Warren Bacon;
4. Landscape Aesthetics, A Handbook for Scenery Management, Agricultural Handbook Number 701, 1995;
5. Studies in Outdoor Recreation: Search and Research for Satisfaction. Studies in Outdoor Recreation: Search and Research for Satisfaction by Robert Manning, 2010, and
6. Other similar publications and papers.[29]

My most recent CDNST Planning Handbook addresses new information is posted online at NSTrail.org. This planning handbook is updated as needed to address new information.

Thank you for accepting and considering this objection and proposed resolution as described in Section I Part C.

Greg Warren[30]

Attachments

A – CDNST Comprehensive Plan
B – FSM 2350
C – Draft Plan and DEIS Comments
D – CDNST Planning Handbook v11032019 (submitted with Draft Plan and DEIS comments)
E – ROS Book 1986

[26] http://nstrail.org/gwarren_experience.htm
[27] http://nstrail.org/carrying_capacity/gtr098.pdf
[28] http://nstrail.org/carrying_capacity/ros_tool_1986.pdf
[29] http://nstrail.org/references.htm
[30] Signature provided upon request

Appendix A – FSM 2310 Sustainable Recreation Planning Review

The Sustainable Recreation Planning directive, FSM 2310 (WO Amendment 2300-2020-1), was approved by Tina Terrell, Associate Deputy Chief on April 23, 2020. Unfortunately, this amended FSM 2310 guidance is inconsistent with the recreation opportunity spectrum planning framework and the comprehensive planning requirements of the Wild and Scenic Rivers Act and National Trails System Act. It is improper that the Forest Service modified the 1986 ROS class definitions without articulating compelling reasons for the modifications and disclosing the consequences to those recreationists seeking Primitive and Semi-Primitive ROS settings as described since 1982.

The recreation opportunity spectrum provides a framework for integrating recreational opportunities and nonrecreational activities. The central notion of the spectrum is to offer recreationists alternative settings in which they can derive a variety of experiences. Because the management factors that give recreational value to a site are interdependent, management must strive to maintain consistency among these factors so that unplanned or undesired changes in the opportunities do not occur.

The amended policy makes substantial changes to the recreation planning policy direction without the benefit of 36 CFR § 216 public involvement processes. This policy replaces FSM 2310 (WO Amendment 2300-90-1). The 1990 directive provided the following direction:

> *2310.3 - Policy. In addition to general planning policy presented in 36 CFR 219.1, FSM 1903, FSM 1920.3, FSM 1922.03, and FSM 2303:*
>
> 1. *Use the Recreation Opportunity Spectrum (ROS) to establish planning criteria, generate objectives for recreation, evaluate public issues, integrate management concerns, project recreation needs and demands, and coordinate management objectives.*
> 2. *Use the ROS system to develop standards and guidelines for proposed recreation resource use and development.*
> 3. *Use the ROS system guidelines to describe recreation opportunities and coordinate with other recreation suppliers.*
> 4. *Recognize individual National Forests need not provide recreation opportunities in each ROS class.*
> 5. *Do not provide urban opportunities with appropriated or other public funds. Channel urban class provided by private sector funds to private land if available…*
>
> *2311.1 - Recreation Opportunity Spectrum (ROS). Use the Recreation Opportunity Spectrum (ROS) system and the ROS Users Guide (U.S. Department of Agriculture, Forest Service. ROS Users Guide. Washington, DC: U.S. Department of Agriculture, Forest Service; 1982. 37p.) to delineate, define, and integrate outdoor recreation opportunities in land and resource management planning. Recreation integration/coordination provides for integrated management prescriptions and associated standards to deal with the recreation resource.*

ROS defines six recreation opportunity classes that provide different settings for recreational use: primitive, semi-primitive nonmotorized, semi-primitive motorized, roaded natural, rural, and urban. Use ROS classes to describe all recreation opportunity areas--from natural, undisturbed, and undeveloped to heavily used, modified, and developed. Apply the criteria involving the physical, social, and managerial environments found in the ROS Users Guide to delineate the different ROS classes of land. Urban class areas are not normally an appropriate management objective for National Forest lands…."

FSM 2310 (WO Amendment 2300-2020-1) "Digest" describes substantive changes as: "*2311* – *Replaces obsolete direction on Resource Opportunities in Recreation Planning with direction on Corporate Data and Tools that have been in place for over 20 years.*" This "Digest" statement is factually inaccurate. The use of the ROS planning framework and the ROS User Guide continue to be relevant, especially for addressing the recreation resource in forest planning. The ROS planning framework use for forest planning is supported by a 2007 publication by McCool, Clark, and Stankey in "An Assessment of Frameworks Useful for Public Land Recreation Planning," General Technical Report PNW-GTR-705.

The 1986 ROS Book, which repeated the 1982 ROS User Guide information, was the basis for the 2012 Planning Rule/PEIS and 2015 planning directives. As the Acting Recreation Planning National Program Manager, I prepared comments on the draft FSH 1909.12 planning directives that were based in part on the FSM 2310 direction to use the 1986 ROS Book technical guidance for addressing NFMA and planning rule requirements (16 U.S.C. § 1604(f)(1) and 36 CFR §§ 219.1(f), 219.3, 219.6(b)(9), 219.8(b)(2), 219.10(a)(1) & (b)(1), and 219.19 definitions for Recreation Opportunity and Setting). In this position, I reviewed drafts of a proposed amendment to FSM 2310. These drafts addressed remoteness and evidence of humans as setting indicators.

The recreation opportunity spectrum planning framework, as described in the 1986 ROS Book, continues to be the best science-based process for providing for the integration of the recreation resource in multiple-use planning. The 2012 Forest Service planning rule and 2015 planning directives properly identified the ROS planning framework as the best management tools and science for addressing the recreation resource in forest planning. The recreation setting is the surroundings or the environment for the recreational activities. The planning rule describes that the recreation setting is the social, managerial, and physical attributes of a place that, when combined, provide a distinct set of recreation opportunities. The rule describes that the Forest Service uses the recreation opportunity spectrum to define recreation settings and categorize them into six distinct classes: primitive, semi-primitive non-motorized, semi-primitive motorized, roaded natural, rural, and urban.

The amended 2020 FSM 2310 ROS direction degrades the usefulness of existing National Trail, Wild and Scenic River, and Wilderness policy direction that is intended to protect the values for which each congressionally designated area was established:

- The 2009 CDNST Comprehensive Plan states, "*Use the ROS system in delineating and integrating recreation opportunities in managing the CDNST*."
- FSM 2353.44 – National Scenic Trails. The amended 2009 CDNST Comprehensive Plan and FSM 2353.44b policy relies in part on the FSM 2310 (WO Amendment 2300-90-1) direction. FSM 2353.44b(8) – "*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)*."
- FSM 2354.32 – Wild and Scenic Rivers. "*Management plans for designated [wild and scenic] rivers must: 1. Establish management objectives for each segment of the river. As a minimum, state the Recreation Opportunity Spectrum class featured (ROS, FSM 2310) and procedures for maintaining the ROS for each segment over time. To the extent possible, the management objectives should reflect the river's recreational relationship to nearby rivers*."
- FSM 2320.3 – Wilderness. "*Use the Recreation Opportunity Spectrum (FSM 2310) as a tool to plan adjacent land management*."

It is incorrect to infer that the 2012 Planning Rule and 2015 Planning directives guidance for the recreation resource were based on "*obsolete direction*." The 2020 "Digest" and the substance of the 2020 FSM 2310 direction has improperly influenced an objection review of the Custer-Gallatin proposed revised plan.[31] The 2020 policy may influence the Reviewing Officer's decision on the Carson Forest Plan objection review. The 2020 FSM 2310 digest and policy needs to be corrected.

The 2015 Forest Service planning directives require the establishment of mapped ROS settings through Forest Planning processes (FSH 1909.12 – Part 23.23a). Mapped ROS classes based on the 1986 ROS Book class descriptions would help ensure the integration of multiple use programs through Forest Plan decisions. The ROS class descriptions and policy direction as modified by FSM 2310 (WO Amendment 2300-2020-1) diminishes the usefulness of having mapped ROS settings and using the ROS as a management tool.

The plan must indicate where established ROS classes apply. Forest Plan modifications of where ROS direction applies (including maps) must follow amendment processes and not be addressed as an administrative change.

[31] http://nstrail.org/planning/gallatin_nf/Final_CG_LMP_Objection_Response_April_15_2021.pdf

The ROS planning framework was not intended to never change, but modifications to ROS class characteristics definitions should only occur through robust public involvement processes, based on science that supports modifying ROS characteristic definitions, and to improve readability. The amended FSM 2310 direction does not meet any of these need for change criteria. Furthermore, effects of any change to ROS class characteristics need to be disclosed.

The planning rule and planning directives were grounded in the 1986 ROS Book guidance and related research. It is concerning that some in the Forest Service have relied on informal and inappropriate Corporate Data and Tools for over 20 years resulting in the degradation of Primitive ROS and Semi-Primitive ROS settings.

A review of the amended FSM 2310 (2300-2020-1) follows:

Amended **FSM 2310.2** objectives state, "*The overarching objective of sustainable recreation planning is to inform decisions that result in sustainable recreation outcomes. To be sustainable, recreation settings, opportunities, and benefits must: … 1. Be compatible with other multiple uses….*"

Observation: The intent of this objective is unclear; however, a literal reading of the guidance would indicate that the objective is inconsistent with "*multiple use*" as defined by the Multiple Use Sustained Yield Act of 1960 (16 U.S.C. § 531). NFMA integration requirements are reviewed in FSH 1909.12 part 22. Clearly, the recreation resource is not inferior to other multiple use resources. For example, Forest Plan allocations of Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized ROS settings without a timber resource purpose would be consistent with the Multiple Use and Sustained Yield Act. The ROS User Guide is consistent with the principles described by the Interagency Visitor Use Management Council.

The Landscape Aesthetics Handbook states, "*The Scenery Management System and ROS serve related, but different, purposes that affect management of landscape settings. In some cases, ROS provides stronger protection for landscape settings than does the Scenery Management System. This is similar to landscape setting protection provided by management of other resources, such as cultural resource management, wildlife management, and old-growth management. In all these examples, there may be management directions for other resources that actually provide higher scenic integrity standards than those reached by the Scenery Management System. Different resource values and systems (the Scenery Management System, the ROS System…) are developed for differing needs, but they are all systems that work harmoniously if properly utilized. In all these examples, there are management decisions made for other resources that result in protection and enhancement of landscape settings."*

Primitive and Semi-Primitive ROS classes will constrain some actions such as mechanical treatments with heavy equipment or road development if these desired ROS class opportunities are to be available to recreationists seeking those experiences. The recreation opportunity

setting since its inception has been composed of other natural features in addition to the six factors. Landform types, vegetation, scenery, water, and wildlife are all important elements of recreation environments; they influence where people go and the kinds of activities possible. Making choices between competing resource priorities is often the nature of integrated resource management planning as required by the National Forest Management Act (16 CFR § 1604(f)(1), 36 CFR § 219.10(a), FSH 1909.12 Part 22).

This objective should be deleted, but could be restated describing that, "*Be derived through integrated planning processes*" (36 CFR § 219.10(a)). The Multiple-Use Sustained-Yield Act makes that principle clear by explaining that "*multiple use*" means management to make "*judicious use of the land for some or all*" of the renewable resources thereon, with some land "used for less than all of the resources" (16 U.S.C. § 531).

Amended **FSM 2310.2** also describes, "*These ecological and socio-economic outcomes are not only important to the sustainability of recreation, but also contribute to the sustainability of the unit and Agency as a whole….*"

Observation: The direction in parts 1 through 7 improves on the prior FSM 2310 direction and provides for important integration considerations that are also found in the planning directives (FSH 1909.12). The statement, "*contribute to the sustainability of the unit and Agency as a whole*" is an inappropriate declaration and should be deleted.

Amended **FSM 2310.2 part 8** states, "*Resource program plans (such as, travel management plans, and so forth), area plans (for example, Comprehensive River Management Plans, and so forth) and project decisions implement, support, and are consistent with relevant land management plan(s) decisions.* FSH 1909.12, sec. 24."

Observation: Comprehensive River Management Plans and National Scenic and Historic Trail Comprehensive Plans should be consistent with the relevant Forest Plan, but this statement would suggest that designated area plan decisions are subordinate to Forest Plan decisions regardless of the Forest Plan direction. FSM 2310.2 part 8 should be redrafted plainly stating that NFMA, W&SR, and National Scenic and Historic Trail plan decisions must provide for the purposes for which an area is designated. In addition, FSM 2310 should clearly state that, "*Comprehensive Plans developed in response to the requirements of the National Trails System Act (16 U.S.C. §§ 1244(e), 1244(f)), and the Wild and Scenic Rivers Act (16 U.S.C. § 1274(d)) are not resource plans as defined by the NFMA (16 U.S.C. §1604(i) and 36 CFR §219.15(e))*." The phrase, "*and so forth*" is not helpful and should be deleted.

National Scenic Trails, Wild and Scenic Rivers, and Wilderness legislation keeps the management of the federal land under the agencies existing authorities, but subject to the overriding purpose of protecting qualities and values described by the designated area legislation. The establishment of these designated areas thus constitutes an overlay on the

management regime otherwise applicable to lands managed by the agency. By eliminating activities and uses incompatible with the purposes for which an area is designated, the designated area limits the management discretion that the agency might otherwise have.

Amended **FSM 2310.3** policy begins by describing that, "1. *Units shall review and use relevant land management plan decisions to guide and inform smaller-scale planning decisions. To ensure attainment of sustainable recreation, all projects and activities must be consistent with the applicable plan components of the land management plan* (36 CFR 219.15 (d))."

Observation: An element that is missing from the direction is to describe policy that responsible officials are to ensure that land management plans are prepared through NEPA interdisciplinary processes that address the integration of the recreation resource in planning analyses and decisions (16 U.S.C. 1604(f), 36 CFR 219.10). In addition, Forest Plans must provide for the purposes for which designated areas are established.

Amended **FSM 2310.5** defines Resource Programs and Area Plans as, "*Plans that address a specific multiple use or resource program on the forest or grassland, or portion of one or more forests or grasslands. The plan area can be delineated by ecological units (such as, watersheds, wildlife habitat areas, riparian areas, geological formations or features, and so forth), and/or by socio-economic considerations (such as, market area, designated area, urban interface area, administrative units such as a ranger district, and so forth). Common examples of recreation-related resource program plans include: facilities plans, travel management plans, interpretive plans, etc. Area-specific plans include: National Scenic or Historic Trail Plans, National Monument Plans, Comprehensive River Management Plans, National Recreation Area Plans, etc. Resource program and area plans must be consistent with land management plan direction. Reference 36 CFR 219.15*."

Observation: FSM 2310 needs to describe that planning processes must provide for the purposes for which an area was designated. FSM 2310 should clearly state that Comprehensive Plans developed in response to the requirements of the National Trails System Act (16 U.S.C. §§ 1244(e), 1244(f)) and the Wild and Scenic Rivers Act (16 U.S. Code § 1274(d)) are not resource plans as defined by the NFMA (16 U.S.C. §1604(i) and 36 CFR §219.15(e)).

Amended **FSM 2310.5** defines Recreation Opportunity Spectrum classes.

Observation: The characterizations of ROS classes are a significant deviation from established Physical Setting descriptions. "*Evidence of Humans*," "*Non-Recreation Uses*," and "*Naturalness*" setting indicators are improperly omitted in the narratives for Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized ROS settings.

Primitive settings allow for mechanized use outside of wilderness in the amended FSM 2310 direction. Bicycles should not be allowed in Primitive ROS settings. Primitive means ''*of or relating to an earliest or original stage or state*.'' Mountain bikes are not primitive in nature.

Asymmetric impacts between bicyclists and traditional nonmotorized users will tend to displace hikers and equestrians from non-wilderness trails. The asymmetric or one-way nature of conflict suggests that active management is needed to maintain the quality of recreation for visitors who are sensitive to conflicting uses. Visitors who are sensitive to conflict are likely to be dissatisfied or ultimately displaced.[32] FSM 2310 should describe that the trail class norm is Pack and Saddle Stock Class 2 and 3 (FSH 2309.18 23.12 – Exhibit 01).

Observation: Semi-Primitive Non-Motorized settings exempts open roads stating that, "*occasional administrative use occurs on these roads for the purpose of natural and cultural resource protection and management*." This ROS setting does not allow for new administrative or public use roads except in very limited situations – closed roads may be present, but are managed to not dominate the landscape or detract from the naturalness of the area.

The unconstrained guidance that, "*occasional administrative use occurs on these roads for the purpose of natural and cultural resource protection and management*" does not support SPNM desired conditions and needs to be changed. This ROS setting may only have subtle modifications that would be noticed but not draw the attention of an observer wandering through the area. Rarely would permanent and temporary roads be consistent with protecting SPNM ROS setting desired conditions where defined using the 1982/1986 ROS planning framework.

Observation: Exhibit 01, Vegetation states that, "*Treatments enhance forest health and mimic natural vegetation patterns.*" Due to social and resource conditions, large-scale vegetation harvest and associated road construction will need to be restricted to meet desired forest conditions.

Natural vegetation patterns have in some cases been created by large fire events, such as the Great Fire of 1910. Hurricane-force winds, unlike anything seen since, roared across the rolling country of eastern Washington. Then on into Idaho and Montana forests that were so dry they crackled underfoot. In a matter of hours, fires became firestorms, and trees by the millions became exploding candles. By noon on the twenty-first, daylight was dark as far north as Saskatoon, Canada, as far south as Denver, and as far east as Watertown, New York. To the west, the sky was so filled with smoke, ships 500 miles at sea could not navigate by the stars. Smoke turned the sun an eerie copper color in Boston. Soot fell on the ice in Greenland. The Great Fire of 1910 burned three million acres and killed enough timber to fill a freight train 2,400 miles long. Merchantable timber destroyed was estimated to be eight billion board feet, or enough wood to build 800,000 houses. Twenty million acres were burned across the entire

[32] Manning, R.E. (2010). Studies in Outdoor Recreation: Search and Research for Satisfaction. Studies in Outdoor Recreation: Search and Research for Satisfaction. Page 218.

Northwest. The current insect and disease situation are having similar ecological effects as some past fire events, but at a much slower rate of change.

Desired conditions must stress the need to reflect the constraints described for "*Evidence of Humans*," "*Non-Recreation Uses*," and "*Naturalness*" setting indicators for this Semi-Primitive Non-Motorized ROS class. Specifically, the statement that treatments are to enhance forest health is vague and could lead to actions that benefit timber programs over allowing for natural processes to unfold. Describing that treatments are to mimic natural vegetation patterns is also unclear and should be deleted.

Forest health is an increasingly important concept in natural resource management. The definition of forest health is difficult and dependent on desired conditions. From an ecosystem-centered perspective, forest health has been defined by resilience, recurrence, persistence, and biophysical processes which lead to sustainable ecological conditions. Most important, so as to minimize the evidence of humans, vegetation management actions need to avoid restoration actions that require the construction of permanent and temporary roads within Semi-Primitive Non-Motorized ROS settings and minimize new roads in Semi-Primitive Motorized ROS settings. Exhibit 01, Scenic Integrity states that, "*Typically High*." The desired Scenic Integrity Objective should be simply described as High.

Observation: Some revised forest plans are establishing Semi-Primitive Motorized settings for timber production areas, which is inconsistent with the intent of this ROS class as used in the planning rule. Semi-Primitive Motorized settings allows for maintenance level 2 roads, which are not primitive roads as described in the 1982 ROS direction. Possibly, FSM 2310 could describe that, "*Motorized routes are typically designed as motorized trails (FSH 2309.18 part 23.21, Trail Class 2, No Double Lane) and Four-Wheel Drive Vehicles routes (FSH 2309.18 part 23.23, Trail Class 2, No Double Lane), offering a high degree of self-reliance, challenge, and risk in exploring these backcountry settings*." These trail classes would provide for the desired motorized experiences, while protecting soil and water resources through design parameters.

FSM 2310.5 defines ROS Class Characteristics as, "*The physical, social, and managerial features that function collectively to define a specific recreation opportunity spectrum setting (ROS class) … Both summer and winter setting characteristics for each of the six primary ROS classes are summarized in section* 2311, exhibit 01."

Observation: Exhibit 01 describes ROS characteristics as "*themes*," which is not defined nor recognized as a plan component in forest planning processes (36 CFR § 219 and FSH 1909.12 directives). Failing to identify desired conditions and other plan components in the FSM 2310 definition reduces the importance and effectiveness of the planning directives requirement that states, "*The plan must include plan components, including standards or*

guidelines, to provide for sustainable recreation integrated with other plan components as described in 23.21a. To meet this requirement the plan: … (a) Must include desired conditions for sustainable recreation using mapped desired recreation opportunity spectrum classes..." (FSH 1909.12 23.23a).

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. If forest plans contain specific, measurable desired conditions, this should focus the process of identifying locations where projects are needed, and thereby increase the efficiency of project planning.

General Technical Report PNW-98 December 1979 states, "*The ROS is a helpful concept for determining the types of recreational opportunities that should be provided. And after a basic decision has been made about the opportunity desirable in an area, the ROS provides guidance about appropriate planning approaches—standards by which each factor should be managed*."

The 2012 Planning Rule Programmatic Environmental Impact Statement states the analysis of the recreation resource is based on the 1986 ROS Book, Scenery Management System, and Recreation facility analysis: "*Three recreation planning and management tools that shape the recreation program include:*

- *Recreation opportunity spectrum – ROS 1986;*
- *Scenery management system; and*
- *Recreation facility analysis.*

These tools are used to define existing conditions, describe desired conditions, and monitor change. These tools, along with overarching guidance at the national, Department, and Agency levels, serve as the context by which individual national forests and grasslands engage with their communities. In doing so, the unit's recreation-related and amenity-based assets are considered and integrated with a vision for the future that is sustainable and that the unit is uniquely poised to provide. As the current planning rule procedures related to recreation are quite general, these tools contribute to consistency in recreation planning across NFS units.

The recreation opportunity spectrum has been an effective land management planning tool since 1982. The recreation opportunity spectrum is a framework for identifying, classifying, planning, and managing a range of recreation settings. The setting, activity, and opportunity for obtaining experience are arranged along a spectrum of classes from primitive to urban. In each setting, a range of activities is accommodated. For example, primitive settings accommodate primarily non-motorized uses, such as backpacking and hiking; whereas roaded settings (such as roaded natural) or rural settings accommodate motorized uses, such as driving for scenery or access for hunting. Through this framework, planners compare the relative tradeoffs of how different patterns of settings across the landscape would accommodate (or not accommodate)

recreational preferences, opportunities, and impacts (programmatic indirect environmental effects) with other multiple uses.

The scenery management system provides a vocabulary for managing scenery and a systematic approach for determining the relative value and importance of scenery in an NFS unit. The system is used in the context of ecosystem management to inventory and analyze scenery, to assist in establishment of overall resource goals and objectives, to monitor the scenic resource, and to ensure high-quality scenery for future generations" (Forest Service Planning Rule, PEIS, page 209).

The Forest Service in response to Land Management Plan proposed directives comments on pages 22 and 47 states, "*FSH 1909.12, chapter 10, section 13.4 has been modified to indicate that the interdisciplinary team shall identify and evaluate available information about recreational settings and opportunities, including seasonal variation, using the recreation opportunity spectrum (ROS). An update of ROS information is not required during the assessment, though additional information not included in ROS may also be identified and included in the assessment process. The Forest Service uses the recreation opportunity spectrum to define recreation settings and categorize them into six distinct classes: primitive, semi-primitive non- motorized, semi-primitive motorized, roaded natural, rural, and urban (36 CFR 219.19). The desired ROS class is not required to be the same as the existing ROS class.*

FSH 1909.12, chapter 20, section 23.23 states that the interdisciplinary team may create desired recreation opportunity spectrum subclasses. For example, the subclass "roaded modified" was first defined in the Pacific Northwest to distinguish those settings significantly altered by past timber harvest from other roaded natural. The interdisciplinary team may also create desired recreation opportunity spectrum classes to reflect seasonal variations. Desired winter recreation opportunity spectrum classes can be developed to depict changes in the location, mix and distribution of setting opportunities (both motorized and nonmotorized)."

An example of a consequence if FSM 2310 (2300-2020-1) definitions are applied to plan components is that an established Semi-Primitive Non-Motorized ROS setting would no longer protect CDNST nature and purposes qualities and values. A Semi-Primitive Motorized ROS setting could be like what is described as a Roaded Modified ROS setting. A Roaded Modified ROS setting is defined by extensive forest management activities and road networks, which is clearly incompatible with providing for high-quality scenic, primitive hiking and horseback riding opportunities and the conservation of natural, historic, and cultural resources within the CDNST corridor. The ROS class protection norm for the CDNST should be restricted to the establishment of a Primitive ROS setting if FSM 2310 (2300-2020-1) direction is implemented.

The Forest Service did not provide a reasoned basis or a detailed justification for modifying the 1982 ROS User Guide and 1986 ROS Book recreation opportunity spectrum setting definitions

and disclosing the consequences of those changes to recreationists seeking Primitive and Semi-Primitive ROS settings, including those seeking high-quality scenic, primitive hiking and horseback riding experiences along the Continental Divide National Scenic Trail.

Permanent and temporary roads in Semi-Primitive ROS settings must be constrained using Evidence of Humans criteria as described in the 1986 ROS Book. Rarely would permanent and temporary roads be consistent with a SPNM setting. If a road was to be built for any reason, it should be decommissioned with full obliteration, recontouring, and restoring natural slopes. Monitoring must ensure that surface areas are stabilized and revegetated with native plants.

The formulation and issuance of FSM 2310 (2300-2020-1) is not in compliance with the Public Participation requirement of FRRRPA and the Public Notice and Comment for Standards, Criteria, and Guidance Applicable to Forest Service Programs (16 U.S.C. § 1612(a), 36 CFR § 216). The amended policy (2300-2020-1) is inconsistent with the 36 CFR § 219 forest planning regulations and the Planning Rule PEIS.

The APA ensures that agencies do not change course based on the "*whim and caprice of the bureaucracy*," and prevents agencies from subverting the rule of law by making policy based on shifting "*political winds and currents*." When reversing a prior policy that "*has engendered serious reliance interests*," the agency must "*provide a more detailed justification than what would suffice for a new policy created on a blank slate*." This requires a "*reasoned explanation… for disregarding the facts and circumstances that underlay or were engendered by the prior policy*."

FSM 2310 (2300-2020-1) policy should be reissued through a Federal Register Notice following 36 CFR § 216 public involvement processes to define the ROS Classes as desired conditions, to include ROS Class Characteristics descriptors that address, in part, "Evidence of Humans," "Non-Recreation Uses," and "Naturalness" characteristics, and to make other changes that support providing for the integration of the recreation resource in natural resource planning processes.

Sustainable Recreation Planning directives must be consistent with the 1986 ROS Book guidance and related research, which informed the planning rule. Forest Service directives must be consistent with the USDA Departmental Regulation 1074-001 scientific integrity policy that relates to the development, analysis, and use of data for decision-making. This DR is intended to instill public confidence in USDA research and science-based public policymaking by articulating the principles of scientific integrity, including reflecting scientific information appropriately and accurately.

FSM 2310 (WO Amendment 2300-2020-1) direction is not in conformance with the National Forest Management Act, National Trails System Act, Wild and Scenic Rivers Act, NEPA, and regulations (16 U.S.C. §§ 1604(f)(1), 1612(a), 1244(e), 1244(f), 1274(d); 36 CFR §§ 216, 219.3, 219.10(b)(1)(i)); 40 CFR §§ 1502.24 (2005), 1502.23 (2020)), and APA (5 U.S.C. § 706(2).