Regional Forester
Attn: Objection Reviewing Officer
USDA Forest Service
Southwest Region
333 Broadway Blvd SE
Albuquerque, NM 87102

August 6, 2022

https://cara.fs2c.usda.gov/Public/CommentInput?Project=51592

Subject: Tonto National Forest Plan Revision Objection

This submittal is an objection to the Draft ROD, FEIS, and Revised LMP for the Tonto 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:

Revised Forest Plan, FEIS, and Draft ROD
Neil Bosworth, Forest Supervisor
Tonto National Forest
2324 E. McDowell Rd.
Phoenix, AZ 85006

The objector's name, address, and email:

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Section I. 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. Submitted Draft Plan and DEIS comments are included in this objection as **Attachments A and B**.

A. Recreation Opportunity Spectrum

a. Forest Plan

The proposed Plan on page 25 states, "REC-G 10 - *All project-level decisions, implementation activities, and management activities should be consistent with or move the area toward the appropriate recreation opportunity spectrum (ROS), or current protocol*." Unfortunately, the reference webpage does not review the ROS framework.

The proposed Plan on page 61 states, "RD-G 01 – *New roads should not be constructed in areas designated as primitive in the recreation opportunity spectrum (ROS), or current protocol*.

02 *Construction of temporary roads in areas designated as semiprimitive nonmotorized in the recreation opportunity spectrum (ROS) should be avoided unless required by a valid permitted activity or management activity. If authorized, roads should be constructed and maintained at the lowest maintenance level needed for the intended use, then rehabilitated.*"

The proposed Plan on page 151 states, "IRAMA-G-01 – *Inventoried roadless areas should be managed for primitive, semiprimitive nonmotorized, and semiprimitive motorized recreation opportunity spectrum or similar protocol.*"

03 - *Construction of new motorized routes should not intersect national trails located within primitive or semiprimitive nonmotorized recreation opportunity spectrum classes. Management activities should maintain public access to designated national trails*."

b. Issue and Statement of Explanation

The proposed plan failed to use the Recreation Opportunity Spectrum framework in establishing sustainable recreation direction for the forest. The Recreation Opportunity Spectrum (ROS) provides a framework for stratifying and defining classes of outdoor recreation environments, activities, and experience opportunities. The Forest Service is committed to use the ROS framework to define recreation settings. The Planning Rule, Planning Rule PEIS, FSM 2310 (WO Amendment 2300-90-1), Planning Directives, 1982 ROS User Guide, and the 1986 ROS Book (included in this objection as **Attachment C)** were the recreation resource policy and 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 framework which is the best available scientific information for

the recreation resource. Most important, as related to forest planning, 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 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.

Primitive and Semi-Primitive ROS class plan components must constrain some management actions such as mechanical treatments of vegetation that utilize heavy equipment and permanent or temporary roads if these ROS class opportunities are to be protected.

The Tonto NF Travel Management Plan decision to allow for game retrieval with a motorized vehicle is inconsistent with Primitive and Semi-Primitive Non-Motorized ROS setting desired conditions.

Plan direction that references an undefined protocol is inconsistent with the planning requirements to use the best available information and the scientific integrity requirements of CEQ regulations.

The Forest Service on April 23, 2020, modified FSM 2310 (WO Amendment 2300-2020-1) changing the 1982 ROS User Guide and 1986 ROS Book Recreation Opportunity Spectrum class definitions and the directive no longer refers to the 1982 ROS User Guide direction for planning purposes. The agency does not provide a rational explanation for the change to policy; however, it appears that in part the Forest Service wishes to allow for mechanical vegetation treatments, timber production, and road construction in Semi-Primitive Motorized ROS settings. Concerning is that the agency does not disclose the consequences of those changes to recreationists seeking Semi-Primitive ROS experiences when new roads and heavy equipment are encountered in these more primitive ROS settings.

The 2020 Forest Service Manual 2310 amendment guidance is often inconsistent with the Recreation Opportunity Spectrum planning framework as described in the 1986 ROS Book and as referenced in the Planning Rule and associated PEIS. The ROS 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. Draft Plan and DEIS comments, and **Appendix A** in this objection, review the recreation planning directive FSM 2310 (WO Amendment 2300-2020-1).

Furthermore, see Response to Comments, Section II Part K – Recreation Opportunity Spectrum - of this objection.

c. Proposed Solution to Improve the Decision

Modify the revised Plan to be consistent with the recreation direction in the Planning Rule, Planning Rule PEIS, Planning Directives, and the ROS Book. This would include adopting ROS class desired conditions, standards, guidelines, and suitability guidance as described in comments on the Draft Plan (as repeated below), which are consistent with the ROS Book and the ROS Primer and Field Guide.

d. Connection with Comments

Draft Plan comments beginning on page 1, including Appendix C. Comments state in part that, "*The forest plan should briefly describe how each ROS setting or class is defined by desired conditions and indicators. Forest Service directives describe, "Use the Recreation Opportunity Spectrum (ROS) system and the ROS Users Guide (1982) to delineate, define, and integrate outdoor recreation opportunities in land and resource management planning" (FSM 2311.1) …*

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

The following are ROS class definitions that were submitted with Draft Plan and DEIS comments:

Primitive ROS Setting

Primitive ROS Class Desired Conditions

Setting: The area is essentially an unmodified natural environment. Interaction between users is very low and evidence of other users is minimal.

Experience: Very high probability of experiencing isolation from the sights and sounds of humans, independence, closeness to nature, tranquility, and self-reliance through the application of woodsman and outdoor skill in an environment that offers a high degree of challenge and risk.

Evidence of Humans: Evidence of humans would be un-noticed by an observer wandering through the area. Natural ecological processes such as fire, insects, and disease exist. The area may provide for wildlife connectivity across landscapes. Primitive ROS settings contain no motorized and mechanized vehicles and there is little probability of seeing other groups. They provide quiet solitude away from roads and people or other parties, are generally free of human development, and facilitate self-reliance and discovery. Signing, and other infrastructure is minimal and constructed of rustic, native materials.

Primitive ROS Class Standards and Guidelines

Standards: (1) Motor vehicle use is not allowed unless necessary to protect public health and safety or the use is mandated by Federal law and regulation; and (2) Management actions must result in Very High Scenic Integrity.

Guidelines: (1) No new permanent structures should be constructed, since structures may degrade the unmodified character of these landscapes; (2) Less than 6 parties per day encountered on trails and less than 3 parties visible at campsite since an increase in the number of groups may lead to a sense of crowding; (3) Party size limits range between 6 and 12; and (4) No roads, timber harvest, or mineral extraction are allowed in order to protect the remoteness and naturalness of the area.

Primitive ROS Class Suitability of Lands

Suitability: (1) Motorized and mechanized recreation travel are not suitable; and (2) lands are not suitable for timber production.

Semi-Primitive Non-Motorized ROS Setting

Semi-Primitive Non-Motorized ROS Class Desired Conditions

Setting: The area is predominantly a natural-appearing environment where natural ecological processes such as fire, insects, and disease exist. Interaction between users is low, but there is often evidence of other users.

Experience: High probability of experiencing isolation from the sights and sounds of humans, independence, closeness to nature, tranquility, and self-reliance through the application of woodsman and outdoor skill in an environment that offers a high degree of challenge and risk.

Evidence of Humans: Natural setting may have subtle modifications that would be noticed but not draw the attention of an observer wandering through the area. The area provides opportunities for exploration, challenge, and self-reliance. The area may contribute to wildlife connectivity corridors. Closed and re-vegetated roads may be present, but are managed to not dominate the landscape or detract from the naturalness of the area. Rustic structures such as signs and footbridges are occasionally present to direct use and/or protect the setting's natural and cultural resources.

Semi-Primitive Non-Motorized ROS Class Standards and Guidelines

Standards: (1) Motor vehicle use is not allowed unless necessary to protect public health and safety or the use is mandated by Federal law and regulation; and (2) Management actions must result in High or Very High Scenic Integrity level; and (3) No new roads may be built.

Guidelines: (1) The development scale of recreation facilities should be 0-1 to protect the undeveloped character of desired SPNM settings; (2) Less than 15 parties per day encountered on trails and less than 6 parties visible at campsite, since an increased in the number of groups may lead to a sense of crowding; (3) Party size limits range between 12 and 18; and (4) Roads may not be constructed.

Semi-Primitive Non-Motorized ROS Class Suitability of Lands

Suitability: (1) Motorized recreation travel is not suitable; and (2) Lands are not suitable for timber production.

Semi-Primitive Motorized ROS Setting

Semi-Primitive Motorized ROS Class Desired Conditions

Setting: The area is predominantly natural-appearing environment. Concentration of users is low, but there is often evidence of other users.

Experience: Moderate probability of experiencing isolation from the sights and sounds of humans, independence, closeness to nature, tranquility, and self-reliance through the application of woodsman and outdoor skill in an environment that offers a high degree of challenge and risk. Opportunity to have a high degree of interaction with the natural environment. Opportunity to use motorized equipment.

Evidence of Humans: Natural setting may have moderately alterations, but would not draw the attention of motorized observers on trails and primitive roads within the area. The area provides for motorized recreation opportunities in backcountry settings. Vegetation management does not dominate the landscape or detract from the experience of visitors. Visitors challenge themselves as they explore rugged landscapes.

Semi-Primitive Motorized ROS Class Standards and Guidelines

Standards: (1) Management actions must result in at least a Moderate Scenic Integrity level, and (2) Roads may not be constructed.

Guidelines: (1) The development scale of recreation facilities should be 0-1 to protect the undeveloped character of desired SPM settings; (2) Low to moderate contact between parties to protect the social setting, and (3) Vegetation management may range from prescribed fire to limited and restricted timber harvest for the purpose of maintaining or restoring natural vegetative conditions.

Semi-Primitive Motorized ROS Class Suitability of Lands

Suitability: Lands are not suitable for timber production.

Roaded Natural ROS Setting

Roaded Natural ROS Class Desired Conditions

Setting: The area is predominantly natural-appearing environments with moderate evidences of the sights and sounds of human activities. Such evidences usually harmonize with the natural environment Interaction between users may be low to moderate, but with evidence of other users prevalent. Resource modification and utilization practices evident, but harmonize with the natural environment. Conventional motorized use is provided for in construction standards and design of facilities.

Experience: About equal probability to experience affiliation with other user groups and for isolation from sights and sound of humans. Opportunity to have a high degree of interaction with the natural environment. Challenge and risk opportunities associated with a more primitive type of recreation are not very important. Practice and testing of outdoor skills might be important. Opportunities for both motorized and non-motorized forms of recreation are possible.

Evidence of Humans: Natural settings may have modifications, which range from being easily noticed to strongly dominant to observers within the area. However, from sensitive travel routes and use areas these alternations would remain unnoticed or visually subordinate. The landscape is generally natural with modifications moderately evident. Concentration of users is low to moderate, but facilities for group activities may be present. Challenge and risk opportunities are generally not important in this class. Opportunities for both motorized and non-motorized activities are present. Construction standards and facility design incorporate conventional motorized uses.

The Roaded Modified subclass includes areas that exhibit evidence of extensive forest management activities that are dominant on the landscape, including having high road densities, heavily logged areas, highly visible mining, oil and gas, wind energy, or other similar uses and activities.

Roaded Natural ROS Class Standards and Guidelines

Standard: Management actions must result in at least a Low Scenic Integrity level.

Roaded Natural ROS Class Suitability of Lands

Suitability: Lands may be suitable for timber production …

The Plan should recognize that timber production, mining, and associated activities are inconsistent with Primitive and Semi-Primitive Non-Motorized ROS classes, which are ROS desired settings for the Arizona National Scenic Trail corridor. Primitive and SPNM settings are not suitable for timber production or mining. In areas of timber production, continuous harvesting, stand tending, road construction and reconstruction, and other activities are incompatible with the desired conditions and indicators. Timber production within the Arizona National Scenic Trail corridor would be inconsistent with providing for the nature and purposes of this National Scenic Trail. To reflect ROS principles, the Arizona National Scenic Trail corridor with an extent of one-half mile on each side of the travel route should be identified as not being suitable for timber production. Timber harvest should only occur within the Arizona National Scenic Trail Management Area to protect Arizona National Scenic Trail values.

Managing the Arizona National Scenic Trail corridor for Roaded Natural and Semi-Primitive Motorized ROS settings, timber production, and mining purposes would lead to management actions that substantially interfere with the nature and purposes of the Arizona National Scenic Trail, which is not allowed by the National Trails System Act. As demonstrated below, the proposed ROS allocation along the Arizona National Scenic Trail travel route does not protect the nature and purpose of this National Scenic Trail."

e. Violation of law, regulation, or policy

See **Appendix A** of this objection for a review of FSM 2310 (2300-2020-1).

USDA DR 1074-001, 36 CFR §§ 219.3, 219.10(a), 219.10(b)(1)(i), 219.11(a)(1)(iii); 40 CFR § 1502.24 (2005), 1502.23 (2020).

B. Arizona National Scenic Trail

a. Forest Plan

The proposed Tonto Forest Plan beginning on page 152 states, "*The Arizona National Scenic Trail stretches over 800 miles across Arizona from Mexico to the Utah border, showcasing the State's diverse vegetation, wildlife, wilderness, and scenery, and providing unparalleled opportunities for hikers, mountain bikers, equestrians, and other nonmotorized trail users.*

The Omnibus Public Land Management Act of 2009 (P.L. 111-11) amended the National Trails System Act (P.L. 90-543) to designate the Arizona Trail as a national scenic trail. The Arizona National Scenic Trail corridor is defined as approximately 0.5 miles from the centerline of the trail…

Desired Conditions (NTMA-DC)

Applicable to all National Trails

01 Recreation opportunities on national trails support the needs of the diverse populations we serve by providing a variety of opportunities for recreation with different levels of solitude, challenge, and development.

02 Use conflicts among national trail users are infrequent.

03 Visitor access, use, and management activities are consistent with the recreational, scenic, ecological, cultural, traditional, wildlife resources, and the nature and purpose for which the trail is designated.

04 National trails are signed, passable, and conform to National Forest Trail System Standards.

05 Unauthorized construction on or modification of national trails is minimized.

Applicable to the Arizona National Scenic Trail

06 The Arizona National Scenic Trail and corridor are well-defined and provide high-quality, primitive hiking, mountain biking, equestrian opportunities, and other compatible nonmotorized trail activities. The significant scenic, natural, historic, and cultural resources within the trail's corridor are conserved. The trail provides visitors with expansive views of the natural-appearing landscapes.

07 Scenery viewed from the Arizona National Scenic Trail is consistent with high or very high scenic integrity objectives. The foreground of the trail is natural-appearing.

08 The potential to view wildlife and natural ecological processes exist along the Arizona National Scenic Trail.

09 Connectivity of the Arizona National Scenic Trail is maintained.

10 The Arizona National Scenic Trail has appropriate trailheads and access points that provide various opportunities to select the type of terrain, scenery, and trail length (ranging from long distance to day use) that best provide for compatible outdoor recreation experiences.

Standards (NTMA-S)

Applicable to all National Trails

01 Designated national trails conform to their Trail Management Objectives (TMO) and shall be maintained to National Forest Service standards.

Applicable to the Arizona National Scenic Trail

02 Motorized use shall not be allowed on newly constructed segments of the Arizona National Scenic Trail.

03 Sales or extraction of mineral materials (e.g., limestone and gravel) shall not be authorized within the Arizona National Scenic Trail corridor.

Guidelines (NTMA-G)

Applicable to all National Trails

01 National trails should be consistent with management direction in the trail establishment reports as well as the maintenance standards for trail class and use.

02 To retain or enhance the purposes for which the national trail was designated, new or relocated trail segments should be located within the recreation opportunity spectrum and scenic integrity objectives consistent with or complementing the pre-existing condition.

03 Construction of new motorized routes should not intersect national trails located within primitive or semiprimitive nonmotorized recreation opportunity spectrum classes. Management activities should maintain public access to designated national trails.

04 If national trails are to be used as firelines, management actions should be reviewed and approved prior to use, and adverse effects should be mitigated.

05 Landings created for timber harvest or mechanical treatments should not be visible from national trails.

06 Fences crossing national trails should be designed with gates and pass-throughs that accommodate multiple modes of nonmotorized traffic. Fences should be compatible with the scenic objectives of the area.

07 Special use authorizations that affect national trails should include measures to avoid impacts to visual resources.

Applicable to the Arizona National Scenic Trail

08 If management activities result in short-term impacts to the scenic character of the Arizona National Scenic Trail, design elements should be included (e.g., screening, feathering, and other scenery management techniques) at the project level.

09 The minimum trail facilities necessary to accommodate the amount and types of use anticipated on any given segment along the Arizona National Scenic Trail should be provided to protect resource values and for health and safety (not for the purpose of promoting user comfort) t opreserve or promote a natural-appearing setting.

10 Linear utilities and rights-of-way should not be constructed over national trails. Where unavoidable, these should be limited to a single Arizona National Scenic Trail crossing per special use authorization to maintain the integrity of the trail corridor and values for which the Arizona National Scenic Trail was designated.

11 Wildland fire in the foreground of the Arizona National Scenic Trail should be managed using tactics appropriate to protect and incorporate the values of the Arizona National Scenic Trail. Firelines created with heavy equipment (e.g., dozer lines) should not be used within the Arizona National Scenic Trail corridor unless necessary for emergency protection of life and property.

12 To protect scenic integrity, special use authorizations for new communication sites, utility corridors, and renewable energy sites should be avoided. Where unavoidable, design elements should be implemented to maintain scenic integrity in the trail corridor and the values for which the Arizona National Scenic Trail was designated.

13 E-bikes should not be allowed on the Arizona National Scenic Trail, unless a regulatory exception authorized by the National Trails System Act is met or there is an exception in the enabling legislation for the trail."

b. Issue and Statement of Explanation

The National Trails System Act of 1968, 82 Stat. 919, as amended, provides that the Arizona National Scenic Trail (ANST) 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 ANST rights-of-way (16 U.S.C. § 1246(a)(2)), which informs the National Scenic Trail corridor location and width. The ANST travel route is to be located within the established corridor. The establishment of the ANST corridor thus constitutes an overlay on the management regime otherwise applicable to public areas managed by land management agencies. The National Trails System Act (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 ANST rights-of-way for the purpose of providing for the nature and purposes of the ANST.

The National Forest Management Act requires the formulation of one integrated plan (16 U.S.C. § 1604(f)(1)). The 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 Section 7(a)(2) 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. The Forest Service should recognize that the NTSA Section 7(a)(2) simply identifies the need for National Trails to be an integral part of multiple-use plans. 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. Planning regulations also require integrated resource management of multiple use (36 CFR § 219.10(a)), including providing for plan components to provide for the, *"Appropriate management of other designated areas or recommended designated areas in the plan area, including research natural areas.*"

Planning Rule part 36 CFR § 219.10(b)(1)(i) is clarified in the Forest Service planning directive FSH 1909.12 part 24.43, which addresses Planning Rule omissions where direction for wilderness and wild and scenic rivers were improperly given more attention than National Scenic Trails as explained in the following Planning Rule Federal Register Notice response to comments: "*A comment was received on the preferred alternative, asking if the lists in the definition of designated areas were exhaustive. Response: The Department clarified the definition of designated areas in the final rule.... The final rule provides direction for wilderness and wild and scenic rivers in § 219.10(b) separately from other designated or recommended areas because their associated legislation contains specific requirements for the Secretary of Agriculture. The final rule in § 219.10(b)(vi) provides for appropriate management of other designated or recommended areas, which would include areas such as congressionally designated national historic trails*" (77 FR 21244). The explanation that, "*wilderness and wild and scenic rivers in § 219.10(b) separately from other designated or recommended areas because their associated legislation contains specific requirements for the Secretary of Agriculture*" should have led to a similar treatment of National Scenic and Historic Trails, which requires the Secretary to address more planning complexities than either wilderness or wild and scenic rivers. The Secretary must address several NTSA requirements including in part: (1) determining the nature and purposes of the designated National Trail (16 USC 1246(c)), and (2) preventing uses and activities from substantially interfering with nature and purposes qualities and values. In addition, the Secretary may issue regulations, which may be revised from time to time, governing the use, protection, management, development, and administration of trails of the national trails system (16 USC 1246(i)).

ANST Desired Conditions fail to define ANST nature and purposes and protect the qualities and values of this National Scenic Trail. The plan components do not address requirements to: (1) provide for recreation opportunities that reflect ROS 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(e)(1)); and (2) protect the

ANST corridor to the degree necessary to ensure that the values for which the ANST was established remain intact or are restored (E.O. 13195, and FSH 1909.12 24.43).

Operational Maintenance Level 2 Roads, such as the Edward's Park Road 422, should be closed to motor vehicle use to be consistent with NTSA Section 7(c) requirements.

The map found in **Appendix B** of this objection displays the ANST route where some ROS allocations do not protect the ANST qualities and values, which would improperly result in actions that would substantially interfere with the nature and purposes of this National Scenic Trail.

Furthermore, see Response to Comments, Section II Part L – Arizona National Scenic Trail - of this objection.

c. Proposed Solution to Improve the Decision

To provide for the recreation and conservation purposes of a National Scenic Trail the ANST corridor must provide for natural ecological processes and not just the visual appearance of naturalness. Establish and display on a Forest Plan map an ANST Management Area that is discernable with an extent of at least one-half mile on both sides of the ANST travel route.

Add: AT-DC-NEW. An ANST desired condition should state, "*The nature and purposes of the Arizona National Scenic Trail are to provide for high-quality scenic, non-motorized recreation opportunities and to preserve the corridor for the conservation and enjoyment of nationally significant scenic, historic, natural, and cultural qualities."*

Add: AT-DC-NEW. "*Semi-Primitive Non-Motorized or Primitive ROS settings are protected or restored.*[1]"

Add: AT-S-NEW. "*Resource management actions and allowed uses must be compatible with maintaining or restoring Primitive or Semi-Primitive Non-Motorized ROS class settings. Accepted Semi-Primitive Non-Motorized ROS class inconsistencies include existing NFS Maintenance Level 2 and 3 roads that are not utilized as the ANST travel route."*

Add: AT-S-NEW. "*Motor vehicle use by the general public is prohibited on the ANST travel route 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 ANST corridor by cooperative agreement, to use or cross those lands or adjacent lands from time to time in accordance with Forest Service regulations; or

[1] See Section I Part A subpart d.

d. Is on a motor vehicle route that crosses the ANST, if that use will not substantially interfere with the nature and purposes of the ANST."

Add: AT-SUIT-NEW. "*Lands are not suitable for timber production and timber production is not an objective.*"

Delete: Delete any proposed Forest Plan ANST plan component that may conflict with the above proposed ANST plan component additions.

Define E-bikes as a motorized vehicle and subject to 36 CFR § 212.

d. Connection with Comments

Draft Plan comments beginning on page 8. Comments state in part that, "*The proposed plan components do not protect the nature and purposes of the Arizona National Scenic Trail. The following are brief edits/insertions that display and describe some of the issues with the Draft Forest Plan Arizona NST plan components. Insertions suggest possible edits that may improve the proposed direction.*

Desired Conditions (NTMA-DC)

07 The Arizona National Scenic Trail travel route is a well-defined National Forest System trail that provides for high-quality, primitive hiking and equestrian opportunities, and other compatible non-motorized trail activities, in a highly scenic setting ~~traversing the State of Arizona~~. The significant scenic, natural, historic, and cultural resources within ~~along~~ the National Trail Management Corridor ~~corridor~~ are conserved. The trail provides visitors with expansive views of the natural landscapes.

Interaction between users is very low and evidence of other users is minimal. Semi-Primitive Non-Motorized or Primitive ROS settings are protected or restored.

08 *Viewsheds from the Arizona National Scenic Trail travel route have high visual qualities. Scenic integrity objectives are High and Very High. The foreground of the trail ~~(up to 0.5 miles on either side)~~ is natural-appearing. The potential to view wildlife is high and evidence of ecological processes such as fire, insects, and diseases exist.*

09 *The Arizona National Scenic trail has appropriate trailheads and access points that provide various opportunities to select the type of terrain, Scenery, and trail length (ranging from long distance to day use) that best provide for compatible outdoor recreation experiences.*

~~a. Wild and remote backcountry segments of the Arizona National Scenic trail provide opportunities for solitude, immersion in natural landscapes, and primitive outdoor recreation.~~

b. ~~Front-country and easily accessible trail segments complement local community interests and needs and help contribute to their sense of place~~.

Standards (NTMA-S)

03 ~~*Motorized use shall not be allowed on newly constructed segments of the Arizona National Scenic trail.*~~

04 *Motorized events and activities shall not be authorized under special use permit on any section of the Arizona National Scenic trail or anywhere crossing the trail.*

05 *Sales or extraction of common variety minerals (e.g., limestone and gravel) shall notbe authorized within the Arizona National Scenic trail corridor.*

Guidelines (NTMA-G)

10 ~~*If management activities result in short-term impacts to the visual quality along the Arizona National Scenic trail, mitigation measures should be included (e.g., screening, feathering, and other Scenery management techniques) at key locations (e.g., vistas) within and adjacent to the trail corridor.*~~

11 *The minimum trail facilities necessary to accommodate the amount and types of use anticipated on any given segment along the Arizona National Scenic trail should be provided to protect resource values and for health and safety (not for the purpose of promoting user comfort) to preserve or promote a natural-appearing setting.*

12 *Linear utilities and rights-of-way should not be constructed over national trails. Where unavoidable, these should be limited to a single Arizona National Scenic trail crossing per special use authorization to maintain the integrity of the trail corridor and values for which the Arizona National Scenic trail was designated.*

13 ~~*In order to promote a naturally appearing and non-motorized setting, the Arizona National Scenic trail should not be permanently relocated onto routes open to motor vehicle use*~~.

14 *Wildland fire in the foreground* ~~*(if visible, up to 0.5 miles)*~~ *of the Arizona National Scenic trail should be managed using Minimum Impact Suppression Tactics (MIST) or other tactics appropriate to protect and incorporate the values of the Arizona National Scenic trail. Heavy equipment fire line constructions (e.g., dozer lines) should not be used within the Arizona National Scenic trail corridor unless necessary for emergency protection of life and property.*

15 ~~*Best available science should be used in lieu of the comprehensive plan if the plan is out of date with science.*~~

16 ~~*To protect or enhance the scenic qualities of the Arizona National Scenic trail, management activities should be consistent with Visual quality Objectives of Preservation or Retention within the foreground of the trail (up to 0.5 miles either side).*~~

17 ~~*In order to promote a naturally appearing setting and avoid visual, aural, and resource*~~.

The following describe plan components recommendations for the Arizona National Scenic Trail National Trail Management Corridor. The boundary of the National Scenic Trail management corridor should follow topographic features to the extent possible, while being at least one-half mile wide on each side of the established NST travel route where there is management discretion. This is based on ROS criteria that identify remoteness for a Semi-Primitive Non-Motorized setting as, "An area designated at least 1/2-mile but not further than 3 miles from all roads, railroads or trails with motorized use; can include the existence of primitive roads if closed to motorized use." The FS Scenery Management System identifies that the middleground begins at 1/2-mile of the travel route.

Arizona NST LMP MA Desired Conditions

The NST provides for high-quality scenic, non-motorized recreation opportunities and conserves natural, historic, and cultural resources along the NST corridor (Arizona NST nature and purposes).

The area is predominantly a natural-appearing or naturally evolving landscape. Scenic integrity objectives are High and Very High.

Interaction between users is very low and evidence of other users is minimal. Semi-Primitive Non-Motorized or Primitive ROS settings are protected or restored.

The management area provides for natural ecological processes where the composition, structure, functions, and connectivity function normally.

The NST linear landscape provides connectivity for people and wildlife.

NST LMP MA Objectives

Complete an NST travel route through the MA within five years. [Example of proposed and possible actions.]

NST LMP MA Standards or Guidelines

Scenery Management

Manage of the Arizona NST travelway as a concern level 1 travel route. Resource management actions must meet a Scenic Integrity Level of Very High or High. (Forest-wide Plan Component)

Recreation Setting Management

Standard: Resource management actions and allowed uses must be compatible with maintaining or restoring Primitive or Semi-Primitive Non-Motorized ROS class settings. Accepted Semi-Primitive Non-Motorized ROS class inconsistencies include existing: (1) NFS roads, (2) state and county road right-of-ways, and (3) utility right-of-ways. Manage ROS class inconsistencies with the objective of minimizing effects on the NST nature and purposes.

Standard: The NST must be managed to provide high-quality scenic, non-motorized recreation opportunities.

Special Uses Management

Activities, uses, and events that would require a permit must not be authorized unless the activity, use, or event is compatible with the nature and purposes of an NST.

Minerals Management

Mineral leases are to include stipulations for no surface occupancy.

Permits for the removal of mineral materials are not to be issued.

Mineral withdrawals should be enacted in areas with a history of locatable mineral findings. Locatable mineral operations and activities and must not be allowed to substantially degrade the Arizona NST nature and purposes.

Vegetation Management

Vegetation may be managed to enhance NST values, such as to provide vistas to view surrounding landscapes and to conserve natural resources.

Timber harvests may only be used for maintaining or making progress toward the Management Area desired conditions.

Vegetation may be managed to maintain or improve threatened and endangered species, proposed and candidate species, and species of conservation concern habitat. The purpose of this guidance is to recognize the conservation purposes of the NST.

Rangelands and riparian areas where affected by livestock use must be maintained in a Proper Functioning Condition.

Cultural and Historic Resources Management

Protect cultural and historic resources. Interpret National Historic Trails and sites.

Lands Acquisition

Provide for land acquisitions to protect the nature and purposes of the National Trail. Prohibit land disposals.

Travel Routes

Segments of an NST travel route should fall into Trail Class 2 or 3 and have a Designed Use of Pack and Saddle Stock, except where a substantial safety or resource concern exists, the travel route may have a Designed Use of Hiker/Pedestrian (FSH 2309.18).

The NST travel route may not be used for a livestock driveway.

Fire Suppression

Fire suppression activities should apply the Minimum Impact Suppression Tactics Implementation Guidelines.

Motor Vehicle Use

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 NST 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 NST, as long as that use will not substantially interfere with the nature and purposes of the NST.

Other Uses Considerations

Other uses that could conflict with the nature and purposes of an NST may be allowed only where there is a determination that the other use would not substantially interfere with the nature and purposes of an NST (16 USC 1246(c)).

National Scenic Trail corridors might overlap with Wilderness and Wild and Scenic River designations. Where this occurs, the most restrictive measures control.

Suitability of Lands

Lands are not suitable for timber production."

e. Violation of law, regulation, or policy

USDA DR 1074-001, 16 U.S.C. § 1604(f)(1); 16 U.S.C. §§ 1242(a)(2), 1244(e), 1246(c); E.O. 13195; 36 CFR § 219.3, 36 CFR 219.7(e), 36 CFR § 219.10(a), 36 CFR § 219.10(b)(1)(i), and 36 CFR §§ 219.10(b)(1)(vi).

Section II. 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. Submitted Draft Plan and DEIS comments are included as **Attachments A and B**.

A. Alternatives

a. FEIS Discussion

The revised Tonto Plan FEIS Volume 1 beginning on page 15 states, "*All alternatives were developed to address:*

- *the purpose and need, as described in chapter 1, which includes the needs to change;*
- *changes in socioeconomic or environmental conditions since the 1985 forest plan; and*
- *issues identified from comments received during public scoping of the revision effort and from comments received on initial plan components, alternative themes, and management areas…*

Between the draft and final environmental impact statements the following changes were made:

- *Visual management system was replaced by the scenery management system which incorporates the use of scenic integrity objectives in future forest management. The scenic integrity objectives are adjusted to fit the desired management for each alternative. This change has been incorporated into chapter 3;*
- *Recreation opportunity spectrum was included in the recreation analysis. The existing recreation opportunity spectrum reflects current conditions as amended with the Tonto National Forest's Travel Management Record of Decision. Recreation opportunity spectrum changes by alternative to reflect the management of each alternative. This change has been incorporated into chapter 3.*
- *Desired conditions were updated based on comments received, updates in best available scientific information, and internal review. Most of these updates were to clarify intent, update language, or add missing information but did not change the purpose or analysis related to the desired conditions…."*

b. Issue and Statement of Explanation

The Scenery Management System incorporates Scenic Character as well as Scenic Integrity Objectives.

The Recreation Opportunity Spectrum framework is used to established sustainable recreation settings and is also used for recreation analyses.

The set of plan components must integrate social, economic, cultural, and ecological considerations. For example, the desired condition for a sustainable landscape must be developed in the context of the desired multiple uses for the landscape. When providing for desired multiple uses for an area, the plan must at the same time ensure that the uses will be managed sustainably, while providing for ecological sustainability.

The proposed Plan and FEIS alternatives do not recognize the conservation purposes of the ANST. The ANST corridor is to be preserved for the conservation and enjoyment of nationally significant scenic, historic, natural, and cultural qualities. To provide for the conservation purposes of a National Scenic Trail the ANST corridor must provide for natural ecological processes and not just the visual appearance of naturalness.

c. Proposed Solution to Improve the Decision

Recognize that to provide for the nature and purposes of the ANST the established ROS class should be a Primitive or Semi-Primitive Non-Motorized ROS setting. Any acceptable ROS inconsistency would be managed to minimize the influence of the nonconforming ROS indicator on the ANST desired ROS setting.

Establish and display on a Forest Plan map an ANST Management Area that is discernable with an extent of at least one-half mile on both sides of the ANST travel route. Add ANST plan components as described in Section I of this objection.

An effective approach to provide for ecosystem integrity is to restore roads that are in established Semi-Primitive Non-Motorized ROS settings, which would include maintenance level 1 and 2 roads that are found in the ANST corridor.

Ensure that the recreation and scenery analysis in the EIS are consistent with the Recreation Opportunity Spectrum planning framework and the Scenery Management System. A review of these frameworks is found in **Attachment D**.

d. Connection with Comments

Draft Plan and DEIS comments on pages 1, 2, 3, 8, 13, and 15. New information and as reviewed in Section I of this objection.

e. Violation of Law, Regulation or Policy

16 U.S.C. §§ 1242(a)(2), 1244(e), 1246(c); E.O. 13195; 36 CFR §§ 219.3, 219.10(a), 219.10(b)(1)(i), 219.10(b)(1)(vi); 40 CFR §§ 1502.14, 1502.15, 1502.16, 1508.7 (2005), 1508.8 (2005), 1502.24 (2005), 1502.23 (2020), 1503.4(a) (2005).

C. Alternatives Eliminated from Detailed Study

a. FEIS Discussion

The FEIS Volume 1 on page 57 states, "*Federal agencies are required by the National Environmental Policy Act (NEPA) to rigorously explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14) ….*"

b. Issue and Statement of Explanation

ANST plan components in all alternatives do not protect the nature and purposes of the ANST from incompatible uses such as road construction and other development actions. The described plan components do not address the National Trails System Act requirements to provide for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.

c. Proposed Solution to Improve the Decision

The proposed ANST plan components need to be modified as described in Section I of this objection.

d. Connection with Comments

Draft Plan and DEIS comments on page 15 states, "*The extent of the established Arizona NST Management Area must also be based on compatible Recreation Opportunity Spectrum allocations along the Arizona NST travel route. If the proposed plan components are not modified to reflect a desirable Primitive or Semi-Primitive Non-Motorized ROS setting along the Arizona NST than a new alternative should be developed to protect the Arizona NST setting….*"

e. Violation of Law, Regulation or Policy

16 U.S.C. §§ 1242(a)(2), 1244(e), 1246(c); E.O. 13195; 36 CFR §§ 219.3, 219.10(a), 219.10(b)(1)(i), 219.10(b)(1)(vi); 40 CFR §§ 1502.14, 1502.15, 1502.16, 1508.7 (2005), 1508.8 (2005), 1502.24 (2005), 1502.23 (2020), 1503.4(a) (2005).

D. Recreation Affected Environment

a. FEIS Discussion

The FEIS Volume 1 beginning on page 69 states, "*The Tonto National Forest currently offers a wide variety of recreation opportunities across all environments and ecosystems. Some programs are flourishing while others are falling lower on the priority list due to budget constraints. Technology and public behaviors have altered the demand for certain activities, requiring new approaches to managing recreation across the Forest…"*

The Affected Environment discussion reviews Developed Recreation, Dispersed Recreation, Motorized Recreation, Non-Motorized Recreation, Water-Based Recreation, and Special Uses.

b. Issue and Statement of Explanation

The Affected Environment did not describe the recreation settings of the area to be affected by the alternatives under consideration. Specifically, this section does not review the association between recreation activities and where those activities occur using the Recreation Opportunity Spectrum framework.

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 Forest Service uses the recreation opportunity spectrum to define recreation settings and categorizes them into six distinct classes: primitive, semi-primitive non-motorized, semi-primitive motorized, roaded natural, rural, and urban.

The Recreation Opportunity Spectrum (ROS) provides a framework for stratifying and defining classes of outdoor recreation environments, activities, and experience opportunities. The 1982 ROS User Guide, 1986 ROS Book, and FSM 2310 (WO Amendment 2300-90-1) contained recreation resource policy and technical information that supported 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 system. Most important is including ROS physical setting indicators when describing Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized ROS settings.

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 National Recreation Opportunity Spectrum Inventory Mapping Protocol dated August 2019 that is included as **Attachment E** states, "*This National inventory protocol identifies mapping criteria and provides repeatable instructions to inventory, map, and classify existing Recreation Opportunity Spectrum (ROS) settings based on forest recreation opportunities and off-forest influences (e.g., motorized routes of other jurisdiction). The product is an existing condition inventory of ROS settings, mapped inconsistencies with those settings, and mapped unique or special opportunities. The settings mapped in this inventory protocol reflect travel management decisions. Inconsistencies with the mapped recreation opportunities may occur due to*

unauthorized or administrative uses. Inconsistencies with the existing ROS settings are documented in this process, but do not change the overall ROS settings mapped and identified. Rather the inconsistencies are used with the ROS settings mapped in this process to provide an overall existing condition for ROS and help identify places that may need management actions to improve consistency with desired conditions…

Since the early 1980s, the Recreation Opportunity Spectrum (ROS) has been used as a framework to identify, classify, plan, and manage a range of recreation settings for both existing and desired conditions. ROS remains the best available framework for recreation planning. Six distinct settings: urban, rural, roaded natural, semi-primitive motorized, semi-primitive non-motorized, and primitive are defined using specific physical, social, and managerial criteria…

The physical characteristics are defined by the absence or presence of the sights and sounds of people, size, and the amount of environmental modification caused by human activity and authorized uses.

> *Remoteness - Remoteness from the sights and sounds of people is used to indicate greater or lesser amounts of social interaction and corresponding primitive to urban influences as one moves across the spectrum. The further one is from the sights and sounds of humans, the more remote the setting and more remote one feels. Remoteness is measured by the distance from motorized use on roads and trails.*
>
> *Size - The size of an area is used to indicate greater or lesser potential for self-sufficiency related to a sense of vastness, where large, relatively undeveloped areas tend to provide a sense of vastness and smaller, developed areas less so as one moves across the spectrum.*
>
> *Evidence of Humans - The evidence of humans criteria is used to indicate varying degrees of modifications to the natural landscape as one moves across the spectrum. Authorized uses affecting this criteria include such things as: vegetation treatments, oil and gas development, livestock grazing, recreation developments and other infrastructure. Landscapes may vary from naturally appearing to heavily altered as one moves across the spectrum. Site management may also factor into this criteria. Site management refers to the amount or degree of on-site modification (e.g., vegetation manipulation, landscaping) and the level or scale of development of constructed features (e.g., parking areas, campgrounds, trails, administrative facilities, buildings and other structures) …*
>
> *Physical Characteristics - In previous mapping steps, the evidence of humans criteria was only applied to differentiate between Roaded Natural, Rural, and Urban ROS settings. In this step, the evidence of humans criteria may also be applied to Primitive, Semi-primitive Non-motorized and Semi-primitive Motorized settings to identify inconsistences with those settings. The overall inventoried ROS setting will not be changed in Primitive, Semi-primitive*

Non-motorized and Semi-primitive Motorized settings, but will be mapped as an inconsistency…."

The body of the text of this protocol adequately describes ROS class characteristics; however, plan component examples in Appendix A are incomplete. ROS class definitions to be used for establishing ROS settings need to be expanded to add descriptions of Non-Recreation Uses, Evidence of Humans, and Naturalness characteristics for all ROS classes.

The mapping protocol mistakenly avoids assessing administrative and permitted roads and the use of those roads for vegetation management actions. 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 referenced in the planning rule PEIS are to be protected. The Evidence of Humans criteria has been used since 1982 to help describe Primitive, Semi-Primitive Non-motorized and Semi-primitive Motorized settings.

Furthermore, see Response to Comments, Section II Part K – Recreation Opportunity Spectrum - of this objection.

c. Proposed Solution to Improve the Decision

ROS class plan components need to be embedded in the Forest Plan and FEIS.

The affected environment serves as the baseline for predicting changes to the human environment that could occur if any of the alternatives under consideration. The affected environment is separate and distinct from the no-action alternative, which describes current management rather than the current state of affected resources, and discloses how the current condition of affected resources would change, if current management were to continue.

A Supplemental EIS should discuss recreation setting conditions and trends and identify contributing factors. Such information can provide a basis for considering how a changing, dynamic environment could affect conclusions that are reached regarding the environmental consequences of implementing any of the alternatives under consideration.

The Affected Environment should also review in a Supplemental DEIS existing vegetation management practices, including the associated road construction, that are occurring in Semi-Primitive Non-Motorized and Semi-Primitive Motorized ROS settings.

This section should describe in narratives and maps (with geospatial data available to the public) areas that exhibit evidence of extensive forest management activities that are dominant on the landscape, including having high road densities, heavily logged areas, extensive vegetation management, highly visible mining, oil and gas, or other similar uses and activities. These areas should be identified as Roaded Modified ROS settings.

d. Connection with Comments

Draft Plan and DEIS comments on page 13. ANST Planning Handbook page 69 and 70.

e. Violation of Law, Regulation or Policy

USDA DR 1074-001; 16 U.S.C. §§ 1604(f)(1), 1612(a); 36 CFR §§ 219.3, 219.10(a), 219.10(b)(1)(i); 40 CFR §§ 1502.14, 1502.15, 1502.24 (2005), 1502.23 (2020), 1503.4(a) (2005). Planning Rule PEIS.

E. Recreation Environmental Consequences

a. FEIS Discussion

The FEIS Volume 1 describes effects common to all alternatives and beginning on page 76 states, "*The 1985 forest plan and all alternatives include plan guidance that direct management activities be consistent with the recreation opportunity spectrum, particularly for dispersed recreation such as trail and road development and maintenance. Implementing the recreation opportunity spectrum establishes that "opportunities are available for everyone regardless of socioeconomic status or individual ability" (REC-DC-10) and that "recreation opportunities support healthy lifestyles" (REC-DC-01) and that it is achieved through "cooperation and collaborative engagement with our partners, individuals, organizations, and the communities we serve" (REC-DC-05). The recreation opportunity spectrum is incorporated into plan components for all types of recreation and these plan components are not changing by alternative. Management areas specific to each alternative may affect recreational opportunities within and potentially adjacent to that management area. However, types of recreation opportunities in a given area will be influenced by more than only forest management described in plan components, such as the number and use of existing motorized routes in the area and proximity to private property or urban areas…*

Alternative A includes break outs of recreation opportunity spectrum settings by management area throughout the Forest. This alternative does not include any additional plan components to help the Forest be consistent with or achieve the desired recreation opportunity spectrum settings like alternative B, C, and D. The lack of additional direction would not help the Forest achieve recreation opportunity desired conditions and would continue some of the difficulties in current forest management. The total acres for each recreation opportunity spectrum classification for alternative A is listed in table 14 and shown in figure 7…

All action alternatives (alternative B, C, and D) include many more specific recreation plan components that focus on maintaining or achieving the desired recreation opportunity spectrum setting including a guideline that reads "all project-level decisions, implementation activities, and management activities should be consistent with or more the area toward the appropriate recreation opportunity spectrum (ROS) or current protocol" (REC-G-10). These additional plan

components better ensure recreation opportunity spectrum is used to manage recreation and greater effects related to using recreation opportunity spectrum than in alternative A. The semiprimitive nonmotorized and primitive recreation opportunity spectrum classifications would slightly increase under this alternative…."

b. Issue and Statement of Explanation

The FEIS failed to use the ROS planning framework in the forest planning process. The proposed plan includes a vague map of established ROS classes, but fails to define ROS class characteristics desired conditions, standards, guidelines, and suitability determinations.

Managing Semi-Primitive Motorized ROS settings for timber production would lead to management actions that degrade these areas to a Roaded Modified ROS setting condition. In areas of timber production, the spread of non-native vegetation (e.g., noxious weeds) and reoccurring harvests for timber purposes, stand tending, road construction and reconstruction, travel route closures to public use, and other development activities are incompatible with the desired conditions of these ROS settings. The lasting effects of timber production activities (roads, timber harvest) as well as short-term effects (logging trucks, noise) degrade recreation, scenic, historic, natural, and cultural qualities. Roaded Modified ROS settings should be associate with areas identified as being suitable for timber production and mineral development.

Furthermore, see Response to Comments, Section II Part K – Recreation Opportunity Spectrum - of this objection.

c. Proposed Solution to Improve the Decision

The FEIS must include ROS class definitions. 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 are to be protected as described in the 1986 ROS Book and referenced in the planning rule PEIS.

The EIS must identify the general extent and location of the temporary and permanent road system associated with more primitive ROS settings and provide a rational explanation of why these inconsistencies is to be allowed in these ROS classes. The NEPA document must disclose that timber production, extensive vegetation management, mine development actions, and roads are incompatible with Primitive and Semi-Primitive ROS settings.

If a road was to be built for any reason in Primitive or Semi-Primitive ROS settings, plan components should require that the road be decommissioned with full obliteration, recontouring, and restoring natural slopes. Monitoring must ensure that surface areas are stabilized and revegetated with native plants.

Transportation information is important to several programs and resources including timber, wildlife, watershed, soil, recreation, and National Trails. The FEIS does not provide an overview of the status of the existing transportation system and does not take a hard look at the effects of the transportation system on several important resources and special areas.

The NEPA document should include a review of the miles of National Forest System roads and trails that are projected for each alternative.

A Supplemental EIS effects analysis should review in narratives and cross tabular data (with geospatial data available to the public) the following relationships for each alternative:

- Miles of projected permanent and temporary roads by established ROS class,
- Miles of projected permanent and temporary roads in Semi-Primitive Non-Motorized and Semi-Primitive Motorized ROS settings that are also identified as being suitable for timber production, and
- Miles of projected designated motor vehicle use trails by established ROS class.

Furthermore, see Section I of this objection.

d. Connection with Comments

DEIS comments pages 1, 2, 3, 6, 13, and 15. ANST Planning Handbook pages 70-72.

e. Violation of Law, Regulation or Policy

USDA DR 1074-001; 36 CFR §§ 219.3, 219.7(e), 219.10(a), 219.10(b)(1)(i); 40 CFR §§ 1502.14, 1502.16, 1508.7 (2005), 1508.8 (2005), 1502.24 (2005), 1502.23 (2020), 1503.4(a) (2005). Consistency with the Planning Rule PEIS.

F. Arizona National Scenic Trail Affected Environment

a. FEIS Discussion

The FEIS Volume 2 beginning on page 240 states, "*The Arizona National Scenic Trail stretches over 800 miles across Arizona from Mexico to the Utah border, showcasing the state's diverse vegetation, wildlife, wilderness and scenery, and providing unparalleled opportunities for hikers, mountain bikers, equestrians, and other trail users. The Omnibus Public Land Management Act of 2009 (P.L. 111-11) amended the National Trails System Act (P.L. 90-543) to designate the Arizona Trail as a national scenic trail. The Arizona National Scenic Trail corridor is defined as approximately one half mile either side of the centerline of the trail. The Tonto National Forest manages about 200 miles of the Arizona National Scenic Trail on the Globe, Mesa, Tonto Basin, and Payson Ranger Districts*."

b. Issue and Statement of Explanation

The ANST corridor description is vague indicating an approximately width of possibly only ½ mile on one side of the ANST travel route. The affected environment did not describe the

environment of the area to be affected by the alternatives under consideration. The affected environment section does not describe the degree to which ANST qualities and values are being protected, including the protection of desired cultural landscapes, recreation settings, scenic character, scenic integrity, and providing for conservation purposes along the existing NST travel route. In addition, the status and condition of the Section 7(a)(2) rights-of-way was not described.

Furthermore, see Response to Comments, Section II Part L – Arizona National Scenic Trail - of this objection.

c. Proposed Solution to Improve the Decision

The proposed action and alternatives should be modified or an alternative developed where the ANST MA corridor extends to one-half mile on each side of the ANST route and be associated with revised plan components that provide for the nature and purposes of this National Scenic Trail. The ANST corridor should be displayed on a discernable map in the Forest Plan.

The FEIS Affected Environment must describe the environment of the area to be affected by the alternatives under consideration. The Affected Environment section must describe the degree to which ANST qualities and values are being protected, including the protection of desired cultural landscapes, recreation settings, scenic character, scenic integrity, and providing for conservation purposes along the existing ANST travel route. In addition, the quality or condition of the ecological characteristics of the National Scenic Trail management corridor should be described. The revised Forest Plan FEIS should display the inventoried ROS settings along the ANST travel route. A Supplemental EIS must address the ANST affected environment.

d. Connection with Comments

DEIS comments pages 13, 14, and 15. ANST Planning Handbook pages 69 and 70.

e. Violation of Law, Regulation or Policy

16 U.S.C. § 1604(f)(1); 16 U.S.C. §§ 1242(a)(2), 1244(e), 1246(c); E.O. 13195; 36 CFR §§ 219.10(b)(1)(vi), 212 Subparts B and C; 40 CFR §§ 1502.14, 1502.15, 1502.24 (2005), 1503.4(a) (2005).

G. Arizona National Scenic Trail Environmental Consequences

a. FEIS Discussion

The FEIS Volume 1 describes effects common to all alternatives and beginning on page 76 states, "*National Trails … These trails provide a variety of recreation opportunities including hiking, backpacking, mountain biking, equestrian, wildlife and nature viewing, and where appropriate (e.g., the Great Western Trail), motorized uses. Desired conditions for these trails*

include minimizing user conflicts, which is consistent with recreation desired conditions (NTMA-DC-02 and REC-DC-07), and preserving the nature and purposes of national scenic and national historic trails. Although the size and location of these (existing) national trails remains the same per alternative, recreation in these areas including expansion or changes to these national trails and construction of new national trails may be affected by alternative due to differences in emphasized resource management or types of recreation. See each alternative for more details…

National trails remain the same in size and location for all alternatives. However, alternative C would not be as effective at providing quality recreation opportunities in these areas as alternative B. Recreation management in this alternative emphasizes primitive and nonmotorized opportunities. The Great Western National Millennium Trail and sections of the Arizona National Scenic Trail are currently designated for motorized uses; under alternative C, emphasis would be placed on maintaining the nonmotorized sections of national trails rather than motorized sections. Thus, the Great Western National Millennium Trail and motorized sections of the Arizona National Scenic Trail would not receive the maintenance and modifications they need to meet desired conditions of other Forest resources (e.g., to reduce soil erosion and the spread of invasive species, to minimize impacts to scenic resources) as efficiently as nonmotorized sections or to address user needs such as interconnecting loops, trailheads and accessible parking areas, and appropriate route markers. Maintenance, modification, and expansion of nonmotorized sections of national trails would also be limited in alternative C, however, not to the same extent as nonmotorized sections of trails. Nonmotorized sections of national trails may receive more maintenance to improve or increase primitive recreation opportunities on the Forest, but opportunities to expand or make major modifications to the trails may still be limited under this alternative. The result would be increased user satisfaction rates on the sections of nonmotorized national trails and decreased user satisfaction rates on the sections of motorized national trails…."

The FEIS Volume 1 on page 234 states, "*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, recreational opportunities in a variety of recreational opportunity spectrum settings, and public use and enjoyment of historic routes and associated historic remnants*."

The FEIS Volume 2 beginning on page 241 states, "*Effects Common to All Alternatives – The forest plan, along with the comprehensive plan for the Arizona National Scenic Trail, would guide management for that trail under all alternatives, ensuring the coordination and preservation of the trail work is being accomplished. Establishment reports for the other National 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, recreational opportunities in a variety of recreation opportunity spectrum settings, and public use and enjoyment of historic routes and associated historic remnants (NTMA-DC-03).[2] *Following management guidelines for national trails as outlined in the comprehensive plan(s) would also improve other forest resource conditions such as reducing soil compaction by adequately signing designated routes, reducing or preventing damages to cultural resources by re-routing trails away from known sites, and reducing impacts to riparian habitats by providing public education and signs about recreational use near water…*

Effects Common to Alternative A – Alternative A has no additional direction in the plan to guide the management of National Trails on the Tonto National Forest. As stated above, they will be managed to ensure their values are protected according to either a comprehensive plan (Arizona National Scenic Trail) or the establishment report for the specific trail. There will be no effects to national trails in this alternative.

Effects Common to All Action Alternatives – Alternatives B, C, and D provide direction to maintain or develop a comprehensive plan to guide how the forest intends to manage all its national trails. As many of the trails extend beyond the forest boundaries, this direction articulates how to manage the segments of trail within the forest boundaries to further protect the values for which they were designated. This additional management direction would lead to greater protection of the trail's values than in alternative A, because the standards and guidelines restrict non-conforming uses, prohibit the sale and extraction of common variety minerals within trail corridors, protect scenic values along trails, and enhance economic values to nearby communities. This can lead to improved user satisfaction rates and higher values and perception of the forest by local communities. This would also help achieve desired conditions related to reducing user conflicts (NTMA-DC-02[3] *and REC-DC-07*[4]*)."*

The FEIS Volume 2 on page 253 reviews cumulative effects stating, "*National Trails, like the Arizona National Scenic Trail, are not entirely on the Tonto National Forest, and since most private lands and other ownerships do not have the same regulations for natural resource management, the effects of ongoing developments or activities next to or within National Forest System land boundaries can sometimes be quite noticeable when viewing the continuous landscape potentially affecting the visitor's satisfaction and quality of the their experience on a long-distance designated trail….*"

[2] NTMA-DC-03 - Visitor access, use, and management activities are consistent with the recreational, scenic, ecological, cultural, traditional, wildlife resources, and the nature and purpose for which the trail is designated.
[3] NTMA-DC-02 - Use conflicts among national trail users are infrequent.
[4] REC-DC-07 - Conflicts among various recreation users and with other multiple uses are infrequent and easily resolved.

b. Issue and Statement of Explanation

The FEIS does not contain sufficient information to foster informed decision-making and informed public participation. The FEIS does not review the Environmental Consequences of the proposed action and alternatives on the ANST nature and purposes qualities and values. The proposed Plan ANST plan components do not adequately protect the nature and purposes of the ANST from incompatible uses such as road construction, and other uses and developments. The described plan components do not address the National Trails System Act requirements to provide for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass. The proposed ANST plan components, as addressed through NEPA alternatives, need to be modified to provide for the ANST qualities and values. Impacts to the ANST qualities and values from the proposed action and alternatives must be disclosed.

The map found in **Appendix B** of this objection displays the ANST route where some ROS allocations do not protect the ANST qualities and values, which could result in actions that would substantially interfere with the nature and purposes of this National Scenic Trail. This display of the relationship between the ANST and established ROS classes for Alternative B was not found in the FEIS, but was created for this objection by overlaying ANST geospatial data with FEIS Figure 8 – *Recreation opportunity spectrum classifications for alternative B* by using Google Earth features. Other fundamental programmatic effects analyses are not found in the FEIS.

The Great Western Trail is yet to be established and designated by congress.

Furthermore, see Response to Comments, Section II Part L – Arizona National Scenic Trail - of this objection.

c. Proposed Solution to Improve the Decision

A Supplemental EIS needs to address the ANST environmental consequences. The FEIS must address for each alternative how the land management planning decisions will achieve or contribute to:

- Providing for the nature and purposes of the National Trail, including protecting the National Trail resources, qualities, values, and associated settings;
- The quality or condition of the ecological characteristics that would occur within the National Scenic Trail management corridor; and
- Preventing other uses from substantially interfering with the nature and purposes of the National Trail.

The following specific resource relationships should be described:

- Effects for each alternative on the ANST nature and purposes from Recreation, Vegetation Management, Road Access and Infrastructure, Fire and Fuels Management, and Mineral Resource Activities.
- Effects for each alternative of providing for the ANST nature and purposes on timber production, vegetation management, recreation management, wildlife management, wilderness, recommended wilderness, roadless areas, and fire management.

Transportation information is important to several programs and resources including timber, wildlife, watershed, soil, recreation, and National Trails. The FEIS does not provide an overview of the status of the existing transportation system and does not take a hard look at the effects of the transportation system on several important resources and special areas.

The NEPA document should include a review of the miles of National Forest System roads and trails that are projected for each alternative.

A Supplemental EIS effects analysis should review in narratives and cross tabular data (with geospatial data available to the public) the following relationships for each alternative:

- Miles of projected permanent and temporary roads in the ANST Management Corridor,
- Miles of projected designated motor vehicle use trails in the ANST Management Corridor, and
- Acres of each established ROS class that is found in the ANST Management Corridor.

d. Connection with Comments

DEIS comments beginning on page 13. Comments in part state, "*The DEIS does not address the expected effects of each alternative on Arizona NST 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 planning systems.*

The DEIS must disclose effects of the proposed action and alternatives on scenic integrity, ROS class conditions, and carrying capacities. 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 DEIS 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 DEIS does not describe the effects on timber production, vegetation management, range management, recreation management, wildlife management, wilderness, recommended wilderness, mining, and fire management of managing the Arizona NST corridor to provide for the nature and purposes of this National Scenic Trail.

A Supplemental DEIS must address several important planning steps and NEPA processes. The affected environment must describe the environment of the Arizona NST 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 in part protecting cultural landscapes, recreation settings, scenic integrity, and addressing the conservation purposes of the Arizona NST?

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. A Supplemental DEIS effects analysis must include cross-tabular tables that explore and disclose the relationship between (1) the proposed Arizona NST travel route location and management corridor/rights-of-way extent and (2) the intersection and overlap with the proposed ROS classes and Scenic Integrity Objectives allocations. For each alternative, the analysis of environmental consequences needs to address how the land management planning decisions will achieve desired conditions, including providing for the nature and purposes of the National Trails, including protecting the National Trail resources, qualities, values, and associated settings. 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…

The effects analysis for the development of the revised Forest Plan proposed action and alternatives should include cross-tabular tables that explore and disclose the relationship between (1) the proposed NST travel route location and management corridor extent and (2) the intersection and overlap with the proposed ROS Classes and Scenic Integrity Objectives allocations. In addition, the analyses need to describe the effects the establishment of an NST management corridor and associated plan components on outdoor recreation, range, timber, watershed, and wildlife and fish resources. The following specific resource relationships should be described:

- *Effects on NST nature and purposes from Timber Harvest, Vegetation Management, Livestock Grazing, Roads, Designated Trails, Fire Management, and Mineral Resource Activities.*
- *Effects on timber production, vegetation management, range management, recreation management, wildlife management, wilderness, recommended wilderness, and fire management of managing the NST corridor (aka rights-of-way) to provide for the nature and purposes of the National Scenic Trail.*

For each alternative, the analysis of environmental consequences needs to address how the land use planning decisions will achieve:

1. *Providing for the nature and purposes of the National Trail, including protecting the National Trail resources, qualities, values, and associated settings;*
2. *Identifying the National Trail primary users;*
3. *Ensuring carrying capacity is not exceeded; and*
4. *Preventing other uses from substantially interfering with the nature and purposes of the National Trail.*

The DEIS failed to address the ANST environmental consequences of the proposed action and alternatives. The DEIS does not contain sufficient information to foster informed decision-making and informed public participation. A Supplemental DEIS needs to address the ANST environmental consequences following processes described in Chapter IV part F of these comments. It appears that the ANST nature and purposes are not protected by current and proposed plan components."

ANST Planning Handbook on pages 61, 62, 68, 70, 71, and 72.

e. Violation of Law, Regulation or Policy

16 U.S.C. § 1604(f)(1); 16 U.S.C. §§ 1242(a)(2), 1244(e), 1246(c); E.O. 13195; 36 CFR §§ 219.10(b)(1)(vi), 212 Subparts B and C; 40 CFR §§ 1502.14, 1502.16, 1502.24 (2005), 1503.4(a) (2005), 1508.7 (2005), 1508.8 (2005).

H. Glossary

a. FEIS Discussion

The FEIS Volume 2 beginning on page 261 includes a glossary of terms.

b. Issue and Statement of Explanation

The glossary is missing important descriptions of terms.

c. Proposed Solution to Improve the Decision

The glossary of the Forest Plans and EIS should be consistent and expanded to include description or definitions of the National Trails System Act, National Scenic Trail, National Scenic and Historic Trail nature and purposes, Recreation Opportunity Spectrum, and Scenic Integrity. The glossary should be duplicated in the Forest Plan.

d. Connection with Comments

Draft Plan and DEIS comments on page 15.

e. Violation of Law, Regulation or Policy

36 CFR § 219.3; 40 CFR 1503.4(a) (2005)

I. Recreation Analysis Processes

a. FEIS Discussion

The FEIS Volume 4 beginning on page 2 states, "*Recreation Opportunity Spectrum – Following the release of the draft environmental impact statement for forest plan revision the travel management final record of decision was signed and the recreation opportunity spectrum was amended, by management area, in the current 1985 forest plan. The desired recreation opportunity spectrum is a continuum used for managing recreation opportunities based on a combination of physical, biological, social, and managerial settings, ranging from primeval to paved (Clark and Stankey 1979). The recreation opportunity spectrum represents management objectives and not actual user experience. The physical setting is defined by the absence or presence of human sights and sounds, size of area, 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 managerial setting is distinguished by the amount and kind of restrictions placed on people's actions by the respective administering agency or private landowner (USDA Forest Service 1986).*

The recreation opportunity spectrum scale encompasses recreation opportunities ranging from less to more developed settings. The recreation opportunity spectrum uses the following descriptors for recreation settings ranging from least to most developed:

- *Primitive areas are characterized by essentially unmodified natural environments 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 from evidence of human-induced restrictions and controls. Motorized use and mechanized equipment within primitive areas is not permitted.*
- *Semi-primitive non-motorized areas are 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.*
- *Semi-primitive motorized areas are 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.*
- *Roaded natural areas are characterized by predominantly natural-appearing environments with moderate evidences of the sights and sounds of people. Such evidences usually harmonizes 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…

Recreation opportunities represent the diversity of recreation activities that occur on the Tonto National Forest. The level of user satisfaction when participating in recreation activities is also a component of recreation opportunity. Management activities can impact recreation opportunity diversity and user satisfaction. In particular, vegetation treatments, which affect the overall natural setting of the Tonto National Forest, and the road system, which affects the way the forest is accessed and used for recreation, were considered in the analysis of alternatives. The recreation opportunity spectrum is a tool that can also be used to evaluate the diversity and extent of availability of various recreation opportunities on the forest…."

b. Issue and Statement of Explanation

The brief descriptions of ROS class characteristics summarize ROS plan desired conditions that should be found in the Forest Plan. However, the FEIS does not demonstrate that the ROS planning framework was used to protect the ANST corridor and more primitive ROS settings from development activities such as road construction and timber production.

c. Proposed Solution to Improve the Decision

Use the ROS planning framework in the development of the Forest Plan and Supplemental EIS. In addition, see Section I of this objection.

d. Connection with Comments

Draft Plan and DEIS comments pages 1-6, 13, and 15.

e. Violation of Law, Regulation or Policy

USDA DR 1074-001, 16 U.S.C. §§ 1242(a)(2), 1244(e), 1246(c); E.O. 13195; 36 CFR §§ 219.3, 219.10(b)(1)(i); 40 CFR §§ 1502.24 (2005), 1502.23 (2020). In addition, see **Appendix A** of this objection.

J. Timber Suitability Analysis Processes

a. FEIS Discussion

The FEIS Volume 4 beginning on page 66 states, "*Following criteria D (lands withdrawn from timber production), designated wilderness areas and designated wild segments of wild and scenic rivers were removed from the suitable timber base…*

For some special areas (e.g., recreational segments of wild and scenic rivers), sustainable timber harvest is not inconsistent with the law, regulation, policy, or plan direction that directs management of these lands. For these areas, site specific analyses during project planning will

determine the appropriate timber harvest prescriptions to develop or maintain desired conditions for these areas."

b. Issue and Statement of Explanation

The proposed Forest Plan and FEIS alternatives inappropriately identify the ANST corridor and Primitive and Semi-Primitive ROS Classes as being suitable for timber production.

c. Proposed Solution to Improve the Decision

Recognize that timber production is not compatible with the desired conditions of the ANST corridor and Primitive and Semi-Primitive ROS settings.

d. Connection with Comments

Comments on Draft Plan page 12.

e. Violation of Law, Regulation or Policy

USDA DR 1074-001, 16 U.S.C. § 1604(f)(1); 16 U.S.C. §§ 1242(a)(2), 1244(e), 1246(c); E.O. 13195; 36 CFR §§ 219.3, 36 CFR 219.7(e), 219.10(a), 219.10(b)(1)(i), 219.10(b)(1)(vi), 219.11(a)(1)(i), and 219.11(a)(1)(iii).

K. Response to Comments – Recreation Opportunity Spectrum

FS Description of the Comment: The FS in responses to comments on page 99 states, "*Commenter is seeking clarification or additional analysis to the be included in the final environmental impact statement*."

FS Response: The FS in responses to comments on page 99 states, "*The Tonto National Forest has included a guideline "all project-level decisions, implementation activities, and management activities should be consistent with or move the area toward the appropriate recreation opportunity spectrum (ROS), or current protocol" (forest plan, chapter 2, Recreation). This guideline will help to achieve the desired conditions for recreation opportunities, including within the designated inventoried roadless areas. The suggested additional analysis is not necessary because the management for inventoried roadless areas is dictated by the 2001 Roadless Rule regulations and is not changing from the current plan to the revised plan. The recreation opportunity spectrum is intended to be used to help guide site-specific analysis to achieve the desired conditions. Between draft and final environmental impact statement, the Travel Management planning Record of Decision was signed, which amended the existing forest plan recreation opportunity spectrum by management area. Additionally, now that that project has been completed, recreation opportunity spectrum and planning components that use its plan information have been added to many resource areas in the final plan.*"

Observation: Recreation Opportunity Spectrum class characteristics are not defined in the plan and associated with plan components. The Plan failed to use the ROS framework in establishing

recreation, management direction for Roadless Areas, the ANST corridor, and throughout the forest.

The Travel Management Plan resource plan October 5, 2021 decision does not appear to be appropriate given the pending revised Forest Plan decision. The Travel Plan decision to allow, "*Motor vehicle use solely for retrieving legally harvested elk and bear for all hunts up to one mile on both sides of all designated roads and motorized trails is also included*" and to "*the use of motorized vehicles off designated system roads and motorized trails will continue to aid in the collection of permitted personal fuelwood within appropriate areas designed for cutting and collection*" would be inconsistent with established Primitive and Semi-Primitive Non-Motorized ROS settings.

FS Description of the Comment: The FS in responses to comments on page 218 states, "*Commenter is concerned with the final forest plan and associated final environmental impact statement providing plan components and analysis that consider and provide for sustainable recreation as required by the 2012 Planning Rule*."

FS Response: The FS in responses to comments beginning on page 218 states, "*The forest plan meets the 2012 Planning Rule in that it provides plan components that provide sustainable recreation. The final environmental impact statement states, "The overarching goal for the Tonto National Forest recreation program is to provide sustainable recreation opportunities for its visitors" and a desired condition in the Recreation section of the revised plan states "Recreation on the forest is sustainable and adapts to changes in science, technology, and best management practices when implementing new projects and updating or upgrading existing infrastructure." A management approach also states, "Implement a sustainable recreation approach consistent with the most recent Tonto Sustainable Recreation Action Plan, or similar strategy, including the completion of the actions and objectives outlined in the action plan" (forest plan, chapter 2, Recreation). In relation to the comment about using the recreation opportunity spectrum, a plan component addresses this topic: "All project-level decisions, implementation activities, and management activities should be consistent with or move the area toward the appropriate recreation opportunity spectrum (ROS), or current protocol." (forest plan, chapter 2, Recreation) Specific areas and trails, whether they are motorized or non-motorized are not a part of the forest plan; the forest plan is strategic in nature and does not include project and activity decisions such as specific trails and their recreation opportunity spectrum classifications.*"

Observation: Tables 14 through 15 lists acres within ROS classes by alternative to the nearest 10th of an acre, but only provides narratives for recreation activities for the forest. Recreation activities reviewed include Developed Recreation, Dispersed Recreation – Motorized and Nonmotorized, and Water-Based Recreation. Failing to identify the relationship between the

activities and settings and the effects on other resources demonstrates that the Forest Plan and FEIS was not based on the ROS planning framework.

The Plan failed to use the ROS framework in establishing recreation management direction. Plan direction that references an undefined protocol is inconsistent with the planning requirements to use the best available information and the scientific integrity requirements of CEQ regulations.

FS Description of the Comment: The FS in responses to comments on page 221 states, "*Commenter is concerned about the recreation opportunity spectrum analysis in the draft environmental impact statement*."

FS Response: The FS in responses to comments beginning on page 221 states, "Between the draft and final environmental impact statement, the Travel Management *planning Record of Decision was signed, which amended the existing forest plan recreation opportunity spectrum by management area. The recreation opportunity spectrum provides the framework where specific recreational opportunities, activities, and expected experiences are integrated to ensure compatibility with the landscape's natural and cultural resource values. In the final environmental impact statement, each alternative has a recreation opportunity spectrum, and accompanying map, along with planning components specific to recreation opportunity spectrum."*

Observation: A travel plan is a resource plan that must be consistent with the Forest Plan and does not control the development of Forest Plan EIS alternatives that are reasonable or address the requirements of laws such as the National Trails System Act: "*Designations must be consistent with the applicable land management plan. If a responsible official proposes a designation that would be inconsistent with the applicable land management plan, a proposed amendment to the plan must be included with the proposed designation so that the designation decision will conform with the land management plan* (70 FR 68268) … *Under the National Forest Management Act, project-level decisions, including designation of routes for motor vehicle use, must be consistent with the applicable land management plan. If a proposed designation is not consistent with the land management plan, the responsible official must either change the proposed designation or propose an amendment to the plan*" (70 FR 68278).

The Plan failed to include a discernable map that displays ROS classes that are established. The Plan does not include descriptions of ROS class desired conditions and supporting standards, guidelines, and suitability determinations.

L. Response to Comments – Arizona National Scenic Trail

FS Description of the Comment: Responses to comments on page 83 states, "*Commenter is concerned with the effects of the alternatives on scenic integrity, ROS, class conditions, and carrying capacities related to the management of the Arizona National Scenic Trail*."

FS Response: Responses to comments on page 84 (with similar discussion on pages 141, 151, and 214) states, "*We agree that the ideal setting for the Arizona National Scenic Trail is within a primitive or semi-primitive non-motorized recreation opportunity spectrum settings on the forest. Unfortunately, this is not always the case as the Arizona Trail existed on the ground prior to its congressional designation as a National Scenic Trail. There are places where the Trail is not consistent with desired conditions and located in recreation opportunity spectrum settings other than primitive and semi-primitive non-motorized settings. The forest plan includes a guideline that "all project-level decisions, implementation activities, and management activities will ensure consistency with recreation opportunity spectrum, or current protocol". This guideline will help the Forest implement site-specific projects to achieve the desired conditions for recreation and the Arizona National Scenic Trail…."*

Observation: Although agreeing that the ideal setting for the Arizona National Scenic Trail is within a primitive or semi-primitive non-motorized recreation opportunity spectrum settings, the plan fails to identify plan components that promote this ROS class condition. Plan components for the ANST do not protect this National Scenic Trail from actions that would substantially interfere with the ANST nature and purposes. Such actions that would be inconsistent with the National Trails System Act.

FS Response: Responses to comments on page 84 (with similar discussion on pages 142, 144, 151, and 215) further states, "*The Forest Service will continue working with the Arizona Trail Association to make more miles of the trail conform to the National Trails System Act. Potential impacts to the nature and purposes of the trail (including from timber and mining) will be analyzed at the project level, in compliance with the National Environmental Policy Act and all applicable laws, regulations, and policies*."

Observation: The Forest Plan must also follow the National Environmental Policy Act and all applicable laws, regulations, and policies.

FS Description of the Comment: Responses to comments on page 143 states, "*Commenters seeking clarification or additional analysis in the final environmental impact statement*."

FS Response: Responses to comments on page 143 states, "*We agree that primitive and semi-primitive non-motorized recreation opportunity spectrum classes and high and very high scenic integrity allocations best protect the nature and purposes of the Arizona National Scenic Trail. The forest plan includes a desired condition to support the scenery suggestion and a standard is*

included to address motorized use. We disagree that additional analysis with cross tabular tables because this plan revision process is does not require the level of site-specificity that the commenter is requestion and is outside the scope of this project. Furthermore, the trail tread was established prior to the Trail being congressionally designated and as such its description in the final environmental impact statement just portrays the existing condition for this revision effort. Future efforts to address these concerns could use the suggested process and would likely propose trail realignment to better meet the needs and expectations of the trail's users."

Observation: The NTSA as amended in Section 5 states, *"Arizona National Scenic Trail - (A) IN GENERAL - The Arizona National Scenic Trail, extending approximately 807 miles across the State of Arizona from the U.S.-Mexico international border to the Arizona-Utah border, as generally depicted on the map entitled `Arizona National Scenic Trail' and dated December 5, 2007, to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior and appropriate State, tribal, and local governmental agencies. (B) AVAILABILITY OF MAP - The map shall be on file and available for public inspection in appropriate offices of the Forest Service."*

The plan and EIS should recognize that the ANST travel route may be located anywhere within the selected rights-of-way subject to other provisions of the National Trails System Act and other applicable laws and regulations.

FS Description of the Comment: Responses to comments on page 143 states, "*Commenters seeking clarification or additional analysis in the final environmental impact statement.*"

FS Response: Responses to comments on page 144 states, "*We believe that our final forest plan and final environmental impact statement are sufficient and meet the Council on Environmental Quality (CEQ) regulations found at 40 CFR Parts 1500-1508 and that the Tonto's forest plan does recognize the comprehensive planning requirements of the National Trails System Act. Once signed, The Arizona Trail Comprehensive Trail Management Plan will be a companion document for the management of the Arizona National Scenic Trail as indicated in the forest plan (forest plan, chapter 3, National Trails). Furthermore, the requested information can be found in chapter 12 of the Final Assessment Report of Social and Economic Conditions, Trends, and Risks to Sustainability…*

We believe that our final forest plan and final environmental impact statement are sufficient and meet the CEQ regulations found at 40 CFR Parts 1500-1508 and that the Tonto's Forest Plan does recognize the comprehensive planning requirements of the National Trails System Act. Once signed, The Arizona Trail Comprehensive Trail Management Plan will be a companion document for the management of the Arizona National Scenic Trail as indicated in the forest plan (forest plan, chapter 3, National Trails). We do not feel the environmental impact statement needs to include additional analysis about the nature and purposes of the Arizona National Scenic Trail because potential impacts to the nature and purposes will be analyzed at

the site-specific project level, in compliance with the National Environmental Policy Act and all applicable laws, regulations, and policies, which is outside the scope of this plan revision effort."

Observation: The FEIS failed to address the ANST environmental consequences of the proposed action and alternatives. The FEIS does not contain sufficient information to foster informed decision-making and informed public participation. A Supplemental EIS needs to address the ANST environmental consequences of the proposed action and alternatives.

FS Description of the Comment: Responses to comments on page 144 states, "*Commenters suggest changes to resource plan components and descriptions to help provide clarity, aid in management, and add supporting information to the forest plan*."

FS Response: Responses to comments on page 146 states, "*The forest plan provides specific management for the Tonto National Forest System lands, including the Arizona National Scenic Trail. We agree that a specific comprehensive plan is necessary, and the Arizona National Scenic Trail Comprehensive Plan is currently being drafted. Once the forest plan and the comprehensive plan are finalized, they will both be used in the management and administration of the Arizona National Scenic Trail. The Forest Service disagrees that extensive modifications are required to the draft forest plan components and have addressed National Trails consistent with the 2012 Planning Rule. Plan components in the national trails section of the forest plan have been updated to provide additional clarification and reduce redundant plan direction (forest plan, chapter 3, National Trails).*"

Observation: The proposed Forest Plan fails to recognize the ANST nature and purposes desired conditions and adopt appropriate supporting ROS setting standards, guidelines, and suitability determinations.

FS Description of the Comment: Responses to comments on page 151 states, "*Commenters suggest additional plan components to protect the nature and purpose of the Arizona National Scenic Trail.*"

FS Response: Responses to comments on page 151 states, "*We do not feel the environmental impact statement needs to include additional analysis about the nature and purposes of the Arizona National Scenic Trail because potential impacts to the nature and purposes will be analyzed at the site-specific project level, in compliance with the National Environmental Policy Act and all applicable laws, regulations, and policies. Efforts to better align with the National Trails System Act and the Arizona Trail Comprehensive Plan, will be made throughout the life of this Forest Plan. We look forward to working with you, the public, and the Arizona Trail Association on projects related to the Arizona National Scenic Trail…*

We agree that the ideal setting for the Arizona National Scenic Trail is within a Primitive or Semi-Primitive Non-Motorized Recreation Opportunity Spectrum (ROS) setting. In the case of the Arizona National Scenic Trail on the Tonto National Forest, the trail itself existed on the ground

prior to its congressional designation as a National Scenic Trail. Because of this, no suitability analysis was ever performed. There are places where the Trail is not consistent with desired conditions or located in recreation opportunity spectrum settings other than primitive and semi-primitive non-motorized settings. Consequently, there are portions of the Arizona National Scenic Trail Management Area that also do not conform by default. The Forest Service continues to work with the Arizona Trail Association to make more miles of the trail conform to the National Trails System Act. We disagree that an additional alternative should be developed to protect the nature and purposes of the Arizona National Scenic Trail because potential impacts to the nature and purposes of the Trail will be analyzed at the site-specific project level, in compliance with the National Environmental Policy Act and all applicable laws, regulations, and policies. Efforts to better align with the National Trails System Act and the Arizona Trail Comprehensive Plan, will be made throughout the life of this Forest Plan. We look forward to working with you, the public, and the Arizona Trail Association on projects related to the Arizona National Scenic Trail."

Observation: The Forest Plan is not in compliance with the NFMA, planning regulations, and the National Trails System Act, in part, due to not providing for the integrated resource management of the Arizona National Scenic Trail.

FS Description of the Comment: Responses to comments on page 214 states, "*Commenter is concerned about timber production suitability being inconsistent with certain recreation opportunity spectrum classes within the Arizona national scenic trail corridor*."

FS Response: Responses to comments on page 146 states, "*We agree that the ideal setting for the Arizona National Scenic Trail is within a primitive or semiprimitive non-motorized recreation opportunity spectrum settings on the Tonto. Unfortunately, this is not always the case as the Arizona Trail existed on the ground prior to its congressional designation as a National Scenic Trail. There are places where the Trail is not consistent with desired conditions and located in recreation opportunity spectrum settings other than primitive and semi-primitive non-motorized settings. The forest plan includes a guideline that "all project-level decisions, implementation activities, and management activities will ensure consistency with recreation opportunity spectrum (ROS), or current protocol". This guideline will help the Forest implement projects to achieve the desired conditions for recreation and the Arizona National Scenic Trail. The Forest Service continue working with the Arizona Trail Association to make more miles of the trail conform to the National Trails System Act. Potential impacts to the nature and purposes of the trail (including from timber and mining) will be analyzed at the site-specific project level, in compliance with the National Environmental Policy Act and all applicable laws, regulations, and policies. Efforts to better align with the National Trails System Act and the Arizona Trail Comprehensive Plan, will be made throughout the life of this forest plan*."

Observation: Establishing the Arizona Trail as a National Scenic Trail sets in motion the full set of requirements and flexibility provided in the legislation. The Forest Supervisor was directed in the Planning Rule to address the requirements of the National Trails System Act to define the ANST National Trail Management Corridor and to establish plan components for this corridor to protect the nature and purposes of this National Scenic Trail. The Forest Plan must provide for the nature and purposes qualities and values of the Arizona National Scenic Trail if the plan is to be incompliance with the National Trails System Act.

Section III. 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. Decision and Rationale for the Decision

a. Draft ROD

The Tonto DROD beginning on page 10 states, "*I select alternative B (selected alternative) as described in the final environmental impact statement and the accompanying Tonto National Forest Land Management Plan (land management plan) …*

- *Address sustainable recreation by incorporating plan components for current and future recreation opportunities, including fishing, hunting, off highway vehicle use, and recreational shooting.*
- *Allow access on the existing over 2,200 miles of public roads and over 2,600 miles of motorized system trails…*
- *Incorporate specific management direction for the following management areas: Designated Wilderness, Recommended Wilderness, Designated Wild and Scenic Rivers, Eligible Wild and Scenic Rivers, Designated and Recommended Research Natural Areas and Botanical Areas, Inventoried Roadless Areas, National Trails, Significant Caves, Lakes and Rivers Management Area, Saguaro Wild Burro Management Area, Salt River Horse Management Area, and the Apache Leap Special Management Area.*

Nature of the Decision – The purpose of the land management plan is to guide future projects, activities, practices, uses, and protection measures to assure sustainable multiple-use management on the Tonto National Forest for the next 10 to 15 years. The land management plan is strategic in nature. It does not authorize projects or activities, commit the Forest Service to act, or dictate the day-to-day administrative activities needed to carry out the Forest Service's internal operations (such as personnel matters, law enforcement, or organizational changes). The land management plan's programmatic management direction will be implemented through the design, execution, and monitoring of site-specific activities such as, but not limited to, relocating a trail, conducting a prescribed burn, or harvesting timber. The decisions for these project-level activities must be consistent with the with the applicable plan components set forth in the land management plan (36 CFR 219.15). Site-specific analysis in compliance with the National Environmental Policy Act (NEPA), and other Federal laws and regulations, will need to be conducted in order for prohibitions or activities to be implemented, in compliance with the broader direction of the land management plan…

The decision represents a mix of recommended wilderness areas and lands identified as suitable for timber production and includes provisions for unique ecological conditions, active management of vegetation including fuel reduction, and eligible wild and scenic rivers. Plan components to guide management of the forest's resources, including water, fish, wildlife, minerals, and rangelands are also included. The mix of opportunities available for primitive recreation and nonmotorized recreation experiences versus more motorized recreation and accessible experiences is generally consistent with current travel plans, except in the case of recommended wilderness areas and recommended research natural areas and botanical areas…

Recreation Opportunities - Alternative B highlights balance of recreation opportunities across the Tonto National Forest. Recreation and its importance to people and the economy, as well as continued access to the forest, was addressed throughout the land management plan in the Recreation section, the Designated and Management Areas section, and the Roads section. Plan direction supports sustainable recreation management to provide high-quality recreational experiences, while also balancing changing trends in services. The land management plan aims to ensure sustainable use of recreation infrastructure and facilities, including roads. Impacts from recreation activity are managed to reduce user conflict and resource damage, especially at dispersed campsites. Objectives help maintain developed recreation areas, a sustainable road and trail system, and promote visitor safety and natural resource protection.

Travel management was not identified as an area needing change because it was recently decided through a thorough public engagement process. Therefore, travel management decisions were outside the scope of this plan revision effort at its outset. There was also a wide array of recommendations around specific sites or plan components for individual issues. Where possible, the land management plan was modified to accommodate these requests; otherwise, the Forest determined that the plan components were sufficient to meet our obligations under the 2012 Planning Rule."

b. Issue and Statement of Explanation

Development restrictions are needed in Primitive and Semi-Primitive ROS settings to ensure that desired conditions are realized. The revised plan does not include plan components to provide for sustainable recreation as required by the Planning Rule and associated directives. The plan does not include specific standards or guidelines where restrictions are needed to ensure the achievement or movement toward the desired Recreation Opportunity Spectrum classes.

It is improper to state that the plan allows for access on over 2,200 miles of existing public roads and over 2,600 miles of motorized system trails. Instead, the plan should recognize that access to these roads and trails must be constrained to meet the requirements of the National Trails System Act and must be consistent with established ROS classes.

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.

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 for each alternative between competing resources, including establishing desired ROS settings to accurately reflect integrated resource decisions for each ROS class mapped area.

c. Proposed Solution to Improve the Decision

Use the Recreation Opportunity Spectrum planning framework to delineate, define, and integrate outdoor recreation opportunities in the development of the revised Forest Plan and Supplemental EIS.

d. 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) (2005).

B. Alternatives Considered

a. Draft ROD:

The Tonto DROD beginning on page 28 states, "I *considered three other alternatives analyzed in detail, which are discussed below. All reasonable alternatives to the proposed action must meet the purpose and need for change and address one or more significant issues. I identified 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 can be found in chapter 2 of the final environmental impact statement…*

All four alternatives share a number of features. In particular they all: … incorporate the scenery management system and recreation opportunity spectrum…

Federal agencies are required by the National Environmental Policy Act to rigorously explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). Public comments received in response to the notice of intent (April 2017), preliminary proposed plan (November 2017), initial alternative themes (April 2018), and draft environmental impact

statement (March 2020), provided suggestions for alternative methods for achieving the purpose and need. Some of these alternatives are outside the scope of the purpose and need, duplicative of the alternatives considered in detail, or include components that would cause unnecessary environmental harm…."

b. Issue and Statement of Explanation

The ANST corridor and 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 ANST.

The agency should have assessed and considered comments both individually and collectively, and responded by modifying alternatives including the proposed action or develop and evaluate alternatives not previously given serious consideration to address substantive concerns. Preferably alternatives would have been modified to (1) establish a ANST management corridor with an extent of one-mile 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.

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 Arizona National Scenic Trail and better protect the purposes for which this National Scenic Trail was established.

c. Proposed Solution to Improve the Decision

Establish an ANST Management Area with plan components that protect the nature and purposes of the ANST. See Section I of this objection.

d. 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. §§ 1500.2(e)), 1502.1, 1502.2(d), 1502.14, 1502.16, 1503.4(a) (2005), 1508.7; 36 CFR § 219.3; USDA DR 1074-001.

C. Best Available Scientific Information

a. Draft ROD

The Tonto DROD on page 34 states, *"The 2012 Planning Rule (§219.6(a)(3) and 219.14(a)(4)) requires the responsible official use the best available scientific information to inform the development of the land management plan, including plan components, the monitoring plan, and plan decisions. The 2012 Planning Rule does not require that scientific information be*

developed, but that it should be based on scientific information that is already available. New studies or the development of new information is only by other laws or regulation. In the context of the best available scientific information, the word available means that the information currently exists in a form useful for the planning process, without further data collection, modification, or validation. Analysis or interpretation of the best available scientific information may be needed to place it in the appropriate context for planning.

The foundation from which the plan components were developed for the land management plan was provided by the assessment of the Tonto National Forest and best available scientific information and analysis therein. From this foundation, the interdisciplinary team used the best available scientific information to develop the proposed action and the alternatives and analysis in the environmental impact statement. Development of this revised plan, under the 2012 Planning Rule and directives, was an iterative process utilizing best available scientific information, regional guidance, internal feedback, and collaboration with a wide variety of government agencies, federally recognized Tribes, non-governmental organizations, and the public. Where science was provided through comments on the draft environmental impact statement, the Tonto National Forest reviewed and considered the best available science."

b. Issue and Statement of Explanation

Best available scientific information analyses would have required establishing and 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 resource 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.

c. Proposed Solution to Improve the Decision:

Use the Recreation Opportunity Spectrum planning framework to delineate, define, and integrate outdoor recreation opportunities in the development of the revised Forest Plan and Supplemental EIS.

d. 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 (2005), 1503.4(a) (2005); Consistency with the Planning Rule PEIS.

D. Multiple-Use Sustained-Yield Act

a. Draft ROD

The Tonto DROD beginning on page 42 states, "*The Forest Service manages National Forest System lands to sustain the multiple use of its renewable resources in perpetuity while maintaining the long-term health and productivity of the land. Resources are managed through a combination of approaches and concepts for the benefit of human communities and natural resources. As demonstrated in the final environmental impact statement and as required by the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528-531), the land management plan guides sustainable and integrated management of forest resources in the context of the broader landscape, giving due consideration to the relative values of the various resources in particular areas. Therefore, I find that the land management plan is compliant with the Multiple-Use Sustained-Yield Act*."

b. Issue and Statement of Explanation

Alternatives in the FEIS do not protect ANST nature and purposes qualities and values with supporting plan components failing to produce an integrated plan. ROS plan components must be embedded in the plan direction and be consistent with the 1986 ROS Book, which supported the planning rule as informed by the PEIS.

c. Proposed Solution to Improve the Decision

Use the Recreation Opportunity Spectrum planning framework to delineate, define, and integrate outdoor recreation opportunities in the development of the revised Forest Plan and Supplemental EIS. See Section I of this objection.

d. 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 (2005); Consistency with the Planning Rule PEIS.

E. National Environmental Policy Act

a. Draft ROD

The Tonto DROD beginning on page 43 states, "*The Forest Service has developed, gathered, and reviewed an extensive amount of information regarding the potential effects of each of the alternatives considered in the final environmental impact statement. This information expands and refines the data, analyses, and public input described in the National Environmental Policy*

Act documents associated with the draft plan and draft environmental impact statement. My decision also considers the large amount of public input, including public meetings, comments on the Internet website, and comments received during the 120-day comment period for the draft environmental impact statement.

All substantive comments, written and oral, made in response to the draft environmental impact statement have been summarized and responded to in appendix A of the final environmental impact statement. During the course of this effort, the public involvement has led to changes in the analysis and the alternatives. I find that the environmental analysis and public involvement process the final 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). My conclusion is supported by the following findings.

The final environmental impact statement considered a broad range of reasonable alternatives that were developed and revised based on robust public involvement, including public input and comment. The four alternatives considered in detail in the f final environmental impact statement cover a broad range of possible management allocations based on revision topics identified through public involvement and scoping."

b. Issue and Statement of Explanation

Specific to CEQ NEPA requirements, the ROD cannot attest to meeting the requirements of Methodology and Scientific Accuracy. The FEIS did not use the 1982/1986 ROS planning framework to establish ROS settings.

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.

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.

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. The FEIS does not take a "hard look" at the environmental effects.

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).

c. Proposed Solution to Improve the Decision

Use the Recreation Opportunity Spectrum planning framework to delineate, define, and integrate outdoor recreation opportunities in the development of the revised Forest Plan and Supplemental EIS. See Section I of this objection.

A Supplemental FEIS should be prepared to address FEIS deficiencies following the requirements of the CEQ NEPA regulations as found in 40 CFR Parts 1500-1508 (2005), since the 2020 CEQ regulations are flawed. The following paragraphs are excerpts of a review the 2005 and 2020 regulations as found in Complaint Case No. 20-cv-6143 in the United States District Court for the Southern District of New York.

> *The courts gave CEQ's regulations "substantial deference" when the regulations had a "well-considered basis." From 1978 through 2020, CEQ's regulations reinforced NEPA's salutary goals. In July 2020, however, CEQ promulgated a new rule (the 2020 Rule), 85 Fed. Reg. 43,304 (July 16, 2020), that attempts to reinterpret and revise the statute, and to eviscerate many of NEPA's well-established, judicially recognized protections. The 2020 Rule purports to bind every other federal agency.*
>
> *Congress passed NEPA in 1969 "to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of" humankind.*
>
> *The Act declares a "continuing responsibility of the Federal Government to . . . fulfill the responsibilities of each generation as trustee of the environment for succeeding generations." In recognition of that responsibility, the statute imposes on the federal government an obligation "to create and maintain conditions under which man and nature can exist in productive harmony," and to "assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings."*

Section 102 of NEPA requires each federal agency to prepare a "detailed statement by the responsible official" of the environmental impacts of any proposed major federal action significantly affecting the environment. This statement—commonly known as an environmental impact statement—must describe the environmental impacts of the proposed action.

NEPA commands that each environmental impact statement address, among other factors, "any adverse environmental effects which cannot be avoided should the proposal be implemented," and "the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity."

NEPA further requires that, for "any proposal which involves unresolved conflicts concerning alternative uses of available resources," federal agencies must "study, develop, and describe appropriate alternatives to recommended courses of action."

NEPA's requirement to prepare an environmental impact statement "serves NEPA's 'action-forcing' purpose" of "ensur[ing]" that federal decisionmakers "will have available, and will carefully consider, detailed information concerning significant environmental impacts" before approving new projects.

NEPA's environmental review process also "gives the public the assurance that the agency 'has indeed considered environmental concerns in its decisionmaking process,' and, perhaps more significantly, provides a springboard for public comment."

Section 102 of NEPA requires each federal agency to "develop methods and procedures . . . which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking." Congress directed each federal agency to develop its NEPA procedures "in consultation with" CEQ.

CEQ issued its first regulations implementing NEPA in 1978. These 1978 regulations set out procedures and standards for preparation of environmental impact statements and related documents.

To help ensure that NEPA's broad mandate was realized, the 1978 regulations defined what impacts an environmental impact statement must assess; accommodated public involvement; and put limits on agency authority to delegate the preparation of environmental impact statements to private project proponents.

CEQ's 1978 regulations provided that an environmental impact statement was required where the agency reasonably anticipated "a cumulatively significant impact on the environment."

CEQ's 1978 regulations defined "cumulative impact" to mean "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency . . . or person undertakes

such other actions," including "individually minor but collectively significant actions taking place over a period of time."

On July 16, 2020, CEQ published its 2020 Rule in the Federal Register. See 85 Fed. Reg. at 43,304.

The 2020 Rule undermines NEPA's mandate, and conflicts with decades of judicial precedent interpreting the statute. The 2020 Rule limits the number and nature of projects subject to NEPA analyses. It eliminates the requirement that, when NEPA reviews are conducted, agency environmental documents consider the cumulative and indirect effects of the proposed projects. It raises barriers to public participation; allows private, self-interested project proponents to draft environmental documents for federal agencies; and attempts to constrain judicial oversight of NEPA compliance.

The 2020 Rule eliminates the definition of cumulative impact and the requirement to consider such impacts.

The 2020 Rule also eliminates all references to "indirect" effects and revises the definition of "effects" to include only effects that are "reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives."

Under the 2020 Rule, "a 'but for' causal relationship is insufficient to make an agency responsible for a particular effect under NEPA." The 2020 Rule states: "Effects should generally not be considered if they are remote in time, geographically remote, or the product of a lengthy causal chain. Effects do not include those effects that the agency has no ability to prevent due to its limited statutory authority or [that] would occur regardless of the proposed action."

CEQ states that "analysis of cumulative effects . . . is not required under NEPA." CEQ also states that agency analyses "should not go beyond the definition of effects." Thus, under the 2020 Rule, agencies may not consider cumulative impacts when determining whether a project will have a significant environmental impact.

CEQ justifies its elimination of the requirement to consider cumulative impacts and indirect effects of a project by stating that "the terms 'indirect' and 'cumulative' have been interpreted expansively resulting in excessive documentation about speculative effects and leading to frequent litigation."

CEQ also justifies the change by noting that "categorizing and determining the geographic and temporal scope of [cumulative] effects has been difficult and can divert agencies from focusing their time and resources on the most significant effects."

These assertions—that assessing cumulative impacts and indirect effects has resulted in excessive documentation and diverted agency attention from "more important"

environmental problems—are factually unsupported, unexplained, and legally insufficient to justify such a substantial change in CEQ's longstanding policy.

CEQ makes no effort to explain how, and cites no evidence to support its conclusion that, the 2020 Rule's elimination of "cumulative impacts" analyses, and its replacement of CEQ's long-standing regulatory definitions of "effect" and "indirect effect" with the phrase "remote in time, geographically remote, or the product of a lengthy causal chain," will reduce litigation or agency confusion.

CEQ fails to explain how, or even to claim that, the 2020 Rule's elimination of "cumulative impacts" analyses, and its replacement of CEQ's long-standing regulatory definitions of "effect" and "indirect effect" with the phrase "remote in time, geographically remote, or the product of a lengthy causal chain," will not cause agencies to overlook significant environmental impacts of a project. CEQ ignores a long record of environmental documents that have successfully described significant environmental impacts because cumulative and indirect effects were specifically considered in those documents. CEQ does not explain how failure to consider significant cumulative and indirect impacts is consistent with NEPA.

CEQ's elimination of the requirement to consider cumulative impacts and indirect effects is inconsistent with NEPA's statutory language—which requires a "detailed statement" of "environmental impact[s]," including "any" adverse effects of the project that cannot be avoided and the law's purpose. It is also inconsistent with decades of judicial precedent that interprets the statute to require agencies to consider the cumulative effects of an action. CEQ has no authority to overrule this precedent.

The 2020 Rule's elimination of the requirement to consider cumulative impacts and indirect effects is unsupported by record evidence, disregards factors relevant to CEQ's interpretation of NEPA, exceeds CEQ's statutory authority, and violates the standards of section 10 of the APA.

Courts may declare that the 2020 CEQ Rule is "*arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law*," "*in excess of statutory jurisdiction, authority, or limitations or short of statutory right*," and "*without observance of procedure required by law*," in violation of the standards of the Administrative Procedure Act, 5 U.S.C. §§ 553, 706(2), and NEPA, 42 U.S.C. §§ 4331, 4332(2), 4344; and vacate and set aside the 2020 Rule.

d. 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) (2005). Consistency with the Planning Rule PEIS. A NEPA document must contain sufficient information to foster informed decisionmaking and informed public participation. The draft decision without changes to the EIS 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).

F. National Forest Management Act

a. Draft ROD

The Tonto DROD on page 44 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 land management plans help create a dynamic management system, so an interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences will be applied to all future actions on the unit. Under the Act, the Forest Service is to ensure coordination of the multiple uses and sustained yield of products and services of the National Forest System.*

The National Forest Management Act requires the Secretary of Agriculture to promulgate regulations for developing and maintaining land management plans. On April 9, 2012, the Department of Agriculture issued a Final Planning Rule for National Forest System land management planning (36 CFR Part 219; refer to the Federal Register at 77 FR 68, pp. 21162-21276).

As discussed in detail in the requirements of the planning rule section of this document, my review of the planning process, the final environmental impact statement, and the information provided in the record of decision indicate the final plan and its preparation meet requirements for revising plans under the provisions of the 2012 Planning Rule and is compliant with the National Forest Management Act."

b. Issue and Statement of Explanation

Taken together, plan components need to establish the vision of a plan, set forth the strategy to achieve it, and provide the constraints of subsequent management. Tonto Plan components need to be better integrated, written clearly, concisely, and without ambiguity and include desired conditions, objectives, standards, guidelines, and suitability-of-land determinations that are consistent with planning rule definitions.

The Plan did not use the ROS framework to establish ROS settings to provide for the nature and purposes of the ANST. 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.

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 ANST

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

c. Proposed Solution to Improve the Decision

Use the Recreation Opportunity Spectrum planning framework to delineate, define, and integrate outdoor recreation opportunities in the development of the revised Forest Plan and Supplemental EIS. See Section I of this objection.

The ROD should clearly state that glossary terms that define plan components may not be changed through administrative actions.

d. 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) (2005).

G. Travel Management Rule

a. Draft ROD

The Draft Tonto ROD on page 45 states, "*The final rule for Travel Management; Designated Routes and Areas for Motor Vehicle Use (commonly referred to as the 2005 Travel Management Rule), implements provisions of Executive Orders 11644 and 11989, to address the use of off-road motor vehicles on Federal lands. Regulations implementing this rule are found at 36 CFR Part 212. The executive order's "minimization criteria" specify:*

In designating National Forest System trails and areas on National Forest System lands, the responsible official shall consider effects on the following with the objective of minimizing:

1. *Damage to soil, watershed, vegetation, and other forest resources.*
2. *Harassment of wildlife and significant disruption of wildlife habitats.*
3. *Conflicts between motor vehicle use and existing or proposed recreation uses of National Forest System lands or neighboring Federal lands.*
4. *Conflicts among different classes of motor vehicle uses of National Forest System lands or neighboring Federal lands.*
5. *Compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors (36 CFR 212.55(b), Specific criteria for designation of trails and areas).*

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 land management plan is in compliance with the Travel Management Rule."

b. Issue and Statement of Explanation

The Travel Plan designations are inconsistent with the National Trails System Act. Furthermore, the Travel Management Plan decision to allow for game retrieval with a motorized vehicle is inconsistent with Primitive and Semi-Primitive Non-Motorized ROS setting desired conditions.

c. Proposed Solution to Improve the Decision

Resource plans (for example, travel management plans) developed by the Forest that apply to the resources or land areas within the planning area must be consistent with the plan components. Resource plans developed prior to this plan decision must be evaluated for consistency with the land management plan and updated as necessary.

d. Violation of Law, Regulation or Policy

36 CFR §§ 212.55, 219.10(b)(1)(i); 16 U.S.C. 1246(c).

H. National Trails System Act

a. Draft ROD

The Draft Tonto Plan FEIS ROD does not review the National Trails System Act.

b. Issue and Statement of Explanation

The National Trails System Act of 1968, as amended, provides that the ANST, *"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… The use of motorized vehicles by the general public along any national scenic trail shall be prohibited*."

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 the ANST nature and purposes.

The proposed Plan and alternatives do not recognize the conservation purposes of the ANST. To provide for the conservation purposes of a National Scenic Trail the ANST corridor must provide

for natural ecological processes and not just the visual appearance of naturalness. The National Trails System Act not only established an ANST footpath or treadway, but also direction to protect the corridor that surrounds the travel route. Sections of the Act provide additional important guidance that is associated with the selection of the rights-of-way, planning, and management of the ANST, including direction stating: (1) The ANST corridor is to be preserved, "*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;*" (2) "*Avoiding, to the extent possible, activities along the National Scenic Trail that would be incompatible with the purposes of the NST for which it was established*;" and (3) "*National scenic or national historic trails may contain campsites, shelters, and related-public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail*."

The draft ROD decision is not based on a reasonably thorough discussion of...significant aspects of the probable environmental consequences on ANST nature and purposes. The NTSA establishment and designation of the ANST provides for the Forest Service to manage the ANST 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 ANST thus constitutes an overlay on the management regime otherwise applicable to public areas managed by land management agencies. The NTSA and E.O. 13195 limits the management discretion the agencies would otherwise have by mandating the delineation and protection of the ANST corridor. The draft decision fails to act on addressing the requirements of the National Trails System Act to describe the probable ANST rights-of-way and approve plan components that protect the nature and purposes of the ANST.

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

c. Proposed Solution to Improve the Decision

The ANST nature and purposes description should be the principal desired condition for the ANST management corridor. ANST standards or guidelines should clearly describe providing for Primitive or Semi-Primitive Non-Motorized ROS settings. In addition, see Section I of this objection.

d. Violation of Law, Regulation or Policy

16 U.S.C. § 1604(f)(1); 16 U.S.C. §§ 1242(a)(2), 1244(e), 1246(c); E.O. 13195; 36 CFR §§ 219.10(b)(1)(vi); 36 CFR § 212 Subparts B and C; 40 CFR §§ 1505.2, 1502.14, 1502.16, 1508.7 (2005), 1508.8 (2005) 1502.23 (2020), 1503.4(a) (2005).

I. Plan Implementation

a. Draft ROD

The Draft Tonto ROD beginning on page 46 states, "*As required by the National Forest Management Act and the planning rule, subject to valid existing rights, all projects and activities authorized by the Forest Service after approval of this plan must be consistent with the applicable plan components (16 U.S.C. 1604(i)) as described at 36 CFR 219.15. Previously approved and ongoing projects and activities are not required to meet the direction of the land management plan and will remain consistent with the direction in the 1985 forest plan, as amended…*

Resource plans (for example, travel management plans) developed by the Forest that apply to the resources or land areas within the planning area must be consistent with the plan components. Resource plans developed prior to this plan decision will be evaluated for consistency with the land management plan and updated if necessary…

Project Consistency – As required by the National Forest Management Act, all projects and activities authorized by the Forest Service, after record of the decision for the draft plan, must be consistent with the land management plan (16 U.S.C. 1604(i) as described at 36 CFR 219.15). This is accomplished by a project or activity being consistent with applicable plan components…

Any substantive changes to plan components require a plan amendment, with appropriate analysis as required under the National Environmental Policy Act. Administrative changes can be made without documentation of environmental effects, such as updates to data and maps, management approaches, and relevant background information; fixing typographical errors; or updating other required or optional content of a plan (content other than plan components). The public will need to be notified of all administrative changes to the land management plan.

Plans may have other content, such as background, collaboration strategies, context, existing conditions, glossary, introduction, monitoring questions, other referenced information or guidance, performance history, performance measures, performance risks, program emphasis, program guidance, program priorities, possible actions, roles and contributions, management challenges, or strategies, but such other content are not matters for which project consistency is required.

b. 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.

c. Proposed Solution to Improve the Decision

Revise the language in the Plan and ROD to indicate that ROS and Scenery related maps may only be changed following amendment processes.

d. Violation of Law, Regulation or Policy

36 CFR §§ 219.7(e), 219.17(b)(2)

Section IV. Specialized and Expert Knowledge

My professional expertise is in dispersed recreation and designated area management and natural resources planning.[5] I was the principal resource specialist in of the development and considerations of the final amendments to the Continental Divide National Scenic Trail 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,[6] 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,[7] 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.[8]

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

Greg Warren[9]

Greg Warren

Attachment A – Draft Plan and DEIS Comments
Attachment B – ANST Planning Handbook v.02272020
Attachment C – ROS Book
Attachment D – Review of the ROS and SMS Frameworks
Attachment E -- National Recreation Opportunity Spectrum Inventory Mapping Protocol

[5] http://nstrail.org/gwarren_experience.htm
[6] http://nstrail.org/carrying_capacity/gtr098.pdf
[7] http://nstrail.org/carrying_capacity/ros_tool_1986.pdf
[8] http://nstrail.org/references.htm
[9] Signature provided upon request

Appendix A – Review of FSM 2310 – Sustainable Recreation Planning

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 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 framework and the ROS User Guide continue to be relevant, especially for addressing the recreation resource in forest planning. The ROS 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 National Recreation Opportunity Spectrum Inventory Mapping Protocol dated August 2019 appropriately describes ROS class characteristics, but provides incomplete implementation guidance. The amended 2020 FSM 2310 ROS direction allows for establishing social, managerial, and physical attributes of a place independently, which does not resolve inconsistencies between recreation setting components. This approach is not aligned with the Recreation Opportunity Spectrum framework. As such, the 2020 FSM 2310 ROS direction allows for development actions in Semi-Primitive Non-Motorized and Semi-Primitive Motorized ROS settings that are incongruent with the desired conditions of these ROS classes.

The Recreation Opportunity Spectrum 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 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:

- FSM 2353.44 – National Scenic Trails.
- 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.[10] 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 ROS 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.

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

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….*"

Issue and Statement of Explanation: 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….*"

Issue and Statement of Explanation: 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."

Issue and Statement of Explanation: 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))."

Issue and Statement of Explanation: 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*."

Issue and Statement of Explanation: 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.

Issue and Statement of Explanation: 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.[11] 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).

Issue and Statement of Explanation: 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 framework.

Issue and Statement of Explanation: 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

[11] 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.

Issue and Statement of Explanation: 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 referenced 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."

Issue and Statement of Explanation: 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 ANST 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 the ANST nature and purposes. The ROS class protection norm for the ANST 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.

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*."

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 (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.

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)).

Appendix B – Map of Proposed Plan ROS Settings along the ANST Corridor