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This correspondence is an Objection to the South Plateau Area Landscape Treatment Project Draft Environmental Assessment, Decision Notice, and FONSI.

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:

South Plateau Area Landscape Treatment Project
Jason Brey, District Ranger
Hebgen Lake Ranger District
Custer-Gallatin National Forest

The objector's name, address, and email:

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Section I. Statement of Issues – Environmental Assessment

The following are statements of the issues and/or the parts of the project to which the objection applies and concise statements explaining the specific issues; violations of law, regulations and policy; and suggested remedies. The issues raised in this objection are connected to concerns and recommendations identified in draft Environmental Assessment comments (**Attachment A**) that included and referenced the attached CDNST Planning Handbook (**Attachment B**). Concerns with the Custer-Gallatin Forest Plan direction that are relevant to this project are reviewed in a forest plan objection (**Attachment C**).

A. Purpose and Need for Action and Proposed Action

Environmental Assessment: The South Plateau Area Landscape Treatment Environmental Assessment on pages 3-5 states, “*Commercial timber harvest and non-commercial fuels reduction projects and associated activities are needed to achieve or support Land Management Plan timber (TIM), forested vegetation (VEGF) and fire and fuels (FIRE) desired conditions (FW-*

DC-TIM 01, 02, 03; FW-DC-VEGF 03, 04; FW-DC-FIRE 01, 02, 03) (U.S. Department of Agriculture 2022e). Management action is needed specifically to:

- 1.) Reduce the risk from and increase stand resistance and landscape resilience to insects and disease, particularly long-term losses of lodgepole pine stands...
- 2.) Contribute to a sustained yield of timber products and improve the productivity of forested timber stands...
- 3.) Treat hazardous fuels to increase fire suppression effectiveness and reduce risk to the public and first responders...

The proposed action was designed to meet the need for action. The project will move the project area toward desired conditions in the Land Management Plan (U.S. Department of Agriculture 2022e). Alternative development was considered by the Responsible Official, who found that the landscape-scale approach used in project design resulted in no unresolved conflicts concerning the alternative uses of available resources. The Responsible Official considered and incorporated incremental changes designed by the interdisciplinary team to address resource issues and concerns raised during scoping and throughout proposal development.

By planning and implementing management actions using the Treatment Matrix, Design Features, Resource Review Checklists, and Monitoring Plan (Appendices A-D), the extent of project actions and associated effects will be appropriately limited such that the need for action will be met while no effects thresholds are crossed. Resource Review Checklists and Monitoring ensure that assumptions are verified through the life of the project and additional mitigations can be implemented as necessary to accommodate changing conditions in the project area. Finally, the proposed action complies with the Land Management Plan. The Plan provides overarching direction to provide for social, economic, and ecological sustainability, so Plan compliance serves to balance resource concerns.

If proposed treatments could not be implemented while adhering to all design features (i.e., if there were conflicts between treatments and resources), then treatments will be deferred until conflicts are resolved, or the proposed treatments will be dropped from the project. Because there will be no unresolved conflicts concerning alternative uses of available resources, alternative development and analysis were unnecessary."

Issue and Statement of Explanation: There are unresolved conflicts. The Purpose and Need for Action section of the Environmental Assessment should have described, in part, the need to provide for integrated resource management, including providing for the purposes for which congressionally designated areas are established such as protecting the nature and purposes of the Continental Divide National Scenic Trail (CDNST). Furthermore, the Purpose and Need should have described protecting or restoring desired Recreation Opportunity Spectrum (ROS) settings.

The 2009 Federal Register Notice of final amendments to the CDNST Comprehensive Plan (**Attachment D**) and final directives state, *“The final amendments to the CDNST Comprehensive Plan and corresponding directives will provide guidance to agency officials implementing the National Trails System Act. The final amendments are consistent with the nature and purposes of the CDNST identified in the 1976 CDNST Study Report and 1977 CDNST Final Environmental Impact Statement adopted by the Forest Service in 1981 (40 FR 150). The final amendments and directives will be applied through land management planning and project decisions following requisite environmental analysis”* (Federal Register, October 5, 2009, 74 FR 51116).

To the extent practicable, actions should avoid activities incompatible with the purposes for which the CDNST was established. Actions that would substantially interfere with the nature and purposes of a National Scenic Trail are to be eliminated from detailed study in NEPA analyses. The Purpose and Need for action should have recognized that there must be durable constraints on mechanical vegetation treatments and construction of permanent and temporary roads in Semi-Primitive ROS settings if their primitive characteristics are to be retained.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation or policy: CDNST Comprehensive Plan Chapter IV.A (74 FR 51124); FSM 2353.4 (74 FR 51125); 16 U.S.C. §§ 1242(a)(2), 1245(f), 1246(c); E.O. 13195; 40 CFR §§ 1502.13, 1502.15, 1502.23.

Connection with Comments: Draft EA comments at 1 and 2; CDNST Planning Handbook – Chapter II Part G and Chapter III Part E.

B. Alternatives and Proposed Action - Roads

Environmental Assessment: The Environmental Assessment on page 11 states, *“A maximum of 56.8 miles of temporary project roads could be needed to implement timber harvest activities. This maximum was determined based on GIS data, current road system locations, and field surveys. If changing conditions preclude vegetation management on some acres in the project area, then the temporary roads associated with accessing those acres will not be constructed, nor will construction occur when temporary roads or segments are determined to be no longer economically viable, or resource concerns are identified with road locations. The miles of temporary road constructed for the project will not all be constructed and in use at one time because timber or stewardship sale contracts will be staggered (as previously described), and roads associated with sales must be constructed, used, and obliterated during the estimated 5-year contract period.”*

Issue and Statement of Explanation: There continues to be unresolved conflicts. Temporary roads have the same types of environmental impacts as system roads, although at times the

impacts can be worse if the road persists on the landscape since they are not built to last. It is important to note that although they are termed temporary roads, their impacts are not temporary often lasting for over 15 years. Roads may be temporary for the purpose of a specific vegetation or resource development project, but these routes often have long-term negative impacts to other resource values. Where access to a specific area (e.g., timber stand) is needed for long-term resource management, a temporary road should never be constructed as a substitute for a classified road.

The described road design features and sideboards do not protect CDNST nature and purposes qualities and values and established recreation setting characteristics. Implementation of the proposed action would substantially interfere with the nature and purposes of the CDNST which is not allowed by the National Trails System Act. Furthermore, the proposed road building and regeneration harvests would result in a ROS setting of Roaded Natural (subclass Roaded Modified) setting, which is an effect that is not disclosed in the Environmental Assessment.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation or policy: 40 CFR §§ 1502.16, and 1502.23.

Connection with Comments: Draft EA comments at 5; CDNST Planning Handbook Chapter III Part H.

C. Alternatives Not Considered in Detail

Issue and Statement of Explanation: The Environmental Assessment failed to address why the alternative that I proposed in comments was not considered in detail. This proposed alternative avoided managing for timber production in established Semi-Primitive Motorized ROS settings. This proposed alternative would have protected a desired condition for the Semi-Primitive Motorized ROS setting: “Vegetation management may be present, but does not dominate the landscape or detract from the experience of visitors traveling throughout the semi-primitive motorized setting” (FW-DC-ROS-07). Providing for the nature and purposes of the CDNST normally includes providing for Primitive or Semi-Primitive Non-Motorized ROS settings (ROS classes as described in the 1986 ROS Book) and Scenic Character that is Naturally Evolving or Natural-Appearing with a Scenic Integrity Objective of Very High or High. Each action alternative must provide for the nature and purposes of this National Scenic Trail, including protecting the National Trail resources, qualities, values, and associated settings.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation or policy: 40 CFR §§ 1502.14, 1503.4(a).

Connection with Comments: Draft EA comments at 8.

D. Affected Environment

Environmental Assessment: The Environmental Assessment on page 20 has a narrow discussion of the recreation resource stating, *“The project area is part of the Greater Yellowstone Area, and adjacent to Yellowstone National Park. The project area is a winter snowmobiling destination and part of the Hebgen Winter Recreation Emphasis Area; it includes the Two Top Loop Snowmobile National Recreation Trail. The project area also receives heavy summer recreation use, primarily motorized, but also including equestrians, hikers, and bikers. A portion of the Continental Divide National Scenic Trail runs near the south and west edge of the project area.”*

Issue and Statement of Explanation: The affected environment consists of the environment of the area(s) to be affected or created by the alternatives under consideration. Put another way, the affected environment describes the existing condition of the resources that could be impacted by implementing any of the alternatives. The affected environment should discuss resource condition 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 serves as the baseline for predicting changes to the human environment that could occur if any of the alternatives under consideration, including the no-action alternative, are implemented. 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.

The affected environment section must describe the degree to which National Scenic Trail resources, qualities, and values are being protected, including the protection of desired cultural landscapes, recreation settings, scenic integrity, and providing for conservation purposes along the existing National Scenic Trail travel route. Furthermore, the quality or condition of the ecological characteristics of the National Scenic Trail management corridor should be described.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation or policy: 40 CFR §§ 1502.15, 1503.4(a).

Connection with Comments: Draft EA comments at 2 and 3.

E. Environmental Consequences of Vegetation Treatments

Environmental Assessment: The Environmental Assessment on page 10 states, *“The Forest estimates that it will take up to 15 years to fully implement all the actions associated with this*

project including revegetation, restoration, and non-mechanized treatments. The proposed actions will be implemented through a variety of means, such as Forest Service or partner crews, service contracts, and timber sale and stewardship contracts.”

Issue and Statement of Explanation: The effects of the proposed actions are not short-term. The effects of the proposed actions on the nature and purposes of the CDNST and more primitive ROS classes would likely last between 15 and 100+ years. Environmental consequences should have described that the proposed action would have lasting negative effects on semi-primitive ROS settings converting some areas to Roaded Natural (subclass Roaded Modified) ROS class conditions.

Proposed actions in Semi-Primitive ROS settings include an increase in mechanical treatment of vegetation and additional roads. Vegetation management activities such as harvesting within and adjacent to a Semi-Primitive ROS setting and associated road construction will increase the sights and sounds of logging equipment such as chainsaws and skidders. Scenic character will be degraded through the planning period.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation or policy: 40 CFR §§ 1502.14, 1502.15, 1502.16, and 1502.23.

Connection with Comments: Draft EA comments at 2; CDNST Planning Handbook Chapter III Part H and Chapter IV Part G.

F. Recreation Effects Analysis

Environmental Assessment: The Environmental Assessment beginning on page 46 states, *“Vegetation management activities could temporarily affect summer recreationists, including travelers on the Continental Divide National Scenic Trail, while activities are ongoing because they may experience the sights and sounds of vegetation management, and may choose to avoid areas where activities are ongoing. Project activities will be spread out in time and space, so unaffected portions of the project area will be available while treatments are ongoing. Recreationists will be able to adjust their use to unaffected portions of the project area, and to the abundant recreation opportunities elsewhere in the Hebgen basin. The entire project area is part of the Hebgen Winter Recreation Emphasis Area. Seasonal operating restrictions (Design Feature 72) were incorporated to ensure that project activities will not affect winter recreation. Design features also include specific consideration for the Continental Divide Trail, the Yellowstone Shortline Trail, and the Rendezvous Ski Area. Recreation design features will limit the project’s potential effects on recreation resources in and adjacent to the project area in both summer and winter.*

Because the effect of vegetation management on recreation resources will be limited in both time and space to the area where activities are ongoing (a relatively small portion of the project

area at any one time), and because design features limit potential effects, in the context of the project area, effects will be temporary and relatively minor. The proposed route changes are consistent with Plan recreation opportunity spectrum designations, and will not result in a net reduction in road miles available to the public. Therefore, route changes will not result in a significant change in recreation opportunities for the public. The project will be consistent with Land Management Plan direction and other applicable laws and policies...

The effects of the proposed project on recreation resources were qualitatively assessed through professional judgement within the spatial boundary of the proposed South Plateau project area, and within the temporal boundary of the period of project implementation plus twenty years because after this time evidence of timber harvest will be less noticeable to the casual observer and apparent naturalness will be restored...

The proposed project has the potential to negatively affect recreation resources. Vegetation management may result in visitors experiencing the sights and sounds of management and increased traffic with heavy equipment and logging trucks. As a result, recreationists may avoid the portions of the project area while activities are ongoing. This effect will be minimal and temporary because design features require notifying the public and permit holders when vegetation treatments are ongoing, unaffected areas will be available in the project area while management is ongoing, and equivalent recreation opportunities are available in the surrounding area. Recreationists will be able to shift use to other areas for the short time that they may be displaced...

Vegetation management is expected to have a temporary negative affect on travelers on the Continental Divide Trail while treatments are occurring within the trail corridor because travelers are likely to experience the sights and sounds of management. The sounds of management will only last while treatment is ongoing. The sights of management may last for the period of project implementation plus five years per scenery design features. Up to about 1,200 acres of vegetation management is proposed in the trail corridor; the actual number of acres is expected to be lower after design features and sideboards are applied. Management in the corridor is consistent with Plan direction because it will be for the purpose of fuels reduction, wildlife enhancement or forest resilience. Design features specific to the Continental Divide Trail (both for recreation and scenery) were developed to minimize potential effects to travelers on the trail. Design features will also minimize impacts to trail infrastructure.

Vegetation management is expected to be consistent with Plan recreation opportunity spectrum designation, particularly due to incorporating seasonal operating restrictions. Preventing winter harvest protects important winter recreation opportunities (snowmobiling and skiing) by protecting snowpack and groomed trails from winter project traffic. Vegetation management will not create any permanent changes to recreation opportunities in the project area...."

Issue and Statement of Explanation: The Recreation Opportunity Spectrum provides a framework for stratifying and defining classes of outdoor recreation environments, activities, and experience opportunities. Recreation settings include the social, managerial, and physical attributes of a place that, when combined, provide a distinct set of recreation opportunities.

It is Forest Service policy that the recreation opportunity spectrum is to be used to define recreation settings. The 1982 ROS User Guide, 1986 ROS Book, and FSM 2310 (WO Amendment 2300-90-1) were the recreation resource technical basis for the planning rule and planning directives. To be consistent with the planning rule and recreation policy and research the Forest Service must define and apply ROS principles that are consistent with the ROS planning framework which is the best available scientific recreation planning information and which reflects the scientific accuracy requirements of the CEQ regulations. Most important is including ROS physical setting indicators when describing Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized ROS setting desired conditions and establishing standards and guidelines that prevent these primitive settings from being degraded.

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 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... The ROS 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...*

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

generally means they must be quite small with natural appearing forest floor, edge, shape, and disbursement.”

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 CDNST Comprehensive Plan directs that the Forest Service use the ROS framework to provide for recreation opportunities that support the CDNST nature and purposes. 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 are to be protected. Since its inception, the recreation opportunity setting 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.

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.”

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

The 2009 CDNST Comprehensive Plan requires the use of the Recreation Opportunity Spectrum to provide for the nature and purposes of this National Scenic Trail. The CDNST direction was to be implemented as part of this project. The final amendments and directives are to be applied through land management planning and project decisions following requisite environmental analysis” (74 FR 51124).

Describing the impacts as being short-term is misleading, since the impacts will last for at least the duration of a NFMA planning period. The EA states, *“The effects of the proposed project on recreation resources were qualitatively assessed ... within the temporal boundary of the period of project implementation plus twenty years because after this time evidence of timber harvest will be less noticeable to the casual observer and apparent naturalness will be restored.”* The proposed road building and regeneration harvests will result in a Roaded Natural (subclass Roaded Modified) ROS setting, which is inconsistent with the established Semi-Primitive Motorized ROS setting that is found in much of the project area. Implementation of the proposed action would be inconsistent with established Semi-Primitive Motorized ROS setting characteristics.

In summary, the South Plateau Area Landscape Treatment project design criteria do not address protecting desired ROS class conditions as described in the Environmental Assessment and as proposed in the revised plan. In addition, the Environmental Assessment fails to use the ROS framework to provide for the protection of the nature and purposes of the CDNST. The preponderance of the vegetation within the project area is within the Natural Range of Variation which is consistent with the desired natural settings that are expected within Primitive and Semi-Primitive ROS settings. These settings should be managed to maintain their natural involving conditions.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation or policy: 40 CFR §§ 1502.16, 1502.23.

Connection with Comments: Draft EA comments at 2. CDNST Planning Handbook Chapter III Part E and Chapter IV Part G.

G. Scenery - Visual Resources Effects Analysis

Environmental Assessment: The Environmental Assessment beginning on page 48 states, *“The proposed project was designed (Appendix B Scenery Section) to comply with the Land Management Plan because assigned scenic integrity objectives will be achieved within five years after completion of all project activities, as viewed from applicable critical viewing platforms (FW-GDL-SCENERY 04). Scenic integrity objectives apply to the results of project work, including operational remnants, such as temporary roads or landings, stumps, tree markings, and unit edges or shapes, but do not apply to remnants of prescribed fire because prescribed fire will appear to be a natural occurrence when viewed by the casual observer. Due to design features, the effects of the proposed project are consistent with Land Management Plan scenic integrity objectives, and scenic integrity objectives serve as thresholds of scenic integrity for management actions (U.S. Department of Agriculture 2022a). Therefore, no significant effects to scenery resulting from this project or cumulatively with other activities will occur...”*

The project area contains about thirteen miles of the Continental Divide National Scenic Trail. The CDNST corridor is assigned a scenic integrity objective of high in the trail's visual foreground (0 to ½ mile) as shown in Figure 12. While work is ongoing, some elements of the proposed project actions will be visible to people on the trail. Elements may include cut stumps, slash piles, skid trails or temporary roads. Not all work in the foreground will be discernible to trail users due to blocking terrain or vegetation. Due to the project's scenery design features, after five years of completion of all project activities, visual elements will not be discernible within the visual foreground by the average CDNST traveler and will therefore be consistent with the high scenic integrity objective.

After five years of completion of all project-related activities, travelers along the CDNST may recognize activities associated with the project in areas beyond the visual foreground (more distant than ½ mile). These areas are assigned integrity objectives of moderate and low; visual evidence of project activities will be consistent with moderate and low objectives."

Issue and Statement of Explanation: Road construction and mechanical vegetation treatments spaced across this landscape and implemented over a 10 to 15-year timeframe are not needed for the purpose of maintaining the desired scenic character and scenic integrity objectives in areas being managed for Semi-Primitive Non-Motorized and Semi-Primitive Motorized ROS settings.

The desired scenic character condition for the CDNST corridor is natural evolving and natural-appearing landscapes with a scenic integrity objective of Very High or High. Currently, along the CDNST corridor where timber harvest and road construction has been avoided, scenic character is generally consistent with CDNST desired conditions.

The Comprehensive Plan on page 13 states, "*The Forest Service will apply the Landscape Aesthetics – Scenery Management System to address visual resource management on National Forest System lands*" (Forest Service Manual 2380; Landscape Aesthetics: A Handbook for Scenery Management, Agricultural Handbook 701, 1995)... The CDNST is a concern level 1 travel route, and the scenic integrity objective is to be high or very high depending on the CDNST segment. The inventory will be performed as if the trail exists even in sections where it is proposed for construction or reconstruction.

FSM 2353.44b part 7 states, "*Use the Scenery Management System (FSM 2382.1; Landscape Aesthetics: A Handbook for Scenery Management, Agricultural Handbook 701, 1995, in developing CDNST unit plans and managing scenery along the CDNST. The one-half mile foreground viewed from either side of the CDNST travel route must be a primary consideration in delineating the boundary of a CDNST management area (para. 2b). The CDNST is a concern level 1 route (Landscape Aesthetics, page 4-8), with a scenic integrity objective of high or very high, depending on the trail segment.*"

The proposed mechanical vegetation treatments and associated roads within the CDNST corridor are not necessary to provide for the nature and purposes of the CDNST. Where past vegetation management and road development have impinged on the CDNST corridor, efforts should be made to restore Semi-Primitive Non-Motorized ROS class conditions.

The project fails to provide for natural-appearing scenic character and a scenic integrity objective of high. Implementation of the timber management direction will continue to modify valued landscapes from an existing high scenic integrity level resulting in a low scenic integrity level from road construction and timber harvest programs.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation or policy: 16 U.S.C. § 1246(c), E.O. 13195, CDNST Comprehensive Plan, FSM 2353.44b, 40 CFR §§ 1502.16, 1502.23.

Connection with Comments: Draft EA comments at 4. CDNST Planning Handbook Chapter III Part E and Chapter IV Part G.

H. Continental Divide National Scenic Trail Analysis

Environmental Assessment: The Environmental Assessment does not address the Continental Divide National Scenic Trail resources, qualities, and values.

Issue and Statement of Explanation: The South Plateau Area Landscape Treatment Environmental Assessment fails to describe the CDNST affected environment and environmental consequences. The 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 CDNST qualities and values are being protected, including the protection of desired cultural landscapes, recreation settings, scenic integrity, and providing for conservation purposes along the existing CDNST travel route and high-potential route segments (16 U.S.C. § 1244(f)(3)). In addition, the status of the rights-of-way is to be described (16 U.S.C. § 1246(a)(2)). Furthermore, the quality or condition of the ecological characteristics of the National Scenic Trail management corridor should be described.

The CDNST discussion primarily considers the effects on pedestrian and equestrian activities along the CDNST route, while failing to address protecting CDNST desired ROS class conditions within the CDNST corridor and protecting scenic quality during the planning period. Avoidance of actions that may degrade the CDNST is one strategy that has been used to protect the CDNST nature and purposes resources, qualities, and values until such time that a Forest Plan is amended or revised.

Utilizing ROS and Scenery Management Systems will help ensure that NEPA assessments are systematic and accurately describe the affected environment and expected outcomes from each alternative. The level of precision or certainty of the effects can be guided by the CEQ

regulations regarding the use of “*methodology and scientific accuracy*” (40 CFR § 1502.23) and the information needed to support a reasoned choice among alternatives. In addition, substantial interference analyses and determinations need to be rigorous and be addressed as part of the cumulative impact and effects analyses and disclosure.

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

The National Trails System Act states, “*National Scenic Trails, established as provided in section 5 of this Act, which will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass (16 U.S.C. § 1242(a)(2), and that comprehensive planning will describe specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved... (16 U.S.C. § 1244(f)).*” The nature and purposes policy for the CDNST is: “*The nature and purposes of the CDNST are to provide for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the CDNST corridor*” (2009 CDNST Comprehensive Plan, FSM 2353.42, and 74 FR 51116—Notice of final amendments to comprehensive plan and final directives). The final amended CDNST Comprehensive Plan programmatic direction was published in a Federal Register Notice and took effect on November 4, 2009¹.

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

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

Much of the Custer-Gallatin plan direction is either inconsistent with or departs from the CDNST Comprehensive Plan and FSM policy without providing a reasoned basis or a detailed justification for ignoring these previous findings and direction. Concerns with the revised Forest Plan and FEIS are addressed in an objection to the draft decision (**Attachment C**). The Custer-Gallatin plan CDNST plan components do not protect the resources, qualities, and values of this National Scenic Trail. The Gallatin plan and this Environmental Assessment do not address the National Trails System Act and CDNST Comprehensive Plan requirements to: (1) provide for high-quality scenic, primitive hiking and horseback riding opportunities that reflect ROS planning framework conventions, and (2) conserve scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.

Management direction for Semi-Primitive Motorized and Roded Natural ROS classes allow uses that would substantially interfere with the nature and purposes of the CDNST if the allocation desired conditions are realized. Where the allowed non-motorized activities reflect the purposes for which the National Trail was established, 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 of a National Scenic Trail.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation or policy: USDA DR 1074-001, 16 U.S.C. § 1246(c), E.O. 13195, CDNST Comprehensive Plan, FSM 2353.44b.

Connection with Comments: Draft EA comments at 6. CDNST Planning Handbook Chapter II Part G; Chapter III Parts B, D, I, and P; Chapter IV Parts E and F.

I. Response to Public Comments

Environmental Assessment: I reviewed many of the responses to comments in the EA, including those found on pages 93 through 96. Many of the responses characterize my comments as “opinions.” An opinion is a view or judgment formed about something, not necessarily based on fact or knowledge. Actually, my comments are based on expert knowledge of the subject matter and meet the scientific accuracy requirements of the CEQ regulations.

Issue and Statement of Explanation: The analysis primarily considers the effects on pedestrian and equestrian activities along the CDNST route, while failing to address protecting CDNST desired ROS class conditions within the CDNST corridor and protecting scenic quality during the planning period.

The Forest Service response to my comments do not demonstrate scientific integrity, of the discussions and analyses in environmental documents. The responses should have identified methodologies used and referenced to the scientific and other sources relied upon for conclusions in the response statements. (40 CFR 1502.23)

Response conclusions that the project is consistent with Semi-Primitive Motorized ROS setting and that the proposed actions would not substantially interfere with the nature and purposes of the CDNST are based on flawed analyses. The following describe some of the concerns that I have with the responses.

- A response describes that the project would not preclude any future changes to the ROS settings. Restoration of an area that exhibits evidence of extensive forest management activities that are dominant on the landscape, including having high road densities, heavily logged areas, or other similar uses and activities would take decades to restore to a desired Semi-Primitive ROS setting. In any case, the concern is about desired conditions for this planning period and not for some potential future condition.
- A response describes that the project was not found to substantially interfere with the nature and purposes of the CDNST. As reviewed in comments, the Forest Plan and project design features to not protect the CDNST from developments that degrade the desired ROS natural setting. Scenic character protections are waived throughout the planning period for this project and obsolete landscape mitigation practices are being limited to on 300 feet from the CDNST path does not protect the scenic integrity along the CDNST.
- A response describes that the project would not interfere with the nature and purposes of the Continental Divide National Scenic Trail because ... proposed treatments are intended to benefit the natural resources in the trail (sic) corridor. The EA does not describe how the planned treatments would benefit the conservation and preservation purposes of this National Scenic Trail along existing and high potential route segments.
- A response describes that no "Roaded Modified ROS" designation exists in the Land Management Plan. This statement is true, which highlights one of the significant concerns with the Forest Plan direction. Forest management areas that exhibit evidence of extensive forest management activities that are dominant on the landscape, including having high road densities, heavily logged areas, or other similar uses should not be found in established Semi-Primitive ROS settings. Extensive forest management activities would be inconsistent with Semi-Primitive Motorized ROS settings where vegetation management may be present, but does not dominate the landscape or detract from the experience of visitors traveling throughout the semiprimitive motorized setting (FW-DC-ROS- 07).
- A response describes that the project would not interfere with the nature and purposes of the Continental Divide National Scenic Trail because scenery would not be significantly affected, hiking and horseback riding would continue to be available on the trail throughout the life of the project and because proposed treatments are intended to benefit the natural resources in the trail (sic) corridor. As such, additional alternative development is unnecessary. As described in comments, this narrow vision of the nature

and purposes of a National Scenic Trail is inconsistent with the National Trails System Act, E.O. 13195, and Forest Service policy.

The proposed road construction and regeneration harvests is inconsistent with Semi-Primitive Motorized ROS characteristics as defined in the 1986 ROS Book. The result of the proposed activities is that much of the project area with an established Semi-Primitive Motorized ROS setting will be modified resulting in a Roaded Natural (subclass Roaded Modified) ROS class condition after the implementation of the proposed action. The Scenery Management System (The Landscape Aesthetics Handbook. Landscape Aesthetics - A Handbook for Scenery Management, Agricultural Handbook Number 701) modified the direction in Agricultural Handbook 559 where natural events were no longer considered natural ecological catastrophes if the event resulted in vegetation conditions and a disturbance extent that were within the natural range of vegetation variability.

The Environmental Assessment fails to address comments regarding the implementation of the CDNST Comprehensive Plan and FSM 2353 policy direction. The amended Comprehensive Plan was approved by Chief Thomas Tidwell. An outcome of the amended Comprehensive Plan was the description of the nature and purposes of this National Scenic Trail: *“Administer the CDNST consistent with the nature and purposes for which this National Scenic Trail was established. The CDNST was established by an Act of Congress on November 10, 1978 (16 USC 1244(a)). The nature and purposes of the CDNST are to provide for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the CDNST corridor.”* The Environmental Assessment does not identify and address the conservation and preservation purposes of a National Scenic Trail.

Providing for the nature and purposes of the CDNST normally includes providing for Primitive or Semi-Primitive Non-Motorized ROS settings (ROS classes as described in the 1986 ROS Book) and Scenic Character that is Naturally Evolving or Natural-Appearing with a Scenic Integrity Objective of Very High or High. The proposed action must provide for the nature and purposes of this National Scenic Trail, including protecting the National Trail resources, qualities, values, and associated settings.

The described treatments design features and sideboards do not protect CDNST nature and purposes qualities and values. Implementation of the proposed action would substantially interfere with the nature and purposes of the CDNST which is not allowed by the National Trails System Act.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

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

Connection with Comments: New information.

Section II. Statement of Issues – Draft Decision Notice

The following are statements of the issues and/or the parts of the project to which the objection applies and concise statements explaining the specific issues; violations of law, regulations and policy; and suggested remedies.

A. National Environmental Policy Act

Draft Decision Notice: The DDN on page 4 states, “*have decided to implement the proposed action because the project would meet the need for action and would not result in significant effects to the human environment (as documented in the Finding of No Significant Impact below).*”

To balance the costs and benefits of the project my decision authorizes, I looked to the Custer Gallatin National Forest Land Management Plan. The purpose of the Land Management Plan is to provide for social, economic, and ecological sustainability and multiple uses of the Custer Gallatin National Forest lands and resources, and sets the overall context for informed decision making by evaluating and integrating social, economic, and ecological considerations relevant to management of the national forest. I found this project to be consistent with the Land Management Plan.”

Issue and Statement of Explanation: The recreation analysis primarily considers the effects on pedestrian and equestrian activities along the CDNST route, while failing to address protecting CDNST desired ROS class conditions within the CDNST corridor and protecting scenic quality during the planning period.

NEPA requires that the responsible official make a reasoned decision, which must be dependent on clear methodologies and scientific information. To informed decision-making and informed public participation, the management direction must follow accepted methodology and scientific processes, use common definitions, and use plain writing to establish and present the Plan direction. The CDNST plan components presented in the Plan and referred to in the Environmental Assessment do not meet these NEPA standards.

Specific to CEQ NEPA requirements, the decision could not attest to meeting the requirements of 40 CFR 1502.23 Methodology and Scientific Accuracy (2020). The NEPA document did not contain sufficient information to foster informed decision-making and informed public participation.

Proposed Solution to Improve the Decision: See Section IV of this objection.

Violation of Law, Regulation or Policy: USDA DR 1074-001, 16 U.S.C. § 1612(a); 36 U.S.C. § 216, 40 CFR §§ 1502.14, 1502.23; FSM 2310 (WO Amendment 2300-90-1); FSM 2380; Planning Rule PEIS.

Connection with Comments: New information.

B. Alternatives Considered

Draft Decision Notice: The DDN on page 9 states, *“The proposed action was designed to meet the need for action. I considered alternative development, and found no unresolved resource conflicts concerning alternative uses of available resources. By planning and implementing management actions using the Treatment Matrix, Design Features, Resource Review Checklists, and Monitoring Plan (Final EA, Appendices A-D), the extent of project actions and associated effects will be appropriately limited such that the need for action will be met while no effects thresholds are crossed. Resource Review Checklists and Monitoring ensure that we can continually verify our assumptions and prescribe any additional mitigations as necessary to accommodate changing conditions in the project area.”*

Issue and Statement of Explanation: There are unresolved conflicts. The Environmental Assessment and DDN did not address a proposed alternative that protects the CDNST corridor from the effects of timber harvest and road construction. A CDNST corridor avoidance area alternative presented in scoping comments should have been rigorously explored and objectively evaluated, since this is a reasonable approach to protecting the nature and purposes of the CDNST.

The Forest Service should avoid any vegetation management actions that require temporary or permanent roads in the:

- Semi-Primitive Motorized ROS settings;
- CDNST management corridor; and
- CDNST high potential route segment corridor between Reas Pass and Yellowstone National Park/Targhee National Forest.

These areas to be avoided for vegetation management actions that require temporary or permanent roads are shown on the map in **Appendix A**.

The Forest Service did not consider a proposed reasonable alternative in the Environmental Assessment. The presented alternative had the potential to reduce the adverse effects on the Continental Divide National Scenic Trail and protect the purposes for which this National Scenic Trail was established. The presented alternative would have prevented Semi-Primitive ROS settings from undesirable effects.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation or policy: 40 CFR § 1502.14.

Connection with Comments: New information.

C. Continental Divide National Scenic Trail Findings

Draft Decision Notice: The Draft DN does not review the National Trails System Act or E.O. 13195—Trails for America in the 21st Century.

Issue and Statement of Explanation: The National Trails System Act of 1968, as amended, provides that the CDNST, *“shall be administered” “by the Secretary of Agriculture”* to be so located to *“provide for maximum outdoor recreation potential and for the conservation and enjoyment”* of *“nationally significant scenic, historic, natural, or cultural qualities.”*

The National Trails System Act establishes National Scenic Trails (16 U. S. C. § 1244(a)), including the CDNST (16 U. S. C. § 1244(a)(5)). It empowers and requires the Secretary of Agriculture to establish the CDNST location and width by selecting the National Scenic Trail “rights-of-way” (16 U.S.C. §§ 1246(a)(2), 1246(d), 1246(e)).

The NTSA establishment and designation of the CDNST provides for the Secretary of Agriculture to manage the CDNST under existing agencies authorities, but subject to the overriding direction of providing for the nature and purposes of this National Scenic Trail. The Forest Service discretion to implement the general provisions of the Multiple Use and Sustained Yield Act is curtailed by provisions of the National Trails System Act within a selected CDNST right-of-way. The NTSA and E.O. 13195 limits the management discretion the agency would otherwise have by mandating the delineation and protection of the CDNST corridor.

The Decision Notice 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 DN decision is not based on a reasonably thorough discussion of...significant aspects of the probable environmental consequences on CDNST nature and purposes.

The amended Comprehensive Plan establishes other important direction for the management of the CDNST including:

- The right-of-way for the CDNST is to be of sufficient width to protect natural, scenic, cultural, and historic features along the CDNST travel route and to provide needed public use facilities.
- Land and resource management plans are to provide for the protection, development, and management of the CDNST as an integrated part of the overall land and resource management direction for the land area through which the trail passes.
- The CDNST is a concern level 1 travel route with a scenic integrity objective of high or very high.

- Manage the CDNST to provide high-quality scenic, primitive hiking and pack and stock opportunities. Use the Recreation Opportunity Spectrum (ROS) in delineating and integrating recreation opportunities in managing the CDNST.²

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

The final amendments to the CDNST Comprehensive Plan and corresponding directives ... will be applied through land management planning and project decisions following requisite environmental analysis (74 FR 51124).

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation or policy: The proposed action is inconsistent with the National Trails System Act as implemented through the 2009 CDNST Comprehensive Plan and FSM 2353 policy.

Connection with Comments: New information.

Section III. Finding of No Significant Impact

Finding of No Significant Impact: The DDN beginning on page 13 states, *“I have determined that there will be no significant impact to the human environment. My finding is based on my consideration of the potentially affected environment and the degree of effects as identified in 40 CFR 1501.3(b). I took a hard look at the environmental effects of the proposed action through careful review of the Final Environmental Assessment (EA), resource specific specialists reports, and the project record. The analysis of effects considered both direct and indirect effects, and their potential to interact cumulatively with the effects of past, present, and reasonably foreseeable future actions. The beneficial effects of the action do not bias my finding of no significant environmental effects.”*

Issue and Statement of Explanation: The Draft Decision Notice mistakenly states, *“No significant cumulative impacts are expected for any resource... The actions in the Selected Alternative are consistent with all applicable Federal, state, or local laws or requirements imposed for the protection of the environment.”* This statement is not factual.

The Environmental Assessment fails to act on addressing the requirements of the National Trails System Act to approve only actions that protect the nature and purposes of the CDNST.

² Primitive and Semi-Primitive Non-Motorized ROS settings provide for the nature and purposes of the CDNST.

The Environmental Assessment fails to protect Semi-Primitive ROS settings from developments and activities, which will result in a Roaded Natural (subclass Roaded Modified) ROS setting condition for at least 15 years. Both the Semi-Primitive Motorized and Semi-Primitive Non-Motorized classes are characterized by predominately natural or natural-appearing landscapes. The size of these areas gives a strong feeling of remoteness from the more heavily used and developed areas. The Roaded Natural Class occurs where human modification is locally dominant or codominant with a natural-appearing landscape. Approval of the Environmental Assessment would result in conditions that would be inconsistent with Semi-Primitive ROS settings indicators as described in the 1986 ROS Book and the Forest Plan.

The cumulative effects of past development actions along the 3,000-mile CDNST corridor have degraded CDNST qualities and values, which is due in part to the lack of acceptance of development restrictions associated with protecting the nature and purposes of the CDNST.

Custer-Gallatin plan components and South Plateau Area Landscape Treatment design criteria do not protect the nature and purposes of the CDNST and do not protect Semi-Primitive ROS settings. The direct, indirect, and cumulative impacts of the described actions, which are depicted on a map in **Appendix B**, are significant and should be associated with an Environmental Impact Statement. Most important, the proposed actions would substantially interfere with the nature and purposes of the CDNST which is not allowed by the National Trails System Act.

Suggested Remedies that would Resolve the Objection: See Section IV of this objection.

Violation of law, regulation or policy: 40 CFR §§ 1501.3, 1502.1, and 1502.3.

Connection with Comments: New Information.

Section IV. Suggested Remedies that would Resolve the Objection

For the purpose of resolving this objection, the agency should only approve proposed actions that are located in the Roaded Natural ROS setting as established in the Forest Plan. Specifically, the Forest Service should avoid any vegetation management actions that require temporary or permanent roads in the:

- Semi-Primitive Motorized ROS settings as depicted in **Appendix A**;
- CDNST management corridor as depicted in **Appendix A**;
- CDNST high potential route segment corridor between Reas Pass and Yellowstone National Park/Targhee National Forest as depicted in **Appendix A**; and
- Approve only those actions that are analyzed through site-specific analyzes. The final NEPA document must contain sufficient site-specific information to foster informed

decision-making and informed public participation, including addressing direct, indirect, and cumulative effects.

A more comprehensive approach for addressing unresolved issues for this project would be to not issue the South Plateau Area Landscape Treatment Project Decision Notice and then abandon the proposed Condition Based Management programmatic approach to project-level decision-making. Following these actions, the Forest Plan would be amended to improve the CDNST corridor management direction. In addition, recreation settings plan components would be established that better protect Semi-Primitive Non-Motorized ROS setting characteristics.

The following recommendations are consistent with those made through the objection process to improve the Custer-Gallatin proposed revised Forest Plan.

Continental Divide National Scenic Trail

Avoid vegetation treatments that require heavy equipment and permanent or temporary road construction or reconstruction within the CDNST corridor until such time that the plan is amended to include plan components that provide for the appropriate protection of the nature and purposes of the CDNST.

The Forest Plan should be amended or revised to identify and map the probable location of the rights-of-way (NTSA, Section 7(a)(2)) and delineate a corridor that protects the resource values for which this National Scenic Trail was designated. The Responsible Official shall include plan components that provide for the nature and purposes of national scenic trails in the plan area (FSH 1909.12 Part 24.43). For the purpose of providing for the nature and purposes of the CDNST, resolving this objection, and addressing key proposed Forest Plan deficiencies, the Forest Service should take the following actions:

- Establish and display on a Forest Plan map a CDNST Management Area³ (aka National Trail Management Corridor) that is discernable with an extent of at least one-half mile on both sides of the CDNST travel route where overlaid on the Custer-Gallatin National Forest.
- Modify the CDNST management corridor direction by adding the following plan components:
 1. Desired Condition: The CDNST provides for high-quality scenic, primitive hiking and horseback riding opportunities and conserves natural, historic, and cultural resources along the corridor (nature and purposes).⁴
 2. Desired Condition: Primitive or Semi-Primitive Non-Motorized ROS settings⁵ are protected or restored. (Addressing ROS class inconsistencies is reviewed in the CDNST Planning Handbook.)

³ FSM 2353.44b(1) – 74 FR 51125

⁴ 16 U.S.C. §§ 1242(a)(2), 1244(f), 1246(c); CDNST Comprehensive Plan Chapter IV.A.; FSM 2353.42 – 74 FR 51124

⁵ CDNST Comprehensive Plan Chapter IV.B.5 and FSM 2353.44b – 74 FR 51125; ROS User Guide; ROS Book

3. Desired Condition: Scenic Character is Naturally Evolving or Natural-Appearing. Scenic Integrity Objective is Very High or High.⁶
4. Desired Condition: The CDNST corridor contributes to providing for habitat connectivity for significant and wide-ranging wildlife species.
5. Standard: Resource management actions and allowed uses must be compatible with maintaining or restoring Primitive or Semi-Primitive Non-Motorized ROS class settings.
6. Guideline: To provide for high-quality scenic, primitive hiking and horseback riding opportunities, bicycles may only be allowed on the CDNST travel route if the use is consistent with the applicable CDNST unit plan⁷ and the use will not substantially interfere with the nature and purposes of the CDNST.⁸
7. Standard: Motor vehicle use by the general public is prohibited by the National Trails System Act unless that use is consistent with the applicable CDNST unit plan and:
 - a. Is necessary to meet emergencies;
 - b. Is necessary to enable adjacent landowners or those with valid outstanding rights to have reasonable access to their lands or rights;
 - c. Is for the purpose of allowing private landowners who have agreed to include their lands in the CDNST by cooperative agreement to use or cross those lands or adjacent lands from time to time in accordance with Forest Service regulations; or
 - d. Is on a motor vehicle route that crosses the CDNST, if that use will not substantially interfere with the nature and purposes of the CDNST;
 - e. Is designated in accordance with 36 CFR Part 212 Subpart B and:
 - i. The vehicle class and width were allowed on that segment of the CDNST prior to November 10, 1978, and the use will not substantially interfere with the nature and purposes of the CDNST or
 - ii. That segment of the CDNST was constructed as a road prior to November 10, 1978; or
 - f. In the case of over-snow vehicles, is allowed in accordance with 36 CFR Part 212, Subpart C and the use will not substantially interfere with the nature and purposes of the CDNST.⁹
8. Standard: To protect the values for which the CDNST was designated, a federal action that could conflict with the nature and purposes of the CDNST may only be allowed where there is a reasoned decision that the action would not substantially interfere with the CDNST nature and purposes.
9. Suitability: The CDNST management corridor is not suitable for timber production. Timber harvest is not an objective.¹⁰
10. CDNST Comprehensive Planning: For the purpose of addressing the National Trail System Act comprehensive planning requirements, a CDNST unit plan should be completed within three years.

⁶ CDNST Comprehensive Plan Chapter IV.B.4 and FSM 2353.44b – 74 FR 51124; Landscape Aesthetics Handbook

⁷ FSM 2353.44b(2) – 74 FR 51125

⁸ CDNST Comprehensive Plan Chapter IV.B.5 and FSM 2353.44b – 74 FR 51125

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

¹⁰ 16 U.S.C. §§ 1242(a)(2), 1246(c) – 74 FR 51125

Recreation Opportunity Spectrum

Avoid vegetation treatments that require heavy equipment and permanent or temporary road construction or reconstruction within established Semi-Primitive Motorized ROS settings unless the following desired condition is not degraded: *“Vegetation management may be present, but does not dominate the landscape or detract from the experience of visitors traveling throughout the semi-primitive motorized setting”* (FW-DC-ROS-07).”

The following ROS class definitions are consistent with the 1986 ROS Book and reflect assumptions used in the development of the planning rule.

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 outdoor skill in an environment that offers a high degree of challenge and risk.
Evidence of Humans: Natural setting may have subtle modifications that would be noticed but not draw the attention of an observer wandering through the area. The area provides opportunities for exploration, challenge, and self-reliance. The area may contribute to wildlife connectivity corridors. Closed roads may be present, but are managed to not dominate the landscape or detract from the naturalness of the area. Rustic structures such as signs and footbridges are occasionally present to direct use and/or protect the setting’s natural and cultural resources. Scenic Integrity Objective is High.
Semi-Primitive Non-Motorized ROS Class Standards and Guidelines
Standards: (1) Motor vehicle use is not allowed unless the use is mandated by Federal law and regulation; and (2) Permanent and temporary roads may not be constructed.
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; (4) Vegetation management may range from prescribed fire to very limited and restricted timber harvest for the purpose of maintaining or restoring a natural setting; and (5) To protect resources, any existing road should be decommissioned, obliterated, and recontoured with natural slopes.
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 Conditions¹¹

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

Experience: Moderate probability of experiencing isolation from the sights and sounds of humans, independence, closeness to nature, tranquility, and self-reliance 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 moderate alterations, but would not draw the attention of motorized observers on trails and primitive roads within the area. The area provides for motorized recreation opportunities in backcountry settings. Vegetation management does not dominate the landscape or detract from the experience of visitors. Visitors challenge themselves as they explore rugged landscapes. Scenic Integrity Objective is Moderate.

Semi-Primitive Motorized ROS Class Standards and Guidelines

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; (3) Vegetation management may range from prescribed fire to limited and restricted timber harvest for the purpose of maintaining or restoring natural vegetative conditions; and (4) 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.

Semi-Primitive Motorized ROS Class Suitability of Lands

Suitability: Lands are not suitable for timber production.

¹¹ The Forest Plan states, "Vegetation management may be present, but does not dominate the landscape or detract from the experience of visitors traveling throughout the semi-primitive motorized setting" (FW-DC-ROS-07). This direction is acceptable for this ROS setting.

Roaded Natural ROS Setting

Roaded Natural ROS Class Desired Conditions
<p>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.</p>
<p>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.</p>
<p>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.</p>
<p>The Roaded Modified subclass includes areas that exhibit evidence of extensive forest management activities that are dominant on the landscape, including having high road densities, heavily logged areas, highly visible mining, oil and gas, wind energy, or other similar uses and activities. Scenic Integrity Objective is Low. (See FSH 1909.12 23.23a)</p>
Roaded Natural ROS Class Suitability of Lands
<p>Suitability: Lands may be suitable for timber production.</p>

Section V. Specialized and Expert Knowledge

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

My assessment and objection of the Draft Decision Notice and Environmental Assessment 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, 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, 1986, by George Stankey, Greg Warren, and Warren Bacon;
4. Landscape Aesthetics, A Handbook for Scenery Management, Agricultural Handbook Number 701, 1995; and
5. Other similar publications and papers.

Sincerely,

*Greg Warren*¹²

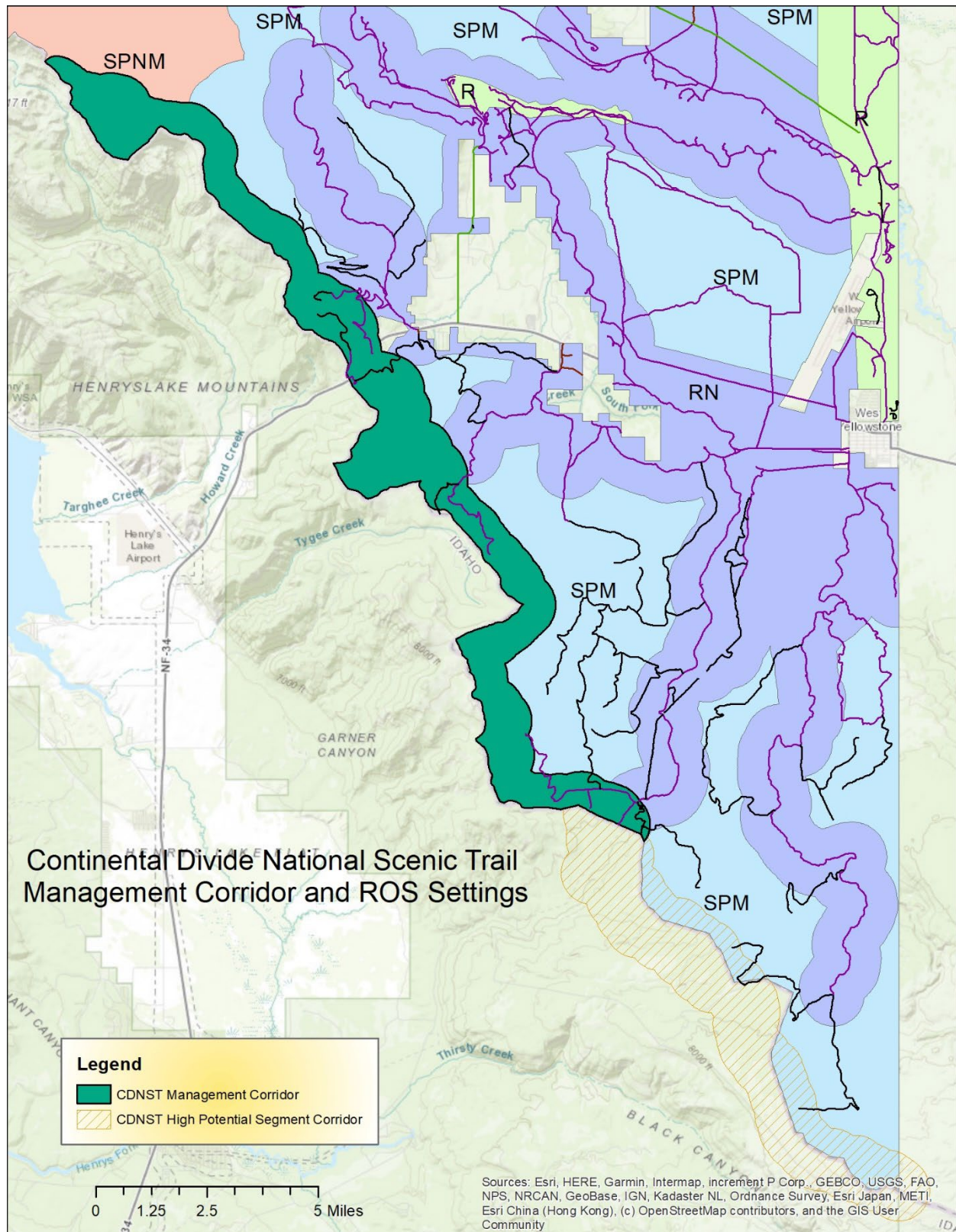
Greg Warren

Attachments

- A – Draft EA Comments Submittal
- B – CDNST Planning Handbook
- C – Forest Plan Objection
- D – CDNST Comprehensive Plan

¹² Signature or other verification of authorship will be sent upon request.

Appendix A – CDNST Management Corridor and ROS Settings



Appendix B – Timber Harvest and Fuels Reduction Treatments

