



March 25, 2024

Michiko Martin  
Regional Forester, Southwestern Region

Brian Poturalski  
AZ NST Administrator  
USDA Forest Service  
333 Broadway SE  
Albuquerque, NM 87102

Re: Appalachian Trail Conservancy Comments on Draft Arizona National Scenic Trail Comprehensive Plan

Dear Regional Forester Martin and AZNST Administrator Poturalski,

These are the comments of the Appalachian Trail Conservancy (ATC) on the Arizona National Scenic Trail (AZNST or Trail) Comprehensive Plan (Comp. Plan; the Plan) and associated planning documents. The ATC was founded in 1925 to design, build, maintain, and protect the Appalachian Trail. Work on the Appalachian Trail (A.T.) began in 1922, becoming continuous from Georgia to Maine in 1937. Seeing the need for long-term federal protection, the ATC advocated for the National Trails System (NTS) Act (NTSA or Act), which designated the Appalachian Trail as the first National Scenic Trail (NST) in 1968. Although administered by the National Park Service (NPS), the 2,194-mile Appalachian National Scenic Trail (ANST) passes through two national forests in Region 9 and six national forests in Region 8, with more of the A.T. on U.S. Forest Service (USFS)-administered lands (approximately 45%) than NPS lands (approximately 33%). Reflecting the Act's intentional sharing of responsibility—and authority—the ANST Comprehensive Plan was signed by both the Chief of the United States Forest Service (USFS or "Service") and the Director of the National Park Service (NPS) in 1981.

Comprehensive plans are not clearly defined under the National Trails System Act (NTSA or Act), and over the years, have evolved, been supplemented, and supplanted in various ways. While they have gotten more complicated over the years, the primary purpose of a comprehensive plan is to provide overall guidance for the multi-jurisdictional National Scenic and Historic Trails (NSHTs), as well as to delineate importance aspects of Trail operation, including, but not limited to, the "acquisition, development, management, and use of the [t]rail."<sup>1</sup> In the opinion of ATC, while comprehensive plans are not meant to include every possible planning and management policy or document for a given Trail, they are required to provide the administering agency (here the USDA Forest Service) and cooperating land managers (the National Park Service and states) and partners (the Arizona Trail Association, or ATA and others) with enough guidance that they have sufficient direction to manage for the nature and purposes of the Trail amongst the many (sometimes competing) mandates and requirements under law.

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<sup>1</sup> 16 U.S.C. 1244(5)(e)

Part of the origin of comprehensive plans was the realization in the ten years after the establishment of the Pacific Crest and Appalachian National Scenic Trails (NSTs), that the agencies required or insisted on more concrete direction for developing and managing these unconventional conserved lands and because the volunteer and non-governmental partners wanted to ensure that their visions—brought to and adopted by Congress—didn't find themselves subsumed by agency practices and well established ideas of how particular resources within a trail administrator's (or other's) charge should be managed. A comprehensive plan is strongest, like the U.S. Constitution, when it provides clear guidance expounding on the character of a given trail and its various partnerships, intentions for development, and perhaps most importantly, its nature and purposes, **but** does not prevent necessary flexibility or capacity for development.

The ATC believes that this draft Plan is generally a strong document. The thirty-day comment period, particularly after over a decade of delay in this process, was particularly tight. For something of this significance, the ATC would have appreciated a longer comment period to consult with our management system compatriots. Collaborative management requires time and not enough time was provided to us. Certain improvements should be made, as noted below. In addition to the comments provided in this letter, ATC incorporates the entirety of the comments provided by the Partnership for the National Trails System in letter dated March 19, 2024, with separate positions as stated in this letter controlling between the two.

### **Collaborative Management Model**

We would again like to state our appreciation for the excellent work the Service has done in expounding on the collaborative management model of the AZNST in this pre-final plan. NSHTs are intended to be collaboratively or cooperatively managed public land units, incorporating assets and areas of land protected for other purposes, and for a given NSHT itself. The complexity of NSHTs requires an openness to navigating a multi-jurisdictional landscape and thriving *because* and not *despite* this. In particular since the conception of the Appalachian and Pacific Crest National Scenic Trails, which inspired the NTSA and the entirety of the NTS, public-private partnerships are essential to the success of the NSHTs. The Service says as much in its discussion of collaborative management, which ATC supports wholly. Further, in clearly recognizing the Arizona Trail Association and its significant role on the Trail, the Service pays proper attention to the ATA in conceiving of and advancing (or “developing,” in the parlance of the NTSA) the AZNST. ATC would object to any changes in this section.

### **Nature and Purposes Statements**

The Nature and Purpose statements are among the most important portions of a comprehensive plan, as they express how the trail administrator (and any co-signing consulting administrators or cooperating agency managers) understand the will of Congress in designating a given NSHT. ATC believes the nature and purpose statement in the Plan is good and would object to any changes in this section.

### **National Trail Planning Corridor (NTPC)**

When Congress designates a NSHT, it is generally the *beginning* of the conservation process, rather than the *conclusion* of the conservation process. In establishing the NSHT with relatively broad guidelines, directing development generally no further than providing a map of landscape with a (partially or not) existing treadway to the trail administrator, Congress empowers the Secretary charged to come up with a general plan for development, management, acquisition, and use (the Plan in question here). That plan includes the intended zone of conserved area for the NSHT (the “corridor” or “trailway”) within the “landscape.” The determination of the planning corridor must be with the consent of sister agency

managers (when including land they manage) and to “minimize[e] the adverse effects upon the adjacent landowner or use and his operation” and to harmonize with established plans and usages.<sup>2</sup>

ATC recognizes the value of designating a boundary for the purposes of management and reiterates that the NTS itself does not require a narrow planning corridor; rather, it requires a planning corridor to focus the development of the NSHT in order to conserve the nature and purposes of the NSHT, consistent with its designation. This planning corridor, therefore, *must* contain the vast majority of the NSHT’s Congressionally identified values, otherwise Congress’ purpose in designating the given Trail would be defeated at the outset of the Trail’s development process. It can be *no narrower* than the foreground of visibility from the treadway, and, at its greatest extent, includes the entirety of the background of visibility from the treadway. A one-mile wide corridor, ½ a mile on either side of the treadway, is too small an area to plan within. ATC objects to this too narrow corridor and requests that no less than one mile on either side of the treadway be established as the planning corridor.

The NTSA is a big picture conservation law that organizes conservation of resources across large landscapes along a treadway. It is not *for* the treadway these resources are conserved, rather it is *from* the treadway that the recreating public will be able to appreciate the conserved natural, scenic, historic recreational, and cultural resources. The incredible versatility of the Act is a reflection of the different conditions that will be on the ground in any place, depending upon the kind of natural environment a given National Scenic Trail is seeking to conserve. It is the responsibility of the trail administrator, working collaboratively and cooperatively with the (non-governmental) partner(s), to determine the most appropriate NTMC in order to uphold the nature and purposes of the Trail and the requirements of the Act, specific to the environs in which that Trail is located. Further, the trail administrator is similarly charged to determine the most appropriate NTPC in order to provide for proper development, including potential optimal (re)location.

Furthermore, we request the Service combine the Comprehensive Plan and right-of-way processes or, at the least, identify the timeline on which that latter process will occur, as the planning corridor is fundamental to advancing the development of the Trail as required by the NTSA. It is unclear how the development of this planning corridor requires “broader consultation” than is required for this multi-jurisdictional comprehensive plan, which has had sustained input over years from cooperators and other stakeholders. A planning corridor is *not* the establishment of a legal right of the agency over lands, publicly or privately held; rather, it is a zone of focus for the development of the Trail based on the presence of its Congressionally identified values.

### **Optimal Location Review (OLR)**

The ATC believes it should be made expressly clear in this section that all roadwalks should be replaced with single tracking (i.e. dedicated treadway) and would object to this section as is, without such statement.

### **Land Acquisition and Protection**

Land acquisition and resource conservation are some of the most fundamental aspects of the “development” of a National Scenic or Historic Trail.

The ATC objects to a decoupled process, to be lead by the Chief, to establish the right-of-way outside the exterior boundaries of the federal reservations the Trail passes through. This Plan has been delayed long enough and land acquisition is critical to fully implementing Congress’ vision for the Trail. Further

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<sup>2</sup> 16 U.S.C. 1246(a)(2)

prolonging the lack of official guidance on land protection will only frustrate Congress' goals and the momentum being regained by finalizing this Plan.

### **Scenery**

ATC requests that the Plan clearly state that the AZNST will use the scenery management system (SMS) as a whole, and management actions in the middleground views from the AZNST will meet a SIO of at least Moderate. Consistent language through forest and land resource management plans can be extremely difficult to achieve - in part because of the sometimes-isolated understanding of a comprehensive plan. The ANST, USFS staff and A.T. management partners have enjoyed significant benefits from consistent management area language in the eight national forests through which the A.T. passes in USFS Regions 8 and 9. The seen area from the AZNST that is managed for a Scenic Integrity Objective (SIO) of very high or high is maximized within the foreground viewshed. The seen area from the AZNST that is managed for an SIO of moderate or higher is maximized within the middle ground and background viewing areas. ATC would object to the omission of this language, i.e. the text remaining as it is.

The ATC appreciates the good work that the Service has put into developing this Plan, and the agency's incredible commitment to partnership, cooperative management, and developing the National Trails System. There is much in this AZNST draft comprehensive plan that ATC believes will be beneficial for formulation of the National Trails System's other comprehensive plans. ATC looks forward to participating in the resolution meeting and subsequent decisions about any proposed changes to the Plan that may arise during the resolution meeting.

Sincerely,



Brendan Mysliwicz  
Director of Federal Policy  
Appalachian Trail Conservancy  
[bmysliwicz@appalachiantrail.org](mailto:bmysliwicz@appalachiantrail.org)  
207-370-0540