

Ken Arney, Reviewing Officer
Attn.: PAL-LSC Objections, Administrative Review Coord., Suite 700
USDA Forest Service, Eastern Region
626 East Wisconsin Avenue
Milwaukee, WI 53202

June 15, 2026

Sent via the Internet: <https://cara.fs2c.usda.gov/Public/CommentInput?Project=290333>

RE: Objection to Wilderness Standard Forest Plan Amendment - Trail Management

Dear Ken Arney, Reviewing Officer:

This is an objection from Wilderness Watch and Standing Trees on the second attempt of a programmatic proposed amendment to the White Mountain National Forest Plan—an amendment which is directed at relocating or adding social trails in Wilderness, specifically the most protective Zone A, which is trailless. Wilderness Watch is a national wilderness advocacy organization, headquartered in Missoula, Montana with offices in Idaho, Minnesota, and Vermont. Wilderness Watch is dedicated to the protection and proper administration of the National Wilderness Preservation System. Standing Trees is a grassroots non-profit that advances policy and legal solutions to protect and restore New England’s native forests, with a focus on public lands in Vermont and New Hampshire.

The responsible official is Forest Supervisor Derek Ibarguen of the White Mountain National Forest, New Hampshire. This objection meets applicable requirements for filing an objection in 36 C.F.R. § 218.8, and it implores the Forest Service (“Service”) to rescind the project or, at a minimum, withdraw its legally deficient Environmental Assessment (“Final EA”).

Summary of Objections

1. The Final EA violates NEPA by failing to take a hard look at impacts.
2. The Final EA violates NEPA by failing to consider a reasonable range of alternatives.
3. The Final EA violates NFMA by proposing to eliminate the Forest Service’s obligation to conduct Forest Plan amendments when revising the Wilderness Management Plan, a part of the 2005 WMNF Forest Plan (Appendix E).

Background and Introduction

After the scoping process for the first iteration of a programmatic plan amendment in the Spring of 2023¹, we were pleased to see that the Forest Service followed our suggestion and did a site-specific amendment and environmental assessment (EA) for the Webster Cliff Trail in 2025. While we had substantive concerns about the EA and draft decision for that project (e.g. see our attached Webster Cliff scoping comment letter of April 2, 2025), we chose not to object because the agency explained this was a unique case and that the trail reconstruction would be by non-motorized and non-mechanized means.

Today, we are offering an objection because the Forest Service has moved forward without changing

¹ It should be noted that this amendment was proposed to be done with a simple Categorical Exclusion.

course from its draft EA.

By way of background, we had a Zoom meeting with Forest Service personnel in the Spring of 2023, which we greatly appreciated, to discuss the original proposed wilderness trail programmatic plan amendment. Our scoping comment letter on the proposed amendment of April 21 2023 (attached), refers to that meeting and points out our concerns about a programmatic amendment. During that meeting we learned that the only trail segment that was in need of a plan amendment was the Webster Cliff Trail. That information contradicted any supposed need for a programmatic plan amendment as claimed in the Forest Service's Spring 2023 scoping proposal, "A programmatic amendment is needed to address these situations, otherwise they would need to be addressed on a case-by-case basis with a project specific amendment."

Indeed, when we saw the March 2025 scoping letter for the Webster Cliff Trail site-specific amendment and EA, we obviously believed the Forest Service had dropped the programmatic amendment concept and was doing this singular site-specific plan amendment. There would be no reason to do a programmatic amendment when the site-specific amendment for the only trail segment that needed such an amendment was being prepared.

Thus, we reached the only logical conclusion--the Forest Service action on the Webster Cliff Trail was an admission no programmatic amendment was needed. The resurrection of a programmatic plan amendment, especially in light of the fact of the Webster Cliff amendment, sends the wrong signal about agency transparency and integrity. With the Final EA endorsing the programmatic amendment concept, the Forest Service is now proposing to violate NFMA and NEPA as we have previously highlighted in our comments. The Forest Service must change course.

Specific Concerns

Page 9 of the Final EA mischaracterizes the Wilderness Act (we address another mischaracterization on this page later). This page and the associated footnote² talks about the "purposes" of the Wilderness Act, while ignoring that there is an overriding **purpose** of the Act. The first sentence of Section 2(a) of the Act describes the purpose (singular): "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness" and then the next sentence states "[f]or this **purpose** there is hereby established a National Wilderness Preservation System" and that system "shall be administered for the use and enjoyment of the American people in such a manner as will leave them unimpaired for future use and enjoyment **as wilderness** and so as to provide for the protection of these areas, the preservation of their **wilderness character** . . .". (emphasis added).

Purpose is also singular in Section 4(c), which is the section that lists prohibitions. That is crucial to understanding the Act. A clear direction is established in law. The benefits of an enduring resource of wilderness through the establishment of the National Wilderness Preservation System which is to be administered to protect its wilderness character for the American people now and in the future is the singular and overriding purpose for the Wilderness Act. The public purposes or uses in section 4(b) (and referred to in section 4(a) of the Act) are allowed, but only if they preserve wilderness character.

The mandate is to administer all activities so that this Wilderness will remain "unimpaired for future use and enjoyment as wilderness". It is also clear that this mandate applies to the setting rather than to any particular use. The wilderness character will not be preserved if one or more element(s) of character is allowed to degrade. Trails, which are structures (see section 4(c)), are allowed only if they

² The 2024 Benson reference is not available on the project webpage.

are the minimum necessary to preserve Wilderness (again see section 2(a) of the Act).

The plan amendment eviscerates the most protective wilderness zone; in effect, the proposed amendment eliminates Wilderness Zone A. Zone A's distinguishing characteristic—a wild, trailless area--would be removed by the proposed amendment. If the amendment passes, Zone A, at best, is a temporary classification waiting to be changed to a less protective one.

Such an approach is also contrary to Forest Service Wilderness Policy (e.g. see the Forest Service Manual at 2320.6 and 2320.6 Exhibit 01) and note that this programmatic amendment makes unproven assumptions that should be analyzed on a site-specific basis. These include but are not limited to the need for a programmatic amendment versus any site-specific amendments, the existing conditions along specific trails in the Wilderness, and any potential user-created trails other than Owl's Head.

Any trail relocations into Wilderness Zone A should be done by a site-specific plan amendment with the trail NEPA process (as was done with the Webster Cliff Trail) rather than amending the entire plan for the following reasons:

- The Forest Service earlier claimed the only foreseeable project is the Webster Cliff Trail, which has already gone through the NEPA and approval process. There are no trail relocation proposals mentioned in the Final EA
- A NEPA document that also functions as the amendment for the Plan is more sensible. Questions about a new trail or a trail relocation is best answered in a site-specific NEPA document that also considers a plan amendment, if such an amendment is deemed necessary.
- Trail corridors in the Wilderness are 500-feet wide, giving a lot of room for relocation of trails to avoid steep or wet areas.
- If this proposed amendment goes through, it would almost certainly affect site-specific NEPA analyses and decisions on relocation of trails within Wilderness and the addition of new trails, making it a pro forma exercise. For example, future managers who have no connection or history to the proposed amendment may not do as rigorous a site-specific NEPA analysis because they may believe trail relocation into Zone A is promoted because of the plan amendment.
- Any future changes to Wilderness Management Plan zoning, including Zone A, as proposed by this programmatic amendment, would require an additional Forest Plan amendment, so it is unclear, at best, what the Forest Service believes will be gained by taking the programmatic approach that it currently proposes. Draft Standard S-1 says “Newly designated trails will be assigned a Zone according to the Zone descriptions in the Wilderness Management Plan (Appendix E).” This action cannot occur without an *additional* Forest Plan amendment to the Wilderness Management Plan. If, on the other hand, the Forest Service is proposing that it would not need to amend the Forest Plan when it makes future changes to the Wilderness Management Plan, it is proposing to violate NFMA.

Diving deeper into the above noted bullet points, and its potential if not probable outcomes, the proposed amendment will bias future NEPA analysis in favor of increasing the number of trails into the Wilderness, leaving no trailless areas. Indeed, that seems to be the purpose of the amendment—the

amendment, in effect, allows managers to evade substantive analysis in site-specific instances. The statement in the Final EA on page 11 is a tacit admission the agency won't do adequate site-specific analysis. If the Forest Service actually does as rigorous site-specific NEPA analysis that supports a decision to locate new or relocate existing trails in Wilderness as it would without a programmatic EA and decision, then there would be no need for this programmatic amendment. Indeed, finishing this programmatic amendment and decision under that circumstance would make even more work for the Forest Service.

In fact, the tacit admission on page 11 of the Final EA strongly suggests that the reason for this amendment is to evade substantive site-specific NEPA analysis. The Final EA on this page rejects an analysis of an alternative that would not amend the plan to allow for unauthorized (illegal) trail. It states such an alternative would “require multiple, time-consuming, project-specific amendments” in rejecting that alternative (more on this later). That argument is baseless, at best, as this Final EA and FONSI are only 16 pages long and the substance is even less. Most EAs tend to be longer and have more supporting information. Besides, doing a site-specific EA, if that is what is intended, would hardly be any more work whether an amendment is included or not. Is it the intent of the agency to do categorical exclusions for future trail relocations and additions if this amendment passes?

In other words, the Final EA wants us to believe there will be appropriate site-specific analysis. Yet, experience has shown (in other national forests) that when it comes time for the site-specific analysis, the NEPA document defers to the plan as the document setting direction, evading any real site-specific analysis and making the site-specific analysis a pro forma exercise.

Thus, we find the argument that this amendment will make future NEPA analyses on trail relocations (Final EA page 5) more efficient and make a more sustainable trail program in Wilderness (e.g. Final EA pages, 3-5 and 9-11³) specious. Again, without detailed, site-specific analysis, there is no way to tell the sustainability of the current trail system in Wilderness, project future conditions based upon increased precipitation (Final EA page 10), or determine which, if any, new trails should be designated. Similarly, only appropriate site-specific NEPA documentation can determine questions such as what is the minimum necessary in Wilderness regarding trails (e.g. use of motorized equipment) or whether new trails and trail relocations are appropriate in Wilderness. Doing this amendment is putting the cart before the horse.

The upshot is, the wording of the proposed amendment makes the current direction contradictory and creates a management quagmire. Zone A is trailless, except in places as yet to be determined where it won't be if the amendment is approved. The amendment notes that Zone A is changed wherever new trails are adopted (usually user-created) or relocated. These unknown locations and unknown percentages of the current Zone A are no longer Zone A. Indeed, the whole of Zone A would be a bizarre conflation of all the management zones, effectively ending that management Zone.

“A standard is a mandatory constraint on project and activity decisionmaking, established to help achieve or maintain the desired condition or conditions, to avoid or mitigate undesirable effects, or to meet applicable legal requirements.” (See 36 CFR 219.7(e)(1)iii, the NFMA planning rule as amended). This proposed plan amendment is not a standard because standards are mandatory constraints. The trailless nature of Zone A would be changed by this amendment in undefined places. The Standard becomes a messy quagmire without the original constraints unless there is specificity as

³ Final EA page 8 is missing on the pdf we downloaded from the internet.

to what parts of Zone A are being changed to another zone.

Regarding the question of trail sustainability, we do wonder why the Final EA is inconsistent on this point. It suggests on page 4 (and elsewhere) that user created trails in Wilderness may be more sustainable than system Forest Service trails. Yet the example the Forest Service previously referred to, of a user created trail (Owl's Head) states the opposite, that managers cannot, without an amendment, "address resource concerns on the trail."

Furthermore, even though the Final EA is inconsistent in the point mentioned above, a reader could conclude the main thrust of the Final EA, minus some of these inconsistencies, is a tacit indictment of agency administration of the trail system in Wilderness. In other words, the Final EA can be read as the Forest Service believes (though without providing any substantive or site-specific evidence) the agency's trail system in Wilderness is largely unsustainable and poorly located, while the user created trail system (again, without providing any substantive or site-specific evidence, except the few words about Owl's Head trail) is more sustainable. Add to the fact that at least some of these user-created trails predate wilderness designation, one has to ask some questions: What has the Forest Service been doing the past few decades? Why has the agency allowed user-created trails (illegal, see 36 CFR 261.10) to persist or be created in the Wilderness? Why hasn't the Forest Service properly maintained its trail system in Wilderness?

Even if we were to accept the premises of the Final EA, it should have some substance even though it is a programmatic document. It does not estimate or project the number of miles of wilderness trails that are expected to be relocated or the number of miles of new trails (or user created trails) that would be added to the system. These estimates would be important to further estimate the impact trail construction (new and related trails) and changes (increases) in visitor use would have on Wilderness. Trail relocation could easily lead to two scars rather than one on the landscape. The issue of protecting Wilderness and wilderness character is not addressed in a meaningful way in the Final EA.

Page 9 of the Final EA also misstates that there are competing qualities of Wilderness. The canons of statutory construction dictate that the terms be read in harmony. *See United States v. Powell*, 6 F.3d 611, 614 (9th Cir. 1993) ("It is a basic rule of statutory construction that one provision should not be interpreted in a way which is internally contradictory or that renders other provisions of the same statute inconsistent or meaningless"); *see also Wilderness Society*, 353 F.3d at 60 ("a fundamental canon that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme"); *Kmart Corp. v. Cartier, Inc.*, 486 U.S. 281, 291 (1988) ("In ascertaining the plain meaning of [a] statute, the court must look to the particular statutory language at issue, as well as the language and design of the statute as a whole."); *United States v. Lewis*, 67 F.3d 225, 228-29 (9th Cir. 1995) ("Particular phrases must be construed in light of the overall purpose and structure of the whole statutory scheme."). In other words, a statute should be construed "as a symmetrical and coherent regulatory scheme," *Gustafson v. Alloyd Co.*, 513 U.S. 561, 569 (1995), and a "harmonious whole," *Fed. Trade Comm'n v. Mandel Brothers, Inc.*, 359 U.S. 385, 389 (1959). Thus, the Wilderness Act, read as an internally consistent document as required by law, does not pit the terms "untrammeled" or "natural" against one another as the Final EA states.

In other words, the Wilderness Act does not state that these wilderness attributes or qualities compete against each other. We would point out that neither the monitoring protocol nor the minimum requirements process (the Minimum Requirements Analysis Framework or MRAF), have gone through formal rulemaking. Yet, they apparently form the basis for the erroneous statement on page 9 of the Final EA.

Lastly, the rejection of analyzing any alternatives, including an alternative that did not add user-created trails (see 36 CFR 261.10), fails to meet NEPA. Not only that, but it sends the signal that illegal or unauthorized activity is acceptable.

Recommendations and Conclusion

In general, as we have noted repeatedly to the Forest Service in prior comments, we recommend a site-specific approach to trail construction, decommissioning, or relocation, as was performed for Webster Cliff. Approval of this draft programmatic amendment does not absolve the Forest Service of its responsibility to perform an additional site-specific Forest Plan amendment in the future.

We recommend that, prior to consideration of any programmatic or site-specific amendments, the Forest Service conducts a trail monitoring report that would collect and provide detailed information on trail use and conditions. Such a report would help guide the agency's future actions, provide site-specific analysis, and allow for an informative and transparent commenting process. Information found at <https://wilderness.net/practitioners/toolboxes/trail-condition-monitoring/> may be useful in preparing such a report.

To reiterate our major concerns:

1. The Final EA violates NEPA by failing to take a hard look at impacts.

SUGGESTED REMEDY: Among other impacts, the Forest Service should estimate or project the number of miles of wilderness trails that are expected to be relocated, or the number of miles of new trails (or user created trails) that would be added to the system. These estimates would be important to further estimate the impact trail construction (new and related trails) and changes (increases) in visitor use would have on Wilderness. Trail relocation could easily lead to two scars rather than one on the landscape. Without such estimates, there is no way for this analysis to reasonably determine the impact that this programmatic amendment will have across the National Forest.

2. The Final EA violates NEPA by failing to consider a reasonable range of alternatives, including to prohibit the consideration of adopting user-created trails.

SUGGESTED REMEDY: The Forest Service should review an alternative that would prohibit the adoption of user-created trails.

3. The Final EA violates NFMA by proposing to eliminate the Forest Service's obligation to conduct Forest Plan amendments when revising the Wilderness Management Plan, a part of the 2005 WMNF Forest Plan (Appendix E).

SUGGESTED REMEDY: The Forest Service cannot amend zoning within the Wilderness Management Plan (Appendix E of the Forest Plan) without also amending the Forest Plan. The Forest Service should scrap this programmatic amendment and instead pursue future rezoning in the manner that it approved the Webster Cliff Trail relocation, with a site-specific forest plan amendment.

Please keep us updated on this proposal.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Mh' followed by a long horizontal stroke.

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