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First name: Teresa

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Organization: Continental Divide Trail Coalition

Title: Executive Director

Comments: Please see our attached letter and documents filing a formal objections

This submittal is an objection to the 202 Land Management Plan (Final Plan), Draft Record of Decisions (ROD), and the Final Environmental Impact Statement (FEIS) for the Custer-Gallatin National Forest.

Name of the project being objected to, the name and title of the responsible official, and the name of the National Forest on which the project is located:

Custer-Gallatin Forest Land Management Plan, Final Environmental Impact Statement, and Draft Record of Decision

Mary Erickson, Forest Supervisor

Custer-Gallatin National Forest

10 East Babcock

Bozeman, Montana 59715

The objector's name, address, and email:

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CDTC would appreciate a meeting with the reviewing officer to discuss issues raised in this objection and potential resolution of concerns.

September 8, 2020

USDA Forest Service,

Objection Reviewing Officer,

Northern Region,

26 Fort Missoula Road,

Missoula, MT 59804

It is worth noting that in the listing of associated laws and regulation listed in the Draft Record of Decision, the National Trails System Act (NTSA) is omitted from the findings required by other laws section. This omission is critical and must be addressed and analysis must be conducted to understand how the National Trails System Act, as interpreted for the CDNST through the 2009 Comprehensive Plan, should be applied to the Custer Gallatin Forest Plan and its associated documents. Omission of this analysis is not in compliance with the Forest Service's policy and direction for the management and administration of the CDNST. CDTC has provided the following additional materials with our objection: 1. CDT Recommended Plan Components (USFS Guidance 2017) 2. CDTC Comments on proposed Action dated February 3, 2018 3. CDTC Comments on Draft EIS dated June 4, 2019 4. Management Tool: Managing Recreational Uses (USFS Guidance 2019) 5. CDTC Atlas of the CDT 6. FSH 2353.44 Management of National Scenic and Historic Trails 7. Rocky Mountain National Park Adaptive Management Indicators, Thresholds, and Management Actions (4/2/2018) Statement of Objection: With these factors in mind, and upon review of the 2020 Custer Gallatin Land Management Plan, Final Environmental Impact Statement and draft Record of Decision, the Continental Divide Trail Coalition is submitting three objections regarding the Custer Gallatin Land Management Plan and associated documents. The three objections are as follows: Objection 01: The downgrading of the Lionhead Recommended Wilderness Area (Lionhead RWA) to a Back Country Area Designation. This decision results in the allowance of mechanized use along the Continental Divide National Scenic Trail in the Lionhead Recommended Wilderness without (a) conducting assessment and/or evaluation of the impact of the use and (b) a determination whether the use would substantially interfere with the nature and purposes for which the CDNST was designated. This includes the omission of monitoring or development of a carrying capacity evaluation for this segment of the CDNST. CDTC addressed this topic comments submitted June 4, 2019 in response to the DEIS. Objection 02: The allowance of over snow winter travel by snowmobiles in the Hebgen Winter Recreation Area. The proposed action would not only be in direct conflict with the 2009 Comprehensive Plan direction and FSM 2350; it would be a decision made without providing an evaluation or analysis on the impact of such use on the nature and purposes for which the CDNST was designated and whether or not substantial interference would occur. This also includes the omission of monitoring or development of a carrying capacity evaluation for this segment of the CDNST. CDTC also addressed this topic comments submitted June 4, 2019 in response to the DEIS. Objection 03: Lack of adequate plans for monitoring impacts to the CDNST or determination of Carrying Capacity for the CDNST across the Custer Gallatin National Forest. This includes a complete lack of analysis of effects and/or monitoring from decisions affirming suitability of the CDNST for Mechanized or Over Snow Motorized Travel or a determination of whether this use would substantially interfere with the Nature and Purposes for which the CDNST was created. Issue and Statement of Explanation CDTC Objection 01: CDTC objects to the removal of Lionhead RWA and determining suitability of mechanized use along the CDNST for the Lionhead RWA and other segments. There are 18 miles of the CDNST within the Lionhead RWA and as currently designated, this segment of the CDNST protects a very important wildlife linkage corridor between Yellowstone National Park and the Centennial Mountains, as well as offering a stunning backcountry experience and providing secure habitat for elk, bighorn sheep, wolverine and grizzly bear. Additionally, when managed to maintain or enhance wilderness characteristics, recommended wilderness areas provide the CDNST user with high scenic values, opportunities for solitude, and many other benefits highly aligned with the nature and purposes of the CDNST and its management and administration. Demonstrating its significance as wildlands, the 1987 Gallatin Forest Plan recommended 22,800 acres as wilderness. The RWA lies adjacent to additional roadless lands on the Deerlodge Beaverhead National Forest and Recommended Wilderness on the Caribou-Targhee National Forest making the actual size of this protected area much larger and of even greater significance. The CDNST links the Custer Gallatin to the Caribou-Targhee through the Lionhead RWA. CDTC objects to the removal of the Lionhead

Recommended Wilderness (Lionhead RWA) from the Final Custer Gallatin Forest Plan (CGFP), to the area being reclassified as a Backcountry Area and classification of the CDNST as suitable for Mountain Bikes (mechanized use). CDT objects because of the complete absence of any analysis to support these decisions and the omission of critical management actions required by the National Trails System Act, 2009 Comprehensive Plan, and the FSH 2353.44. This includes a cumulative impact analysis for the impact to the management direction in the RWA on the adjoining Caribou Targhee National Forest. <sup>1</sup>Footnote 1 Mechanized use is not listed as a use compatible with the nature and purposes for which the CDNST is designated in the 2009 Comprehensive Plan. However, regarding mechanized use, in general, [Id] the NTSA lists bicycle use as a potential trail use allowed on designated components of the national trails system (16 U.S.C. 1246(j)), and the 2009 CDT Comprehensive Plan states [Id] mountain bike use may be allowed if such use is consistent with applicable land management plan direction and does not substantially interfere with the nature and purposes of the Trail [Id] (2009 CDT Comprehensive Plan Sec. IV.5(b)(2)). (From the USFS Management Tool: Managing Recreational Uses) As stated in the 2009 Comprehensive Plan, the CDT's nature and purposes are [Id] to provide high quality, scenic and primitive hiking and horseback riding opportunities and to conserve the natural, historic and cultural resources along the CDNST corridor [Id]. The Comprehensive Plan further states to manage the Continental Divide National Scenic Trail to provide high-quality scenic, primitive hiking and pack and saddle stock opportunities. Backpacking, nature walking, day hiking, horseback riding, nature photography, mountain climbing, cross-country skiing, and snowshoeing are compatible with the nature and purposes of the CDNST (FSM 2353.42). While mountain biking may be allowed on segments of the CDNST, the segment included in the Lionhead Recommended Wilderness should not be one of those areas. As the managing National Forest responsible for management of a Recommended Wilderness Area since 1987, the Custer Gallatin National Forest is already out of compliance by allowing mountain bike use to occur in the RWA as the use is not consistent with Wilderness values and characteristics. The Custer Gallatin National Forest is ignoring existing policy and law to accommodate use that occurred after the designation of the area as a RWA and is inconsistent with ensuring the characteristics and values for which the Lionhead RWA was designated are protected and ensure inclusion of the area as part of the Wilderness Preservation System.<sup>2</sup> Because the Lionhead RWA was established in 1987, the CGFP should be managing the area in accordance with the direction for management of Recommended Wilderness Areas included in FSH 1909.12, Chapter 74.1. Furthermore, there is Travel Management plan is silent on mountain bikes for the area and provides no direction to support the decision. Eliminating recommended wilderness within the CDNST's corridor to allow for a use not listed as compatible with the CDNST's Nature and Purpose is contrary to conservation and recreation purposes of the CDNST was established. Furthermore it has a cumulative impact on the CDNST that connects and is adjacent to the Caribou Targhee National Forest. CDT objects to MG-SUIT-CDNST-04 because it is not consistent with the CDNST Comprehensive Plan and FSM 2353.44b. Chapter IV (B) (5) (b) (2) of the Comprehensive Plan states that [Id] bicycle use may be allowed on the CDNST if the use [hellip] will not substantially interfere with the nature and purposes of the CDNST. [Id] Without a determination of substantial interference regarding mountain bike use on the CDNST and a monitoring plan, a carte blanche statement regarding suitability of mountain bikes is inconsistent with the Comprehensive Plan. Because mechanized travel is prohibited in wilderness, and because, as per FSM 1923.03(1), Recommended Wilderness areas are [Id] not available for any use or activity that may reduce the wilderness potential of an area, [Id] we feel that mountain biking is inconsistent with management direction for the CDNST where it passes through the Lionhead RWA. In addition to the above issues, CDNST objects to the decisions because we feel that the downgrading of Lionhead RWA to a BCA negatively impacts the nationally significant natural resources (i.e. wildlife and corridor integrity) of the region. This area of the forest is a critical connection for wildlife. As shown in our recently released Atlas of the CDNST, the CDNST is recognized as a critical corridor for connectivity and for preventing negative impacts to large and small fauna who make the Continental Divide their home. The CGNF itself notes that the Lionhead has particularly high connectivity values. The proposed decision fails to evaluate how removing wilderness protections and allowing mechanized use may affect levels of mechanized traffic, increasing disturbance that may alter wildlife use over time. Providing almost unbroken protected green space for 3,100 miles along the Rockies, the CDNST acts as an important wildlife corridor for species like grizzly bears. Ecologists have found that mountain biking can have adverse effects on grizzlies (and vice versa), especially on trails

with swift drops allowing for high speeds, such as the section of the CDNST in the Lionhead RWA: "[hellip] mountain bikes are a grave threat to bears[mdash]both grizzly and black bears[mdash]for many reasons and these are detailed in the Treat report and recommendations. High speed and quiet human activity in bear habitat is a grave threat to bear and human safety and certainly can displace bears from trails and along trails." [ndash] Dr. Christopher Seven

In the draft summary, Supervisor Erickson explains that recommended wilderness or backcountry area allocations were needed for forest areas which needed "[ldquo]additional protective measures." [rdquo] But for the Lionhead RWA, Alternative F reduces protective measures, eliminating three decades of wilderness protection in favor of mechanized travel and weakened wild land protections. Keeping Lionhead as Recommended Wilderness provides 12 wild land protections not provided as a BCA. Instead the BCA allows for activities such as unlimited mechanized traffic, drone launchings, timber harvest and hard rock mining, all of which are not compatible with the Nature and Purposes of the CDNST. Five wilderness protections will be omitted or removed from Lionhead RWA under the proposed plan, with collateral degradation and effects impairing recommended wilderness on the Caribou-Targhee National Forest. Finally, without analysis it is inappropriate for the CGNF to make a decision that has the potential to negatively impact the CDNST, and also affect wilderness values on adjoining National Forest Lands. The Lionhead Recommended Wilderness is too important for wildlife, the CDNST and primitive recreation opportunities to be able to justify this decision. In the Draft ROD, Supervisor Erickson acknowledges that "[ldquo]the wilderness characteristics of the place have been retained through the years[rdquo]. If this area continues to embody the high wilderness values that led to the area's recommendation in 1987, then that protection should not be rescinded now to accommodate use that has never been adequately analyzed and found suitable. Lacking analysis, the proposed decision leaves these key questions unanswered:

- \* ? How are levels of mechanized traffic likely to change over time?
  - \* ? How will increasing levels of mechanized uses affect the opportunities for "[ldquo]high-quality foot and horseback riding[rdquo], the primary purposes of the CDNST?
  - \* ? How will recreational uses affect grizzly bears and other wildlife in this key movement corridor just a stone's throw from Yellowstone National Park?
  - \* ? How will changing mechanized technology and marketing impact future CDNST experiences?
  - \* ? Will the forest enforce the motorized restriction on e-bikes or, will motorized bikes become established and later legalized?
- \* How does allowing for mechanized use on the CDNST affect the wilderness character of the adjoining Targhee Creek RWA through which the CDNST also passes?
- The Forest Service should utilize the 2019 Management Tool: Managing Recreational Uses on the CDNST to evaluate a decision around allowing mechanized use on the CDNST across the Forest, not just the Lionhead RWA. CDTC has included that document with our objection. Finally, with the removal of the Lionhead RWA it leaves the CDNST Corridor open to other management actions that may negatively impact the conservation of the natural, cultural and historic resources along the CDNST. At the least, by downgrading the RWA to a BCA, the CDNST should be a designated area recognized in general Forest Wide Direction similar to that of the Nez Perce National Historic Trail versus being included as a plan component I the Geographic Area. By shrinking the RWA- it also decreases the protections for and recognition of the congressionally designated resource and management direction required by the 2009 Comprehensive Plan. Remedies and Solutions for Objection 01: CDTC seeks a solution which fully retains the Lionhead RWA (Alternative A) and manages the CDNST corridor for its Nature and Purposes, consistent with the overarching guidance and supporting policies and directions provided in the attached documents. This would also satisfy the need to manage the area to prevent degradation of Wilderness Characteristics and values. No previous decision establishes RWA trails in the Lionhead RWA as suitable for mountain biking. It is inappropriate for the 2020 Land Management Plan to remove the recommended wilderness protection based on use that has never been legally-established. Given the outstanding scenic characteristics, wide range of habitats, and opportunities for solitude found in the Lionhead area, shrinking the Lionhead Recommended Wilderness Area would keep the CGNF from reaching the Vision for the National Forest laid out in Land Management Plan (pp. 7-18): "[ldquo]In the Greater Yellowstone Area, the

Custer Gallatin is part of a large connected expanse of core public lands providing outstanding scenery, opportunities for solitude, and primitive recreation. CDTC would like to see the maintenance of the existing boundaries of the Lionhead Recommended Wilderness Area (as proposed in Alternative A) as the best alternative to achieve

the Vision for the Custer Gallatin National Forest to balance a healthy forest ecosystem and opportunities for solitude with multiple uses and enhanced quality of life for those who use and depend on the Custer Gallatin National Forest. In order to best maintain the eligibility of the Lionhead area for future congressional designation as wilderness, as well as to protect grizzly bears (and other wildlife and corridor connectivity issues) in this prime habitat area, we urge the Custer Gallatin National Forest to manage the Lionhead Recommended Wilderness Area, including the length of the CDNST that falls within its boundaries, to allow pedestrian and stock travel only. The Lionhead RWA is a special area providing vital benefits to the forest, its wildlife, and forest users, and its wilderness characteristics enhance the Vision for the CGNF in the Greater Yellowstone Area. The elimination of the Recommended Wilderness Area is not consistent with the Plan's overall direction and goals or the Nature and Purposes of the CDNST.

**Solutions:**

1. Lionhead Recommended Wilderness (27,266 acres) is retained without loss and wilderness protections applied without further delay.
2. The Continental Divide National Scenic Trail and its wild land corridor are protected and managed as directed by the National Trails System Act, 2009 CDNST Comprehensive Plan and the FSH 2353.44. To accomplish this two changes are necessary in Forest Plan components regarding the Continental Divide National Scenic Trail:

**A. Add Desired Condition (MG-DC-CDNST) 08:08:** The Continental Divide National Scenic Trail and its corridor are protected in the Lionhead Recommended Wilderness which retains its historic wilderness character, provides outstanding opportunities for primitive foot and horseback recreation and remains unimpaired for future inclusion in the National Wilderness Preservation System.

**B. Revise MG-SUIT-CDNST 04 as follows:**

04 The Continental Divide National Scenic Trail is not suitable for mountain biking where the trail is within recommended wilderness area. Outside of those areas, the CDNST is suitable for mountain biking in areas where a determination has been made that such use does not substantially interfere with the nature and purposes of the trail (FSM 2353.44b).

**Violation of Law, Regulation or Policy:** National Trails System Act; 2009 CDNST Comprehensive Plan; FSH 2353.44; FSH 1909.12/74.1

**Issue and Statement of Explanation CDTC Objection 02:** Allowance of winter motorized over snow vehicle transport over and around the CDNST. MG-SUIT-CDNST-03 states that the Continental Divide National Scenic Trail is suitable for winter motorized over-snow vehicle transport over and around the trail, as long as such use does not substantially interfere with the nature and purpose of the trail. Public motorized use may only be allowed where such use is in accordance with the CDNST Comprehensive Plan. In other words, winter motorized over-snow vehicle transport over and around the CDNST travel route is not allowed until a determination is made that it is open following requisite substantial interference analysis. Clearly, the Hebgen Winter recreation emphasis area of high density of human activities and associated structures is not compatible with the desired conditions for a National Scenic Trail. The FEIS does not contain an analysis that supports a CDNST substantial interference determination and therefore it is not reasoned to declare that such use is suitable. Winter motorized over-snow vehicle transport over and around the trail does not support CDNST nature and purposes desired conditions.

Motor vehicle use is addressed in the 2009 CDNST Comprehensive Plan, Chapter IV.B.6 and FSM 2353.44b (11) — Motor vehicle use by the general public is prohibited on the CDNST. Motor vehicle use is only allowed or is dependent on the approval of a CDNST unit plan (FSM 2353.44b (2)). A key function of the CDNST unit plan is to identify carrying capacity for the CDNST and plan for its implementation. The described vehicular use suitability determinations are not supported by an assessment that determined the consistency with supporting CDNST nature and purposes desired conditions, nor is there any analysis that indicates the activities would not substantially interfere with the nature and purposes of the CDNST. The FEIS assessments are inconsistent with the requirements of the National Trails System Act, the CDNST Comprehensive Plan, and Recreation Opportunity Spectrum (ROS) framework, the Council on Environmental Quality's (CEQ) requirement for methodology and scientific accuracy, and related directives. The CDTC feels that MG-SUIT-CDNST-03 is in direct conflict with the nature and purposes for which the CDNST was created and should be revised to better reflect direction in the Comprehensive Plan and other law and policy.

**Remedies and Solutions for Objection 02:**

1. Revise MG-SUIT-CDNST-03 as follows: MG-SUIT-CDNST-03: Except in areas where the CDNST is located on roads open to motorized use, the CDNST is not

suitable for winter snowmobile use. Perpendicular crossings and snowmobile use near the trail also may be permitted so long as substantial interference with the nature and purposes of the CDNST does not occur.<sup>2</sup>

Hebgen Winter Recreational Emphasis Area: In order to protect the primitive CDNST experience, we recommend that a Standard be added to the Plan Components for the Hebgen Winter REA: MG-STD-HWREA: Consistent with the CDNST Comprehensive Plan, recreation use shall not be authorized along the CDNST that are not compatible with the non-motorized, primitive nature of the trail. Use of over-snow vehicles and other signs of modern development should be avoided to the extent possible.

Violation of Law, Regulation or Policy: National Trails System Act; 2009 CDNST Comprehensive Plan, FSH 2353.44 (included as appendix)

Issue and Statement of Explanation

Objection 3: Omission of a Monitoring Plan or establishment of Carrying Capacity for the CDNST and analysis of effects to determine substantial interference from mechanized or motorized use.

The Continental Divide Trail Coalition (CDTC) is not opposed to mechanized use outside of Wilderness or Recommended Wilderness, provided appropriate analyses have been conducted to support decisions for such use. CDTC objects to procedurally reclassifying mechanized travel as suitable on the CDNST without analysis of the potential effects on the nature and purpose of the CDNST or inclusion of a monitoring plan or determination of Carrying Capacity for the CDNST across the Custer Gallatin National Forest. CDTC objects because there is no analysis of effects to support the decisions included in the Land Management Plan, and therefore CDTC believes the Custer Gallatin National Forest's proposed actions pertaining to the CDNST and associated resources would be out of compliance with the National Trails System Act, the 2009 CDNST Comprehensive Plan, and FSH 2353.44 to ensure that the outcomes of agency decisions protect the nature and purposes for which the CDNST was created.

Regarding segments of the CDNST outside of the Lionhead RWA, a determination of suitability of the CDNST for mechanized use or over-snow motorized travel (Hebgen Winter Recreation Area) requires an analysis of effects and whether or not this use would substantially interfere with the nature and purposes for which the CDNST was created prior to determining its suitability. This must be resolved and it should include a better definition and analysis of the cumulative effects of resources within and outside of the CGNF, include the impacts to adjoining Designated Wilderness Areas, and the entire experience, purpose, and nature of the Continental Divide National Scenic Trail.

Furthermore, the Forest Service's own policy direction requires that a monitoring plan be established, and that carrying capacity for the CDNST, as a whole, be determined.<sup>6</sup> We would like to note and object to the deletion of management approaches for the Plan Components section for the CDNST. This eliminates language from the DEIS that stated a Management Approach for the CDNST: [Id.] "Establishing appropriate carrying capacities for specific segments of the Continental Divide National Scenic Trail, monitoring use and conditions, and taking appropriate management actions to maintain or restore the nature and purposes of the Continental Divide National Scenic Trail if the results of monitoring or other information indicate a trend away from the desired condition."

Remedies and Solutions for Objection 03: As stated in our comments made on June 4, 2019 to the DEIS, since 2012, we have documented a dramatic increase in long-distance users of the CDNST, who represent only a minute fraction of the total number of CDNST users. Our data indicates that, on average, the number of attempted thru-hikes along the CDT has increased by 35% each year since 2013.<sup>7</sup>

Anecdotal evidence suggests that day use has seen significant increases along various segments of the trail, but reliable day-use data is harder to come by. It would be helpful to understand visitor use of the Custer Gallatin National Forest portion of the CDNST as part of understanding a baseline against which to measure future use. We would like to work collaboratively with Custer Gallatin National Forest managers to more fully understand current and projected use of the Trail. In doing so, we believe monitoring and carrying capacity would inform an adaptive management scheme.

Solutions: CDTC offers the following language to address monitoring and carrying capacity for inclusion in the Forest Plan:

1. Add a monitoring indicator to measure increases in signage and suitable access over the next 5 years.
2. Establish carrying capacity and monitoring with standards and indicators relative to the CDNST.
3. In areas where mechanized uses are determined to be acceptable after an adequate analysis of impacts, develop a monitoring plan that defines thresholds to restrict or prohibit use of mountain bikes or over-snow motorized vehicles if recreational user conflicts arise or resource damage occurs on any segment open to mechanized or motorized use. These thresholds for substantial interference should be determined in advance. If these thresholds are exceeded, the use should be restricted or prohibited.

Violations of Law, Regulation or Policy: National Trails System Act; 2009 CDNST Comprehensive Plan; FSH 2353.44. In

closing, while the National Environmental Policy Act allows the Forest Service to disclose environmental effects of a decision and then make a decision to accept those impacts, it does not allow the agency to act in contravention of other laws and regulations. It is CDTC's contention that this decision is not consistent with the National Trails System Act regarding the nature and purposes of the Continental Divide National Scenic Trail, the Continental Divide National Scenic Trail Comprehensive Plan, as required by the Act, or the direction developed by the agency to implement the Act or the Comprehensive Plan.