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Comments: The attached documents is an objection with attachments to the Cibola Draft ROD, Plan, and FEIS.

Regional Forester, USDAForest Service Southwest Region 333 Broadway Blvd. SEAlbuquerque, NM 87102October 31, 2021

objections-southwestern-regional-office@usda.gov Subject: Cibola National Forest Plan Revision Objection

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

Cibola Forest Plan, FEIS, and Draft ROD Steven Hattenbach, Forest Supervisor Cibola National Forest

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Section I. Brief Review of Issues and Proposed SolutionsA. Introduction
The Continental Divide National Scenic Trail (CDNST) Leadership Council 2004 vision for the future of the CDNST states, [ldquo]Complete the Trail to connect people and communities to the Continental Divide by providing scenic, high-quality, primitive hiking and horseback riding experiences, while preserving the significant natural, historic, and cultural resources along the Trail.[rdquo] The Leadership Council in 2006 reviewed concerns related to the 1985 CDNST Comprehensive Plan and decided to amend the Comprehensive Plan direction following official public involvement processes.1 The final amended CDNST Comprehensive Plan programmatic direction was published in a Federal Register Notice and took effect on November 4, 2009.2 The CDNST Comprehensive Plan should eventually be revised to further address the conservation, protection,4 and preservation5 purposes of this National Scenic Trail.

The amended Comprehensive Plan was approved by Chief Thomas Tidwell6 (Attachment A). An outcome of the amended Comprehensive Plan was the description of the nature and purposes of this National Scenic Trail: [ldquo]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.[rdquo]

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

[middot] 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.

[middot] 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.

[middot] The CDNST is a concern level 1 travel route with a scenic integrity objective of high or very high.

[middot] 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.7 The use of motorized vehicles by the general public along any national scenic trail shall be prohibited with limited exceptions.8

The CDNST Federal Register Notice provided additional direction to the Forest Service as described in FSM 2353 (Attachment B). The final directives added a reference to the CDNST Comprehensive Plan as an authority in FSM 2353.01d; [hellip] 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.

The Land Management Planning Handbook establishes important guidance that address relationships between National Scenic and Historic Trail Comprehensive Plans and Forest Plans. Appropriate management of National Scenic Trails (36 CFR [sect] 219.10(b)(1)(vi)) is addressed in FSH 1909.12 24.43 stating:

The Interdisciplinary Team shall identify statutorily designated national scenic and historic trails and plan components must provide for the management of rights-of-ways (16 U.S.C. [sect] 1246(a)(2)) consistent with applicable laws, regulations, and Executive Orders.

[middot] Plan components must provide for the nature and purposes of existing national scenic and historic trails.

The final amendments to the CDNST Comprehensive Plan and corresponding directives [hellip] will be applied through land management planning and project decisions following requisite environmental analysis (74 FR 51124). CDNST management direction enacted through correspondence may supplement this direction, but such direction would not supersede the guidance found in the National Trails System Act (NTSA), Executive Orders, CDNST Comprehensive Plan, regulations, and directives.

Much of the revised Cibola National Forest plan direction departs from the CDNST Comprehensive Plan, FSH 2353.4, and FSH 1909.12 23.23a, and 24.43 guidance without providing a reasoned basis or a detailed justification for ignoring these previous findings and direction.

B. Summary of Issues and Statements of Explanation1. Recreation Opportunity Spectrum

The Recreation Opportunity Spectrum (ROS) provides a framework for stratifying and defining classes of outdoor recreation environments, activities, and experience opportunities. The Forest Service uses the recreation opportunity spectrum to define recreation settings. The 1982 ROS User Guide, 1986 ROS Book (Attachment C), 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 Plan must define and apply ROS principles that are consistent with the ROS planning framework which is the best available scientific recreation planning information. Most important is including ROS physical setting indicators when describing Primitive, Semi-Primitive Non-Motorized, and Semi- Primitive Motorized ROS setting

desired conditions.

The ROS Book states, [ldquo]The physical setting is defined by the absence or presence of human sights and sounds, size, and the amount of environmental modification caused by human activity. The physical setting is documented by combining these three criteria as described below. Physical Setting - The physical setting is best defined by an area's degree of remoteness from the sights and sounds of humans, by its size, and by the amount of environmental change caused by human activity[hellip] The explicit nature of the ROS assists managers in identifying and mitigating conflict. Because the ROS identifies appropriate uses within different recreation opportunities, it is possible to separate potentially incompatible uses. It also helps separate those uses that yield experiences that might conflict, such as solitude and socialization[hellip] The

ROS also helps identify potential conflicts between recreation and non-recreation resource uses. It does this in several ways. First, it can specify the overall compatibility between a given recreation opportunity and other resource management activities. Second, it can suggest how the activities, setting quality, or likely experiences might be impacted by other non-recreation activities. Third, it can indicate how future land use changes might impact the present pattern of a recreation opportunity provision. The apparent naturalness of an area is highly influenced by the evidence of human developments. If the landscape is obviously altered by roads, railroads, reservoirs, power lines, pipe lines, or even by highly visual vegetative manipulations, such as clearcuttings, the area will not be perceived as being predominately natural. Even if the total acres of modified land are relatively small, "out of scale" modifications can have a negative impact.[rdquo]

The Forest Service, in FSM 2310 (WO Amendment 2300-2020-1) on April 23, 2020, modified the 1982 ROS User Guide and 1986 ROS Book Recreation Opportunity Spectrum setting definitions and no longer refers to the 1982 ROS User Guide direction for planning purposes. The agency does not explain the change to policy, but it appears that the agency wishes to allow for mechanical treatments and timber production in Semi-Primitive Motorized ROS settings and to allow for road construction in Semi-Primitive Non-Motorized ROS settings for the vague purpose of forest health. Concerning is that the agency does not disclose the consequences of those changes to recreationists seeking Primitive and Semi-Primitive ROS experiences when new roads and vegetation management activities are encountered, including those seeking high-quality scenic, primitive hiking and horseback riding opportunities along the Continental Divide National Scenic Trail.

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

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.

2. CDNST Plan Components

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 CDNST travel route is to be located within the established corridor. 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 (aka National Trail Management Corridor) for the purpose of providing for the nature and purposes of the CDNST.

The revised Forest Plan CDNST plan components do not reflect the guidance in the National Forest Management Act of 1976 and the National Trails System Act as amended in 1978. The Forest Service relies on an ambiguous right-of-way9 statement in the National Trails System Act as enacted in 1968 as an indicator that the management and protection of National Scenic and Historic Trails is subordinate to common multiple-use programs. This improper interpretation of the rights-of-way selection guidance in the NTSA often goes as follows: [ldquo]The National Trails System Act at 16 U.S.C. [sect] 1246(a)(2) indicates that management in the vicinity of the CDNST while it traverses management areas that are subject to development or management is acceptable, but should be designed to harmonize with the CDNST as possible. Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land. The wording recognizes multiple uses and seeks to moderate impacts on the trail from resource management to the extent feasible while meeting resource management objectives.[rdquo]10

The 1968 guidance [ldquo]to be designed to harmonize with and complement any established multiple-use plans for that specific area[rdquo] was to some extent addressed in 1980 directives by Chief Max Peterson: [ldquo]Development and administration of a National Scenic Trail or National Historic Trail will ensure retention of the outdoor recreation experience for which the trail was established[hellip] Land management planning should describe the planned actions that may affect that trail and its associated environments. Through this process, resource management activities prescribed for land adjacent to the trail can be made compatible with the purpose for which the trail is established. The objective is to maintain or enhance such values as esthetics, natural features, historic and archeological resources, and other cultural qualities of the areas through which a National Scenic or National Historic Trail goes.[rdquo]

The National Forest Management Act requires that a Land Management Plan address the comprehensive planning and other requirements of the NTSA in order to form one integrated Plan. As such, the NTSA guidance that a National Trails System segment be, [ldquo]designed to harmonize with and complement any established multiple-use plans for that specific area,[rdquo] is not applicable to a land management plan approved after the passage of the National Forest Management Act (NFMA) in 1976 and as addressed in the 1982 planning regulations.

Furthermore, the NTSA was amended in 1978 in part to designate the CDNST and require comprehensive planning for National Scenic and Historic Trails, which the Forest Service until recently was attempting to complete through staged decisions for the CDNST whereas the revised Cibola Forest Plan is critical in contributing to comprehensive planning requirements.

The National Forest Management Act requires the formulation of one integrated plan (16 U.S.C.

[sect] 1604(f)(1)). The 2012 NFMA regulations 36 CFR [sect] 219.1 requires integrated resource management of the resources within the plan area and that plans must comply with all applicable laws and regulations. These regulations also require integrated resource management of multiple use (36 CFR [sect] 219.10(a)), including providing for plan components to provide for the, [ldquo](vi) Appropriate management of other designated areas or recommended designated areas in the plan area, including research natural areas.[rdquo] Planning directives describe that planning for designated areas may be met through the land management plan, unless the authorities for the designation require a separate plan; however, in the case of the CDNST the Comprehensive Plan directs that Forest Plans further implement the CDNST comprehensive planning requirements through staged-decision making. [ldquo][hellip] Any parts of a designated area plan that meet the requirements for land management plan components must be included in the land management plan. The entire area plan does not need to be included in the land management plan. The land management plans must also be compatible with

these designated area plans or either the land management plan or the designated area plan must be amended to achieve this compatibility.[rdquo] (FSH 1909.12 [ndash] 24.3)

The revised Forest Plan CDNST plan components do not protect the qualities and values of this National Scenic Trail. The plan components 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 (16 U.S.C. [sect] 1242(a)(2)). In addition, the plan does not establish direction to: (1) preserve significant natural, historical, and cultural resources (16 U.S.C. [sect] 1244(f)(1)); and (2) protect the CDNST corridor to the degree necessary to ensure that the values for which the CDNST was established remain intact or are restored (E.O. 13195, FSM 2353.44b(1) and FSH 1909.12 24.43). The revised plan draft decision does not avoid approving activities that are incompatible with the purposes for which the CDNST was established.

C. Proposed Solution to Improve the Decision

The CDNST Comprehensive Plan in Chapter IV Part A states, [ldquo]The primary policy is to administer the CDNST consistent with the nature and purposes for which this National Scenic Trail was established. 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.[rdquo]

The Forest Plan needs to identify and map the probable location of the rights-of-way 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:

[middot] Reference and use the 2009 CDNST Comprehensive Plan instead of the rescinded 1985 CDNST Comprehensive Plan (revised Plan, page 230).

[middot] ROS class definitions need to be expanded to add descriptions of Non-Recreation Uses and Evidence of Humans. ROS setting descriptions need to be consistent with the 1982 ROS User Guide/1986 ROS Book which was a basis for the recreation direction in the planning rule as informed by the Planning Rule PEIS and FSM 2310 (WO Amendment 2300-90-1).

[middot] Establish and display on a Forest Plan map a CDNST Management Area11 (aka National Trail Management Corridor) as displayed in Figure 1 (and repeated in Appendix A).

[middot] Modify the CDNST management corridor direction by adding the following plan components and eliminating proposed plan guidance that may conflict with the following direction:

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).12

2. Desired Condition: Primitive or Semi-Primitive Non-Motorized ROS settings13 are protected or restored.

3. Desired Condition: Scenic Character is Naturally Evolving or Natural-Appearing. Scenic Integrity Objective is Very High or High.14

4. Standard: Resource management actions must be compatible with maintaining or restoring Primitive or

Semi-Primitive Non-Motorized ROS class settings.

5. Standard: Motor vehicle use by the general public is prohibited unless that use:

a. Is necessary to meet emergencies;

b. Is necessary to enable adjacent landowners or those with valid outstanding rights to have reasonable access to their lands or rights;

c. Is for the purpose of allowing private landowners who have agreed to include their lands in the 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;15

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.16

6. Suitability: The CDNST management corridor is not suitable for timber production. Timber harvest is not an objective.

D. Completing the Continental Divide National Scenic Trail

Representatives Neguse and Fernandez introduced House of Representatives Bill 5118 titled the [ldquo]Continental Divide Trail Completion Act[rdquo] on August 27, 2021. The passage of H.R. 5118 could help protect and complete the CDNST through National Forest System and other lands in New Mexico. Comments submitted on the Draft Plan and DEIS (Attachment D) that included a CDNST Planning Handbook (Attachment E) and recommendations in this objection are consistent with the direction proposed in this Bill. Specifically, Draft Plan, DEIS, and these objection recommendations support the direction in H.R. 5118 Section 2, which states, [ldquo](1) Complete the Continental Divide National Scenic Trail by acquiring land as necessary to eliminate gaps between sections of the Trail and secure corridors compatible with the nature and purposes of the Trail. (2) Optimize the Trail by relocating existing portions of the Trail on Federal land as necessary to maximize conservation and enjoyment of the nationally significant scenic, historic, natural, and cultural qualities of the Trail corridor.[rdquo]

The Cibola Plan FEIS states, [ldquo]Bureau of Land Management and Forest Service personnel have been working cooperatively to identify a permanent, high-quality route for the trail off roads. Bureau of Land Management personnel are focusing part of the relocation on an area on Alamocita Creek immediately north of the Magdalena Ranger District. The Zuni Mountains on the Mount Taylor Ranger District remain a viable option for extension of the Continental Divide National Scenic Trail.[rdquo]

In 2007, the BLM New Mexico State Office began working with multiple landowners, counties, and local governments to establish an acceptable route for the Continental Divide National Scenic Trail from Pie Town to

Grants, New Mexico. The BLM and others negotiated a purchase from willing sellers for Alamocita Creek property. The Alamocita Creek property could provide connection for the CDNST. This land acquisition or property jumpstarts a successful landscape initiative to reroute 52 miles of highway shoulder hiking. The reroute would provide enhanced recreational and high-quality scenic experience for the public. This acquisition is ideal to achieving continuity of the CDNST corridor and protecting the largest trail gap in New Mexico. The current temporary location on highway shoulders (dirt and paved roads) is inconsistent with the nature and purposes of the CDNST.

Unexpectedly, the proposed revised Forest Plan fails to identify CDNST management corridors across the forest to protect high potential route segments. In response to comments, the Forest Supervisor states, [ldquo]Including direction or a mapped corridor for high potential route segments is beyond the scope of land management planning and occurs through site-specific management activities for the Continental Divide National Scenic Trail.[rdquo] This statement demonstrates that the Forest Supervisor failed to recognize the National Trails System Act requirements to select the National Scenic Trails rights-of-way and protect CDNST high potential route segments, which are not site-specific in nature nor resource planning activities. The Forest Supervisor does not present a plan that is consistent with the National Trails System Act and that addresses the integration requirements of the National Forest Management Act. The corridors of high potential route segments may need to have an extent that is greater than one-mile to allow for site-specific CDNST travel route layout considerations.

The Forest Plan should protect a CDNST corridor across the San Rafael Mesa. The Forest Plan should provide for protected connectivity to the Alamocita Creek land $2.6 million acquisition for the CDNST that was specifically acquired by the BLM at the request of the Forest Service for the purpose of the CDNST. The Alamocita Creek Land Acquisition Environmental Assessment is found as Attachment F.

The proposed final revised Forest Plan does not protect the qualities and values of the CDNST, which will result in actions that perpetually prevent the CDNST from being completed with a protected corridor on and adjacent to the Cibola National Forest.

E. Violation of Law, Regulation or Policy

See Section VI. CDNST Regulatory Planning Framework for a summary of planning requirements related to National Scenic Trails, recreation, scenery, and NEPA.

Section II. ROS and SMS Review

The following discussion summarizes key elements of Recreation Opportunity Spectrum and Scenery Management System analyses protocols that are important to the understanding of issues brought forth in this objection. Following the 1986 Recreation Opportunity Spectrum and 1995 Scenery Management System planning protocols would lead to analyses that would be consistent with the Department[rsquo]s Science Integrity policy, Planning Regulations Role of Science in Planning; Planning Rule requirement to use the Best Available Scientific Information to inform the planning process; and CEQ Methodology and Scientific Accuracy requirements (Departmental Regulation 1074-001, 36 CFR [sect] 219.3, and 40 CFR [sect] 1502.24)).

A. Recreation Opportunity Spectrum

The Recreation Opportunity Spectrum is a system by which existing and desired recreation settings are defined, classified, inventoried, established, and monitored. A recreation opportunity is a chance to participate in a specific recreation activity in a recreation setting to enjoy desired recreation experiences and other benefits that accrue. Recreation opportunities include non-motorized, motorized, developed, and dispersed recreation on land, water, and in the air. The recreation setting is the social, managerial, and physical attributes of a place that, when combined, provide a distinct set of recreation opportunities. The Forest Service uses the recreation opportunity spectrum to define recreation settings and categorize them into six distinct classes.

McCool, Clark, and Stankey in An Assessment of Frameworks Useful for Public Land Recreation Planning, General Technical Report PNW-GTR-705 states, [ldquo]Beginning in 1978, the concepts of an opportunity

setting and spectrum of recreation opportunities were formalized as a planning framework in a series of significant papers involving two groups of researchers working with public land managers: (1) Roger Clark and George Stankey (Clark and Stankey 1979) and (2) Perry Brown and Bev Driver (Brown et al. 1978, Driver and Brown 1978, Driver et al. 1987). The series of papers that evolved described the rationale, criteria, and linkages that could be made to other resource uses. The goal of these papers was to articulate the concept of an opportunity spectrum and to translate it into a planning framework; today they serve to archive the fundamental rationale behind the ROS concept and planning framework. The ROS framework as a planning framework was oriented toward integrating recreation into the NFMA required forest management plans. Both the BLM and the Forest Service eventually developed procedures and user guides to do this (e.g., USDA FS 1982).[rdquo]

McCool, Clark, and Stankey further describe that, [ldquo]The fundamental premise of ROS is that quality recreational experiences are best assured by providing a range or diversity of opportunities: by allowing visitors to make decisions about the settings they seek, there will be a closer match between the expectations and preferences visitors hold and the experiences they realize (Stankey 1999). Thus, underlying the ROS idea is the notion of a spectrum or diversity of opportunities that can be described as a continuum, roughly from developed to undeveloped.

Such opportunities are described by the setting. A setting is defined as the combination of attributes of a real place that gives it recreational value[hellip]

As both managers and scientists gained experience with ROS, and as collaboration continued, the efficacy of implementation also increased. The arrival of computer-based geographic information systems at about the same time as the implementation of ROS also enhanced its use as a framework for examining interactions between recreation and other resource uses and values. A major output of ROS was a map of a planning area displaying the spatial distribution of recreation opportunities. This was a distinct advance in resource management and enhanced the move away from reliance on tabular displays of data[hellip]

The ROS planning framework has become an important tool for public land recreation managers. Undoubtedly, its intuitive appeal and ease of integration with other resource uses and values are responsible for its widespread adoption and modification. Its strong science foundation, and the collaborative nature of its initial development are probably also primary reasons why it has endured over a quarter century of natural resource planning. As a planning framework, ROS forces management to explicate fundamental assumptions, but in the process of moving through the framework, it allows reviewers to follow and understand results.[rdquo]

Roger Clark and George Stankey in the Recreation Opportunity Spectrum [ndash] A Framework for Planning, Management, and Research, General Technical Report PNW-9818 states, [ldquo]The end product of recreation management is a diverse range of opportunities from which people can derive various experiences. This paper offers a framework for managing recreation opportunities based on six physical, biological, social, and managerial factors that, when combined, can be utilized by recreationists to obtain diverse experiences[hellip]

We define a recreation opportunity setting as the combination of physical, biological, social, and managerial conditions that give value to a place. Thus, an opportunity includes qualities provided by-nature (vegetation; landscape, topography, scenery), qualities associated with recreational use (levels and types of use), and conditions provided by management (developments, roads, regulations). By combining variations of these qualities and conditions,

management can provide a variety of opportunities for recreationists.[rdquo]

Recreation Opportunity settings are described using six factors: Access, Nonrecreational Resources Uses, Onsite Management, Social Interaction, Acceptability of Visitor Impacts, and Acceptable Level of Regimentation. The factor that is most closely related to the Scenery Management System is Non-recreational Resources Uses describing that, [ldquo]This factor considers the extent to which nonrecreational resource uses (grazing, mining, logging) are compatible with various opportunities for outdoor recreation. Other uses can severely conflict with opportunities for primitive experiences. For example, Stankey (1973) found that grazing in the Bridger Wilderness in Wyoming was the most serious source of conflict reported by visitors. In other cases, a variety of resource management activities that might even contribute to visitor enjoyment can be found in conjunction with outdoor recreation[hellip] Planners and managers must consider the lasting effects of a resource activity (mines, clearcuts), as well as short-term effects (logging trucks, noise from a mine) to determine the impacts on the recreational opportunity[hellip]

The recreation opportunity setting is composed of other natural features in addition to the six factors. Landform types, vegetation, scenery, water, wildlife, etc., are all important elements of recreation environments; they influence where people go and the kinds of activities possible.

Considerable work has gone into developing procedures for measuring and managing visual resources.[rdquo]

This technical report further states, [ldquo]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.[rdquo]

The 1986 ROS Book states, [ldquo]The physical setting is defined by the absence or presence of human sights and sounds, size, and the amount of environmental modification caused by human activity. The physical setting is documented by combining these three criteria as described below. Physical Setting - The physical setting is best defined by an area's degree of remoteness from the sights and sounds of humans, by its size, and by the amount of environmental change caused by human activity[hellip] (page II-11)

Chuck McConnell and Warren Bacon in the 1986 ROS Book state, [ldquo]Much of the success in managing vegetation to achieve desired visual character and meet visual quality objectives in Roaded Natural and Rural areas is tied to control of viewing positions primarily on roads, highways, and use areas. When the recreation user is traveling on trails or cross-country in Primitive or Semi-Primitive areas, near view becomes very evident. Recreation experience

opportunities, which are not as available in Roaded Natural and Rural settings should become a primary goal. Some of these may include:

1. Obtaining privacy, solitude, and tranquility in an outdoor setting.

2. Experiencing natural ecosystems in environments which are largely unmodified by human activity.

3. Gaining a new mental perspective in a tranquil outdoor setting.

4. Self-testing and risk-taking for self-development and sense of accomplishment.

5. Learning more about nature, especially natural processes, human dependence on them, and how to live in greater harmony with nature. To the extent practical, these opportunities should be goals in all ROS settings on the National Forest System.

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.[rdquo] (page II-17)

The Forest Service 1986 ROS Red Book repeats information that is found in the 1982 ROS User Guide and provides ROS background information, reviews research, and adds land management planning guidance. The 1986 ROS Book states, [ldquo]Settings are composed of three primary elements: The physical setting, the social setting, and the management setting. These three elements exist in various combination and are subject to managerial control so that diverse opportunity settings can be provided. These settings, however, are not ends in themselves.

Providing settings is a means of meeting the third aspect of demand, desired experiences. Settings are used for providing opportunities to realize specific experiences that are satisfying to the participant. In offering diverse settings where participants can pursue various activities, the broadest range of experiences can be realized. The task of the recreation planner and manager, then, is to formulate various combinations of activity and setting opportunities to facilitate the widest possible achievements of desired experiences--or to preserve options for various types of recreation opportunities[hellip] (page II-19)

The Forest Service ROS User Guide and ROS Book state, [ldquo]For management and conceptual convenience possible mixes or combinations of activities, settings, and probable experience opportunities have been arranged along a spectrum, or continuum. This continuum is called the Recreation Opportunity Spectrum (ROS) and is divided into six classes (Table 1). The six classes, or portions along the continuum, and the accompanying class names have been selected and conventionalized because of their descriptiveness and utility in Land and Resource Management Planning and other management applications.[rdquo] (Table 1 is found in the 1982 ROS Users Guide on pages 7 and 8 and in the 1986 ROS Book on pages II-32 and II-33)

The Forest Service 1982 ROS User Guide further describes in part 21.23 that, [ldquo]Evidence of Humans is used as an indicator of the opportunity to recreate in environmental settings having varying degrees of human influence or modification. Apply the Evidence of Humans criteria given in Table 5 [repeated below] to determine whether the impact of human modification on the landscape is appropriate for each class designation on the inventory overlay. If the Evidence of Humans is more dominant than indicated for the designated Recreation Opportunity Spectrum class, adjust the class boundaries on the overlay so the designations accurately reflect the situation[hellip] The Evidence of Humans criteria for each Recreation Opportunity Spectrum class is primarily based on the visual impact and effect of modifications on the recreation experience,

as distinguished from only the physical existence of modifications. The criteria take into account the variation in visual absorption capacity of different landscapes.[rdquo]

The 1986 ROS Book states, [ldquo]The ROS helps planners identify different allocations of recreation, specifying where and what types of recreational opportunities might be offered and the implications and consequences associated with these different allocations. Because the ROS requires explicit definitions of different recreation opportunities, it facilitates comparisons between different alternatives. It also helps identify what specific actions might be needed in order to achieve certain allocations in the future. (page IV-32)

The explicit nature of the ROS assists managers in identifying and mitigating conflict. Because the ROS identifies appropriate uses within different recreation opportunities, it is possible to separate potentially incompatible uses. It also helps separate those uses that yield experiences that might conflict, such as solitude and socialization[hellip] (page IV-32)

The ROS also helps identify potential conflicts between recreation and non-recreation resource uses. It does this in several ways. First, it can specify the overall compatibility between a given recreation opportunity and other resource management activities. Second, it can suggest how the activities, setting quality, or likely experiences might be impacted by other non-recreation activities. Third, it can indicate how future land use changes might impact the present pattern of a recreation opportunity provision.[rdquo] (page IV-32)

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[hellip] (page IV-33)

Management prescriptions 19are the building blocks for formulating planning alternatives, and for providing site specific management. Each prescription describes a set of compatible multiple- use management practices that will produce a particular mix of resource outputs. For example, one management area prescription might allow grazing and provide for primitive recreation opportunities, but permit only minimal water development structures and place strict controls on timber harvesting and mineral development. Another prescription for the same type of land might also permit grazing, but provide for roaded-natural recreation opportunities and allow for clearcutting and strip mining[hellip] (page IV-35)

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.

Consistent with the 1986 ROS Book, a handbook titled Recreation Opportunity Setting as a Management Tool by George Stankey, Greg Warren, and Warren Bacon states, [ldquo]A recreation opportunity setting is defined as the combination of physical, biological, social, and managerial conditions that give value to a place[hellip] The seven indicators include access, remoteness, non- recreation uses, onsite management, visitor management, social encounters, and visitor impacts:

Access - Includes the type of transportation used by the recreationists within the area and the level of access development, such as trails and roads.

Remoteness - The distance of an area from the nearest road, access point, or center of human habitation or development.

Non-recreation uses, evidence of humans, and naturalness - Refers to the type and extent of non-recreation uses present in the area, such as timber harvesting, grazing, and mining.

On-site management - The on-site management indicator refers to modifications such as facilities, vegetation management, and site design.

Visitor management [ndash] Includes the management actions undertaken to maintain conditions and enhance visitor experiences within an ROS class.

Social encounters - The number, type, and character of other recreationists met in the area, along travel ways, or camped within sight or sound.

Visitor impacts - Includes those impacts caused by recreation use and affecting resources such as soil, vegetation, air, water, and wildlife[hellip].[rdquo]

The Recreation Opportunity Setting as a Management Tool handbook reviews Roaded Modified ROS setting considerations, on pages 22-24, which is not addressed in the 1982 ROS User Guide and 1986 ROS Book.20 Setting indicators are describe in part as, [ldquo]Roads are an integral part of these classes and provide a range of opportunities for users of high clearance vehicles on dirt roads to passenger cars on pavement. Roads may be closed to recreational use to meet other resource management objectives. In addition to roads, a full range of trail types and difficulty levels can be present in order to meet recreation objectives[hellip] The natural setting is often heavily altered as this environment and access throughout are often the result of intensive commodity production. Timber harvest, for example, is constrained primarily by the NFMA regulation of shaping and blending harvest units with the terrain to the degree practicable. Harvest activities should protect user-established sites from alteration and provide access to them. It should be used to meet other recreation needs such as provide trailhead access, parking areas, and a diversity of travelway opportunities[hellip].[rdquo]

Where inventories of setting characteristics are not completely aligned with a specific ROS class, a determination should be made as to which class best represents the current specific setting. As a general rule, the physical characteristics take precedent over social and managerial characteristics. This is because social and managerial characteristics can often be altered through visitor use management techniques (permits, closures, etc.) where as the physical characteristics (size, remoteness, and others) are more permanent.

Primitive and Semi-Primitive Non-Motorized ROS settings are of greatest risk of being eliminated from available recreation opportunities as pressures increase to control insect and disease through vegetation management practices that include timber harvest and permanent and temporary roads. In addition, unauthorized OHV use and excessive mechanized use may displace traditional non-motorized users from these areas. In established Primitive and Semi- Primitive ROS settings, as adjacent lands are developed, minimizing any degradation of evidence of human indicators will increase in importance if remoteness protections diminish.

How are ROS setting inconsistencies addressed in providing for desired settings along a National Scenic Trail? An inconsistency is defined as a situation in which the condition of an indicator exceeds the range defined as acceptable by the management guidance. For example, the condition of the indicators for a National Scenic Trail corridor may all be consistent with its management as a semi-primitive non-motorized area except for the presence of a trailhead and access road. In such a case, what are the implications of the inconsistency? Does the inconsistency benefit or interfere with the nature and purposes of the National Scenic Trail?

What should be done about the inconsistency? Three general kinds of actions are possible. First, perhaps nothing can or should be done. It may be concluded that the inconsistency will have little or no effect on the area's general character. Alternatively, the agency may lack jurisdiction over the source of the inconsistency. A second response is to direct management action at the inconsistency to bring it back in line with the guidance established for the desired ROS class. The main point to be understood about inconsistencies is that they might be managed. The presence of one does not necessarily automatically lead to a change in ROS class. By

analyzing its cause, implications, and possible solutions, an inconsistency may be handled in a logical and systematic fashion.

FSM 2310 (WO Amendment 2300-2020-1) [ndash] Sustainable Recreation Planning, approved on April 23, 2020, is reviewed in Appendix B of this objection.

B. Scenery Management System

The Scenery Management System (SMS) provides a systematic approach to inventory, assess, define, and monitor both existing and desired scenic resource conditions. Specific components of the SMS include scenic character, the degree of scenic diversity (scenic attractiveness), how and where people view the scenery (distance zones), the importance of scenery to those

viewing it (concern levels), and the desired degree of intactness (scenic integrity objectives). The following paraphrases discussions found in the Landscape Aesthetic Handbook.

There are several over-arching concepts of the SMS that facilitate the inclusion and integration of scenery resources with planning efforts. The SMS is grounded in an ecological context; recognizes valued aspects of the built environment; and incorporates constituent input about valued features (biophysical and human-made) of settings.

Scenic Attractiveness (ISA) classes are developed to determine the relative scenic value of lands within a Landscape Character. The three ISA classes are: Class A, Distinctive; Class B, Typical; Class C, Indistinctive. The landscape elements of landform, vegetation, rocks, cultural features, and water features are described in terms of their line, form, color, texture, and composition for each of these classes. The classes and their breakdown are generally displayed in a chart format. A map delineating the ISA classes is prepared.

The Scenic Character (aka Landscape Character) description is used as a reference for the Scenic Integrity of all lands. Scenic Integrity indicates the degree of intactness and wholeness of the Landscape Character; conversely, Scenic Integrity is a measure of the degree of visible disruption of the Landscape Character. A landscape with very minimal visual disruption is considered to have High Scenic Integrity. Those landscapes having increasingly discordant relationships among scenic attributes are viewed as having diminished Scenic Integrity. Scenic Integrity is expressed and mapped in terms of Very High, High, Moderate, Low, Very Low, and Unacceptably Low.

Constituent analysis serves as a guide to perceptions of attractiveness, helps identify special places, and helps to define the meaning people give to the subject landscape. Constituent analysis leads to a determination of the relative importance of aesthetics to the public; this importance is expressed as a Concern Level. Sites, travelways, special places, and other areas are assigned a Concern Level value of 1, 2, or 3 to reflect the relatively High, Medium, or Low importance of aesthetics.

During the alternative development portion of the planning process, the potential and historical aspects of the Landscape Character Description are used to develop achievable Landscape Character Options concert with other resource and social demands. Landscape Character Descriptions and associated Scenic Integrity Objectives are identified for each option and alternative. The desired Scenic Character and Scenic Integrity are included within the descriptions of the management area and geographic area desired conditions and standards and guidelines. Generally a Very High or High Scenic Integrity Objective is assigned to Wilderness and other statutorily designated areas.

Natural scenic character originates from natural disturbances, succession of plants, or indirect activities of humans. The existing scenic character continues to change gradually over time by

natural processes unless affected by drastic natural forces or indirect human activities. In a natural-appearing landscape, the existing landscape character has resulted from both direct and indirect human activities. Scenic character may have changed gradually over decades or centuries by plant succession unless a concerted effort was made to preserve and maintain cultural elements through processes such as prescribed fires.

Scenic integrity is defined as the degree of direct human-caused deviation in the landscape, such as roads, timber harvests, or activity debris. Indirect deviations, such as a landscape created by human suppression of the natural role of fire, are not included in scenic integrity evaluations. Natural occurring incidents, such as insects and disease infestations, are not defined as human-caused deviations in the landscape.

Scenic integrity objectives in the context of a forest plan are equivalent to desired conditions. Scenic integrity describes the state of naturalness or a measure of the degree to which a landscape is visually perceived to be [ldquo]complete.[rdquo] The highest scenic integrity ratings are given to those landscapes that have little or no deviation from the landscape character valued by constituents for its aesthetic quality. Scenic integrity is the state of naturalness or, conversely, the state of disturbance created by human activities or alteration.

The frame of reference for measuring achievement of scenic integrity levels is the valued attributes of the "existing" landscape character "being viewed.[rdquo] Naturally Evolving or Natural- Appearing Scenic Character is limited to natural or natural appearing vegetative patterns and features, water, rock, and landforms. Direct human alterations may be included if they have become accepted over time as positive landscape character attributes.

C. ROS and SMS Relationships

The relationship between the Scenery Management System and the Recreation Opportunity Spectrum systems is discussed in the 1982 and 1986 ROS Users Guides. The FSM 2310 (WO Amendment 2300-90-1) policy guidance informed and was foundational for the recreation planning direction that is found in the 2012 planning rule and 2015 planning directives.

The Landscape Aesthetics Handbook. Landscape Aesthetics - A Handbook for Scenery Management (Agricultural Handbook Number 701); Appendix F - 1 - Recreation Opportunity Spectrum states: [ldquo]Recreation planners, landscape architects, and other Forest Service resource managers are interested in providing high quality recreation settings, experiences, and benefits for their constituents. This is accomplished, in part, by linking the Scenery Management System and the Recreation Opportunity Spectrum (ROS) System. In addition, providing a single constituent inventory and analysis for both systems is helpful in coordinating management practices.

Esthetic value is an important consideration in the management of recreation settings. This is especially so in National Forest settings where most people expect a natural appearing

landscape with limited evidence of [lsquo]unnatural[rsquo] disturbance of landscape features[hellip]

In the past, there have been apparent conflicts between The Visual Management System sensitivity levels and ROS primitive or semi-primitive classes. One apparent conflict has been where an undeveloped area, having little existing recreation use and seldom seen from sensitive travel routes, was inventoried using The Visual Management System. The inventory led to a sensitivity level 3 classification, and thus apparently contradicted ROS inventory classes of primitive or semi-primitive non-motorized or semi-primitive motorized. Using criteria in The Visual Management System, in a variety class B landscape with a sensitivity level 3, the initial visual quality objective is [lsquo]modification[rsquo] or [lsquo]maximum modification,[rsquo] depending on surrounding land classification. However, because of factors such as few social encounters, lack of managerial regimentation and

control, and feelings of remoteness, the same area having little existing recreation use may establish an ROS primitive, semi-primitive non-motorized, or semi- primitive motorized inventory classification. There have been concerns over the premise of The Visual Management System that the visual impact of management activities becomes more important as the number of viewers increases; yet, the ROS System emphasizes solitude, infrequent social encounters, and naturalness at the primitive end of the spectrum, with frequent social encounters and more evident management activities at the urban end. Value or importance is dependent on more than the number of viewers or users, and the key is that both the Scenery Management System and ROS are first used as inventory tools. Land management objectives are established during, not before, development of alternatives.

Where there does appear to be a conflict in setting objectives for alternative forest plans, the most restrictive criteria should apply. An example might be an undeveloped land area in a viewshed managed for both middleground partial retention and semi-primitive non-motorized opportunities. Semi-primitive non-motorized criteria are usually the more restrictive.

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[hellip]) are developed for differing needs, but they are all systems that work harmoniously if properly utilized[hellip]

Evidence of Humans Criteria and the Visual Management System [ndash] While in some ways it seems possible to equate Visual Quality Objectives, or a range of objectives, with each Recreation Opportunity Spectrum class the function of the Evidence of Humans Criteria in the Recreation Opportunity Spectrum is not the same as Visual Quality Objectives in the Visual Management

System and equating the two is not recommended. For example, middle and background Visual Management System areas are often where Primitive and Semi-Primitive Recreation Opportunity Spectrum classes occur. A retention or partial retention Visual Quality Objective given to such an area for management direction could have a vastly different meaning than the delineated Recreation Opportunity Spectrum class. Thus, identify the Recreation Opportunity Spectrum classes through the setting descriptions in the Evidence of Humans Criteria[mdash]Table 5[hellip] To assist in this, the Evidence of Humans Criteria are purposely worded differently than the definitions of Visual Quality Objectives.[rdquo] Table 5 is found in the 1982 ROS Users Guide on page 22 and in the 1986 ROS Book on page IV-10.

D. Recreation and Tourism Initiatives

[ldquo]Recreation & Tourism Initiative, Igniting Research for Outdoor Recreation: Linking Science, Policy, and Action,[rdquo] 2020, edited by Steven Selin and others, PNW-GTR-987 describes, [ldquo]Public lands provide opportunities and settings for people to experience nature and the outdoors.

These outdoor experiences are important for human health and well-being and result in visitor spending that benefits local communities. This report shows that new research, tools, and frameworks are needed to help us find new ways to conceptualize outdoor recreation and enhance the ability of public land managers to provide outdoor experiences while protecting natural and cultural resources[hellip].[rdquo]

The following reviews sections of this publication with quotes from the chapters with embedded remarks that reflect on several of the report propositions.

Chapter 1: [ldquo]The Shifting Outdoor Recreation Paradigm: Time for Change[rdquo] by Dale J. Blahna states, [ldquo]In general, the outdoor recreation paradigm tended to focus narrowly on the social science of visitor experiences, satisfaction, and economic values, while recreation ecology focused on the environmental impacts of recreation. A few integrative models were developed, such as VERP (visitor experience and resource protection) and LAC (limits of acceptable change), but these tools tend to be used rarely and they never grew or evolved into landscape-level models that could play key roles in decisionmaking or management planning like forest growth and yield, wildlife habitat, and fire spread models[hellip][rdquo] The 1986 [ldquo]Recreation Opportunity Setting as a Management Tool[rdquo] technical guide provided an integrated model for resource management on NFS lands. The guide for each ROS class described compatible recreation, timber, wildlife, range, and water resource relationships.

[ldquo]The emerging paradigm of outdoor recreation recognizes that humans are part of natural systems and that connecting with natural settings provides a broad range of human values and benefits that are not otherwise available, affirming these values and benefits to be essential for human health and well-being. As such, it is the responsibility of outdoor recreation professionals and agencies to increase public access and visitor diversity and expand the types of visitor experiences, opportunities, and benefits that people obtain from public lands, while simultaneously protecting the natural environment. Thus, the paradigm shift that is occurring in outdoor recreation has both a societal/conceptual component and an agency/practice component, and both require integrating social and environmental factors.[rdquo]

This statement improperly suggests there is a common belief that current recreation planning models do not address humans as being part of natural systems, while improperly diminishing the recognition that humans can modify the natural environment in a manner that could substantially reduce human health and well-being benefits. A concern is that use continues to increase without adequate measures to protect the natural environment. In addition, more primitive recreation settings that are sought by many recreationists continue to be degraded by resource development actions.

The recreation resource does not need to be a catch-all resource category for addressing the many dimensions of human connections to the natural environment. It is my experience that describing many aspects of native American use of public lands as recreation would be a mistake. The Arctic National Wildlife Range manager in 1977 asked that I include the Gwitchin and Inuit people in a visitor use questionnaire survey. These native people continue to be part of the dynamics of the Refuge. After meeting with these people, it was clear that their connections and experiences in the Refuge would not be captured by my visitor use survey instrument. The dimensions of their use in the Refuge were complex and could not be readily described as recreation. Aspects of Gwitchin and Inuit use of public lands in Alaska were recognized and protected by the Alaska National Interest Lands Conservation Act.

[ldquo]Dated recreation planning tools, a downward trajectory for appropriated government funding, and shifting societal values and growing diversity all lend urgency to the need for new ways of thinking about our profession and new practices in recreation management. Outdoor recreation is still viewed as a secondary consideration in decisionmaking by federal land management agencies, with resource production and environmental protection values dominant. Ironically, recreation access and use are the primary ways that Americans connect with public lands, and public lands could be viewed as an essential component of the nation[rsquo]s health infrastructure.

We need to act now for three reasons: (1) natural systems will benefit from a better relationship

with human society, (2) there is an immediate need for increased government support for recreation management and infrastructure, and (3) public lands require consistent and more public support if they are to

continue to exist as a valued component of our well-being[hellip]

The anomalies and emerging agency initiatives are the converse of the assumptions underlying the current paradigm. Although solitude, remoteness, traditional uses, counting visitors, and reducing onsite conflicts will always be important parts of public lands recreation management, they are not and should not be the primary focus of the new and emerging goals of sustainable recreation. Recognizing different cultural beliefs and expectations regarding human-nature interactions, expanding understanding and measurement of the diversity of benefits of human- nature contacts, and creating an outdoor recreation ecosystem science will require significant changes for both recreation research and agency management, not unlike the scientific revolutions in fire and wildlife ecology in the 20th century[hellip][rdquo]

The statement that recreation planning tools are dated is not substantiated. The Recreation Opportunity Spectrum, as envisioned in 1986, would continue to be an effective recreation resource integration tool in forest planning if properly implemented. However, over the last several years the agencies have tended to move away from managing recreation settings; instead, recreation management has been mostly focused on recreation activities. In 2020, the Forest Service FSM 2310 recreation planning directive was modified, which will further diminish the role that the recreation resource will have in multiple use decision making. The ROS planning framework and Limits of Acceptable Change will continue to contribute to integrated planning for multiple use programs if their protocols are adhered to by agencies.

Chapter 5: Rethinking [ldquo]Outdoor Recreation[rdquo] to Account for the Diversity of Human Experiences and Connections to Public Lands, Dale Blahna and others state, [ldquo]A challenge for recreation managers is overcoming the trap of past mental models that have focused on the notion that recreation is a mix of a small set of activities and a small set of settings that result in recreation satisfaction and then a resultant desired benefit. The Recreation Opportunity Spectrum (ROS), for example, which is the dominant recreation analysis tool of the Forest Service and the Bureau of Land Management (BLM), is a case in point[hellip][rdquo]

The BLM no longer uses the Recreation Opportunity Spectrum. The current BLM recreation framework is the Recreation Setting Characteristics (BLM H-8320-1). The BLM states, [ldquo]the ROS process mapped the physical, social, and operational RSCs separately and then combined all maps into one final composite map. This often resulted in inconsistencies between the physical, social, and operational recreation settings. The conflicts were resolved by emphasizing the physical character of the landscape or averaging the differences. Unfortunately, this often resulted in a misrepresentation of the social and operational qualities of the recreation area, making the ROS difficult to understand and implement. In response, the BLM has modified the application of the ROS by not requiring the integration of the physical, social, and operational RSCs into one final composite map.[rdquo]

This change may reduce the ability of the BLM to protect recreation settings. To protect the qualities and values of National Scenic and Historic Trails, the BLM should use the ROS planning framework.

[ldquo]The ROS is an abstraction of human experiences that classifies an agency[rsquo]s lands into six very general categories (urban, rural, roaded natural, semi-primitive motorized, semi-primitive non- motorized, and primitive) based on seven criteria (remoteness, access, naturalness, facilities, social encounters, visitor impacts, and management characteristics). This abstraction has taken the diversity of the natural world and our relationship to it and has reduced the richness and complexity of our imagination. Today, the ROS appears overly reductionist and does not recognize the simultaneous effects of incongruous setting characteristics and personal and social experiences in time, space, mind, or memory.[rdquo]

The ROS is based on the idea that visitors participate in different recreation activities in different settings in order to realize certain experiences. There are many different types of experiences. Some relate to solitude, risk, and challenge and we typically associate these with opportunities at the primitive end of the spectrum. Others relate

to meeting and enjoying others or family togetherness. The Forest Service planning directives, consistent with the ROS planning framework, states [ldquo]The interdisciplinary team is encouraged to use new approaches for managing recreation within the plan area. The interdisciplinary team should be proactive in developing a coherent system of sustainable and socially compatible recreation opportunities.[rdquo]

ROS setting attributes provide for a degree of integration with other resources, which are important elements of achieving desired experiences. The recreation opportunity setting is composed of other natural features in addition to the six factors. Landform types, vegetation, scenery, water, wildlife, etc., are all important elements of recreation environments; they influence where people go and the kinds of activities possible. Considerable work has gone into developing procedures for measuring and managing visual resources.

[ldquo]Like ROS, most visitor management concepts and tools used today were developed in the 1970s and 1980s. They reflect the post-World War II [ldquo]recreation boom[rdquo] mentality, when a new generation of recreationists provided new challenges to managers, and recreation use levels, visitor conflicts, resource impacts, and crowding became dominant agency concerns. In the 21st century, agency policies and leadership priorities are emphasizing increasing visitor use and access, diversifying the visitor base, enhancing experiences, sharing stewardship, and expanding collaborators in land management and decisionmaking. As noted in the prologue, these are very different from the boom era concerns, and concepts like visitor satisfaction, specialization, and carrying capacity are ghosts of past models that are limiting our ability to address today[rsquo]s challenges[hellip][rdquo]

Agencies continue to face new generations of recreationists that provide new challenges to managers. Visitor conflicts, crowding, and resource issues have not been abated. Plus, these continuing issues are confounded by agency policies and leadership priorities that emphasize increasing visitor use and access, enhancing experiences, increased resource production that diminish recreation opportunities, and establishing management priorities that reduce recreation budgets and the number of professional wildland recreation management specialists. Wildland recreation planning and management specialists would help ensure that the agency had adequate subject matter expertise to address the recreation resource.

Chapter 12: Integrating Social, Ecological, and Economic Factors in Sustainable Recreation Planning and Decisionmaking by Dale J. Blahna and others state, [ldquo]If a primary objective of sustainable recreation is sustaining both recreation experiences and environmental conditions while encouraging increasing recreation use and visitor diversity, we know little about how to integrate with broader system resilience objectives. And goals conceived in this way will require newer and more integrated sets of principles and practices than are currently available to managers. Existing recreation management tools are limited, and existing large-scale planning and decision frameworks tend to be very complex and based on generic systems characteristics and standardized metrics, rather than context and place-specific issues. Different research approaches are needed to develop a new generation of integrated principles and practices.[rdquo]

The ROS planning framework continues to be an important tool for integrated resource land management planning. Its intuitive appeal and ease of integration with other resource uses and values are responsible for its widespread adoption and modification. It has a strong science foundation. As a planning framework, ROS forces management to explicate fundamental assumptions, but in the process of moving through the framework, it allows agency and public reviewers to follow and understand results. There is no evidence that protecting natural settings using the ROS planning framework is subjectively limiting the ability of the agencies to address current human use needs and challenges.

It should not be assumed that different research approaches will lead to the development of a new generation of integrated principles and effective practices. The ROS planning framework was not intended to never change, but modifications to the ROS planning framework, and changes to other planning models, should only occur through robust public involvement processes and be based on science.

[ldquo]Humans Need Nature. Nature Needs Protection. Protected areas serve as a critical conservation tool for protecting nature and biodiversity. Humans also depend on intact ecosystems and benefit from the environmental services they provide. Guaranteeing the effective use and management of protected areas will ensure that all future generations will be able to enjoy the benefits they provide. Protected areas require adept, well-trained personnel and strong partnerships to deal with many challenges including lack of funding, undertrained personnel and personnel shortages, and an ever-increasing list of traditional and emerging transboundary threats[hellip].[rdquo] (Warner College of Natural Resources)

E. Ecosystem Integrity and Diversity of Plant and Animal Communities

The Forest Plan refers to forest health and restoration projects and activities. The Planning Rule states, [ldquo]The plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore structure, function, composition, and connectivity...[rdquo] (36 CFR [sect] 219.8(a)(1)). Ecological integrity is defined as, [ldquo]The quality or condition of an ecosystem when its dominant ecological characteristics (for example, composition, structure, function, connectivity, and species composition and diversity) occur within the natural range of variation and can withstand and recover from most perturbations imposed by natural environmental dynamics or human influence[rdquo] (36 CFR [sect] 219.19).

The Forest Service states, [ldquo]Agency intent is to promote ecosystem integrity in the plan area. However, it may not be possible or appropriate to strive for returning key characteristics to past conditions throughout the plan area[hellip] Understanding the natural range of variation is fundamental in strategic thinking and planning, even if restoration to historical conditions is not the management goal or possible on parts of the plan area. Understanding the natural range of variation of an ecosystem provides an understanding of how ecosystems are dynamic and change over time. The natural range of variation is useful for understanding each specific ecosystem, for understanding its existing ecological conditions, and for understanding its likely future character, based on projections of climate regimes[rdquo] (FSH 1909.12 23.11a). [ldquo]Plans must contain plan components, including standards or guidelines, that maintain or restore the composition, structure, ecological processes, and connectivity of plan area ecosystems in a manner that promotes their ecological integrity[rdquo] (FSH 1909.12 23.11b). [ldquo]Desired conditions should define and identify fire[rsquo]s role in the ecosystem[rdquo] (FSH 1909.12 23.11c).

The scenic character and recreation settings of the planning area must be addressed in the context of ecosystem integrity and diversity. It is important to understand the spatial extent and distribution of ecosystems and habitat types and spatial relationships to the natural range of variation. Understanding these relationships is critical to addressing scenic character and recreation setting stability along the CDNST corridor.

Scenic stability and sustainable recreation in an ecological context are the degree to which the scenic character and recreation settings can be sustained through time with ecological progression. Scenic and setting stability may be at risk if the landscape vegetation is outside the

natural range of variation. Older forested areas may be at risk from large intense wildfires and be subject to land clearing from timber harvest, road construction, and other developments in Roaded Natural/Roaded Modified ROS settings as defined by the 1986 ROS Book. The Land Management Plan and related EIS should describe how much land could be devoted to timber production, mechanical treatments, and associated actions and activities while still meeting requirements for ecological integrity.

The natural range of variation analyses can be used to assess the scenic and setting stability of forest landscapes. This can be measured in terms of the landscape[rsquo]s departure from the natural range of variation and rate of seral-stage change. Seral-stage communities consist of vegetation types that are adapted to the site[rsquo]s set of physical and biotic conditions. In the unmanaged forested landscape, various natural disturbance agents (such as fire, wind-throw, landslides, and insects) are responsible for creating forests

containing a full range of stand ages.

Departures in fire regime, extensive insect outbreaks, excessive timber production, development of permanent and temporary roads, and other disturbances from the natural range of variation and the rate of seral-stage change may affect scenic stability and sustainable recreation.

Sustainable recreation is the set of recreation settings and opportunities on the National Forest System that is ecologically, economically, and socially sustainable for present and future generations. In statutorily designated areas such as the CDNST rights-of-way corridor, limited prescribed fire or non-intervention policies are often the desired approach in order to promote natural processes and natural rejuvenation. Outside of protected areas including Roaded Natural and Roaded Modified settings, interventions may include removal of infected and dead trees or clear cuts, associated roads, and then followed by artificial reforestation. In addition, the Cibola Plan if implemented would allow similar interventions in Semi-Primitive ROS settings, which is inconsistent with the 1982/1986 ROS planning framework conventions.

Mark Swanson and others describe that, [ldquo]Early-successional forest ecosystems that develop after stand-replacing or partial disturbances are diverse in species, processes, and structure. Post-disturbance ecosystems are also often rich in biological legacies, including surviving organisms and organically derived structures, such as woody debris. These legacies and post- disturbance plant communities provide resources that attract and sustain high species diversity, including numerous early-successional obligates, such as certain woodpeckers and arthropods. Early succession is the only period when tree canopies do not dominate the forest site, and so this stage can be characterized by high productivity of plant species (including herbs and shrubs), complex food webs, large nutrient fluxes, and high structural and spatial complexity.

Different disturbances contrast markedly in terms of biological legacies, and this will influence the resultant physical and biological conditions, thus affecting successional pathways.

Management activities, such as post-disturbance logging and dense tree planting, can reduce

the richness within and the duration of early-successional ecosystems. Where maintenance of biodiversity is an objective, the importance and value of these natural early-successional ecosystems are often underappreciated.

Naturally occurring, early-successional ecosystems on forest sites have distinctive characteristics, including high species diversity, as well as complex food webs and ecosystem processes. This high species diversity is made up of survivors, opportunists, and habitat specialists that require the distinctive conditions present there. Organic structures, such as live and dead trees, create habitat for surviving and colonizing organisms on many types of recently disturbed sites. Traditional forestry activities (e.g., clearcutting or post-disturbance logging) reduce the species richness and key ecological processes associated with early-successional ecosystems; other activities, such as tree planting, can limit the duration (e.g., by plantation establishment) of this important successional stage.[rdquo]24

Forest ecological integrity assessments must clearly describe the quality or condition of an ecosystem that may need to be restored. Forest restoration is a range of actions that strive to manage a forest in a way that reflects its historical ecological state in a certain place. This can include replanting or reintroducing native plants and animals, mechanical thinning, and prescribed burning to replicate historical tree densities, removal of invasive species, or returning physical processes, including fire behavior, functioning streams, and floodplains to a more natural and resilient state.

The goal of forest health projects should be the same as the goal of restoration which is not to recreate a specific appearance, but to reduce the effects of past human activities, such as clearcutting, fire suppression, and roads. Proposed actions to enhance forest resiliency and improve ecological integrity should clearly explain how

management actions will increase age class, structural, and vegetation diversity across the landscape. Harvesting live trees in areas of extensive tree mortality, especially if temporary or new permanent roads are needed for the action, would not contribute to forest resiliency, and improve ecological integrity.

Successful restoration of any road entails many steps. It requires ripping up the road bed to remove the compacted soil layers. The side slope soil must be put back on the site, and reshaped so sub surface and surface water flow are restored. Culverts need to be removed, and stream channels fully restructured and reconstituted. Native vegetation needs to be planted and logs, rocks, and other natural structures need to be put back on the slope. Long-term monitoring of restoration actions is critical to ensure that desired site conditions are achieved and sustained.

Restoration actions may be limited by natural resource, designated area, and Primitive and Semi-Primitive ROS setting management constraints. Roads may need to be reclaimed if Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized ROS class conditions are to be restored or recovered.
Section III. Statement of Issues [ndash] Proposed Plan
The following are statements of the issues to which the objection applies and concise statements explaining the objection and suggestions on how the proposed plan decision may be improved.

Plan components should be integrated, written clearly, concisely, and without ambiguity, and include desired conditions, objectives, standards, guidelines, goals, and suitability-of-land determinations. Taken together, plan components establish the vision of a plan, set forth the strategy to achieve it, and provide the constraints of subsequent management.
A. Recreation
Forest Plan: The Cibola plan beginning on page 119 states, [ldquo]Recreation opportunities on the Cibola include nonmotorized, motorized, developed, and dispersed recreation on land, water, and in the air. The social, managerial, and physical attributes of a place, when combined, provide a distinct set of recreation opportunities. Forest Service personnel use the recreation opportunity spectrum to define the types of outdoor recreation opportunities, settings, and experiences the public might desire, and identify that portion of the spectrum the national forest might be able to provide. The opportunities, settings, and activities for obtaining experiences are arranged across a continuum or spectrum of six classes: primitive, semi-primitive nonmotorized, semi-primitive motorized, roaded natural, rural, and urban. The recreation opportunity spectrum classes are shown on maps available in appendix G map packet and on the Cibola plan revision website[hellip]

FW-DC-GREC

1. Desired recreation opportunity spectrum settings serve as the desired conditions for recreation[hellip]

FW-STD-GREC

1. Impacts to recreation resource values resulting from forestry and other activities (such as temporary roads and entry points) shall be addressed during project planning and during implementation[hellip]

FW-STD-DISP

1. No new motorized routes (roads and trails) or areas shall be constructed or designated in desired primitive recreation opportunity spectrum settings.

2. No new motorized routes (roads and trails) or areas shall be constructed or designated in desired semi-primitive nonmotorized recreation opportunity spectrum settings, except for necessary administrative activities,

permitted activities, and emergency access[hellip].[rdquo]

Issue and Statement of Explanation: The proposed plan resource management guidance for Semi-Primitive ROS settings is inconsistent with Semi-Primitive ROS class desired conditions as described in the ROS planning framework.

All roads in established Primitive ROS settings should be managed to achieve Primitive desired conditions. There should be an explanation for how Primitive and Semi-Primitive Non- Motorized ROS inconsistencies will be managed.

Proposed Solution to Improve the Decision: For established Primitive and SPNM ROS settings, any existing designated motorized roads, trails, and areas should be managed to minimize their effects. Semi-Primitive Non-Motorized setting desired conditions should include a description of Evidence of Humans that includes a statement that [ldquo]Natural setting may have subtle modifications that would be noticed but not draw the attention of an observer wandering through the area.[rdquo] In addition, Semi-Primitive Non-Motorized and Semi-Primitive Motorized settings should be described as not being suitable for timber production.

The plan must indicate where established ROS classes, Scenic Character, and Scenic Integrity Objectives apply. Forest Plan modifications of where ROS, Scenic Character, and SIO direction applies (including maps) must follow amendment processes and not be addressed as an administrative change.

See Section I Part C of this objection.

Connection with Comments: Cibola Draft Plan comments pages 3 [ndash] 8. CDNST Planning Handbook (Handbook) Chapter III Part F. New information in the FEIS.

Violation of law, regulation or policy: 36 CFR [sect][sect] 219.7, 219.10(a), 219.10(b)(1)(i), 219.11(a)(1)(iii); FSH 1909.12 part 23, FSH 1909.12 part 23.23a.

B. Continental Divide National Scenic Trail

Forest Plan: The Plan presents CDNST plan components that do not reflect the nature and purposes of the CDNST. The following are brief discussions that display and describe some of the issues with the Final Forest Plan CDNST plan components as reviewed in Draft Plan comments.

The Cibola plan beginning on page 150 states, [ldquo]Motorized use is allowed on the ContinentalDivide Trail only under certain conditions that fall within exemptions stated in the NationalTrails System Act. In general, established motorized uses, both summer and winter, are allowedto continue, but new motorized uses will not be designated on the trail[hellip] {{This description does not align with the CDNST Comprehensive Plan and should be deleted.}}

Desired Conditions for Continental Divide National Scenic Trail DA-DC-CDNST

1. The Continental Divide National Scenic Trail provides high-quality scenic, primitive hiking, andpack and saddle stock opportunities. The natural, historic, and cultural resources along the trailcorridor are conserved. Other activities and opportunities are allowed when compatible with thenature and purposes of the trail. {{There are elements of this description that do not align with the CDNST Comprehensive Plan. I recommend retaining the nature and purposes language that is found in the CDNST Comprehensive Plan.}}

2. Viewsheds from the Continental Divide National Scenic Trail are consistent with desiredconditions for scenery, and have high scenic values. The foreground of the trail (up to 0.5 mileon either side) is natural

appearing. {{Desired conditions should clearly state the SIO.}}

3. Visitors are aware of the Continental Divide National Scenic Trail corridor and the nature and purposes of the trail designation.

Standards for Continental Divide National Scenic Trail DA-STD-CDNST

1. Surface occupancy for oil, gas, or geothermal energy leasing activities shall not occur within the Continental Divide National Scenic Trail corridor.

2. Management of the trail shall comply with the most recent Continental Divide National ScenicTrail comprehensive plan. Best available scientific information can be used in lieu of thecomprehensive plan if the plan is out of date with science. {{The proposed plan failed to implement the existing CDNST Comprehensive Plan, but promises to do better in the future.

This direction is confusing and inconsistent with the NTSA, NFMA, and NEPA planning requirements and must be deleted.}}

3. Permits shall not be issued for salable or common variety mineral extraction within Continental Divide National Scenic Trail corridor.

4. Motorized use shall not be authorized on the Continental Divide National Scenic Trail excepton segments currently located on a road or trail designated for motorized use per the motorvehicle use map. No new motorized special use permits, or events shall be permitted on theContinental Divide National Scenic Trail. {{This direction is inconsistent with the NTSA as implemented through the Comprehensive Plan and policy. The existing TMR should not limit forest plan decisions for motor vehicle use on the CDNST travel route and within the CDNST corridor.}}

Guidelines for Continental Divide National Scenic Trail DA-GDL-CDNST

1. To be consistent with the most current comprehensive management plan, the ContinentalDivide National Scenic Trail route should be relocated to occur off roads in the life of the plan.The trail will be located as close to the geographic Continental Divide as possible. {{Locating the CDNST travel route within the established CDNST MA should be identified as an objective.}}

2. To protect or enhance scenic qualities of the Continental Divide National Scenic Trail, management activities should be consistent with the scenic integrity objective of high within the foreground of the trail (up to 0.5 mile on either side).

3. Management projects and activities within the Continental Divide National Scenic Trailcorridor (up to 0.5 mile on either side) should be compatible with the original intent for thetrail[rsquo]s national designation as well as current management direction. {{This is ambiguous and needs to be deleted.}}

4. If management activities result in short-term impacts to the scenic integrity of the Continental Divide National Scenic Trail, mitigation measures should be included to meet the scenic integrity objectives within and adjacent to the trail corridor (within visible foreground of the trail at a minimum, up to 0.5 mile on either side of the trail). Examples of mitigation measure are screening, feathering, and other scenery management techniques for forest health projects.

5. In order to promote a nonmotorized setting, the Continental Divide National Scenic Trail should not be permanently relocated onto routes open to motor vehicle use.

6. To maintain the outstanding features of the Continental Divide National Scenic Trail and be compatible with the surrounding environment, all facilities should blend in with the surrounding environment. The minimum trail facilities necessary should be provided to protect resource values and for health and safety, not for promoting user comfort.

7. To retain the character for which the trail was designated, management actions, including special use authorizations, should be consistent with the {{Primitive and Semi-Primitive Non- Motorized}} recreation opportunity spectrum classes of the Continental Divide National ScenicTrail.

8. Uses that could conflict with the nature and purpose of the Continental Divide National Scenic Trail should {{are}} be prohibited when it is determined that the use would interfere with the nature and purpose of the trail. {{This needs to be standard.}}

9. Special use authorizations for new communication sites, utility corridors, and renewable energy sites should not be visible within the trail corridor foreground (up to 0.5 mile) and should be visually subordinate in the middle ground viewshed to protect the trail[rsquo]s scenic values.

10. Linear utilities and rights-of-way in the Continental Divide National Scenic Trail corridor should be avoided or limited to a single crossing of the trail to maintain the integrity of the trail

corridor unless additional crossings are documented as the only prudent and feasible alternative.

11. New road or motorized trail construction across or adjacent to the Continental DivideNational Scenic Trail should be avoided unless needed for resource protection, provide access topublic lands, or protect public health and safety. {{Construction of routes should be controlled by substantial interference determinations.}}

12. Using the Continental Divide National Scenic Trail for landings or as a temporary road should not be allowed. Hauling or skidding along the trail itself should be allowed only when design criteria are used to minimize impacts to the trail infrastructure and where the trail is currently located on a designated open road and no other haul route or skid trail options are available.

{{This direction is best addressed through establishing appropriate ROS settings and establishing that the CDNST is not suitable for timber production.}}

13. Unplanned fires in the foreground (up to 0.5 mile) of the Continental Divide National Scenic Trail should be managed using minimum impact suppression tactics, or other tactics appropriate for the protection of values and resources for which the trail was designated. Prescribed fires in the foreground of the trail should be managed to incorporate the values of the trail.

14. Use of heavy equipment for fireline construction within the Continental Divide National Scenic Trail should not be allowed unless necessary for emergency protection of property and safety.

Issue and Statement of Explanation Summary: The Forest Plan allows management activities and uses within the CDNST corridor that are not compatible with the nature and purposes as described in the CDNST Comprehensive Plan and policy.

Much of the Cibola plan direction departs from the CDNST Comprehensive Plan, FSH 2353.4 and FSH 1909.12 24.43 guidance without providing a reasoned basis or a detailed justification for ignoring these previous findings and direction.

Proposed Solution to Improve the Decision: Appropriate CDNST plan components and the location of where to apply those components is described in Section I Part C of this objection.

Violation of law, regulation or policy: USDA DR 1074-001; 36 U.S.C. [sect] 216; 16 U.S.C. [sect][sect] 1242(a)(2), 1244(f), 1246(a)(2), 1246(c); E.O. 13195; CDNST Comprehensive Plan Chapter III.E Land Management Planning (74 FR 51124), Chapter IV.A Nature and Purposes (74 FR 51124), Chapter IV.B.4 Scenery Management (74 FR 51124), Chapter IV.B.5, Recreation Management (74 FR 51125), and Chapter IV.B.6 Motorized Use (74 FR 51125); 16 U.S.C. 1604(f)(1); 36 CFR [sect][sect] 219.3, 219.7, 219.9(a)(1), 219.10(a), 219.10(b)(1)(vi), 219.11(a)(1)(iii); FSM 2353.44b; FSH

1909.12 23.11b; FSH 1909.12 Part 24.43; and 36 CFR [sect][sect] 212.80, 212.81.

Connection with Comments: Cibola Draft Plan comments pages 10 [ndash] 15. Handbook Chapter III Part D and J.

C. References

Issue and Statement of Explanation: The Cibola proposed Forest Plan does not include important references.

Proposed Solution to Improve the Decision: The 1986 ROS Book and 2009 CDNST Comprehensive Plan should be added to references:

[middot] USDA Forest Service. 1986. ROS Book. Washington DC: Washington Office.

[middot] USDA Forest Service. 2009. Continental Divide National Scenic Trail Comprehensive Plan. Washington DC. Washington Office.

Violation of law, regulation or policy: 36 CFR [sect] 219.3; 16 U.S.C. [sect] 1244(f)

Connection with Comments: Cibola Draft Plan comments pages 13.

D. Glossary

Issue and Statement of Explanation: The Cibola Forest Plan definitions are incomplete.

Proposed Solution to Improve the Decision: The glossary should add important definitions to support proposed Forest Plan:

[middot] National Trails System Act of 1968. Public Law 90-543 as amended (16 U.S.C. 1241- 1251), which establishes the National Trails System.

[middot] National Scenic Trail. Congressionally designated trail that is a long-distance trail so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant resources, qualities, values, and associated settings and the primary use or uses of the areas through which such trails may pass.

[middot] Recreation Opportunity Spectrum Classes. ROS class desired conditions must be compatible with the 1986 ROS Book descriptions.

o Primitive ROS Class Desired Conditions. Setting: The area is essentially an unmodified natural environment. Interaction between users is very low and evidence of other users is minimal. Experience: Very high probability of experiencing isolation from the sights and sounds of humans, independence, closeness to nature, tranquility, and self-reliance through the application of outdoor skill in an environment that offers a high degree of challenge and risk. Evidence of Humans: Evidence of humans would be un-noticed by an observer wandering through the area. Natural ecological processes such as fire, insects, and disease exist. The area may provide for wildlife

connectivity across landscapes. Primitive ROS

settings contain no motorized and mechanized vehicles and there is little probability of seeing other groups. They provide quiet solitude away from roads and people or other parties, are generally free of human development, and facilitate self-reliance and discovery. Signing, and other infrastructure is minimal and constructed of rustic, native materials. Scenic Integrity Objective is Very High.

o 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[rsquo]s natural and cultural resources. Scenic Integrity Objective is High.

o Semi-Primitive Motorized ROS Class Desired Conditions. 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 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.

o Roaded Natural ROS Class Desired Conditions. Setting: The area is predominantly natural-appearing environments with moderate evidences of the sights and sounds of human activities. Such evidences usually harmonize with the natural environment. Interaction between users may be low to moderate, but with evidence of other users prevalent. Resource modification and utilization practices evident, but

harmonize with the natural environment. Conventional motorized use is provided for in construction standards and design of facilities. Experience: About equal probability to experience affiliation with other user groups and for isolation from sights and sound of humans. Opportunity to have a high degree of interaction with the natural environment. Challenge and risk opportunities associated with a more primitive type of recreation are not very important. Practice and testing of outdoor skills might be important. Opportunities for both motorized and non-motorized forms of recreation are possible. Evidence of Humans: Natural settings may have modifications, which range from being easily noticed to strongly dominant to observers within the area. However, from sensitive travel routes and use areas these alternations would remain unnoticed or visually subordinate. The landscape is generally natural with modifications moderately evident. Concentration of users is low to moderate, but facilities for group activities may be present. Challenge and risk opportunities are generally not important in this class. Opportunities for both motorized and non-motorized activities are present. Construction standards and facility design incorporate conventional motorized uses. The Roaded Modified subclass includes areas that exhibit evidence of extensive forest management activities that are dominant on the landscape, including having high road densities, heavily logged areas, highly visible mining, oil and gas, wind energy, or other similar uses and activities. Scenic Integrity Objective is Low. Desired Scenic Character may be described as [ldquo]Agricultural[rdquo] expressing dominant human agricultural land uses producing domestic products.

o Rural ROS Class Desired Conditions. Setting: Area is characterized by substantially modified natural environment. Resource modification and utilization practices are to enhance specific recreation activities and to maintain vegetative cover and soil. Sights and sounds of humans are readily evident, and the interaction between users is often moderate to high. A considerable number of facilities are designed for use by many people. Facilities are often provided for special activities. Moderate densities are provided far away from developed sites. Facilities for intensified motorized use and parking are available. Experience: Probability for experiencing affiliation with individuals and groups is prevalent as is the convenience of sites and opportunities. These factors are generally more important than the setting of the physical environment. Opportunities for wildland challenges, risk-taking, and testing of outdoor skills are generally unimportant except for specific activities like downhill skiing, for which challenge and risk-taking are important elements. Evidence of Humans: Natural setting is culturally modified to the point that it is dominant to the sensitive travel route observer. May include intensively managed wildland resource

landscapes. Pedestrian or other slow-moving observers are constantly within view of the culturally changed landscape.

Violation of law, regulation or policy: 36 CFR [sect] 219.3.

Connection with Comments: Cibola Draft Plan comments pages 3 [ndash] 8, 17, and 25. Handbook Chapter VI. Section IV. Statement of Issues [ndash] FEIS
The following are statements of the issues to which the objection applies and concise statements explaining the objection and suggestions on how the FEIS may be improved.

The Council on Environmental Quality (CEQ) issued guidance in 2014 on effective use of programmatic National Environmental Policy Act (NEPA) reviews. CEQ states that, [ldquo]NEPA requires Federal agencies to consider the effects of a proposed action and any reasonable alternatives on the human environment. Those effects include, among others, impacts on social, cultural, economic, and natural resources. To implement NEPA, agencies undertake an assessment of the environmental effects of their proposed actions prior to making decisions. The NEPA review process is an integral and valuable tool for public engagement and thoughtful decisionmaking, a process that often produces more sound analysis and information that the federal government might otherwise overlook[hellip][rdquo]

Forest Plan geographic bounded areas include a National Forest as a whole, Geographic Areas, Management Areas, and the extent of designated areas such as the area within a Wild and Scenic River established boundary (16 U.S.C. [sect] 1274(b)) and a selected right-of-way (or defined National Trail Management Corridor) for National Scenic and Historic Trails (16 U.S.C.

[sect] 1246(a)(2)). Each agency zoned area has unique desired conditions and standards and

guidelines that constraint use so that desired conditions are not degraded.

[ldquo]The agency is obligated to conduct a meaningful impact analysis in accordance with NEPA, and that analysis should be commensurate with the nature and extent of potential impacts of the decision being made. A programmatic NEPA review should contain sufficient discussion of the relevant issues and opposing viewpoints to enable the decisionmaker to take a [ldquo]hard look[rdquo] at the environmental effects and make a reasoned choice among alternatives. There should be enough detail to enable those who did not have a part in its compilation to understand and meaningfully consider the factors involved.[rdquo]

For each NEPA defined geographic area which includes the CDNST management corridor, NEPA reviews should describe the desired conditions for each area and how related standards and guidelines would constrain actions and prevent degradation. A NEPA document must contain sufficient information to foster informed decision-making and informed public participation.

Otherwise, the decision would not be in conformance with 42 U.S.C. [sect] 4332(2)(C) and would

therefore not be in accordance with law under 5 U.S.C. [sect] 706(2)(A) and not in be in observance of procedure required by law under 5 U.S.C. [sect] 706(2)(D).

A. Alternatives

FEIS: The FEIS Volume 1 on page 26 states, [ldquo]Federal agencies are required by the National Environmental Policy Act to rigorously explore and objectively evaluate reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). Public comments received during the plan revision process provided suggestions for alternative methods for achieving the purpose and need. Some of these suggestions may have been outside the scope of the plan revision process, already addressed by the alternatives considered in detail, or may be contrary to existing law.[rdquo]

Issue and Statement of Explanation: None of the developed alternatives addressed CDNST concerns and legal requirements.

Proposed Solution to Improve the Decision: Issue a Supplemental EIS that includes at least one alternative that identifies CDNST high potential route segment corridors that are protected with plan components that provide for the nature and purposes of this National Scenic Trail. The corridors of high potential route segments may need to have an extent that is greater than one- mile to allow for future site-specific travel route layout considerations.

Violation of Law, Regulation or Policy: 16 U.S.C. [sect][sect] 1242(a)(2), 1244(f), 1246(c); 40 C.F.R. [sect] 1502.14.

Connection with Comments: Cibola Draft Plan comments page 16. Handbook Chapter IV Part C.

B. Affected Environment Recreation Settings and Opportunities

FEIS: The Cibola FEIS Volume 1 on page 168 states, [ldquo]The recreation opportunity spectrum class characterizations are shown in table 32 below.

[hellip] Travel management planning for the Cibola has been completed for all four mountain districts and implementation should reduce motorized travel off the designated system. All road and trail classifications can be found in the Cibola[rsquo]s motor vehicle use maps[hellip]

Catastrophic wildfire and insects and disease outbreaks have negatively impacted recreational settings and scenic character in recent years. Events such as these are becoming the norm in the Southwest and result in a marked contrast to the naturally appearing landscape.[rdquo]

Issue and Statement of Explanation: The plan does not identify ROS setting desired conditions with supporting standard or guidelines that are consistent with the 1982 ROS User Guide and 1986 ROS Book.

Previous motor vehicle use resource planning decisions should not be controlling forest plan outcomes. For

example, many of the current motor vehicle use allocations are incompatible with the nature and purposes of the CDNST.

The statements that, [ldquo]Catastrophic wildfire and insects and disease outbreaks have negatively impacted recreational settings and scenic character in recent years[rdquo] needs to be supported by an assessment that concludes that the existing conditions do not represent an unmodified natural environment.

Proposed Solution to Improve the Decision: See Section I Part C and Section II Part E of this objection.

Violation of Law, Regulation or Policy: 40 CFR [sect] 1502.15

Connection with Comments: Cibola Draft Plan comments pages 3-8 and 17. Handbook Chapter III Part E. New Information.
C. Environmental Consequences for Recreation
FEIS: Cibola FEIS Volume 1 on beginning on page 171 states, [ldquo]Recreation opportunity spectrum: All alternatives will continue to manage the forest using the recreation opportunity spectrum system. This has a potential positive effect on recreation by allowing for a variety of uses across the forest. A potential effect to recreation from the recreation opportunity spectrum system is that within each classification, use types are specific, limited, or both therefore causing possible impacts to those users who may want to do a certain activity in an area that does not allow it based on the recreation opportunity spectrum classification. For example, semi-primitive nonmotorized does not allow for motorized access. An overlay of the desired recreation opportunity spectrum classes is in appendix D. Table 39 displays the acres of desired recreation opportunity spectrum under each plan alternative[hellip]

Restoration management areas have several benefits to improve the overall health and sustainability of the forest. One purpose of the restoration management areas is to improve overall watershed health and protect and sustain highly valued cultural sites and wildland urban interface zones. Restoration methods would be focused on managed fire use, road removal or relocation, and mechanical thinning to reduce fire hazard and protect infrastructure. Fuelwood collection would be widely available in these areas. These management areas have a high density of developed recreation sites such as campgrounds, trailheads, and day-use areas.

Recreation management guidelines and management approaches for these areas include some of the following (land management plan, chapter 3, management areas and designated areas, restoration management area):

[bull] Temporary roads may be constructed where appropriate and in balance with other resources to facilitate the removal of wood products, and mitigations should be taken to meet other resource desired conditions once roads are no longer needed after projects are complete (MA-GDL-REST-1).

[bull] The ability to access areas for vegetation treatments and removal of wood products should help determine the nature and frequency of road maintenance (MA-GDL-REST-2).

[bull] Management within the area should provide a balance of vegetation treatment opportunities and recreation opportunities (MA-GDL-REST-3).

[bull] Support local industry[rsquo]s efforts to utilize wood products from restoration treatments to sustain wood processing facilities and jobs (MA-MGAP-REST-4)[hellip].[rdquo]

Issue and Statement of Explanation: The EIS must disclose the effects of changes to ROS desired conditions for Semi-Primitive ROS settings. A Supplemental FEIS needs to include at

least a minimal discussion of effects for the proposed action and alternatives resulting from changed definitions

such as describing that:

Reasonable and foreseeable future actions and activities in SPNM and SPM ROS settings include an increase in mechanical treatment of vegetation and additional roads. Resulting forest conditions may resemble a Roaded Modified ROS setting. For example, 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. Scenery will be degraded, especially in areas deemed suitable for timber production resulting in scenic character that is unexpected from those areas with existing Semi-Primitive ROS settings designations. Natural settings where timber is harvested occurs and roads are constructed will be substantially modified and noticed to an observer wandering through the area. Semi-Primitive Non-Motorized ROS setting characteristics will strongly deviate from that which would be expected from implementing the Planning Rule as described in the Rule PEIS and the 1986 ROS Book.

Consistent with the 1986 ROS Book, timber production is incompatible with achieving Semi- Primitive ROS setting desired conditions. The purpose of timber production is the purposeful growing, tending, harvesting, and regeneration of regulated crops of trees to be cut into logs, bolts, or other round sections for industrial or consumer use, which is in stark contrast and clearly incompatible with protecting the naturalness characteristics of Semi-Primitive Non- Motorized and Semi-Primitive Motorized ROS classes. The lasting effects of an activity (roads, timber harvest) as well as short-term effects (logging trucks, noise) degrade Semi-Primitive ROS characteristics. In areas of timber production, the spread of non-native vegetation (e.g., noxious weeds) and reoccurring harvests for timber purposes, stand tending, permanent and temporary road construction and reconstruction, travel route closures, and other activities are incompatible with the desired Semi-Primitive ROS settings. In areas where timber harvest with road access is desired, the appropriate ROS class designation is a Roaded Natural/Roaded Modified setting.

Permanent and temporary roads in Semi-Primitive ROS settings must be constrained using Evidence of Humans criteria as described in the 1986 ROS Book. Rarely would permanent and temporary roads be consistent with a SPNM setting. If a road was to be built for any reason, it should be decommissioned with full obliteration, recontouring, and restoring natural slopes. Monitoring must ensure that surface areas are stabilized and revegetated with native plants.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 40 CFR [sect] 1502.15, 36 CFR [sect][sect] 219.3, 219.10(b)(1)(i), 219.11(a)(1)(iii).

Connection with Comments: Cibola Draft Plan comments pages 18. New information in the FEIS.
D. Affected Environment [ndash] Designated Areas
FEIS: The Cibola FEIS on page 217 states, [ldquo]The National Trails System is the network of scenic, historic, and recreation trails created by the National Trails System Act of 1968. These trails provide for outdoor recreation needs; promote the enjoyment, appreciation, and preservation of open-air, outdoor areas and historic resources; and encourage public access and citizen involvement. Under the National Trails System Act, three categories of trails are identified to be part of the national trails system: recreation, scenic, and historic. The Cibola National Forest is home to the Continental Divide National Scenic Trail. The scenic category refers to trails that are extended trails, located to provide maximum outdoor recreation potential and the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.

The Continental Divide National Scenic Trail is a designated hiking trail running 3,100 miles between Mexico and

Canada. An approximately 45-mile segment was constructed on the Mount Taylor Ranger District between 2007 and 2010. It runs from the Continental Divide Trailhead near Grants in an irregular, but generally northeasterly direction from the trailhead onto Bureau of Land Management land north of El Dado Mesa. It provides high-quality, scenic, primitive hiking, and horseback riding recreational experiences, while conserving natural, historic, and cultural resources along the Continental Divide. Trail users are responsible to bring their own water as there is no potable water along the trail. Camping on state land is allowed only with a permit and is prohibited on private lands (USDI BLM 2019). Mountain biking also occurs on sections of the trail.

As defined in its comprehensive plan, the nature and purposes of the Continental Divide National Scenic Trail are to provide for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the trail corridor.

The trail is temporarily located along state and county highways over an approximately 52-mile section of trail in the Mount Taylor and Magdalena Ranger Districts. This alignment is not consistent with a primitive hiking and horseback riding experience and presents a safety issue for those hiking on the road.

Bureau of Land Management and Forest Service personnel have been working cooperatively to identify a permanent, high-quality route for the trail off of roads. Bureau of Land Management personnel are focusing part of the relocation on an area on Alamocita Creek immediately north of the Magdalena Ranger District. The Zuni Mountains on the Mount Taylor Ranger District remain a viable option for extension of the Continental Divide National Scenic Trail.[rdquo]

Issue and Statement of Explanation: The National Trails System Act of 1968, 82 Stat. 919, as amended, provides that the CDNST, [ldquo]shall be administered[rdquo] [ldquo]by the Secretary of Agriculture[rdquo] so located as to [ldquo]provide for maximum outdoor recreation potential and for the conservation and enjoyment[rdquo] of [ldquo]nationally significant scenic, historic, natural, or cultural qualities.[rdquo]

The affected environment fails to 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 recreation settings, scenic integrity, and providing for the conservation purposes along the existing CDNST travel route within the presumed CDNST rights-of-way corridor.

The FEIS does not describe the degree to which current management direction is protecting the values for which each National Trail was designated, including protecting cultural landscapes, recreation settings, scenic integrity, and addressing the conservation purposes of the CDNST.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 40 CFR [sect] 1502.15

Connection with Comments: Cibola Draft Plan comments pages 20. Handbook Chapter IV Part D.
E. Environmental Consequences [ndash] Designated Areas
FEIS: The Cibola FEIS on page 221 states, [ldquo]The three action alternatives define a 0.5 mile corridor on either side of the Continental Divide National Scenic Trail and defines management direction to better protect and preserve hikers experience as well as the natural resources affected by the use of this special area. The established corridor under the action alternatives is wider than the current route. The effects from the purpose of this designated trail and buffer to conserve the natural, historic, and cultural resources along the trail corridor are benefits to water resources located adjacent to the corridor (such as increased infiltration, water retention, improved water quality) and benefits to historic and cultural resources (such as site protection, avoidance or

mitigation). Updated plan direction for the Continental Divide National Scenic Trail under the action alternatives also guides the Cibola in relocation off roads within the life of the plan as close to the geographic Continental Divide as possible. This would potentially result in effects of less user conflicts and would bring the trail closer to guidance for national policy and management of the Continental Divide National Scenic Trail. Updated plan direction under action alternatives also provides alignment with best available science for scenery management using the Scenery Management System. This would result in direct scenery guidance for the Continental Divide National Scenic Trail which meets the intent of the designation of the trail as a national scenic trail.

While this trail must comply with its comprehensive plan, allowable activities must align with the original intent for the trail[rsquo]s national designation and current management direction possibly limiting recreation, administrative and natural resources management activities that could occur under the no-action alternative.[rdquo]

Issue and Statement of Explanation: The proposed revised Forest Plan CDNST plan components do not provide direction that is consistent with the NTSA and the CDNST Comprehensive Plan. The Forest Service relies on vague National Trails System Act direction for selecting the CDNST rights-of-way (16 U.S.C. [sect] 1246(a)(2)) as an indicator that the management and protection of National Scenic and Historic Trails is subordinate to common multiple-use programs. This interpretation is inconsistent with the broad direction in the National Trails System Act. The National Trails System Act establishes National Scenic Trails (16 U. S. C. [sect] 1244(a)), including the CDNST (16 U.S.C. [sect] 1244(a)(5)). It also empowers and requires the Secretary of Agriculture to establish the CDNST location and width by selecting the National Scenic Trail [ldquo]rights-of-way[rdquo] (16 U. S. C. [sect][sect] 1246(a)(2), 1246(d), 1246(e)). A right-of-way is a type of easement limiting or burdening use. The Secretary must protect the nature and purposes of this National Scenic Trail (16 U.S.C. [sect] 1246(c)), and to achieve the purposes for why the National Scenic Trail was designated, the Secretary is to provide for the [ldquo]protection, management, development, and administration[rdquo] of the National Scenic Trail (16 U.S.C. [sect] 1246(i)).

The revised Forest Plan CDNST plan components do not protect the qualities and values of this National Scenic Trail. The plan components 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 (16 U.S.C. [sect] 1242(a)(2)). In addition, the plan does not establish direction to: (1) preserve significant natural, historical, and cultural resources (16 U.S.C. [sect] 1244(f)(1)); and (2) protect the CDNST corridor to the degree necessary to ensure that the values for which the CDNST was established remain intact or are restored (E.O. 13195, FSM 2353.44b(1) and FSH 1909.12 24.43). The revised plan draft decision does not avoid approving activities that are incompatible with the purposes for which the CDNST was established (16 U.S.C. [sect] 1242(c)).

The revised Forest Plan direction is inconsistent with and not supportive of the 2009 CDNST Comprehensive Plan direction. The identification and selection of the rights-of-way (16 U.S.C. [sect] 1246(a)(2)) may lead to varying degrees of effects, but most often a National Scenic Trail management corridor would be the primary area for addressing the effects analysis. Effects on scenic integrity and ROS class conditions should be based on analysis of the effects of the allowable uses. 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.

Providing for the protection of the nature and purposes of this National Scenic Trail requires that a CDNST MA

be established along existing and high-potential route segments with a corridor extent of one mile. The plan does not address proposed management corridors: Mount Taylor 25,500 acres, San Rafael Mesa 10,000 acres, and Datil Mountains 16,000 acres. The purpose of the CDNST rights-of-way is many faceted and not just a [ldquo]buffer.[rdquo] In fact, there is no CDNST travel route constructed within the described high potential route segment corridors.

The FEIS does not describe the effects on timber production, vegetation management, range management, recreation management, wildlife management, and fire management of managing the CDNST corridor to provide for the nature and purposes of this National Scenic Trail. The FEIS does not address the expected effects of each alternative on CDNST nature and purposes values as measured through the Recreation Opportunity Spectrum planning framework.

The EIS should recognize that management direction for Semi-Primitive Motorized, Roaded Natural, Rural, and Urban ROS classes allow uses that would substantially interfere with the nature and purposes of a National Scenic Trail if the allocation desired conditions are realized. The establishment of Primitive and Semi-Primitive Non-Motorized ROS classes and high and very high scenic integrity allocations would normally protect the nature and purposes (values) of a National Scenic Trail.

In general, the Forest Service has failed to establish ROS desired conditions, standards, and guidelines to protect the nature and purposes of the CDNST.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: Comprehensive planning for the CDNST, as implemented through Cibola National Forest staged decisionmaking processes, is inconsistent with the NTSA, Section 5(f) and 7(c) direction as implemented through the CDNST Comprehensive Plan, E.O. 13195, and directives. The Forest Service has failed to protect the purposes for which the CDNST was established by Congress.

16 U.S.C. [sect] 1604(f)(1); 16 U.S.C. [sect][sect] 1242(a)(2), 1244(f), 1246(c); E.O. 13195; 36 CFR [sect][sect]

219.10(b)(1)(vi), 212 Subparts B and C; CDNST Comprehensive Plan [ndash] 74 FR 51116-51125; FSM 2353.44b; 40 CFR [sect][sect] 1502.14, 1502.24.

Connection with Comments: Cibola Draft Plan comments pages 21 and 22. Handbook Chapter IV Part E.
F. Recreation Analysis
FEIS: Cibola FEIS Volume 2 on page 72 states, [ldquo]The Cibola National Forest supports outstanding opportunities for a wide range of recreational activities. Proposed management actions related to alternatives A, B, C and D were used to evaluate or predict long-term effects, short-term

effects, or both on recreation settings. These activities were evaluated in relation to their effects on recreation settings, opportunities, experiences, or a combination of these things using the recreation opportunity spectrum as a management tool to provide a spectrum of recreation opportunities that can be enjoyed in diverse settings across the landscape. The analysis used a comparison of recreation opportunity spectrum acres assigned in the 1985 plan and compared them to the proposed recreation opportunity spectrum adjustments in order to make broad comparisons between each alternative. Recreation opportunity spectrum maps by alternative are located in the map packet for this final environmental impact statement (see list of maps in appendix I).[rdquo]

Issue and Statement of Explanation: The ROS class desired characteristic definitions are inconsistent with the Recreation Opportunity Spectrum planning framework.

Proposed Solution to Improve the Decision: See Section I Part C and Section III Part D of this objection.

Violation of Law, Regulation or Policy: 36 CFR [sect][sect] 219.3, 40 CFR [sect] 1502.24.

Connection with Comments: Cibola Draft Plan comments pages 17 and 18. Handbook Chapter

VI. New information.
G. Responses to Comments [ndash] Continental Divide National Scenic Trail
FEIS: The Cibola FEIS Volume 3 beginning on page 27 states, [ldquo]Concern Statement 211: Commenters recommend additional plan components or modified language to desired conditions, objectives, standards, guidelines or management approaches in the Continental Divide National Scenic Trail section of the draft plan. Commenters recommend changes to desired recreation opportunity spectrum for the Continental Divide National Scenic Trail.)

Response: Various Continental Divide National Scenic Trail (CDNST) plan component and other editorial suggestions were provided.

Component DA-STD-CDNST-4 was edited to say, [ldquo]Motorized use shall not be authorized on the Continental Divide National Scenic Trail except on segments currently located on a road or trail designated for motorized use per the motor vehicle use map. No new motorized special use permits, or events shall be permitted on the Continental Divide National Scenic Trail.[rdquo]

Where plan components were not changed per the comment, the Forest determined that the retained plan components were sufficient to meet requirements under the 2012 Planning Rule and provide for the nature and purposes of the Continental Divide National Scenic Trail. DA-STD- CDNST 2 states we will comply with the most recent version of the Continental Divide National Scenic Trail Comprehensive Plan. This includes the nature and purpose stated within.

Issue and Statement of Explanation: The determination to retain plan components without an analysis of effects on the nature and purposes of the CDNST is arbitrary. Effects analyses would

determine that the plan would lead to actions that substantially interfere with the nature and purposes of the CDNST.

The proposed plan failed to implement the existing CDNST Comprehensive Plan, but promises to do better in the future. This direction is confusing and inconsistent with the NTSA, NFMA, and NEPA planning requirements and must be deleted.

Concern Statement 213: The Continental Divide National Scenic Trail (CDNST) corridor is unsuitable for timber production, as this use is incompatible with the nature and purpose of the trail. To reflect recreation opportunity spectrum principles, the CDNST corridor with an extent of one-half mile on each side should be identified unsuitable for timber production and timber harvest should only occur within the CDNST Management Area to protect CDNST values.

Response: Components in the land management plan have been designed to protect the nature and purposes of the CDNST during future proposed site-specific management activities. In areas where the CDNST corridor overlaps lands that are suitable for timber production and other areas where harvest is allowed, timber harvest activities would be constrained by the plan components for the CDNST. Site-specific actions along the CDNST,

such as timber harvesting,

will be analyzed through NEPA outside of the land management planning process.

Issue and Statement of Explanation: The response is not factual. The plan fails to establish ROS settings that protect existing and high potential route segments from degradation.

Concern Statement 215: The Continental Divide National Scenic Trail corridor for existing and high potential route segments should be a management area with supporting comprehensive plan components.

Response: The responsible official determined that appropriate protection and direction to provide for the nature and purposes of the Continental Divide National Scenic Trail can be provided through designated area plan components and the mapped trail corridor (see final plan, figure 13, in Appendix G: Map Packet). Therefore, specific management area direction is not included in the land management plan. Including direction or a mapped corridor for high potential route segments is beyond the scope of land management planning and occurs through site-specific management activities for the Continental Divide National Scenic Trail.

Issue and Statement of Explanation: The NEPA purpose and need describes the need to update the direction for the CDNST. However, the resulting plan is inconsistent with the National Trail System Act failing to identify and protect existing and high potential route segments of the CDNST.

The Forest Supervisor failed to recognize the National Trails System Act requirements to select the National Scenic Trails rights-of-way and protect CDNST high potential route segments,

which are not site-specific or resource plan activities. In addition, the revised plan does not address the integration requirements of the National Forest Management Act.

The corridors of high potential route segments may need to have an extent that is greater than one-mile to allow for site-specific travel route layout considerations during plan implementation.

Concern Statement 222: A revised plan must address the requirements of the National Trails System Act as implemented through the 2009 Continental Divide National Scenic Trail Comprehensive Plan, FSM 2353.4, FSH 1909.12 22.2 and 24.43, and direction in Federal Register Notice dated October 5, 2009 (74 FR 51116). In addition, the draft plan does not address the requirements of FSH 1909.12 22.2, 23.23a, and 23.23f. This inaction has resulted in a draft plan that does not meet the integration requirements of the National Forest Management Act (16

U.S.C. 1604(f)(1)).

Response: Land management plan direction is in addition to law, regulations, and policies. The Forest Service must follow all laws, regulations, and polices that provide direction for the Continental Divide National Scenic Trail. The National Trails System Act is discussed in chapter 3 and appendix D of the final plan.

Issue and Statement of Explanation: The plan is inconsistent with the National Trail System Act and the integration requirements of the National Forest Management Act failing to identify and protect existing and high potential route segments of the CDNST.

Concern Statement 224: Commenters are concerned that the Forest Service has failed to establish recreation opportunity spectrum desired conditions, standards, and guidelines protect the nature and purposes of the

Continental Divide National Scenic Trail (CDNST), specifically in regards the following law, regulation, and policy: Comprehensive planning for the CDNST, the National Trails System Act, sections 5(f) and 7(c) direction as implemented through the CDNST Comprehensive Plan, Executive Order 13195, and directives.

Response: Plan components were developed for all designated areas, including those that protect the nature and purposes of the National Scenic and Historic Trails. All action alternatives include plan components for the CDNST and establish a CDNST corridor that extends on-half mile either side of the CDNST. Plan components for the CDNST provide direction within this corridor. Please see the [ldquo]Continental Divide National Scenic Trail[rdquo] section in chapter 3 of the land management plan. The mapped trail corridor is displayed in the final plan, figure 13, in Appendix G: Map Packet. Analysis for the CDNST trail corridor is included in the final EIS. Plan direction is in addition to law, regulations, and policies. The Forest Service must follow all laws, regulations, and polices that provide direction for the CDNST. All future site-specific project analysis will consider the CDNST trail and the CDNST corridor as displayed in the land management plan and will need to follow the associated plan components, and all laws,

regulations, and policies for the CDNST.O. 13195: Federal agencies will, to the extent permitted by law and where practicable and in cooperation with Tribes, States, local governments, and interested citizen groups, protect, connect, promote, and assist trails of all types throughout the United States. This will be accomplished by: (b) Protecting the trail corridors associated with national scenic trails and the high priority potential sites and segments of national historic trails to the degrees necessary to ensure that the values for which each trail was established remain intact.

Issue and Statement of Explanation: The plan is inconsistent with the National Trail System Act and the integration requirements of the National Forest Management Act failing to identify and protect existing and high potential route segments of the CDNST. Executive Order 13195 is silent on the specific requirement for the CDNST and North Country NST to protect high potential route segments through comprehensive planning requirements.

Concern Statement 231: The draft EIS does not address the expected effects of resource management under each alternative on Continental Divide National Scenic Trail nature and purposes values as measured through the recreation opportunity spectrum planning framework, and must disclose effects on scenic integrity, recreation opportunity spectrum class conditions, and carrying capacities.

Response: The final EIS speaks to impacts on the trail in several locations, but particularly in [ldquo]Designated Areas,[rdquo] [ldquo]Environmental Consequences Common to Action Alternatives, B, C, and D[rdquo] section: The three action alternatives define a one-half-mile corridor on either side of the Continental Divide National Scenic Trail and defines management direction to better protect and preserve hikers experience as well as the natural resources affected by the use of this special area. The established corridor under the action alternatives is wider than the current route. The effects from the purpose of this designated trail and buffer to conserve the natural, historic, and cultural resources along the trail corridor are benefits to water resources located adjacent to the corridor (such as increased infiltration, water retention, improved water quality) and benefits to historic and cultural resources (such as site protection, avoidance or mitigation). Updated plan direction for the Continental Divide National Scenic Trail under the action alternatives also guides the Cibola in relocation off roads within the life of the plan as close to the geographic Continental Divide as possible. This would potentially result in effects of less user conflicts and would bring the trail closer to guidance for national policy and management of the Continental Divide National Scenic Trail. Updated plan direction under action alternatives also provides alignment with best available science for scenery management using the Scenery Management System. This would result in direct scenery guidance for the Continental Divide National Scenic Trail which meets the intent of the designation of the trail as a national scenic trail.

While this trail must comply with its comprehensive plan, allowable activities must align with the original intent for the trail[rsquo]s national designation and current management direction

possibly limiting recreation, administrative and natural resources management activities that could occur under the no-action alternative.[rdquo]

Plan components in chapter 3, [ldquo]Continental Divide National Scenic Trail[rdquo] section, have been specifically designed to protect the nature and purposes of the trail during future proposed site- specific management activities.[rdquo]

Issue and Statement of Explanation: The plan is inconsistent with the National Trail System Act and the integration requirements of the National Forest Management Act failing to identify and protect existing and high potential route segments of the CDNST. The management and protection of the CDNST is not subordinate to common multiple use activities.

The FEIS does not describe the effects on timber production, vegetation management, range management, recreation management, wildlife management, wilderness, recommended wilderness, and fire management of managing the CDNST corridor to provide for the nature and purposes of this National Scenic Trail.

The FEIS does not address the expected effects of each alternative on CDNST nature and purposes values as measured through Recreation Opportunity Spectrum and Scenery Management System planning frameworks, which are the accepted Best Available Science and Methodology and Scientific Accuracy analysis systems.

Concern Statement 264: Standard 4 in the Continental Divide National Scenic Trail section is not consistent with the National Trails System Act implement through the comprehensive plan and policy.

Response: We developed plan components using the 2012 Planning Rule, the 2015 Planning Directives, and direction in response to the multi-regional guidance from the regional forester. All plan components are designed to protect the nature and purposes of the Continental Divide National Scenic Trail (CDNST). Land management plan direction is in addition to law, regulations, and policies. The Forest Service must follow all laws, regulations, and policies that provide direction for the Continental Divide National Scenic Trail. DA-STD-CDNST-2 states that management of the trail shall comply with policy set forth in the comprehensive plan. New motorized vehicle use by the general public will not be authorized on the Continental Divide National Scenic Trail (DA-STD-CDNST-4). In general, established motorized uses, both summer and winter, are allowed to continue, but new motorized uses will not be designated on the trail.

Issue and Statement of Explanation: As reviewed previously in this objection, plan components do not protect CDNST qualities and values.

Concern Statement 265: Management actions should be consistent with the recreation opportunity spectrum classes of the Continental Divide National Scenic Trail.

Response: Desired recreation opportunity spectrum settings have been mapped, including the Continental Divide National Scenic Trail (CDNST) corridor, and can be found in the final plan, Appendix G: Map Packet. The maps show where the corridor crosses through different recreation opportunity spectrum settings. In all cases, the Continental Divide National Scenic Trail is routed through Primitive and Semi-Primitive Non-Motorized recreation

opportunity spectrum classes when possible, as directed in DA-GDL-CDNST-7. Plan component is consistent with recommended direction in response to the multi-regional guidance from the regional forester.

Issue and Statement of Explanation: The plan fails to establish and restore where necessary, ROS settings that protect CDNST qualities and values.

Concern Statement 266: Uses that could conflict with nature and purpose of the Continental Divide National Scenic Trail should be prohibited when it is determined that the use would interfere with the nature and purpose of the trail.

Response: Activities that would substantially interfere with the purposes for which the trail was designated should be avoided to the extent practicable (16 U.S.C. 1246). Flexibility and adaptability are tenants of the 2012 Planning Rule. Thus, unless there is a specific need for the intent of a direction to be reached in a specific way, guidelines are the default type of management direction.[rdquo]

Issue and Statement of Explanation: The response does not address the concern.

Proposed Solution to Improve the Decision: See Section I of this objection. Violation of Law, Regulation or Policy: 40 CFR [sect] 1503.4(a) Parts (1)-(3) Connection with Comments: New information.

H. Responses to Comments [ndash] Recreation Opportunity Spectrum Settings FEIS: Cibola FEIS Volume 3 beginning on page 67 states, [ldquo]Concern Statement 126: The land management plan should modify plan components and describe how each recreation

opportunity spectrum setting or class is defined by desired conditions and indicators.

Recommend that the planning team reevaluate allocating Roaded Natural and Semi-Primitive Motorized settings for areas planned for timber production.

Response: Accepted suggestion of changing [ldquo]rehabilitated[rdquo] to [ldquo]decommissioned[rdquo] in FW-STD- DISP-3 to meet intent of standard.

The Cibola has added the recreation opportunity spectrum definitions of settings and classes to the final land management plan[rsquo]s [ldquo]Glossary[rdquo] section. In response to the request to modify the dispersed recreation standard, FW-STD-DISP-2, to also describe that a temporary road may only be constructed for resource actions that benefit the Semi-Primitive Non-Motorized setting, the

Cibola has to provide flexibility for emergency situations (for example, response to wildfire) Per this standard, exceptions will be determined at the project level. Suggested changes in the comments to FW-STD-DISP-2 were not included. This standard for recreation opportunity spectrum as currently written allows the forest to move towards desired conditions and mitigations will be included at the project level to alleviate effects to the desired recreation opportunity spectrum setting.

Recreation and scenery plan components in the land management plan have been determined through resource integration and public involvement to provide for recreation settings and scenery during future proposed site-specific management activities. In areas where moderate or high scenic integrity objectives overlap lands that are suitable for timber production and other areas where harvest is allowed, management activities would be constrained by the scenery plan components, scenic integrity objectives, and desired recreation opportunity spectrum classes to also provide for natural appearing scenery and the desired recreation opportunity setting

over the long term as stated in the scenery section of the EIS. Site-specific actions, such as timber harvesting, will be analyzed through NEPA outside of the land management planning process.[rdquo]

Issue and Statement of Explanation: The described ROS settings are inconsistent with the ROS planning framework.

Proposed Solution to Improve the Decision: See Section I of this objection. Violation of Law, Regulation or Policy: 40 CFR [sect] 1503.4(a) Parts (1)-(3) Connection with Comments: New information.
I. Responses to Comments [ndash] Roaded Modified ROS Subclass
FEIS: Cibola FEIS Volume 3 beginning on page 70 states, [ldquo]Concern Statement 214: Commenters recommend roaded modified recreation opportunity spectrum and low scenic integrity objective for areas planned for extensive vegetation management activities and road construction/reconstruction and questions regarding draft plan guideline FW-SCEN-G-4.

Response: FW-GDL-SCE-3 includes that [ldquo]Short- and long-term timeframes should be defined during site-specific project planning.[rdquo] The plan component recognizes that timeframes may vary depending on the proposed action and other site-specific aspects of the project. Recreation and scenery plan components in the land management plan have been determined through resource integration and public involvement to provide for recreation settings and scenery during future proposed site-specific management activities. In areas where moderate or high scenic integrity objectives overlap lands that are suitable for timber production and other areas where harvest is allowed, management activities would be constrained by the scenery plan components, scenic integrity objectives, and desired recreation opportunity spectrum classes to also provide for

natural appearing scenery and the desired recreation opportunity setting over the long term as stated in the scenery section of the EIS. Site-specific actions, such as timber harvesting, will be analyzed through NEPA outside of the land management planning process.[rdquo]

Issue and Statement of Explanation: The response does not address the concern. A Semi- Primitive Motorized ROS settings is not a substitute for a Roaded Modified ROS class condition.

Proposed Solution to Improve the Decision: See Section I of this objection. Violation of Law, Regulation or Policy: 40 CFR [sect] 1503.4(a) Parts (1)-(3) Connection with Comments: New information.
Section V. Statement of Issues Draft ROD
The following are statements of the issues to which the objection applies and concise statements explaining the objection and suggestions on how the proposed decision may be improved.
A. Rationale for the Decision [ndash] Recreation
Draft ROD: The Cibola DROD beginning on page 7 states, [ldquo]The following issues are significant planning issues that drove the development of alternatives: [hellip] addressing conflicts between recreation and multiple uses[hellip]

I have selected alternative C as described in the final environmental impact statement and the accompanying Cibola National Forest Land Management Plan[hellip] 6. Plan components for existing designated areas: [hellip] currently, approximately 45 miles of the Continental Divide National Scenic Trail[hellip]

The broad framework for the interconnected management of resources provides for sustainable uses that support vibrant communities and honor traditional communities and their reliance on the Cibola[rsquo]s resources while also adapting to current demands, by providing for forest conditions that protect communities, infrastructure, and watersheds; air quality; traditional and cultural forest uses; sustainable recreation opportunities; scenery; and forest-based economic activities such as wood products industries and

ranching.[rdquo]

The Draft ROD on page 28 states, [ldquo]Travel management planning for the Cibola has been completed for all four mountain districts following the requirements of the 2005 rule. The land management plan revision and this decision do not change any existing travel management decisions, and plan components are consistent with the previous travel management decisions. Therefore, I find that this land management plan is in compliance with the Travel Management Rule.[rdquo]

Issue and Statement of Explanation: A Forest Plan is not constrained by or subordinate to a travel plan which is a resource plan. The Forest Service uses the 1986 ROS Book in developing

Forest Plans. The revised plan must include plan components to provide for sustainable recreation; including recreation settings, opportunities, and access; and scenic character. The revised plan must include desired conditions for sustainable recreation using mapped desired recreation opportunity spectrum classes. The plan should include specific standards or guidelines where restrictions are needed to ensure the achievement or movement toward the desired recreation opportunity spectrum classes. Restrictions are needed in Primitive and Semi- Primitive ROS settings to ensure that desired conditions are realized. The 1986 ROS Book describes desired conditions for each ROS setting or class.

The Cibola Plan definitions of ROS setting plan components do not include ROS class descriptions that address Evidence of Humans desired conditions. For example, the SPNM ROS setting no longer describes that, [ldquo]Natural setting may have subtle modifications that would be noticed, but not draw the attention of an observer wandering through the area.[rdquo] The FEIS fails to disclose the competing nature of the desire to maintain a natural setting with little evidence of management with the negative effects of mechanical treatment of vegetation and associated permanent and temporary roads.

[ldquo]The recreation opportunity spectrum has been an effective land management planning tool since 1982. The recreation opportunity spectrum is a framework for identifying, classifying, planning, and managing a range of recreation settings. The setting, activity, and opportunity for obtaining experience are arranged along a spectrum of classes from primitive to urban. In each setting, a range of activities is accommodated. For example, primitive settings accommodate primarily non-motorized uses, such as backpacking and hiking; whereas roaded settings (such as roaded natural) or rural settings accommodate motorized uses, such as driving for scenery or access for hunting. Through this framework, planners compare the relative tradeoffs of how different patterns of settings across the landscape would accommodate (or not accommodate) recreational preferences, opportunities, and impacts (programmatic indirect environmental effects) with other multiple uses[rdquo] (Planning Rule PEIS, page 209).

Established Scenic Integrity Objective and ROS setting desired conditions may constrain management actions. Under the 2012 Rule, [ldquo]plan components[rdquo] are the decisions made in a forest plan that are enforceable. They are enforceable because the Planning Rule requires all future management actions to be [ldquo]consistent with the applicable plan components.[rdquo] Desired conditions are the basis for the rest of the plan components; objectives, standards, guidelines, and suitability determinations must be developed to help achieve the desired conditions.

ROS settings is an appropriate and efficient management tool to provide for integrated resource management where compatible multiple use benefits accrue in an established ROS setting. However, Primitive and Semi-Primitive ROS classes will constrain some management actions such as mechanical treatments of vegetation that utilize heavy equipment and

permanent or temporary roads if these desired ROS class opportunities as described in the 1986 ROS Book are to be protected.

The Planning Rule requires [ldquo]plan components for sustainable recreation, including recreation settings, opportunities, access; and scenic character[hellip][rdquo] and that [ldquo]plan components guide future project and activity decisionmaking. The plan must indicate whether specific plan components apply to the entire plan area, to specific management areas or geographic areas, or to other areas as identified in the plan[rdquo] (36 CFR [sect] 219.7 Part (e)). Knowing where ROS and Scenic Character (and SIO) plan components apply is essential to developing an integrated Forest Plan. Modifying where the ROS and Scenic Character (and SIO) direction applies must follow amendment processes and not be addressed as an administrative change. A plan amendment is required to add, modify, or remove one or more plan components, or to change how or where one or more plan components apply to all or part of the plan area.

The APA ensures that agencies do not change course based on the [ldquo]whim and caprice of the bureaucracy,[rdquo] and prevents agencies from subverting the rule of law by making policy based on shifting [ldquo]political winds and currents.[rdquo] When reversing a prior policy that [ldquo]has engendered serious reliance interests,[rdquo] the agency must [ldquo]provide a more detailed justification than what would suffice for a new policy created on a blank slate.[rdquo] This requires a [ldquo]reasoned explanation[hellip] for disregarding the facts and circumstances that underlay or were engendered by the prior policy.[rdquo]

The Forest Service did not provide a reasoned basis or a detailed justification for modifying the 1982 ROS User Guide and 1986 ROS Book Recreation Opportunity Spectrum setting definitions and disclosing the consequences of those changes to recreationists seeking Primitive and Semi- Primitive ROS settings, including those seeking high-quality scenic, primitive hiking and horseback riding experiences along the Continental Divide National Scenic Trail.

Making choices between competing resource priorities is often the nature of integrated resource management planning as required by the National Forest Management Act (16 CFR [sect] 1604(f)(1), 36 CFR [sect] 219.10(a), FSH 1909.12 Part 22). The ROD decision must make choices between competing resources, including establishing desired ROS settings to accurately reflect integrated resource decisions for each ROS class mapped area.

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

Violation of Law, Regulation or Policy: USDA DR 1074-001; 16 U.S.C. [sect] 1612(a); 36 U.S.C. [sect][sect] 216, 219.3, 219.7, 219.10(b)(1)(i); 40 CFR [sect][sect] 1502.24, 1503.4(a) Parts (1)-(3).

B. Alternatives Considered

Draft ROD: The Cibola DROD beginning on page 17 states, [ldquo]I considered four alternatives in detail, including the preferred alternative C[hellip] Contain forestwide plan components, plan

components for existing designated areas (wilderness, inventoried roadless areas, research natural area, scenic byways, continental divide national scenic trail, military withdrawal area, significant caves, and other congressionally designated areas), timber suitability determinations, and a monitoring plan[hellip] Alternative C is the preferred alternative outlined in the land management plan, which focuses on healthy ecological function that supports multiple uses through an accelerated restoration focus. The interdisciplinary team developed this alternative iteratively with the public to address the needs for change and issues identified in chapter 1 of the plan. Alternative C is designed to address needs for restored forested and non- forested vegetation, wildlife

terrestrial and aquatic habitat, improved riparian management zones, watershed health, improved rangeland forage and infrastructure, sustainable recreation, and recommended wilderness areas.[rdquo]

Issue and Statement of Explanation: The CDNST corridor and plan components presented in Draft Plan and DEIS comments should have been rigorously explored and objectively evaluated, since the submitted proposed alternative/modified plan components is a reasonable approach to protecting the nature and purposes of the CDNST.

Response to comments requires the agency to assess and consider comments both individually and collectively, and shall respond by modifying alternatives including the proposed action or develop and evaluate alternatives not previously given serious consideration by the agency to address substantive concerns. Preferably, as described in Section I of this objection, alternatives would have been modified to (1) establish a CDNST management corridor with supportive plan components and (2) supplemented ROS definitions to reflect the guidance in the 1986 ROS Book. Otherwise, these proposed changes that were not previously given serious consideration should have been addressed in a new alternative.

Past travel management resource plan and decisions should not have constrained FEIS alternatives. Establishing the CDNST corridor with supporting plan components will likely require the revision of summer and winter travel plans.

NEPA requires agencies to consider a reasonable range of alternatives. Agencies must, to the fullest extent possible, include [ldquo]reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment[rdquo] (40 C.F.R.

[sect] 1500.2(e)). The EIS must also state how the alternatives considered will meet both NEPA and other environmental laws and policies, including the National Trails System Act, and must discuss the reasons for eliminating any alternatives from detailed study (40 CFR [sect][sect] 1502.2(d), 1502.14(a)).

The Forest Service did not consider a reasonable range of alternatives in the FEIS because the Forest Service failed to consider an alternative or alternatives that had the potential to reduce

the adverse effects on the Continental Divide National Scenic Trail and better protect the purposes for which this National Scenic Trail was established.

Proposed Solution to Improve the Decision: Viable, unconsidered alternatives or components of alternatives include, but are not limited to establishing a CDNST Management Area with plan components that protect the nature and purposes of the CDNST as described in comments. See Section I of this objection for a proposed solution for improving the decision.

Violation of Law, Regulation or Policy: 16 U.S.C. [sect][sect] 1242(a)(2), 1244(f), 1246(c); E.O. 13195; 42 U.S.C. [sect] 4332(2)(C); 40 C.F.R. [sect][sect] 1502.1, 1502.14, 1502.16, 1503.4(a) Parts (1)-(3), 1508.7; 36

CFR [sect] 219.3; USDA DR 1074-001.

C. Best Available Scientific Information

Draft ROD: The Cibola DROD on page 21 states, [ldquo]Based on my review of the final environmental impact statement, the information presented above, and the planning record, I find that the most accurate and reliable scientific information available that is relevant to the issues considered in this land management plan has been used to inform the planning process and has been applied to the issues considered in the revision, as required by 36 CFR 219.3.[rdquo]

Issue and Statement of Explanation: Best available scientific information analyses would have required using ROS plan components that were consistent with the 1986 ROS Book, which the plan did not use in its formulation.

The Plan definition of the ROS Class desired conditions must include ROS Class characteristics descriptors that address, [ldquo]Evidence of Humans,[rdquo] [ldquo]Non-Recreation Uses,[rdquo] and [ldquo]Naturalness[rdquo] characteristics, and to make other changes that support providing for the integration of the recreation resource in natural resources planning processes.

Sustainable Recreation Planning direction must be consistent with the 1986 ROS Book and related research, which informed the Planning Rule. Forest Service directives (and policy by correspondence) must be consistent with the USDA Departmental Regulation 1074-001 scientific integrity policy that relates to the development, analysis, and use of data for decision- making. This DR is intended to instill public confidence in USDA research and science-based public policymaking by articulating the principles of scientific integrity, including reflecting scientific information appropriately and accurately.

Modifying ROS characterizations to facilitate development of unroaded areas without demonstrating a clear basis for deviating from the 1986 ROS Book is unreasonable, arbitrary, and capricious and is inconsistent with the MUSYA, NFMA, and NEPA.

Proposed Solution to Improve the Decision: See Section I Part C and Section III Part A of this objection.

Violation of Law, Regulation or Policy: USDA DR 1074-001, 16 U.S.C. [sect] 1612(a), 36 U.S.C. [sect] 216, 36 CFR [sect] 219.3, 40 CFR [sect][sect] 1502.24, 1503.4(a) Parts (1)-(3); Planning Rule PEIS.

D. Multiple-Use Sustained-Yield Act

Draft ROD: The Cibola DROD on pages 11 - 12 states, [ldquo]The land management plan provides for ecosystem services and multiple uses within Forest Service authority and the inherent capability of the plan area, including outdoor recreation, range, timber, watershed, wildlife, and fish, by: [hellip]

9. Providing motorized opportunities and access, as well as non-motorized and primitive areas (chapter 2: [ldquo]Recreation[rdquo] and [ldquo]Infrastructure[rdquo] sections and subsections; and chapter 3: [ldquo]Recommended Wilderness,[rdquo] [ldquo]Designated Wilderness,[rdquo] [ldquo]Inventoried Roadless Areas,[rdquo] and [ldquo]Scenic Byways[rdquo] sections and subsections).

10. Protecting congressionally designated wilderness areas and areas recommended for wilderness designation (chapter 3: [ldquo]Recommended Wilderness[rdquo] and [ldquo]Designated Wilderness Areas[rdquo] sections).

11. Protecting designated wild and scenic rivers and rivers found eligible for wild and scenic river designation (chapter 3: [ldquo]Eligible Wild and Scenic Rivers[rdquo] section).

12. Protecting research natural areas (chapter 3: [ldquo]Bernalillo Watershed Research Natural Area[rdquo] section).[rdquo]

Issue and Statement of Explanation: Alternatives in the FEIS do not protect CDNST nature and purposes qualities and values with supporting plan components failing to produce an integrated plan. Due to this lack of integration of protecting the CDNST for the purposes for which it was established, it is not reasoned to declare that the plan is fully compliant with the Multiple-Use Sustained-Yield Act. The plan must contain plan components that provide for the nature and purposes of the CDNST presumed rights-of-way.

Draft ROD: The Cibola DROD on page 25 states, [ldquo]The Forest Service manages National Forest System lands to sustain the multiple use of its renewable resources in perpetuity while maintaining the long-term health and productivity of the land. Resources are managed through a combination of approaches and concepts for the benefit of human communities and natural resources. As demonstrated in the final environmental impact statement and as required by the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528[ndash]531), the land management plan guides sustainable and integrated management of forest resources in the context of the broader landscape, giving due consideration to the relative values of the various resources in particular areas. Therefore, I find that the land management plan is compliant with the Multiple-Use Sustained-Yield Act.[rdquo]

Issue and Statement of Explanation: The structure of the Planning Regulations and Directives provide for the integration of statutorily designated areas as a multiple use component. CDNST and ROS plan components are not integrated, written clearly, concisely, and without ambiguity.

Alternatives in the FEIS do not protect CDNST nature and purposes qualities and values with supporting plan components failing to produce an integrated plan. Due to this lack of integration of protecting the CDNST for the purposes for which it was established, it is not reasoned to declare that the plan is fully compliant with the Multiple-Use Sustained-Yield Act.

The characterizations of ROS classes in many cases are a significant deviation from established Physical Setting descriptions. [ldquo]Evidence of Humans,[rdquo] [ldquo]Non-Recreation Uses,[rdquo] and [ldquo]Naturalness[rdquo] setting indicators are improperly omitted in the narratives for Primitive, Semi-Primitive Non- Motorized, and Semi-Primitive Motorized ROS settings. The proposed ROS plan components must be consistent with the 1986 ROS Book, which supported the planning rule as informed by the PEIS.

Proposed Solution to Improve the Decision: See Section I Part C of this objection.

Violation of Law, Regulation or Policy: 36 CFR [sect][sect] 219.3, 219.10(a), 219.10(b)(1)(i), 219.10(b)(1)(vi); 16 U.S.C. [sect] 1604(f)(1); 40 CFR [sect][sect] 1502.14, 1502.24, 1503.4(a) Parts (1)-(3);

Planning Rule PEIS.

E. National Environmental Policy Act

Draft ROD: The Cibola DROD on page 26 states, [ldquo]The environmental analysis and public involvement process outlined in the final environmental impact statement complies with the major elements of the requirements set forth by the Council on Environmental Quality for implementing the National Environmental Policy Act (40 CFR 1500-1508) (1986). These requirements include: (1) considering a range of reasonable alternatives, (2) disclosing cumulative effects, (3) using best available scientific information, (4) considering long-term and short-term effects, and (5) disclosing unavoidable adverse effects.[rdquo]

Issue and Statement of Explanation: Specific to CEQ NEPA requirements, the ROD cannot attest to meeting the requirements of 40 CFR 1502.24 Methodology and Scientific Accuracy.

The FEIS did not use the 1982/1986 ROS planning framework to establish ROS settings to provide for the nature and purposes of the CDNST. Definitions of ROS Classes desired conditions must include ROS Class Characteristics descriptors that address, [ldquo]Evidence of Humans,[rdquo] [ldquo]Non-Recreation Uses,[rdquo] and [ldquo]Naturalness[rdquo] characteristics, and to make other changes that support providing for the integration of the recreation resource in natural resources planning processes.

Sustainable Recreation plan components must be consistent with the 1986 ROS Book guidance and related

research, which informed the Planning Rule. Forest Service directives must be consistent with the USDA Departmental Regulation 1074-001 scientific integrity policy that relates to the development, analysis, and use of data for decision-making.

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 plan 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 FEIS do not meet these NEPA standards.

A NEPA document must contain sufficient information to foster informed decisionmaking and informed public participation. Otherwise, the decision would not be in conformance with 42

U.S.C. [sect] 4332(2)(C) and would therefore not be in accordance with law under 5 U.S.C. [sect] 706(2)(A) and not in be in observance of procedure required by law under 5 U.S.C. [sect] 706(2)(D).

For the reasons laid out in this objection, it is not reasoned to conclude that the, [ldquo]environmental analysis and public involvement process that the environmental impact statement is based on complies with each of the major elements of the requirements set forth by the Council on Environmental Quality regulations for implementing the National Environmental Policy Act (40 CFR 1500-1508).[rdquo]

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

Violation of Law, Regulation or Policy: USDA DR 1074-001; 16 U.S.C. [sect] 1612(a); 36 U.S.C. [sect] 216, 40 CFR [sect][sect] 1502.14, 1502.24, 1503.4(a) Parts (1)-(3); Planning Rule PEIS.

F. National Forest Management Act

Draft ROD: The Cibola DROD on page 27 states, [ldquo]my review indicates that the plan and its preparation meet requirements for revising plans under the provisions of the 2012 Planning Rule, and is compliant with the National Forest Management Act. My review included the planning process, the final environmental impact statement, the planning record, and the information provided in this record of decision.[rdquo]

Issue and Statement of Explanation: The DROD did not address and could not factually describe that management area direction in the land management plan provides protection for the nature and purposes for which the CDNST was established. The plan direction does not provide for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of this National Scenic Trail.

The Plan did not use the ROS planning framework to establish ROS settings to provide for the nature and purposes of the CDNST. The Plan ROS class descriptions do not include ROS Class characteristics that describe, [ldquo]Evidence of Humans,[rdquo] [ldquo]Non-Recreation Uses,[rdquo] and [ldquo]Naturalness[rdquo] characteristics, and to make other changes that support providing for the integration of the recreation resource in natural resources planning processes.

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

The ROD should state, [ldquo]The CDNST management corridor is not suited for timber production. Areas recommended for wilderness, wilderness study areas, eligible or suitable river segments are not suitable for timber production to maintain their qualities and values should designation eventually occur. The remaining lands after subtracting the lands that are suited from the lands that may be suited are not suited for timber production because it is not compatible with the land area[rsquo]s desired conditions and objectives (36 CFR 219.11(a)(1)(iii)).[rdquo]

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

Violation of Law, Regulation or Policy: USDA DR 1074-001, 36 CFR [sect][sect] 219.7, 219.10(a), 219.10(b)(1)(i), 219.10(b)(1)(vi); 40 CFR [sect][sect] 1502.24, 1503.4(a) Parts (1)-(3).

G. Travel Management Rule

Draft ROD: The Draft ROD on page 28 states, [ldquo]Travel management planning for the Cibola has been completed for all four mountain districts following the requirements of the 2005 rule. The land management plan revision and this decision do not change any existing travel management decisions, and plan components are consistent with the previous travel management decisions. Therefore, I find that this land management plan is in compliance with the Travel Management Rule.[rdquo]

Issue and Statement of Explanation: It was improper to constrain the proposed action and alternatives to be consistent with the existing travel management plan. The planning rule and directives describe that all projects must be consistent with the applicable plan components. However, the planning rule and directives do not describe that the plan is to be consistent with the travel management plan.

Recreation Opportunity Spectrum and CDNST plan components are described in a manner that ensures that existing travel management plan decisions are consistent with the revised plan even when those previous decisions are inconsistent with the ROS class. The extent of allowing for motor vehicle use inconsistencies was not reviewed in the FEIS affected environment and environmental consequences discussions and should not be considered for allowing as a setting inconsistency without first considering the effects on the desired ROS setting.

Proposed Solution to Improve the Decision: Do not allow for existing motor vehicle use in Primitive and Semi-Primitive Non-Motorized ROS settings without appropriate analyses and disclosure. Do not find that the land management plan is in compliance with the Travel Management Rule where motor vehicle use is approved in Primitive and Semi-Primitive Non-

Motorized ROS settings. Do not find that the land management plan is in compliance with the Travel Management Rule where motor vehicle use is approved within the corridor of existing and high potential route segments of the CDNST.

Violation of Law, Regulation or Policy: 36 CFR [sect] 212.55; 16 U.S.C. [sect][sect] 1244(f), 1246(c); 36 CFR

[sect][sect] 219.10(b)(1)(i), 219.10(b)(1)(vi); 40 CFR [sect] 1502.14, 1502.15, 1502.16; E.O. 13195; CDNST

Comprehensive Plan Chapter IV.B.6.

H. National Trails System Act

Draft ROD: The Draft Cibola ROD on pages 7 and 8 states, [ldquo]With this decision, I approve the following: [hellip] Plan components for existing designated areas: [hellip] approximately 45 miles of the Continental Divide National Scenic Trail.[rdquo] On page 17, the Draft ROD states, [ldquo]All action alternatives that I considered have the following elements in common: [hellip] Contain forestwide plan components, plan components for existing designated areas (wilderness, inventoried roadless areas, research natural area, scenic byways,

continental divide national scenic trail, military withdrawal area, significant caves, and other congressionally designated areas), timber suitability determinations, and a monitoring plan[hellip].[rdquo]

The Draft Cibola ROD does not review the National Trails System Act. The National Trails System Act of 1968, as amended, provides that the CDNST, [ldquo]shall be administered[rdquo] [ldquo]by the Secretary of Agriculture[rdquo] to be so located to [ldquo]provide for maximum outdoor recreation potential and for the conservation and enjoyment[rdquo] of [ldquo]nationally significant scenic, historic, natural, or cultural qualities.[rdquo] In general, [ldquo]The use of motorized vehicles by the general public along any national scenic trail shall be prohibited.[rdquo] The Act 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 thus constitutes an overlay on the management regime otherwise applicable to public areas managed by land management agencies.

Issue and Statement of Explanation: The Record of Decision must address providing for the integrated management of statutorily designated areas. Statutorily designated areas must be managed to achieve the purposes for which they were established. The draft ROD decision is not based on a reasonably thorough discussion of...significant aspects of the probable environmental consequences on CDNST nature and purposes. The ROD is not in compliance with the requirement of 40 CFR 1505.2(b), since the draft ROD did not identify and discuss all such factors including the protection of National Scenic and Historic Trail qualities and values.

The National Trails System Act establishes National Scenic Trails (16 U. S. C. [sect] 1244(a)), including the CDNST (16 U. S. C. [sect] 1244(a)(5)). It empowers and requires the Secretary of Agriculture to establish the CDNST location and width by selecting the National Scenic Trail [ldquo]rights-of-way[rdquo] (16 U.S.C. [sect][sect] 1246(a)(2), 1246(d), 1246(e)). The revised plan should clearly

establish a CDNST Management Area (aka National Trail Management Corridor) with an extent of at least one-half mile on both sides of the CDNST travel route and along high-potential route

The draft ROD decision is not based on a reasonably thorough discussion of...significant aspects of the probable environmental consequences on CDNST nature and purposes. The ROD is not in compliance with the requirement of 40 CFR 1505.2(b), since the draft ROD did not identify and discuss all such factors including the protection of National Scenic and Historic Trail qualities and values.

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 establishment of the CDNST thus constitutes an overlay on the management regime otherwise applicable to public areas managed by land management agencies. The NTSA and E.O. limits the management discretion the agencies would otherwise have by mandating the delineation and protection of the CDNST corridor. The draft decision fails to act on addressing the requirements of the National Trails System Act to describe the CDNST rights-of-way and approve plan components that protect the nature and purposes of the CDNST.

For the purpose of addressing CDNST issues and concerns, the FEIS does not contain sufficient accurate information to foster informed decision-making or informed public participation. A Supplemental FEIS should be prepared to address the requirements of the CEQ NEPA regulations as found in 40 CFR Parts 1500-1508 (2005). Land use planning associated NEPA must (1) rigorously explore and objectively evaluate all reasonable alternatives, and (2) take a hard look at the effects of the alternatives. A Supplemental FEIS must also address whether proposed activities and use substantially interferes with the nature and purposes of the CDNST, which did not occur in the FEIS that supports the draft ROD.

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

Much of the Cibola CDNST plan direction departs from the CDNST Comprehensive Plan, FSH 2353.44b, and FSH 1909.12 24.43 guidance without providing a reasoned basis or a detailed justification for ignoring these previous findings and direction. The APA ensures that agencies do not change course based on the [ldquo]whim and caprice of the bureaucracy,[rdquo] and prevents agencies from subverting the rule of law by making policy based on shifting [ldquo]political winds and

currents.[rdquo] When reversing a prior policy that [ldquo]has engendered serious reliance interests,[rdquo] the agency must [ldquo]provide a more detailed justification than what would suffice for a new policy created on a blank slate.[rdquo] This requires a [ldquo]reasoned explanation[hellip] for disregarding the facts and circumstances that underlay or were engendered by the prior policy.[rdquo]

Proposed Solution to Improve the Decision: See Section I Part C of this objection. In brief, the CDNST nature and purposes description should be the principal desired condition for the CDNST management corridor. Standards or guidelines should clearly describe providing for a Semi- Primitive Non-Motorized ROS setting and a High Scenic Integrity Objective along existing and high potential route segments.

Violation of Law, Regulation or Policy: 16 U.S.C. [sect] 1604(f)(1); 16 U.S.C. [sect][sect] 1242(a)(2), 1244(f), 1246(c); E.O. 13195; 36 CFR [sect][sect] 219.10(b)(1)(vi), 212 Subparts B and C; CDNST Comprehensive Plan [ndash] 74 FR 51116-51125; FSM 2353.44b; 40 CFR [sect][sect] 1502.14, 1502.24, 1503.4(a) Parts (1)-(3).

I. Plan Implementation

Draft ROD: The Draft ROD on page 30 describes existing authorizations, project consistency, and maintaining the plan.

Issue and Statement of Explanation: Statements in the Plan suggest that plan components and where the components apply may be inappropriately changed following administrative change steps instead of following plan amendment processes.

Proposed Solution to Improve the Decision: Revise language in the Plan and ROD to indicate that ROS and Scenery related maps will only be changed following amendment processes.

Violation of Law, Regulation or Policy: 36 CFR [sect] 219.17(b)(2)

Section VI. CDNST Regulatory Planning Framework

The planning and management of National Scenic Trails is addressed by many interrelated laws, regulations, and policies. The following summarizes regulatory framework provisions that are important to Forest Plan decisions and the CDNST designated area:

[middot] USDA DR 1074-001 [ndash] Scientific Integrity in policymaking that relates to the development, analysis, and use of data for decision-making.

[middot] 36 CFR [sect] 216 (16 U.S.C. [sect] 1612(a)) [ndash] To give adequate notice and an opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs.

[middot] 16 U.S.C. [sect] 1242(a)(2) [ndash] National Scenic Trail Purpose is [hellip] for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.

[middot] 16 U.S.C. [sect] 1244(f) [ndash] The responsible Secretary shall ... submit ... a comprehensive plan

for the acquisition, management, development, and use of the trail, including but not limited to, the following items: 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 ... an identified carrying capacity of the trail and a plan for its implementation[hellip].

[middot] 16 U.S.C. [sect] 1246(a)(2) [ndash] Pursuant to section 5(a), the appropriate Secretary shall select the rights-of-way for national scenic and national historic trails and shall publish notice thereof of the availability of appropriate maps or descriptions in the Federal Register.

[middot] 16 U.S.C. [sect] 1246(c) [ndash] National scenic trails may contain campsites, shelters, and related- public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail[hellip] To the extent practicable, efforts be made to avoid activities incompatible with the purposes for which such trails were established. The use of motorized vehicles by the general public along any National Scenic Trail shall be prohibited... Other uses along the historic trails and the Continental Divide National Scenic Trail, which will not substantially interfere with the nature and purposes of the trail, and which, at the time of designation, are allowed by administrative regulations, including the use of motorized vehicles, shall be permitted.[rdquo]

[middot] E.O. 13195 [ndash] Trails for America in the 21st Century [ndash] Federal agencies will ... protect, connect, promote, and assist trails of all types throughout the United States. This will be accomplished by: ... (b) Protecting the trail corridors associated with national scenic trails...to the degrees necessary to ensure that the values for which each trail was established remain intact....

[middot] Executive Order 11644 and 11989 [ndash] Use of off-road vehicles on the public lands.

[middot] 36 CFR 212 Subpart B - Designation of Roads, Trails, and Areas for Motor Vehicle Use ([sect][sect] 212.50 - 212.57)

[middot] 36 CFR [sect] 212 Subpart C - Over-Snow Vehicle Use ([sect][sect] 212.80 - 212.81)

[middot] CDNST Comprehensive Plan

o Chapter III.E, Land Management Plans (74 FR 51124) [ndash] 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.

o Chapter IV.A, Nature and Purposes (74 FR 51124) [ndash] 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.

*
* Chapter IV.B.2, Rights-of-Way Extent (74 FR 51119) [ndash] The rights-of-way for the trails will be of sufficient width to protect natural, scenic, cultural, and historic features along the trails and to provide needed public use facilities....
* Chapter IV.B.4, Scenery Management (74 FR 51124) [ndash]The CDNST is a concern level 1 route, with a scenic integrity objective of high or very high.25
* Chapter IV.B.5, Recreation Management (74 FR 51125) [ndash] Manage the CDNST 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. Bicycle use may be allowed on the CDNST (16 U.S.C. 1246(c)) if the use is consistent with the applicable land and resource management plan and will not substantially interfere with the nature and purposes of the CDNST. Use the ROS system in delineating and integrating recreation opportunities in managing the CDNST.26
*
FSM 2353.44b(10) [ndash] Bicycle use may be allowed on the CDNST (16 U.S.C. 1246(c)), using the appropriate trail design standards, if the use is consistent with the applicable CDNST unit plan (FSM 2353.44b(2) and will not substantially interfere with the nature and purposes of the CDNST (FSM 2353.42).

*
Chapter IV.B.6. Motorized Use (74 FR 51125) [ndash] Motor vehicle use by the general public is prohibited by the National Trails System Act unless that use:

* Is necessary to meet emergencies;
* Is necessary to enable adjacent landowners or those with valid outstanding rights to have reasonable access to their lands or rights;
* 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
* 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;
*
Is designated in accordance with 36 CFR Part 212, Subpart B, on National Forest System lands or is allowed on public lands and:

* 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
* That segment of the CDNST was constructed as a road prior to November 10, 1978; or

* 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.
* FSM 2353.44b(11) [ndash] Motor vehicle use by the general public is prohibited on the CDNST, unless that use is consistent with the applicable CDNST unit plan and: [repeats Comprehensive Plan Chapter IV.B.6 list and refers to CDNST unit plan].

* 16 U.S.C. [sect] 1604(f)(1) [ndash] Form one integrated plan
* 36 CFR [sect] 219.1(f) [ndash] Compliant with all applicable laws
* 36 CFR [sect] 219.3 [ndash] Best Available Scientific information
* 36 CFR [sect] 219.7 [ndash] Plan Components (where they apply)
* 36 CFR [sect] 219.9(a)(1) - Ecosystem Integrity
* 36 CFR [sect] 219.10(a) [ndash] Integrated Resource Management for Multiple Use
* 36 CFR [sect] 219.10(b)(1)(i) [ndash] Sustainable recreation
* 36 CFR [sect] 219.10(b)(1)(vi) [ndash] Management of other designated areas
*
36 CFR $ 219.11(a)(1)(iii) [ndash] Timber production not compatible with desired conditions

* FSH 1909.12 part 22 [ndash] Requirements for an Integrated Plan
* FSH 1909.12 part 22.1 [ndash] Plan Components
* FSH 1909.12 part 23 [ndash] Resource Requirements for Integrated Plan Components
* FSM 2310.3 (WO Amendment 2300-90-1) [ndash] Recreation Planning
* FSM 2382.1 [ndash] Scenery Management System
* FSH 1909.12 part 23.23a [ndash] Sustainable Recreation Resources
* FSH 1909.12 part 23.23f [ndash] Scenery, Aesthetic Values, and Viewsheds
* FSM 2353.4 [ndash] National Scenic Trails [ndash] CDNST (74 FR 51125) 27
* FSH 1909.12 part 24.43 - National Scenic and Historic Trails

* 40 CFR [sect] 1502.13 [ndash] Purposed and Need
* 40 CFR [sect] 1502.14 [ndash] Proposed Action and Alternatives
* 40 CFR [sect] 1502.15 [ndash] Affected Environment
* 40 CFR [sect][sect] 1502.16, 1508.7 (2020), 1508.8 (2020) [ndash] Environmental Consequences
* 40 CFR [sect] 1502.24 [ndash] Methodology and Scientific Accuracy (2005)
* 40 CFR [sect] 1502.23 [ndash] Methodology and Scientific Accuracy (2020)
* 40 CFR [sect] 1503.4(a) [ndash] Response to Comments (2005)

Section VII. Specialized and Expert Knowledge

My professional expertise is in dispersed recreation and designated area management and natural resources planning.28 I was the principal resource specialist in of 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 Proposed Plan, FEIS, and Draft ROD is also based on recreation research and handbooks including information found in:

1.
1. The Recreation Opportunity Spectrum: A Framework for Planning, Management, and Research, General Technical Report PNW-98,29 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,30 1986, by George Stankey, Greg Warren, and Warren Bacon;
4. Landscape Aesthetics, A Handbook for Scenery Management, Agricultural Handbook Number 701, 1995;
5. Studies in Outdoor Recreation: Search and Research for Satisfaction. Studies in Outdoor Recreation: Search and Research for Satisfaction by Robert Manning, 2010, and
6. Other similar publications and papers.31

My most recent CDNST Planning Handbook addresses new information is posted online at NSTrail.org. This planning handbook is updated as needed to address new information.

Thank you for accepting and considering this objection and proposed resolution as described in Section I Part C.

Greg Warren

Attachments
A [ndash] CDNST Comprehensive Plan B [ndash] FSM 2350

C [ndash] ROS Book 1986

D [ndash] Draft Plan and DEIS Comments

E [ndash] CDNST Planning Handbook v11032019 (submitted with Draft Plan and DEIS comments) F [ndash] Alamocita Creek Land Acquisition EA

Appendix A [ndash] CDNST High Potential Route Segment Corridor Maps included with Scoping and Draft Plan and DEIS comments. Geospatial files of corridors were provided with DEIS comments.
Appendix B [ndash] FSM 2310 Sustainable Recreation Planning Review.
The Sustainable Recreation Planning directive, FSM 2310 (WO Amendment 2300-2020-1), was approved by Tina Terrell, Associate Deputy Chief on April 23, 2020. Unfortunately, this amended FSM 2310 guidance is inconsistent with the recreation opportunity spectrum planning framework and the comprehensive planning requirements of the Wild and Scenic Rivers Act and National Trails System Act. It is improper that the Forest Service modified the 1986 ROS class definitions without articulating compelling reasons for the modifications and disclosing the consequences to those recreationists seeking Primitive and Semi-Primitive ROS settings as described since 1982.

The recreation opportunity spectrum provides a framework for integrating recreational opportunities and nonrecreational activities. The central notion of the spectrum is to offer recreationists alternative settings in which they can derive a variety of experiences. Because the management factors that give recreational value to a site are interdependent, management must strive to maintain consistency among these factors so that unplanned or undesired changes in the opportunities do not occur.

The amended policy makes substantial changes to the recreation planning policy direction without the benefit of 36 CFR [sect] 216 public involvement processes. This policy replaces FSM 2310 (WO Amendment 2300-90-1). The 1990 directive provided the following direction:

2310.3 - Policy. In addition to general planning policy presented in 36 CFR 219.1, FSM 1903, FSM 1920.3, FSM 1922.03, and FSM 2303:

1.
1.
1. Use the Recreation Opportunity Spectrum (ROS) to establish planning criteria, generate objectives for recreation, evaluate public issues, integrate management concerns, project recreation needs and demands, and

coordinate management objectives.
2. Use the ROS system to develop standards and guidelines for proposed recreation resource use and development.
3. Use the ROS system guidelines to describe recreation opportunities and coordinate with other recreation suppliers.
4. Recognize individual National Forests need not provide recreation opportunities in each ROS class.
5. Do not provide urban opportunities with appropriated or other public funds. Channel urban class provided by private sector funds to private land if available[hellip]

2311.1 - Recreation Opportunity Spectrum (ROS). Use the Recreation Opportunity Spectrum (ROS) system and the ROS Users Guide (U.S. Department of Agriculture, Forest Service. ROS Users Guide. Washington, DC: U.S. Department of Agriculture, Forest Service; 1982. 37p.) to delineate, define, and integrate outdoor recreation opportunities in land and resource management planning. Recreation integration/coordination provides for integrated management prescriptions and associated standards to deal with the recreation resource.

ROS defines six recreation opportunity classes that provide different settings for recreational use: primitive, semi-primitive nonmotorized, semi-primitive motorized, roaded natural, rural, and urban. Use ROS classes to describe all recreation opportunity areas--from natural, undisturbed, and undeveloped to heavily used, modified, and developed. Apply the criteria involving the physical, social, and managerial environments found in the ROS Users Guide to delineate the different ROS classes of land. Urban class areas are not normally an appropriate management objective for National Forest lands[hellip].[rdquo]

FSM 2310 (WO Amendment 2300-2020-1) [ldquo]Digest[rdquo] describes substantive changes as: [ldquo]2311 [ndash] Replaces obsolete direction on Resource Opportunities in Recreation Planning with direction on Corporate Data and Tools that have been in place for over 20 years.[rdquo] This [ldquo]Digest[rdquo] statement is factually inaccurate. The use of the ROS planning framework and the ROS User Guide continue to be relevant, especially for addressing the recreation resource in forest planning. The ROS planning framework use for forest planning is supported by a 2007 publication by McCool, Clark, and Stankey in [ldquo]An Assessment of Frameworks Useful for Public Land Recreation Planning,[rdquo] General Technical Report PNW-GTR-705.

The 1986 ROS Book, which repeated the 1982 ROS User Guide information, was the basis for the 2012 Planning Rule/PEIS and 2015 planning directives. As the Acting Recreation Planning National Program Manager, I prepared comments on the draft FSH 1909.12 planning directives that were based in part on the FSM 2310 direction to use the 1986 ROS Book technical guidance for addressing NFMA and planning rule requirements (16 U.S.C. [sect] 1604(f)(1) and 36 CFR [sect][sect] 219.1(f), 219.3, 219.6(b)(9), 219.8(b)(2), 219.10(a)(1) & (b)(1), and 219.19 definitions for

Recreation Opportunity and Setting). In this position, I reviewed drafts of a proposed amendment to FSM 2310. These drafts addressed remoteness and evidence of humans as setting indicators.

The recreation opportunity spectrum planning framework, as described in the 1986 ROS Book, continues to be the best science-based process for providing for the integration of the recreation resource in multiple-use planning. The 2012 Forest Service planning rule and 2015 planning directives properly identified the ROS planning framework as the best management tools and science for addressing the recreation resource in forest planning. The recreation setting is the surroundings or the environment for the recreational activities. The planning rule describes that the recreation setting is the social, managerial, and physical attributes of a place that, when combined, provide a distinct set of recreation opportunities. The rule describes that the Forest Service uses the recreation opportunity spectrum to define recreation settings and categorize them into six distinct classes: primitive, semi-primitive non-motorized, semi- primitive motorized, roaded natural, rural, and urban.

The amended 2020 FSM 2310 ROS direction degrades the usefulness of existing National Trail, Wild and Scenic River, and Wilderness policy direction that is intended to protect the values for which each congressionally designated area was established:

* The 2009 CDNST Comprehensive Plan states, [ldquo]Use the ROS system in delineating and integrating recreation opportunities in managing the CDNST.[rdquo]
* FSM 2353.44 [ndash] National Scenic Trails. The amended 2009 CDNST Comprehensive Plan and FSM 2353.44b policy relies in part on the FSM 2310 (WO Amendment 2300-90-1) direction. FSM 2353.44b(8) [ndash] [ldquo]Use the Recreation Opportunity Spectrum (ROS) and the ROS Users Guide in delineating and integrating recreation opportunities in CDNST unit plans and managing the CDNST (FSM 2311.1).[rdquo]
* FSM 2354.32 [ndash] Wild and Scenic Rivers. [ldquo]Management plans for designated [wild and scenic] rivers must: 1. Establish management objectives for each segment of the river. As a minimum, state the Recreation Opportunity Spectrum class featured (ROS, FSM 2310) and procedures for maintaining the ROS for each segment over time. To the extent possible, the management objectives should reflect the river's recreational relationship to nearby rivers.[rdquo]
* FSM 2320.3 [ndash] Wilderness. [ldquo]Use the Recreation Opportunity Spectrum (FSM 2310) as a tool to plan adjacent land management.[rdquo]

It is incorrect to infer that the 2012 Planning Rule and 2015 Planning directives guidance for the recreation resource were based on [ldquo]obsolete direction.[rdquo] The 2020 [ldquo]Digest[rdquo] and the substance of the 2020 FSM 2310 direction has improperly influenced an objection review of the Custer- Gallatin proposed revised plan.33 The 2020 policy may influence the Reviewing Officer[rsquo]s decision on the Cibola Forest Plan objection review. The 2020 FSM 2310 digest and policy needs to be corrected.

The 2015 Forest Service planning directives require the establishment of mapped ROS settings through Forest Planning processes (FSH 1909.12 [ndash] Part 23.23a). Mapped ROS classes based on the 1986 ROS Book class descriptions would help ensure the integration of multiple use programs through Forest Plan decisions. The ROS class descriptions and policy direction as modified by FSM 2310 (WO Amendment 2300-2020-1) diminishes the usefulness of having mapped ROS settings and using the ROS as a management tool.

The ROS planning framework was not intended to never change, but modifications to ROS class characteristics definitions should only occur through robust public involvement processes, based on science that supports modifying ROS characteristic definitions, and to improve readability. The amended FSM 2310 direction does not meet any of these need for change criteria. Furthermore, effects of any change to ROS class characteristics need to be disclosed.

The planning rule and planning directives were grounded in the 1986 ROS Book guidance and related research. It is concerning that some in the Forest Service have relied on informal and inappropriate Corporate Data and Tools for over 20 years resulting in the degradation of Primitive ROS and Semi-Primitive ROS settings.

A review of the amended FSM 2310 (2300-2020-1) follows:

Amended FSM 2310.2 objectives state, [ldquo]The overarching objective of sustainable recreation planning is to inform decisions that result in sustainable recreation outcomes. To be sustainable, recreation settings, opportunities, and benefits must: [hellip] 1. Be compatible with other multiple uses[hellip].[rdquo]

Observation: The intent of this objective is unclear; however, a literal reading of the guidance would indicate that the objective is inconsistent with [ldquo]multiple use[rdquo] as defined by the Multiple Use Sustained Yield Act of 1960 (16 U.S.C. [sect] 531). NFMA integration requirements are reviewed in FSH 1909.12 part 22. Clearly, the recreation resource is not inferior to other multiple use resources. For example, Forest Plan allocations of

Primitive, Semi-Primitive Non- Motorized, and Semi-Primitive Motorized ROS settings without a timber resource purpose would be consistent with the Multiple Use and Sustained Yield Act. The ROS User Guide is consistent with the principles described by the Interagency Visitor Use Management Council.

The Landscape Aesthetics Handbook states, [ldquo]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[hellip]) 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.[rdquo]

Primitive and Semi-Primitive ROS classes will constrain some actions such as mechanical treatments with heavy equipment or road development if these desired ROS class opportunities are to be available to recreationists seeking those experiences. The recreation opportunity setting since its inception has been composed of other natural features in addition to the six factors. Landform types, vegetation, scenery, water, and wildlife are all important elements of recreation environments; they influence where people go and the kinds of activities possible.

Making choices between competing resource priorities is often the nature of integrated

resource management planning as required by the National Forest Management Act (16 CFR [sect] 1604(f)(1), 36 CFR [sect] 219.10(a), FSH 1909.12 Part 22).

This objective should be deleted, but could be restated describing that, [ldquo]Be derived through integrated planning processes[rdquo] (36 CFR [sect] 219.10(a)). The Multiple-Use Sustained-Yield Act makes that principle clear by explaining that [ldquo]multiple use[rdquo] means management to make [ldquo]judicious use of the land for some or all[rdquo] of the renewable resources thereon, with some land [ldquo]used for less than all of the resources[rdquo] (16 U.S.C. [sect] 531).

Amended FSM 2310.2 also describes, [ldquo]These ecological and socio-economic outcomes are not only important to the sustainability of recreation, but also contribute to the sustainability of the unit and Agency as a whole[hellip].[rdquo]

Observation: The direction in parts 1 through 7 improves on the prior FSM 2310 direction and provides for important integration considerations that are also found in the planning directives (FSH 1909.12). The statement, [ldquo]contribute to the sustainability of the unit and Agency as a whole[rdquo] is an inappropriate declaration and should be deleted.

Amended FSM 2310.2 part 8 states, [ldquo]Resource program plans (such as, travel management plans, and so forth), area plans (for example, Comprehensive River Management Plans, and so forth) and project decisions implement, support, and are consistent with relevant land management plan(s) decisions. FSH 1909.12, sec. 24.[rdquo]

Observation: Comprehensive River Management Plans and National Scenic and Historic Trail Comprehensive Plans should be consistent with the relevant Forest Plan, but this statement would suggest that designated area plan decisions are subordinate to Forest Plan decisions regardless of the Forest Plan direction. FSM 2310.2 part 8 should be redrafted plainly stating that NFMA, W&SR, and National Scenic and Historic Trail plan

decisions must provide for the purposes for which an area is designated. In addition, FSM 2310 should clearly state that, [ldquo]Comprehensive Plans developed in response to the requirements of the National Trails System Act (16 U.S.C. [sect][sect] 1244(e), 1244(f)), and the Wild and Scenic Rivers Act (16 U.S.C.

[sect] 1274(d)) are not resource plans as defined by the NFMA (16 U.S.C. [sect]1604(i) and 36 CFR

[sect]219.15(e)).[rdquo] The phrase, [ldquo]and so forth[rdquo] is not helpful and should be deleted.

National Scenic Trails, Wild and Scenic Rivers, and Wilderness legislation keeps the management of the federal land under the agencies existing authorities, but subject to the overriding purpose of protecting qualities and values described by the designated area legislation. The establishment of these designated areas thus constitutes an overlay on the management regime otherwise applicable to lands managed by the agency. By eliminating activities and uses incompatible with the purposes for which an area is designated, the designated area limits the management discretion that the agency might otherwise have.

Amended FSM 2310.3 policy begins by describing that, [ldquo]1. Units shall review and use relevant land management plan decisions to guide and inform smaller-scale planning decisions. To ensure attainment of sustainable recreation, all projects and activities must be consistent with the applicable plan components of the land management plan (36 CFR 219.15 (d)).[rdquo]

Observation: An element that is missing from the direction is to describe policy that responsible officials are to ensure that land management plans are prepared through NEPA interdisciplinary processes that address the integration of the recreation resource in planning analyses and decisions (16 U.S.C. 1604(f), 36 CFR 219.10). In addition, Forest Plans must provide for the purposes for which designated areas are established.

Amended FSM 2310.5 defines Resource Programs and Area Plans as, [ldquo]Plans that address a specific multiple use or resource program on the forest or grassland, or portion of one or more forests or grasslands. The plan area can be delineated by ecological units (such as, watersheds, wildlife habitat areas, riparian areas, geological formations or features, and so forth), and/or by socio-economic considerations (such as, market area, designated area, urban interface area, administrative units such as a ranger district, and so forth). Common examples of recreation- related resource program plans include: facilities plans, travel management plans, interpretive plans, etc. Area-specific plans include: National Scenic or Historic Trail Plans, National Monument Plans, Comprehensive River Management Plans, National Recreation Area Plans, etc. Resource program and area plans must be consistent with land management plan direction. Reference 36 CFR 219.15.[rdquo]

Observation: FSM 2310 needs to describe that planning processes must provide for the purposes for which an area was designated. FSM 2310 should clearly state that Comprehensive Plans developed in response to the requirements of the National Trails System Act (16 U.S.C. [sect][sect] 1244(e), 1244(f)) and the Wild and Scenic Rivers Act (16 U.S. Code [sect] 1274(d)) are not resource plans as defined by the NFMA (16 U.S.C. [sect]1604(i) and 36 CFR [sect]219.15(e)).

Amended FSM 2310.5 defines Recreation Opportunity Spectrum classes.

Observation: The characterizations of ROS classes are a significant deviation from established Physical Setting descriptions. [ldquo]Evidence of Humans,[rdquo] [ldquo]Non-Recreation Uses,[rdquo] and [ldquo]Naturalness[rdquo] setting indicators are improperly omitted in the narratives for Primitive, Semi- Primitive Non-Motorized, and Semi-Primitive Motorized ROS settings.

Primitive settings allow for mechanized use outside of wilderness in the amended FSM 2310 direction. Bicycles should not be allowed in Primitive ROS settings. Primitive means [lsquo][lsquo]of or relating to an earliest or original stage or state.[rsquo][rsquo] Mountain bikes are not primitive in nature. Asymmetric impacts between

bicyclists and traditional nonmotorized users will tend to displace hikers and equestrians from non-wilderness trails. The asymmetric or one-way nature of conflict suggests that active management is needed to maintain the quality of recreation for

visitors who are sensitive to conflicting uses. Visitors who are sensitive to conflict are likely to be dissatisfied or ultimately displaced.34 FSM 2310 should describe that the trail class norm is Pack and Saddle Stock Class 2 and 3 (FSH 2309.18 23.12 [ndash] Exhibit 01).

Observation: Semi-Primitive Non-Motorized settings exempts open roads stating that, [ldquo]occasional administrative use occurs on these roads for the purpose of natural and cultural resource protection and management.[rdquo] This ROS setting does not allow for new administrative or public use roads except in very limited situations [ndash] closed roads may be present, but are managed to not dominate the landscape or detract from the naturalness of the area.

The unconstrained guidance that, [ldquo]occasional administrative use occurs on these roads for the purpose of natural and cultural resource protection and management[rdquo] does not support SPNM desired conditions and needs to be changed. This ROS setting may only have subtle modifications that would be noticed but not draw the attention of an observer wandering through the area. Rarely would permanent and temporary roads be consistent with protecting SPNM ROS setting desired conditions where defined using the 1982/1986 ROS planning framework.

Observation: Exhibit 01, Vegetation states that, [ldquo]Treatments enhance forest health and mimic natural vegetation patterns.[rdquo] Due to social and resource conditions, large-scale vegetation harvest and associated road construction will need to be restricted to meet desired forest conditions.

Natural vegetation patterns have in some cases been created by large fire events, such as the Great Fire of 1910. Hurricane-force winds, unlike anything seen since, roared across the rolling country of eastern Washington. Then on into Idaho and Montana forests that were so dry they crackled underfoot. In a matter of hours, fires became firestorms, and trees by the millions became exploding candles. By noon on the twenty-first, daylight was dark as far north as Saskatoon, Canada, as far south as Denver, and as far east as Watertown, New York. To the west, the sky was so filled with smoke, ships 500 miles at sea could not navigate by the stars. Smoke turned the sun an eerie copper color in Boston. Soot fell on the ice in Greenland. The Great Fire of 1910 burned three million acres and killed enough timber to fill a freight train 2,400 miles long. Merchantable timber destroyed was estimated to be eight billion board feet, or enough wood to build 800,000 houses. Twenty million acres were burned across the entire Northwest. The current insect and disease situation are having similar ecological effects as some past fire events, but at a much slower rate of change.

Desired conditions must stress the need to reflect the constraints described for [ldquo]Evidence of Humans,[rdquo] [ldquo]Non-Recreation Uses,[rdquo] and [ldquo]Naturalness[rdquo] setting indicators for this Semi-Primitive

Non-Motorized ROS class. Specifically, the statement that treatments are to enhance forest health is vague and could lead to actions that benefit timber programs over allowing for natural processes to unfold. Describing that treatments are to mimic natural vegetation patterns is also unclear and should be deleted.

Forest health is an increasingly important concept in natural resource management. The definition of forest health is difficult and dependent on desired conditions. From an ecosystem- centered perspective, forest health has been defined by resilience, recurrence, persistence, and biophysical processes which lead to sustainable ecological conditions. Most important, so as to minimize the evidence of humans, vegetation management actions need to avoid restoration actions that require the construction of permanent and temporary roads within Semi-Primitive Non-Motorized ROS settings and minimize new roads in Semi-Primitive Motorized ROS settings.

Exhibit 01, Scenic Integrity states that, [ldquo]Typically High.[rdquo] The desired Scenic Integrity Objective should be simply described as High.

Observation: Some revised forest plans are establishing Semi-Primitive Motorized settings for timber production areas, which is inconsistent with the intent of this ROS class as used in the planning rule. Semi-Primitive Motorized settings allows for maintenance level 2 roads, which are not primitive roads as described in the 1982 ROS direction. Possibly, FSM 2310 could describe that, [ldquo]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.[rdquo] These trail classes would provide for the desired motorized experiences, while protecting soil and water resources through design parameters.

FSM 2310.5 defines ROS Class Characteristics as, [ldquo]The physical, social, and managerial features that function collectively to define a specific recreation opportunity spectrum setting (ROS class)

[hellip] Both summer and winter setting characteristics for each of the six primary ROS classes are summarized in section 2311, exhibit 01.[rdquo]

Observation: Exhibit 01 describes ROS characteristics as [ldquo]themes,[rdquo] which is not defined nor recognized as a plan component in forest planning processes (36 CFR [sect] 219 and FSH 1909.12 directives). Failing to identify desired conditions and other plan components in the FSM 2310 definition reduces the importance and effectiveness of the planning directives requirement that states, [ldquo]The plan must include plan components, including standards or guidelines, to provide for sustainable recreation integrated with other plan components as described in 23.21a. To meet this requirement the plan: [hellip] (a) Must include desired conditions for sustainable recreation using mapped desired recreation opportunity spectrum classes...[rdquo] (FSH 1909.12 23.23a).

Desired conditions are the basis for the rest of the plan components; objectives, standards, guidelines, and suitability determinations must be developed to help achieve the desired conditions. If forest plans contain specific, measurable desired conditions, this should focus the process of identifying locations where projects are needed, and thereby increase the efficiency of project planning.

General Technical Report PNW-98 December 1979 states, [ldquo]The ROS is a helpful concept for determining the types of recreational opportunities that should be provided. And after a basic decision has been made about the opportunity desirable in an area, the ROS provides guidance about appropriate planning approaches[mdash]standards by which each factor should be managed.[rdquo]

The 2012 Planning Rule Programmatic Environmental Impact Statement states the analysis of the recreation resource is based on the 1986 ROS Book, Scenery Management System, and Recreation facility analysis: [ldquo]Three recreation planning and management tools that shape the recreation program include:

* Recreation opportunity spectrum [ndash] ROS 1986;
* Scenery management system; and
* Recreation facility analysis.

These tools are used to define existing conditions, describe desired conditions, and monitor change. These tools, along with overarching guidance at the national, Department, and Agency levels, serve as the context by which individual national forests and grasslands engage with their communities. In doing so, the unit[rsquo]s recreation-related and amenity-based assets are considered and integrated with a vision for the future that is sustainable and that the unit is uniquely poised to provide. As the current planning rule procedures related to recreation are quite general, these tools contribute to consistency in recreation planning across NFS units.

The recreation opportunity spectrum has been an effective land management planning tool since 1982. The recreation opportunity spectrum is a framework for identifying, classifying, planning, and managing a range of recreation settings. The setting, activity, and opportunity for obtaining experience are arranged along a spectrum of classes from primitive to urban. In each setting, a range of activities is accommodated. For example, primitive settings accommodate primarily non-motorized uses, such as backpacking and hiking; whereas roaded settings (such as roaded natural) or rural settings accommodate motorized uses, such as driving for scenery or access for hunting. Through this framework, planners compare the relative tradeoffs of how different patterns of settings across the landscape would accommodate (or not accommodate) recreational preferences, opportunities, and impacts (programmatic indirect environmental effects) with other multiple uses.

The scenery management system provides a vocabulary for managing scenery and a systematic approach for determining the relative value and importance of scenery in an NFS unit. The system is used in the context of ecosystem management to inventory and analyze scenery, to

assist in establishment of overall resource goals and objectives, to monitor the scenic resource, and to ensure high-quality scenery for future generations[rdquo] (Forest Service Planning Rule, PEIS, page 209).

The Forest Service in response to Land Management Plan proposed directives comments on pages 22 and 47 states, [ldquo]FSH 1909.12, chapter 10, section 13.4 has been modified to indicate that the interdisciplinary team shall identify and evaluate available information about recreational settings and opportunities, including seasonal variation, using the recreation opportunity spectrum (ROS). An update of ROS information is not required during the assessment, though additional information not included in ROS may also be identified and included in the assessment process. The Forest Service uses the recreation opportunity spectrum to define recreation settings and categorize them into six distinct classes: primitive, semi- primitive non- motorized, semi-primitive motorized, roaded natural, rural, and urban (36 CFR 219.19). The desired ROS class is not required to be the same as the existing ROS class.

FSH 1909.12, chapter 20, section 23.23 states that the interdisciplinary team may create desired recreation opportunity spectrum subclasses. For example, the subclass [ldquo]roaded modified[rdquo] was first defined in the Pacific Northwest to distinguish those settings significantly altered by past timber harvest from other roaded natural. The interdisciplinary team may also create desired recreation opportunity spectrum classes to reflect seasonal variations. Desired winter recreation opportunity spectrum classes can be developed to depict changes in the location, mix and distribution of setting opportunities (both motorized and nonmotorized).[rdquo]

An example of a consequence if FSM 2310 (2300-2020-1) definitions are applied to plan components is that an established Semi-Primitive Non-Motorized ROS setting would no longer protect CDNST nature and purposes qualities and values. A Semi-Primitive Motorized ROS setting could be like what is described as a Roaded Modified ROS setting. A Roaded Modified ROS setting is defined by extensive forest management activities and road networks, which is clearly incompatible with providing for high-quality scenic, primitive hiking and horseback riding opportunities and the conservation of natural, historic, and cultural resources within the CDNST corridor. The ROS class protection norm for the CDNST should be restricted to the establishment of a Primitive ROS setting if FSM 2310 (2300-2020-1) direction is implemented.

The Forest Service did not provide a reasoned basis or a detailed justification for modifying the 1982 ROS User Guide and 1986 ROS Book recreation opportunity spectrum setting definitions and disclosing the consequences of those changes to recreationists seeking Primitive and Semi- Primitive ROS settings, including those seeking high-quality scenic, primitive hiking and horseback riding experiences along the Continental Divide National Scenic Trail.

Permanent and temporary roads in Semi-Primitive ROS settings must be constrained using Evidence of Humans

criteria as described in the 1986 ROS Book. Rarely would permanent and

temporary roads be consistent with a SPNM setting. If a road was to be built for any reason, it should be decommissioned with full obliteration, recontouring, and restoring natural slopes. Monitoring must ensure that surface areas are stabilized and revegetated with native plants.

The formulation and issuance of FSM 2310 (2300-2020-1) is not in compliance with the Public Participation requirement of FRRRPA and the Public Notice and Comment for Standards, Criteria, and Guidance Applicable to Forest Service Programs (16 U.S.C. [sect] 1612(a), 36 CFR [sect] 216). The amended policy (2300-2020-1) is inconsistent with the 36 CFR [sect] 219 forest planning regulations and the Planning Rule PEIS.

The APA ensures that agencies do not change course based on the [ldquo]whim and caprice of the bureaucracy,[rdquo] and prevents agencies from subverting the rule of law by making policy based on shifting [ldquo]political winds and currents.[rdquo] When reversing a prior policy that [ldquo]has engendered serious reliance interests,[rdquo] the agency must [ldquo]provide a more detailed justification than what would suffice for a new policy created on a blank slate.[rdquo] This requires a [ldquo]reasoned explanation[hellip] for disregarding the facts and circumstances that underlay or were engendered by the prior policy.[rdquo]

FSM 2310 (2300-2020-1) policy should be reissued through a Federal Register Notice following 36 CFR [sect] 216 public involvement processes to define the ROS Classes as desired conditions, to include ROS Class Characteristics descriptors that address, in part, [ldquo]Evidence of Humans,[rdquo] [ldquo]Non- Recreation Uses,[rdquo] and [ldquo]Naturalness[rdquo] characteristics, and to make other changes that support providing for the integration of the recreation resource in natural resource planning processes.

Sustainable Recreation Planning directives must be consistent with the 1986 ROS Book guidance and related research, which informed the planning rule. Forest Service directives must be consistent with the USDA Departmental Regulation 1074-001 scientific integrity policy that relates to the development, analysis, and use of data for decision-making. This DR is intended to instill public confidence in USDA research and science-based public policymaking by articulating the principles of scientific integrity, including reflecting scientific information appropriately and accurately.

FSM 2310 (WO Amendment 2300-2020-1) direction is not in conformance with the National Forest Management Act, National Trails System Act, Wild and Scenic Rivers Act, NEPA, and regulations (16 U.S.C. [sect][sect] 1604(f)(1), 1612(a), 1244(e), 1244(f), 1274(d); 36 CFR [sect][sect] 216, 219.3, 219.10(b)(1)(i)); 40 CFR [sect][sect] 1502.24 (2005), 1502.23 (2020)), and APA (5 U.S.C. [sect] 706(2).