USDA Forest Service
Rocky Mountain Region
Attn: Objection Reviewing Officer
PO Box 18980
1617 Cole Boulevard, Building 17
Lakewood, CO 80402

May 9, 2020

Objection submitted through:
https://cara.ecosystem-management.org/Public//CommentInput?Project=51255

This correspondence is an Objection to Medicine Bow Landscape Vegetation Analysis Project Draft ROD and MFEIS.

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:

Medicine Bow Landscape Vegetation Analysis Project
Russell Bacon, Forest Supervisor
Medicine Bow-Routt National Forests
and Thunder Basin National Grassland
2468 Jackson Street
Laramie, WY 82070

The objector's name, address, and email:

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

## I. Introduction and Background

The Continental Divide National Scenic Trail (CDNST) Leadership Council met in Idaho Falls in 2004. Attendees included interagency Regional and State lead line-officers from along the Continental Divide: Montana, Idaho, Wyoming, Colorado, and New Mexico. In this two-day meeting, the Leadership Council formed a vision statement for the future of the CDNST and adopted guiding principles. The Vision Statement described, "*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*."

The Leadership Council in 2006 reviewed issues related to the 1985 CDNST Comprehensive Plan. It was clear that much of the direction in this plan was inconsistent with law and needed to be amended or revised. The Leadership Council decision was not to revise the plan, but to instead amend the Comprehensive Plan direction following 36 CFR § 216 public involvement processes. The eventual revision of the CDNST Comprehensive Plan will need to further address the conservation,[1] protection,[2] and preservation[3] purposes of this National Scenic Trail.

The draft amended Comprehensive Plan was published in the Federal Register for public comment in 2007. The final amended CDNST Comprehensive Plan direction was published in the Federal Register in 2009 and took effect on November 4, 2009 (74 FR 51116).[4] The amended Comprehensive Plan was approved by Chief Thomas Tidwell in September 2009.[5] An outcome of the amended Comprehensive Plan was the description of the nature and purposes of this National Scenic Trail: "*Administer the CDNST consistent with the nature and purposes for which this National Scenic Trail was established. The CDNST was established by an Act of Congress on November 10, 1978 (16 USC 1244(a)). The nature and purposes of the CDNST are to provide for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the CDNST corridor*." The amended Comprehensive Plan establishes other important direction for the management of the CDNST including:

- The rights-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.

[1] 16 U.S.C. §§ 1242(a)(2), 1246(k)
[2] 16 U.S.C. §§ 1244(f)(3), 1246(i)
[3] 16 U.S.C. §§ 1241(a), 1244(f)(1)
[4] https://www.federalregister.gov/documents/2009/10/05/E9-23873/continental-divide-national-scenic-trail-comprehensive-plan-fsm-2350
[5] https://www.fs.fed.us/sites/default/files/fs_media/fs_document/cdnst_comprehensive_plan_final_092809.pdf

- Land and resource management plans are to provide for the development and management of the CDNST as an integrated part of the overall land and resource management direction for the land area through which the trail passes.
- The CDNST is a concern level 1 route, with a scenic integrity objective of high or very high.
- Manage the CDNST to provide high-quality scenic, primitive hiking and pack and saddle stock opportunities… Use the Recreation Opportunity Spectrum (ROS) in delineating and integrating recreation opportunities in managing the CDNST.

The CDNST Federal Register Notice (74 FR 51116) provided additional direction to the Forest Service as described in FSM 2350. The final directives add a reference to the CDNST Comprehensive Plan as an authority in FSM 2353.01d; … add the nature and purposes of the CDNST in FSM 2353.42; and add detailed direction in FSM 2353.44b(2) governing implementation of the CDNST on National Forest System lands.

The Land Management Planning Handbook establishes important guidance that addresses relationships between National Scenic and Historic Trail Comprehensive Plans and Forest Plans. FSH 1909.12 part 24.43 describes that:

- The Interdisciplinary Team shall identify Congressionally designated national scenic and historic trails and plan components must provide for the management of rights-of-ways (16 U.S.C 1246(a)(2)) consistent with applicable laws, regulations, and Executive Orders.
- Plan components must provide for the nature and purposes of existing national scenic and historic trails…
- The Responsible Official shall include plan components that provide for the nature and purposes of national scenic and historic trails in the plan area.

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

Forest Service directives discuss amendments to a Forest Plan in FSH 1909.12 part 21.3 describing that, “Plan amendments are intended to be an adaptive management tool to keep plans current, effective, and relevant between required plan revisions (every 15 years). Amendments help Responsible Officials adapt an existing plan to new information and changed conditions. Maintaining plans through amendment also may reduce the workload for subsequent plan revisions.” The planning rule describes that, “The responsible official shall… base an amendment on a preliminary identification of the need to change the plan. The preliminary identification of the need to change the plan may be based on a new assessment; a monitoring report; or other documentation of new information, changed conditions, or changed circumstances. (36 CFR § 219.13(b)).”

CEQ regulations describe that, "(c) Agencies: (1) Shall prepare supplements to either draft or final environmental impact statements if: (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts" (40 CFR § 1502.9) Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations describes that, "As a rule of thumb, if the proposal has not yet been implemented, or if the EIS concerns an ongoing program, EISs that are more than five years old should be carefully reexamined to determine if the criteria in Section 1502.9 compel preparation of an EIS supplement."

My assessment and objection of the LaVA MFEIS is based in part on recreation research and handbooks including information found in (1) The Recreation Opportunity Spectrum: A Framework for Planning, Management, and Research, General Technical Report PNW-98[6] by Roger Clark and George Stankey; (2) ROS Users Guide (U.S. Department of Agriculture, Forest Service. ROS Users Guide. Washington, DC: U.S. Department of Agriculture, Forest Service; 1982 (FSM 2311.1); (3) Recreation Opportunity Setting as a Management Tool Technical Guide[7] by Warren Bacon, George Stankey, and Greg Warren; (4) Landscape Aesthetics, A Handbook for Scenery Management, Agricultural Handbook Number 701; and (5) other similar publications and papers. I have direct knowledge of the final amendments to the CDNST Comprehensive Plan and final directives (Federal Register, October 5, 2009, 74 FR 51116). Project comments were submitted on August 19, 2017 and is include here as **Attachment A**.

[6] http://nstrail.org/carrying_capacity/gtr098.pdf
[7] http://nstrail.org/carrying_capacity/ros_tool_1986.pdf

# Contents

## II. Statement of Issues – LaVA Draft Record of Decision

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

### Healthy Forest Restoration Act

**DROD**: The DROD on page 10 describes that, "The LaVA Project is within the boundaries of a designated priority landscape area for treatment of insects and diseases, as defined by the Healthy Forests Restoration Act (H.R. 1904), section 602(d) (see figure 1). Accordingly, the project has been advanced as a hazardous fuel reduction project, as defined by section 101(2) and as authorized by section 102(a)(1-5), of the Act."

**Issue and Statement of Explanation:** The discussion doesn't describe all of the Healthy Forests Restoration Act (HFRA) implementation limitations. The discussion should note that, "An authorized hazardous fuel reduction project shall be conducted consistent with the resource management plan and other relevant administrative policies or decisions applicable to the Federal land covered by the project (16 U.S.C. 6512(b)). Furthermore, the Secretary is not authorized to conduct a hazardous fuel reduction project that would occur on—(1) A component of the National Wilderness Preservation System; (2) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation, *which includes the National Trails System Act, Section 7(c), which restricts the removal of vegetation to only those actions that would not substantially interfere with the nature and purposes of a National Scenic or Historic Trail*.; or (3)a Wilderness Study Area (16 U.S.C. 6512(d)(2)).

The NEPA process should have followed normal procedures and not those processes described in HFRA. Project-level predecisional administrative review processes should have followed 36 CFR part 218 Subpart B procedures and not those described in Subpart C.

**Suggested Remedies that would Resolve the Objection:** Recognize that the NEPA provisions of the HFRA do not apply to the CDNST corridor due to activities and uses that would substantially interfere with the CDNST nature and purposes. Also, see Section VII of this objection.

**Violation of law, regulation or policy:** 16 U.S.C. 6512(d)(2)

**Connection with Comments:** New information in the DROD. Scoping Comments (Comments) at 2. CDNST Planning Handbook (Handbook) at 18.

### Purpose of and Need for the Project

**DROD**: The DROD on page 11 describes that, "The project is still being proposed to respond to changed forest vegetation conditions caused by the bark beetle epidemics on the Medicine

Bow National Forest. The approach is to actively manage forest and shrubland vegetation using mechanical treatments, tree cutting, prescribed burning, or hand treatments consistent with the goals outlined in the Governor's Task Force on Forests (Bannon et al. 2015), the Western Bark Beetle Strategy (USDA Forest Service 2011d), the Wyoming Statewide Forest Resource Strategy (Wyoming State Forestry Division 2010), the Healthy Forests Restoration Act and Farm Bill Amendments (2003 and 2014), and the Medicine Bow National Forest 2003 Land and Resource Management Plan (forest plan). Project needs include mitigating hazardous fuel loads, providing for recovery of forest products, enhancing forest and rangeland resilience to future insect and disease infestations, protecting infrastructure and municipal water supplies, restoring wildlife habitat, enhancing access for forest visitors and permittees, providing for human safety, and providing management adaptability and flexibility in the face of uncertainty and rapidly changing conditions."

**Issue and Statement of Explanation:** The purpose and need failed to recognize the congressional mandate to maintain or restore if appropriate the resource conditions for which designated areas were established, including Wilderness, Wild and Scenic Rivers, and National Scenic Trails. The purposes of providing for recovery of forest products, enhancing forest and rangeland resilience to future insect and disease infestations, protecting infrastructure and municipal water supplies, restoring wildlife habitat are inappropriate or least secondary to the purposes for which congressionally designated areas are established.

Most access and safety concerns could be met by addressing hazard tree removal along existing travel routes. The clearing limit with hazard tree removal for this purpose would be less than 100 feet on each side of the CDNST travel route, which would be fully compatible with the nature and purposes of the CDNST. The LaVA decision should approve the falling and removal of hazard trees that may fall on a road or trail, including the falling and removal of hazard trees that are within 100 feet of the CDNST travel route.

The Forest Plan prescribes as a standard: "Manage vegetation in high-use recreation areas to provide for public safety, to improve forest health, and to maintain or improve the desired recreation settings (Insect and Disease, page 1-49). The Forest Plan and Forest Service policy does not provide for broad scale mechanical treatments in Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized ROS classes to address public safety issues associated with standing and downed trees, except for vegetation that is adjacent to NFS trails, NFS roads, and facilities.

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

**Violation of law, regulation or policy:** 40 CFR 1502.13

**Connection with Comments:** New information in the DROD. Comments at 2. Handbook at 60-62.

## Supplemental Information Reports

**DROD**: The DROD on page 27 describes that, "Forest Service policies for implementing regulations under the National Environmental Policy Act outline procedures for reviewing actions when new information or changes occur and should be considered for correction, supplementation, or revision (Forest Service Handbook 1909.15, section 18).
I recognize that ground conditions and analysis assumptions may change over the 15-year treatment authorization period for the LaVA Project. I also recognize that substantive changes in conditions may require completion of a supplemental information report under the National Environmental Policy Act to determine if the changed conditions are within the scope of the LaVA Project modified final environmental impact statement, this decision, and the Forest Plan. If changed conditions occur during LaVA Project implementation, and they are outside of the existing analysis, my staff will be directed to develop a supplemental information report to document whether a correction, supplement, or revision to the modified final environmental impact statement is needed."

**Issue and Statement of Explanation:** The Forest Service has failed to recognize significant new circumstances and information relevant to environmental concerns and bearing on the proposed action or its impacts since the Forest Plan FEIS was approved in 2003.

In 2009, the Chief of the Forest Service amended the Continental Divide National Scenic Trail Comprehensive Plan and issued conforming directives (FSM 2353.01d(5) and FSM 2353.4), which addressed development and management of the CDNST (Federal Register: October 5, 2009 (74 FR 51116)). The 2009 Comprehensive Plan and corresponding FSM 2353 directives established baseline policy and appropriate guidance for "nature and purposes," "visual resource management," "recreation resource management," "motor vehicle use," and "carrying capacity." In addition, the 2009 Comprehensive Plan and FSM policy recognizes the role of substantial interference assessments and determinations when addressing other uses along the CDNST corridor. The final amendments and directives are to be applied through land management planning and project decisions following requisite environmental analysis (74 FR 51124).

Specific to the CDNST, the amended CDNST Comprehensive Plan, FSM 2353.4, and FSH 1909.12 part 24.43 constituted new information. The responsible official must review the new information and determine its significance to environmental concerns and bearing on current Forest Plan direction (FSH 1909.15 - 18). In regards to environmental documents for enacted Forest Plans, determine if Management Area (MA) prescriptions and plan components along the CDNST travel route and corridor provide for the nature and purposes of the CDNST (FSM 2353.42 and FSM 2353.44b(1)). If not, the plan should be amended or revised following the appropriate NEPA process to address the planning requirements of the National Trails System Act (NTSA) (16 U.S.C. 1244(5)(f) and FSM 2353.44(b)(1)) … Furthermore, project proposals may

bring the CDNST into the scope of a NEPA process and affect alternatives due to potential direct, indirect, and cumulative impacts of past actions and new proposals that may substantially interfere with the nature and purposes of the CDNST. This in turn could trigger the need for a land management plan amendment, and on National Forest System lands, the development of a CDNST unit plan.

The Forest Service has failed to supplement the Forest Plan FEIS to address new information regarding the planning and management of the CDNST. Failing to act on the CDNST planning requirements lessens the credibility of declaring that changed conditions and new information will be addressed during the implementation of the LaVA project.

**Suggested Remedies that would Resolve the Objection:** Amend the 2003 Forest Plan and Supplement the Forest Plan FEIS. Also, see Section VII of this objection.

**Violation of law, regulation or policy:** 40 CFR 1502.9(c)(1).

**Connection with Comments:** New information in the DROD. Comments at Handbook at 11 and 65.

## Decision Rationale

**DROD**: The DROD on page 28 describes that, "My decision to implement alternative 2, the modified proposed action, represents an attempt to balance all interests, to consider all environmental factors, and to establish a reasonable plan for responding to the multiple objectives identified in the purpose and need for the proposal."

**Issue and Statement of Explanation:** The Medicine Bow Landscape Vegetation Analysis Project DEIS and MFEIS do not provide site-specific information about vegetation treatments, logging, or roadbuilding. The FEIS states that, "The modified proposed action could result in the construction of up to 600 miles of temporary road to access treatment areas. The exact location of temporary roads is currently unknown… Potential effects to any individual watershed(s) are highly uncertain since the type, intensity, and location of proposed activities are unknown."

NEPA regulations require federal agencies to discuss the direct, indirect, and cumulative effects of their actions in the EIS (40 C.F.R. §§ 1502.16, 1502.24, and 1508.8). The EIS should provide a clear basis for choice among alternatives (40 C.F.R. § 1502.14). The FEIS does not provide site-specific information about the Project or its impacts. The MFEIS does not disclose specific locations where logging or road construction will occur.

The FEIS does not contain sufficient information to foster informed decision-making or informed public participation. For these reasons, the FEIS violates NEPA, 42 U.S.C. § 4332(2)(C), and is therefore "not in accordance with law" under 5 U.S.C. § 706(2)(A) and "without observance of procedure required by law" under 5 U.S.C. § 706(2)(D). A decision based on the

MFEIS would therefore be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

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

**Violation of law, regulation or policy:** 42 U.S.C. § 4332(2)(C); NTSA, 16 U.S.C. §§ 1242(a)(2), 1245(f)(1), 1245(f)(3), 1246(a)(2), 1246(c); HFRA, 16 U.S.C. § 6512(d)((2); and NFMA, 16 U.S.C. §§ 1604(f)(1), 1604(f)(4), 1604(f)(5).

**Connection with Comments:** Comments at 1 and as identified in the following issue discussions.

## Purpose: Provide for Recovery of Forest Products

**DROD:** The DROD on page 29 states that, "Need: Promote vegetation management to recover merchantable products. Provide commercial forest products to local industries at a level commensurate with forest plan direction and goals. Rationale for Decision: The existing condition of post-epidemic tree mortality has moved forested vegetation away from the desired conditions of the suitable timber base. The modified proposed action will provide for recovery of forest products and support future regeneration of merchantable tree species, in conformance with standards and guidelines for Management Areas 5.12 General Forest and Rangeland, Rangeland Vegetation Emphasis, 5.13 Forest Products, and 5.15 Forest Products, Ecological Maintenance and Restoration. Some members of the public are concerned that my decision will interfere with natural successional processes. I have acknowledged the environmental trade-offs of my decision, and by design, the project will affect ongoing successional processes in the acreages we treat. Yet, in accordance with the Multiple-Use Sustained Yield Act of 1960, the Organic Act of 1897, the National Forest Management Act of 1976, and many other laws and policies, the Forest Service is directed to actively manage National Forest System lands where appropriate and feasible to do so."

**Issue and Statement of Explanation:** Management Area 5 prescriptions in some areas support forest products at the expense of protecting the nature and purposes of the CDNST, which is a violation of the National Trails System Act. The discussion should address the requirements of the MUSYA and need to protect designated areas for the purposes for which they were established following NFMA and NEPA planning processes.

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

**Violation of law, regulation or policy:** 16 U.S.C. § 1246(c).

**Connection with Comments:** New information in the DROD. Comments at 3. Handbook at 48.

## Purpose: Enhance Forest Resiliency to Insect and Disease Infestations

**DROD**: The DROD on page 29 states that, "Need: Increase age class, structural, and vegetation diversity across the landscape. Promote forest and rangeland conditions to improve forage and wildlife habitat. Actively accelerate recovery and regeneration of forest ecosystems. Rationale for Decision: To promote forest health consistent with the Medicine Bow forest plan, the Healthy Forests Restoration Act, and other laws and regulations, vegetation treatments are needed to improve stand growth, vigor, and resiliency. Diversification of age classes within conifer stands provides resilience and reduces risk for future epidemic outbreaks of bark beetle. Forested stands harvested or thinned between 1970 and 1990 have been resilient to the bark beetle infestations that began in the late 1990s. Resiliency can be achieved by moving forested vegetation toward forest plan desired conditions for structural stage, age class, and cover type. Treating vegetation to increase resiliency to future insect and disease epidemics meets the need to promote healthy rangeland conditions because livestock are unable to access available forage in heavy fuel conditions."

**Issue and Statement of Explanation:** Timber harvests in complex early seral forests that are a result of bark beetle infestations will change stand characteristics. However, the description does not clearly explain how timber harvests will increase age class, structural, and vegetation diversity across the landscape. In addition, the describe need for actions are not compatible with providing for the nature and purposes of the CDNST.

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

**Violation of law, regulation or policy:** 16 U.S.C. §§ 1242(a)(2), 1245(f)(1), 1245(f)(3), 1246(a)(2), 1246(c).

**Connection with Comments:** New information in the DROD. Handbook at 25 and 26.

## Purpose: Enhance Access for Forest Visitors and Permittees

**DROD**: The DROD on pages 31-32 states that, "Need: Treat hazard trees in areas not covered by the forestwide hazard tree decision notice (August 12, 2008) (for example, trails). Rationale for Decision: The large number of dead and dying overhead hazard trees and significant downed trees from the bark beetle epidemics have created conditions that are not consistent with desired conditions for dispersed and developed recreation. These conditions decrease recreation access and satisfaction for hunting and other recreation activities. The modified proposed action will move the project area toward forestwide desired conditions for hunting and other dispersed recreation activities and should increase user satisfaction in most areas…."

**Issue and Statement of Explanation:** Removing hazard trees along NFS roads and trails is compatible with maintaining or improving visitor experiences in all of the Management Areas on the forest. However, road construction and substantial timber harvests within a Semi-

Primitive ROS setting and in the CDNST corridor is inconsistent with the ROS planning framework and Scenery Management System. Roaded Modified is the appropriate allocation for such activities. Though, the EIS should recognize that Roaded Modified desired conditions are incompatible with providing for the nature and purposes of the CDNST.

Dead and dying overhead hazard trees and downed trees are consistent with Primitive, Semi-Primitive Non-Motorized ROS class desired conditions, except adjacent to NFS travel routes. Mechanized treatments with Feller-Bunchers and other timber harvest machines, skidders, and associated roads are inconsistent with these ROS class desired conditions. Visitors seeking hunting and other recreation opportunities associated with timber harvests and road access already have many existing opportunities due to past timber harvest activities.

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

**Violation of law, regulation or policy:** 16 U.S.C. § 1246(c), 40 CFR § 1502.24, CDNST Comprehensive Plan Chapter IV.B, FSM 2310, FSM 2353, and FSM 2380.

**Connection with Comments:** New information in the DROD. Comments at 2. Handbook at 12, 13, 25, 26, 30, 46, 63, and 64.

## Other Alternatives Considered – No Action

**DROD**: The DROD on page 35 describes that, "National Environmental Policy Act (NEPA) regulations require the analysis of a no-action alternative; they also require it be used as a baseline for comparing the environmental consequences of the other alternatives (40 CFR 1502.14(d) and Forest Service Handbook 1909.14.1). The no-action alternative defines the baseline existing condition to include changes to the landscape that would occur with routine management programs and activities conducted at historic rates since approval of the forest plan in 2003. The no-action alternative describes the level of management activity that has occurred for specific program areas over the last 15 years and project management actions that could occur over the next 15-year period. The no-action alternative also assumes the proposed action will not be implemented. Current management activities, such as livestock grazing, vegetation treatments, fire suppression, fuels reduction, and road maintenance, would continue at historic rates."

**Issue and Statement of Explanation:** In general, the No Action alternative should further describe that a reasonably foreseeable future action is that the Forest Plan will be revised, since it is over 15 years old. In addition, No Action should describe that CDNST comprehensive planning requirements will be completed as described in Federal Register: October 5, 2009 (74 FR 51116) – "The 2009 Comprehensive Plan and corresponding FSM 2353 directives established baseline policy and appropriate guidance for nature and purposes, visual resource management, recreation resource management, motor vehicle use, and carrying capacity. In addition, the 2009 Comprehensive Plan and FSM policy recognizes the role of substantial

interference assessments and determinations when addressing other uses along the CDNST corridor. The final amendments and directives are to be applied through land management planning and project decisions following requisite environmental analysis" (74 FR 51124). It is also reasonable to expect that a CDNST site-specific plan will be completed for the CDNST corridor addressing trail maintenance, hazard trees, and other management programs as required by FSM 2353.44b(2).

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

**Violation of law, regulation or policy:** 16 U.S.C. § 1244(f); 40 CFR §§ 1502.9, 1502.14, 1508.7

**Connection with Comments:** New information in the DROD. Handbook at 22 and 61.

## National Environmental Policy Act

**DROD**: The DROD on page 38 describes that, "The National Environmental Policy Act requires Federal agencies to analyze the direct, indirect, and cumulative effects of their actions and to prepare detailed statements on proposed actions that significantly affect the quality of the human environment. This information provides decision makers with a detailed accounting of the likely environmental effects of a proposed action prior to its adoption and informs the public of, and allows comment on, such effects. However, conducting a thorough, site-specific analysis and taking a hard look at the effects of a proposed action does not always require hard data. Navickas v. Conroy (D. Or. 2012). If the data collected, evaluated and disclosed was adequate to inform the decision maker of the likely (non-speculative) environmental impacts of the project and allowed the public to reasonably comment on the significant issues, the hard look test was met. In the case of the LaVA Project, resource specialists utilized best available science information when determining the effects of the alternatives, as disclosed throughout the April 2020 modified final environmental impact statement (for example, Chapter 1 – Background for Purpose and Need; Chapter 2 – Treatment Opportunity Areas; and Chapter 3 – LaVA Accounting Units) and as documented in the specialist reports prepared for the analysis."

**Issue and Statement of Explanation:** Navickas v. Conroy (D. Or. 2012) is not applicable to the LaVA project. LaVA presents no site-specific information regarding site-specific actions and site-specific mitigation measures to reduce the impacts from the proposed unknown site-specific actions. Specific to the CDNST, the proposed action discussions argue that timber harvests are needed to protect CDNST visitors from hazard trees but does not prescribe any specific CDNST travel route clearing to be accomplished, while allowing for segments of the CDNST travel route to be closed annually to visitor use for the next 15 years. Timber harvest and road construction activities as allowed in the MFEIS would substantially interfere with the nature and purposes of the CDNST, which is not allowed by the National Trails System Act. Timber management activities are restricted by the National Trails System Act, which is not consistent with HFRA NEPA provisions.

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

**Violation of law, regulation or policy:** 42 U.S.C. § 4332(2)(C); 40 CFR § 1502.16; and HFRA, 16 U.S.C. §

**Connection with Comments:** New information in the DROD. Handbook at 58-65.

## Healthy Forests Initiative and Healthy Forests Restoration Act

**DROD**: The DROD on pages 39-40 describes that, "The LaVA Project was analyzed under the Agricultural Act of 2014, section 8204, Insect and Disease Infestations. Section 8204 of the Act amended the Healthy Forests Restoration Act of 2003 by adding Section 602 to the end of Title VI – Miscellaneous. The purpose of Section 602 is to designate treatment areas for the purposes of addressing insect or disease threats. An error was made in the 2019 LaVA Project draft record of decision relative to compliance with the Healthy Forests Restoration Act. To clarify, the LaVA Project is not subject to Sections 102(e) and (f) of the Act as stated in the 2019 decision document. Instead, it is subject to Sections 602(d) and (e)…."

**Issue and Statement of Explanation:** Timber harvest and road construction activities as allowed would substantially interfere with the nature and purposes of the CDNST and not allowed by the National Trails System Act. Timber management activities are restricted by the National Trails System Act, which is not consistent with HFRA provisions.

**Suggested Remedies that would Resolve the Objection:** Recognize that the NEPA provisions of the HFRA do not apply to the CDNST corridor due to activities and uses that would substantially interfere with the CDNST nature and purposes. Also, see Section VII of this objection.

**Violation of law, regulation or policy:** 42 U.S.C. § 4332(2)(C); NTSA, 16 U.S.C. §§ 1242(a)(2), 1245(f)(1), 1245(f)(3), 1246(a)(2), 1246(c); HFRA, 16 U.S.C. § 6512(d)((2); and NFMA, 16 U.S.C. §§ 1604(f)(1), 1604(f)(4), 1604(f)(5)

**Connection with Comments:** New information in the DROD. Comments at 2. Handbook at 18.

## National Forest Management Act

**DROD**: The DROD on page 40 describes that, "The analysis documented in the final environmental impact statement determined the modified proposed action is consistent with the National Forest Management Act."

**Issue and Statement of Explanation:** The 2003 Forest Plan FEIS analysis and ROD, which supports the Forest Plan has not been supplemented to address changed conditions and new information. The 2009 Comprehensive Plan presented new information, which needs to be addressed through Forest Plan amendment processes.

The Forest Plan on page 1-56 states that, "Scenery Management, Standards – 2. Meet the scenic integrity objective of Moderate within the foreground for all National Scenic and Recreation Trails." The MFEIS has errored in describing existing Scenic Integrity Levels if the processes described in Agriculture Handbook 701 are followed. Along segments of the CDNST travel route that have not been managed for timber production, the existing scenic character is natural evolving and natural-appearing landscapes with a scenic integrity of Very High or High. The Modified Proposed Action will degrade the scenic character and result in a scenic integrity level of Low. This is inconsistent with NFMA and the Forest Plan direction. The prescribed Scenic Level of Moderate is also inconsistent with the direction in the CDNST Comprehensive Plan Chapter IV(4) and FSM 2353.44b(7).

Scenic integrity is defined as the degree of direct human-caused deviation in the landscape, such as road construction, timber harvesting, 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. Complex early seral forests are common along the CDNST after years of natural disturbances such as wildfires and insect outbreaks that reset ecological succession processes. Complex early seral stage forests are fully compatible with the nature and purposes of the CDNST supporting natural evolving landscapes and contributing to desired recreation settings.

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

**Violation of law, regulation or policy:** NFMA, 16 U.S.C. §§ 1604(f)(1), 1604(f)(4), 1604(i); 36 CFR § 219.5, 219.10, 219.15; and supporting directives.

**Connection with Comments:** New information in the DROD. Handbook at 28, 48, 51, 53 and 63.

## National Scenic Trails

**DROD**: The DROD on page 43 describes that, "The decision to implement the authorized road and vegetation treatment activities does not substantially interfere with the nature and purposes of the Continental Divide National Scenic Trail and, therefore, is compliant with the National Trails System Act, as amended."

**Issue and Statement of Explanation:** The determination that the decision "will not substantially Interfere with the nature and purpose of the CDNST" is not supported by the MFEIS analyses and disclosure. The glossary of the MFEIS states that, "National Trails System Act - The decision to implement the authorized road and vegetation treatment activities does not substantially interfere with the nature and purposes of the Continental Divide National Scenic Trail and, therefore, is compliant with the National Trails System Act, as amended." However, the rationale for this statement is not apparent from a review of the MFEIS. Clearly,

MFEIS analysis of substantial interference is not supported by an assessment that is consistent with the requirements of the National Trails System Act, CDNST Comprehensive Plan, ROS planning framework, Scenery Management System, CEQ requirement for methodology and scientific accuracy, and related directives.

The Draft ROD and MFEIS if approved would allow for the CDNST travel route to be closed annually to public use for the next 15 years which would substantially degrade the experiences of users of the CDNST travel route. The decision would lead to management actions that would substantially degrade existing High and Very High Scenic Integrity Levels by modifying landscapes resulting in a Low Scenic Integrity level. Further implementation of the Roaded Modified ROS setting direction along the CDNST travel route would substantially interfere with the purposes for which the CDNST was designated by an Act of Congress. To provide for the nature and purposes of the CDNST, management actions must support maintaining or achieving Primitive of Semi-Primitive Non-Motorized settings.

**Suggested Remedies that would Resolve the Objection:** The CDNST management corridor should be removed from the modified proposed action. In addition, the ROD should clearly describe that it is not the intent of the decision to preclude the falling, harvesting, and removal of hazard trees that may fall on a road or trail, including the removal of hazard trees that are adjacent to the CDNST travel route.

**Violation of law, regulation or policy:** 16 U.S.C. §§ 1244(f) and 1246(c), CDNST Comprehensive Plan, FSM 2353.44b(2).

**Connection with Comments:** New information in the DROD. Comments at 2 and 3. Handbook at 5, 7, 9-12, 19, 22, 26, 27, 30, 32-34, 39, 46, 50, 51, 64-66.

## III. Statement of Issues – LaVA Modified FEIS

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

### Decision Framework

The MFEIS on page 12 states that, "Based on the purpose and need for the project, issues raised during the public engagement sessions, …and the effects of the alternatives, the responsible official will make the following determinations: … whether the proposal addresses scoping issues and concerns raised during other public engagement opportunities; is responsive to law, regulation, policy and forest plan direction; and meets the purpose of and need for action … whether the information in this analysis is sufficient to implement the modified

proposed action … the types of monitoring and project design features necessary to achieve project objectives."

**Issue and Statement of Explanation**: The Record of Decision that accompanies the approved plan and NEPA selected alternative needs to clearly describe the decisions that that address the National Scenic Trail travel route and the National Trail Management Corridor. In addition, the ROD must document how the best available scientific information was used for recreation and scenery assessments to inform planning, the plan components, and other plan content, including the plan monitoring program. The analysis must be consistent with 40 CFR § 1502.24 Methodology and scientific accuracy, which did not occur in the analysis of impacts to recreation and scenic resources.

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

**Violation of law, regulation or policy**: 40 CFR § 1502.24

**Connection with Comments**: Handbook at 65

## Purpose and Need

The MFEIS on page 31 describes that, "The purpose of and need for the LaVA Project is to respond to changed forest vegetation conditions caused by the bark beetle epidemics on the Medicine Bow National Forest. The approach is to actively manage forest and shrubland vegetation using mechanical treatments, tree cutting, prescribed burning, or hand treatments, consistent with the goals outlined in the Governor's Task Force on Forests (Bannon et al. 2015), the Western Bark Beetle Strategy (USDA Forest Service 2011d), the Wyoming Statewide Forest Resource Strategy (Wyoming State Forestry Division 2010), the Healthy Forests Restoration Act and Farm Bill Amendment (2003 and 2014), and the forest plan. Project goals include mitigating hazardous fuel loads, providing for recovery of forest products, enhancing forest and rangeland resilience to future insect and disease infestations, protecting infrastructure and municipal water supplies, restoring wildlife habitat, enhancing access for forest visitors and permittees, providing for human safety, and providing management adaptability and flexibility in the face of uncertainty and rapidly changing forest and rangeland conditions. During project implementation, individual treatments would be designed to meet these goals and to fit conditions at the local project scale where they are needed based on forest plan direction, foreseeable conditions, local environment, and social and economic concerns.

The purpose and need for the project is based on the identified gaps between existing and desired conditions within the LaVA project area, as outlined in the forest plan and detailed in the "Project Background" section of this chapter…."

**Issue and Statement of Explanation**: The purpose and need statement fails to recognize the need to provide for the purposes for which designated areas are established. Managing for the

purposes for which the CDNST was established and designated would recognize that when lodgepole pine stands are located in desired primitive and semi-primitive ROS settings, the Scenery Management System analysis framework is effective. In protected areas, a non-intervention policy is often followed to promote natural processes and natural rejuvenation. Outside protected areas, interventions include removal of infected and dead trees or clear cuts followed by artificial reforestation. However, clear cuts are typically disliked by forest visitors (Edwards et al. 2012; Gundersen and Frivold 2008; Ribe 1989, 1990).

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

**Violation of law, regulation or policy**: 16 U.S.C. § 1246(c), 40 CFR §§ 1502.13, 1502.14, 1502.15, 1502.16

**Connection with Comments**: Comments at 2, Handbook at 59-66.

## Tiering to the Forest Plan and FEIS

The MFEIS on page 32 describes that, "The LaVA Project analysis tiers to the forest plan (USDA Forest Service 2003a) and the final environmental impact statement for the forest plan (USDA Forest Service 2003b)." Further, under the heading "Legal and Regulatory Compliance," on page 384 the MFEIS states, "The environmental analysis documented in the LaVA final environmental impact statement is tiered to the 2003 Medicine Bow forest plan. A forest plan consistency analysis was completed for all alternatives to determine their consistency with forestwide, geographic area, and management area direction and standards and guidelines."

The 2003 LRMP on page 1-56 establishes limited CDNST direction describing that, "Scenery Management: Standards 1. Apply the Scenery Management System (SMS) to all NFS lands… Travel routes, use areas, and water bodies determined to be of primary importance are concern level 1 and appropriate scenic integrity objectives are established according to the SMS. 2. Meet the scenic integrity objective of Moderate within the foreground for all National Scenic and Recreation Trails… Recreation Opportunity Spectrum, Standards – 1. Conduct management activities to comply with the requirements of the adopted ROS class and the scenic integrity objective in the management area prescription."

**Issue and Statement of Explanation:** The MFEIS decisions must be consistent with the Forest Plan. It is appropriate to tier to a Forest Plan FEIS when the FEIS is still current and accurately reflects existing conditions. However, the Medicine Bow FEIS has not been supplemented over the life of the Forest Plan to address changed vegetative conditions and new CDNST information. The MFEIS should not have tiered to the FEIS, but instead the Forest Supervisor should have supplemented the Forest Plan FEIS to address changed conditions and new information.

**MFEIS** (continued): The Forest Plan FEIS describes that, "The Continental Divide National Scenic Trail (CDNST) runs for a total of 44 miles through the Sierra Madre mountain range. The trail elevations range from 8,441 feet at the northern edge to 11,004 feet at Bridger Peak. The vision for the CDT is to create a primitive and challenging backcountry trail on or near the Continental Divide to provide people with the opportunity to experience the unique and incredibly scenic qualities of the area. For many of the same reasons National Parks are established, National Scenic Trails are created to conserve the nationally significant scenic, historic, natural, and cultural qualities of the area. In addition, National Scenic Trails are designed for recreation and the enjoyment of these very special places. Most of the route is lightly used and visitors can expect considerable solitude…"

The CDNST travel route crosses the following Forest Plan Management Areas: Management Areas: 5.12 – General Forest and Rangeland, 5.13 – Forest Products, 3.31 – Backcountry Motorized, 1.13 – Wilderness, 1.2 – Recommended Wilderness, 3.56 – Aspen Maintenance and Enhancement, 3.5 – Forested Flora or Fauna Habitat. These Management Areas are depicted on the **Appendix A** map. Established Forest Plan ROS classes are depicted on the **Appendix B** map.

**Issue and Statement of Explanation:** The 2003 Forest Plan accurately describes that, "National Scenic Trails are created to conserve the nationally significant scenic, historic, natural, and cultural qualities of the area. In addition, National Scenic Trails are designed for recreation and the enjoyment of these very special places." However, the 2003 Forest Plan direction does not provide for the protection of the nature and purposes of the CDNST and Forest Plan FEIS fails to analyze and disclose the effects of management prescription allocations on the CDNST nature and purposes qualities and values.

The current Plan as amended does not address National Scenic Trail management direction that is found in the CDNST Comprehensive Plan, E.O. 13195, FSH 1909.12 part 24.43, FSM 2353.44b, and direction from Federal Register, October 5, 2009 (74 FR 51116). A Forest Plan amendment would be an appropriate place to address new information and changed conditions for designated areas and multiple-use programs and resources. Planning processes to revise the 2003 Forest Plan should be initiated, since the intent of the NFMA is to revise the Plan every 10 to 15 years. However, at least a project specific amendment would be necessary if vegetation management proposals within the CDNST corridor are to proceed prior to revision.

Management direction for Semi-Primitive Motorized, Roaded Natural/Modified, 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. Where the allowed non-motorized activities reflect the purposes for which the National Trail was established, the establishment of Primitive and Semi-Primitive Non-Motorized ROS classes and

high and very high scenic integrity allocations would normally protect the nature and purposes (values) of a National Scenic Trail.

The LaVA project area includes all or parts of 22 management areas. See Table 4 and Figure 1. The total acres, no treatment acres, acres by suite of tools, and acres of areas with no temporary roads allowed in each management area in the LaVA project area are not identified for the CDNST management corridor making it impossible to understand both programmatic and site-specific effects that would result from the implementation of the Modified Proposed Action.

The discussion doesn't describe Healthy Forests Restoration Act (HFRA) implementation limitations. The discussion should note that, "An authorized hazardous fuel reduction project shall be conducted consistent with the resource management plan and other relevant administrative policies or decisions applicable to the Federal land covered by the project (16 U.S.C. 6512(b)). Furthermore, the Secretary is not authorized to conduct a hazardous fuel reduction project that would occur on—(1) A component of the National Wilderness Preservation System; (2) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation, *which includes the National Trails System Act, Section 7(c), which restricts the removal of vegetation to only those actions that would not substantially interfere with the nature and purposes of a National Scenic or Historic Trail*.; or (3)a Wilderness Study Area (16 U.S.C. 6512(d)(2)).

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

**Violation of law, regulation or policy**: 40 CFR § 1502.9, 16 U.S.C. §§ 1241(a), 1242(a)(2), 1244(f)(1), 1244(f)(3), 1246(c), 16 U.S.C. § 6512(d)((2), E.O. 13195, FSH 1909.12 part 24.43, FSM 2353.44b, CDNST Comprehensive Plan Chapter III(E), and direction found in Federal Register, October 5, 2009 (74 FR 51116)

**Connection with Comments**: Comments at 2 and 3. Handbook at 13, 25, 26, 27-31, 46, 51, 64, and 65.

## Alternatives

The MFEIS on page 59 describes alternatives considered: "This chapter provides a detailed description of two alternatives considered in detail: a no-action alternative (alternative 1) and a modified proposed action alternative (alternative 2). The no-action alternative assumes current management would continue over the life of the LaVA Project, while the modified proposed action proposes a range of vegetation treatments over a 15-year project authorization period. The chapter discusses the modified proposed action's condition-based approach to treatment identification and how management activities would be selected by considering current, on the ground resource settings and decision-making triggers during the

implementation phase. A brief overview of four alternatives considered by Forest Service personnel but eliminated from detailed development and study is presented near the end of this chapter.

As mentioned above, two alternatives are considered in detail in this environmental impact statement: a no-action alternative (alternative 1) and a modified proposed action alternative (alternative 2). The National Environmental Policy Act requires a range of alternatives to be analyzed during an environmental analysis; however, the Healthy Forests Restoration Act (Title I, section 104) specifically limits the range of alternatives required to a maximum of three: the action proposed by the agency, a no-action alternative, and an additional action alternative if one is proposed during scoping or the collaborative process that meets the purpose of and need for the project. While alternative suggestions were provided by the public during the scoping and collaborative process, they did not fully meet the purpose and need for the project, as described in chapter 1.

Pursuant to the Healthy Forests Restoration Act, authorized projects cannot take place in wilderness areas, wilderness study areas, or areas where removal of vegetation is prohibited by an act of Congress or Presidential proclamation (section 102 (d)). While wilderness areas are present in the LaVA project area, no activities are proposed. The remaining two categories do not apply."

**Issue and Statement of Explanation**: Projects authorized through Healthy Forests Restoration Act projects, should not take place within the CDNST corridor (see **Appendix C**), since implementation of the proposed activities would substantially interfere with the nature and purposes of the CDNST.

The nature and purposes of the CDNST is described in the CDNST Comprehensive Plan and FSM 2353.4. Implementation of the MA 5.13 management direction will continue to modify valued landscapes changing existing high and moderate scenic integrity levels to a low scenic integrity level as a result of vegetation management programs. Roaded Modified ROS class conditions substantially degrade the ROS desired condition for the CDNST corridor.

The identification and selection of the rights-of-way (16 U.S.C. § 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 capacities should be based on analysis of the effects of the allowable uses and conditions of use on NST values that are included in the proposed action and each alternative in the NEPA document. This outcome is also a specific decision aspect of the proposed action or alternatives. Utilizing ROS and Scenery Management systems will help ensure that NEPA assessments are systematic and accurately describe the affected environment and expected outcomes from each alternative. The level of precision or certainty of the effects can be guided

by the CEQ regulations regarding the use of "methodology and scientific accuracy" (40 CFR § 1502.24) and the information needed to support a reasoned choice among alternatives (40 CFR § 1502.22). The Forest Service must ensure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. The ROD must identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. In addition, substantial interference analyses and determinations need to be rigorous and be addressed as part of the cumulative impact (40 CFR § 1508.7) and effects (40 CFR § 1508.8) analyses.

Management direction for Semi-Primitive Motorized, Roaded Natural/Modified, Rural, and Urban ROS classes allow uses that would substantially interfere with the nature and purposes of the CDNST if the allocation desired conditions are realized. Where the allowed non-motorized activities reflect the purposes for which the National Trail was established, the establishment of Primitive and Semi-Primitive Non-Motorized ROS classes and high and moderate scenic integrity allocations would normally protect the nature and purposes (values) of the CDNST.

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

**Violation of law, regulation or policy**: 40 CFR §§ 1502.16, 1502.24, 1508.7; 16 U.S.C. § 1246(c)

**Connection with Comments**: Comments at 2 and 3. Handbook at 6-10, 18, 25, 28-30, 64, 66. MFEIS new information.

## Roads

The MFEIS on page 76 in Table 30 compares temporary road construction by alternative describing that, "No Action: Contingent upon separate, site-specific project proposals analyzed under the National Environmental Policy Act.

Modified Proposed Action: Mileages and effects of temporary road construction would be tracked over the life of the project through implementation of Appendix A, the adaptive implementation and monitoring framework, within the treatment tracking workbook. The appendix was designed to ensure compliance with the forest plan, the LaVA Project environmental impact statement, and the LaVA project record of decision."

**Issue and Statement of Explanation**: The MFEIS does not provide site-specific information about the project or its impacts. The MFEIS does not disclose specific locations where road construction will occur. Yet, the ROD declares that the unknown project actions will not substantially interfere with the nature and purposes of the CDNST. This determination is arbitrary and capricious and not in accordance with law.

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

**Violation of law, regulation or policy**: 40 CFR §§ 1502.16, 1502.24, 1508.7; 16 U.S.C. § 1246(c)

**Connection with Comments**: Comments at 3. Handbook at 25-27, 30, and 64.

## LaVA Adaptive Implementation and Monitoring Framework

The MFEIS on page 91 states that, "Project design features are methods to minimize harm to resources such as recreation, amphibians and fisheries, public safety, hydrology and wet areas, rare plant species and sensitive ecosystems, invasive weeds, soils, wildlife, inventoried roadless areas, old growth, scenic resources, infrastructure, rangeland resources, and heritage resources."

**Issue and Statement of Explanation**: Minimizing harm to a National Scenic Trail would be to ensure that activities and uses do not substantially interfere with the nature and purposes of this National Scenic Trail qualities and values. Specific to the programmatic analysis in the MFEIS, the CDNST nature and purposes would be minimized if the CDNST corridor is managed to maintain Primitive or Semi-Primitive Non-Motorized ROS setting conditions, sustain the natural evolving or natural-appearance scenic character, and provide for Very High or High scenic integrity level conditions.

The described National Scenic Trail design features fail to address CDNST desired conditions and any site-specific concerns. As prescribed, design features would allow for the CDNST travel route to be closed annually to visitor use for the next 15 years, degrade ROS desired settings, degrade Natural Evolving landscape character, and result in a scenic integrity level of low. Each of these impacts would be a substantial interference to the nature and purposes of the CDNST.

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

**Violation of law, regulation or policy**: 16 U.S.C. § 1246(c)

**Connection with Comments**: Comments at 2. Handbook at 8, 9, 12, 20, 27, 30, and 64. MFEIS Appendix A new information.

## Alternatives Not Considered

The MFEIS on page 97 describes Alternatives Considered but Eliminated from Detailed Study states that, "Federal agencies are required by National Environmental Policy Act to rigorously explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR § 1502.14). The alternatives identified below were analyzed by Forest Service personnel during the environmental analysis process but were eliminated from the detailed study as described below…."

**Issue and Statement of Explanation**: The MFEIS does not describe why an alternative was not developed that protected CDNST nature and purposes qualities and values. The Forest Plan prescriptions and MFEIS design criteria fail to protect CDNST nature and purposes qualities and values, especially the need to address the National Trails System Act requirement to conserve significant scenic, historic, natural, and cultural qualities within the rights-of-way to be selected and identifying of all significant natural, historical, and cultural resources to be preserved. In addition, the Forest Plan and MFEIS does not prevent the closure of the CDNST travel route due to timber harvest activities in any or all years in which the LaVA project is implemented. The LaVA draft decision is inconsistent the Forest Plan Scenic Integrity Objective direction allowing for current Very High and High Scenic Integrity Levels to be degraded to Low Scenic Integrity Level conditions. The MFEIS modified proposed action should be described as being eliminated from detailed study, since the direction does not provide for the nature and purposes qualities and values of the CDNST.

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

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

**Connection with Comments**: Handbook at 13, 26, 27, 32-34, 61-65.

## Comparing Alternatives

The MFEIS on page 105 compares of alternatives describing:

> "Recreation – No Action: Recreation access in beetle-killed stands could worsen over time as dead or dying trees fall into a jackstrawed matrix. Because no open roads would be closed, the public would still have to contend with trees that have fallen across roads that they use to access some of the areas they have typically used. Trails would continue to be a safety concern with overhead hazards and the once a year clearing of dead and down trees would likely not keep up with the continued fall of trees making some trails impassible. Potential closure of some trails may be necessary.
>
> Recreation – Modified Proposed Action: Recreationists who use the Medicine Bow National Forest trails and trailheads could experience short-term impacts during project implementation in some areas where vegetation treatments are occurring, but after treatment would have improved access and reduced overhead hazards. Motorized recreationists who ride trails that pass through proposed cutting units could also experience short-term impacts to access and recreation opportunities. Both types of trail users could encounter the effects of logging operations and vegetation treatment types including slash piles; technically created openings; and noise, dust, and traffic from heavy machinery and log trucks. Other short-term effects to recreationists would vary depending on the proximity of treatment units to the recreation activity and time

of year. Recreational road and trail use may be temporarily affected by timber hauling, equipment access, and harvest activities. Treatments over time would provide improved access and reduce overhead hazards in some dispersed and developed recreation areas."

**Issue and Statement of Explanation**: In 2003, the unit had one of the best trail programs in the region. However, beginning in 2004 CMTL dollars were reduced to help fund travel management planning. In later years regular trail maintenance funds were further reduced in order to support broader bark beetle projects. Specific to trail maintenance funding, broader administrative processes also indirectly dictate the level of trail maintenance funds by allocating CMTL funds to non-trail programs.

It is unfortunate that the Forest is now arguing that timber harvests and road construction is the only reasonable action to maintain trail treads and remove hazard trees. However, it is misguided to base the recreation analysis on the adequacy of annual funding for what should be normal trail maintenance activities with associated hazard tree removal along the travel route. To be clear, it is inappropriate to even suggest that timber production activities, which are not specific to trail clearing needs, supports the nature and purposes of any National Scenic Trail.

In areas of timber production, reoccurring harvests for timber purposes, stand tending, road construction and reconstruction, travel route closures, and other development activities are incompatible with desired CDNST ROS settings and Scenic Integrity Objectives. The lasting effects of timber production activities (roads, timber harvest) as well as short-term effects (logging trucks, noise) degrade CDNST recreation, scenic, historic, natural, and cultural qualities.

A Plan should recognize that timber production and associated actions and activities are inconsistent with the provisions of (1) the National Trails System Act, including providing for the nature and purposes of the CDNST and (2) Primitive and Semi-Primitive Non-Motorized ROS settings, which are appropriate ROS allocations for a CDNST management corridor or rights-of-way.

To provide for the nature and purposes of the CDNST, management actions must support maintaining or achieving Primitive of Semi-Primitive Non-Motorized settings. Again, continuing to manage much of the project area for Roaded Modified ROS class conditions does not provide for the nature and purposes of the CDNST.

The MFEIS on page 106 compares of alternatives describing:

> "Scenic Resources – No Action: Over the long-term, scenic quality would improve, but at a slower rate than under the modified proposed action.
>
> Scenic Resources – Modified Proposed Action: Over the short term, numerous treated areas in the foreground of travelways and recreation sites would have low scenic quality. Scenic integrity would improve over time as understory vegetation obscures the appearance of timber salvage. Over the mid- and long term, scenic quality would increase as trees regenerate. Precommercial thinning would maintain a green, forested landscape and accelerate the maturity of stands providing an increase in scenic quality over the mid- and long term. Removal of homogenous areas of dead trees would enhance scenic quality over the mid- and long term. Temporary roads constructed to access units would be rehabilitated to a natural-appearing landscape after completion of treatments to meet scenic integrity objectives."

**Issue and Statement of Explanation**:

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

The scenic resources would be degraded by the Modified Proposed Action decreasing the Scenic Integrity Level from Very High or High to Low Scenic Integrity Level and not providing for a natural-appearing landscape. Scenic character would not improve from what is currently present. In addition, providing for scenic views of distinctive landscapes is not assured by any of the programmatic actions being proposed by the LaVA project.

The MFEIS scenery resource analyses and disclosure is inconsistent with accepted policy as found in FSM 2380. Scenic attractiveness of landscapes may be altered, either temporarily or permanently, by natural events such as hurricanes, tornadoes, floods, volcanic eruptions, earthquakes, and wildfires. Scenic attractiveness remains constant, even if a direct human activity, such as timber harvesting, alters scenic integrity. An indirect human activity, such as fire suppression leading unintentionally to plant species succession, may affect scenic integrity and vegetative character. Continuing to manage much of the project area for Roaded Modified ROS class conditions does not provide for the nature and purposes of the CDNST. The proposed

action effects on the scenic resource would substantially interfere with the nature and purposes of the CDNST.

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

**Violation of law, regulation or policy**: 40 CFR § 1502.24, CDNST Comprehensive Plan, FSM 2353.44b, FSM 2380, and FR Notice of final amendments to the CDNST Comprehensive Plan and final directives (Federal Register, October 5, 2009, 74 FR 51116).

**Connection with Comments**: Handbook at 10, 12, 13, 25, 26-30, 63-64. MFEIS new information.

## Visitor Impacts

The MFEIS on page 110 compares impacts to visitors in Table 32 by alternative describing that, "No Action: Trail safety and condition improvements would be limited to maintenance activities. Modified Proposed Action: Trail safety and conditions would be improved by removal of adjacent jackstrawed dead and down conifers and cutting of overhead beetle-killed trees. The proposed vegetation treatments could reduce the maintenance needs for annual tree removal on some trails and reduce the backlog of hazard tree removal needs along trails."

**Issue and Statement of Explanation**: Providing for the nature and purposes of the CDNST is specific to ensuring that appropriate recreation and scenery resource allocations are protected with supporting standards, guidelines, and suitability allocations. A function of trail maintenance is to remove hazard trees along the CDNST travel route, which is clearly a needed reoccurring activity along the CDNST travel route. However, managing the CDNST for Roaded Modified conditions within the CDNST corridor leads to actions that substantially degrade the CDNST ROS setting, scenic character goals, and scenic integrity standard. The description of visitor impacts must reflect desired scenic character and ROS setting conditions as presented in the CDNST Comprehensive Plan and FSM 2353.44b. Cumulative effects must also describe the effects of travel management decisions and the effects of the North Savory project on the nature and purposes of the CDNST.

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

**Violation of law, regulation or policy**: 40 CFR § 1502.24, CDNST Comprehensive Plan, FSM 2353.44b, FSM 2380, and FR Notice of final amendments to the CDNST Comprehensive Plan and final directives (Federal Register, October 5, 2009, 74 FR 51116).

**Connection with Comments**: Comments at 10, 30, and 46.

## Summary of Cumulative Effects

**MFEIS**: The MFEIS on page 173 states that, "Cumulative effects consider past, present, and reasonably foreseeable activities from other actions, combined with the direct and indirect effects of a proposed activity. Cumulative effects for the LaVA Project are provided in the following tables. Forest Service resource specialists used the information in these tables when conducting cumulative effects analyses for the LaVA Project."

The North Savery project is discussed in the MFEIS as described below:

- Table 94, page 174: Stand clearcut, overstory removal cut (from advanced regeneration) – 6,834 acres.
- Air quality standards, page 329: The proposed prescribed burning proposed in the LaVA Project, combined with prescribed burning in the Divide Peak (USDA Forest Service 2013) and North Savery (USDA Forest Service 2017) decisions or in nearby areas outside the LaVA analysis area, could increase the amount of fine particulate matter in the air.
- Traffic, on page 333: There would be an increase in traffic with implementation of the proposed activities when combined with the activities of other planned projects occurring in or surrounding the analysis area during overlapping time periods (for example, North Savery project).
- Past and Ongoing Activities, on page 383: Past and ongoing activities, including fuels treatment, hazard tree removal, road and trail system management, and timber harvest activities affect social and economic conditions in the analysis area… Reasonably foreseeable activities (table 199) may reduce the risk of falling trees and wildfire relative to current conditions. The cumulative effect of the modified proposed action and reasonably foreseeable activities would reduce the safety risks and potential displacement of forest users associated with falling trees… North Savery Project - Hazard tree clearing, precommercial thinning and salvage harvest, road proposals.

**Issue and Statement of Explanation**:

The District Ranger that approved the North Savory project was not authorized to approve the actions that are described in the ROD for the CDNST corridor. If a decision is not issued by an employee with delegated authority to issue it, then the action does not bind the Department and is not properly considered a decision of the Forest Service. The purported decision therefore would have no legal effect. Decision authority for CDNST actions is addressed in FSM 2353.04. Decision authority for designating NFS roads, NFS trails, and areas on NFS lands on their administrative unit that are open to motor vehicle use is addressed in FSM 7710.45. However, it appears that the Forest Service is implementing those decisions regardless.

The North Savery project has significant effects on the CDNST nature and purposes qualities and values, which were not disclosed in the MFEIS. Specific concerns with the project are discussed in comments on the North Savory EIS and addressed in a project objection. These documents are in **Attachment B** for reference. The LaVA project must disclose the cumulative effects of the North Savery project on the nature and purposes qualities and values of the CDNST.

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

**Violation of law, regulation or policy**: 40 CFR § 1508.7

**Connection with Comments**: Handbook at 59, 63, 64, and 65. MFEIS new information.

## Timber Projects Cumulative Effects

The MFEIS on page 174 describes cumulative effects, "Current and foreseeable future timber projects in the Sierra Madre Mountain Range - North Savery environmental impact statement Stand clearcut, overstory removal cut (from advanced regeneration) 6,834 acres…."

**Issue and Statement of Explanation**: Listing of cumulative effects is more than about acres of timber harvest. Timber harvests is an activity, while effects include ecological, aesthetic, historic, cultural, economic, and social. For example, the North Savory project substantially degrades CDNST values as described in DEIS comments and an objection that is attached as **Attachment B**. The cumulative effects of these projects must be disclosed in the LaVA EIS to be in compliance with NEPA.

**Suggested Remedies that would Resolve the Objection:** Develop the cumulative effects discussion to address the cumulative effects of timber harvest and related road construction on the CDNST nature and purposes qualities and values with the national trail management corridor. Recognize that timber production and associated road construction substantially interferes with the nature and purposes of the CDNST. Also, see Section VII of this objection.

**Violation of law, regulation or policy**: 40 CFR § 1508.7.

**Connection with Comments**: Handbook at 11, 64, and 66. MFEIS new information.

## Recreation Affected Environment

The MFEIS on page 333 discusses Social Environment and Recreation describing that, "Affected Environment: The recreation opportunity spectrum is a planning tool used by land managers to classify areas according to the types of recreation opportunities available. Each class is defined in terms of its combination of activity, setting, and experience opportunities. Land managers can facilitate (or hamper) many desired experiences by the way they manage

such setting indicators as access, remoteness, naturalness, facilities, social encounters, visitor impacts, and the visitors themselves…

- Access includes type and mode of travel. Highly developed access generally reduces the opportunities for solitude, risk, and challenge.
- Remoteness refers to the extent to which individuals perceive themselves removed from the sights and sounds of human activity.
- Naturalness refers to the degree of naturalness of the setting; it affects psychological outcomes associated with enjoying nature; this indicator is portrayed by using a compatible visual quality objective for each setting...

The analysis area contains 43 miles of the Continental Divide National Scenic Trail which runs the length of the Medicine Bow National Forest from the Colorado-Wyoming state line north to the national forest boundary on the west side of the analysis area. The Continental Divide National Scenic Trail traverses through the Green Hog, Battle Pass, and Jack Savery accounting units as it runs from south to north in the Sierra Madres. Other popular trails in the analysis area are Rock Creek, Encampment River, East Fork, Medicine Bow Peak, Lakes, North Fork, Tipple, and a multitude of other trails on top of the Snowy Range."

**Issue and Statement of Explanation:** The affected environment description provides an adequate overview of the ROS planning framework. However, the CDNST only describes the number of miles of the CDNST travel route that is found in the project area. The FEIS fails to discuss the affected environment of the CDNST corridor.

The affected environment must describe the environment of the area to be affected by the alternatives under consideration. The affected environment section must describe the degree to which CDNST qualities and values are being protected, including the protection of desired cultural landscapes, recreation settings, scenic integrity, and providing for conservation purposes along the existing CDNST travel route and high-potential route segments (16 U.S.C. § 1244(f)(3)). In addition, the status of the rights-of-way is to be described (16 U.S.C. § 1246(a)(2)).

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

**Violation of law, regulation or policy:** 40 CFR § 1502.15

**Connection with Comments:** The nature and purposes of the CDNST is described in the CDNST Comprehensive Plan and FSM 2353.4. The CDNST Planning Handbook provided with comments discusses the nature and purposes of the CDNST in Chapter II, Scenery and ROS in Chapter III, and addresses NEPA analysis considerations in Chapter V. Comments at 64.

## No Action Effects on Recreation

The MFEIS on page 337 describes direct and indirect effects on recreation of No Action stating that, “In this analysis, the no-action alternative represents existing conditions in the LaVA analysis area and assumes programs and activities would continue at historic rates. This includes current and future timber, fuels, temporary road construction, and wildlife habitat improvement projects and activities (at historic rates) that would occur using decisions other than the LaVA Project. There may be short-term or lasting adverse impacts to Medicine Bow National Forest visitors to developed recreation, dispersed recreation, wilderness, and inventoried roadless areas as a result of implementing the no-action alternative due to more overhead hazards remaining from the beetle-killed standing and falling trees.”

**Issue and Statement of Explanation**: What is outlined for the LaVA analysis protocol does not address the recreation setting and conservation purposes of this National Scenic Trail and how those CDNST values are affected by past, present, and future actions. Implementation of the MA 5.13 management direction will continue to modify valued landscapes from an existing high scenic integrity level resulting in a low scenic integrity level as a result of intensive timber management programs. Continuing to modify the area resulting in ROS Roaded Modified class conditions will substantially degrade the ROS desired condition for the CDNST corridor.

The No Action alternative discussion is inappropriate, since effects cannot be based on some unknown level of timber harvests that may or may not occur due over the next 15 years. Instead, the No Action alternative should be based on desired recreation opportunities and any associated risks to users in those settings. Clearly, No Action does not increase the risk to users of campgrounds and wilderness. Campgrounds and other developed sites would be closed if hazard trees are present. Timber harvests in wilderness is clearly inappropriate. Timber harvest along the CDNST is only allowed if the CDNST nature and purposes are protected.

**MFEIS** (continued)**:** The no-action alternative would have minimal to no effect on remoteness, social encounters, visitor management, facilities and site management, and visitor impact to recreation opportunity spectrum indicators. In areas with high beetle mortality, access and naturalness setting indicators for semi-primitive non-motorized and semi-primitive motorized settings may be negatively impacted by downed and falling trees preventing safe access to many areas. Some of the public would perceive the downed and falling trees as a negative impact to visual quality…

**Issue and Statement of Explanation**: “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" (ROS Book 1986). The naturalness of Primitive, Semi-Primitive Non-Motorized and Semi-Primitive Motorized settings would not be affected by the No Action alternative. Naturalness is a fundamental part of the more primitive ROS settings, which is not affected by No Action.

**MFEIS** (continued)**:** Under the no-action alternative, annual trail maintenance would continue on portions of the trails one time during the season, and tree fall would continue after that clearing. In some years, trail navigation would be very tedious for hikers along many timbered stretches, and riders and hikers would have a difficult time navigating some portions of trails with the continuing down fall accumulations.

There would continue to be both short- and long-term negative impacts for designated trail system users as some trails may have to be closed due to overhead hazards and the inability to complete routine maintenance. The scenic attractiveness and scenic quality integrity along many trails would remain low until a regenerated green forest develops. Trail users might create bypass trails around impassible portions of some existing trails."

**Issue and Statement of Explanation**: The lack of trail maintenance resources could reduce visitor satisfaction in all ROS classes. However, the level of trail maintenance activities is not a ROS setting indicator. Access includes the type and mode of travel. Managing hazard trees along travel routes is a function of trail maintenance and is not dependent potential timber harvest activities.

In general, the No Action alternative should further describe that a reasonable future action is that the Forest Plan will be revised, since it is over 15 years old and that the CDNST comprehensive planning requirements will be completed as described in Federal Register: October 5, 2009 (74 FR 51116) – "The 2009 Comprehensive Plan and corresponding FSM 2353 directives established baseline policy and appropriate guidance for nature and purposes, visual resource management, recreation resource management, motor vehicle use, and carrying capacity. In addition, the 2009 Comprehensive Plan and FSM policy recognizes the role of substantial interference assessments and determinations when addressing other uses along the CDNST corridor. The final amendments and directives are to be applied through land management planning and project decisions following requisite environmental analysis" (74 FR 51124). It is also reasonable to expect that a CDNST site-specific plan will be completed for the CDNST corridor addressing trail maintenance and other management programs as required by FSM 2353.44b(2).

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

**Violation of law, regulation or policy**: 40 CFR § 1502.24

**Connection with Comments**: Handbook at 28, 29, 30-31, 63-65. New information in the MFEIS.

## Modified Proposed Action Effects on Recreation

The MFEIS on page 339 discusses direct and indirect effects of the Modified Proposed Action describing that, “The vegetation treatments proposed in the modified proposed action would have different effects on the recreating public depending on what experience they are seeking. Effects on the availability of different recreation opportunities would also vary by treatment. Mechanized treatments would likely have the most noticeable effects on visitors due to displacement, an increase or loss of access, noise, congestion, and disturbed areas. Prescribed fire and hand treatments would have fewer negative impacts because of the short-term nature of the effects. Indirect effects, such as smoke and chainsaw noise, would also occur…

**Issue and Statement of Explanation**: NEPA reviews must take a “hard look” at impacts that alternatives under consideration would have on the human environment if implemented. This means that there must be evidence that the agency considered all foreseeable direct, indirect, and cumulative impacts, used sound science and best available information, and made a logical, rational connection between the facts presented and the conclusions drawn. Analyzing impacts means considering how the condition of a resource would change, either negatively or positively, as a result of implementing each of the alternatives under consideration. A written impact analysis that focuses on significant issues should be included in the environmental consequences section of a NEPA document. A written impact analysis should: (1) describe the impacts that each of the alternatives under consideration would have on affected resources; (2) use quantitative data to the extent practicable including view point images and simulations; (3) discuss the importance of impacts through consideration of their context and intensity; and (4) provide a clear, rational link between the facts presented and the conclusions drawn.

Direct Impacts - Direct impacts are impacts “which are caused by the action and occur at the same time and place” (1508.8(a)). Indirect Impacts - Indirect impacts are impacts “which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable” (1508.8(b)). Cumulative Impacts - In addition to direct and indirect impacts, the agency is required to analyze the cumulative impacts of each alternative (1508.25). A cumulative impact is an “impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions” such as road construction and timber harvest since 1980 in this project area (1508.7). A cumulative impact analysis must consider the overall effects of the direct and indirect impacts of the proposed action, when added to the impacts of past, present, and reasonably foreseeable actions on a given resource.

In order to accurately assess cumulative impacts, the assessment needs to identify past,

present, and reasonably foreseeable future actions that affect the same resources as the proposed action or alternatives. To be considered under the cumulative analysis section of the EIS, past actions should have ongoing impacts that are presently occurring. Reasonably foreseeable future actions include those federal and non-federal activities not yet undertaken, but sufficiently likely to occur, that a decision maker should take such activities into consideration in reaching a decision. This includes, but is not limited to, activities for which there are existing decisions, funding, or proposals. Reasonably foreseeable future actions do not include those actions that are highly speculative or indefinite. Past, present, and reasonably foreseeable future actions are limited to human actions, meaning they are attributable to specific individuals or entities. Naturally occurring incidents, such as insects and disease infestations, are not actions per se and therefore the effects of these types of incidents should be considered as part of the affected environment rather than as part of a cumulative impact analysis.

The generic statement that, "Mechanized treatments would likely have the most noticeable effects on visitors due to displacement, an increase or loss of access, noise, congestion, and disturbed areas" is possibly correct; however, without an analysis of intensity and timing by ROS class, it is impossible determine not only the level of programmatic effects, but also the site-specific level effects of the proposed modified action on Semi-Primitive Non-Motorized and Semi-Primitive Motorized ROS class conditions.

**MFEIS** (continued)**:** The effects from treatments to the recreation opportunity spectrum settings would range from no effect to unacceptable effects. These are termed fully compatible, normal, inconsistent, and unacceptable, with inconsistent representing conditions that are not generally compatible with the norm but may be necessary under some circumstances to meet management objectives (USDA Forest Service 1990). Class settings remain acceptable if effects to setting indicators are inconsistent and of low to moderate intensity and extent…

**Issue and Statement of Explanation**: The ROS Primer brochure that was published in 1990 suggests that one measure of compatible timber harvest and road construction activities within various ROS settings can be measured by the effects of management actions on visual quality. However, visual quality is only one of the indicators for each ROS setting. The remoteness setting indicator is more restrictive, which indicates that the proposed activities would be only acceptable in a Roaded Modified setting. The 1982 and 1986 ROS User Guides are the appropriate ROS references to be used to support the project analyses.

**MFEIS** (continued)**:** Design features have been developed to mitigate adverse impacts to recreation resources depending on the specific treatment area. The semi-primitive nonmotorized class includes treatment opportunity areas that could treat up to 2,000 acres spread over eight accounting units. That is less than 1 percent of the proposed acres for

potential vegetation treatments and would be considered of low to moderate extent, so treatments would not change the recreation opportunity spectrum.

**Issue and Statement of Explanation**: The MFEIS fails to address the specific treatment activity, spatial arrangement, and timing of the proposed actions in Semi-Primitive Non-Motorized ROS settings, which did not allow for informed public input and the agency to take a hard look at the modified proposed action effects.

**MFEIS** (continued)**:** Negative impacts from mechanical treatments could include short-term, diminished visual quality characteristics; loss of solitude; and loss of naturalness of an area. However, none of the negative impacts to the recreation opportunity spectrum settings would be of such intensity or extent they would create a change in class.

Access may be reduced over the short term but improved over the long term with the proposed treatments. Improved access into more primitive areas may negatively affect the opportunities for solitude and decrease the risk and challenge for some national forest visitors. In areas where mechanical treatments are proposed, visitors looking for remoteness may be negatively affected because they would not perceive themselves removed from sights and sounds of human activity.

**Issue and Statement of Explanation**: The proposed actions are inconsistent with the Forest Plan Management Area 1.31, 1.33, 3.31, and 3.33 prescriptions and associated Remoteness criteria for established Semi-Primitive Non-Motorized and Semi-Primitive ROS settings. The Forest Plan FEIS did not recognize an affected environment that envisioned the changed forest conditions and disclose the effects of the Modified Proposed Action on allowing for the proposed Management Area and ROS class mechanical treatment inconsistencies. Instead of tiering to the Forest Plan FEIS, the LaVA project should have supplemented the Forest Plan FEIS to address changed forest conditions and new information regarding the planning and management of the CDNST.

**MFEIS** (continued)**:** Naturalness is associated with visual quality. In some treatment areas, the visual quality would be considered negative, while others may consider the visual quality similar to the dead stands of lodgepole pine. Facilities and site management would not be affected as site management would not be improved. There would likely be no negative impacts to social encounters as no increase in national forest visitors is projected from implementing the treatments. Visitor impacts are not anticipated to increase the use on the environment to a detrimental degree due to LaVA project implementation. Site-specific area closures or trail closures during project implementation could have negative effects on visitor management. These effects to recreation opportunity spectrum setting indicators for the proposed vegetation treatments would be of low to moderate intensity and extent and would not change recreation opportunity spectrum settings…

**Issue and Statement of Explanation**: Visual quality is described as Scenic Integrity in the Scenery Management System. ROS Primer and Field Guide, Region 6 publication R6-REC-021-90, describes the naturalness setting indicator stating that, "This indicator is portrayed by using a compatible visual quality objective (VQO) for each setting…." For example, the chart indicates that a SPM ROS setting and Partial Retention would be compatible allocations, while Modification would be incompatible. The Scenery Management System describes that, "Scenic integrity objectives in the context of the forest plan are equivalent to goals or desired conditions. Scenic integrity describes the state of naturalness or a measure of the degree to which a landscape is visually perceived to be "complete." 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.

Scenic integrity is a continuum ranging over five levels of integrity from very high to very low. The frame of reference for measuring achievement of scenic integrity levels is the valued attributes of the "EXISTING" landscape character "BEING VIEWED." In Natural or Natural appearing character this is limited to natural or natural appearing vegetative patterns and features, water, rock and landforms.

Following Scenery Management System analysis processes, Very High and High Scenic Integrity Levels in natural evolving and natural-appearing landscapes would be aligned with providing for naturalness.

**MFEIS** (continued)**:** The proposed vegetation treatments would not cause a loss of recreation opportunities over the long term. Over the short term, they may cause loss of access or cause displacement from a favorite spot. Short-term loss of opportunities in some areas may occur, but there would be multiple areas on the Medicine Bow National Forest where similar opportunities would be available. Improved access over the long term and reduced overhead hazards in many areas would greatly improve recreation opportunities.

Treatments along most trails would reduce overhead safety hazards and the need for annual trail clearing. Trail tread, overhead clearing, and other trail maintenance needs that are not presently being addressed due to heavy downfall and a backlog of logging out needs would be possible if proposed vegetation treatment areas fall along trail corridors. The proposed treatments could greatly reduce the need for annual tree removal on some trails and reduce the backlog of trails that are continually blocked by down and jackstrawed trees. Approximately 24 percent of trails in the analysis area occurs in the forest and rangeland resiliency and forest products treatment opportunity area where vegetation treatments would follow standards to enhance treatments along trails. Trails in most management areas would have improved conditions if the proposed treatments occur.

However, some users could perceive negative visual impacts along some trails, especially along the Continental Divide National Scenic Trail that traverses three accounting units. Recreation project design features 7 and 8 have been developed to minimize impacts to the Continental Divide National Scenic Trail (see appendix A, attachment 2). Motorized and nonmotorized trails outside wilderness areas would see the most improvement if the proposed treatments were implemented. Trails in treatment areas would require less maintenance and have fewer hazard trees, making for easier and less stressful hiking conditions.

Design Feature-7: To the maximum extent possible, alternate route(s) or detours will be used during treatment implementation to allow continued use of the Continental Divide National Scenic Trail and to mitigate scenery management impacts during vegetation management operations. (DF-REC-7)

Design Feature-8: No skidding is allowed on or across the Continental Divide National Scenic Trail without prior coordination with the local recreation staff. Any skidding that is allowed on or across the trail will be located to limit damage to the trail and will be rehabbed back to pretreatment condition. (DF-REC-8)

**Issue and Statement of Explanation**: The Forest Plan prescribes as a standard to, "Manage vegetation in high-use recreation areas to provide for public safety, to improve forest health, and to maintain or improve the desired recreation settings (Insect and Disease, page 1-49). The Forest Plan and Forest Service policy does not provide for broad scale mechanical treatments in Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized ROS classes to address public safety issues associated with standing and downed trees, except for vegetation that is adjacent to NFS trails, NFS roads, and facilities.

The proposed treatments could reduce hazard trees along NFS trails, but there is no assurance that any specific trail hazard tree area will be addressed by the Modified Proposed Action. In addition, the proposed action may lead to closures of the CDNST travel route every year. The proposed action will degrade the remoteness and naturalness characteristics of the CDNST corridor and Semi-Primitive Non-Motorized and Semi-Primitive Motorized ROS settings. The proposed action will degrade existing Very High and High Scenic Integrity conditions resulting in Low Scenic Integrity Levels. The actions will substantially interfere with the nature and purposes of the CDNST which is not allowed by the National Trails System Act.

The identification and selection of the rights-of-way (16 U.S.C. § 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 capacities should be based on analysis of the effects of the allowable uses and conditions of use on National Scenic Trail values that are included in the proposed action and each alternative in the NEPA document. This outcome is also a specific decision aspect of the

proposed action or alternatives. Utilizing ROS and Scenery Management systems will help ensure that NEPA assessments are systematic and accurately describe the affected environment and expected outcomes from each alternative. The level of precision or certainty of the effects can be guided by the CEQ regulations regarding the use of "methodology and scientific accuracy" (40 CFR 1502.24) and the information needed to support a reasoned choice among alternatives (40 CFR 1502.22). The Forest Service must ensure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. The ROD must identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. In addition, substantial interference analyses and determinations need to be rigorous and be addressed as part of the cumulative impact (40 CFR § 1508.7) and effects (40 CFR § 1508.8) analyses.

Management direction for Semi-Primitive Motorized, Roaded Natural/Modified, Rural, and Urban ROS classes allow uses that would substantially interfere with the nature and purposes of the CDNST if the allocation desired conditions are realized. Where the allowed non-motorized activities reflect the purposes for which the National Trail was established, the establishment of Primitive and Semi-Primitive Non-Motorized ROS classes and high and moderate scenic integrity allocations would normally protect the nature and purposes (values) of the CDNST. Semi-Primitive Non-Motorized settings would normally be managed to keep motorized uses 0.5 miles from the CDNST travel path. This assessment is based on recreation research that supports FSM 2310 policy and includes information found in General Technical Report PNW-98, The Recreation Opportunity Spectrum: A Framework for Planning, Management, and Research by Roger Clark and George Stankey.

**MFEIS** (continued)**:** Cumulative Effects: Cumulative effects consider past, present, and reasonably foreseeable activities from other actions, combined with the direct and indirect effects of a proposed activity. Information from table 199 was used when conducting cumulative effects analyses.

Cumulative Effects – Recreation – No Action: The Continental Divide National Scenic Trail and National Forest System trails would continue to have tangled downfall on and along trails in timbered areas with dead trees. Annual maintenance along the trails would not keep up with the increasing number of trees that would be on the trails over time. More trails may become unavailable for use or may need to be closed if no treatments occur.

Cumulative Effects – Recreation – Modified Proposed Action: If treatments along the Continental Divide National Scenic Trail or National Forest System trails are implemented, the cumulative buildup of fallen trees along and on portions of the trails would be reduced in treatment areas. The noticeable effects of the treatments on visual characteristics would be the new disturbance to areas.

In many areas with heavy beetle kill, visual characteristics have declined a due to the number of dead trees, constant tree fall, and jackstrawed areas of dead beetle-killed trees. In treated areas, visual characteristics would improve over time, likely faster than in untreated areas. Perceived negative visual characteristics may not be as noticeable when a clear trail corridor is visible. Treatments would allow overhead hazards and downed logs to be removed along and adjacent to the trails, allowing annual maintenance other than trail clearing…

*Transportation*, page 333: Modified Proposed Action. There would be an increase in traffic with implementation of the proposed activities when combined with the activities of other planned projects occurring in or surrounding the analysis area during overlapping time periods (for example, North Savery project). Road reconstruction activity for this project and others like it could cause traffic delays."

**Issue and Statement of Explanation**: The MFEIS repeatedly suggests that mechanical treatments are the appropriate solution to address trail clearing needs along the CDNST travel route. Trail clearing that addressed hazard trees within the trail clearance limits using mechanical treatments actions is not an issue. However, it is inappropriate to allow for mechanical treatments that degrade the established ROS setting and the natural evolving and natural-appearing conditions within the CDNST corridor. The effects statement describing that, "In many areas with heavy beetle kill, visual characteristics have declined a due to the number of dead trees, constant tree fall, and jackstrawed areas of dead beetle-killed trees. In treated areas, visual characteristics would improve over time, likely faster than in untreated areas. Perceived negative visual characteristics may not be as noticeable when a clear trail corridor is visible" is not supported by analysis processes described in the Landscape Aesthetics Handbook 701. Lack of trail maintenance and natural evolving landscapes do not by definition affect scenic character in more primitive ROS settings and along the CDNST travel route.

The Modified Proposed Action fails to address the cumulative effects of the North Savery project, which will substantially interfere with the nature and purposes of the CDNST if implemented. This includes degradation of the desired recreation setting along the CDNST travel route. These concerns were address in comments on the proposed North Savery project that are attached (**Attachment B)**.

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

**Violation of law, regulation or policy**: 40 CFR §§ 1502.16, 1502.24, 1508.7

**Connection with Comments**: Handbook at 28, 29, 30-31, 63-65. New information in the MFEIS.

## Scenic Resources Affected Environment

The MFEIS on page 347 describes the affected environment for scenic resources stating that, "For this project, a large portion of the treatments would occur on lands already adversely

affected by insects compared to the landscape character normally observed. Normal landscape character would have evidence of insects and disease or other disturbance factors, such as fire or wind, and generally those areas would be relatively small. In this case, the insect epidemic has vastly exceeded the typical scale of disturbance and has created an uncharacteristic landscape. Studies of public perception studies in bark beetle stands indicate the public perceives low scenic quality when viewing red-top lodgepole (Buhyoff et al. 1982). While large scale disturbances occur in this landscape, those disturbances are not typically apparent on the landscape at the magnitude and scale represented on the Medicine Bow National Forest.

The MFEIS on pages 193-196 describes that, "Large fires burned in the Snowy Range around the late 1600s to mid-1700s (6,175 and 3,705 acres, respectively) (Kipfmueller and Baker 2000). Much larger fires likely occurred, but there are no existing records for the period when the area was settled by early residents who harvested large tracts of timber. These fire events and past management activities initiated the extensive even-aged forests that exist today… Most of the conifer forests in the analysis area typically have long fire return intervals with high fire intensity episodes and numerous small, less severe fires that occur between these large intense fires… Fire return intervals can be accelerated by natural disturbance such as the recent pine beetle outbreak. In lodgepole pine stands, pine beetle outbreaks are most often a stand-replacing event as fire usually follows the outbreak within 15 years (Samman and Logan 2000).

Existing scenic integrity typically looks at purposeful human-induced change to the landscape. The Scenery Management System was not designed for managing viewsheds with catastrophic disturbance events at the magnitude and scale represented on the Medicine Bow National Forest. The insect epidemics in the conifers and the diseases in aspen have created a heavily impacted landscape in terms of vegetation condition, and thus, scenic attractiveness. Areas of previous management are sometimes the only places with remaining green trees. For purposes of these discussions, disturbed landscapes do not currently meet desired scenic conditions in the eyes of most observers…

Lodgepole pine stands have a variety of stand characteristics. Stands may be a single story of pure lodgepole with little understory vegetation or there may be varying amounts of understory vegetation. Stands may have mixed ages of lodgepole or may contain different species in varied combinations. The level of mortality influences the appearance of these stands very differently. Red top and grey, dead and dying lodgepole stands are perceived as having low scenic quality when viewed by informed visitors (Buhyoff et al. 1982)."

The MFEIS on page 348 discusses the direct and indirect effects of No Action on scenic resources stating that, "Under the no-action alternative, there would be a continuation of existing conditions inclusive of the historical rate of management actions implemented over the

last 15 years. There would be minimal direct effects from management activities beyond that which has occurred annually over the last 15 years.

Due to minimized rates of treatment opportunities associated with the no-action alternative, most standing dead and dying trees would fall and therefore remain a short-term negative effect on scenic quality within the foreground of trails, roads, campsites, trailhead parking areas, and administrative sites. There would also be near-view scenery impacts with the trampling of vegetation associated with avoiding fallen trees that block existing paths.

The effects of no action would mostly be indirect. Scenery would change based on those processes along with the historical rate of management treatments that have occurred over the last 15 years. The forest would continue to recover at a relatively natural pace. The presence of standing dead conifers and jackstrawed fallen trees would detract from the natural appearance of the landscape for most observers. Recovery in conifer stands would continue slowly due to stagnation and lack of natural disturbance under conditions of fire suppression. It is predicted that large-scale wildfires would occur due to fuel loadings. These wildfire events would affect scenic quality in the mid to long term.

In certain areas, visitors would notice high numbers of dead and dying conifers that are reddish-brown and grey in color. Public perceptions of scenic quality would likely be negative for informed users who are aware of the bark beetle epidemics (Buyoff et al. 1982).

Activities to regenerate new stands or manage existing stands (young or approaching maturity) would not occur, so there would not be visual impacts from activities. Indirectly, the opportunity to improve the appearance of those stands, especially stands which do not meet the desired scenic integrity, would be forgone.

Over the long term, there would be an increasing risk of natural disturbances, including wildfire, wind, insects, and disease, in the predominately mature forest. There would be a concern for increasing risk as a result of climate change which would likely alter the landscape character.

Under the no-action alternative, scenic integrity would transition more slowly due to stagnation under fire suppression conditions. Scenic integrity would be likely subject to effects from future insect and disease epidemics over the long term (for example, 80 years or more). Portions of accounting units which are currently below scenic integrity objectives and have been impacted by bark beetle epidemics would probably not reach overall scenic integrity objectives for more than 100 years (for example, Bow Kettle accounting unit)."

**Issue and Statement of Explanation**: The landscape character (aka scenic character) observed over the last 100 years is due primarily to fire suppression and timber production activities. As described in the MFEIS, "Much larger fires likely occurred, but there are no existing records for the period when the area was settled by early residents who harvested large tracts of timber.

These fire events and past management activities initiated the extensive even-aged forests that exist today… Most of the conifer forests in the analysis area typically have long fire return intervals with high fire intensity episodes and numerous small, less severe fires that occur between these large intense fires." "Bark beetles are important disturbance agents in western coniferous forests. Population levels of a number of species oscillate periodically, often reaching high densities and causing extensive tree mortality when favorable forest and climatic conditions coincide. These events are part of the ecology of western forests and positively influence many ecological processes, but their adverse economic and social implications can also be significant" (U.S. Forest Service-WO). An insect epidemic in landscapes with an established naturally evolving and natural-appearing scenic character should not be described as a being adversely affect by a catastrophic disturbance.

The Scenery Management System does recognize the role of large disturbance events at the magnitude and scale represented on the Medicine Bow National Forest. The Landscape Aesthetics Handbook describes that, "In most cases, human activities cannot modify scenic attractiveness. It remains constant, even if a direct human activity, such as timber harvesting, alters scenic integrity. An indirect human activity, such as fire suppression leading unintentionally to plant species succession, may affect scenic integrity and vegetative character" (Page 31). "However, in rare instances, scenic attractiveness may change because of natural disasters or because of extreme human alteration of the landscape." (Page 1-14).

The Scenery Management System allows for a Scenic Character goal of "Agricultural" where the landscape (scenic) character expresses dominant human agricultural land uses producing food crops and domestic products. The landscape desired condition in these areas would provide for a Scenic Integrity Level of Low in a Roaded Modified ROS setting. However, such changes to existing Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive ROS settings must be modified by a Forest Plan amendment or through revision. However, a management goal of "Agriculture" does not protect the values for which the CDNST was established and would substantially interfere with the nature and purposes of this National Scenic Trail.

The description that, "the level of mortality influences the appearance of these stands very differently. Red top and grey, dead and dying lodgepole stands are perceived as having low scenic quality when viewed by informed visitors (Buhyoff et al. 1982)" does not reflect the best available science and meet the requirements of methodology and scientific accuracy.

The 1998 Forest Service publication, Assessing Forest Scenic Beauty Impacts of Insects and Management (FHTET 98-08) states: "The paper discusses relationships between scenic beauty perceptions and certain forest characteristics such as the presence and dominance of large trees, tree species composition, and stand age. Stand treatments such as burning, harvesting, treating slash, and regenerating harvested stands also affect scenic beauty. Stand

treatment impacts on scenic beauty may be relatively large compared to the impacts caused by insects… Forest insects attack trees, leading to defoliation, discoloration of remaining foliage, and/or tree mortality. This can lead to, in the short term, standing defoliated trees, discolored foliage, and increased ground litter. In the long term, the effects can be standing dead trees, dead and downed trees, slash, open canopies which increase sunlight, understory growth, and/or visual penetration (reduced stand density). Not all of these impacts negatively influence scenic beauty judgments. The natural process of regeneration can lead to the mitigation of negative scenic beauty impacts over time."

A number of studies have addressed public perceptions toward the ecological and economic consequences of forest insect outbreaks. Yet, little is known about the influence of naturally altered conifer forest landscapes and forest management interventions and the location of the impacted forest stands (near-view to far-view) in relation to each other on forest visitors' visual preferences (Arn Arnberger, et. Al, 2017).[8] Another consideration is that expanded 'salvage' logging to prevent wildfire rarely contributes to ecological recovery in the disturbed area. Logging of dead or dying trees may be appropriate near roads where standing dead trees pose a safety hazard but should generally be avoided in areas where maintaining natural ecosystem processes is a priority (Norman Christensen and Jerry Franklin). Controversial projects must have meaningful evaluation and public engagement to ensure achieving the basic principles of science-based forest management, including the use of the best available science and the application of robust decision-making processes to provide for effective and beneficial management actions to address the vital need to improve the climate and fire resiliency of our national forests and the safety of our communities.

A constituent assessment should yield information useful in developing statements about desired or preferred landscape character and scenic integrity. Ideally, the constituent assessment also produces information useful for delineating important travel routes and use areas, viewsheds, and special places in the scenic inventory. Finding out how constituents envision and value landscape character, the kinds of scenic integrity they prefer, may involve studying user behavior, talking directly with users, conducting a survey or public involvement workshop, utilizing personal observations of Forest Service personnel, and the perusal of other information sources, including information from previous scenic analyses, recreation and broader forest planning activities. Management decisions on desired scenic character should be made by utilizing public input in some selective and systematic manner. An approach suggested by Frissell and Stankey (1972)[9] is to relate visitor objectives to management objectives. For

[8] http://nstrail.org/insect_disease_fire/visitor_preferences_for_visual_changes_in_bark_beetle_267_2017_article_975.pdf

[9]http://nstrail.org/carrying_capacity/wilderness_environmental_quality_search_for_social_ecological_harmony_frissell_stankey_1972.pdf

National Scenic Trails, the opinions visitors seeking Very High or High Scenic Integrity levels and Primitive or Semi-Primitive Non-Motorized ROS settings should be valued more than the general public that may not be supportive of the purposes from which a National Scenic Trail was designated. Any survey must distinguish between trail maintenance concerns and scenic character goals and desired scenic integrity objectives.

A recent study in Rocky Mountain National Park looked at park visitor perceptions of tree mortality in a protected area in a selective and systematic manner. This study describes, "Bark beetle and other natural disturbances will continue to occur in forests across the globe. It is important to understand how these disturbances impact forest visitor perceptions and behaviors to inform environmental education in attempts to mitigate negative impacts… Overall, visitors continued to regard the park positively (e.g., beautiful, interesting, satisfying) despite observed bark beetle disturbance, in contrast to previous preference studies. Visitors also perceived the forest as alive and healthy despite evidence of tree mortality and awareness of bark beetle activity… Overall, knowledge about bark beetles in the forest did not influence aesthetic perceptions. All of the participants rated the forest as beautiful regardless of the amount of knowledge they possessed…" (Christa Cooper Sumner and Jeffrey A. Lockwood).[10]

Following Scenery Management System analysis processes, Very High and High Scenic Integrity Levels in natural evolving and natural-appearing landscapes would be aligned with providing for naturalness.

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

**Violation of law, regulation or policy**: 40 CFR § 1502.24, CDNST Comprehensive Plan, FSM 2310, and FSM 2353.44b.

**Connection with Comments**: Handbook at 28, 29, 30-31, 63-65. New information in the MFEIS.

## Modified Proposed Action Effects on Scenic Resources

The MFEIS on page 349 discusses the direct and indirect effects of the Modified Propose Action on scenic resources stating that, "Although the recent bark beetle epidemic, response actions, and uncharacteristic wildfires have reduced scenery in parts of the analysis area over the past 15 years, the modified proposed action would further decrease scenic quality in the short term. Depending on the timing, location, and intensity of site-specific projects, effects on scenic quality would be noticeable in the short term. Negative short-term impacts in the foreground would occur from temporary roads. Mechanical vegetation and fuels treatments would be more apparent to visitors traveling through active work areas. Felled trees and slash would remain on the ground to protect sensitive plants, soils, and wildlife habitat at some sites.

[10] http://nstrail.org/insect_disease_fire/Visitor_Perceptions_of_Bark_Beetle_Impacted_Forests_in_Rocky_Mountain_National_Park_2020.pdf

On some sections of trail corridors, trail users would see large amounts of felled trees; this could negatively impact scenery. Areas of intermittent green trees would remain to provide present and future shade and screening. However, some recreation and administrative sites would become more visible due to removal of screening trees.

In the short term, Medicine Bow National Forest visitors would notice a more pronounced impact to scenic quality if treatments that remove mature green trees are proposed and implemented. This is a possibility under the "other vegetation treatments" portion of the modified proposed action (see chapter 2). The immediate, short-term visual impact from these green tree treatments may be negative, depending on whether the observer values more or less dense stand settings…

Over the mid and long term, the modified proposed action would begin to enhance scenic quality in most areas. The recovery of scenic quality would be accelerated with the implementation of treatments that promote replacement of homogenous areas of dead and dying trees with live stands of green trees. Live stands of mid to late successional green trees would return to dominate the landscape character (Buhyoff et al. 1982). Removing dead and diseased trees in affected spruce-fir stands would allow existing advanced regeneration to grow faster with less competition for light and moisture, which would improve scenic quality over the long term.

Aspen and conifer encroachment treatments would also increase scenic quality by increasing the diversity of form, line, color, and texture found in the natural landscape character. Scenic quality in foreground landscapes would increase with the removal of jackstrawed dead and downed trees and the regeneration of green herbaceous vegetation in areas treated with fuels reduction and prescribed burning that enhance microclimatic conditions and soil productivity. Temporary roads constructed to access units would be closed and rehabilitated and returned to a natural-appearing landscape over the mid to long term.

Thinning would also promote a green, forested landscape and accelerate the maturity of stands providing an increase in scenic quality over the mid to long term. Thinning treatments would also provide open park-like stands of lodgepole which are more visually appealing to forest visitors…."

The MFEIS on page 372 states that, "Implementation of the modified proposed action would change the landscape character by altering vegetation patterns and creating more edges associated with landings. Within 3 to 5 years of vegetation treatment, scenic quality would recover with regeneration of young trees, shrubs, and grasses and would continue to improve over the mid to long term. If beetle-killed trees were removed or if they fall and are replaced by stands of green trees, scenic quality would improve over the mid-term (7 to 30 years) and long term (30 to 150 years) in stands resilient to future epidemics. Additional discussion regarding

effects on scenic quality including scenic integrity objectives are discussed in the "Scenic Resources" section."

**Issue and Statement of Explanation**: As described in the previous statements and explanations, the effects analysis is inconsistent with the Scenery Management System processes identified in Landscape Aesthetics Handbook 701.

Scenic integrity is defined as the degree of direct human-caused deviation in the landscape, such as road construction, timber harvesting, 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. Complex early seral forests are common along the CDNST after years of natural disturbances such as wildfires and insect outbreaks that reset ecological succession processes. Complex early seral stage forests are fully compatible with the nature and purposes of the CDNST supporting natural evolving landscapes and contributing to desired recreation settings.

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

The scenic resources would be degraded by the Modified Proposed Action decreasing the Scenic Integrity Level from Very High or High to Low Scenic Integrity Level and not providing for a natural-appearing landscape. Scenic character would not improve from what is currently present. In addition, providing for scenic views of distinctive landscapes is not assured by any of the programmatic actions being proposed by the LaVA project.

The MFEIS scenery resource analyses and disclosure is inconsistent with accepted policy as found in FSM 2380. Scenic attractiveness of landscapes may be altered, either temporarily or permanently, by natural events such as hurricanes, tornadoes, floods, volcanic eruptions, earthquakes, and wildfires. Scenic attractiveness remains constant, even if a direct human activity, such as timber harvesting, alters scenic integrity. An indirect human activity, such as fire suppression leading unintentionally to plant species succession, may affect scenic integrity and vegetative character. Continuing to manage much of the project area for Roaded Modified ROS class conditions does not provide for the nature and purposes of the CDNST. The proposed action effects on the scenic resource would substantially interfere with the nature and purposes of the CDNST.

**Suggested Remedies that would Resolve the Objection:** Mechanical treatments and road construction in Semi-Primitive Non-Motorized and Semi-Primitive Motorized ROS settings, and

along the CDNST corridor, must be address through Forest Plan amendment and Forest Plan Supplemental EIS processes. Also, see Section VII of this objection.

**Violation of law, regulation or policy**: 16 U.S.C. § 1604(f)(4); 40 CFR §§ 1502.9, 1502.24; FSM 2353.44b; and FSH 1909.12 part 21.3.

**Connection with Comments**: Handbook at 28, 29, 30-31, 63-65. New information in the MFEIS.

## No Action Cumulative Effects on Scenic Resources

The MFEIS on page 351 discusses the cumulative effects of No Action on scenic resources stating that, "Scenic quality would remain degraded for the next 15 years as accumulations of fallen dead trees increase, causing the landscape to appear unhealthy. Natural succession, combined with more limited treatment options, would result in the regeneration of some stands, and improve scenic quality over the long term in select locations. With fewer treatments being proposed, the character of stands would transition in many shaded lodgepole stands to a spruce-fir understory in the mid-term. It is possible aspen would continue to decline and become absent from the landscape, which would reduce a visual element that most observers find pleasing, especially in contrast to conifer stands…

Overall, scenic quality would change with time. The expectation is that the uncharacteristic landscapes from bark beetle epidemics would remain for the mid-term and diminish over the long term compared to what has been present in the past 15 years."

**Issue and Statement of Explanation**: Scenic character is not degraded by the existing natural events in areas with natural evolving and natural-appearing goals and where desired scenic integrity objectives are Very High or High. Stating that, "scenic quality would remain degraded for the next 15 years as accumulations of fallen dead trees increase, causing the landscape to appear unhealthy" would only be correct where the scenic character goal was for an agricultural appearing landscape. Basing the NEPA scenery assessment on the lack of trail clearing maintenance is unfounded.

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

**Violation of law, regulation or policy**: 40 CFR § 1502.24.

**Connection with Comments**: Handbook at 28, 29, 30-31, 63-65. New information in the MFEIS.

## Modified Proposed Action Cumulative Effects on Scenic Resources

The MFEIS on page 351 discusses the cumulative effects of the Modified Proposed Action on scenic resources stating that, "The incremental effects of past, present, and reasonably foreseeable vegetation and fuels treatments, insect and disease epidemics, wildfires, livestock grazing, recreational use, road construction, mining, and other multiple use

activities have resulted in an existing condition of scenic quality that does not conform to short-term forestwide desired conditions for outstanding scenery. The initial, short-term disturbance from the LaVA Project, combined cumulatively with the effects of the above activities and natural disturbances, would likely cause a significant effect on scenic quality within the scenery analysis area. Over the mid to long term, the implementation of the modified proposed action would lessen these incremental effects and move the scenery analysis area toward desired scenic conditions and objectives within each forest plan management area.

A large proportion of the analysis area would be treated over time. However, some areas would not receive treatment (for example, management area 1.13, portions of some inventoried roadless areas) which, when combined with past present, and reasonably foreseeable vegetation and fuels management projects, would result in a condition of diverse scenic quality across the landscape. The project treatments would enhance scenic quality by removing dead and dying trees, jackstrawed lodgepole pine, and existing slash and debris from prior treatments which, incrementally, has reduced scenic quality under the existing condition. The resulting enhanced regeneration of conifer and aspen stands would, over the mid to long term, accelerate the recovery of the desired scenic integrity conditions and objectives previously impacted by insect and disease epidemics and prior treatments.

Silvicultural treatments of the existing regeneration in areas previously disturbed by insect, disease, fire, and prior vegetation treatments would promote stand maturity and an overall healthier and more pleasing forest appearance. By following project design features during implementation of the LaVA Project and other similar, future projects, the Medicine Bow National Forest would meet the desired scenic conditions and guidelines in the forest plan over the mid to long term. Any significant cumulative effects would likely diminish during the mid to long term as the analysis area returns to the desired landscape character through resilience to large-scale natural disturbances."

**Issue and Statement of Explanation**: The Modified Proposed Action fails to address the cumulative effects of the North Savery project, which will substantially interfere with the nature and purposes of the CDNST if implemented. This includes degradation of the desired scenic character along the CDNST travel route. These concerns were address in comments on the proposed North Savery project that are attached as **Attachment B**.

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

**Violation of law, regulation or policy**: 40 CFR § 1508.7.

**Connection with Comments**: Handbook at 28, 29, 30-31, 63-65. New information in the MFEIS.

## Recreation and Scenery Analyses

**Issue and Statement of Explanation**: The following discussion summarizes key elements of ROS and SMS analyses protocols. Following ROS and SMS planning protocols would lead to analyses that would be consistent with the Department's Science Integrity policy and CEQ Methodology and Scientific Accuracy requirements (Departmental Regulation 1074-001 and 40 CFR § 1502.24))

**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 particular 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: primitive, semi-primitive non-motorized, semi-primitive motorized, roaded natural, rural, and urban.

The Recreation Opportunity Spectrum is discussed by McCool, Clark, and Stankey in a General Technical Report titled: An Assessment of Frameworks Useful for Public Land Recreation Planning: "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)."[11]

[11] "An Assessment of Frameworks Useful for Public Land Recreation Planning by Stephen F. McCool, Roger N. Clark, and George H. Stankey (PNW-GTR-705) compares recreation planning frameworks. ROS is discussed on pages 43-66. ROS is the preferred recreation planning framework for addressing Forest Service Planning Rule requirements: 36 CFR 219.6(b)(9), 219.8(b)(2), 219.10(a)(1) & (b)(1), and 219.19 definitions for Recreation Opportunity and Setting. In addition, using ROS could lead to meeting the NEPA requirement for Methodology and Scientific Accuracy (40 CFR 1502.24).

Roger Clark and George Stankey in 1979 described that, "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… In this paper we describe the end points of the opportunity spectrum as modern to primitive…

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 Nonrecreational Resources Uses describing that, "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… 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…

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."

This technical report further states that, "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."[12]

The Forest Service 1982 ROS Users Guide describes in part 21.23 that, "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

[12] http://nstrail.org/carrying_capacity/gtr098.pdf

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… 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."

The Forest Service 1986 ROS Book (aka the 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 describes that, "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…

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 on an overlay 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… 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…

Management prescriptions[13] are the building blocks for formulating planning alternatives, and for providing site specific management. Each prescription describes a set of

[13] Management prescription (1982 Planning Rule): Management practices and intensity selected and scheduled for application on a specific area to attain multiple-use and other goals and objectives. Similarly, the 2012 Planning Rule requires the establishment of plan components indicating where those components apply.

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…

Possibly one of the most important roles of the ROS is in providing managers and planners a framework within which they can consider the role of recreation within a complex human and resource system. It can facilitate purposeful thinking about the kinds of recreation provided, the location and relationship of these opportunities, and the kinds of complementarities and conflicts that exist among different opportunities as well as with different resource uses. The ROS also helps focus our attention on the fact that recreation is concerned primarily with producing experiences for people.

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.

The explicit nature of the ROS assists managers in identifying and, hopefully, 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. The explicit nature of the ROS helps pinpoint where conflicts might occur and their specific nature.

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 recreation opportunity provision."

Consistent with the 1986 ROS Red Book, a handbook titled Recreation Opportunity Setting as a Management Tool[14] describes that, "a recreation opportunity setting is defined as the combination of physical, biological, social, and managerial conditions that give value to a

[14] http://nstrail.org/carrying_capacity/ros_tool_1986.pdf

place… 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 or evidence of humans - 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 – 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…"

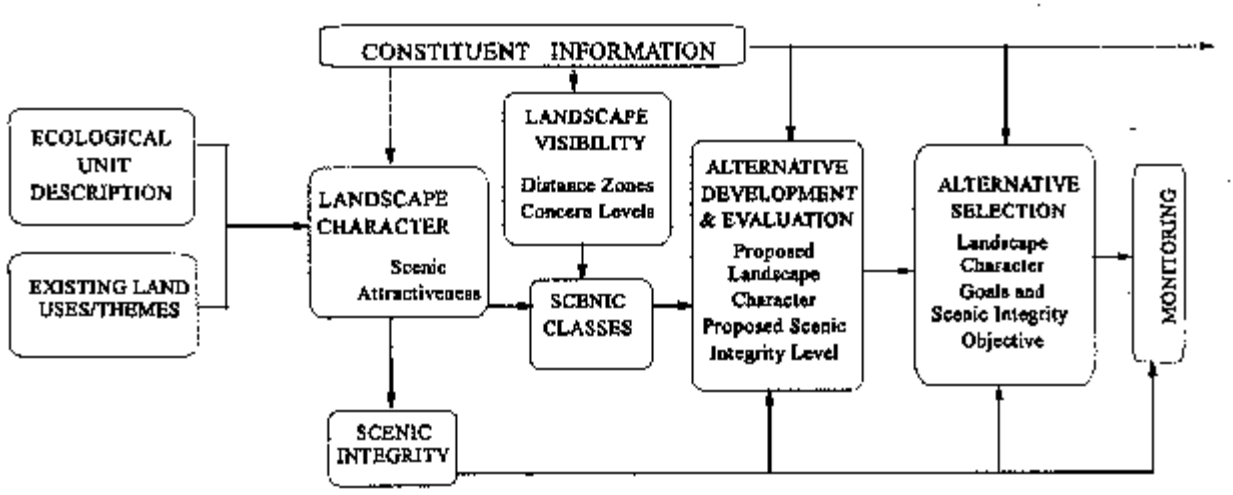
The Recreation Opportunity Spectrum provides a framework for stratifying and defining classes of outdoor recreation environments, activities, and experience opportunities. The settings, activities, and opportunities for obtaining experiences have been arranged along a continuum or spectrum divided into six classes: Primitive, Semi-Primitive Non-Motorized, Semi-Primitive Motorized, Roaded Natural, Rural, and Urban. Non-recreation uses conflict with opportunities at the primitive end of the spectrum and their associated experiences, such as solitude and naturalness. The lasting effects of an activity (e.g., roads, mines, timber production) as well as short-term effects (e.g., logging trucks, noise) are also important. Impacts on wildlife habitat are a major concern. These impacts can stem from physical alteration of wildlife habitat or from habitat modification caused by recreationists that leads to species displacement. At the primitive end of the ROS, where naturalness is a key part of the setting, maintaining the natural behavior and existence of fish and wildlife populations is important…

Where 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…

How are ROS setting inconsistencies addressed in providing for desired settings along the 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 guidelines. For example, the condition of the indicators for the National Trail corridor may all be consistent with its

management as a semi-primitive non-motorized area with the exception of 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 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 guidelines established for the desired ROS class. The main point to be understood with regard to 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."

**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 flow chart below outlines the Scenery Management System processes.



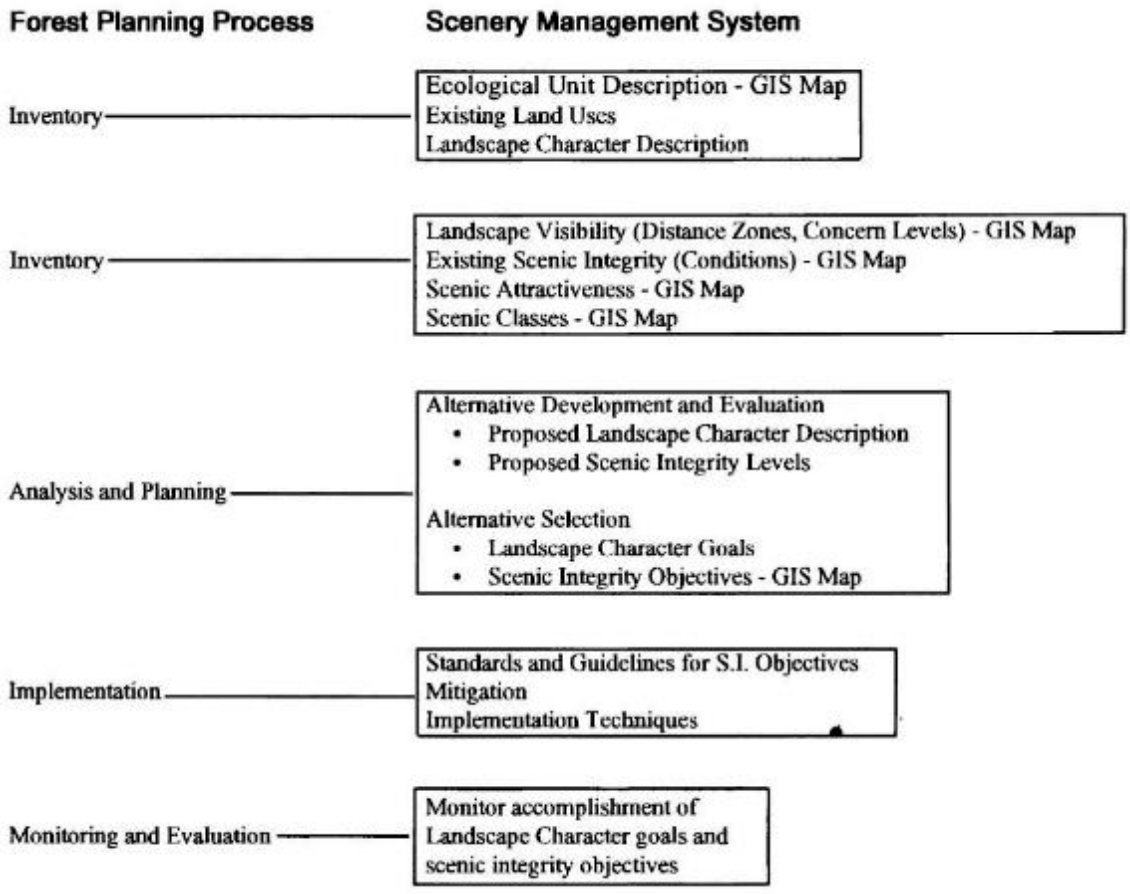

There are several over-arching concepts of the SMS that facilitate the inclusion and integration of scenery resources with planning efforts. The SMS is grounded in an ecological context; recognizes valued aspects of the built environment; and incorporates constituent input about valued features (biophysical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

Scenic Attractiveness (ISA) classes are developed to determine the relative scenic value of lands within a particular 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 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 relative 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 levels, long- and short-term, are identified for each option and alternative. Upon adoption of a plan, the Landscape Character Description becomes a goal and the Scenic Integrity levels become Scenic Integrity Objectives. Subsequent plan implementation will include monitoring of both long- and short-term goals and objectives for scenery management.

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.[15]

Scenic integrity is defined as the degree of direct human-caused deviation in the landscape, such as road construction, timber harvesting, 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.

**Scenery Management System and the Recreation Opportunity Spectrum 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 describes that:

"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.

[15] Described in Landscape Aesthetic Handbook.

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 'unnatural' disturbance of landscape features…

Although the ROS User's Guide mentions the need for establishing a value for different landscapes and recreation opportunities within a single ROS class in the attractiveness overlay, there is currently no systematic approach to do so. For instance, in most ROS inventories, all lands that are classified semi-primitive non-motorized are valued equally. Some semi-primitive non-motorized lands are more valuable than other lands because of existing scenic integrity or scenic attractiveness. The Scenery Management System provides indicators of importance for these in all ROS settings. Attractiveness for outdoor recreation also varies by the variety and type of activities, experiences, and benefits possible in each setting…

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 'modification' or 'maximum modification,' 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…) 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."

The following exhibit displays the relationship between ROS class and Scenic Integrity Objectives (Landscape Aesthetics Handbook).

| **Scenic Integrity Objectives** | | | | | |
|---|---|---|---|---|---|
| ROS Class | Very High | High | Moderate | Low | Very Low |
| Primitive | Norm | Inconsistent | Unacceptable | Unacceptable | Unacceptable |
| Semi-Primitive Non-Motorized | Fully Compatible | Norm | Inconsistent | Unacceptable | Unacceptable |
| Semi-Primitive Motorized | Fully Compatible | Fully Compatible | Norm[16] | Inconsistent | Unacceptable |
| Roaded Natural-Appearing | Fully Compatible | Norm | Norm | Norm[17] | Inconsistent[18] |
| Rural | Fully Compatible | Fully Compatible | Norm | Norm[17] | Inconsistent[18] |
| Urban | Fully Compatible | Fully Compatible | Fully Compatible | Fully Compatible | Not Applicable |

Evidence of Humans Criteria and the Visual Management System – 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—Table 5… To assist in this, the Evidence of Humans Criteria are purposely

[16] Norm from sensitive roads and trails.
[17] Norm only in middleground-concern level 2, where Roaded Modified subclass is used.
[18] Unacceptable in Roaded Natural-Appearing and Rural where Roaded Modified subclass is used. It may be the norm in a Roaded Modified subclass.

worded differently than the definitions of Visual Quality Objectives." (Table 5 is found in the 1982 ROS Users Guide on page 22 and in the 1986 ROS Red Book on page IV-10)

Table 5

| Evidence of Humans Criteria | | | | | |
|---|---|---|---|---|---|
| Primitive | Semi-Primitive Non-Motorized | Semi-Primitive Motorized | Roaded Natural | Rural | Urban |
| Setting is essentially an Unmodified natural environment. Evidence of humans would be unnoticed by an observer wandering through the area. | Natural setting may have subtle modifications that would be noticed, but not draw the attention of an observer wandering through the area. | Natural setting may have moderately dominant alterations, but would not draw the attention of motorized observers on trails and primitive roads[19] within the area. | Natural setting 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 alterations would remain unnoticed or visually subordinate. | Natural setting is culturally modified to the point that it is dominant to the sensitive travel route observer. May include pastoral, agricultural, intensively managed wildland resource landscapes, or utility corridors…. | Setting is strongly structure dominated. Natural or natural-appearing elements may play an important role but be visually subordinate…. |
| Evidence of trails is acceptable, but should not exceed standard to carry expected use. | Little or no evidence of primitive roads and the motorized use of trails and primitive roads. | Strong evidence of primitive roads and the motorized use of trails and primitive roads. | There is strong evidence of designed roads and/or highways. | There is strong evidence of designed roads and/or highways. | There is strong evidence of designed roads and/or highways and streets. |
| Structures are extremely rare. | Structures are rare and isolated. | Structures are rare and isolated. | Structures are generally scattered, remaining visually subordinate or unnoticed to the sensitive travel route observer…. | Structures are readily apparent and may range from scattered to small dominant clusters…. | Structures and structure complexes are dominant…. |

[19] "Primitive roads" are not constructed or maintained, and are used by vehicles not primarily intended for highway use (1982 User Guide and 1986 ROS Red Book).

**Suggested Remedies that would Resolve the Objection:** Recreation Opportunity Spectrum and Scenery Management System official protocols need to be followed when developing land management plans and resource plans. Also, see Section VII of this objection.

**Violation of law, regulation or policy**: 40 CFR § 1502.24.

**Connection with Comments**: Handbook at 13, 24-31, 49-51, 59-61, and 63-65. New information in the MFEIS and Specialist Reports.

## Legal and Regulatory Requirements and Scenery

The MFEIS on page 384 discusses legal and regulatory requirements stating that, "The environmental analysis documented in the LaVA final environmental impact statement is tiered (sic) to the 2003 Medicine Bow forest plan. A forest plan consistency analysis was completed for all alternatives to determine their consistency with forestwide, geographic area, and management area direction and standards and guidelines… The analysis revealed the modified proposed action conforms to all forest plan standards. As indicated previously, however, there may be instances where deviations from forest plan guidelines related to wildlife security areas may be necessary. As required by this decision, any deviations from forest plan guidelines will be addressed, documented, and disclosed during the design of individual treatments, in accordance with appendix A, the adaptive implementation and monitoring framework. There may also be apparent changes to scenery in some areas. However, the overall effects of the modified proposed action on scenery would remain within the forest plan standard of a moderate scenic integrity objective in the foreground of the trail. Design features 4, 7, 8, and 9 would minimize impacts to scenery along the trail to ensure this standard is met… The no-action alternative conforms to all forest plan standards and guidelines."

**Issue and Statement of Explanation:** Scenic Resources objective and design features on page 63 of Appendix A do not address reducing impacts to the scenery along the "trail." The reference to design features 4, 7, 8, and 9 are misdirected. The recreation design features on pages 56 and 57 do not relate to scenery.

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

**Violation of law, regulation or policy:** 16 U.S.C. § 1246(c), 40 CFR §§ 1502.24, 1508.20

**Connection with Comments:** Comments at 1 and 3. Handbook at 66. New Information in MFEIS Appendix A.

### CDNST Legal and Regulatory Requirements

The MFEIS on page 389 states that, "National Trails System Act - The decision to implement the authorized road and vegetation treatment activities does not substantially

interfere with the nature and purposes of the Continental Divide National Scenic Trail and, therefore, is compliant with the National Trails System Act, as amended.

**Issue and Statement of Explanation**: As described in the above DROD explanation, the determination that the decision "will not substantially Interfere with the nature and purpose of the CDNST" is not supported by the MFEIS analyses and disclosure. The MFEIS describes in the glossary states that, "National Trails System Act - The decision to implement the authorized road and vegetation treatment activities does not substantially interfere with the nature and purposes of the Continental Divide National Scenic Trail and, therefore, is compliant with the National Trails System Act, as amended." However, the rationale for this statement is not apparent from a review of the MFEIS. Clearly, MFEIS analysis of substantial interference is not supported by an assessment that is consistent with the National Trails System Act, CDNST Comprehensive Plan, ROS planning framework, Scenery Management System, CEQ requirement for methodology and scientific accuracy, and related directives.

The Draft ROD and MFEIS if approved would allow for the CDNST travel route to be closed annually for the next 15 years substantially degrading the experiences of users of the CDNST travel route. The decision would lead to management actions that would substantially degrade High and Very High Scenic Integrity Levels by modifying landscapes to a Low Scenic Integrity level. Further implementation of the Roaded Modified ROS setting direction would substantially interfere with the purposes for which the CDNST was designated by an Act of Congress.

The nature and purposes of the CDNST is only mentioned in the MFEIS under the heading "Legal and Regulatory Compliance" stating, "National Trails System Act – The decision to implement the authorized road and vegetation treatment activities does not substantially interfere with the nature and purposes of the Continental Divide National Scenic Trail and, therefore, is compliant with the National Trails System Act, as amended." Concerns are further addressed in the following review of the MFEIS.

The MFEIS if implemented would allow for the CDNST travel route to closed to visitor use annually for the next 15 years, not protect ROS desired Semi-Primitive Non-Motorized settings, degrade Natural Evolving landscape character to an Agriculture landscape, and result in a scenic integrity level of low. Each of these impacts would be a substantial interference to the nature and purposes of the CDNST.

**Suggested Remedies that would Resolve the Objection:** The CDNST management corridor as depicted in **Appendix C** should be removed from the decision further modifying the proposed action. The ROD should clearly describe that it is not the intent of the decision to preclude the

falling, harvesting, and removal of hazard trees that may fall on a road or trail, including the removal of hazard trees that are adjacent to the CDNST travel route.

**Violation of law, regulation or policy:** 16 U.S.C. § 1246(c), CDNST Comprehensive Plan, FSM 2353.44b(2).

**Connection with Comments:** New information in the DROD. Comments at 2 and 3. Handbook at 5, 7, 9-12, 19, 22, 26, 27, 30, 32-34, 39, 46, 50, 51, 64-66.

## Glossary

The MFEIS glossary describes that, "National Trails System Act - The decision to implement the authorized road and vegetation treatment activities does not substantially interfere with the nature and purposes of the Continental Divide National Scenic Trail and, therefore, is compliant with the National Trails System Act, as amended." In addition, the glossary states that, "Conservation - The management of a renewable natural resource with the objective of sustaining its productivity in perpetuity while providing for human use compatible with sustainability of the resource. For a forest, this may include managed periodic cutting and removal of trees followed by regeneration."

**Issue and Statement of Explanation**: Glossary definitions are not always consistent with official definitions, which contributes to the vagueness of the disclosures and direction found in the MFEIS. For example, the MFEIS is definition of conservation is not consistent with the Planning Rule that defines conservation as, "The protection, preservation, management, or restoration of natural environments, ecological communities, and species."

**Suggested Remedies that would Resolve the Objection:** Ensure that the definitions and terms used in the EIS are identical to the definitions found 36 CFR § 219 and the glossary of Landscape Aesthetics—A Handbook for Scenery Management. In addition, See Section VII of this objection.

**Violation of law, regulation or policy**: 40 CFR § 1502.24.

**Connection with Comments**: Handbook at 25, 53, and 64.

# IV. Project Design Features

## Adaptive Implementation

The MFEIS on page 6 of Appendix A that, "Appendix A, the adaptive implementation and monitoring framework, documents the process for identifying, designing, refining, implementing, and monitoring individual treatment activities on the Snowy Range and Sierra Madre mountain ranges of the Medicine Bow National Forest over the next 15 years, as analyzed in the LaVA Project modified final environmental impact statement and as authorized

by the LaVA Project record of decision. The appendix is meant to be a dynamic document in that it may be updated periodically as we learn more through collaborative design, implementation, and monitoring of individual treatments during the 15-year treatment authorization period. All updates to Appendix A will be made in collaboration with cooperating agencies and the public and will be posted to the LaVA Project Website, as described on pages 17-18 of this Appendix.

Appendix A is an essential component of the LaVA Project. It provides the sideboards and constraints for the design of individual treatments; mechanisms for accountability, tracking, decision-making, and documentation; and a framework to assure active public and cooperating agency engagement throughout the 15-year implementation and monitoring period. The public and cooperating agencies were instrumental in the development of the LaVA Project final environmental impact statement and record of decision, and continued participation is essential to successful LaVA Project implementation."

**Issue and Statement of Explanation**: Adaptive management is an "if this… then that" approach. If "this" condition exists (in this example for two consecutive years), then "that" action would be taken (in this case a suite of actions, with an ultimate limit on group sizes and campsite closures). To automatically authorize one or more of the actions proposed to reduce the effects of human use, the environmental impacts of those actions must be addressed in the authorizing NEPA document. The Forest Service describes, "The proposed action and one or more alternatives to the proposed action may include adaptive management. An adaptive management proposal or alternative must clearly identify the adjustment(s) that may be made when monitoring during project implementation indicates that the action is not having its intended effect, or is causing unintended and undesirable effects. The EIS [or EA] must disclose not only the effects of the proposed action or alternative but also the effect of the adjustment. Such proposal or alternative must also describe the monitoring that would take place to inform the responsible official during implementation whether the action is having its intended effect."

The MFEIS is programmatic with no site-specific decisions. Therefore, there are no specific actions to be modified through an adaptive management framework. The MFEIS fails to provide sufficient information for informed public input. However, the MFEIS does discuss the extent of changed conditions that were not addressed in the Forest Plan FEIS. As such, the LaVA project FEIS should have supplemented and not tiered to the Forest Plan FEIS. Design features do not substitute for Forest Plan desired conditions, standards, guidelines, and suitability determinations that address changed conditions and new information. Forest Plan direction must include components to restrain actions that would substantially interfere with the nature and purposes of the CDNST and be adopted through EIS processes. The identified Design features would allow for the CDNST travel route to closed to recreationists annually for the next 15 years and while not ensuring that any hazard trees along the CDNST travel route

will be addressed. Adaptive management actions are not ripe for use within the CDNST corridor.

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

**Violation of law, regulation or policy:** 40 CFR §§ 1502.9, 1502.16; 36 CFR § 219.13(a); 16 U.S.C. § 1246(c).

**Connection with Comments:** New information in MFEIS Appendix A.

## Supplemental Information Report

The MFEIS on page 19 of Appendix A states that, "Forest Service policies for implementing regulations under the National Environmental Policy Act outline procedures for reviewing actions when new information or changes occur and should be considered for correction, supplementation, or revision (Forest Service Handbook 1909.15, section 18).

Ground conditions and analysis assumptions may change over the 15-year treatment authorization period for the LaVA Project. Changes that are deemed substantive may require completion of a supplemental information report under the National Environmental Policy Act to determine if the changed conditions are within the scope of the LaVA Project modified final environmental impact statement, the Record of Decision, and the Forest Plan.

If changed conditions occur during LaVA Project implementation, and they are outside of the existing analysis, a supplemental information report will be developed to document whether a correction, supplement, or revision to the modified final environmental impact statement or Appendix A is needed…."

**Issue and Statement of Explanation:** See explanation found in the DROD section.

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

**Violation of law, regulation or policy:** 40 CFR §§ 1502.9 – Supplementing the Forest Plan FEIS.

**Connection with Comments:** New information in MFEIS Appendix A.

## Project Design Features

The MFEIS on page 56 of Appendix A states that, "Project design features were developed to conserve and protect area resources during implementation of the LaVA Project. The majority of the design features were derived and adapted from forest plan standards and guidelines, the Region 2 Watershed Conservation Practices Handbook, national core best management practices for water quality management on National Forest System lands, and best management practices developed by State of Wyoming personnel…

Recreation - Objective: Maintain or improve the condition of recreation resources while enhancing recreation opportunities by improving public safety and accessibility around recreation features.

Design Feature-4: Minimize overlaying skid trails/haul roads on nonmotorized system trails. If trails are used as skid trails and haul roads, they will be returned to pre-existing conditions. Trail widths will not be increased. (DF-REC-4)

Design Feature-5: When timber harvest activities preclude use of a nearby trail, a) notify the public; b) consider identifying timeframes for safe travel on the trail; c) if harvest is expected to preclude use for more than one season and a detour is feasible, provide a detour; and d) place warning signs on all trail access points and along the trail where treatment activities are occurring. (DF-REC-5)

Design Feature-7: To the maximum extent possible, alternate route(s) or detours will be used during treatment implementation to allow continued use of the Continental Divide National Scenic Trail and to mitigate scenery management impacts during vegetation management operations. (DF-REC-7)"

Design Feature-8: No skidding is allowed on or across the Continental Divide National Scenic Trail without prior coordination with the local recreation staff. Any skidding that is allowed on or across the trail will be located to limit damage to the trail and will be rehabbed back to pretreatment condition. (DF-REC-8)

In addition, on page 63 scenic resources are described stating that, "Objective: To provide high-quality scenery while allowing multiple-use management to occur. Design Feature-1 In all treatment areas, follow general direction and associated standards and guidelines in the "Visual Resource Management" section of the forest plan (pages 2-52 to 2-53). (DF-SCN-1)

Furthermore, on page 72 trails are discussed describing that, "Assess whether designated National Scenic, Historic, or Recreation Trails including existing routes and areas where potential re-routes may be implemented will be affected. Develop mitigations to limit effects to trails and scenic integrity, attach any additional design features to the implementation checklist… For treatments that may impact the Continental Divide National Scenic Trail, ensure no skidding occurs on the trail and provide alternate routes and/or detours as needed. (DF REC-4, DF REC-5, DF REC-8)"

**Issue and Statement of Explanation:** The development and establishment of Design Features did not follow Forest Plan amendment processes as described in law, regulations, and directives. Furthermore, they do not protect the CDNST nature and purposes qualities and values. The described National Scenic Trail design features fail to address CDNST desired conditions and site-specific concerns. As prescribed, design features would allow for the CDNST travel route to closed to visitor use annually for the next 15 years, degrade ROS desired

settings, degrade Natural Evolving and Natural-Appearing scenic character, and result in a scenic integrity level of low. Each of these impacts would be a substantial interference to the nature and purposes of the CDNST.

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

**Violation of law, regulation or policy:** 16 U.S.C. §§ 1604(f)(1), 1604(f)(4); 36 CFR § 219.13; and FSH 1909.12 part 21.3.

**Connection with Comments:** Comments at 1 and 3. Handbook at 66. New Information in MFEIS Appendix A.

## V. Public Comments

CEQ regulations 40 CFR § 1503.4(a)[20] describes the requirements for responding to public comments: "An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:

(1) Modify alternatives including the proposed action.
(2) Develop and evaluate alternatives not previously given serious consideration by the agency.
(3) Supplement, improve, or modify its analyses.
(4) Make factual corrections.
(5) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response."

**Issue and Statement of Explanation:** The FEIS fails to address the following substantive comments:

- The 2003 Forest Plan must be revised by 2018 (or ASAP) as envisioned by the National Forest Management Act (NFMA) to revise a Plan every 10 to 15 years. Revision is the appropriate place to address forest-wide changed conditions for designated areas and multiple-use programs and resources. The revised plan would establish programmatic direction for the next 10 to 15 years for the Medicine Bow National Forest. The LaVA project could be developed in concert with the revised plan to address site-specific project planning for elements of the envisioned LaVA vegetation management project as described in a revised plan implementation schedule.
- The Healthy Forests Restoration Act does not supplant the requirements of the National Forest Management Act. The changed conditions identified in the scoping notice clearly identify the need to revise the Medicine Bow Forest Plan ASAP, and as envisioned by

NFMA, following the processes described in FSH 1909.12. The actions described above must be greatly limited until plan revision is complete. In addition, any vegetation management project decision must be supported with site-specific analyses.

- Planning processes as described in the NFMA regulations and policy, NEPA CEQ regulations, the National Trails System Act as implemented through the CDNST Comprehensive Plan and policy, and other planning related laws and regulations would be the best and most defensible approach to prescribe management direction for the changed Medicine Bow National Forest landscape.
- This discussion suggests that the processes being proposed will be inconsistent with planning requirements found in directives FSH 1909.12 and NEPA 40 CFR §§ 1500-1508 and 36 CFR § 220.[20] The DEIS must clearly describe, using accepted planning terminology, how the planning team is following established planning processes. In addition, future discussions should describe the relationship between the proposed programmatic analyses and decisions, and the use of CEs to implement site-specific actions.
- The CDNST is not mentioned in the scoping document, but it should be noted that HFRA authorities are not applicable to the CDNST management corridor as depicted on the map in Appendix A [**Appendix C** in this objection]. The National Trails System Act, Section 7(c), does not necessarily prohibit, but does restrict the removal of vegetation to only those actions that would not substantially interfere with the nature and purposes of a National Scenic or Historic Trail. The action would need to be consistent with the CDNST Comprehensive Plan and related policies.
- The identification and selection of the rights-of-way 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, ROS class conditions, and carrying capacities will generally be based on analysis of the effects of the allowable uses and conditions of use on NST values that are included in the proposed action and each alternative in the NEPA document. This outcome is also a specific decision aspect of the proposed action or alternatives. Utilizing ROS and Scenery Management System will help ensure that NEPA assessments are systematic and accurately describe the affected environment and expected outcomes from each alternative. The level of precision or certainty of the effects can be guided by the CEQ regulations regarding the use of "methodology and scientific accuracy"[21] and the information needed to support a reasoned choice among alternatives.[22] Clearly

[20] 36 CFR Part 220 and 43 CFR Part 46 does not lessen the applicability of the CEQ 40 CFR Part 1500 regulations on National Forest System lands (36 CFR 220.1(b)).
[21] 40 CFR 1502.24
[22] 40 CFR 1502.22

document how the final decision is based on the best available science[23] or other relevant information needed to understand the reasonably foreseeable adverse effects of a choice between alternatives, the gaps in that information, and the rationale for why a reasoned choice between alternatives can be made at this time. In addition, substantial interference analyses and determinations need to be rigorous and be addressed as part of the cumulative impact analysis.[24]

- 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. Where the allowed non-motorized activities reflect the purposes for which the National Trail was established, the establishment of Primitive and Semi-Primitive Non-Motorized ROS classes and high and very high scenic integrity allocations would normally protect the nature and purposes (values) of a National Scenic Trail.
- Comprehensive plan requirements (16 U.S.C. § 1244(f)) for the CDNST are addressed through staged or stepped-down decision processes: (1) the 2009 Comprehensive Plan established broad policy and procedures including identifying the nature and purposes, (2) land management plans guide all natural resource management activities and establish management standards (aka thresholds) and guidelines for the National Forest System, provide integrated resource management direction for designated areas, and address programmatic planning requirements as described in the Comprehensive Plan (Chapter IV), and (3) mid-level and site-specific plans complete the comprehensive planning process through field-level actions to protect the corridor and then maintain or construct the travel route (FSM 2353.44b(2).
- Specific to the CDNST, the amended CDNST Comprehensive Plan (2009), FSM 2353.4 (2009), and FSH 1909.12 part 24.43 (2015) constituted new information (40 CFR § 1502.9(c)). The responsible official must review the new information and determine its significance to environmental concerns and bearing on current Forest Plan direction (FSH 1909.15 - 18). In regards to environmental documents for enacted Forest Plans, determine if Management Area (MA) prescriptions and plan components along the CDNST travel route and corridor provide for the nature and purposes of the CDNST (FSM 2353.42 and FSM 2353.44b(1)). If not, the plan should be amended or revised following the appropriate NEPA process to address the planning requirements of the NTSA (16 U.S.C. § 1244(5)(f) and FSM 2353.44(b)(1)). Furthermore, project proposals may bring the CDNST into the scope of a NEPA process and affect alternatives due to potential direct, indirect, and cumulative impacts of past actions and new proposals that may

[23] 36 CFR 219.3
[24] 40 CFR 1508.7

substantially interfere with the nature and purposes of the CDNST. This in turn could trigger the need for a land management plan amendment, and on National Forest System lands, the development of a CDNST unit plan.

**Suggested Remedies that would Resolve the Objection:** See Section VII of this objection.
**Violation of law, regulation or policy**: 40 CFR § 1503.4(a)
**Connection with Comments**: Comments, pages 1-3. Handbook, Chapters III and V.

## VI. Remedies to Improve the Decision

The responsible official could take the following steps to improve the LaVA project decisions and correct some of the NTSA, NFMA, and NEPA deficiencies. For the purpose of this project and addressing the following proposed remedies, the CDNST management corridor is depicted on maps in **Appendix C and D**.

- Display the location of the CDNST rights-of-way corridor and existing travel route in the LaVA project EIS, ROD, and implementation maps.
- Do not allow for the construction of roads (permanent and temporary) within the CDNST management corridor and established Semi-Primitive Non-Motorized ROS settings.
- Correct the MFEIS and DROD analyses to follow the Scenery Management System and Recreation Opportunity Spectrum planning frameworks and protocols as described or referenced in the FSH 1909.12 and FSM 2300 (WO Amendment 2300-90-1).
- Delete the DROD statement that, "The decision to implement the authorized road and vegetation treatment activities does not substantially interfere with the nature and purposes of the Continental Divide National Scenic Trail and, therefore, is compliant with the National Trails System Act, as amended." This determination is not supported by the MFEIS analysis and Scenery Management System and Recreation Opportunity Spectrum planning framework processes. The modified proposed action is inconsistent with the requirements of the National Trails System Act.
- Delete the Findings Required by Other Laws and Regulations CDNST statement that, "The decision to implement the authorized road and vegetation treatment activities does not substantially interfere with the nature and purposes of the Continental Divide National Scenic Trail and, therefore, is compliant with the National Trails System Act, as amended." The statement is not factual. The modified proposed action is inconsistent with the requirements of the National Trails System Act.
- The glossary definition of "conservation" should be deleted. Ensure that glossary definitions replicate those definitions found in 36 CFR § 219.19 and the Landscape Aesthetic Agriculture Handbook #701.

- Remove the following harvest units from the North Savory project selected action: Divide Peak (numbers 37, 41, 42, 44, 45, 46, 55, and 56) and East Side (number 253). This is not intended to preclude the harvest, removal, or other treatments of hazard trees that may fall on an NFS road, NFS trail, or permitted fence line.

I appreciate your consideration of the information and concerns addressed in this objection.

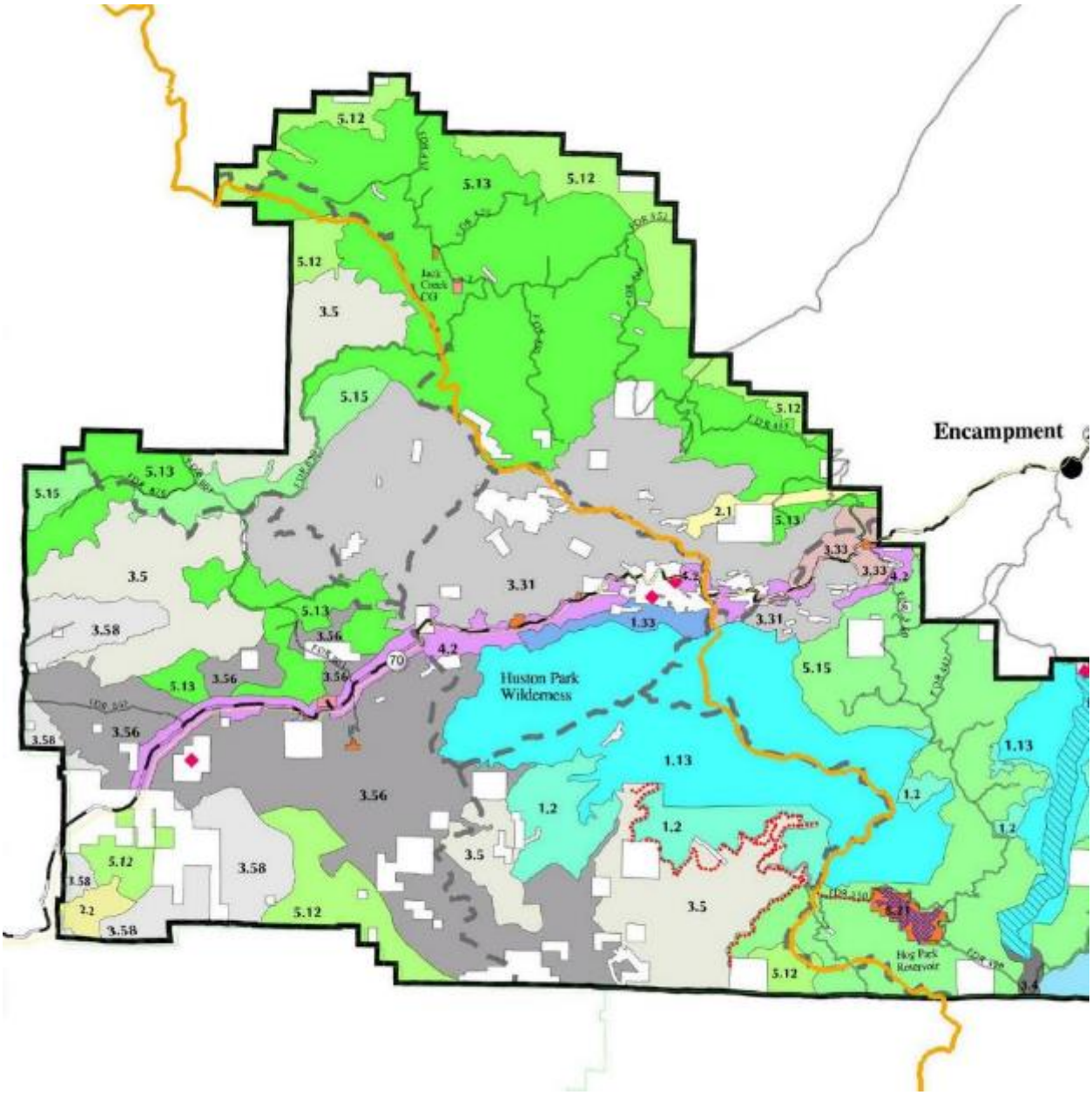
Sincerely,

Greg Warren[25]

Greg Warren

[25] Signature or other verification of authorship will be sent upon request.

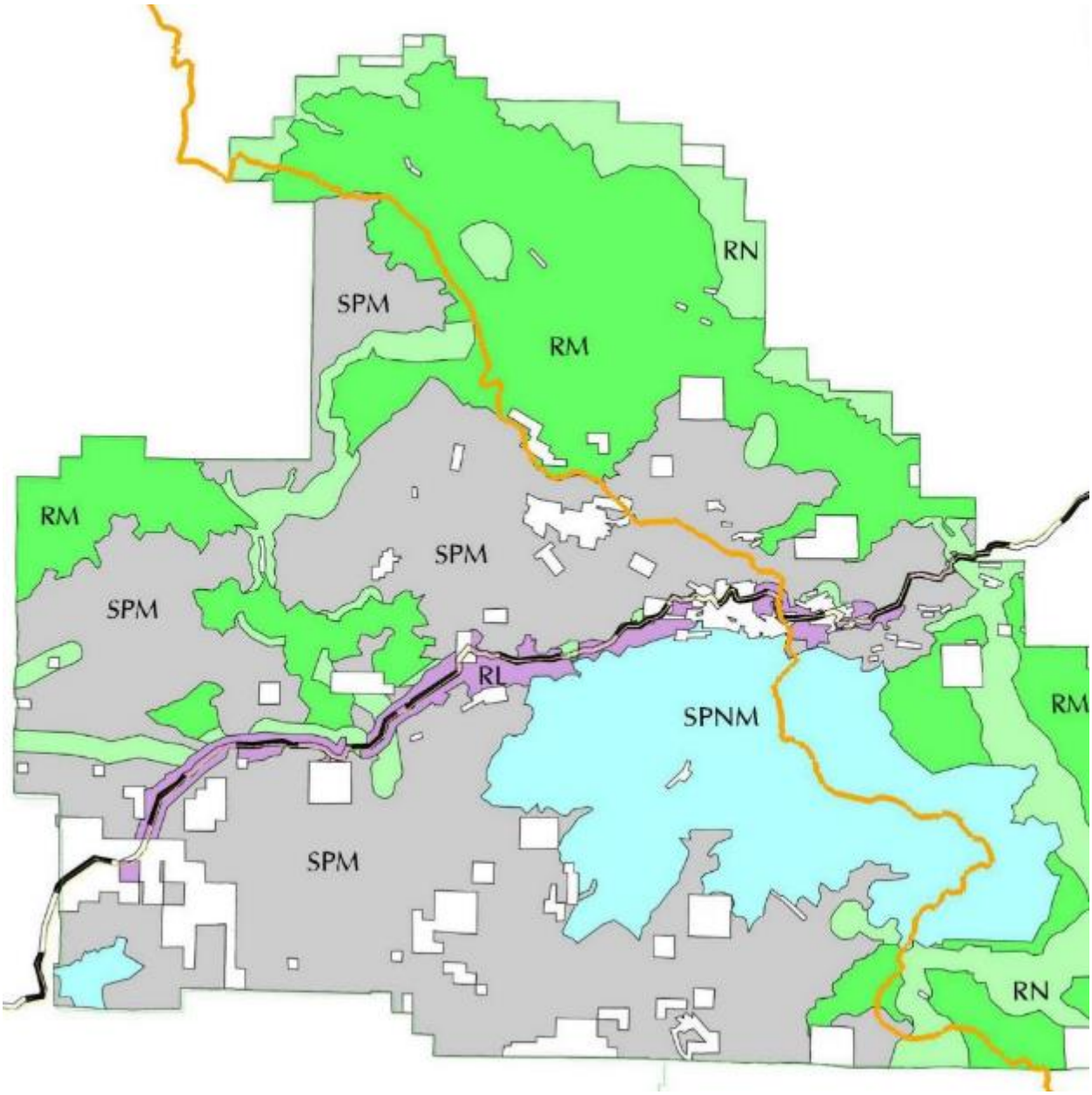
## Appendix A – Management Areas and CDNST Travel Route Map




CDNST Travel Route

MA 1.33 – Backcountry Recreation Summer Nonmotorized with Winter Snowmobiling
MA 5.12 – General Forest and Rangeland Vegetation Emphasis
MA 3.31 – Backcountry Recreation Year-round Motorized
MA 4.2 – Scenery
MA 5.13 – Forest Products

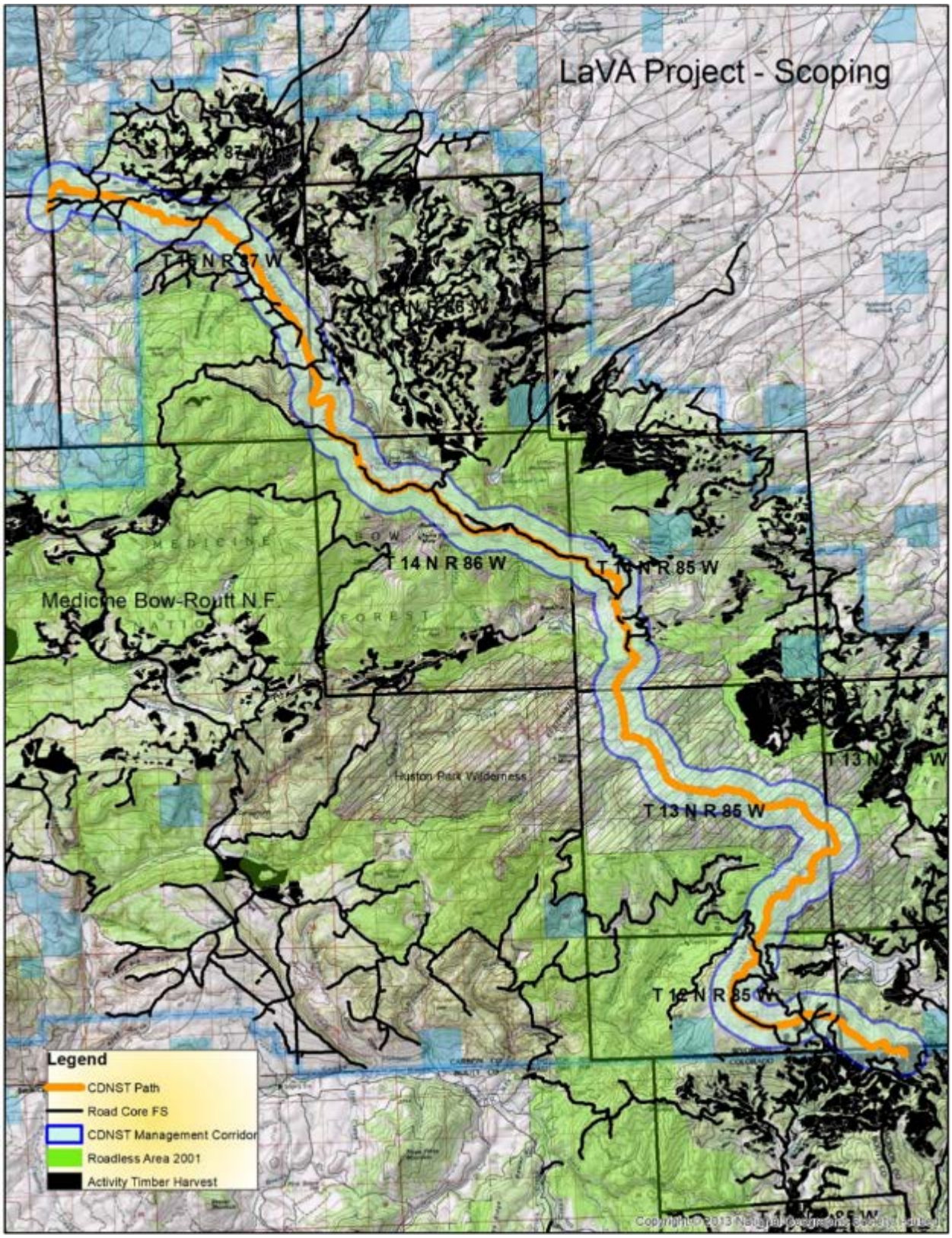
## Appendix B – Established ROS allocations and CDNST Travel Route Map



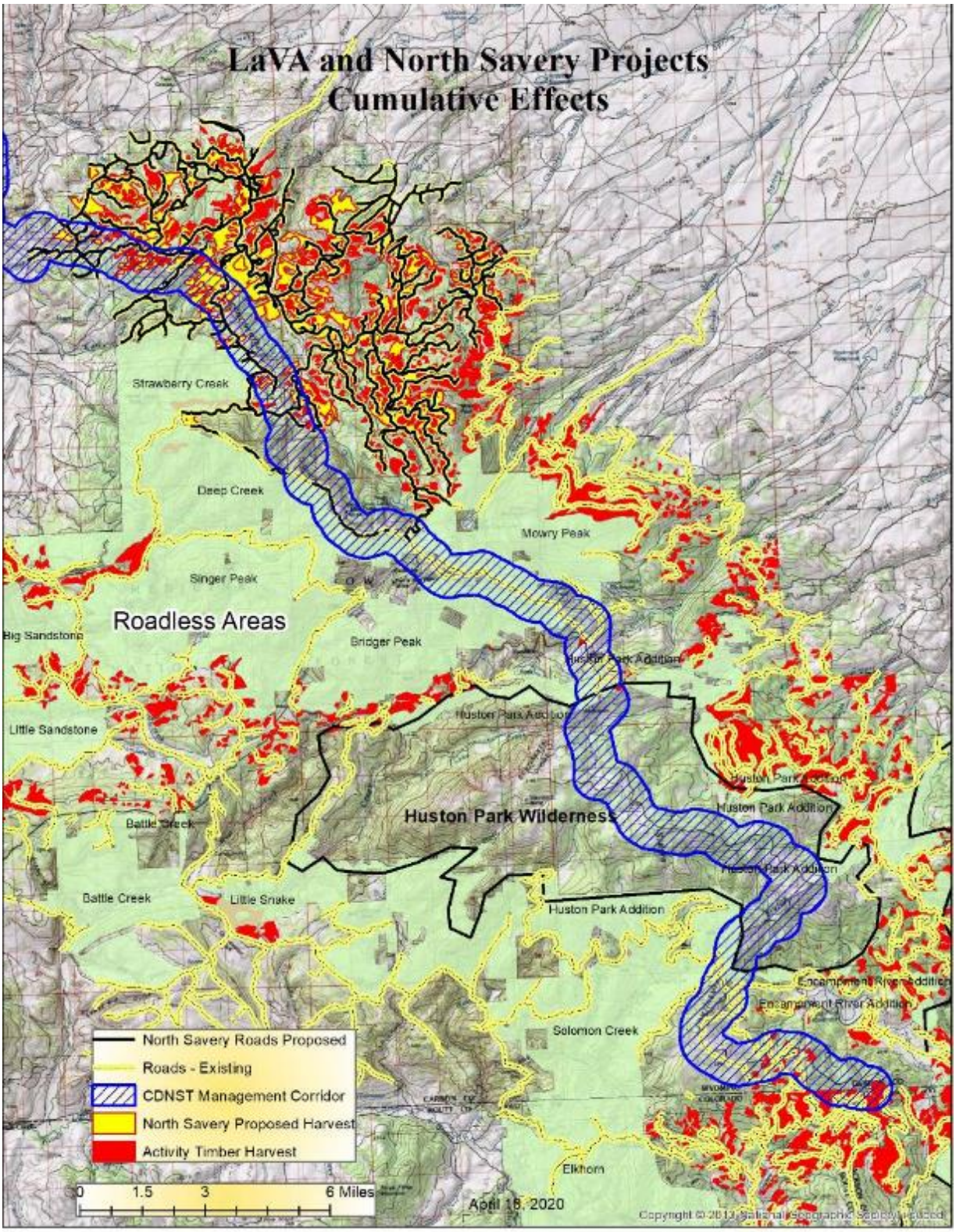

CDNST Travel Route

SPNM – Semi-Primitive Non-Motorized ROS Class –
SPM – Semi-Primitive Motorize ROS Class
RN – Road Natural ROS Class
RM – Roaded Modified ROS Class

## Appendix C – CDNST Corridor and Travel Route Map



## Appendix D – North Savery and LaVA Cumulative Effects Maps



**Appendix D – (Continued)**