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September 10, 2017

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**RE: EPA Notice: EIS No.
20170140, Draft, USFS, WY,
North Savery Project**

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North Savery DEIS Comments

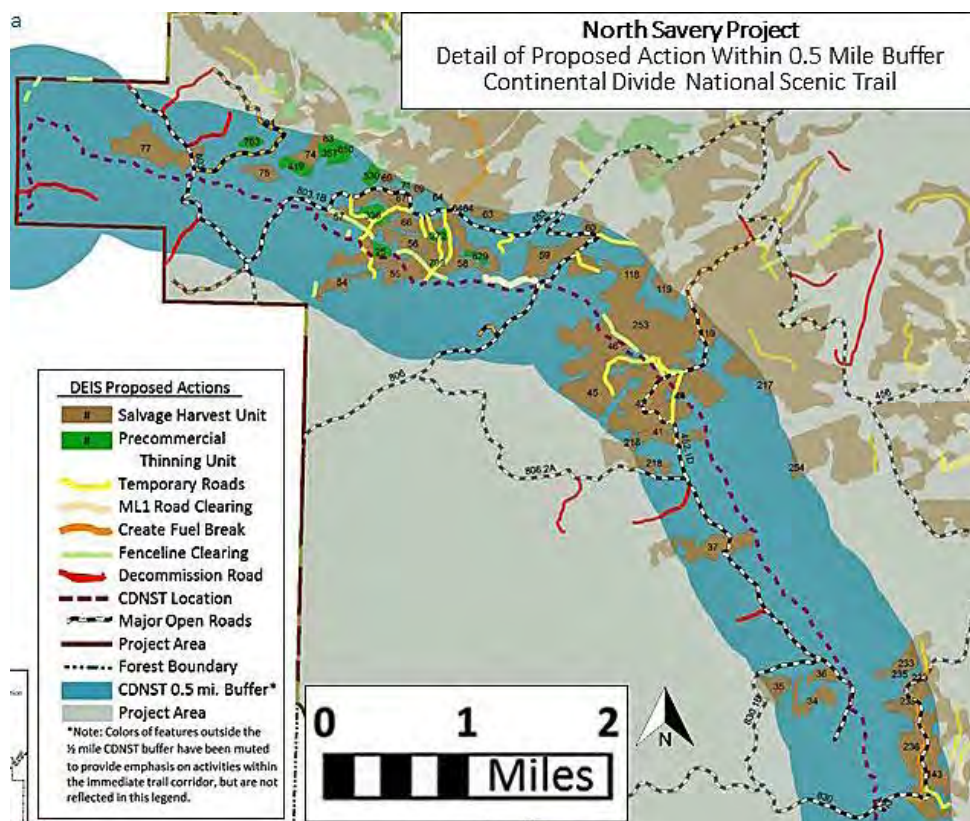
Contents – North Savery DEIS Comments

A. Introduction.....	3
B. CDNST Planning Handbook.....	3
C. Law, Regulation, and Policy	4
D. Healthy Forests Restoration Act.....	4
E. CDNST Comprehensive Plan	4
F. Continental Divide National Scenic Trail - Scenery.....	5
G. Continental Divide National Scenic Trail - Location	5
H. Continental Divide National Scenic Trail - Timber	6
I. Purpose and Need for Action	6
J. Unauthorized Routes.....	6
K. Maintain Recreation Experience and Scenic Integrity on the CDNST	6
L. Alternatives Considered but Eliminated from Detailed Study.....	7
M. Comparison of Alternatives.....	7
N. Direct and Indirect Effects – No Action.....	7
O. Direct and Indirect Effects – Modified Proposed Action	8
P. Cumulative Effects of the Modified Proposed Action	8
Q. Forest Plan Consistency – Modified Proposed Action	8
R. Environment Consequences – CDNST - ROS	9
S. Environment Consequences – CDNST - Downfall.....	9
T. Environment Consequences – CDNST - Timber.....	9
U. Recommendations to Improve the Planning of the Project Area	10
Appendix A – CDNST Management Corridor.....	11

Dear Ms. Guenther,

The following North Savery DEIS comments are primarily related to the Continental Divide National Scenic Trail (CDNST) with suggestions on how the EIS and project may be improved. Scoping comments submitted on January 22, 2016, described that, “the Forest health and public safety issues are acute within the North Savery project area so some immediate management action is warranted. However, vegetation management actions must not substantially interfere with the natures and purposes of the CDNST.” The scoping comments also described CDNST planning considerations and requirements.

What is a National Scenic Trail? The Bureau of Land Management has established policy direction in directive MS-6280 for National Landscape Conservation Areas, including providing direction for the proper management of National Trails. The following is the definition of a National Scenic Trail from this directive that provides context for many of the discussions in these comments: A National Scenic Trail is, “A continuous, long-distance trail located on the ground by the land-managing agency along the congressionally designated route, in coordination with the trail administering agency. A National Scenic Trail provides maximum compatible outdoor recreation opportunity and conservation and enjoyment of the nationally significant scenic, historic, natural, and cultural resources, qualities, values, and associated settings and the primary use or uses of the areas through which such trails may pass... National Scenic Trails include the tread, or the trail path, and the trail setting which is included within the National Trail Management Corridor....”



The following table discusses several sections of the DEIS and suggest ways that the DEIS and project can be improved.

Comment Title	Chapter Reference	Section Reference
A. Introduction		
<p>The Notice of Intent to prepare an EIS for the Medicine Bow Landscape Vegetation Analysis project describes that, “Mortality from the mountain pine beetle epidemic and other forest health concerns are visible almost everywhere on the Medicine Bow-Routt National Forests... The mountain pine beetle epidemic, other insect and diseases, changing weather conditions, and forest succession have created hundreds of thousands of acres of tree mortality in all forest types on the Brush Creek/Hayden and Laramie Ranger Districts. Natural regeneration is occurring, but the dead trees increase fuel loading, put communities at risk, and threaten other values including water collection and storage infrastructure, recreation opportunities, wildlife habitats and future timber production.” I would add that, “Extensive road construction and fire suppression has added to a complex management situation that must be addressed. Furthermore, amendments to the 2003 Forest Plan have not kept pace with new information and the changed conditions on the Medicine Bow National Forest.”</p> <p>The current Plan as amended does not address new National Trail information as found E.O. 13195, FSH 1909.12 24.43, and FSM 2353.44b. Revision is the appropriate place to address changed conditions for designated areas and multiple-use programs and resources. Planning processes to revise the 2003 Forest Plan should be initiated ASAP, since the intent of the NFMA is to revise the Plan every 10 to 15 years. However, a project specific amendment may be necessary if vegetation management proposals within the CDNST corridor are to proceed prior to revision.</p> <p>The decision authority to approve actions that affect the CDNST corridor rests with a Forest Supervisor and cannot be delegated to a District Ranger (FSM 2353.04i).</p>		
B. CDNST Planning Handbook		
<p>The CDNST Planning Handbook Attachment includes discussions that supplement and clarifies agency planning processes:</p> <p>Chapter I. Introduction..... 3</p> <p>Chapter II. Nature and Purposes of the CDNST 5</p> <p> A. Trails for America..... 5</p> <p> B. National Trails System Act 5</p> <p> D. CDNST Study Report 6</p> <p> F. Public Involvement in the Formulation of Comprehensive Plan Policy..... 7</p> <p> G. Nature and Purposes Policy..... 9</p> <p>Chapter III. Land Management Planning 9</p> <p> A. Introduction 9</p> <p> B. Publication of Rights-of-Way 11</p> <p> C. Development and Management..... 12</p> <p> D. CDNST Comprehensive Planning 21</p> <p> F. Scenery Management System and Recreation Opportunity Spectrum Relationship..... 28</p>		

H. Substantial Interference	31
I. Forest Service Planning Considerations.....	32
M. Establishing the CDNST Travel Route (1989 – 1998).....	39
Chapter V. Comprehensive Planning Relationship to NEPA	59
A. Relationship of NEPA to Comprehensive Planning	60
B. Establishment of the Purpose and Need for Action.....	61
C. Identify Proposed Actions and a Reasonable Range of Alternatives.....	62
D. Analyze the Effects of the Proposed Action and Alternatives	64
E. New Information, Monitoring, and Modifying Decisions	66
Chapter VII. Glossary.....	67

Comment Title	Chapter Reference	Section Reference
C. Law, Regulation, and Policy	Chapter 1	Page 5
<p>DEIS: The DEIS appropriately lists the 2003 Forest Plan, as amended; 2001 Roadless Area Conservation Rule, Travel Management Rule, CDNST Comprehensive Plan; and 2003 Healthy Forest Restoration Act, as amended; as authorities.</p> <p>Issue: Importance planning guidance should be specifically identified.</p> <p>Recommendation to Improve the EIS: I recommend that the FEIS also identify, discuss, and implement the guidance in E.O. 13195, FSH 1909.12 24.43, and FSM 2353.44b.</p>		
D. Healthy Forests Restoration Act	Chapter 1	Page 10
<p>DEIS Statement: The DEIS describes, “The North Savery Project has been designed to use the authorities that the Healthy Forests Restoration Act includes to improve planning processes for hazardous fuel reduction projects on certain types of at-risk National Forest System and Bureau of Land Management lands....”</p> <p>Issue: The discussion doesn’t describe Healthy Forests Restoration Act (HFRA) implementation limitations.</p> <p>Recommendation to Improve the EIS: 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, <i>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.</i>; or (3)a Wilderness Study Area (16 U.S.C. 6512(d)(2)). The EIS should articulate the difference between a congressionally designated protected area and a designated area as related to the HFRA legislation.</p>		
E. CDNST Comprehensive Plan	Chapter 1	Page 15
<p>DEIS Statement: The DEIS states that, “...Scenic integrity objectives are to be achieved to the degree that they are consistent with the recreation opportunity spectrum through which the trail traverses....”</p>		

Issue: This direction is not found in the Comprehensive Plan. 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 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 very high scenic integrity allocations would normally protect the nature and purposes (values) of the CDNST.

Recommendation to Improve the EIS: Discuss in the EIS, that the Comprehensive Plan describes that “The CDNST is a concern level 1 travel route, and the scenic integrity objective is to be high or very high depending on the CDNST segment. The inventory will be performed as if the trail exists even in sections where it is proposed for construction or reconstruction.” Furthermore, the Comprehensive Plan states, “Manage the CDNST to provide high-quality scenic, primitive hiking and pack and saddle stock opportunities. Backpacking, nature walking, day hiking, horseback riding, nature photography, mountain climbing, cross-country skiing, and snowshoeing are compatible with the nature and purposes of the CDNST... Use the ROS system in delineating and integrating recreation opportunities in managing the CDNST....”

F. Continental Divide National Scenic Trail - Scenery

Chapter 1

Page 39

DEIS Statement: The DEIS describes, “The Forest Plan includes adopted scenic integrity objectives to achieve or maintain desired scenic condition and landscape character. The scenic integrity objectives for most of the North Savery project area are low or moderate, consistent with the timber production emphasis of management areas and the recreation opportunity spectrum. In the immediate foreground of the Continental Divide National Scenic Trail, scenic integrity objectives of high and very high have been adopted as from the Continental Divide National Scenic Trail Comprehensive Plan when compatible with the management context of the area.”

Issue: The CDNST Comprehensive Plan does not state, “...when compatible with the management context of the area.” Existing Forest Plan management prescriptions fail to address new information found in the 2009 Comprehensive Plan, FSM 2353.42 and 44b, and FSH 1909.12 24.43.

Recommendation to Improve the EIS: Amend or revise the Forest Plan to address National Trails System Act requirements.

G. Continental Divide National Scenic Trail - Location

Chapter 1

Page 39

DEIS Statement: The DEIS describes, “The current trail corridor is not regarded as the final trail location. Ideally the trail would be located in management areas more compatible with nonmotorized uses and that provide opportunities for recreation in a more natural-appearing environment. As the Continental Divide National Scenic Trail is further developed, it is expected that the trail will eventually be relocated off roads for its entire length (USDA Forest Service 2009). Decisions about the final location of the trail are not part of the decision to be made for the North Savery Project.”

Issue: The CDNST path and corridor are recognized as being established in the existing location until such time that a relocation is realized. The CDNST corridor should be managed to provide for Primitive or Semi-Primitive Non-Motorized settings, while addressing inconsistency to extent practicable. In 1997, Forest Service headquarters directed that, “As the Continental Divide National Scenic Trail is further developed, it is expected that the trail will eventually be relocated off roads for its entire length.”

Recommendation to Improve the EIS: The EIS must recognize the need to plan for and manage the existing CDNST path and corridor to provide for the nature and purposes of this National Scenic Trail in the location where it is currently located.		
H. Continental Divide National Scenic Trail - Timber	Chapter 1	Page 39
<p>DEIS Statement: The DEIS describes, “In the North Savery project area, the trail crosses Management Area 5.13, which has a recreation opportunity spectrum of roaded natural and roaded modified. Scenery along the trail is to meet the high to very high objective, which can be compatible with management activities when scenic integrity is addressed in design of the project.”</p> <p>Issue: Forest Plan desired conditions for MA 5.13 – Forest Products is incompatible and implementation of the direction would substantially interfere with providing for the nature and purposes of the CDNST.</p> <p>Recommendation to Improve the EIS: Avoid forest products and vegetation management activities within the depict CDNST corridor until such time that the Forest Plan is amended or revised to address the National Trails System Act as implemented through Executive Orders, the Comprehensive Plan, and policy.</p>		
I. Purpose and Need for Action	Chapter 1	Page 59
<p>DEIS Statement: The DEIS describes, “The modified proposed action is intended to optimize the intersection between actions that would address the purposes of the project, and connected actions that are needed to minimize the adverse impacts of forest conditions and management on watersheds, wildlife, and recreation.”</p> <p>Issue: Proposed project actions, including identifying a minimum road system, cannot be achieved without first amending or revising the Forest Plan to address the requirements of the National Trails System Act.</p> <p>Recommendation to Improve the EIS: Amend the Forest Plan to address the requirements of the National Trails System Act as implemented through Executive Order, Comprehensive Plan, and Policy.</p>		
J. Unauthorized Routes	Chapter 2	Page 77
<p>DEIS Statement: The DEIS describes, “Approximately 6 miles of unauthorized routes would be added to the designated minimum road system to improve the sustainability of the permanent road network.”</p> <p>Issue: Authorizing new routes within the CDNST corridor.</p> <p>Recommendation to Improve the EIS: Closing and restoring all unauthorized routes that are locate within the CDNST corridor would improve the proposed action.</p>		
K. Maintain Recreation Experience and Scenic Integrity on the CDNST	Chapter 2	Page 84
<p>DEIS Statement: The DEIS describes, “19 b. To the maximum extent possible, alternate route(s) or detours will be used during project implementation to allow continued trail use and to mitigate scenery management impacts during logging operations. 20. Continental Divide National Scenic Trail or alternate route or detour locations will be clearly signed and marked before, during, and after harvest activities to aid with implementing these measures:....”</p>		

<p>Issue: The effects of the proposed action substantial interfere with the nature and purposes of the CDNST. As such, the National Trails System Act restricts those activities within the CDNST corridor. In addition, distance zones are not consistent with those described by the Scenery Management System.</p> <p>Recommendation to Improve the EIS: Excise all timber and vegetation management actions within the CDNST corridor from the EIS and instead prepare a site-specific CDNST management plan for the area following appropriate non-HFRA processes (36 CFR 220 and FSM 2353.44b).</p>		
L. Alternatives Considered but Eliminated from Detailed Study	Chapter 2	Page 87
<p>DEIS Statement: The DEIS describes, “During project scoping, one commenter directly suggested an alternative that did not include vegetation treatments within ½ mile of the Continental Divide National Scenic Trail. The district ranger considered this proposal but determined it would not meet the purpose and need of the North Savery Project. Eliminating treatment in this area would eliminate an opportunity to reduce the amount of downed trees on the trail and to improve the safety by removing standing dead trees along the trail. It would also eliminate the opportunity to promote regeneration in areas affected by the mountain pine beetle, where standing dead trees are shading the understory and fallen dead trees are inhibiting regeneration and obstructing access for management. Alternatives considered in detail should be consistent with the Forest Plan as well as meet the project purpose and need, so this alternative was not carried forward for detailed analysis. The option to defer treatment in salvage units adjacent to the trail is available to the deciding official by selecting the no-action alternative for those units.”</p> <p>Issue: The National Trails System Act restricts vegetation management within the CDNST rights-of-way/corridor. As such, HFRA limitations are not applicable to the CDNST. The effects of the proposed action brings the CDNST into the scope of the project where reasonable alternatives must be considered in detail.</p> <p>Recommendation to Improve the EIS: After reviewing the DEIS, I support the notion that this project not include vegetation treatments within ½ mile of the CDNST route. However, a CDNST unit plan (FSM 2353.44b) needs to be developed ASAP to address the appropriate management of the CDNST corridor.</p>		
M. Comparison of Alternatives	Chapter 2	Page 91
<p>DEIS Statement: The DEIS describes, “Tree removal along the trail would improve navigation and safety. Managed areas along the trail would be unlikely to meet scenic integrity objectives of high to very high for 3 to 5 years after harvest. Scenic integrity would improve over time as understory vegetation obscured the evidence of timber salvage.”</p> <p>Issue: Due to the extent of the project, scenic integrity degradation for 3 to 5 years would be a substantial interference with the nature and purposes of the CDNST.</p>		
N. Direct and Indirect Effects – No Action	Chapter 3	Page 106
<p>DEIS Statement: The DEIS describes, “Annual trail maintenance would continue to treat portions of the trail one time during the season. Dead trees would fall after that clearing. In some years, trail navigation would be very tedious for hikers along many timbered stretches and riders would have a difficult time navigating some portions of the trail. Hikers and horseback riders would continue to have to navigate along the trail with tangles of downed trees from more than 15 years of mountain pine beetle Mortality in the lodgepole pine along the trail averages 80 to 90 percent and the trail is littered with trees blown over by wind.”</p>		

<p>Issue: The HFRA project EIS is not the last chance to develop meaningful site-specific management direction for the CDNST. No action would allow for the proposal to be developed that clearly provides for the nature and purposes of the CDNST. Regarding trail maintenance, other processes dictate the level of trail maintenance, including fire program costs, CMTL allocations to non-trail clearing programs, and regional budget allocation models.</p>		
O. Direct and Indirect Effects – Modified Proposed Action	Chapter 3	Page 106
<p>DEIS Statement: The DEIS describes, “These actions could also have significant, short-term impact on meeting scenic integrity objectives along affected portions of the trail. Where possible, natural features and topography would be used to screen areas of salvage and thinning from the trail, and characteristics of the trail corridor would meet the scenic integrity objectives of low and moderate. Specific design criteria for protection of the trail and the recreation experience are described in Chapter 2. For the first 3 to 5 years after harvest, the managed areas along the trail would be unlikely to meet scenic integrity objectives of high to very high. Impacts would decrease over time as sun and moisture allow regrowth of grasses and forbs, trees, and shrubs. The remainder of the proposed harvest treatments are located in roaded natural and roaded modified recreation opportunity spectrum classes. These classes allow visual impacts from the treatments. The majority of the proposed units in these two classes are not close to the trail and would have little if any negative impacts to it.”</p> <p>Issue: The actions substantial interfere with the nature and purposes of the CDNST. Visuals is addressed, but the analysis fails to recognize that the 2003 Forest Plan allocation fail to protect CDNST values. The Plan needs to be amended or revised using in part the ROS system in the planning of the CDNST corridor. ROS settings that are consistent with protecting trail values include Primitive and Semi-Primitive Non-Motorized settings.</p>		
P. Cumulative Effects of the Modified Proposed Action	Chapter 3	Page 13
<p>DEIS Statement: The DEIS describes, “Road construction and timber harvest on forested private lands, energy projects, and developments on residential lands, and limited mining and grazing activities will continue to occur. Fires originating on private lands will continue to present a significant threat to the project area. These impacts would create a more managed environment for through-hikers or visitors using segments of the trail at the north end of the Medicine Bow National Forest. The Continental Divide National Scenic Trail corridor through the North Savery project area would offer a respite from other portions of the trail still clogged with downfall. The user experience would be challenging, but hazards from overhead trees and circumnavigating downfall would be reduced for a more satisfying experience in this area.”</p> <p>Issue: Cumulative impacts should also describe the continued unmitigated Off Highway Vehicle use of the CDNST route/path. In addition, user experience must be described using ROS terminology with limited discussion of the need for better trail maintenance.</p>		
Q. Forest Plan Consistency – Modified Proposed Action	Chapter 3	Page 148
<p>DEIS Statement: The DEIS describes, “No Forest Plan amendment would be required to ensure project consistency with Forest Plan direction for management of recreation or scenic resources. Design criteria described in Chapter 2 were developed to address potential negative effects to the Continental Divide National Scenic Trail.”</p> <p>Issue: This statement may be true; however, the Forest Plan is inconsistent with the requirements of the National Trails System Act as implemented through Executive Order 13195, the CDNST Comprehensive Plan, and Policy.</p>		

R. Environment Consequences – CDNST - ROS	Chapter 3	Page 162
<p>DEIS Statement: The DEIS describes, “Land management agencies are to use the recreation opportunity spectrum system in delineating and integrating recreation opportunities in managing the Continental Divide National Scenic Trail. Where possible, it is best to locate the Continental Divide National Scenic Trail in primitive or semi-primitive nonmotorized recreation opportunity spectrum classes; provided the trail may have to traverse intermittently through more developed recreation opportunity spectrum classes to provide for continuous travel between the Canada and Mexico borders. In the North Savery area, the trail traverses more developed recreation opportunity spectrum classes based on its location near the divide.”</p> <p>Issue: The CDNST route and corridor when located on National Forest System lands does not normally have to traverse intermittently through more developed recreation opportunity spectrum classes. When drafting this language, these words were chosen carefully to address private lands, highway easements, and limited NFS lands arterial transportation needs.</p> <p>Recommendation to Improve the EIS: The CDNST corridor within the North Savery project area should be managed for a Semi-Primitive Non-Motorized setting. Restoration activities should occur to address the ROS setting inconsistencies that resulted from past management activities.</p>		
S. Environment Consequences – CDNST - Downfall	Chapter 3	Page 161
<p>DEIS Statement: The DEIS describes, “The existing condition along the Continental Divide National Scenic Trail in the proposed North Savery project area has 80 to 90 percent mountain pine beetle-killed standing and falling dead lodgepole pine trees. If there is funding, trail maintenance only allows cutting out logs or downed trees across the trail. After that one-time maintenance occurs, trees continue to fall and hamper use of the trail. Forest Service personnel have contacted hikers along National Forest System Road 801. The hikers are off the trail due to heavy downfall or unpassable segments along the trail. The concern of those hikers is not scenery, it is how to use the trail. Management of dead scenery is not addressed in the Continental Divide National Scenic Trail Comprehensive Plan, but safe travel is. The North Savery Project would promote safe travel over the long and short term and improved scenery over the long term. There would be short-term negative impacts to scenery with the proposed design criteria implemented in activity areas along the trail corridor.”</p> <p>Issue: The rationale presented for managing CDNST corridor for Roaded Modified or Rural class conditions is inconsistent with ROS planning principles and the requirement of 40 CFR 1502.24.</p>		
T. Environment Consequences – CDNST - Timber	Chapter 3	Page 161 - 162
<p>DEIS Statement: The DEIS describes, “All of the proposed timber treatments along the Continental Divide National Scenic Trail in the North Savery project are located in 5.13 Forest Products management areas. The Continental Divide National Scenic Trail is a concern level 1 travel route, and the scenic integrity objective is high or very high depending on the Continental Divide National Scenic Trail segment. Of the segments that run through the North Savery project area, approximately 2.1 miles is in semi-primitive motorized with the remaining in either roaded natural or roaded modified. Forestwide standards and guidelines for dispersed recreation have recreation opportunity spectrum guidelines. Forestwide recreation opportunity spectrum has one standard; to conduct managed activities to comply with the requirements of the adopted recreation opportunity spectrum class and the scenic integrity objective in the management area prescription. Management Area 5.13 Forest Products has the guideline for recreation to manage for a year-round recreation opportunity spectrum class of rural, roaded natural, semi-primitive motorized or, semi-primitive nonmotorized, as mapped. The guideline for scenery is to meet or exceed the scenic integrity objective of low.”</p>		

Issue: The 2003 Forest Plan direction is inconsistent the with the requirements of the National Trails System Act as implemented through Executive Order, the CDNST Comprehensive Plan, and Policy.		
U. Recommendations to Improve the Planning of the Project Area		
<p>Issue: The 2003 Forest Plan prescriptions are inconsistent with the National Trails System Act. The HFRA is not applicable to the CDNST management corridor since vegetation management is restricted by legislation. In addition, substantial timber and vegetation management actions within the describe CDNST corridor should only be considered after a CDNST corridor plan is approved (FSM 2353.44b). The Modified Proposed Action would substantially interfere with the nature and purposes of the CDNST. The NTSA, section 7(c), describes that, “National scenic or national historic trails may contain campsites, shelters, and related-public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail.”</p> <p>Planning Recommendations to Improve the Management of the CDNST:</p> <ul style="list-style-type: none"> • Recognize that HFRA processes are not applicable to NFS lands within the CDNST corridor. • No Action should be selected as related to the proposed timber and vegetation management actions that are within the extent of the CDNST corridor as depicted in Appendix A. • Close and reclaim unauthorized travel routes and ensure that motor vehicle use is consistent with the CDNST Comprehensive Plan direction. • Amend or Revise the Forest Plan to address the requirements of the National Trails System Act is implemented through Executive Order 13195, the CDNST Comprehensive Plan, and National Trail FSM and FSH requirements. In the interim, only implement projects of limited scope to address deadfall on the CDNST route/path. 		

Thank you for considering these comments.

Greg Warren

NSTrail.org

Attachment – CDNST Planning Handbook

[illegible]

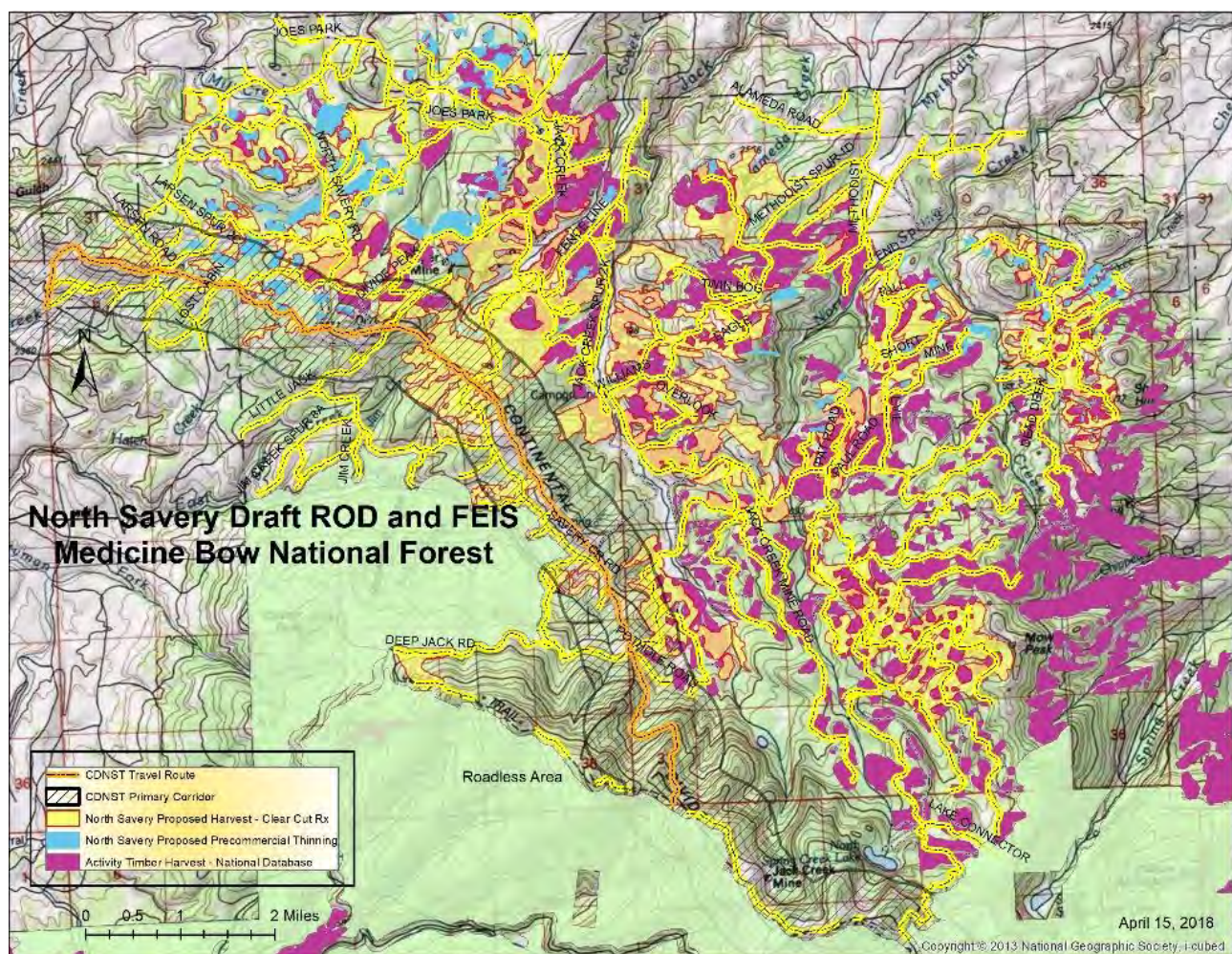
Objection Reviewing Officer
Rocky Mountain Regional Office
USDA Forest Service
1617 Cole Blvd. Building 17
Lakewood, CO 80401

April 22, 2018

r02admin-review@fs.fed.us - Delivery Receipt Requested

Subject: North Savery Project - <https://www.fs.usda.gov/project/?project=47913>

**Objection to the Draft Record of Decision and FEIS for the
North Savery Project, Medicine Bow National Forest**



North Savery Landscape – Past and Proposed Actions

North Savery Objection Contents

I. Notice of Objection.....	3
II. Statement of Issues – Final Environmental Impact Statement	3
A. Introduction	3
B. Background Supporting Objection	4
C. Healthy Forests Restoration Act	5
D. Travel Management Rule.....	6
E. Purpose and Need for Action	7
F. Affected Environment	7
G. Proposed Action and Alternatives	10
H. Environmental Consequences	12
III. Observations on Forest Service Responses to DEIS Comments	17
A. Laws, Regulations, and Policy	18
B. Healthy Forests Restoration Act	18
C. CDNST Comprehensive Plan.....	19
D. CDNST – Scenery, Location, and Timber.....	20
E. Purpose and Need for Action	20
F. Closing Unauthorized Routes	21
G. Affected Environment – CDNST	21
H. Alternatives Considered but Eliminated from Detailed Study.....	22
I. Comparison of Alternatives.....	22
J. Direct and Indirect Effects – No Action.....	22
K. Direct and Indirect Effects – Modified Proposed Action.....	23
L. Cumulative Effects of the Modified Proposed Action	24
M. Forest Plan Consistency – Modified Proposed Action	24
N. Environment Consequences – CDNST – ROS, Downfall, and Timber	24
O. Recommendations to Improve the Planning of the Project Area	25
IV. Statement of Issues – Draft Record of Decision.....	25
Legal and Regulatory Compliance	26
V. Summary of Suggested Remedies to Improve the Decision	26
Appendix A – Display of Draft ROD Selected Actions	28
Appendix B – Display of Actions Modifications to address CDNST Scenery, ROS, and Roads Concerns.....	29
Appendix C – Display of Draft ROD Actions – Scenery and ROS Setting Concerns.....	30

I. Notice of Objection

This is Notice of Objection filed pursuant to Title 36 CFR Part 218 regarding the North Savery Final Environmental Impact Statement and Draft Record of Decision (EIS No. 20180044). Draft ROD actions of concern are depicted on the map in **Appendix A**.

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:

Vegetation Management and Travel Management Actions
Douglas J. Myhre, Acting District Ranger¹
Brush Creek/Hayden Ranger District
Medicine Bow-Routt National Forests and Thunder Basin National Grassland
2171 South Highway 130
Saratoga, WY 82331.

As required by 36 CFR 218.8(d), the objector's name, address, and email:

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Frisco, CO 80443
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II. Statement of Issues – Final Environmental Impact Statement

The following are statements of the issues and/or the parts of the project to which the objection applies and concise statements explaining the objection and suggesting how the FEIS and Draft ROD may be improved.

A. Introduction

The Study Report of 1976, prepared by the Bureau of Outdoor Recreation in response to the identification of the CDNST, under the National Trails System Act, as a potential addition to the national trails system, describes that, "The primary purpose of this trail is to provide a continuous, appealing trail route, designed for the hiker and horseman, but compatible with other land uses... One of the primary purposes for establishing the Continental Divide National Scenic Trail would be to provide hiking and horseback access to those lands where man's impact on the environment has not been adverse to a substantial degree and where the environment remains relatively unaltered. Therefore, the protection of the land resource must remain a paramount consideration in establishing and managing the trail. There must be sufficient environmental controls to assure that the values for which the trail is established are not jeopardized...



¹ The Secretary shall sign a decision document for authorized hazardous fuel reduction projects and provide notice of the final agency actions (16 U.S.C. 6514(H)).

The trail experience on or near the Divide is an intimate one, for one can walk or ride horseback across vast fields of wildflowers and contemplate a story dating from the dawn of earth's history. This story began when a portion of the earth was thrust upward, creating the sharp precipitous peaks that were sculptured into rich land forms leaving sparkling lakes, crystal-clear streams, and myriads of cascading waterfalls. Along the way, the tranquility of the alpine meadows, verdant forests and semi-desert landscape overwhelms everyone who passes that way. The trail would provide the traveler his best encounter with the Continental Divide — its serenity and pure air — and would supply for every trail traveler some of the world's most sublime scenes...

The basic goal of the trail is to provide the hiker and rider an entree to the diverse country along the Continental Divide in a manner, which will assure a high quality recreation experience while maintaining a constant respect for the natural environment... The Continental Divide Trail would be a simple facility for foot and horseback use in keeping with the National Scenic Trail concept as seen in the Appalachian and Pacific Crest Trails."

B. Background Supporting Objection

Authority: The District Ranger is not authorized to approve the actions that are described in the Draft ROD. 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.

Scope: The 2009 FR Notice of final amendments to the CDNST Comprehensive Plan and final directives state, "The final amendments to the CDNST Comprehensive Plan and corresponding directives will provide guidance to agency officials implementing the National Trails System Act. The final amendments are consistent with the nature and purposes of the CDNST identified in the 1976 CDNST Study Report and 1977 CDNST Final Environmental Impact Statement adopted by the Forest Service in 1981 (40 FR 150). The final amendments and directives will be applied through land management planning and project decisions following requisite environmental analysis" (Federal Register, October 5, 2009, 74 FR 51116).

Staged Decisions: The NEPA document(s) that support the CDNST Comprehensive Plan (including staged decisions) must analyze the effects of a range of alternatives, including but not limited to effects on visual quality, ROS settings and natural, historical, and cultural resources to be preserved. Comprehensive Plan requirements (16 U.S.C. 1244 (f)) have sometimes been addressed through staged decision processes: (1) a Comprehensive Plan establishes broad policy and procedures, (2) land management plans provide integrated resource management direction and address programmatic planning requirements as described in the Comprehensive Plan, and (3) mid-level and site-specific plans complete the comprehensive planning process through field-level actions to construct the travel route and protect the corridor. Staged decisionmaking and tiering is discussed in the Comprehensive Plan, Chapter III(C). The Comprehensive Plan requirements are met once all staged phases are complete. As required by laws and regulations, addressing NTSA planning requirements are to be an integrated part

of developing or amending NFMA directed land management plans.

CDNST Nature and Purposes: The primary policy is to administer the CDNST consistent with the nature and purposes for which this National Scenic Trail was established. The nature and purposes of the CDNST are to provide for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the CDNST corridor (CDNST Comprehensive Plan, Chapter IV(A)).

NEPA Analyses: 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 Recreation Opportunity Spectrum and Scenery Management System frameworks will help ensure that NEPA assessments are systematic and accurately describe the affected environment and expected outcomes from each alternative and will fulfill the requirement of 40 CFR 1502.24 - Methodology and scientific accuracy.

C. Healthy Forests Restoration Act

The FEIS states that, “[a]ll actions proposed in HFRA projects must be consistent with the applicable resource management plans. This means that any proposed action that would not be consistent with a resource management plan must be modified to make it consistent with the plan or be covered by a project-specific amendment. No Forest Plan amendments are proposed in conjunction with the North Savery Project, so specific design criteria and mitigation measures are required components of the project to assure Forest Plan consistency. Forest Plan consistency is discussed in detail in Chapter 3 – Environmental Consequences.” (FEIS at 17)

[Issue: 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)).

Issue: The North Savery project implements the Forest Plan through staged decisionmaking and tiering to the Forest Plan EIS. However, the existing Forest Plan does not provide for the integration of the

requirements of the National Trails System Act. FSH 1909.15 Section 18 describes the process to evaluate whether new information does indeed change a previous NEPA decision that may have a bearing on the action or its impact.

Suggested Remedies to Improve Decision: A remedy to address this concern without an amendment to the Forest Plan is for the ROD to exclude from the CDNST management corridor from the proposed commercial timber harvest clear-cuts.

Violation of law, regulation or policy: NFMA regulations (36 CFR 219.1 and 219.10), NEPA regulation 40 CFR 1509.9, the 2009 CDNST Comprehensive Plan, FSM 2353.4, FSH 1909.12 part 24.43, and the Healthy Forests Restoration Act.

Connection with Previous DEIS Comments: See Observations to the Responses to DEIS Comments Section III (B).]

D. Travel Management Rule

The FEIS describes that, “[m]otorized travel in the North Savery project area has been restricted to designated routes only for over 15 years (USDA Forest Service 2000). Changing conditions and directives have triggered reconsideration of the existing road system. New guidance under the Travel Management Rule includes three key requirements: a comprehensive travel analysis, a motor vehicle use map, and an over-the-snow motor vehicle use map... National Environmental Policy Act analysis is needed to formally designate the minimum road system and roads open for public motorized use, and had not yet been conducted for the North Savery project area. The North Savery Project includes specific actions to designate the minimum road system for this portion of the district based on the travel analysis report, additional information from field reviews and effects analysis, and input from cooperating agencies and the public... Roads identified as not needed are proposed for decommissioning.... The draft environmental impact statement considered converting some road segments to motorized trails, but the final proposed action retains motorized public using National Forest System roads, not motorized trails (see Chapter 2). A decision to implement the final proposed action in this final environmental impact statement would designate and work toward implementing the minimum road system needed for safe and efficient public access and forest management in the North Savery project area, considering minimization criteria under 36 CFR 212. This action would complete requirements under Subpart A... In addition to the Travel Management Rule, current policies for management of the transportation system and for travel management on system roads and trails are incorporated by reference from Executive Orders 11644 and 11989, and the Forest Service directives at Forest Service Manuals 7700 (Travel Management) and 2300 (Recreation) and corresponding handbooks Forest Service Handbooks 7709 and 2309.” (FEIS at 17-18)

[Issue: To identify a minimum road system, the Forest Plan must be current having addressed changed policies and resource conditions. Relevant to this objection, the 2003 Forest Plan and associated FEIS fail to recognize the direction in the 2009 CDNST Comprehensive Plan. Applying the amended CDNST direction to the identified CDNST corridor would result in fewer roads being designated. A potential minimum road system that reflects CDNST values is depicted on the map in **Appendix B**.

Suggested Remedies to Improve Decision: Close additional Maintenance Level 1 and 2 roads in the CDNST corridor.

Violation of law, regulation or policy: Executive Orders 11644, 11989 and 13195, and the Forest Service directives at Forest Service Manuals 7700 (Travel Management) and 2300 (Recreation).

Connection with Previous DEIS Comments: See Observations to the Responses to DEIS Comments Section III (F).]

E. Purpose and Need for Action

The FEIS states, “[t]here are clearly gaps between the desired condition and the existing conditions of resources that provide multiple uses and values in the North Savery project area. The goal of the North Savery Project is to narrow those gaps by improving and restoring ecosystem health and forest productivity in the project area through vegetation, fuels, and roads projects. More specifically, the project purpose is to: Remove hazard trees from high-priority areas affecting public safety and infrastructure, including fences, ditches, and portions of the Continental Divide National Scenic Trail corridor” (FEIS at 20).

[Issue: The intent of removing hazard trees from the CDNST is unclear. The clearing limit with hazard tree removal for this purpose would be less than 80 feet on each side of the CDNST travel route—see **Attachment 1** for an illustration of trail clearing parameters.

Suggested Remedies to Improve Decision: Clarify in the ROD and/or Supplemental DEIS that the need is to provide for acceptable risk from hazard trees within the travel route clearing limits that includes a hazard tree removal area.

Violation of law, regulation or policy: 40 CFR 1502.13

Connection with Previous DEIS Comments: See the *Observations to the Responses to DEIS Comments* section of this objection section III (J).]

F. Affected Environment

Transportation System and Travel Management - The FEIS states that, “[o]nly authorized system roads and trails are managed as permanent infrastructure. The final environmental impact statement considers two aspects of the authorized transportation system in the project area: 1) designation of permanent, system roads and trails, whether open for public motorized travel; restricted to administrative access; or placed in long term storage between intermittent uses; and 2) management of vegetation along the designated Continental Divide National Scenic Trail, including segments managed for both motorized and nonmotorized uses. Activities are proposed along the Continental Divide National Scenic Trail but the project does not include proposed changes to the trail itself (FEIS at 46)...

The trail follows, crosses, and parallels open roads and consistent with Management Area 5.13 (Forest Products Emphasis). The Forest Plan includes adopted scenic integrity objectives to achieve or

maintain desired scenic condition and landscape character. The scenic integrity objectives for most of the North Savery project area are low or moderate, consistent with the timber production emphasis of management areas and the recreation opportunity spectrum of roaded natural and roaded modified. However, in the immediate foreground of the Continental Divide National Scenic Trail, scenic integrity objectives of high and very high have been adopted from the Continental Divide National Scenic Trail Comprehensive Plan. The Forest Service uses the Landscape Aesthetics – Scenery Management System to address visual resource management on National Forest System lands (Forest Service Manual 2380).

[Issue: The description failed to note that the Forest Plan has not been amended and the associated FEIS supplemented to address the requirements of the 2009 CDNST Comprehensive Plan and associated policies.]

The interdisciplinary team has identified visual distance zones that they believe to be appropriate for interpreting scenic integrity objectives for the North Savery project area. These distance zones are up to 50 feet for the immediate trail foreground, 50 to 500 feet as middle ground, and beyond 500 feet as background distance. The team recognizes that these differ from distance zones in the Landscape Aesthetics Handbook, for reasons that are unique and appropriate to the character and setting of the Continental Divide National Scenic Trail in the North Savery project area. The interdisciplinary team considered especially the character of the trail corridor through dense, healthy lodgepole stands with limited visual diversity, and the scale of natural openings present along the trail corridor in meadows and above timberline.

[Issue: The characteristics of the landscape through the project area is typical of many other CDNST locations through Colorado, Wyoming, Idaho, and Montana. Lodgepole pine is fire dependent with natural events resulting in large openings often followed by dense regenerated stands. Any deviation from the Landscape Aesthetics Handbook must meet the requirements of 40 CFR 1502.24 -

Methodology and scientific accuracy: “Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix.” I did not find any reference to scientific or other sources relied upon to support this significant change to the Scenery Management System framework.]

There are 10 existing road crossings along the nonmotorized segment of the trail in the project area, including trailhead access points on National Forest System Roads 412 and 803.3A. In some locations, the trail is co-located with historic logging tracks not on the national forest road system. On average there are road crossings about every 1.3 miles. The longest trail segment without a road crossing is about 4.5 miles, between National Forest System Roads 412 and 830. Near National Forest System Road 830, the trail enters the portion of the project area where timber management has been carried out since the 1980s. This information is included here to make it clear that this particular segment of the Continental Divide National Scenic Trail is not remote or unroaded in its current existing condition.

[Issue: The CDNST was designated by an Act of Congress in 1978 predating the timber management activities along this section of the Continental Divide. The cumulative effects of past, present, and

future management actions on National Scenic Trail values are significant and should have been addressed in the Environmental Consequences section of the FEIS.]

The interdisciplinary team also considered that areas with roaded natural and roaded modified recreation opportunity spectrum do not generally strive to attain scenic integrity of high to very high, and the existing condition could be considered inconsistent with high scenic integrity objectives. Forest Service recreation and scenery management specialists believe that, in addition to posing safety hazards to trail users and complicating trail maintenance, the existing view of bark-beetle killed trees is not consistent with achieving high scenic integrity in the existing condition (figure 15). Furthermore, scenic integrity objectives are goals for the long term, and the responsible official does not consider them site- or time-specific standards...

[Issue: Modifying Scenery Management System protocols must be consistent with 40 CFR 1502.24 processes. By definition, the existing view of bark-beetle killed trees has no effect on scenic integrity. The Affected Environment section of the FEIS should have identified that portions of the project area along the CDNST travel route have high scenic integrity such as from the View Point identified on the map in **Appendix C.**]

A key assumption that we have applied to this analysis is that in this non-wilderness setting, managing toward and objective of high scenic integrity can be consistent with managing vegetation in the trail corridor, so long as management does not substantially interfere with the nature and purpose of the trail. Our goal is to manage scenic integrity along toward high or very high in the long term. Design criteria developed specifically for this project are intended to allow replacement of foreground scenery consisting of mostly dead, deteriorating lodgepole pine stands, with forest openings with actively growing tree seedlings, shrubs, and grasses. (FEIS 51-53)

[Issue: This discussion is not supported by SMS protocols. High and moderate scenic integrity landscapes exist along the CDNST in sections of the project area. Timber management activities that degrade the existing viewshed to low and then followed by low to moderate for 30 years, along with the continuation of activities associated MA 5.13 Forest Products Desired Conditions, would substantially interfere with the nature and purposes of the CDNST.]

Suggested Remedies to Improve Decision: Withdraw the Draft ROD and FEIS. Prepare a Supplemental DEIS to address the analysis deficiencies.

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

Connection with Previous DEIS Comments: See *Observations to the Responses to DEIS Comments* Section III (G) and the **Attachment 2** CDNST Planning Handbook Chapter V (D).]

Socioeconomic Geography of the North Savery Project Area Scenic Resources - Improving long term scenic integrity, recreation experience and safety for Continental Divide National Scenic Trail users and throughout the North Savery area are important components of the purpose and need for this project. The project team referred to "Predicting Scenic Quality for Mountain Pine Beetle and Western Spruce

Budworm Damaged Forest Vistas” for updated insight on this topic, available online at: Article on predicting scenic quality.²” (FEIS at 82).

[Issue: Forest Service referenced literature in this section is discussed in the Environmental Consequences section of this document.]

G. Proposed Action and Alternatives

Final Proposed Action – The FEIS states that, “[t]he 2008 decision also allowed hazard tree cutting along trails but did not authorized removal of cut materials. Harvest along the Continental Divide National Scenic Trail under the North Savery Project would allow removal of cut trees from the trail corridor to reduce fuels and improve scenic integrity. Specific design criteria developed in collaboration with the Continental Divide National Scenic Trail national trail coordinator and Rocky Mountain Region landscape architect have been added to mitigate impacts on the recreation experience and trail corridor.” (FEIS at 94)

CDNST Comparison of effects from the no-action alternative and the final proposed action (Table 19)

The FEIS states that, “[e]ffects from No Action - Falling trees and downed trees would make navigating the trail difficult and more hazardous than usual. Existing scenic integrity objectives for the 14 miles of trail in the project area are high to very high. Scenic integrity objectives do not evaluate natural changes to landscape. Public perception of visual character of bark beetle-killed forests is relatively low. Tree removal along the trail would improve navigation and safety. Managed areas along the trail would be unlikely to meet scenic integrity objectives of high to very high for 1 to 7 years after harvest. Scenic integrity would improve over time as understory vegetation obscured the evidence of timber salvage.” (FEIS at 119)

[Issue: It should be mentioned that the public perception of the scenic nature of clear-cuts is low. An appropriate reference that could be used for these statements is the publication title, “Assessing Forest Scenic Beauty Impacts of Insects and Management – FHTET 98-08.” Meeting scenic management objectives would take up to 30 years, not 7 years. Scenic integrity of some views along the impact travel route would be immediately reduced from high or moderate to low with the implementation of the selected alternative—see **Appendix C** map.

² “The scenic beauty of sixty-four forest vista landscapes from the Colorado Front Range was measured for a large group of subjects (observers) by the Scenic Beauty Estimation Method. Some of the landscapes evidenced insect-damaged trees and stands. One group of subjects were not told a priority of the presence of damage; another group was informed. Photo measurements of 91 possible landscape areas as defined by topography, vegetation, and relative viewing distance were made in square inches. Multiple regression models were formulated using the landscape areas as predictors for scenic beauty. Two different regression models resulted: one for uninformed (naive) observers and another for the informed observers. Results indicate that the negative visual impact of insect damage for naive observers is mitigated by the presence of dense forests, long viewing distances, and mountainous terrain. On the other hand, informed observers evaluate insect damage characterized by the red top stage more negatively and the overall scenic beauty measures are lower for damaged stands. Forest Sci. 28:827-838.”

Suggested Remedies to Improve Decision: Remove the following commercial harvest units from the selected action: Divide Peak (numbers 37, 41, 42, 44, 45, 46, 55, and 56) and East Side (number 253).³ This is not intended to preclude the harvesting and removal of hazard trees that may fall on a road, trail, or fence line from these units.

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

Connection with Previous DEIS Comments: See *Observations to the Responses to DEIS Comments* Section III (I) and the Attachment 2 CDNST Planning Handbook Chapter IV.]

Alternative to Avoid CDNST Considered, Not Analyzed in Detail

The FEIS describes that “[i]n public scoping comments, an alternative was suggested to exclude vegetation treatment within ½ mile of the Continental Divide National Scenic Trail. The draft environmental impact statement included discussion of that alternative in the “Alternatives Considered but Dismissed from Detailed Analysis” section. Comments on the draft environmental impact statement were also received on this issue. This suggested alternative is within the scope of the decision space provided by the no-action and proposed action alternatives. This suggestion is the basis for the “Avoid the Continental Divide National Scenic Trail” Alternative.

Beneficial outcomes and adverse impacts would be reduced proportionally or eliminated entirely in some locations under this alternative compared to full implementation of the final proposed action or deferring all management under the no-action alternative. The responsible official considered the degree to which this alternative would satisfy the purpose and need of the North Savery Project.

Because this alternative would not address public safety and maintenance concerns along the Continental Divide trail, and because it would result in less vegetation management to restore resilience in portions of the project area emphasizing forest products it was not analyzed in detail.” (FEIS at 124-125)

[Issue: The selected alternative when implemented will substantially degrade CDNST values (scenic and recreation setting) and as such should not have been developed in detail. The alternative suggested in DEIS comments avoid impacts to the CDNST until appropriate management direction can be addressed through Forest Plan amendment processes. The recommended alternative would meet the purpose and need of the project through commercial timber harvests in the remainder of the project area. Trail maintenance is outside of the scope of the proposed action.

Suggested Remedies to Improve Decision: Remove the following commercial harvest units from the 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 harvesting and removal of hazard trees that may fall on a road, trail, or fence line from these units.

Violation of law, regulation or policy: 40 CFR 1502.14

³ Location information is from geospatial data.

Connection with Previous DEIS Comments: See Observations to the Responses to DEIS Comments section III (H).]

H. Environmental Consequences

Continental Divide National Scenic Trail Corridor - The FEIS states that, “[c]omments during scoping and on the draft environmental impact statement asserted that proposed activities would substantially interfere with the purpose and nature of the CDNST. The project team consulted with the national CDNST administer to determine the content of a substantial interference assessment, then considered how the duration, extent and intensity of actions proposed along the trail relate to the purpose and nature of the trail. The purpose of the trail would be unchanged – to provide foot and horse travel along the Continental Divide. The intensity and extent of impacts on the trail and trail corridor are variable. Most intense effects would occur along 2.17 miles of foreground activities, some of which would also be visible from other portions of the trail. However, these effects are not extensive, and would affect less than 20 percent of the trail corridor through the project area. Furthermore, active harvest would constitute a temporary effect, and would contribute to moderate to long term visual restoration of the trail corridor. Road decommissioning also would create long term improvements in character of the trail corridor. Considered together, the proposed actions would not substantially interfere with the CDNST or experience of trail users. See also “Scenic Resources” discussion.” (FEIS at 138-139)

[Issue: The nature and purposes of the CDNST is described in the CDNST Comprehensive Plan and FSM 2353.4. The Attachment 2 CDNST Planning Handbook 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. What is outlined for an analysis protocol in the preceding paragraph does not appear to 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 existing high and moderate scenic integrity levels 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 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 insure 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.

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 EA or 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.

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 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 (**Attachment 3**).

Suggested Remedies to Improve Decision: Remove the following commercial harvest units from the 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 harvesting and removal of hazard trees that may fall on a road, trail, or fence line from those units.

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

Connection with Previous DEIS Comments: Responding to new FEIS information, and see *Observations to the Responses to DEIS Comments* Section III (E) and CDNST Planning Handbook Chapter V.]

The FEIS describes in Scenic Resources – Effects on Scenery within the CDNST Corridor – “[t]he CDNST corridor (1/2 mile either side of centerline) has a guideline for a scenic integrity objective of high to very high in the 2009 CDNST Comprehensive Plan. Over the short-term (1 to 7 years), this objective would not be met in the areas of the proposed salvage harvest and there would be a change from an existing condition of moderate to a post-treatment condition of low scenic integrity (see table 31 below). However, through implementation of Design Criteria 19b through 20k, effects on scenery resources would be minimized and scenic integrity would improve over time. Design criteria for the placement of temporary roads, landings, slash piles, tree marking, skidding, and timing stipulations would minimize the short-term effects on scenery. Over the mid-term (7 to 30 years), salvage treatment areas along the CDNST corridor would move toward scenic integrity objectives with a low to moderate scenic integrity level. Over the long-term (30 to 150 years or more) , the area is, generally, expected to exceed the Forest Plan guideline of low scenic integrity with a post-treatment condition of moderate to high scenic integrity. Salvage harvest treatments would emulate natural conditions of fire that would mimic some elements of the historic appearance of even-aged lodgepole stands in the absence of fire suppression.

Table 31. Summary of scenic integrity levels for existing condition, post-treatment effects, and Forest Plan objectives within the CDNST Corridor and Recreation Opportunity Settings.

Salvage Harvest Treatment Unit Location	Scenic Integrity Objective (SIO) Guideline	Existing Condition	Short term (Year 1-7)	Mid term (Year 7-30)	Long term (Year 30-150 or more)*
Within ½ mile of CDNST: Units 34, 36, 37, 41, 42, 43, 45, 46, 54-59, 66, 67, 74, 75, 77, 235, 236 implemented with Design Criteria 19b-20k	High-Very High	Moderate	Low	Low-Moderate	Moderate-High
Within Roaded Natural: Units 29, 87-88, 110, 126, 142, 238-239, 252	Low	Low	Very Low	Low	Moderate
Within Roaded Modified: Units 35, 44, 60-64, 69-71, 73, 81-86, 91-93, 95-96, 106, 108-109, 111-121, 125, 127-138, 143-144, 146-156, 170, 173, 175-180, 182, 207, 214-218, 220-227, 229-233, 237, 240-246, 250-251, 253-256	Low	Low	Very Low	Low	Moderate

[Issue: Management Area 5.13 direction prescribes that commercial timber harvests persist into the future. Combined with past, present and expected future actions, the CDNST corridor will not regain desired high scenic integrity conditions.]

Because of the limitations of the Scenery Management System in evaluating effects on scenery in mountain pine beetle affected lodgepole stands, it is also important to consider best available science concerning visitor preferences for scenic quality in similar viewsheds. Buhyoff, Wellman, and Daniel (1982) found that informed Colorado Front Range visitors, those who were aware of the mountain pine beetle epidemic, reported negative impacts to scenic quality for red top beetle-killed lodgepole vistas. The researchers also concluded that the negative impacts on scenic quality were greatest for vistas which have less topographic variability and have a restricted or narrow view. This type of restricted view is characteristic of the foreground views where the CDNST intersects the treatment units in lodgepole pine. Based on the findings of Buhyoff and others, it can be estimated that scenic quality would improve for informed visitors along the CDNST with the removal of beetle-killed, red top lodgepole and the increasing regeneration of green stands over time. This positive effect on scenic quality is consistent with the intent of the National Trails System Act which states the following: “provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass” [16 USC 1242 (a)(2)].” (FEIS at 180)

[When lodgepole pine stands are located in desired primitive and semi-primitive ROS settings, the SMS analysis framework is effective. Forest management in response to bark beetle infestation can differ depending on forest management goals and public forest and nature conservation policies. In core zones of protected areas, a non-intervention policy is often followed to promote natural processes and natural rejuvenation (Müller et al. 2008). 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).

A number of studies have addressed public perceptions toward the ecological and economic consequences of forest insect outbreaks (e.g., Buhyoff and Leuschner 1978; McFarlane and Watson 2008; McGrady et al. 2016; Müller et al. 2008). 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 Sheppard and Picard 2006).

The 1998 Forest Service publication, *Assessing Forest Scenic Beauty Impacts of Insects and Management* (FHTET 98-08) (**Attachment 4**) describes that, “[t]he 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... Buhyoff et al. (1982) investigated the impact of mountain pine beetle and western spruce budworm on the scenic beauty of western coniferous (predominantly ponderosa pine) forest landscapes in the Colorado Front Range. The mountain pine beetle kills the pine trees it inhabits. Western spruce budworm defoliates conifers by eating the needles; although the trees often recover, they can die in severe outbreaks. The photo representations were of distant forest vistas with short-term insect damages such as fader (yellowish crown), black top (crown), and red top (crown) foliage discoloration. The damage was measured using a reliable damaged area identification rule as the percent of the total photo area exhibiting one or more of the above-listed damages. They found that mid-view damages had a generally negative effect on perceived scenic beauty. Red tops in the distant view had a negative effect on scenic beauty perceptions for those observers told of its presence, but no significant impact for uninformed viewers. Overall, insect damages in the far-view had a negative effect on perceived scenic beauty. They also found level landscapes with homogeneous vegetative cover were more negatively impacted by insect damage, while perceived insect damage on landscapes with diverse forest structures and mountainous terrain had a minimal effect on scenic beauty... Harvesting probably has the greatest potential for negatively impacting scenic beauty in the short run, and may confound all other relationships between forest characteristics and scenic beauty. Uneven-aged stands have more structural diversity, thus partially mitigating the overall impacts of harvesting on scenic beauty. Clear-cutting of even-aged stands has the greatest negative impact on scenic beauty in the short run...”

“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 very 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 Scenic Integrity levels: Very High, High, Moderate, Low, Very Low, and Unacceptably Low. Scenic Integrity is used to describe an existing landscape condition, a standard for management, or a desired future condition... 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... Integrity could also be used to define the wholeness or condition of the ecosystem but it is assumed that will take place as part of the overall

integrated ecosystem management process. However, a landscape character goal of high scenic integrity should also be one of high ecosystem integrity. One does not necessarily ensure the other... HIGH scenic integrity refers to landscapes where the valued landscape character "appears" intact. Deviations may be present but must repeat the form, line, color, texture, and pattern common to the landscape character so completely and at such scale that they are not evident" (Landscape Aesthetics - Agriculture Handbook Number 701). Scenic Integrity Levels of Very High and High contribute to the nature and purposes of the CDNST. Scenic Integrity Level of Moderate may degrade CDNST values. Scenic Integrity Levels of Low and Very Low are inconsistent with CDNST values and landscapes along the CDNST at these levels of integrity need rehabilitation...

Constituent information used to inform decisions is described in the Landscape Aesthetics Handbook in Chapter 3. Visitors seeking a National Scenic Trail primitive experience may have feelings similar to that expressed by Cheryl Strayed as she hiked the PCT: "By evening the forest opened into a wide swath of what can only be called wilderness rubble, a landscape ripped up by its seams and logged clear, the PCT picking its way faintly along its edges. Several times I had to stop walking to search for the trail, obstructed as it was by fallen branches and clumps of turned-up soil. The trees that remained standing on the edge of the clear-cut seemed to mourn, their rough hides newly exposed, their jagged limbs reaching out at absurd angles. I'd never seen anything like it in the woods. It was as if someone had come along with a giant wrecking ball and let it swing. Was this the wilderness corridor Congress had in mind when they'd set aside? It didn't seem so, but I was hiking through national forest land, which, in spite of its promising name, meant that I was on land that the powers that be could use as they saw fit for the public good."

Issue: Visual effects analyses must be consistent with Scenery Management System protocols until such protocols are officially amended.

Suggested Remedies to Improve Decision: Project analyses must be consistent with the Scenery Management System framework.

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

Connection with Previous DEIS Comments: New information not presented in the DEIS. See *Observations to the Responses to DEIS Comments* Section III (N).]

III. Observations on Forest Service Responses to DEIS Comments

CEQ regulations 40 CFR 1503.4(a)⁴ 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.

⁴ 36 CFR Part 220 does not lessen the applicability of the CEQ 40 CFR Part 1500 regulations on National Forest System lands (36 CFR 220.1(b)).

- (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.

A. Laws, Regulations, and Policy

FEIS Description of Comment and FS Response: II-P-NTSA-Guidance 6 R1 Recommend that the FEIS identify, discuss and implement the guidance in executive Order 13195, FSH 1909.12.24.43 and FSM 2353.44b. / Response: This project does not include the development of national scenic and historic trails or any other recreation infrastructure; therefore, many aspects of the cited direction are outside the scope of this proposal. However, Executive Order 13195 Section 1(b) reads: Federal Agency Duties. Federal agencies will, to the extent permitted by law and where practicable—and in cooperation with Tribes, States, local governments, and interested citizen groups—protect, connect, promote, and assist trails of all types throughout the United States. This will be accomplished by protecting the trail corridors associated with national scenic trails and the high priority potential sites and segments of national historic trails to the degrees necessary to ensure that the values for which each trail was established remain intact. The Continental Divide National Scenic Trail runs through the project area and protection of this trail was identified as Key Issue #3 in the final environmental impact statement. To ensure protection of this resource, design criteria have been developed. With careful implementation of the design criteria, roaded natural and roaded modified areas where the trail is located can be consistent to fully compatible with the scenic integrity objectives for the trail. The Continental Divide National Scenic Trail Comprehensive Plan is included in the final environmental impact statement in Chapter 3: Environmental Consequences, in the “Continental Divide National Scenic Trail Corridor” section. (FEIS at 301 and 302)

[Observation: The CDNST management corridor will be protected when resource uses do not substantially degrade the nature and purposes values of this National Scenic Trail.]

B. Healthy Forests Restoration Act

FEIS Description of Comment and FS Response: II-P-HFRA-C4 6 R3 The National Trails System Act restricts management within the CDNST rights-of-way/corridor. As such, HFRA limitations are not applicable to the CDNST. The effects of the proposed action brings the CDNST into the scope of the project where reasonable alternatives must be considered in detail... II-P-HFRA-C5 6 R3 HFRA processes are not applicable to NFS lands within the CDNST corridor. / Response: *Please see response to II-P-HFRA-C3.* (FEIS at 290)

FEIS Description of Comment and FS Response: II-P-HFRA-C3 6 R3 The FEIS should articulate the difference between a congressionally designated protected area and a designated area on which the removal of vegetation is prohibited or restricted by an Act of Congress [or Presidential proclamation]. /

Response: Thank you for your comments. There are no congressionally designated wilderness areas in the North Savery project area. Removal of vegetation is not prohibited from the Continental Divide National Scenic Trail or trail corridor, provided activities do not substantially interfere with the purpose and nature of the trail. See “Continental Divide National Scenic Trail” and “Scenic Resources” discussions in Chapter 3. (FEIS at 290)

FEIS Description of Comment and FS Response: II-P-NEPA-C1 6 R2 The National Trails System Act restricts management within the CDNST rights-of-way/corridor. As such, HFRA limitations are not applicable to the CDNST. The effects of the proposed action brings the CDNST into the scope of the project where reasonable alternatives must be considered in detail. / Response: Thank you for your comment. The National Trail System Act requires that activities not substantially interfere with the purpose and nature of the Continental Divide National Scenic Trail. There are no congressionally designated wilderness areas in the North Savery project area, and removal of vegetation is not prohibited from the trail or trail corridor. A substantial interference assessment has been added to the final environmental impact statement; see “Continental Divide National Scenic Trail” and “Scenic Resources” discussions in Chapter 3. (FEIS at 294)

[Observation: [The public record does not indicate a substantial interference assessment that meets the requirements of 40 CFR 1502.16, 40 CFR 1502.24, and 40 CFR 1508.7.](#)]

C. CDNST Comprehensive Plan

FEIS Description of Comment and FS Response: II-P-NTSA-C1 6 NR 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 the CDNST if the allocation desired conditions are realized. Where the allowed nonmotorized 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 the CDNST. / Response: Thank you for your comment. The assignment of recreation opportunity spectrum classes and the status of the Continental Divide National Scenic Trail in the project area as a motorized trail versus a non-motorized trail is outside the scope of this proposal. (FEIS at 302)

[Observation: [The action requested is not outside the scope of this proposal—see 40 CFR 1508.25\(c\).](#)]

FEIS Description of Comment and FS Response: II-P-NTSA-C2 5 NR Discuss in the EIS that the Comprehensive Plan describes that "The CDNST is a concern level 1 travel route, and the scenic integrity objective is to be high or very high depending on the CDNST segment." / Response: The responsible official has determined that the final proposed action with the project design criteria and careful implementation can help move the trail corridor toward meeting the scenic integrity objectives on the Continental Divide National Scenic Trail. The effects analysis for the trail describes how current conditions would be improved toward higher scenic integrity through implementation of the North Savery Project. Trail objectives are described in the Continental Divide National Scenic Trail Comprehensive Plan, which is included in the final environmental impact statement in Chapter 3:

Environmental Consequences, in the “Continental Divide National Scenic Trail Corridor” section. (FEIS at 302)

[Observation: Sections of the CDNST that are proposed for harvest currently exhibit high scenic integrity. Therefore, timber harvest activities could not, “move the trail corridor toward meeting the scenic integrity objectives.”]

D. CDNST – Scenery, Location, and Timber

FEIS Description of Comment and FS Response: II-P-NTSA-C3 6 NR Existing Forest Plan management prescriptions fail to address new information found in the 2009 Comprehensive Plan, FSM 2353.42 and FSH 1909.12.24.43. Amend or revise the Forest Plan to address National Trails System Act requirements. / Response: Thank you for your comment. Forest plan revision is outside of the scope of this proposal. (FEIS at 302)

[Observation: A Forest Plan amendment is not outside the scope of this proposal—see 40 CFR 1508.25(c).]

FEIS Description of Comment and FS Response: II-P-NTSA-C4 6 NR The CDNST path and corridor are recognized as being established in the existing location until such time that a relocation is realized. The CDNST corridor should be managed to provide for Primitive or Semi-Primitive Non-Motorized settings, while addressing inconsistency to extent practicable. The EIS must recognize the need to plan for and manage the existing CDNST path a corridor to provide for the nature and purposes of this National Scenic Trail in the location where it is currently located. / Response: Thank you for your comment. The relocation of the Continental Divide National Scenic Trail, other recreational infrastructure, or both is outside the scope of this proposal. (FEIS at 302)

[Observation: The action requested is not outside the scope of this proposal—see 40 CFR 1508.25(c).]

FEIS Description of Comment and FS Response: II-P-NEPA-Alts-C13 3 R2 Comment #31 - A member of the public suggested an alternative that would not log within 1/2 mile of the Continental Divide National Scenic Trail. / Response: Chapter 2 includes discussion of the “Avoid the Continental Divide National Scenic Trail” Alternative that excludes vegetation management within a half mile of the trail. (FEIS at 300)

E. Purpose and Need for Action

FEIS Description of Comment and FS Response: I-G-B3 6 R1 No action (forest products, vegetation management, and designation of minimum road system) within Continental Divide National Scenic Trail corridor until the Forest Plan is revised or amended to include NTSA guidance. / Response: Thank you for your comment. Forest plan revision is outside the scope of this proposal. (FEIS at 284)

[Observation: A Forest Plan amendment is not outside the scope of this proposal—see 40 CFR 1508.25(c).]

F. Closing Unauthorized Routes

FEIS Description of Comment and FS Response: IV-PA-CDNST-C1 6 R1 New system routes would be authorized within the CDNST corridor. Closing and restoring all unauthorized routes that are located within the CDNST corridor would improve the proposed action. / Response: The final proposed action would reduce road density and mileage within immediate proximity of the Continental Divide National Scenic Trail by relocating roads, sometimes onto existing routes while obliterating system roads. Unauthorized routes would be closed and restored. (FEIS at 313)

[Observation: I appreciate that the District is taking road closure actions.]

G. Affected Environment – CDNST

FEIS Description of Comment and FS Response: IV-PA-CDNST-C2 6 NR Excise all timber and vegetation management actions within the CDNST corridor from the EIS and instead prepare a site-specific CDNST management plan for the area following appropriate non-HFRA processes (36 CFR 220 and FSM 2353.44). / Response: Thank you for your comment. The management of recreational infrastructure on the Medicine Bow National Forest, including creating a management plan for the Continental Divide National Scenic Trail, is outside the scope of this proposal. (FEIS at 313)

[Observation: The action requested is not outside the scope of this proposal—see 40 CFR 1508.25(c) and FSM 2353.44(b). Unfortunately, the selected alternative performs as a surrogate CDNST plan for this section of the CDNST without addressing important CDNST planning issues.]

FEIS Description of Comment and FS Response: IV-DC-CDNST-C1 6 NR The distance zones (of CDNST corridor) are not consistent with those described by the Scenery Management System. / Response: Thank you for your comment. We acknowledge that we have used different distance zones, based on the conditions on site in the project area, the forest and landscape characteristics in the viewshed, and the potential improvements in trail conditions from the proposed action. In addition, the way we have considered the existing bark beetle-influenced scenic quality in the context of scenic integrity objectives established in the Forest Plan and Continental Divide National Scenic Trail Comprehensive Plan has been clarified in the final environmental impact statement. (FEIS at 314)

[Observation: The analysis is inconsistent with the requirement of 40 CFR 1502.24.]

FEIS Description of Comment and FS Response: VI-FX-CDNST-C1 6 NR The effects of the proposed action substantially interfere with the nature and purposes of the CDNST. / Response: The responsible official has determined the final proposed action, with the project design criteria and careful implementation, can meet the scenic integrity objectives on the Continental Divide National Scenic Trail. This is discussed in the context of the Continental Divide National Scenic Trail Comprehensive Plan, included in the final environmental impact statement in Chapter 3: Environmental Consequences. (FEIS at 322)

[Observation: The FEIS documents that existing scenic integrated will be degraded for up to 30 years and that the project area will continue to be managed for a Roaded Modified ROS setting.]

H. Alternatives Considered but Eliminated from Detailed Study

FEIS Description of Comment and FS Response: II-P-HFRA-C5 6 R2 The National Trails System Act restricts management within the CDNST rights-of-way/corridor. As such, HFRA limitations are not applicable to the CDNST. The effects of the proposed action brings the CDNST into the scope of the project where reasonable alternatives must be considered in detail. / Response: Please see the response to comment II-P-NTSA-C2. (FEIS at 302)

I. Comparison of Alternatives

FEIS Description of Comment and FS Response: VI-FX-CDNST-C2 6 NR Due to the extent of the project, scenic integrity degradation for 3 to 5 years would be a substantial interference with the nature and purposes of the CDNST. / Response: Thank you for your comment, but we respectfully disagree. An assessment of substantial interference has been added to the final environmental impact statement. Please also see the response to comment VI-FX-CDNST-C1. (FEIS at 322)

[Observation: The Forest Service disagreement is based on analyses that are inconsistent with ROS and SMS planning protocols. The analysis is inconsistent with the requirement of 40 CFR 1502.24.]

J. Direct and Indirect Effects – No Action

FEIS Description of Comment and FS Response: VIII-IM-CDNST-C1 6 NR Regarding trail maintenance, other processes (than this environmental impact statement) dictate the level of trail maintenance, including fire program costs, CMTL allocations to non-trail clearing programs, and regional budget allocation models. / Response: Thank you for your comment. The maintenance of recreation infrastructure is outside the scope of this proposal. (FEIS at 334)

[I agree that the maintenance of recreation infrastructure (e.g., including more extensive trail maintenance—see **Attachment A**) is outside the scope of this proposal. The responsible official should issue an errata to the FEIS and modify the ROD removing all direct and indirect references to trail maintenance. CMTL funding for trail maintenance is influenced by many factors including forthcoming changes to funding of fire suppression programs, funding through special programs such as the Forest Stewardship Act, and could be improved through changes in administrative practices including adherence to charge as worked principles.

The following are examples of where the maintenance of 2.2 miles of the CDNST travel route is interjected into the FEIS and Draft ROD discussions:

- “Effects from No Action - Falling trees and downed trees would make navigating the trail difficult and more hazardous than usual.” (FEIS at 119)
- “The responsible official considered the degree to which this alternative would satisfy the purpose and need of the North Savery Project. Because this alternative would not address public

safety and maintenance concerns along the Continental Divide trail, and because it would result in less vegetation management to restore resilience in portions of the project area emphasizing forest products it was not analyzed in detail.” (FEIS at 124-125)

- “Annual trail maintenance would continue to treat portions of the trail one time during the season. Dead trees would fall after that clearing. In some years, trail navigation would be very tedious for hikers along many timbered stretches and riders would have a difficult time navigating some portions of the trail. Hikers and horseback riders would continue to have to navigate along the trail with tangles of downed trees from more than 15 years of mountain pine beetle impacts. Mortality in the lodgepole pine along the trail averages 80 to 90 percent and the trail is littered with trees blown over by wind.” (FEIS at 138)
- “If there is funding, trail maintenance only allows cutting out logs or downed trees across the trail. After that one-time maintenance occurs, trees continue to fall and hamper use of the trail. Forest Service personnel have contacted hikers along National Forest System Road 801. The hikers are off the trail due to heavy downfall or unpassable segments along the trail. The concern of those hikers is not scenery, it is how to use the trail. Management of dead scenery is not addressed in the Continental Divide National Scenic Trail Comprehensive Plan, but safe travel is.” (FEIS at 212-213)
- “Comparison of Alternatives: The Proposed Action best meets this purpose and need by removing hazard trees in priority areas and improving safety along 2.17 miles of the trail, while the No Action alternative would continue the existing condition of no improvements in safety.” (Draft ROD at 15)
- “Beneficial outcomes and adverse impacts would be reduced proportionally or eliminated entirely in some locations under this alternative compared to full implementation of the final proposed action or deferring all management under the no-action alternative. The responsible official considered the degree to which this alternative would satisfy the purpose and need of the North Savery Project. Because this alternative would not address public safety and maintenance concerns along the Continental Divide trail, and because it would result in less vegetation management to restore resilience in portions of the project area emphasizing forest products it was not analyzed in detail.” (Draft ROD at 17)]

K. Direct and Indirect Effects – Modified Proposed Action

FEIS Description of Comment and FS Response: II-P-NFMA-FP-C3 6 NR The analysis fails to recognize that the 2003 Forest Plan allocation(s) fail to protect CDNST values. The Plan needs to be amended or revised using in part the ROS system in the planning of the CDNST corridor. ROS settings that are consistent with protecting trail values include Primitive and Semi-Primitive Non-Motorized settings. / Response: Thank you for your comment. Forest plan revision is outside of the scope of this proposal. (FEIS at 301)

[Observation: The amendment action requested is not outside the scope of this proposal—see 40 CFR 1508.25(c).]

L. Cumulative Effects of the Modified Proposed Action

FEIS Description of Comment and FS Response: VI-FX-CDNST-C3 6 NR Cumulative impacts should also describe the continued unmitigated OHV use of the CDNST route/path. User experience must be described using ROS terminology with limited discussion for the need for better trail maintenance. / Response: Thank you for your comment... Other Continental Divide National Scenic Trail management objectives, other recreation infrastructure, or both is outside the scope of this proposal and was removed from the proposed action prior to scoping in 2015. (FEIS at 323)

[Observation - In addition to direct and indirect impacts, the agency is required to analyze the cumulative impacts of each alternative (1508.25(c)). 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 (federal or non-federal) or person undertakes such other actions” such as road construction and timber harvest since 1980 (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 EA or EIS, past actions should have ongoing impacts that are presently occurring.]

M. Forest Plan Consistency – Modified Proposed Action

FEIS Description of Comment and FS Response: II-P-NFMA-FP-C4 6 NR The Forest Plan is inconsistent with the requirements of the National Trails System Act as implemented through Executive Order 13195, the CDNST Comprehensive Plan, and Policy. / Response: Thank you for your comment. Forest plan revision is outside of the scope of this proposal. (FEIS at 301)

[Observation: A forest plan amended is not outside of scope the proposal, since impacts to the CDNST have not been avoided—see 40 CFR 1508.25(c).]

N. Environment Consequences – CDNST – ROS, Downfall, and Timber

FEIS Description of Comment and FS Response: III-EC-CDNST-C1 6 R1 The CDNST route and corridor when located on National Forest System lands does not normally have to traverse intermittently through more developed ROS classes. When drafting this language, these words were chosen carefully to address private lands, highway easements, and limited arterial transportation needs. / Response: Thank you for your comment. The management of recreation infrastructure on the Medicine Bow National Forest, including potential re-routes of the Continental Divide National Scenic Trail is outside the scope of this proposal. (FEIS at 305)

FEIS Description of Comment and FS Response: II-P-NEPA-C2 6 R3 The rationale presented for managing the CDNST corridor for Roaded Modified or Rural class conditions is inconsistent with ROS planning principles and the requirement of 40 CFR 1502.24. / Response: Thank you for your comment. Recreation opportunity spectrum assignments were made during revision of the Medicine Bow Forest Plan (2003). Methods for assessing impacts on the existing conditions and expected outcomes are explained in the “Recreation” and “Scenic Resources” sections of the FEIS.

FEIS Description of Comment and FS Response: II-P-NFMA-FP-C4 6 NR The Forest Plan is inconsistent with the requirements of the National Trails System Act as implemented through Executive Order 13195, the CDNST Comprehensive Plan, and Policy. / Response: Thank you for your comment. Forest plan revision is outside of the scope of this proposal. (FEIS at 301)

[Observation: A forest plan amended is not outside of scope the proposal, since impacts to the CDNST corridor have not been avoided—see 40 CFR 1508.25(c).]

O. Recommendations to Improve the Planning of the Project Area

FEIS Description of Comment and FS Response: II-P-NTSA-Other Uses 6 NR Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, efforts shall be made to avoid activities incompatible with the purposes for which such trails were established. / Response: Thank you for your comment. Recreational infrastructure is not expected to change as a result of this project. If short-term impacts, such as temporary parking area closures or temporary re-routes, are expected during the life of the project, information on these changes would be provided to the public. This information would include the location of alternative routes, access points, and effective dates, as appropriate. Other issues related to recreation access in general are outside the scope of this proposal. (FEIS at 301)

FEIS Description of Comment and FS Response: IV-PA-CDNST-C4 6 NR Ensure that motor vehicle use is consistent with the CDNST Comprehensive Plan direction. / Response: Thank you for your comment. The management of recreational infrastructure on the Medicine Bow National Forest, including motor vehicle use in regard to the Continental Divide National Scenic Trail, is outside of the scope of this proposal. (FEIS at 313)

IV. Statement of Issues – Draft Record of Decision

The Draft ROD states, “Effects of proposed vegetation treatments, changes to the national forest road system and travel management decisions adjacent to the Continental Divide National Scenic Trail must be consistent with Congressional intent and agency policy for National Scenic Trails (Issue 3).

Consistency with Congressional intent and agency policy of road and travel management decisions adjacent to the CDNST – No Action: No Changes and Proposal: H.R. 1631 (pg. 3864) states that prohibitions for National Scenic Trails do not “prevent motor vehicles from crossing the trails where necessary, or the use of motor vehicles along the trails for rescue, firefighting, or other emergency

purposes. “ The proposed action is consistent with this report which demonstrates the intent with regard to travel decisions which involve crossing roads where necessary to reduce fuel hazards.

[Observation: The National Trails System Act, Section 7(c), addresses motor vehicle use. The CDNST Comprehensive Plan implements this guidance through the direction found in Chapter IV.B.6. National Trails, H.R. Rep. No 90-1631 on the National Trails System Act states: “The rights-of-way [corridor] for the trails will be of sufficient width to protect natural, scenic, cultural, and historic features along the trails and to provide needed public use facilities. The rights-of-way will be located to avoid established uses that are incompatible with the protection of a trail in its natural condition and its use for outdoor recreation.”]

Legal and Regulatory Compliance

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.” (Draft ROD at 22)

[Observation: For the reasons presented in the preceding review of the FEIS, I believe that the selected action would not be consistent with the requirements of Section 7(c) of the National Trails System Act and therefore should not be approved without modifications.]

V. Summary of Suggested Remedies to Improve the Decision

To address NFMA, NTSA, and NEPA deficiencies, the responsible official should take the following actions to remedy CDNST concerns:

- The Forest Service should avoid commercial timber harvest and road construction and reconstruction actions within the described CDNST corridor until such time that the Forest Plan is amended or revised. The Forest Plan should be amended or revised to address the substantive provisions of 36 CFR 219.10, including the associated National Trails policy direction that is found in the 2009 CDNST Comprehensive Plan, FSM 2310, FSM 2353, FSM 2380, FSH 1909.12 24.43, and FR Notice of final amendments to the CDNST Comprehensive Plan and final directives (Federal Register, October 5, 2009, 74 FR 51116). The amended Forest Plan CDNST direction should establish guidance for determining the appropriateness and extent of vegetation management practices within the CDNST corridor.
- Follow established Scenery Management System and Recreation Opportunity Spectrum planning frameworks discarding the modifications that were applied to this project.
- Recognize that the provisions of the HFRA Act do not allow for substantial degradation of CDNST values and do not apply to NEPA processes and decisions that (1) directly or indirectly establish site-specific management direction for the CDNST corridor, and (2) determine a minimum road system.
- If commercial timber harvests are to proceed as presented in the Draft ROD, additional mitigation should include hazard tree removal along the 14 miles of the CDNST travel route

that is within the project area and not just the 2.2 miles that are mostly located within areas that are to be harvested.

Suggested actions to resolve this Objection: Remove the following commercial harvest units from the 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 and removal of hazard trees that may fall on a NFS road, NFS trail, or permitted fence line.

I appreciate your consideration of the information and concerns addressed in this objection. Should you have any questions, please do not hesitate to contact me at NSTrail@comcast.net.

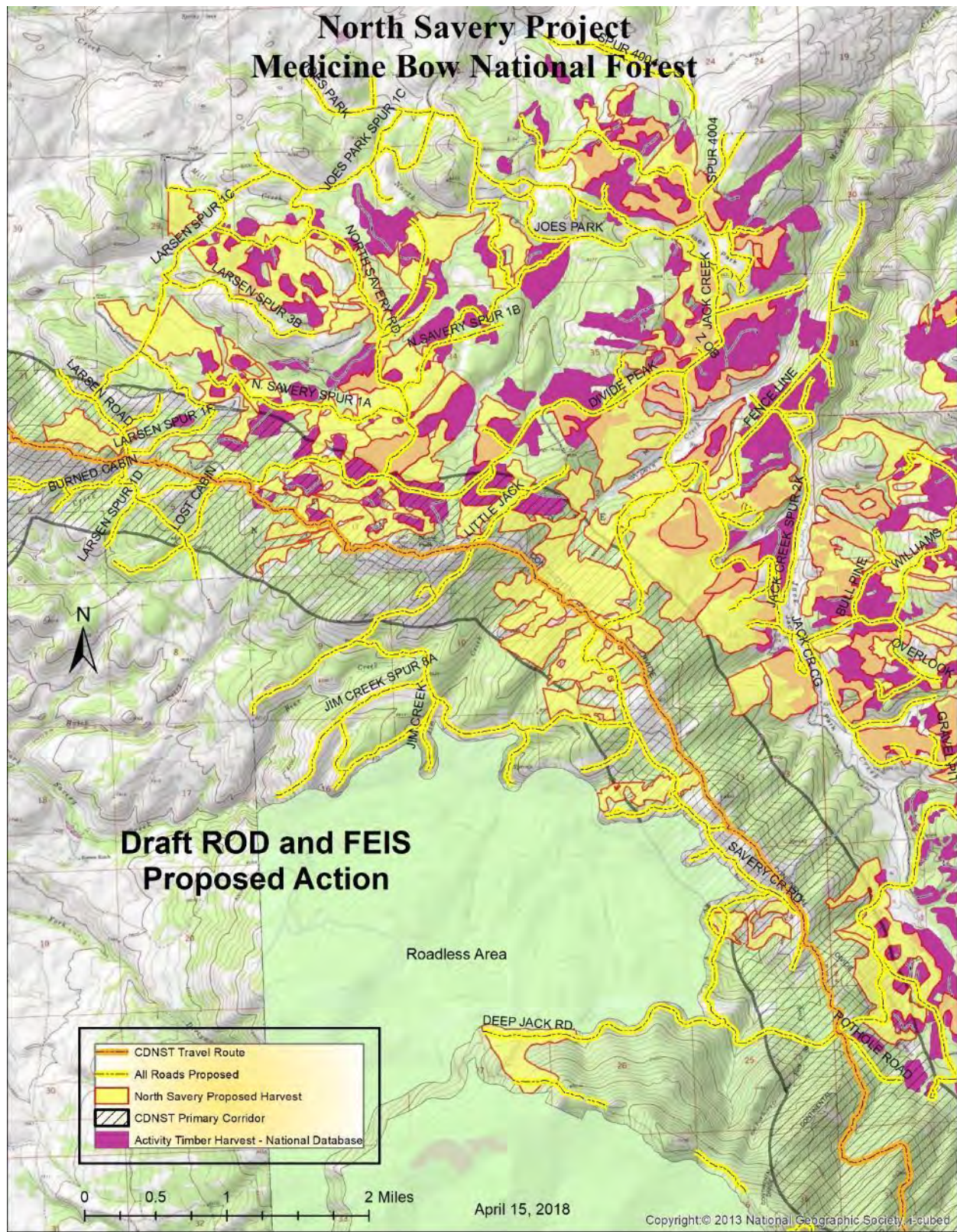
Sincerely,

cc: Russ M. Bacon, Forest Supervisor

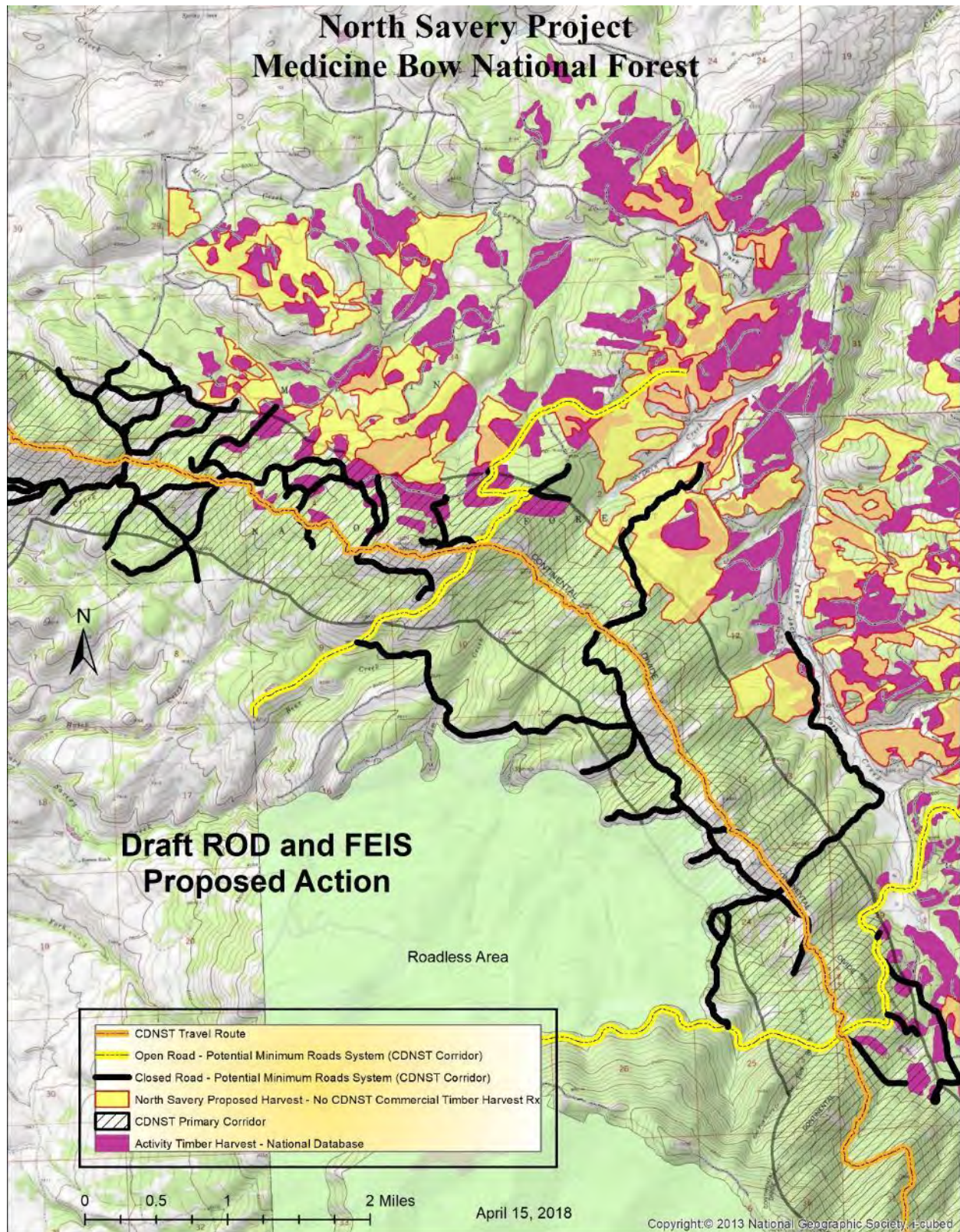
Attachments –

1. Combined Standard Trail Plans Hazard Tree Removal Illustration – STD 912-01
2. CDNST Planning Handbook – Submitted as DEIS Comments - v09.07.2017
3. Recreation Opportunity Spectrum by Clark and Stankey - GTR098
4. Assessing Forest Scenic Beauty Impacts of Insects and Management – FHTET 98-08
5. Google Earth KMZ file of the *8804 View Point* that is located on the map in Appendix C.

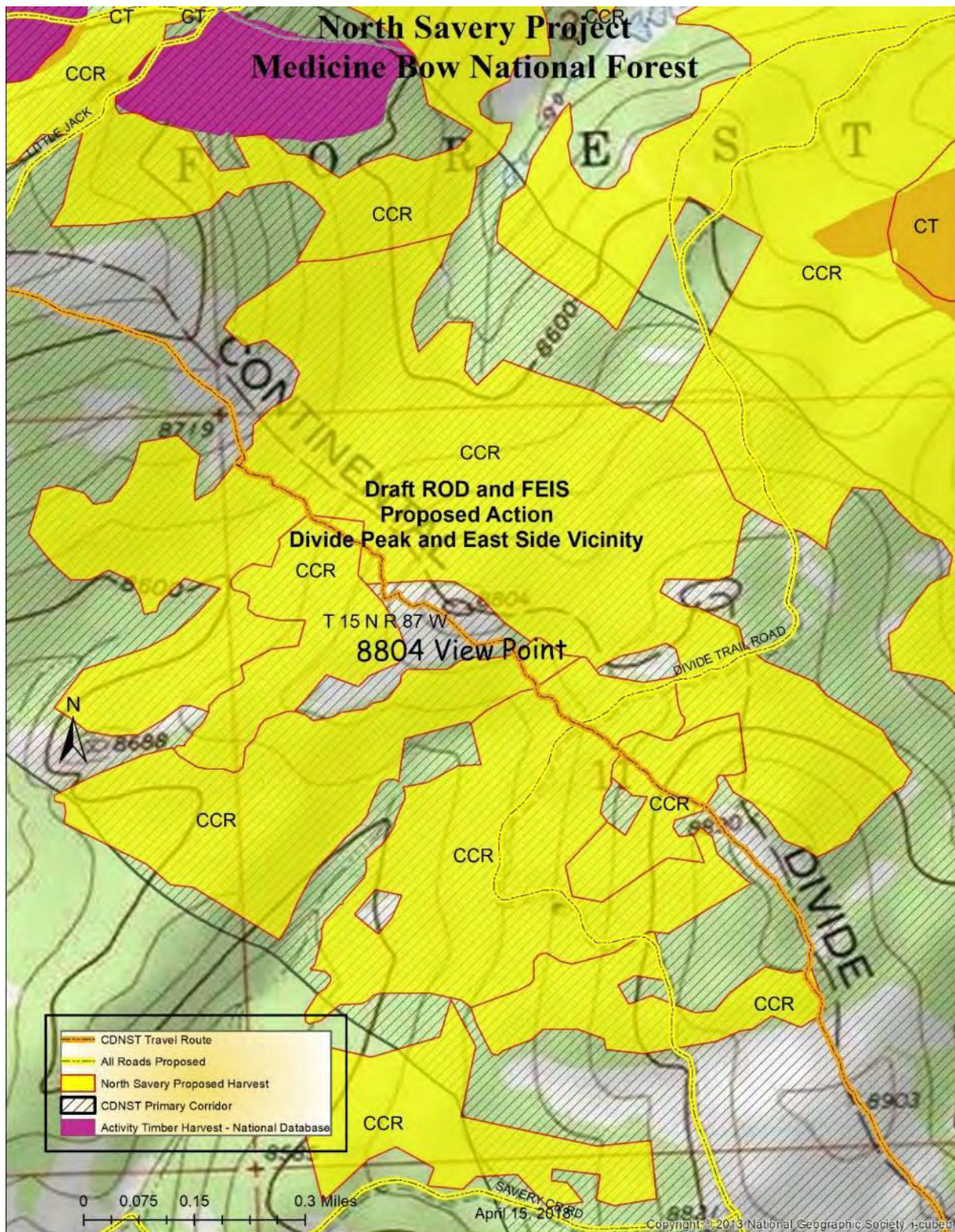
Appendix A – Display of Draft ROD Selected Actions



Appendix B – Display of Actions Modifications to address CDNST Scenery, ROS, and Roads Concerns



Appendix C – Display of Draft ROD Actions – Scenery and ROS Setting Concerns



View Point at 8804 Elevation