



August 28, 2023

Elizabeth Berger
Regional Forester, Pacific Northwest Region
Jacqueline Emanuel
Assoc. Deputy Chief, NFS, USDA Forest Service

Rick Pringle
Pacific Northwest NST Administrator
USDA Forest Service
1220 SW 3rd Avenue,
Portland, OR 97204

Re: Notice of Opportunity to Object, Pacific Northwest NST Comprehensive Plan/EA

Dear Regional Forester Berger, Assoc. Deputy Chief Emanuel and PNNST Administrator Pringle:

These are the comments and objections of the Appalachian Trail Conservancy (ATC) on the Pacific Northwest National Scenic Trail (PNNST or Trail) Comprehensive Plan (Comp. Plan; the Plan) and EA. The ATC was founded in 1925 to design, build, maintain, and protect the Appalachian Trail. Work on the Appalachian Trail (A.T.) began in 1922, becoming continuous from Georgia to Maine in 1937. Seeing the need for long-term federal protection, the ATC advocated for the National Trails System (NTS) Act (NTSA or Act), which designated the Appalachian Trail as the first National Scenic Trail (NST) in 1968. Although administered by the National Park Service (NPS), the 2,198-mile Appalachian National Scenic Trail (ANST) passes through two national forests in Region 9 and six national forests in Region 8, with more of the A.T. on U.S. Forest Service (USFS)-administered lands (approximately 45%) than NPS lands (approximately 33%). Reflecting the Act's intentional sharing of responsibility—and authority—the ANST Comprehensive Plan was signed by both the Chief of the United States Forest Service (USFS or “Service”) and the Director of the National Park Service (NPS) in 1981.

The ATC most recently provided extensive comments on a variety of aspects of the PNNST draft Comprehensive Plan/EA on April 17th, 2023, when the Plan and EA were previously offered for comment, and at all stages of scoping.

Comprehensive plans are not clearly defined under the National Trails System Act (NTSA or Act), and over the years, have evolved, been supplemented, and supplanted in various ways. While they have gotten more complicated over the years, the primary purpose of a comprehensive plan is to provide overall guidance for the multi-jurisdictional National Scenic and Historic Trails (NSHTs), as well as to delineate importance aspects of Trail operation, including, but not limited to, the “acquisition, development, management, and use of the [t]rail.”¹ In the opinion of ATC, while comprehensive plans are not meant to include every possible planning and management policy or document for a given Trail, they are required to provide the administering agency (here the USDA Forest Service) and cooperating land managers (the National Park

¹ 16 U.S.C. 1244(5)(e)

Service and states) and partners (the Pacific Northwest Trail Association and others) with enough guidance that they have sufficient direction to manage for the nature and purposes of the Trail amongst the many (sometimes competing) mandates and requirements under law.

Part of the origin of comprehensive plans was the realization in the ten years after the establishment of the Pacific Crest and Appalachian National Scenic Trails (NSTs), that the agencies required or insisted on more concrete direction for developing and managing these unconventional conserved lands and because the volunteer and non-governmental partners wanted to ensure that their visions—brought to and adopted by Congress—didn't find themselves subsumed by agency practices and well established ideas of how particular resources within a trail administrator's (or other's) charge should be managed. A comprehensive plan is strongest, like the U.S. Constitution, when it provides clear guidance expounding on the character of a given trail and its various partnerships, intentions for development, and perhaps most importantly, its nature and purposes, **but** does not prevent necessary flexibility or capacity for development.

Overall, ATC is pleased with the Plan and with the incredible amount of care and detail that the Service has undertaken to produce it. The tireless work of the former Pacific Northwest National Scenic Trail (PNNST) Trail Administrator, Becky Blanchard, deserves remark. Her contributions to the PNNST, this Plan, and the National Trails System have not gone unnoticed. Despite this great work, there remains grounds for improvement in the Plan. We believe that the Plan remains too detailed and at times restrictive, particularly given the nature of a NSHT comprehensive plan. This presents a challenge because updating plans is complicated and requires regulatory action. We, in particular, continue to be troubled by the Service's definition and scoping of National Trail Planning and Management Corridors (NTPC and NTMC, respectively).

Collaborative Management Model

We would again like to state our appreciation for the excellent work the Service has done in expounding on the collaborative management model of the PNNST in this pre-final plan. NSHTs are intended to be collaboratively or cooperatively managed public land units, incorporating assets and areas of land protected for other purposes, and for a given NSHT itself. The complexity of NSHTs requires an openness to navigating a multi-jurisdictional landscape and thriving *because* and not *despite* this. In particular since the conception of the Appalachian and Pacific Crest National Scenic Trails, which inspired the NTSA and the entirety of the NTS, public-private partnerships are essential to the success of the NSHTs. The Service says as much in its discussion of collaborative management, which ATC supports wholly. Further, in clearly stating that the PNTA is “the primary partner of the Forest Service in the development and implementation of PNT programs and projects across the length of the trail,” the Service recognizes the exceptional work of the PNTA in conceiving of and advancing (or “developing,” in the parlance of the NTSA) the PNNST. ATC would object to any changes in this section.

Nature and Purposes Statements

The Nature and Purpose statements are among the most important portions of a comprehensive plan, as they express how the trail administrator (and any co-signing consulting administrators or cooperating agency managers) understand the will of Congress in designating a given NSHT. ATC believes the nature and purpose statement in the Plan is excellent and would object to any changes in this section.

Primary and Key Uses

ATC appreciates the clarity provided by the removal of the term “key use” and substitution of “primary use.” ATC continues to believe that “compatible” and “incompatible” are preferable terms to describe what the Plan discusses as “primary uses.” Having two “primary uses” creates unique challenges for visitor use

management where these two uses coincide and conflict. Consider including guidance for establishing visitor capacity and strategies for balancing these two uses where desired conditions are threatened. It is also very important to note that the optimal location for the primary use of hiking may not be optimal, let alone feasible, for equestrian use, and large sections of the PNNST are not open to nor feasible for equestrian use (e.g., along the Pacific coast). Based on the totality of the document and the perspective of PNTA and experiences of ATC, perhaps the “primary” use should be identified as hiking, the “secondary” use should be identified as pack and saddle stock, and all other non-motorized, allowable uses should be termed “compatible.” Consistency throughout the document on types of use would be valuable.

Significant Natural, Historical, and Cultural Resources to Be Preserved

The lexicon of the National Trails System (NTS) can be somewhat confusing to outsiders, and even those of us who have been working within in for decades can get tripped by what a term may mean in a given context. We suggest for the final plan that the gradations of a “Trail” be understood and called out. A capital “T” Trail is a NSHT, a component of the NTS and a Congressionally conserved resource intended to be developed over time. NSHTs are forests (if administered by the Service), national conservation lands (if administered by the Bureau of Land Management) and parks (if administered by the National Park Service) in their own right. The “treadway” is the path on which hikers, cyclists, equestrians and others travel. The “corridor” is the conserved area managed for the Trail, including those areas conserved specifically for it and those managed for it via a Forest Plan, Resource Management Plan, or other agency management document. An alternative, and historical term for “corridor,” is “trailway.” The largest conceptual component is the “landscape,” within which the narrower “corridor” or “trailway” will be hewed (the “areas” containing “nationally significant scenic, historic, natural, or cultural qualities” of the “physiographic regions of the nation”²) All NSHTs are large landscape conservation units and are tools Congress has identified to unite a variety of values relating to natural landscapes (National Scenic) or to commemorate significant historical passages through a given landscape (National Historic).

Thus, ATC requests that in discussing the Congressionally identified values of the PNNST (“those nationally significant scenic, historic, natural, or cultural qualities of the area [] through which” it passes”), that it discusses the entire PNNST as “the Trail” and the path through The Trail, the unit’s unifying asset, as the “treadway” (e.g. on p. 33 of the pre-final plan).

National Trail Planning Corridor (NTPC)

ATC appreciates the work the Service has done in clarifying both its terminology and approach to the NTPC and National Trail Management Corridor (NTMC). ATC continues to dispute that the Secretary lacks the authority to regulatorily determine a right-of-way in the conventional sense (albeit with the cooperation of the head of another agency managing land within that right-of-way), but continues to grant that, to avoid confusion for those outside of the NTS, the terms “planning corridor” and “management corridor” are acceptable.

When Congress designates a NSHT, it is generally the *beginning* of the conservation process, rather than the *conclusion* of the conservation process. In establishing the NSHT with relatively broad guidelines, directing development generally no further than providing a map of landscape with a (partially or not) existing treadway to the trail administrator, Congress empowers the Secretary charged to come up with a general plan for development, management, acquisition, and use (the Plan in question here). That plan includes the intended zone of conserved area for the NSHT (the “corridor” or “trailway”) within the

² 16 U.S.C. 1242(a)(2).

“landscape.” The determination of the planning corridor must be with the consent of sister agency managers (when including land they manage) and to “minimize[e] the adverse effects upon the adjacent landowner or use and his operation” and to harmonize with established plans and usages.³

ATC recognizes the value of designating a boundary for the purposes of management and reiterates that the NTS itself does not require a narrow planning corridor; rather, it requires a planning corridor to focus the development of the NSHT in order to conserve the nature and purposes of the NSHT, consistent with its designation. This planning corridor, therefore, *must* contain the vast majority of the NSHT’s Congressionally identified values, otherwise Congress’ purpose in designating the given Trail would be defeated at the outset of the Trail’s development process. It can be *no narrower* than the foreground of visibility from the treadway, and, at its greatest extent, includes the entirety of the background of visibility from the treadway.

The NTSA is a big picture conservation law that organizes conservation of resources across large landscapes along a treadway. It is not *for* the treadway these resources are conserved, rather it is *from* the treadway that the recreating public will be able to appreciate the conserved natural, scenic, historic recreational, and cultural resources. The incredible versatility of the Act is a reflection of the different conditions that will be on the ground in any place, depending upon the kind of natural environment a given National Scenic Trail is seeking to conserve. It is the responsibility of the trail administrator, working collaboratively and cooperatively with the (non-governmental) partner(s), to determine the most appropriate NTMC in order to uphold the nature and purposes of the Trail and the requirements of the Act, specific to the environs in which that Trail is located. Further, the trail administrator is similarly charged to determine the most appropriate NTPC in order to provide for proper development, including potential optimal (re)location.

ATC objects to the NTPC minimum recommendation in this Plan of .5 mile on either side of the centerline of the treadway and instead requests that the minimum recommendation be at least 10 miles on either side (a 20-mile zone) to be further refined, as appropriate, according to the process laid out in the NTSA, i.e., wide enough in all instances (e.g., for relocation off of road walks) to provide an optimal PNNST location and subsequent optimal land acquisition, if needed, to protect the optimal location and values inherent to a NST. Furthermore, we request the Service combine these processes or, at the least, identify the timeline on which that process will occur, as the planning corridor is fundamental to advancing the development of the Trail as required by the NTSA. It is unclear how the development of this planning corridor requires “broader consultation” than is required for this multi-jurisdictional comprehensive plan, which has had sustained input over years from cooperators and other stakeholders. A planning corridor is *not* the establishment of a legal right of the agency over lands, publicly or privately held; rather, it is a zone of focus for the development of the Trail based on the presence of its Congressionally identified values.

Optimal Location Review (OLR)

The ATC recommends being slightly clearer that, year-by-year, the PNNST can shift and grow, as long as its termini do not change, and its footprint does not change “substantially” from the map incorporated into the Act by its designation. The ATC also believes the draft Plan should be somewhat clearer that temporary relocations of a NST treadway are normal, and are not “substantial relocations,” which, as is implied in the Plan, would be significant alterations to the path approved for a Trail’s treadway/overall location.

³ 16 U.S.C. 1246(a)(2)

In order to better reflect the remote conception of a National Scenic Trail, ATC requests adding an eleventh guiding principle, perhaps pulling from House Report No. 90-1631:

“...located to avoid, insofar as practicable, established highways, motor roads, mining areas, power transmission lines, existing commercial and industrial developments, range fences and improvements, private operations, and any other activities that would be incompatible with the protection of the trail in its natural condition and its use for outdoor recreation...”

Reflecting in the OLR/land protection sections that developed areas are to be avoided, when at all possible, would further support the nature of a National Scenic Trail.

Visitor Use Management and Carrying Capacity

While the ANST is used annually by thousands attempting a thru-hike, most people who recreate on National Scenic and Historic Trails will never thru-hike. While thru-hikers receive significant public attention, they are a very small percentage of most National Scenic Trail recreators (and perhaps non-existent percentage of National Historic Trail users). ATC appreciates that this type of user needs particular attention; they are not, however, the only national trail user population that needs particular attention. All hikers not intending to hike the entirety of the PNNST in one season must be reflected in the “Trail Uses” portion of the Plan, as these individuals are the overwhelming majority of users of the PNNST and all other National Scenic and Historic Trails.

ATC agrees to the Service’s characterization of “carrying capacity” as used in the NTSA to mean a plan for visitor use but disagrees with the overly complicated, potentially unmanageable, and perhaps duplicative method that the Service has proposed for the PNNST.

ATC objects to the concept, method, and management value of a trail-wide capacity estimate for the PNNST proposed in the Plan for the reasons listed below, and argues a trail-wide capacity is not necessary to satisfy NTSA requirements:

- For a long-distance trail, a single capacity estimate based on the constraints of the most limiting sections may result in over- or under-utilization of sections along the length of the Trail.
- Furthermore, the approach assumes a continuous and evenly distributed flow of thru-hikers. It does not account for use concentration in time and space (e.g., most desirable start dates and locations, “bunching” at popular destinations, wildfires) or drop-outs (starts vs completions).
- Thru-hiker use is a very small fraction of total use of the Trail. A thru-hiker capacity does not take into account other types of use that may occur in the same time and place. Therefore, capacity management based on a small subset of users may result in undesirable impacts to the resource and experience.
- Visitor capacity is not an inherent characteristic of a site. It changes based on management actions taken to influence visitor use patterns and behavior (among other factors) to ensure management goals are met. Such an estimate would be out of date almost instantly, another reason why capacity estimates are best addressed in more adaptive local visitor use management plans.
- Shifting environmental conditions (e.g., presence of a wildfire) and long term impacts of climate change (e.g., increased prevalence of wildfires) may also alter visitor capacity and visitor use in unanticipated ways.

- A Trail-wide visitor capacity number is too broad in geographic scope for effective management on a long-distance linear trail. As acknowledged elsewhere throughout the Plan, “at the comprehensive planning level, it is preferable to express capacity by zone as the general types and amounts of use that the trail can accommodate.” Visitor capacity estimates for a specific site, segment, or area—especially capacities that consider multiple use types and unique use patterns for that area—are most useful.

Trail Closure and Temporary Detours

ATC appreciates the improvement of the discussion of trail closures, temporary relocations, etc. in the Plan. In this updated section, a passing reference is made to temporary closures due to timber harvesting. It should be made clear this applies only to timber harvest on private lands. ATC notes that commercial timber harvesting within the Appalachian NST management area on federal and state lands is not allowed and strongly recommends that the PNNST be managed consistently with the ANST. The PNNST NTMC (i.e., the PNNST foreground zone) should be unsuitable acreage.

Transfer of Management Responsibilities to Another Federal Agency

Along the ANST there are many acres of lands transferred from the NPS to the USFS via a MOA. In ATC’s experience a clear MOA is essential to appropriate management of transfer lands along an NST and must adhere to 16 U.S.C. 1246(a)(1)(A) and 16 U.S.C. 1246(a)(1)(B). Transferring management responsibility for a given parcel conserved for a given NSHT does not transmute the legal nature of the land (i.e., land in the National Park System can be managed by the Service but does not shed protections inherent to national park land and adopt the allowable usages of lands within the National Forest System by such transfer).

Land Acquisition and Protection

Land acquisition and resource conservation are some of the most fundamental aspects of the “development” of a National Scenic or Historic Trail. In this Plan (Appendix D at p. 175), the Plan states that its first guidance principle and prioritization criterion is to “complete the trail.” This is an appropriate first principle and criterion, but ATC notes that given the nature of National Scenic Trails in particular, “completion” is an end to strive ever towards, but perhaps not be capable of being achieved.

For the sixth criterion, “fee title acquisitions,” ATC requests the revision of the current text to read, “The use of fee title acquisitions (land purchases and land donations) to ensure long-term protection of land areas along the PNT is preferred. Outside of Federally administered areas, encourage state and local governments, and cooperating private entities, to acquire such lands or interests on lands, or enter into cooperative agreements as needed to assure protection of the PNT, with the trail administrator and cooperating agencies also pursuing fee title acquisitions as appropriate.” We would object to the failure to include a specific reference to the federal acquisition of fee title acquisitions (as is recognized elsewhere in the Plan).

This section is mostly good, but consistent with non-strictly recreation values of the Trail, ATC recommends under “Management Practices,” that the FS remove the first sentence in 4(e) on page 67 and replacing it with “Prioritize acquisitions or management agreements that protect the treadway when outside the exterior boundaries of federal reservations, but pursue, when possible, acquisitions or management agreements on lands that may not be contiguous with the Trail’s optimal conserved corridor, consistent with the Act’s intention to provide scenic and naturally valuable experiences from the treadway.” Additionally, a final subsection (h) referencing the desirability of conserving land with ecological connectivity value within the PNNST’s broader landscape would be consistent with both USFS and federal responsibilities towards flora, fauna, and ecological health (and consistent with the Act).

The ATC appreciates the potential value of including the “pros and cons” of various types of land protection but does not believe it is appropriate or necessary for the comprehensive plan.

In the discussion of cooperative agreements, as relate to land protection (and otherwise), the ATC is curious as to whether the current text of the Plan reflects changes made to challenge cost share agreements in the current Administration. Further, in discussing cooperative agreements in the context of the NTMC managed by the NPS, ATC requests that an updateable appendix, the management areas and prescribed/allowable use in otherwise conserved lands containing the Trail (and all NSHTs) be included in this final Plan.

Scenery

ATC requests that the Plan clearly state that the PNNST will use the scenery management system (SMS) as a whole, and management actions in the middleground views from the PNNST will meet a SIO of at least Moderate. ATC will also reiterate: The PNNST NTMC (i.e., the PNNST foreground zone) should be unsuitable acreage (for timbering). Consistent language through forest and land resource management plans can be extremely difficult to achieve - in part because of the sometimes-isolated understanding of a comprehensive plan. The ANST, USFS staff and A.T. management partners have enjoyed significant benefits from consistent NTMC language in the eight national forests through which the A.T. passes in USFS Regions 8 and 9. Its inclusion, therefore, in this Plan would be extremely helpful to the PNNST.

The ATC appreciates the exceptional work that the Service has put into developing this Plan, and the agency’s incredible commitment to partnership and cooperative management. There is much in this PNNST draft comprehensive plan that ATC believes will be beneficial for formulation of the National Trails System’s other comprehensive plans. This Plan is quite long, contains a great amount of detail (some of which seems unnecessary), but reflects an appreciation for the Pacific Northwest National Scenic Trail that is very encouraging. Thank you to our partners, in the Forest Service particularly Becky Blanchard, and the Pacific Northwest Trail Association who have helped develop this draft Plan. The ATC looks forward to participating in the resolution meeting and subsequent decisions about any proposed changes to the Plan that may arise during the resolution meeting.

Sincerely,



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