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Comments: Helena-Lewis and Clark National Forest Plan Revision Objection documents are attached.

#### A. Introduction

The Continental Divide National Scenic Trail (CDNST) Leadership Council met in 2004. Attendees included interagency Regional and State lead line-officers from along the Continental Divide: Montana, Idaho, Wyoming, Colorado, and New Mexico. In this meeting, the Leadership Council formed a vision statement for the future of the CDNST and adopted guiding principles. The Vision Statement described, "Complete the Trail to connect people and communities to the Continental Divide by providing scenic, high-quality, primitive hiking and horseback riding experiences, while preserving the significant natural, historic, and cultural resources along the Trail."

The Leadership Council in 2006 reviewed issues related to the 1985 CDNST Comprehensive Plan. Much of the direction in this plan was inconsistent with law and needed to be amended or revised. The Leadership Council decision was to amend the Comprehensive Plan direction following 36 CFR 216 public involvement processes. The draft amended Comprehensive Plan was published in the Federal Register for comment in 2007. The final amended CDNST Comprehensive Plan direction was published in the Federal Register in 2009 and took effect on November 4, 2009 (74 FR 51116).<sup>1</sup> The eventual revision of the CDNST Comprehensive Plan will need to further address the conservation,<sup>2</sup> protection,<sup>3</sup> and preservation<sup>4</sup> purposes of this National Scenic Trail.

The amended Comprehensive Plan was approved by Chief Thomas Tidwell in September 2009.<sup>5</sup> An outcome of the amended Comprehensive Plan was the description of the nature and purposes of this National Scenic Trail: "Administer the CDNST consistent with the nature and purposes for which this National Scenic Trail was established. The CDNST was established by an Act of Congress on November 10, 1978 (16 USC 1244(a)). The nature and purposes of the CDNST are to provide for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the CDNST corridor." The amended Comprehensive Plan establishes other important direction for the management of the CDNST including:

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\* The right-of-way for the CDNST is to be of sufficient width to protect natural, scenic, cultural, and historic features along the CDNST travel route and to provide needed public use facilities.

1 <https://www.federalregister.gov/documents/2009/10/05/E9-23873/continental-divide-national-scenic-trail-comprehensive-plan-fsm-2350>

2 16 U.S.C. [sect][sect] 1242(a)(2), 1246(k)

3 16 U.S.C. [sect][sect] 1244(f)(3), 1246(i)

4 16 U.S.C. [sect][sect] 1241(a), 1244(f)(1)

5 [https://www.fs.fed.us/sites/default/files/fs\\_media/fs\\_document/cdnst\\_comprehensive\\_plan\\_final\\_092809.pdf](https://www.fs.fed.us/sites/default/files/fs_media/fs_document/cdnst_comprehensive_plan_final_092809.pdf)

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\* Land and resource management plans are to provide for the protection, development, and management of the CDNST as an integrated part of the overall land and resource management direction for the land area through which the trail passes.

\* The CDNST is a concern level 1 travel route with a scenic integrity objective of high or very high.

\* Manage the CDNST to provide high-quality scenic, primitive hiking and pack and stock opportunities. Use the Recreation Opportunity Spectrum (ROS) in delineating and integrating recreation opportunities in managing the CDNST.

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

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

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

\* Plan components must provide for the nature and purposes of existing national scenic and historic trails[hellip]

\* The Responsible Official shall include plan components that provide for the nature and purposes of national scenic and historic trails in the plan area.

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

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

The 1982 and 1986 ROS User Guides are the basis for the Planning Rule as addressed in the Rule PEIS. To be consistent with the Planning Rule, the Forest Plan must define and apply ROS principles that are consistent with the ROS direction that was in effect at the time the Planning Rule was adopted. Most important is addressing ROS physical setting attributes in Primitive and

Semi-Primitive ROS settings. The 1986 ROS User Guide supports the CEQ requirement for Methodology and Scientific Accuracy.

The Forest Service 1986 ROS Book repeats information that is found in the 1982 ROS User Guide and provides ROS background information, reviews research, and adds land management planning guidance. The 1986 ROS

Book states, "Settings are composed of three primary elements: The physical setting, the social setting, and the management setting. These three elements exist in various combination and are subject to managerial control so that diverse opportunity settings can be provided[hellip]

The physical setting is defined by the absence or presence of human sights and sounds, size, and the amount of environmental modification caused by human activity. The physical setting is documented by combining these three criteria as described below. Physical Setting - The physical setting is best defined by an area's degree of remoteness from the sights and sounds of humans, by its size, and by the amount of environmental change caused by human activity[hellip] The apparent naturalness of an area is highly influenced by the evidence of human developments. If the landscape is obviously altered by roads, railroads, reservoirs, power lines, pipe lines, or even by highly visual vegetative manipulations, such as clearcuttings, the area will not be perceived as being predominately natural. Even if the total acres of modified land are relatively small, "out of scale" modifications can have a negative impact.

ROS is reviewed in more detail in Section III part A of this objection.

## 2. Regional Forester and HLC CDNST Plan Components

The National Trails System Act of 1968, 82 Stat. 919, as amended, provides that the CDNST, "shall be administered" "by the Secretary of Agriculture" to "provide for maximum outdoor recreation potential and for the conservation and enjoyment" of "nationally significant scenic, historic, natural, or cultural qualities." It empowers and requires that the Secretary of Agriculture select the CDNST rights-of-way which informs the National Scenic Trail corridor location and width. The establishment of the CDNST thus constitutes an overlay on the management regime otherwise applicable to public areas managed by land management agencies. The NTSA and E.O. 13195 - Trails for America in the 21st Century - limits the management discretion the agencies would otherwise have by mandating the delineation and protection of the CDNST rights-of-way (aka National Trail Management Corridor) for the purpose of providing for the nature and purposes of the CDNST.

The Regional Foresters' and HLC revised Forest Plan CDNST plan components legal basis is flawed. The Forest Service relies on rights-of-way (16 U.S.C. [sect] 1246(a)(2)) vague direction in the National Trails System Act as an indicator that the management and protection of National Scenic and Historic Trails is subordinate to common multiple-use programs. This interpretation is inconsistent with the totality of the direction in the National Trails System Act. The false

narrative for this interpretation of law often goes as follows: "The National Trails System Act at 16 U.S.C. [sect] 1246(a)(2) indicates that management in the vicinity of the CDNST while it traverses management areas that are subject to development or management is acceptable, but should be designed to harmonize with the CDNST as possible. Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land. The wording recognizes multiple uses and seeks to moderate impacts on the trail from resource management to the extent feasible while meeting resource management objectives." 6

Reviewed in HLC Draft Plan and DEIS comments, the 1968 guidance "to be designed to harmonize with and complement any established multiple-use plans for that specific area" was to some extent addressed in 1980 directives by Chief Max Peterson: "Development and administration of a National Scenic Trail or National Historic Trail will ensure retention of the outdoor recreation experience for which the trail was established. Each segment of a trail should be designed to harmonize with and complement any established land management plans for that specific area in order to ensure continued maximum benefits from the land. Decisions relating to trail design and management practices should reflect a philosophy of perpetuation the spectrum of recreation objectives envisioned for the trail users. Land management planning should describe the planned actions that may affect

that trail and its associated environments. Through this process, resource management activities prescribed for land adjacent to the trail can be made compatible with the purpose for which the trail is established. The objective is to maintain or enhance such values as esthetics, natural features, historic and archeological resources, and other cultural qualities of the areas through which a National Scenic or National Historic Trail goes."

The National Forest Management Act requires that a Land Management Plan address the comprehensive planning and other requirements of the NTSA in order to form one integrated Plan (16 [sect][sect] U.S.C. 1604(e), 1604(f) and 36 CFR [sect][sect] 219.1, 219.10). As such, the NTSA guidance that a National Trails System segment be, "designed to harmonize with and complement any established multiple-use plans for that specific area," is not applicable to a land management plan approved after the passage of the NFMA in 1976 and as addressed in the 1982 implementing planning regulations (36 CFR [sect] 219.2 (1982)). Furthermore, the NTSA was amended in 1978 in part to designate the CDNST and require comprehensive planning for National Scenic and Historic Trails, which the Forest Service is completing through staged decisions for the CDNST whereas the revised HLC Forest Plan is critical in completing NTSA comprehensive planning requirements.

6 Medicine Bow Landscape Vegetation Analysis Project, Reviewing Officer's Instructions, June 10, 2020.

The CDNST rights-of-way is yet to be selected, which has confounded the planning and management of this National Scenic Trail. When selecting the rights-of-way, the Secretary should recognize that harmonizing and complementing benefits of a National Scenic Trail include providing for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas; preserving significant natural, historical, and cultural resources; and contributing to achieving outdoor recreation, watershed, and wildlife multiple-use benefits.

The Regional Foresters' and HLC proposed revised Forest Plan CDNST plan components do not protect the qualities and values of this National Scenic Trail. The HLC plan components do not address the National Trails System Act and CDNST Comprehensive Plan requirements to: (1) provide for high-quality scenic, primitive hiking and horseback riding opportunities, and (2) conserve scenic, historic, natural, or cultural qualities of the areas through which such trails may pass (16 U.S.C. [sect] 1242(a)(2)). In addition, the regional guidance and HLC plan does not establish direction to: (1) preserve significant natural, historical, and cultural resources (16

U.S.C. [sect] 1244(f)(1)); and (2) protect the CDNST corridor to the degree necessary to ensure that the values for which the CDNST was established remain intact or are restored (E.O. 13195, FSM 2353.44b(1) and FSH 1909.12 24.43).

The Regional Foresters' formulation and adoption of CDNST plan component guidance was not in compliance with section 14(a) of the FRRRPA (16 U.S.C. 1612(a)) and 36 CFR 216 public involvement processes. The Regional Forester policy direction is inconsistent with the USDA Departmental Regulation 1074-001 scientific integrity policy that relates to the development, analysis, and use of data for decision-making.

Revised Forest Plan CDNST plan components are reviewed in detail in Section III part C of this objection.

#### C. Proposed Solution to Improve the Decision

The CDNST Comprehensive Plan in Chapter IV Part A states, "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." The plan must identify and map the national scenic trail" right-of-way and delineate a corridor that protects the resource values for which the trail was designated. The Responsible Official shall include plan components that provide for the nature and purposes of national scenic trails in the plan area (FSH 1909.12 Part 24.43).

For the purpose of providing for the nature and purposes of the CDNST, resolving this objection, and addressing key proposed Forest Plan deficiencies, the Forest Service should take the following actions:

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\* Recreation Opportunity Spectrum class definitions need to be expanded to add descriptions of Non-Recreation Uses and Evidence of Humans. ROS setting descriptions need to be consistent with the 1986 ROS Red Book guidance, which was the basis for the planning rule as informed by the Rule PEIS.

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

\* Modify the CDNST management corridor direction by adding the following plan components and eliminating proposed plan direction that may conflict with the following components:

\* Desired Condition: The CDNST provides for high-quality scenic, primitive hiking and horseback riding opportunities and conserves natural, historic, and cultural resources along the corridor (nature and purposes).

\* Desired Condition: Primitive and Semi-Primitive Non-Motorized ROS class settings are protected or restored.

\* Desired Condition: Scenic character is Naturally Evolving in Primitive ROS settings and Natural-Appearing in other areas. Scenic integrity objectives of Very High and High contribute to the desired Scenic Character.

\* Desired Condition: The CDNST corridor contributes to providing for habitat connectivity for significant and wide-ranging species between public lands in northern Montana and those in central and southern Montana, including lands in the Greater Yellowstone Ecosystem.<sup>7</sup>

\* Standard: To provide for desired Scenic Character, management actions must meet a Scenic Integrity Level of Very High or High in the immediate foreground and foreground visual zones as viewed from the CDNST travel route.

\* Standard: Resource management actions and allowed uses must be compatible with maintaining or achieving Primitive or Semi-Primitive Non-Motorized ROS class settings.<sup>18</sup> Accepted inconsistencies are existing Federal and State road rights-of-way, existing utility rights-of-way, and general public motor vehicle use that is allowed as described under motor vehicle use by the general public. NFS roads may be allowed to pass through the Management Area as long as the road physical nature and use does not substantially interfere with the CDNST nature and purposes.

\* Standard: Motor vehicle use by the general public is prohibited by the National Trails System Act unless that use:

\* Is necessary to meet emergencies;

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

\* Is for the purpose of allowing private landowners who have agreed to include their lands in the CDNST by cooperative agreement to use or cross those lands or adjacent lands from time to time in accordance with Forest Service regulations; or

\* Is on a motor vehicle route that crosses the CDNST, as long as that use will not substantially interfere with the nature and purposes of the CDNST;

7 Reinforces CDNST conservation purposes and HLC plan wildlife desired condition DI/RM/UB-WL-DC 01.

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\* Is designated in accordance with 36 CFR Part 212, Subpart B, on National Forest System lands or is allowed on public lands and:

\* The vehicle class and width were allowed on that segment of the CDNST prior to November 10, 1978, and the use will not substantially interfere with the nature and purposes of the CDNST or

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

\* In the case of over-snow vehicles, is allowed in accordance with 36 CFR Part 212, Subpart C, on National Forest System lands or is allowed on public lands and the use will not substantially interfere with the nature and purposes of the CDNST.

\* Standard: The CDNST travel route may not be used for a livestock driveway.

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\* Guideline: To protect the values for which the CDNST was designated, resource uses and activities that could conflict with the nature and purposes of the CDNST may be allowed only where there is a determination that the other use would not substantially interfere with the nature and purposes of the CDNST.

\* Suitability: The Management Area (aka National Trail Management Corridor) is not suitable for timber production.

\* Objective: For the purpose of implementing CDNST comprehensive planning site-specific measures a CDNST unit plan should be completed within five years (FSM 2353.44(b)(2)).

The CDNST management corridor, in the vicinity of the Divide and Upper Blackfoot Geographic Areas, is displayed in Figure 1 and is repeated Attachment A with desired summer and winter CDNST ROS classes identified. A map of the CDNST management corridor, with established ROS classes, needs to be part of the Forest Plan. (FSH 1909.12 parts 22.22 and 24.43)

The CDNST management corridor, in the Divide and Upper Blackfoot Geographic Areas, is displayed in Figure 2 and is repeated in Attachment A with desired Scenic Integrity Objectives identified. The SIO geospatial data used for this display is from Alternative F in the FEIS, which is the selected alternative in the ROD. A map of the

CDNST management corridor, with established SIO, needs to be part of the Forest Plan.

Violation of Law, Regulation or Policy: National Forest Management Act, National Trails System Act, and National Environmental Policy Act. See Section IV Part C for a list of laws, regulations, and policies that are of concern and referenced in this objection.

Connection with Comments: Attachment B includes extensive comments submitted through Forest Plan revision processes.

Specific Concerns with the Proposed Revised Forest Plan, FEIS, and Draft ROD

The Forest Plan, FEIS, and draft ROD are reviewed in more detail in the following sections.

Figure 1. The CDNST Management Corridor displaying recommended desired CDNST Recreation Opportunity Spectrum settings is shown in the vicinity of the Divide and Upper Blackfoot Geographic Areas.

Figure 2. The CDNST Management Corridor displaying recommended desired CDNST Scenic Integrity Objectives is shown in the vicinity of the Divide and Upper Blackfoot Geographic Areas.

The following discussion summarizes key elements of Recreation Opportunity Spectrum and Scenery Management System analyses protocols that are important to the understanding of issues brought forth in this objection. Following the 1986 ROS and 1995 SMS planning protocols would lead to analyses that would be consistent with the Department's Science Integrity policy and CEQ Methodology and Scientific Accuracy requirements (Departmental Regulation 1074-001 and 40 CFR [sect] 1502.24)).

#### A. Recreation Opportunity Spectrum

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

McCool, Clark, and Stankey in *An Assessment of Frameworks Useful for Public Land Recreation Planning*, General Technical Report PNW-GTR-705, described that, "Beginning in 1978, the concepts of an opportunity setting and spectrum of recreation opportunities were formalized as a planning framework in a series of significant papers involving two groups of researchers working with public land managers: (1) Roger Clark and George Stankey (Clark and Stankey 1979) and (2) Perry Brown and Bev Driver (Brown et al. 1978, Driver and Brown 1978, Driver et al. 1987). The series of papers that evolved described the rationale, criteria, and linkages that could be made to other resource uses. The goal of these papers was to articulate the concept of an opportunity spectrum and to translate it into a planning framework; today they serve to archive the fundamental rationale behind the ROS concept and planning framework. The ROS framework as a planning framework was oriented toward integrating recreation into the NFMA required forest management plans. Both the BLM and the Forest Service eventually developed procedures and user guides to do this (e.g., USDA FS 1982)."8

8 "An Assessment of Frameworks Useful for Public Land Recreation Planning by Stephen F. McCool, Roger N. Clark, and George H. Stankey (PNW-GTR-705) compares recreation planning frameworks. ROS is discussed on pages 43-

1. ROS is the preferred recreation planning framework for addressing Forest Service Planning Rule requirements: 36 CFR [sect][sect] 219.6(b)(9), 219.8(b)(2), 219.10(a)(1) & (b)(1), and 219.19 definitions for Recreation Opportunity and Setting. In addition, using ROS could lead to meeting the NEPA requirement for Methodology and Scientific Accuracy (40 CFR [sect] 1502.24).

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

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

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

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

Roger Clark and George Stankey in the Recreation Opportunity Spectrum - A Framework for Planning, Management, and Research, General Technical Report PNW-989 described that, "The end product of recreation management is a diverse range of opportunities from which people can derive various experiences. This paper offers a framework for managing recreation opportunities based on six physical, biological, social, and managerial factors that, when combined, can be utilized by recreationists to obtain diverse experiences[hellip]

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

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

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

Considerable work has gone into developing procedures for measuring and managing visual resources."

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

Chuck McConnell and Warren Bacon, on page II-17, of the 1986 ROS Red Book state, "Much of the success in managing vegetation to achieve desired visual character and meet visual quality objectives in Roaded Natural and Rural areas is tied to control of viewing positions primarily on roads, highways, and use areas. When the recreation user is traveling on trails or cross-country in Primitive or Semi-Primitive areas, near view becomes very evident. Recreation experience opportunities, which are not as available in Roaded Natural and Rural settings should become a primary goal. Some of these may include:

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1. Obtaining privacy, solitude, and tranquility in an outdoor setting.
2. Experiencing natural ecosystems in environments which are largely unmodified by human activity.
3. Gaining a new mental perspective in a tranquil outdoor setting.
4. Self-testing and risk-taking for self-development and sense of accomplishment.
5. Learning more about nature, especially natural processes, human dependence on them, and how to live in greater harmony with nature. To the extent practical, these opportunities should be goals in all ROS settings on the National Forest System.

Any vegetative management must be quite subtle and for the purposes of creating and maintaining an attractive recreation setting that will offer these types of experience opportunities. Details such as the attributes of an old growth Forest (rotting logs with conks, large trees with distinctive bark, etc..) become even more important in Primitive and Semi- Primitive than in Roaded Natural and Rural. Providing human scale or created openings generally means they must be quite small with natural appearing forest floor, edge, shape, and disbursement."

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

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

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

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

Management prescriptions 10are the building blocks for formulating planning alternatives, and for providing site specific management. Each prescription describes a set of compatible multiple- use management practices that will produce a particular mix of resource outputs. For example, one management area prescription might allow grazing and provide for primitive recreation opportunities, but permit only minimal water development structures and place strict controls on timber harvesting and mineral development. Another prescription for the same type of land might also permit grazing, but provide for roaded-natural recreation opportunities and allow for clearcutting and strip mining[hellip]

The ROS helps planners identify different allocations of recreation, specifying where and what types of recreational opportunities might be offered and the implications and consequences

associated with these different allocations. Because the ROS requires explicit definitions of different recreation opportunities, it facilitates comparisons between different alternatives. It also helps identify what specific actions might be needed in order to achieve certain allocations in the future.

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

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

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

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

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

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

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

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

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

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

The Recreation Opportunity Setting as a Management Tool paper reviews Roaded Modified ROS setting considerations, on pages 22-24, which is not addressed in the 1982 and 1986 ROS User

Guides.<sup>11</sup> Setting indicators are describe in part as, "Roads are an integral part of these classes and provide a range of opportunities for users of high clearance vehicles on dirt roads to passenger cars on pavement. Roads may be closed to recreational use to meet other resource management objectives. In addition to roads, a full range of trail types and difficulty levels can be present in order to meet recreation objectives[hellip] The natural setting is often heavily altered as this environment and access throughout are often the result of intensive commodity production. Timber harvest, for example, is constrained primarily by the NFMA regulation of shaping and blending harvest units with the terrain to the degree practicable. Harvest activities should protect user-established sites from alteration and provide access to them. It should be used to meet other recreation needs such as provide trailhead access, parking areas, and a diversity of travelway opportunities[hellip]."

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

In areas established for a Primitive or Semi-Primitive ROS setting, remoteness inconsistencies will become more prevalent over time due to adjacent Roaded Natural ROS settings being developed, which is mostly uncontrollable if land management plan direction is to be realized. With this in mind, Primitive or Semi-Primitive ROS settings to be established should not have plan components that relate to remoteness. Remoteness will continue to be important for ROS setting inventories when plans are revised.

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

How are ROS setting inconsistencies addressed in providing for desired settings along a National Scenic Trail? An inconsistency is defined as a situation in which the condition of an indicator exceeds the range defined as acceptable by the management guidance. For example, the condition of the indicators for a National Scenic Trail corridor may all be consistent with its management as a semi-primitive non-motorized area with the exception of the presence of a

trailhead and access road. In such a case, what are the implications of the inconsistency? Does the inconsistency benefit or interfere with the nature and purposes of the National Scenic Trail? What should be done about the inconsistency? Three general kinds of actions are possible.

First, perhaps nothing can or should be done. It may be concluded that the inconsistency will have little or no effect on the area's general character. Alternatively, the agency may lack jurisdiction over the source of the inconsistency. A second response is to direct management action at the inconsistency to bring it back in line with the guidance established for the desired ROS class. The main point to be understood with regard to inconsistencies is that they might be managed. The presence of one does not necessarily automatically lead to a change in ROS class. By analyzing its cause, implications, and possible solutions, an inconsistency may be handled in a logical and systematic fashion.

For example, how could Ophir Cave NFSR 515 road be managed, which coexists with the CDNST travel route on the Continental Divide? The current objective for NFSR 515 is Level 3 - suitable for passenger cars. This road is shown on the 1984 Travel Plan Map as road 136, so there is a good chance that it existed in 1978 when the CDNST was designated by an Act of Congress. If the route was constructed as a road prior to November 10,

1978, the use of motorized vehicles shall be permitted in accordance with regulations prescribed by the Secretary of Agriculture (unless prohibited by another resource purpose). To reduce conflicts, the forest should consider establishing an Operational Level II Objective with the intent of decreasing motor vehicle use on NFSR 515. The motor vehicle use on this route would be an inconsistency within a desired CDNST SPNM ROS setting for this segment of the CDNST; however, an established SPNM setting would still help protect the nature of this segment of the CDNST corridor. The SIO of High would continue to be appropriate for this segment of the CDNST. If conflicts developed between CDNST travelers and general motor vehicle use, a parallel CDNST travel route may need to be developed to avoid general public motor vehicle traffic. The management of the CDNST route where located on roads will need to be thoroughly addressed in the CDNST unit plan (FSM 2353.44b(2)).

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

#### B. Scenery Management System

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

The following paraphrases discussions found in the Landscape Aesthetic Handbook.

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

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

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

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

During the alternative development portion of the planning process, the potential and historical aspects of the Landscape Character Description are used to develop achievable Landscape Character Options concert with other resource and social demands. Landscape Character Descriptions and associated Scenic Integrity levels,

long- and short-term, are identified for each option and alternative. The desired Scenic Character and Scenic Integrity are included within the descriptions of the management area and geographic area desired conditions and standards and guidelines. Generally a Very High or High Scenic Integrity level is assigned to Wilderness and other congressionally designated areas.

Natural scenic character originates from natural disturbances, succession of plants, or indirect activities of humans. The existing scenic character continues to change gradually over time by natural processes unless affected by drastic natural forces or indirect human activities. In a natural-appearing landscape, the existing landscape character has resulted from both direct

and indirect human activities. Scenic character may have changed gradually over decades or centuries by plant succession unless a concerted effort was made to preserve and maintain cultural elements through processes such as prescribed fires.

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

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

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

#### C. ROS and SMS Relationships

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

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

Esthetic value is an important consideration in the management of recreation settings. This is especially so in National Forest settings where most people expect a natural appearing landscape with limited evidence of 'unnatural' disturbance of landscape features[hellip]

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

In the past, there have been apparent conflicts between The Visual Management System sensitivity levels and ROS primitive or semi-primitive classes. One apparent conflict has been where an undeveloped area, having little existing recreation use and seldom seen from sensitive travel routes, was inventoried using The Visual Management System. The inventory led to a sensitivity level 3 classification, and thus apparently contradicted ROS inventory classes of primitive or semi-primitive non-motorized or semi-primitive motorized. Using criteria in The Visual Management System, in a variety class B landscape with a sensitivity level 3, the initial visual quality objective is 'modification' or 'maximum modification,' depending on surrounding land classification. However, because of factors such as few social encounters, lack of managerial regimentation and control, and feelings of remoteness, the same area having little existing recreation use may establish an ROS primitive, semi-primitive non-motorized, or semi-primitive motorized inventory classification. There have been concerns over the premise of The Visual Management System that the visual impact of management activities becomes more important as the number of viewers increases; yet, the ROS System emphasizes solitude, infrequent social encounters, and naturalness at the primitive end of the spectrum, with frequent social encounters and more evident management activities at the urban end. Value or importance is dependent on more than the number of viewers or users, and the key is that both the Scenery Management System and ROS are first used as inventory tools. Land management objectives are established during, not before, development of alternatives.

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

The Scenery Management System and ROS serve related, but different, purposes that affect management of landscape settings. In some cases, ROS provides stronger protection for landscape settings than does the Scenery Management System. This is similar to landscape setting protection provided by management of other resources, such as cultural resource management, wildlife management, and old-growth management. In all these examples, there may be management directions for other resources that actually provide higher scenic integrity

standards than those reached by the Scenery Management System. Different resource values and systems (the Scenery Management System, the ROS System[hellip]) are developed for differing needs, but they are all systems that work harmoniously if properly utilized. In all these examples, there are management decisions made for other resources that result in protection and enhancement of landscape settings[hellip]

Evidence of Humans Criteria and the Visual Management System - While in some ways it seems possible to equate Visual Quality Objectives, or a range of objectives, with each Recreation Opportunity Spectrum class the function of the Evidence of Humans Criteria in the Recreation Opportunity Spectrum is not the same as Visual Quality Objectives in the Visual Management System and equating the two is not recommended. For example, middle and background Visual Management System areas are often where Primitive and Semi-Primitive Recreation Opportunity Spectrum classes occur. A retention or partial retention Visual Quality Objective given to such an area for management direction could have a vastly different meaning than the delineated Recreation

Opportunity Spectrum class. Thus, identify the Recreation Opportunity Spectrum classes through the setting descriptions in the Evidence of Humans Criteria[mdash]Table 5[hellip] To assist in this, the Evidence of Humans Criteria are purposely worded differently than the definitions of Visual Quality Objectives." (Table 5 is found in the 1982 ROS Users Guide on page 22 and in the 1986 ROS Red Book on page IV-10.)

#### D. Ecosystem Integrity and Diversity of Plant and Animal Communities

The Forest Plan refers to Forest Health projects and activities. The Planning Rule states, "The plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore structure, function, composition, and connectivity..." (36 CFR [sect] 219.8(a)(1)). Ecological integrity is defined as, "The quality or condition of an ecosystem when its dominant ecological characteristics (for example, composition, structure, function, connectivity, and species composition and diversity) occur

within the natural range of variation and can withstand and recover from most perturbations imposed by natural environmental dynamics or human influence" (36 CFR [sect] 219.19).

The Forest Service states the, "Agency intent is to promote ecosystem integrity in the plan area. However, it may not be possible or appropriate to strive for returning key characteristics to past conditions throughout the plan area[hellip] Understanding the natural range of variation is fundamental in strategic thinking and planning, even if restoration to historical conditions is not the management goal or possible on parts of the plan area.

Understanding the natural range of variation of an ecosystem provides an understanding of how ecosystems are dynamic and change over time. The natural range of variation is useful for understanding each specific ecosystem, for understanding its existing ecological conditions, and for understanding its likely future character, based on projections of climate regimes" (FSH 1909.12 23.11a). "Plans must contain plan components, including standards or guidelines, that maintain or restore the composition, structure, ecological processes, and connectivity of plan area ecosystems in a manner that promotes their ecological integrity" (FSH 1909.12 23.11b). "Desired conditions should define and identify fire's role in the ecosystem" (FSH 1909.12 23.11c).

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

Scenic stability and sustainable recreation in an ecological context are the degree to which the scenic character and recreation settings can be sustained through time with ecological progression. Scenic and setting stability may be at risk if the landscape vegetation is outside the natural range of variation. Older forested areas may be at risk from large intense wildfires and be subject to land clearing from timber harvest, road construction, and other developments in Roaded Natural/Roaded Modified ROS settings. The Land Management Plan and related EIS should describe how much land could be devoted to timber production, mechanical treatments, and associated actions and activities while still meeting requirements for ecological integrity.

Departures in fire regime, extensive insect outbreaks, excessive timber production and road construction, and other disturbances from the natural range of variation and the rate of seral- stage change may affect scenic stability and sustainable recreation. The natural range of variation analyses can be used to assess the scenic and setting stability of forest landscapes. This can be measured in terms of the landscape's departure from the natural range of variation and rate of seral-stage change. Seral-stage communities consist of vegetation types that are adapted to the site's particular set of physical and biotic conditions. In the unmanaged forested landscape, various natural disturbance agents (such as fire, wind-throw, landslides, and insects)

are responsible for creating forests containing a full range of stand ages. Insufficient fire or too much timber harvest and road access on the landscape can determine the level of departure from the natural range of variation or rate of progression between seral-stages.

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 and insect and disease infestations are not included in scenic integrity evaluations. Sustainable recreation is the set of recreation settings and opportunities on the National Forest System that is ecologically, economically, and socially sustainable for present and future generations. In congressionally designated areas such as the CDNST rights-of-way corridor, limited prescribed fire or non-intervention policies are often the desired approach in order to promote natural processes and natural rejuvenation. Outside of protected areas and in Roaded Natural and Roaded Modified settings, interventions may include removal of infected and dead trees or clear cuts, associated road construction, and then followed by artificial reforestation.

"Early-successional forest ecosystems that develop after stand-replacing or partial disturbances are diverse in species, processes, and structure. Post-disturbance ecosystems are also often rich in biological legacies, including surviving organisms and organically derived structures, such as woody debris. These legacies and post-disturbance plant communities provide resources that attract and sustain high species diversity, including numerous early-successional obligates, such as certain woodpeckers and arthropods. Early succession is the only period when tree canopies do not dominate the forest site, and so this stage can be characterized by high productivity of plant species (including herbs and shrubs), complex food webs, large nutrient fluxes, and high structural and spatial complexity. Different disturbances contrast markedly in terms of biological legacies, and this will influence the resultant physical and biological conditions, thus affecting successional pathways. Management activities, such as post-disturbance logging and dense tree planting, can reduce the richness within and the duration of early-successional ecosystems. Where maintenance of biodiversity is an objective, the importance and value of these natural early-successional ecosystems are underappreciated.

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

establishment) of this important successional stage."<sup>16</sup>

Forest ecological integrity assessments must clearly describe the quality or condition of an ecosystem that may need to be restored if desired conditions are to be achieved. Forest restoration is a range of actions that strive to manage a forest in a way that reflects its historical ecological state in a certain place. This can include replanting or reintroducing native plants and animals, mechanical thinning and prescribed burning to replicate historical tree densities, removal of invasive species, or returning physical processes, including fire behavior, functioning streams and floodplains to a more natural and resilient state. The goal of forest health projects should be the same as the goal of restoration which is not to recreate a specific appearance, but to reduce the effects of past human activities, such as clearcutting, fire suppression and road construction. Proposed actions to enhance forest resiliency and improve ecological integrity should clearly explain how management actions will increase age class, structural, and vegetation diversity across the landscape. Restoration actions may be limited by

natural resource, designated area, and Primitive and Semi-Primitive ROS setting management constraints.

Violation of Law, Regulation or Policy: 36 CFR [sect] 219.3; 40 CFR [sect] 1502.24 as further addressed in later comments.

Connection with Comments: Draft Plan and DEIS comments (Comments) page (at) 6, 7, 12, 13, 14, 29, 30. CDNST Planning Handbook (Handbook) at 23, 26-29.

### Section III. Statement of Issues - Proposed Plan

The following are statements of the issues to which the objection applies and concise statements explaining the objection and suggestions on how the proposed plan decision may be improved.

#### A. Recreation Opportunity Spectrum

Forest Plan: The plan beginning on page 63 states, "The FS uses the recreation opportunity spectrum to define recreation settings. The recreation opportunity spectrum is categorized into six distinct classes: primitive, semi-primitive nonmotorized, semi-primitive motorized, roaded natural, rural, and urban (36 CFR 219.19). See the glossary for detailed definitions of each recreation opportunity class."

The glossary states, "recreation opportunity spectrum the opportunity to participate in a specific recreation activity in a particular recreation setting to enjoy desired recreation experiences and other benefits that accrue.

Recreation opportunities include nonmotorized, motorized, developed, and dispersed recreation on land, water, and in the air."

Issue and Statement of Explanation: The characterizations of ROS classes are a significant deviation from established Physical Setting descriptions. "Evidence of Humans," "Non- Recreation Uses," and "Naturalness" setting indicators are improperly omitted in the narratives for Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized ROS settings. The proposed ROS plan components must be consistent with the 1986 ROS Red Book, which supported the planning rule as informed by the PEIS. The following discuss some concerns with the proposed ROS plan components.

#### Primitive ROS Class:

(FW-ROS-STD-01) Motorized routes (road, trails, and waterways) and motorized play areas shall not be constructed or authorized in desired primitive settings. Exceptions may be granted for administrative access needs.

Observation: Any specific plausible reason for why routes may be constructed for motorized use should be described. The description that exceptions of administrative access needs is overly broad and should be deleted to ensure that desired conditions are protected.

(FW-ROS-SUIT-01) Nonmotorized trails and cross-country nonmotorized travel are suitable in desired primitive settings.

Observation: Unsustainable user created routes, including downhill bicycle use paths, are not compatible with desired conditions. This plan component does not support desired conditions and should be deleted. Cross-country travel must not result in "constructing, placing, or maintaining any kind of road, trail, structure, [hellip] significant surface disturbance, or other improvement on National Forest System lands" (36 CFR [sect] 261.10 Part A).

(FW-ROS-SUIT-02) Mechanized means of transportation and mechanized equipment are suitable on designated trails in desired primitive settings, unless prohibited by law, forest plan direction, or forest closure order.

Observation: Bicycles must not be allowed in Primitive ROS settings. Primitive means "of or relating to an earliest or original stage or state." Asymmetric impacts between bicyclists and traditional nonmotorized users will tend to displace hikers and equestrians from non- wilderness trails. The asymmetric or one-way nature of conflict

suggests that active management is needed to maintain the quality of recreation for visitors who are sensitive to conflicting uses. Visitors who are sensitive to conflict are likely to be dissatisfied or ultimately displaced.<sup>17</sup> The exception that is described as, "unless prohibited by law, forest plan direction, or forest closure order" is overly broad. These considerations should have been resolved in the revised Forest Plan. The exception should be deleted.

Semi-Primitive Non-Motorized ROS Class:

(FW-ROS-STD-03) Motorized routes (road, trails, and waterways) and motorized play areas shall not be constructed or authorized in desired semi-primitive nonmotorized settings. Temporary roads may be allowed if fully rehabilitated after use.

Observation: The correct term for road rehabilitation is road decommissioning. Construction of temporary roads must be constrained using Evidence of Humans criteria as described in the 1986 ROS User Guide. If a road was to be built, it should be decommissioned with full obliteration recontouring and restoring natural slopes.

(FW-ROS-GDL-05) Where vegetation management occurs in this setting, treatments should promote natural resilient vegetation.

Observation: Desired conditions must stress the need to reflect the constraints described for "Evidence of Humans," "Non-Recreation Uses," and "Naturalness" setting indicators for this ROS class. Specifically, the statement that treatments are to enhance forest health is vague and could lead to actions that benefit timber programs over allowing for natural processes to unfold in this ROS setting. Treatments are to mimic natural vegetation patterns is also vague and should be deleted.

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

(FW-ROS-SUIT-06) Nonmotorized trails and cross-country nonmotorized travel are suitable in desired semi-primitive nonmotorized settings.

Observation: Unsustainable user created routes, including downhill bicycle use trails, are not compatible with desired conditions. This plan component is not needed and should be deleted.

(FW-ROS-SUIT-07) Mechanized means of transportation and mechanized equipment are suitable on FS authorized routes and areas in desired semi-primitive nonmotorized settings, unless prohibited by law, forest plan direction, or forest closure order.

Observation: This ROS setting should not allow for new administrative or public use roads except in very limited situations: closed roads may be present, but are managed to not dominate the landscape or detract from the naturalness of the area. The exception is too broad that is described as, "unless prohibited by law, forest plan direction, or forest closure order." These considerations should have been resolved in the revised Forest Plan. The broad exception should be deleted.

It is inappropriate to use "existing routes," "existing road templates," "haul routes," "non-system roads," and "unclassified routes," for log truck and heavy equipment access into a Primitive or SPNM ROS setting, except in rare and extremely limited situations.

#### Semi-Primitive Motorized Class:

(FW-ROS-STD-05) Permanent roads shall not be constructed in desired semi-primitive motorized settings. Temporary roads may be allowed if fully rehabilitated after use.

Observation: The description of Semi-Primitive Motorized settings allows for maintenance level 2 roads, which is inconsistent with the 1982 and 1986 ROS direction that allows for primitive roads. Possibly, the revised plan could describe that, "Motorized routes are typically designed as motorized trails (FSH 2309.18 part 23.21, Trail Class 2, No Double Lane) and Four- Wheel Drive Vehicles routes (FSH 2309.18 part 23.23, Trail Class 2, No Double Lane), offering a high degree of self-reliance, challenge, and risk in exploring these backcountry settings." These trail classes would provide for the desired motorized experiences, while protecting soil and water resources through design parameters.

(FW-ROS-GDL-07) Where vegetation management occurs in this setting, treatments should promote natural resilient vegetation.

Observation: The statement that treatments are to promote natural resilient vegetation may not support the desire for naturally evolving landscapes. In general, the idea of enhancing forest health is vague and could lead to actions that benefit timber programs over allowing for natural processes to unfold. Treatments are to mimic natural vegetation patterns is also vague and should be deleted. The definition of forest health is difficult and dependent on desired conditions. From an ecosystem-centered perspective, forest health has been defined by resilience, recurrence, persistence and biophysical processes which lead to sustainable ecological conditions. Treatments in this ROS class need to be limited by Evidence of Humans ROS class restrictions.

(FW-ROS-SUIT-13) Non-motorized trails and cross-country non-motorized travel are suitable in desired semi-primitive motorized settings.

Observation: Unsustainable user created routes, including downhill bicycle use trails, are not compatible with desired conditions. This plan component is not needed and should be deleted. Cross-country travel must not result in "constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communication equipment, significant surface disturbance, or other improvement on National Forest System lands" (36 CFR [sect] 261.10 Part A).

Proposed Solution to Improve the Decision: Establish ROS plan components that are consistent with the 1986 ROS Red Book, 18 which is the basis for the planning rule as informed by the Planning Rule PEIS as described in comments and below.

Violation of Law, Regulation or Policy: 36 CFR [sect] 219.3; 36 CFR 219.10(b)(1)(i) - Sustainable recreation; FSM 2310.3 (WO Amendment 2300-90-1) - Recreation Planning; FSH 1909.12 part 23.23a - Sustainable Recreation. See FSM 2310 (2300-2020-1) discussion in Appendix A.

Connection with Comments: Comments at page(s) 6, 7, 12, 13, 14, 29. Handbook at page(s) 23,

26-29.

#### B. Scenic Character

Forest Plan: The plan on page 73 states, "Scenic character is defined as a combination of the physical, biological, and cultural images that give an area its scenic identity and sense of place. The HLC NF's scenery serves as the backdrop to adjacent communities. Historic cabins and fire lookouts and remnants of historic

mining districts contribute to the unique scenic character of the GAs of the Forest. Natural disturbance processes such as wildfire, insects, and diseases are dynamic and part of the natural appearing landscape and the described landscape character. Human impacts on the scenic character such as timber removal, prescribed fire, grazing, and special uses such as utility corridors, may or may not create impacts to the natural appearance of the landscape.

Desired scenic integrity objectives are mapped and described for each GA and are in appendix A. Desired scenic integrity objectives are a measure of the degree to which a landscape is visually perceived to be complete when compared to the inherent scenic character of that area. There are five distinct scenic integrity objectives: 1) very high, 2) high, 3) moderate, 4) low, and 5) very low. The desired scenic integrity objective is the minimum level of integrity to be achieved. Table 17 and the glossary provide definitions for each of the five scenic integrity objectives."

Issue and Statement of Explanation: The CDNST travel route and corridor are not displayed in ROS and SIO appendix maps. The SIO presented for the Divide and Upper Blackfoot GAs are inconsistent with geospatial data for Alternative F. Most important, the Forest Plan does not establish appropriate SIO along the CDNST travel route.

Proposed Solution to Improve the Decision: Establish Scenic Integrity Objectives as displayed in Figure 2 of this objection.

Violation of Law, Regulation or Policy: 36 CFR [sect] 219.7 part (e), 36 CFR 219.10(b)(1)(i), FSH 1909.12 Part 23.23f.

Connection with Comments: Draft Plan and DEIS comments at page(s) 7, 12. Handbook at page(s) 7, 23, 26, 27, 74.

#### C. Continental Divide National Scenic Trail

Forest Plan: The plan on pages 91-94 describe that, "The Continental Divide National Scenic Trail was designated by Congress in 1978. This 3,100-mile long trail follows the Continental Divide and traverses nationally significant scenic terrain and areas rich in the heritage and life of the Rocky Mountain west. In entirety, the trail passes through portions of Montana, Idaho, Wyoming, Colorado, and New Mexico and is administered by the FS in cooperation with the National Park Service, Bureau of Land Management, and tribal, state and local governments, and numerous partner groups. Management for the Continental Divide National Scenic Trail is outlined in the latest Continental Divide National Scenic Trail Comprehensive Management Plan.

Approximately 273 miles of the Continental Divide National Scenic Trail are located in the HLC NF.

Approximately 65 miles of the trail is in the Upper Blackfoot GA, approximately 68 miles is located within the Divide GA, and approximately 140 miles is located within the Rocky Mountain Range GA. See Table 26 for more information."

Observations: The revised plan should describe that, "National scenic trails shall be authorized and designated only by Act of Congress. The National Trails System Act of 1968, 82 Stat. 919, as amended, provides that the CDNST, "shall be administered" "by the Secretary of Agriculture" to "provide for maximum outdoor recreation potential and for the conservation and enjoyment" of "nationally significant scenic, historic, natural, or cultural qualities." It empowers and requires that the Secretary of Agriculture select the CDNST rights-of-way which informs the National Scenic Trail corridor location and width. The establishment of the CDNST thus constitutes an overlay on the management regime otherwise applicable to public areas managed by land management agencies. The NTSA and E.O. 13195 - Trails for America in the 21st Century - limits the management discretion the agencies would otherwise have by mandating the delineation and protection of the CDNST rights-of-way (aka

National Trail Management Corridor) for the purpose of providing for the nature and purposes of the CDNST.

One of the primary purposes for establishing the Continental Divide National Scenic Trail is to provide hiking and horseback access to those lands where human impacts 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. 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.<sup>19</sup>

The following table identifies the CDNST travel route length and CDNST corridor acres where plan components apply to protect the CDNST rights-of-way.

#### CDNST Management Corridor and Plan Components

The CDNST management corridor extent and associated plan components to be adopted for purpose of resolving this objection are described in Section I Part C. The revised Forest Plan does not describe a CDNST management corridor and did not include plan components that provide for the nature and purposes of this National Scenic Trail. The following observations and recommendations are specific to each of the presented Forest Plan components. Specific observations are noted in the following text, which have been previously reviewed in Draft Plan and DEIS comments.

#### Desired Conditions (FW-CDNST-DC)

01 The CDNST Management Area (MA) provides high-quality scenic, primitive hiking and horseback riding opportunities and conserves natural, historic, and cultural resources (CDNST Comprehensive Plan, Chapter IV(A)).

1. The Continental Divide National Scenic Trail is a well-defined trail that provides for high- quality, primitive and/or semiprimitive hiking and horseback riding opportunities, and other compatible nonmotorized trail activities, in a highly scenic setting along the Continental Divide. The notable scenic, natural, historic, and cultural resources along the trail's corridor are conserved. Where possible, the trail provides visitors with expansive views of the natural landscapes along the Continental Divide.

Observation: This plan component suggests that the CDNST is merely a travel route that is well defined, which the intent of "well defined" is not clear. Programmatic considerations for a highly scenic setting and expansive views should have been addressed through forest planning processes to review and establish the location of the CDNST corridor. Desired CDNST travel route design parameters are described in the CDNST Comprehensive Plan in Chapter IV.5.b(1). Mountain bike use of the CDNST is addressed in the CDNST Comprehensive Plan in Chapter IV.5.b(2). The term "notable" is vague and not used in the NTSA and CDNST Comprehensive Plan.

In the context of forest planning and using the ROS planning framework to provide for the nature and purposes of the CDNST, Primitive and Semi-Primitive Non-Motorized settings provide for desired user experiences and conserves landscapes consistent with the nature and purposes of the CDNST.

1. View sheds from the Continental Divide National Scenic Trail have high scenic values. The view along the CDNST travel route foreground of the trail (up to 0.5 mile on either side) is natural-appearing, and generally appears unaltered by human activities. The potential to view wildlife is high and evidence of ecological processes such as fire, insects, and diseases exist.

Observation: To be consistent with the CDNST Comprehensive Plan, the Scenic Integrity Objective must be High

or Very High.

1. The Continental Divide National Scenic Trail corridor's setting is consistent with or complements a primitive or semiprimitive nonmotorized setting. The trail may intermittently pass through more developed settings in order to provide for a continuous route. Side trails to the Continental Divide National Scenic Trail enhance the experience along the main trail.

Observation: Passing through more developed settings is not a CDNST desired condition. The CDNST Comprehensive Plan states, "Use the ROS system in delineating and integrating recreation opportunities in managing the CDNST. Where possible, locate the CDNST in primitive or semi-primitive non-motorized ROS classes; provided that the CDNST may have to (emphasis added) traverse intermittently through more developed ROS classes to provide for continuous travel between Canada and Mexico borders." The CDNST travel route on the Helena National Forest currently passes through Roaded Natural ROS settings, which is controllable in the future by Forest Plan allocations. Establishing a Semi-Primitive Non-Motorized ROS setting for the CDNST corridor as shown in Appendix B would restrict activities that have degraded CDNST values and may lead to actions that would restore the setting. The Forest Plan should recognize in areas previously managed for timber production that road restoration and decommissioning actions will be necessary. The revised plan should establish desired ROS classes as depicted in Figure 1.

1. The Continental Divide National Scenic Trail is accessible from access points that provide various opportunities to select the type of terrain, scenery, and trail length (ranging from long- distance to day use) that best provide for the compatible outdoor recreation experiences being sought. Wild, remote, backcountry segments of the route provide opportunities for solitude, immersion in natural landscapes, and primitive outdoor recreation. Front-country and more easily accessible trail segments complement local community interests and needs and help contribute to their sense of place.

Observation: The proposed desired condition is inconsistent with the CDNST Comprehensive Plan failing to support the nature and purposes of the CDNST. The described vision is vague that, "Front-country and more easily accessible trail segments complement local community interests and needs and help contribute to their sense of place." This guideline should be deleted.

1. User conflicts among Continental Divide National Scenic Trail users are infrequent.  
2. The Continental Divide National Scenic Trail is well maintained, signed, and passable. Alternate routes provide access to the trail in the case of temporary closures resulting from natural events, such as fire or flood, or land management activities.

Observation: The proposed direction refers to the CDNST travel route and not the management corridor. Management activities in the defined corridor are to be subject to the constraint of not substantially interfering with the nature and purposes of the CDNST.

1. Trailside/Trailhead at key locations and visitor information enhance visitor appreciation of the outdoors and increase awareness of the cultural and historical importance of the lands along the Continental Divide.

Observation: Trailside interpretation should not be the norm in Primitive and SPNM allocations.

#### Goals (FW-CDNST-GO)

01 Active partnerships and cooperative relationships are emphasized to engage a wide range of people, partner organizations, communities, volunteers, federal, tribal, and state land and wildlife managers in the conservation

of valuable natural, wild land, scenic, historic, and cultural resources and programs along the Continental Divide.

#### Objectives (FW-CDNST-OBJ)

01 Reroute at least one mile of the Continental Divide National Scenic Trail to: improve scenic viewing opportunities, reconstruct trail to standard, and/or provide for a nonmotorized experience.

Observation: The CDNST corridor to be established must include the potential reroutes (16

U.S.C. [sect] 1244(f)(3)). Due to BLM mineral developments, the forest in the vicinity of Maryville should provide for protecting a high potential route segment.

#### Standards (FW-CDNST-STD)

XX. The CDNST corridor may contain campsites, shelters, and related-public-use facilities. Other uses that could conflict with the nature and purposes of the CDNST may be allowed only where there is a determination that the other use would not substantially interfere with the nature and purposes of the CDNST (16 USC 1246(c)).

XX. 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 (CDNST Comprehensive Plan, Chapter IV(B)(5), FSM 2353.42 and FSM 2353.44b(8)).

XX. Manage the CDNST travel way as a concern level 1 travel route. Resource management actions must meet a Scenic Integrity Level of Very High or High (CDNST Comprehensive Plan, Chapter IV(B)(4)).

XX. Resource management actions and allowed uses must be compatible with maintaining or achieving Primitive or Semi-Primitive Non-Motorized ROS class settings.

XX. Public motorized and mechanized use may only be allowed where such use is in accordance with the CDNST Comprehensive Plan, Chapter IV(B)(5)&(6) and FSM 2353.44b(10) and (11). [See Section I Part C of this objection.]

Observation: The above XX added plan components would contribute to providing for the nature and purposes of the CDNST.

#### Standards (FW-CDNST-STD)

1. No surface occupancy for oil and gas or geothermal energy leasing activities are allowed shall occur shall be permitted within the Continental Divide National Scenic Trail corridor (0.5 miles either side of the trail tread).
2. No common variety mineral extraction shall occuris allowed within the Continental Divide National Scenic Trail corridor rights-of-way/management area.

#### Guidelines (FW-CDNST-GDL)

1. To retain or promote the character for which the trail was designated, new or relocated trail segments should be located primarily within settings consistent with or complementing primitive or semi-primitive nonmotorized recreation opportunity spectrum classes. Road and motorized trail crossings and other signs of modern development should be avoided to the extent practicable.

Observation: The forest plan revision process is the appropriate place to establish desired Primitive and SPNM ROS classes along the CDNST corridor, while addressing the management of ROS setting inconsistencies within those allocations. As such, this guideline is unnecessary and should be deleted.

1. To protect or enhance the scenic qualities of the Continental Divide National Scenic Trail, management activities should be consistent with, or make progress toward achieving scenic integrity levels objectives of high or very high within the foreground of the trail (up to 0.5 mile either side). In planning activities outside the foreground, managers should consider the mid ground and background and the effects on scenic integrity and trail experience given the seen area from the trail segments.

Observation: A "consideration" is not a standard or guideline.

1. If forest health projects result in impacts to the scenic integrity of the trail, mitigation measures should be included, such as screening, feathering, and other scenery management techniques to minimize visual impacts within and adjacent to the trail corridor (within visible foreground of the Continental Divide National Scenic Trail at a minimum).

Observation: This guideline has several issues including the unconstrained assumption that forest health projects will be allowed to degrade existing scenic integrity for some undefined period. Forest health projects must not substantially interfere with the nature and purposes of

the CDNST. The guideline needs to be deleted and replaced with Scenic Integrity Objectives desired conditions and a Scenic Integrity Level guideline or standard.

1. To promote a nonmotorized setting, the Continental Divide National Scenic Trail travel route

should not be permanently relocated onto routes open to motor vehicle use.

1. Facilities should complement with Primitive or Semi-Primitive Nonmotorized ROS settings. The minimum trail facilities necessary to accommodate the amount and types of use anticipated on any given segment should be provided in order to protect resource values and for health and safety, not for the purpose of promoting user comfort. The purpose is to preserve or promote a naturally appearing setting.

2. To protect the Continental Divide National Scenic Trail's scenic values, special use authorizations for new communication sites, utility corridors, and renewable energy sites should not be allowed within the seen area of the visible foreground (up to 0.5 mile) and middle ground (up to 4 miles) view sheds. Exceptions may be allowed where needed for safety of the public or employees associated with maintenance, management, or use of those sites.

3. To preserve and/or promote a naturally appearing setting, new linear utilities and rights-of-way should be limited to a single crossing of the trail unless additional crossings are documented as the only prudent and feasible alternative.

Observation: Utility corridors need to be identified and addressed in the revised plan or addressed through future amendment processes. Development actions are subject to not substantially interfering with the nature and purposes of the CDNST.

1. To promote a naturally-appearing setting along the Continental Divide National Scenic Trail, the development of any new roads and trails administratively designated via travel management decision within or across the trail corridor should minimize impacts to the scenic, natural, and experiential values of the trail. Exceptions may be

allowed if new routes are: (a) required by law to provide access to private lands, (b) necessary for emergency protections of life and property, or (c) determined to be the only prudent and feasible option.

Observation: The CDNST corridor must be managed for Primitive and SPNM settings as defined in the 1986 ROS User Guide. Consistent with the NTSA, the CDNST Comprehensive Plan addresses motor vehicle uses in Chapter IV Part 6.

1. Using the Continental Divide National Scenic Trail for landings or as a temporary road for any purpose should not be allowed unless no other safe route is available for the implementation of the project. Hauling or skidding along the Continental Divide National Scenic Trail itself should be allowed only: 1) where the Continental Divide National Scenic Trail is currently located on an open road or to address hazard tree removal, and 2) no other haul route or skid trail options are available. Design criteria should be used to minimize impacts to the trail infrastructure, and

any necessary post-activity trail restoration should be a priority for the project's rehabilitation plan. The purpose is to provide for a naturally appearing setting and to avoid visual, aural, and resource impacts.

Observation: Mixing pedestrians, equestrians, log trucks, and skidders on roads is a bad and unsafe idea with the probable outcome being that the routes are closed during timber operations. Any timber management actions along the CDNST travel route need to be consistent with SPNM setting constraints and be only allowed when there is a determination that the action will not substantially interfere with the nature and purposes of the CDNST. To provide for a safe user experience, hauling and skidding must not be allowed on the existing CDNST travel route.

10 To preserve and/or promote a naturally appearing setting, unplanned fires in the foreground (up to 0.5 mile) of the Continental Divide National Scenic Trail should be managed using minimum impact suppression tactics or other tactics appropriate for the protection of Continental Divide National Scenic Trail values, if they can safely be implemented at the discretion of the incident commander. Heavy equipment line construction within the Continental Divide National Scenic Trail corridor should not be allowed unless necessary for protection of life and property.

XX. Where congressionally designated areas overlap, apply the management direction that best protects the values for which each designated area was established-the most restrictive measures control.

Suitability (FW-CDNST-SUIT)

1.

1. Mechanized recreation transport is not suitable along the CDNST corridor within established ROS Primitive settings.

2. The CDNST corridor is not suitable for timber production.

Issue and Statement of Explanation: Proposed Plan CDNST direction is ambiguous, but provides enough information to ascertain that the plan components fail to provide for the nature and purposes of the CDNST. Plan components do not provide for the management of rights-of-ways (16 U.S.C 1246(a)(2)) consistent with applicable laws, regulations, and Executive Orders. Plan components do not state and provide for the nature and purposes of the CDNST. The Plan does not map the national scenic trail right-of-way. Plan components are not compatible with the objectives and practices identified in the comprehensive plan for the management of the national scenic trail. Plan components do not provide for the nature and purposes of the CDNST. Implementation of the plan to achieve described development desired conditions will lead to actions and activities that will substantially interfere with the nature and purposes of the CDNST and be inconsistent with NTSA.

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

Violation of law, regulation or policy: USDA DR 1074-001; 36 U.S.C. [sect] 216; 16 U.S.C. [sect][sect] 1242(a)(2), 1244(f), 1246(a)(2), 1246(c); E.O. 13195; CDNST Comprehensive Plan Chapter III.E Land Management Planning (74 FR 51124), Chapter IV.A Nature and Purposes (74 FR 51124), Chapter IV.B.2 Rights-of-Way Extent (74 FR 51116), Chapter IV.B.4 Scenery Management (74 FR 51124), Chapter IV.B.5, Recreation Management (74 FR 51125), and Chapter IV.B.6 Motorized Use (74 FR 51125); 16 U.S.C. 1604(f)(1); 36 CFR [sect][sect] 219.3, 219.7, 219.10(a), 219.10(b)(1)(vi); FSH

1909.12 Part 24.43.

Connection with Comments: Comments at page(s) 19 through 28.

#### D. Geographic Areas

Forest Plan: The plan on pages 147, 178, and 196 describe that, "Designated areas are specific areas or features within the plan area that have been given a permanent designation to maintain its unique special character or purpose. Please see chapter 2 for forestwide direction of designated areas. The following table and associated map(s) (appendix A) display the designated areas in this GA. Note that there can be overlap between the different areas and that there can also be portions of the GA outside of a designated area, so the sum of these acreages may differ from the total GA acreage."

Issue and Statement of Explanation: The CDNST corridor acres are not described.

Proposed Solution to Improve the Decision: CDNST corridor acres need to be added to summary tables as indicated in the following table. The acreage information should inform the analyses state support a Supplemental FEIS.

Violation of Law, Regulation or Policy: 16 U.S.C. [sect] 1242(a)(2); CDNST Comprehensive Plan, Chapter IV.B.2, Rights-of-Way Extent (74 FR 51116); and 36 CFR [sect][sect] 219.7, 219.10(b)(1)(vi).

Connection with Comments: Comments at page(s) 3, 5, 6, 19. Handbook at page(s) 7, 8, 11, 34,

46, 56, 59, 79.

#### E. Glossary

The glossary the does not contain important definitions to support proposed Forest Plan terms.

Issue and Statement of Explanation: National Scenic and Historic Trails are not described. ROS class definitions are incomplete. Additional definitions would facilitate consistent implementation of the Forest Plan.

Proposed Solution to Improve the Decision: National Scenic and Historic Trails should be described and nature and purposes defined. Consistent with the 1986 ROS User Guide, the definitions of ROS classes should be expanded to address Access, Remoteness, Naturalness/Evidence of Human, Facilities and Site Management, Social Encounters, Visitor Impacts, and Visitor Management of each class. Scenic Integrity needs to be defined as described in the Landscape Aesthetics Handbook. Definitions provided in Draft Plan and DEIS comments should be included in the plan and EIS.

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

Connection with Comments: Comments at page(s) 28.

#### Section IV. Statement of Issues - FEIS

The following are statements of the issues to which the objection applies and concise statements explaining the objection and suggestions on how the FEIS may be improved. Forest Service NEPA 36 CFR Part 220 regulations do not lessen the applicability of the CEQ 40 CFR 1500 regulations-see 36 CFR 220.1(b)).

#### Background

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

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

[sect]?1246(a)(2)). Each agency zoned area has unique desired conditions and standards and guidelines that constraint use so that desired conditions are not degraded.

"Alternatives in a programmatic NEPA review are expected to reflect the level of the Federal action being proposed and the standard NEPA requirements for alternatives apply. In situations

where there is an existing program, plan, or policy, CEQ expects that the no-action alternative in an EIS would typically be the continuation of the present course of action until a new program, plan, or policy is developed and decided upon[hellip]

All NEPA reviews are concerned with three types of reasonably foreseeable impacts: direct, indirect, and cumulative. The contrast between a programmatic and a project- or site-specific NEPA review is most strongly reflected in how these environmental impacts are analyzed. Because impacts in a programmatic NEPA review typically concern environmental effects over a large geographic and/or time horizon, the depth and detail in programmatic analyses will reflect the major broad and general impacts that might result from making broad programmatic decisions. Programmatic NEPA reviews address the broad environmental consequences relevant at the programmatic level[hellip]."

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

For each NEPA defined geographic area, NEPA reviews should describe the desired conditions for each area and how related standards and guidelines (aka thresholds) would constrain actions and prevent degradation.

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

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

#### A. Alternatives

FEIS: The FEIS, part 1, page 7 states, "Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated[hellip] The majority of comments (80%) pertained to recommended wilderness areas and motorized/mechanized uses within them. Other emphasis issues included: timber production, wildlife (primarily related to grizzly bear, lynx, and elk habitat security), livestock grazing, motor vehicle access, weeds, and the Continental Divide National Scenic Trail[hellip]" The FEIS on page 14 states, "The range of alternatives developed and presented is based on a preliminary evaluation of the information gathered from public and internal comments and the purpose and need for the project. While all alternatives provide a

wide range of ecosystem services and multiple uses, some give slightly greater emphasis to selected resources based on the theme of the alternative and response to revision topics[hellip]."

Issue and Statement of Explanation: The HLC CDNST plan components do not protect the nature and purposes of the CDNST from resource developments and other incompatible uses such as timber production and road construction. The HLC plan components do not address the National Trails System Act requirements to: (1) provide for high-quality scenic, primitive hiking and horseback riding opportunities, and (2) conserve scenic, historic, natural, or cultural qualities of the areas through which such trails may pass (16 U.S.C. 1242(a)(2)). In addition, the forest and regional plan guidance does not establish direction to: (1) preserve significant natural, historical, and cultural resources (16 U.S.C. 1244(f)(1)); and (2) protect the CDNST corridor to the degree necessary to ensure that the values for which the CDNST was established remain intact or are restored (E.O. 13195, FSM 2353.44b(1) and FSH 1909.12 24.43.)

Planning and management guidance enacted through Regional Forester or other correspondence may supplement, but does not supersede the guidance found in the National Trails System Act, Executive Orders, CDNST Comprehensive Plan, regulations, and directives (See Hierarchy of Direction, Planning Rule PEIS, pages 75-77). The Regional Foresters' formulation and adoption of this guidance was not in compliance with section 14(a) of the FRRRPA (16 U.S.C. 1612(a)) and 36 CFR 216 processes.

Reasonable modifications or an alternative to the Regional Foresters' CDNST template are the plan components that are presented in Section I Part C of this objection. The plan components in Section 1 Part C are consistent with the NTSA, 36 CFR [sect] 219.10(b)(1)(vi), CDNST Comprehensive Plan, FSM 2353.42, FSM 2353.44, FSH 1909.12 - 24.43, and 74 FR 51116

direction.

Proposed Solution to Improve the Decision: See Section I Part C of this objection. Violation of law, regulation or policy: 40 CFR [sect][sect] 1502.14, 1503.4(a)(1), 1503.4(a)(2) Connection with Comments: Comments at page(s) 4 through 16.

#### B. Alternatives Considered, but not Given Detailed Study

FEIS: The FEIS, part 1, page 19 states, "The Council on Environmental Quality requires federal agencies to

briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14 (a). Public comments received during scoping provided suggestions for alternative methods for achieving the purpose and need for action. Some of these alternatives were outside the scope of the purpose and need for action, duplicative of the alternatives considered in detail, or determined to be components that would cause unnecessary harm. The alternatives provided by the public and the subsequent agency rationale as to why they were not given further detailed study are described below."

Issue and Statement of Explanation: A Supplemental FEIS should describe that the HLC CDNST plan components were eliminated from detailed study, since the bulk of the direction does not provide for the nature and purposes qualities and values of the CDNST. The HLC CDNST plan components do not protect the CDNST corridor from developments and other incompatible uses such as timber production and road construction. The HLC CDNST plan components do not address the National Trails System Act requirements to: (1) provide for high-quality scenic, primitive hiking and horseback riding opportunities, and (2) conserve scenic, historic, natural, or cultural qualities of the areas through which such trails may pass (16 U.S.C. 1242(a)(2)). In addition, the regional plan guidance and HLC Forest Plan does not establish direction to: (1) preserve significant natural, historical, and cultural resources (16 U.S.C. 1244(f)(1)); and (2) protect the CDNST corridor to the degree necessary to ensure that the values for which the CDNST was established remain intact or are restored (E.O. 13195, FSM 2353.44b(1) and FSH 1909.12 24.43.)

The HLC CDNST plan components basis is the Regional Foresters' CDNST plan component template. The formulation and adoption of this CDNST guidance is not in compliance with section 14(a) of the FRRRPA (16 U.S.C. 1612(a)) and 36 CFR 216 processes. The Regional Foresters' CDNST plan component direction is inconsistent with the USDA Departmental Regulation 1074-001 scientific integrity policy that relates to the development, analysis, and use of data for decision-making.

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

Violation of law, regulation or policy: 40 CFR [sect][sect] 1502.14, 1502.16, 1502.24, 1508.7, 1508.8; 36

CFR [sect] 216.

Connection with Comments: Comments at page(s) 4, 5, 9, 12

C. Regulatory Framework - CDNST

FEIS: The FEIS, part 1, page 38 states, "Continental Divide National Scenic Trail Act (S.2660 [mdash] 95th Congress (1977-1978)): Amends the National Trails System Act to establish the Continental Divide National Scenic Trail within Federal lands located in Montana, Idaho, Wyoming, Colorado, and New Mexico. Directs the Secretary of Agriculture to consult with relevant State and Federal officials in the administration of the lands designated under this act."

Issue and Statement of Explanation: The statement is factually incorrect and does not capture the essence of the National Trails System Act and National Scenic Trails. A brief description of the NTSA should be similar to the descriptions of the Wilderness Act and Wild and Scenic Rivers Act.

Proposed Solution to Improve the Decision: Describe that the National Trails System Act of 1968 (PL 90-543) as amended states, "National Scenic Trails are established in order to[hellip]

promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air,

outdoor areas[hellip] of the Nation. They are extended trails so located as to 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. National scenic trails may contain campsites, shelters, and related-public- use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted. To the extent practicable, efforts be made to avoid activities incompatible with the purposes for which such trails were established. The use of motorized vehicles by the general public along any national scenic trail is prohibited with limited exceptions." Comprehensive planning for the CDNST is to be accomplished through staged decisions that include Forest Plan decisions that address guidance found in the 2009 CDNST Comprehensive Plan.

Violation of law, regulation or policy: National Trails System Act; 16 U.S.C. [sect][sect] 1242(a)(2), 1244(f), 1246(a)(2), 1246(c); E.O. 13195.

The planning and management of National Scenic Trails is addressed by many interrelated laws, regulations, and policies. The following summarizes regulatory framework provisions that are referenced in Draft Plan and DEIS comments and in this objection:

USDA DR 1074-001 - Scientific Integrity in policymaking

36 U.S.C. [sect] 216 - Public Notice and Comment for Directives 16 U.S.C. [sect] 1242(a)(2) - National Scenic Trail Purpose

16 U.S.C. [sect] 1244(f) - Comprehensive Planning

16 U.S.C. [sect] 1246(a)(2) - National Scenic and Historic Rights-of-way

16 U.S.C. [sect] 1246(c) - Nature and Purposes, Avoid Incompatible Activities, Substantial Interference

E.O. 13195 - Trails for America in the 21st Century CDNST Comprehensive Plan

Chapter III.E, Land Management Plans (74 FR 51124) Chapter IV.A, Nature and Purposes (74 FR 51124)  
Chapter IV.B.2, Rights-of-Way Extent (74 FR 51116) Chapter IV.B.4, Scenery Management (74 FR 51124)  
Chapter IV.B.5, Recreation Management (74 FR 51125) Chapter IV.B.6. Motorized Use (74 FR 51125)

16 U.S.C. [sect] 1604(f)(1) - Form one integrated plan

36 CFR [sect] 219.3 - Best Available Scientific information 36 CFR [sect] 219.7 - Plan Components (where they apply)

FSH 1909.12 part 22.1 - Plan Components

FSH 1909.12 part 23 - Resource Requirements for Integrated Plan Components 36 CFR [sect] 219.9 - Diversity of plant and animal communities

36 CFR [sect] 219.10(a) - Integrated Resource Management for Multiple Use. 36 CFR [sect] 219.10(b)(1)(i) - Sustainable recreation

FSM 2310.3 (WO Amendment 2300-90-1) - Recreation Planning

FSM 2382.1 - Scenery Management System

FSH 1909.12 part 23.23a - Sustainable Recreation Resources

FSH 1909.12 part - 23.23f - Scenery, Aesthetic Values, and Viewsheds 36 CFR [sect] 219.10(b)(1)(vi) - Management of other designated areas

FSM 2353.4 - National Scenic Trails - CDNST (74 FR 51125) FSH 1909.12 part 24.43 - National Scenic and Historic Trails

36 CFR [sect] 219.15 - Project and activity consistency with the plan 40 CFR [sect] 1502.14 - Proposed Action and Alternatives

40 CFR [sect] 1502.15 - Affected Environment

40 CFR [sect][sect] 1502.16, 1502.24, 1508.7, 1508.8 - Environmental Consequences 40 CFR [sect] 1502.24 - Methodology and Scientific Accuracy

40 CFR 1503.4(a) - Response to Comments

Connection with Comments: Handbook at page(s) 44 and through many other handbook references to laws, regulations, and policy.

#### D. Terrestrial Vegetation Environmental Consequences

FEIS: The FEIS, part 1, page 177 states, "2020 Forest Plan components address all of these trails in more detail and include considerations for vegetation management to ensure it is conducted in a manner consistent with the values of each trail (e.g. FW-NRT-GDL-01, FW-LCHT-GDL-02, FW-CDNST-GDL-02, 03). These components would not preclude treatments such as harvest or prescribed fire, although other land designations along the trails may. Rather, the plan components for these trails would alter the design of site-specific treatments immediately adjacent to them. Designing treatments to meet the guidelines associated with these trails would not necessarily be inconsistent with desired vegetation conditions, and in many cases would be complementary. Therefore, potential for movement towards terrestrial vegetation desired conditions in areas adjacent to nationally recognized trails would not be substantially limited by plan components under any alternative."

Issue and Statement of Explanation: This discussion indicates that plan components do not provide for the protection of the CDNST corridor from actions that substantially interfere with the nature and purposes of this National Scenic Trail. Managing the CDNST corridor for Roaded Natural and Semi-Primitive Motorized ROS settings and timber production purposes would lead to management actions that substantially interfere with the nature and purposes of the CDNST in the areas that are depicted in Appendix B of this objection. Timber production would be measurably reduced within the CDNST management corridor if CDNST qualities and values are to be realized.

The HLC revised Forest Plan CDNST plan components do not protect the qualities and values of this National Scenic Trail. The HLC plan components do not address the National Trails System Act and CDNST Comprehensive Plan requirements to: (1) provide for high-quality scenic, primitive hiking and horseback riding opportunities, and (2) conserve scenic, historic, natural, or

cultural qualities of the areas through which such trails may pass (16 U.S.C. [sect] 1242(a)(2)). In addition, the HLC plan direction does not establish direction to: (1) preserve significant natural, historical, and cultural resources (16 U.S.C. [sect] 1244(f)(1)); and (2) protect the CDNST corridor to the degree necessary to ensure

that the values for which the CDNST was established remain intact or are restored (E.O. 13195, FSM 2353.44b(1), and FSH 1909.12 24.43).

The National Trails System Act of 1968, 82 Stat. 919, as amended, provides that the CDNST, "shall be administered" "by the Secretary of Agriculture" to "provide for maximum outdoor recreation potential and for the conservation and enjoyment" of "nationally significant scenic, historic, natural, or cultural qualities." It empowers and requires that the Secretary of Agriculture select the CDNST rights-of-way which informs the National Scenic Trail corridor location and width. The establishment of the CDNST thus constitutes an overlay on the management regime otherwise applicable to public areas managed by land management agencies. The NTSA and E.O. 13195 - Trails for America in the 21st Century - limits the management discretion the agencies would otherwise have by mandating the delineation and protection of the CDNST rights-of-way (aka National Trail Management Corridor) for the purpose of providing for the nature and purposes of the CDNST.

HLC proposed revised Forest Plan CDNST plan components basis is flawed. The Forest Service relies on National Trails System Act vague direction for selecting the CDNST rights-of-way (16

U.S.C. [sect] 1246(a)(2)) as an indicator that the management and protection of National Scenic and Historic Trails is subordinate to common multiple-use programs. This interpretation is inconsistent with the totality of the direction in the National Trails System Act. The false narrative for this interpretation of law often goes as follows: "The National Trails System Act at 16 U.S.C. [sect] 1246(a)(2) indicates that management in the vicinity of the CDNST while it traverses management areas that are subject to development or management is acceptable, but should be designed to harmonize with the CDNST as possible. Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land. The wording recognizes multiple uses and seeks to moderate impacts on the trail from resource management to the extent feasible while meeting resource management objectives." 20

Reviewed in HLC Draft Plan and DEIS comments, the 1968 guidance "to be designed to harmonize with and complement any established multiple-use plans for that specific area" was to some extent addressed in 1980 directives by Chief Max Peterson: "Development and administration of a National Scenic Trail or National Historic Trail will ensure retention of the outdoor recreation experience for which the trail was established. Each segment of a trail

20 Medicine Bow Landscape Vegetation Analysis Project, Reviewing Officer's Instructions, June 10, 2020.

should be designed to harmonize with and complement any established land management plans for that specific area in order to ensure continued maximum benefits from the land. Decisions relating to trail design and management practices should reflect a philosophy of perpetuation the spectrum of recreation objectives envisioned for the trail users. Land management planning should describe the planned actions that may affect that trail and its associated environments. Through this process, resource management activities prescribed for land adjacent to the trail can be made compatible with the purpose for which the trail is established. The objective is to maintain or enhance such values as esthetics, natural features, historic and archeological resources, and

other cultural qualities of the areas through which a National Scenic or National Historic Trail goes."

The NFMA requires that a Land Management Plan address the comprehensive planning and other requirements of the NTSA in order to form one integrated Plan (16 [sect][sect] U.S.C. 1604(c), 1604(f) and 36 CFR [sect][sect] 219.2 [1982], 219.1, and 219.10). As such, the NTSA guidance that a National Trails System segment be, "designed to harmonize with and complement any established multiple-use plans for that specific area," is not applicable to a land management plan approved after the passage of the NFMA in 1976 and as addressed in the 1982 implementing planning regulations. Furthermore, the NTSA was amended in 1978 to require comprehensive planning for the CDNST, which the Forest Service is completing through staged decisions which the revised HLC Forest Plan is a critical step in completing NTSA comprehensive planning requirements.

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

Violation of law, regulation or policy: 16 U.S.C. [sect][sect] 1242(a)(2), 1244(f), 1246(a)(2), 1246(c); E.O. 13195, 40 CFR [sect] 1502.16.

Connection with Comments: Handbook at page(s) 29.

E. Terrestrial Wildlife Diversity - Environmental Consequences

FEIS: The FEIS, part 1, page 306 states, "Plan components for national recreation trails, the Continental Divide Scenic Trail, the Lewis and Clark Historic Trail, and the Lewis and Clark Interpretive Center all support the specific purposes of those trails and the interpretive center. The management emphasis of these designations is specific recreational or interpretive opportunities, which potentially brings humans using these areas into wildlife habitat.

Management of recreation occurring in these areas would be subject to the plan components discussed above (refer to discussion of effects of plan components for management of recreation, above). Plan components for the Continental Divide National Scenic Trail provide for minimizing human impacts and evidence of modern human activities, including motorized travel, but the presence and management of this trail also attracts a substantial number of forest visitors using portions of the trail. Therefore, impacts of plan components that manage

for these characteristics would likely have mixed impacts to wildlife that would vary according to location, habitat, species, and level of human activity."

Issue and Statement of Explanation: This CDNST assessment fails to identify anything remarkable regarding the connectivity benefits of the proposed CDNST corridor and associated plan components being established in the Divide and Upper Blackfoot Geographic Areas. This demonstrates that the conservation purposes for which the CDNST was established will not be realized in the vicinity of the Divide and Upper Blackfoot GAs.

The establishment of a CDNST corridor with an extent of at least 1-mile and associated plan components to provide for a Primitive or SPNM setting that resulted in identifying a carrying capacity would result in positive benefits to wide-ranging species that rely on undeveloped lands. A corridor would provide for linkage/connectivity areas in the vicinity of Granite Butte, Greenhorn Mountain, and O'Keefe Mountain. The benefit would include supporting the desired condition to provide for, "[hellip]habitat connectivity for wide-ranging species (grizzly bear, Canada lynx, wolverine, and others) between public lands in northern Montana and those in south and southwestern Montana, including lands in the Greater Yellowstone Ecosystem" (DI-WL-DC, RM- WL-DC, and UB-WL-DC).

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

corridor should be of substantial width to provide for carnivore north-south connectivity through Divide and Upper Blackfoot Geographic Areas of the forest. The plan would then preserve significant natural, historical, and cultural resources; and protect the CDNST corridor to the degree necessary to ensure that the values for which the CDNST was established remain intact or are restored.

Violation of law, regulation or policy: 16 U.S.C. [sect][sect] 1242(a)(2), 1244(f)(1), 1246(a)(2), 1246(c); 16 U.S.C. [sect] 1604(f)(1); 40 CFR [sect][sect] 1502.16, 40 CFR 1502.24, 1508.7, 1508.8.

Connection with Comments: Comments at page(s) 6.

#### F. Recreation Setting

FEIS: The FEIS, part 2, 3.16.1 Introduction states, "The FS uses the recreation opportunity spectrum to define recreation settings. The recreation opportunity spectrum (ROS) is categorized into six distinct classes: primitive, semi-primitive nonmotorized, semi-primitive motorized, roaded natural, rural, and urban (36 CFR 219.19). See the glossary for detailed definitions of each recreation opportunity class." The 3.16.2 Regulatory framework states: "National Recreation Opportunity Spectrum (ROS) Inventory Mapping Protocol, April 2018: A National Forest guide that provides guidance for not only how ROS categories are mapped but also what activities are appropriate in each ROS setting."

The FEIS 3.16.6 Environmental Consequences states the, "Definition of primitive ROS settings Public commenters also asked that the definition for primitive ROS settings include language that would prohibit the use of mechanized means of transportation (including bicycles). The National Recreation Opportunity Spectrum (ROS) Inventory Mapping Protocol, April 2018, provides guidance for not only how ROS settings are mapped but also what activities are appropriate in each ROS setting. Adherence to this protocol contributes to the consistent application of ROS settings across NFS lands. In accordance with this National protocol, mountain bikes are suitable in all ROS settings, unless those areas are specifically closed due to legislative action, such as congressionally designated wilderness, or by closure order at the Forest or District levels[hellip] During the formation of the Proposed Action, the HLC NF misinterpreted the National direction for Primitive ROS settings and stated that mountain bikes would not be suitable within these Primitive ROS settings. This is incorrect and not congruent with the national direction. The HLC NF corrected this error in both the draft and the final EIS. The 2020 Forest Plan would follow national direction and would allow all forms of nonmotorized recreation uses within Primitive ROS settings, including bicycles, unless this use is specifically prohibited by Congressional law or Forest closure order."

Issue and Statement of Explanation: Adherence to the 1986 ROS User Guide protocols is foundational to the consistent application of ROS settings across NFS lands. Bicycles should not be allowed in Primitive ROS settings. Asymmetric impacts between bicyclists and traditional nonmotorized users will tend to displace hikers and equestrians from non-wilderness trails. The asymmetric or one-way nature of conflict suggests that active management is needed to maintain the quality of recreation for visitors who are sensitive to conflicting uses. Visitors who are sensitive to conflict are likely to be dissatisfied or ultimately displaced.

Specific lands within a plan area are to be identified as suitable for various multiple uses or activities based on the desired conditions applicable to those lands. Primitive means "of or relating to an earliest or original stage or state." Mountain bikes are not primitive in nature.

The formulation and issuance of Recreation Opportunity Spectrum (ROS) Inventory Mapping Protocols is not in compliance with the Public Participation requirement of FRRRPA and the Public Notice and Comment for Standards, Criteria, and Guidance Applicable to Forest Service Programs (16 U.S.C. [sect] 1612(a), 36 CFR [sect] 216).

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

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

Proposed Solution to Improve the Decision: A Supplemental FEIS needs to address an alternative or modified definition that excludes mechanized use in Primitive ROS settings. The supplement must also ensure that the ROS planning protocols are consistent with the 1986 ROS User Guide planning framework. For the purpose of the revised HLC Forest Plan, I recommend that the Forest Plan be silent on whether or not bicycles are suitable in Primitive ROS settings and within the CDNST management corridor.

Violation of law, regulation or policy: 40 CFR [sect][sect] 1502.14, 1502.24; 36 CFR [sect] 216; and USDA DR 1074-001.

Connection with Comments: Comments at page(s) 6, 14. Handbook at page(s) 8, 26, 27.

#### G. Congressionally Designated Areas

FEIS: The FEIS in Chapter 3 on pages 130-131 states, "Most issues for congressionally designated areas were related to plan components and how these plan components supported the existing enabling legislation for the areas. None of the issues brought forward drove alternatives for congressionally designated areas in this analysis. The following is an overview of the issues brought forward: [hellip] CDNST: Several issues related to specific plan components and the CDNST corridor designation. These issues did not drive alternative development[hellip]

Effects to congressionally designated areas resulting from the alternatives were measured using the following: Continental Divide National Scenic Trail: Effects of plan components[hellip]

The following describes the analysis area used for each of the congressionally designated areas and areas proposed for future designation. These analysis areas form the scope for cumulative effects. The temporal scope for effects is the life of the plan (approximately 15 years). [hellip] Continental Divide National Scenic Trail: The Continental Divide National Scenic Trail corridor on the HLC NF. "

Issue and Statement of Explanation: The CDNST corridor is not depicted on Forest Plan maps and must be added to address the need to recognize where plan components apply. The Forest Supervisor opted not to respond to CDNST public concerns and issues that could have resulted in the proposed action and alternatives being in compliance with the National Trails System Act.

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

Violation of law, regulation or policy: 40 CFR [sect][sect] 1502.14, 1503.4(a) parts 1 and 2; 16 U.S.C. [sect] 1604(f)(1), 219.10(b)(vi); 16 U.S.C. [sect][sect] 1242(a)(2), 1244(f)(1), 1246(a)(2), 1246(c); CDNST

Comprehensive Plan Chapter III part E and Chapter IV; FSM 1953.44b part 1; and FSH 1909.12 24.43.

Connection with Comments: Comments at page(s) 13, 19. Handbook at page(s) 57.

H. Regulatory Framework - Congressional Designated Areas

FEIS: The FEIS Part 2 on page 131 omits relevant authorities for National Scenic and Historic Trails.

Issue and Statement of Explanation: The FEIS regulatory framework needs to reference National Trails System Act Authorities.

Proposed Solution to Improve the Decision: Add to the list the National Trails System Act as amended and the CDNST Comprehensive Plan (FSM 2353.01d - CDNST).

Violation of law, regulation or policy: United States Code, Volume 16, Sections 1241-1251.

Connection with Comments: Handbook at page(s) 18.

I. Continental Divide National Scenic Trail - Affected Environment

FEIS: The FEIS on page 143 states that, "Approximately 273 miles of the Continental Divide National Scenic Trail are in the HLC NF (Table 222). An estimated 65 miles of the trail is located within the Upper Blackfoot GA, approximately 68 miles are located within the Divide GA, and approximately 140 miles are located within the Rocky Mountain GA."

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

Responses to comments suggests that this discussion was updated. However, the FEIS discussion does not describe any affected environment details for a CDNST defined corridor.

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

Violation of law, regulation or policy: 40 CFR [sect] 1502.15

Connection with Comments: Comments at page(s) 8. Handbook at page(s) 72.

J. Continental Divide National Scenic Trail - Environmental Consequences

FEIS: The FEIS on pages 143-147 states, "Effects common to all alternatives: All the alternatives would continue to manage the trail as outlined in the 2009 Continental Divide National Scenic Trail Comprehensive Management Plan. Additionally, all alternatives carry forward the need for

rehabilitation of any impacted sites along the trail, education and interpretation along the trail, and implementation of Continental Divide National Scenic Trail management plans[hellip] The portions of the Continental Divide Trail on the Rocky Mountain Range GA are located within the Bob Marshall and the Scapegoat Wilderness areas. Natural ecological processes and disturbance would continue to be the primary forces affecting the composition, structure, and patterns of vegetation in these areas. The primitive recreation opportunity setting with wilderness would ensure the trail is managed for a primitive experience[hellip] The remainder of the Continental Divide Trail is located within the Divide and Upper Blackfoot GAs. In these GAs, the

trail passes through undeveloped areas as well as areas where timber management, road building, and mining have historically been present. Plan components developed for the Continental Divide National Scenic Trail remain the same in all action alternatives. Table 223 summarizes the expected effects of each of these plan components.

**Timber and vegetation management:** Many stretches of the trail lie within designated wilderness, where timber harvest is prohibited. Other stretches are in IRAs, where timber harvest is largely constrained. However, some stretches of this trail are in areas where harvest could occur, including both areas that are suitable for timber production and those unsuitable for timber production where harvest can occur for other purposes. Alternative D would have the least amount of overlap with the trail corridor in both lands suitable for timber production and unsuitable lands where harvest could occur for other purposes, largely as a function of RWAs.

Alternative A has the most overlap of lands suitable for timber production, while alternative E has the most overlap of unsuitable lands where harvest may occur for other purposes.

Where harvest does occur, it could impact the scenic values visible from the trail, including more open vegetation and stumps, as well as soil disturbance in the short term. Conversely, harvest could be used to improve the scenic quality by creating vistas, mimic vegetation structures that would be created by natural disturbance and promote healthy vegetation. Vegetation plan components would help define the objectives for treatments that may occur near the trail. In addition to harvest, plan components would allow for other vegetation treatments such as tree planting and weed spraying, which could further enhance the scenic quality of the trail. While harvest could have the potential to degrade the scenic quality along the trail, such effects are unlikely to occur because of plan components to maintain a high or very high SIO within  $\frac{1}{2}$  mile of either side of the trail (FW-CDNST-GDL-02, 03). Guidelines also limit harvest-related activities such as temporary roads, skidding, hauling, and log landings (FW-CDNST-GDL-08, 09, 10).

**Conclusion:** Alternatives B-F would meet the purpose and need by providing specific plan components for the Continental Divide National Scenic Trail. These plan components would remain the same in all action alternatives and support the scenic trail legislation and the 2009 Comprehensive Management Plan by establishing guidance and direction for the trail within the Forest Plan. The visual quality along the trails would be consistent with or make progress

toward achieving the SIOs of high and/or very high within the foreground of the trail (up to  $\frac{1}{2}$  mile either side of the trail)."

**Issue and Statement of Explanation:** The National Trails System Act of 1968, 82 Stat. 919, as amended, provides that the CDNST, "shall be administered" "by the Secretary of Agriculture" to "provide for maximum outdoor recreation potential and for the conservation and enjoyment" of "nationally significant scenic, historic, natural, or cultural qualities." It empowers and requires that the Secretary of Agriculture select the CDNST rights-of-way which informs the National Scenic Trail corridor location and width. The establishment of the CDNST thus constitutes an overlay on the management regime otherwise applicable to public areas managed by land management agencies. The NTSA and E.O. 13195 - Trails for America in the 21st Century - limits the management discretion the agencies would otherwise have by mandating the delineation and protection of the CDNST rights-of-way (aka National Trail Management Corridor) for the purpose of providing for the nature and purposes of the CDNST.

HLC proposed revised Forest Plan CDNST plan components basis is flawed. The Forest Service relies on National Trails System Act vague direction for selecting the CDNST rights-of-way (16

U.S.C. [sect] 1246(a)(2)) as an indicator that the management and protection of National Scenic and Historic Trails is subordinate to common multiple-use programs. This interpretation is inconsistent with the totality of the direction in the National Trails System Act. The National Trails System Act establishes National Scenic Trails (16 U. S. C. [sect] 1244(a)), including the CDNST (16 U.S.C. [sect] 1244(a)(5)). It also empowers and requires the Secretary of Agriculture to establish the CDNST location and width by selecting the National Scenic Trail "rights-of-way" (16 U. S. C.

[sect][sect] 1246(a)(2), 1246(d), 1246(e)). A right-of-way is a type of easement limiting or burdening use. The Secretary must protect the nature and purposes of this National Scenic Trail (16 U.S.C. [sect] 1246(c)), and to achieve the purposes for why the National Scenic Trail was designated, the Secretary is to provide for the "protection, management, development, and administration" of the National Scenic Trail (16 U.S.C. [sect] 1246(i)).

The HLC revised Forest Plan CDNST plan components do not protect the qualities and values of this National Scenic Trail. The HLC plan components do not address the National Trails System Act and CDNST Comprehensive Plan requirements to: (1) provide for high-quality scenic, primitive hiking and horseback riding opportunities, and (2) conserve scenic, historic, natural, or cultural qualities of the areas through which such trails may pass (16 U.S.C. [sect] 1242(a)(2)). In addition, the HLC plan direction does not establish direction to: (1) preserve significant natural, historical, and cultural resources (16 U.S.C. [sect] 1244(f)(1)); and (2) protect the CDNST corridor to the degree necessary to ensure that the values for which the CDNST was established remain intact or are restored (E.O. 13195, FSM 2353.44b(1) and FSH 1909.12 24.43).

The revised Forest Plan direction is inconsistent with and not supportive of the 2009 CDNST Comprehensive Plan direction. CDNST plan component concerns are addressed in the Forest

Plan section of these comments (Section III Part C). The identification and selection of the rights-of-way (16 U.S.C. [sect] 1246(a)(2)) may lead to varying degrees of effects, but most often a

National Scenic Trail management corridor would be the primary area for addressing the effects analysis. Scenic quality along the CDNST travel route must be addressed following the requirements of the Scenery Management System and not as described in this section. Effects on scenic integrity and ROS class conditions should be based on analysis of the effects of the allowable uses. Utilizing ROS and Scenery Management systems will help ensure that NEPA assessments are systematic and accurately describe the affected environment and expected outcomes from each alternative.

Similar constraints and burdens are true in related contexts, such as when the Endangered Species Act of 1973, 16 U.S.C. [sect] 1531 et seq., would prohibit otherwise permissible land uses in a national forest if the activity would destroy a listed species or its critical habitat (16 U.S.C. [sect] 1536(a)(2)) or where the Wilderness Act, (16 U.S.C. [sect] 1131 et seq.) would prohibit roads, vehicles, and any commercial enterprise in a statutorily designated wilderness area within a National Forest (16 U.S.C. [sect] 1133(c)). National Scenic Trails are established as provided in section 5 of this Act and located as to 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 U.S.C. [sect] 1242(a)(2)).

Plan components do not provide for a high or very high SIO within [frac12] mile of either side of the trail (FW-CDNST-GDL-02, 03). Scenic Integrity Objectives are to be described as desired conditions and not guidelines. Timber production actions and activities only degrade scenic integrity levels, so stating that, "management activities should be consistent with, or make progress toward achieving scenic integrity objectives of high or very high" is not logical; FW-CDNST-GDL-02 should be deleted. CDNST plan components that establish a Primitive

and SPNM ROS settings and Very High and High SIO would protect the CDNST from projects that require mechanical harvesting equipment and road construction; FW-CDNST-GDL-03 is not needed and should be deleted.

Guidelines do not limit harvest-related activities such as temporary roads, skidding, hauling, and log landings (FW-CDNST-GDL-08, 09, 10). Establishment of Primitive and SPNM ROS settings would protect the CDNST nature and purposes, while FW-CDNST-GDL-08 does not; FW-CDNST- GDL-08 should be deleted. Hauling or skidding along the Continental Divide National Scenic Trail in itself would substantially interfere with the nature and purposes of the CDNST; FW- CDNST-GDL-09 should be deleted.

FEIS Alternative F Divide GA maps 8, 18, 30 and Upper Blackfoot GA maps 7, 18, and 28 display ROS, SIO, and Timber Suitability desired conditions that would lead to implementation actions that substantially interfere with the nature and purposes of the CDNST, which is inconsistent with the National Trails System Act. Management direction for Semi-Primitive Motorized,

Roaded Natural/Modified, Rural, and Urban ROS classes allow uses that would substantially interfere with the nature and purposes of the CDNST if the allocation desired conditions are realized. Where the allowed non-motorized activities reflect the purposes for which the National Trail was established, the establishment of Primitive and Semi-Primitive Non- Motorized ROS classes and high and moderate scenic integrity allocations would normally protect the nature and purposes qualities and values of the CDNST. This assessment is based on recreation research that supports FSM 2310 (WO Amendment 2300-90-1) 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.

The CDNST effects analysis of the proposed action and alternatives should have included cross- tabular tables that explore and disclose the relationship between (1) the proposed CDNST travel route location and management corridor/rights-of-way extent and (2) the intersection and overlap with the proposed ROS Classes and Scenic Integrity Objectives allocations.

Specifically, the FEIS should have disclosed effects of the proposed action and alternatives on scenic integrity and ROS class conditions. Utilizing the ROS and Scenery Management System helps ensure that NEPA assessments are systematic and accurately describe the affected environment and expected outcomes from each alternative. The following specific resource relationships should be described:

\*  
\*

\* Effects on CDNST nature and purposes from Timber Harvest, Vegetation Management, Livestock Grazing, Roads, Designated Trails, Fire Management, and Mineral Resource Activities.

\* Effects of managing the CDNST corridor (aka rights-of-way) to provide for the nature and purposes of this National Scenic Trail on timber production, vegetation management, range management, recreation management, wildlife management, wilderness, recommended wilderness, and fire management.

Timber production, road construction and reconstruction, and associated use and activities that are proposed by the Draft ROD for the CDNST corridor are incompatible with achieving National Trails System Act objectives and the CDNST nature and purposes desired conditions in at least three CDNST corridor segments. The purpose of timber production is the purposeful growing, tending, harvesting, and regeneration of regulated crops of trees to be cut into logs, bolts, or other round sections for industrial or consumer use, which is in stark contrast and

clearly incompatible with protecting the purposes for which National Scenic Trails are established. The CDNST rights-of-way/management corridor is not suitable for timber production (36 CFR 219.11(a)(i) and (iii)). The lasting effects of an activity (roads, timber harvest) as well as short-term effects (logging trucks, noise) degrade CDNST values. In areas of timber production, reoccurring harvests for timber purposes, stand tending, road construction and reconstruction, CDNST travel route closures, and other supporting activities are incompatible with desired ROS

settings and Scenic Integrity Objectives. Managing the CDNST corridor for Roaded Natural and Semi-Primitive Motorized ROS settings and timber production purposes would lead to management actions that substantially interfere with the nature and purposes of the CDNST in the areas that are depicted in Appendix B of this objection.

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

Violation of law, regulation or policy: 40 CFR [sect][sect] 1502.8, 1502.14, 1502.15, 1502.16, 1502.24, 1503.4(a) parts 1 and 2; 16 U.S.C. [sect][sect] 1242(a)(2), 1244(f)(1), 1246(a)(2), 1246(c); CDNST

Comprehensive Plan Chapter III Part E and Chapter IV.

Connection with Comments: Comments at page(s) 11 through 13. Handbook at page(s) 73.

#### K. Cumulative Effects for Congressionally Designated Areas

FEIS: The FEIS on page 154 states that, "Portions of the HLC NF adjoin other national forests, each of which have their own Forest Plans. The HLC NF is also intermixed with lands of other ownerships, including private lands, other federal, state, and tribal lands. Some adjacent lands are subject to their own resource management plans. The land management plans for adjacent federal, state, and tribal lands would generally be complementary to the 2020 Forest Plan. The cumulative effects to congressionally designated areas from these other resource management plans with the 2020 Forest Plan are summarized in Table 230."

Issue and Statement of Explanation: The Beaverhead-Deerlodge National Forest is yet to address a revised plan appeal decision, which states, "One appeal contention regarding the Continental Divide National Scenic Trail (CDNST) was received and is addressed in Attachment 2: Issues Reviewed and Decisions Affirmed. However, on September 28, 2009, the CDNST Comprehensive Plan was amended, with an effective date of November 4, 2009. The Revised Plan referred to an amended Comprehensive Plan, which in fact had not been amended at the time the ROD was issued. No correction to that wording is required since the effective date of the amendment is imminent. However, subsequent to the effective date of the amendment, the Revised Plan direction should be reviewed to determine whether it is consistent with the Comprehensive Plan amendment (and related FSM 2350 direction), and appropriate action taken if necessary."

Proposed Solution to Improve the Decision: Discuss the status of the Beaverhead-Deerlodge National Forest CDNST plan direction.

Violation of law, regulation or policy: 40 CFR [sect][sect] 1502.16, 1508.7.

Connection with Comments: Comments at page(s) 10. Handbook at page(s) 33, 73 through 75.

#### L. Timber and Other Forest Products

Environmental consequences - Timber and Harvest suitability

FEIS: The FEIS on page 250 states that, "The lands determined to be suitable for timber production under the action alternatives are a subset of the lands that may be suitable (Figure 34), as described in appendix H. This determination is made based on the resource objectives on the landscape and varies by alternative as described in the Effects that vary by alternative section. Broad-scale information is used to determine suitability. Changes to the determination lands suitable for timber production based on site-specific field reviews would be monitored during implementation of the plan. The following common factors were used in determining suitability for each alternative, based on plan components that would not be consistent with timber production as a primary or secondary objective[hellip]

Although there are no suitability statements for timber production or harvest in the 2020 Forest Plan based on recreation opportunity spectrum (ROS) settings, the map of these settings was used as a reference to identify areas where the transportation system, potential future access, and desired vegetation conditions are not consistent with timber production."

Issue and Statement of Explanation: ROS settings to be established do not reflect the appropriate management of the CDNST in many locations in the Divide and Upper Blackfoot GAs. ROS plan components are incomplete and do not reflect the 1986 ROS User Guide descriptions. The CDNST corridor should be protected by establishing plan components that reflect the 1986 ROS descriptions of Primitive and Semi-Primitive Non-Motorized ROS settings.

Proposed Solution to Improve the Decision: The ROS maps need to be updated to reflect these considerations. See Section I Part C of this objection.

Violation of law, regulation or policy: 40 CFR [sect] 1502.16.

Connection with Comments: Comments at page(s) 10, 12, 13. Handbook at page(s) 30, 37.

M. Recreation Opportunity Settings - Prism

FEIS: The FEIS on page 265 states that, "Semi-primitive nonmotorized settings are generally inaccessible, although harvest can occur to maintain natural vegetation. These areas are often but not always associated with IRAs, where limitations on harvest from the Roadless Area Conservation Rule apply. These areas typically have poor access and either natural processes or prescribed fire would be drivers of vegetation change. For modeling purposes, it was assumed that harvest would only occur at low levels in these areas[hellip] Semi-primitive motorized settings have varying levels of access, and harvest is generally allowed, although the plan specifies that vegetation management should create limited, widely dispersed treatment areas consistent with natural vegetation patterns. For modeling purposes, it was assumed that harvest would occur at low to moderate levels."

Issue and Statement of Explanation: The Plan should recognize that timber production and associated activities are inconsistent with Primitive, Semi-Primitive Non-Motorized, and Semi-

Primitive Motorized ROS classes.<sup>18</sup> Limited timber harvest in itself may seem appropriate in some situations when addressing forest health issues. However, often associated timber harvesting equipment and road construction or reconstruction would be incompatible with these ROS setting characteristics.

Proposed Solution to Improve the Decision: The prism model should recognize that forecasting timber harvests in these ROS classes is unpredictable and should not be scheduled. See Section I Part C of this objection.

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

Connection with Comments: New Information.

#### N. Continental Divide National Scenic Trail - Timber Harvest

FEIS: The FEIS on page 278 states that, "The Continental Divide National Scenic Trail runs through the HLC NF planning area in the Divide, Upper Blackfoot, and Rocky Mountain Range GAs. Many stretches of this trail are in designated wilderness, where timber harvest is prohibited; or, in IRAs, where timber harvest is constrained. However, some segments are located in other areas where harvest could occur, including areas that are suitable for timber production. Under the no-action alternative, the 1986 plan components for the Continental Divide National Scenic Trail point to the comprehensive management plan for the trail and emphasizes visual quality. Under the action alternatives, harvest would be constrained by plan components associated with the trail, which are designed to maintain a high or very high scenic integrity objective within  $\frac{1}{2}$  mile of either side of the trail (FW-CDNST-GDL-02, 03). Guidelines also limit harvest-related activities such as temporary roads, skidding, hauling, and log landings (FW-CDNST-GDL-08, 09).

The overlap of lands where harvest could be permitted within  $\frac{1}{2}$  mile of the Continental Divide National Scenic Trail is shown in Table 271 [Alternative F - 8,935 acres]. Alternative D would have the least amount of overlap with the trail corridor where harvest could occur, as a function of RWAs. Alternative A has the most overlap with lands suitable for timber production, while alternative E has the most overlap of unsuitable lands where harvest may occur. Where the corridor overlaps these areas, the types of harvest may be limited, and/or harvest projects may be more complex. However, the limitations of the trail plan components would not materially change timber estimates at the programmatic level because 1) some level of harvest could still occur; and 2) the total area of overlap represents very small percentages of lands suitable for timber production or unsuitable lands where harvest may occur (2 to 3% depending on alternative)."

Issue and Statement of Explanation: Timber harvest with associated road construction should never occur in Primitive and rarely occur in Semi-Primitive ROS settings. The Plan should recognize that timber production and associated actions and activities are inconsistent with the

provisions of (1) the National Trails System Act, including providing for the nature and purposes of the CDNST and (2) Primitive and Semi-Primitive Non-Motorized ROS settings,<sup>18</sup> which are appropriate ROS allocations for a CDNST management corridor or rights-of-way. Regulated forest structure conditions maintained by periodic forest harvest and regeneration is inconsistent with and unnecessary for achieving CDNST, Primitive ROS class, and Semi-Primitive Non-Motorized ROS class desired conditions; these areas must not be classified as suitable for timber production, and harvest quantity projections must not be included in projected wood sale quantity and projected timber sale quantity calculations.

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

Mechanical timber harvest with road construction or reconstruction within the CDNST management corridor would only occur to support desired conditions. Timber production is inconsistent with providing for the nature and purposes of the CDNST and Primitive and Semi- Primitive Non-Motorized ROS settings. A Supplemental FEIS should remove the discussion that 8,935 acres of suitable timber overlap of lands where harvest could be permitted within one-half mile of the Continental Divide National Scenic Trail. A Supplemental FEIS should also eliminate the description that there is 49,437 acres where harvest could occur within the corridor, since the figure is based on incomplete ROS setting definitions and data, which has resulted in timber harvest modelling errors.

Violation of law, regulation or policy: The CDNST rights-of-way (aka management corridor) is not suitable for timber production as informed by 36 CFR [sect] 219.11(a)(i) and (iii). 16 U.S.C. [sect] 1246(c); 40 CFR [sect] 1502.24.

Connection with Comments: Comments at page(s) 10, 12. Handbook at page(s) 30.

## O. Glossary

The glossary the does not contain important definitions to support FEIS terms.

Issue and Statement of Explanation: National Scenic and Historic Trails are not described. ROS class definitions are incomplete. Additional definitions would facilitate consistent implementation of the Forest Plan.

Proposed Solution to Improve the Decision: National Scenic and Historic Trails should be described and National Scenic and Historic Trail nature and purposes defined. The definition of ROS classes should be expanded to address Access, Remoteness, Naturalness/Evidence of Humans, Facilities and Site Management, Social Encounters, Visitor Impacts, and Visitor Management of each class. Scenic Integrity needs to be defined as described in the Landscape Aesthetics Handbook. Definitions provided in Draft Plan and DEIS comments should be included in the revised Plan and supplemental FEIS.

Violation of law, regulation or policy: 40 CFR [sect][sect] 1502.8, 1502.16.

Connection with Comments: Comments at page(s) 28.

## P. Response to Comments

CEQ regulations 40 CFR [sect] 1503.4(a)Error! Bookmark not defined. 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.
1. Modify alternatives including the proposed action.
2. Develop and evaluate alternatives not previously given serious consideration by the agency.
3. Supplement, improve, or modify its analyses.
4. Make factual corrections.
5. Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response."

The following address responses to comments that I submitted on the Draft Plan and DEIS, and concerns that arose after formal comment due to the Forest Service responses.

FEIS, Appendix G, CR33: Concern: The FS should use the recreation opportunity settings (ROS) to determine where mechanized means of transportation (i.e. mountain bikes) may recreate. Specifically, the FS should state that mechanical uses should remain in semi-primitive nonmotorized ROS settings.

Response: The National Recreation Opportunity Spectrum (ROS) Inventory Mapping Protocol provides guidance for not only how ROS categories are mapped but also what activities are appropriate in each ROS setting. The 2020 Forest Plan will follow national direction to contribute to the consistent application of ROS settings across NFS lands.

Issue and Statement of Explanation: A National Recreation Opportunity Spectrum Inventory Mapping Protocol is useful for inventories along as the direction is consistent with the 1986 ROS Planning User Guide which is the basis for the Planning Rule as informed by the Planning Rule PEIS. Inventories do not control ROS settings to be

established.

The Draft Plan and DEIS appropriately considered excluding mechanized use from Primitive ROS settings. The decision to not further address this issue in the revised plan and FEIS is arbitrary and capricious.

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

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) parts 1 and 2.

Connection with Comments: New information.

#### FEIS, Appendix G, CR34: Primitive ROS - Suitable Recreation Uses Within

Concern: Commenters expressed concerns regarding the primitive ROS definition. Many commenters wish to exclude mountain bikes from primitive ROS areas as was outlined in the Proposed Action. Some commenters advocated for mountain bikes to be included within primitive ROS settings.

Response: The National Recreation Opportunity Spectrum (ROS) Inventory Mapping Protocol provides guidance for not only how ROS categories are mapped but also what activities are appropriate in each ROS setting. Adherence to this protocol contributes to the consistent application of ROS settings across NFS lands.

In accordance with this national protocol, mechanized means of transportation are suitable in all ROS settings, unless those areas are specifically closed due to legislative action, such as congressionally designated wilderness, or by closure order at the Forest or District levels.

During the formation of the Proposed Action, the HLC NF misinterpreted the national direction for primitive ROS settings and stated that mountain bikes would not be suitable within these primitive ROS settings. This is incorrect and not congruent with the national direction.

The HLC NF corrected this error in both the DEIS and the FEIS. The 2020 Forest Plan would follow national direction and would allow all forms of nonmotorized recreation uses within primitive ROS settings, including mountain bikes, unless this use is specifically prohibited by Congressional law or Forest closure order.

Clarifying language was added to the 2020 Forest Plan and the FEIS to clearly describe the national direction of nonmotorized recreation in primitive ROS settings.

Issue and Statement of Explanation: A National Recreation Opportunity Spectrum (ROS) Inventory Mapping Protocol is useful for inventories along as the direction is consistent with the 1986 ROS Planning User Guide which is the basis for the Planning Rule as informed by the Planning Rule PEIS. Inventories do not control ROS settings to be established recognizing the remoteness may not be achievable in Semi-Primitive Non-Motorized settings as surrounding areas are developed.

The Draft Plan and DEIS appropriately considered excluding mechanized use from Primitive ROS settings. The decision to not further address this issue in the revised plan and FEIS is arbitrary and capricious.

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

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) parts 1 and 2.

Connection with Comments: New information. Comments at page(s) 14.

FEIS, Appendix G, CR73: Wildlife - Connectivity/migration

Concern: Commenters thought that the draft forest plan should provide specific direction for and recognize the importance of wildlife migration corridors and connectivity needs across the landscape.

Response: Please refer also to CR275: wildlife-grizzly bear connectivity and habitat, and to FEIS section 3.14.5 and 3.14.6 for details about connectivity on the HLC NF. That section of the FEIS, while specifically emphasizing grizzly bear habitat issues, also discusses the existing condition and effects of the plan and alternatives on habitat connectivity for most wide-ranging species that occur on the HLC NF. The FEIS has been updated to include discussion of plan components that were added as a result of comments, and to provide additional analysis.

Issue and Statement of Explanation: The CDNST corridor and associated plan components do not provide for the conservation purposes of the CDNST in high valued connectivity areas.

Proposed Solution to Improve the Decision: See Section I Part C of this objection. The CDNST corridor should be broad enough to contribute to the protection of the wildlife connectivity corridor in the Divide and Upper Blackfoot GAs.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) parts 1 and 2.

Connection with Comments: Comments at page(s) 6.

FEIS, Appendix G, CR213: Recreation Plan Components

Concern: Commenters had editorial suggestions for recreation plan components.

Response: Changes were made where applicable; please see the recreation sections of the 2020 Forest Plan. Where not changed per the comment, the Forest determined that the retained plan components were sufficient to meet our obligations under the 2012 Planning Rule.

Issue and Statement of Explanation: ROS definitions provided in comments are not just editorial. Recommended ROS desired conditions and other ROS indicators are based on the 1986 ROS User Guide which is the basis for the Planning Rule as informed by the Rule PEIS.

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

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) parts 1 and 2.

Connection with Comments: New information. Comments at page(s) 28.

FEIS, Appendix G, CR117: Monitoring - Continental Divide National Scenic Trail

Concern: Commenters had questions and suggestions regarding monitoring of the CDNST.

Response: Elements of the CDNST Comprehensive Management Plan are monitored annually. There is no need to repeat this monitoring as a part of the 2020 Forest Plan. Additionally, the FS must follow all laws, regulations, and policies that provide direction for the CDNST.

FSM 2353.44b directs the FS to complete a CDNST Unit Plan for those segments of the trail that cross the HLC NF. There is no need to repeat this policy in the 2020 Forest Plan.

Issue and Statement of Explanation: The forest has avoided implementation of FSM 2353.44b since 2009, which has allowed projects to degrade CDNST nature and purposes qualities and values. CDNST Unit Plans are critical to completing the comprehensive planning requirements of 16 U.S.C. [sect] 1244(f) and need to be addressed in the Forest Plan either through fully addressing the requirements in the revised plan or by establishing direction to ensure that the site-specific planning occurs.

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

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) parts 1 and 2.

Connection with Comments: New information. Comments at page(s) 5.

#### FEIS, Appendix G, CR186: Continental Divide National Scenic Trail - Recommended Plan Components

Concern: Commenters had many suggestions for Plan Component additions and edits in the Continental Divide National Scenic Trail section of the 2020 Forest Plan.

Response: Various CDNST plan component and other editorial suggestions were provided. Changes were made where appropriate. Please see the CDNST section of the 2020 Forest Plan. Where plan components were not changed per the comment, the Forest determined that the retained plan components were sufficient to meet obligations under the 2012 Planning Rule.

Issue and Statement of Explanation: The response did not provide sound reasons which support the agency's position. The requirements of the Planning Rule were not met; however, that is moot when addressing NEPA requirements. The FEIS did not meet the requirements of 40 CFR [sect][sect] 1502.14, 1503.4.

Proposed Solution to Improve the Decision: CEQ regulations 40 CFR [sect] 1503.4(a) 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.

The FEIS should have modified CDNST plan components or developed an alternative that provides for the nature and purposes of the CDNST as described in comments.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) parts 1 and 2.

Connection with Comments: New information. Draft Plan and DEIS comments at page(s) 19 and 25-28.

FEIS, Appendix G, CR188: Continental Divide National Scenic Trail - DEIS Comments Concern: Multiple commenters had suggestions on the CDNST plan components and analysis.

Response: Plan components were developed for all designated areas on the HLC NF, including those that protect wilderness character and the nature and purposes of the National Scenic and Historic Trails. All action alternatives include plan components for the CDNST, and the preferred alternative, alternative F, establishes a CDNST corridor that extends 1/2 mile either side of the CDNST trail. Plan components for the CDNST provide direction within this corridor. Please see the CDNST section under Designated Areas in the forestwide section of the 2020 Forest Plan.

The corridor map is displayed in appendix A of the forest plan. Analysis for the CDNST trail corridor is included in the FEIS.

Observation: The Forest Plan is inconsistent with this response failing to establish "a CDNST corridor that extends 1/2 mile either side of the CDNST trail." This allocation should be corrected describing that, "a CDNST corridor is established that extends 1/2 mile on both sides of the CDNST travel route."

#### CR188 CDNST DEIS Unpublished Supplement G Response

1. 664-8 The DEIS did not address reasonable plan components to protect the values for which congressionally designated areas were established. Providing for plan components that protect Wilderness Character and National Scenic and Historic Trail nature and purposes is within the scope of the EIS and must be addressed in the proposed action and/or alternatives:

FS Response: Plan components were developed for all designated areas on the HLC NF, including those that protect wilderness character and the nature and purposes of the National Scenic and Historic Trails, including the Continental Divide National Scenic Trail.

Observation: The comment succinctly stated a concern that addressed the decision framework. These concerns were developed in other comments, including addressing each of the proposed plan component. The Forest Plan did not apply fundamental ROS and SMS planning principles to protect the CDNST nature and purposes as describe in those comments.

1. 664-10 The proposed management direction for the CDNST does not protect CDNST nature and purposes values. The establishment of a CDNST corridor with supporting plan components was not evaluated in the DEIS. The FS should reissue the DEIS as a supplement to address the omissions.

FS Response: The HLC NF developed the 2020 Forest Plan using the 2012 Planning Rule, the 2015 Planning Directives, and direction from the National CDNST trail coordinator. All plan components are designed to protect the nature and purposes of the CDNST trail. The preferred alternative, alternative F, establishes a CDNST corridor that extends 1/2 mile either side of the CDNST trail. Plan components for the CDNST provide direction

within this corridor. The corridor map is on display in Appendix A of the 2020 Forest Plan. Analysis for this trail corridor is included in the FEIS.

Observation: Important direction not listed above include the CDNST Comprehensive Plan, FSM 2353.4, 1986 ROS User Guide, and the Landscape Aesthetics Handbook #701.

The Forest Plan Divide GA Map D-7 displays what appears to be the location of the CDNST travel route, but does not show the relationship with ROS and SIO allocations.

Geospatial data for Alternative F displays multiple ROS settings to be established including Semi-Primitive Motorized and Roaded Natural ROS classes in the vicinity of the CDNST travel route. The CDNST travel route and corridor are not identified on the ROS maps. These ROS setting do not protect the values for which the CDNST was established.

Geospatial data for Alternative F displays a Scenic Integrity Objective of Very High and High with a 1-mile corridor for the CDNST. However, the Forest Plan Divide Geographic Area Map D-6 does not display a CDNST corridor with Scenic Integrity Objectives; it appears that a Moderate SIO will be established for some areas along the CDNST travel route.

The Draft ROD does not establish a corridor for the CDNST with an extent of one-half mile on both sides of the CDNST travel route and establish supporting ROS and SIO plan components for the CDNST rights-of-way (aka management corridor).

1. 664-16 The discussion of the affected environment fails to address visitor experience opportunities and settings, and the conservation and protection of scenic, natural, historical, and cultural qualities of the national trail corridor. "The affected environment discussion needs to be expanded to describe the existing corridor uses (e.g., timber production and mining), roads and trails, ROS classes along the CDNST travel route, and motor vehicle and bicycle use. Recognizing the nature and purposes is important to understanding that protecting a National Scenic Trail corridor through protecting wildlife linkage/connectivity areas and wilderness characteristics of roadless areas is beneficial to conserving landscapes:

FS Response: The affected environment has been updated to include additional activities that are taking place within the CDNST corridor.

Observation: See discussion in Section IV(I) of this objection.

1. 664-17 a. The desired condition must describe the nature and purposes of the CDNST: The CDNST Management Area (MA) provides high-quality scenic, primitive hiking and horseback riding opportunities and conserves natural, historic, and cultural resources (CDNST Comprehensive Plan, Chapter IV(A)).

1. The desired conditions fail to recognize the importance of protecting middle ground views and to recognize the need to protect the trail setting when passing through areas with evidence of current and past incompatible management activities.

2. Standards fail to protect against a wide array of activities that may degrade Primitive and Semi-Primitive Non-Motorized settings.

3. Guidelines allow for "short-term" deviations from meeting Scenic Integrity Objectives without limiting the extent and duration of any deviation. Assumptions should provide a general description of the effects periods: Is it intended that long-term is greater than 50 years and short-term is less than 10 years? Short-term effects of timber harvest activities and related road construction and use could substantially interfere with the CDNST nature and purposes if inappropriately scheduled and not limited in scope. Deviation from the Landscape Aesthetics Handbook must meet the requirements of 40 CFR 1502.24 - Methodology and scientific accuracy.

FS Response:

- 1.
1. Please see FW-CDNST-DC-01.
2. Please see FW-CDNST-DC-02.
3. Please see FW-CDNST-STD-01 through 03. Addition guidance for activities along the CDNST may be found in FW-CDNST-GDL-01 through 10.
4. Forest plan direction for the scenery along the CDNST may be found in FW-CDNST-DC- 02, FW-CDNST-GDL-02, FW-CDNST-GDL-03, and FW-CDNST-GDL-06.

Observation: The response did not address the expressed concerns.

1. 664-18 The assessment only addresses the effects of the CDNST travel route and not that of establishing a protected national trail management corridor. Establishment a corridor with Primitive or SPNM setting characteristics would significantly alter the effects analyses. The analyses and disclosure should be corrected in a Supplement DEIS.

FS Response: Please see the response for (C).

Observation: The response doesn't address the concern.

1. 664-19 The FS should adjust that analysis to show that there will be effects to the CDNST due to timber harvestings in the Granite Butte, Greenhorn Mountain, and O'Keefe Mountain areas due in part to allocating much of the area for timber production resulting in a Roaded Natural (or better described as a Roaded Modified subclass) condition. The conclusion should describe

that the CDNST management corridor would not be protected in vicinity of Granite Butte, Greenhorn Mountain, and O'Keefe Mountain as identified in Appendix B:

FS Response: The FEIS includes the analysis of effects resulting from the development of a 2020 Forest Plan. Site- specific effects, such as those created by potential timber harvesting in the Granite Butte, Greenhorn Mountain, and O-Keefe Mountain areas, were not considered in this analysis. All future site-specific project analysis will consider the CDNST trail tread and the CDNST corridor as displayed in the 2020 Forest Plan and will need to follow the associated plan components.

Observation: The response fails to recognize the NEPA requirements of programmatic analyses. CEQ states, "The agency is obligated to conduct a meaningful impact analysis in accordance with NEPA, and that analysis

should be commensurate with the nature and extent of potential impacts of the decision being made. A programmatic NEPA review should contain sufficient discussion of the relevant issues and opposing viewpoints to enable the decisionmaker to take a "hard look" at the environmental effects and make a reasoned choice among alternatives.

There should be enough detail to enable those who did not have a part in its compilation to understand and meaningfully consider the factors involved."

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

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

1. 664-20 The FEIS fails to identify plan components that provide for the protection of the nature and purposes of the CDNST. Limited timber harvest during each planning period may be appropriate in some areas along the CDNST corridor. However, timber production practices do not contribute to protecting CDNST nature and purposes values due to the cumulative effects of travel route closures, road construction, reoccurring stand maintenance, and harvest operations. Timber harvest effects on scenic integrity and ROS settings are evaluated using the Scenery Management System and ROS planning frameworks. Applying these planning frameworks would lead to the conclusion that the proposed action and alternatives if implemented would substantially degrade CDNST values and as such should not have been developed in detail. 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. "Short-term" effects that last for several years would also substantially interfere with the nature and purposes of the CDNST:

FS Response: Forest plan direction for the scenery along the CDNST may be found in FW- CDNST-DC-02, FW-CDNST-GDL-02, FW-CDNST-GDL-03, and FW-CDNST-GDL-06. Direction for

timber harvesting along the CDNST is found in FW-CDNST-GDL-09.

Observation: The response does not address the expressed concerns. The referenced plan components do not protect more primitive recreation settings. Forest health projects, special use authorizations, and timber harvest actions must only be allowed if they will not substantially interfere with the nature and purposes of the CDNST if the plan is to be consistent with the National Trails System Act.

1. 664-21 a. The FEIS fails to identify the consequences associated with establishing ROS RN class desired conditions within the CDNST corridor, which would promote actions that would substantially interfere with the nature and purposes of the CDNST.

1. The environmental consequences of the DEIS did not evaluate the effect of more than one set of CDNST plan components, which limited the range of alternatives.
2. The FS failed to consider plan components recommended in scoping comments that would provide for a substantial higher level of protection than those adopted for the draft plan. These suggested plan components

should be analyzed following NEPA processes.

3. The FS should establish a CDNST MA corridor with Primitive or Semi-Primitive Non-Motorized characteristics outside of wilderness.

4. The FS should review and use the research that supports FSM 2310.3 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. I demonstrated the knowledge to make this assessment in coauthoring a FS ROS handbook: Recreation Opportunity Setting as a Management Tool.<sup>1</sup> (Recreation Opportunity Setting as a Management Tool - Stankey, Warren, and Bacon - 1986; [http://www.nstrail.org/carrying\\_capacity/ros\\_tool\\_1986.pdf](http://www.nstrail.org/carrying_capacity/ros_tool_1986.pdf))

FS Response:

1.

1. Additional analysis has been added to the FEIS to describe the effects to the purpose and nature of the CDNST in areas where the trail is located within roaded natural ROS settings.

2. Comments/issue received from the public on the proposed action did not recommend substantial changes to the plan components that would warrant additional alternatives.

3. The FS considered all comments to the proposed action and DEIS.

4. Please see the response for (C).

1.

1. Please see the response for (C).

Observation: See discussion in Section IV(J) of this objection.

1. 664-22: The proposed action and alternatives do not protect the CDNST by establishing Primitive and SPNM allocations on the Helena National Forest in the Granite Butte, Greenhorn Mountain, and O'Keefe Mountain areas. The conclusion should describe that the CDNST management corridor would not be protected in vicinity of Granite Butte, Greenhorn Mountain, and O'Keefe Mountain as identified in Appendix B.

FS Response: Plan components in the forest plan have been specifically designed to protect the nature and purposes of the CDNST. Please see FW-CDNST-DC-01 through 07.

Observation: Plan components inappropriately protects the continuation of timber production in these areas of the forest. See discussion in Section III(c) of this objection.

The establishment of a CDNST corridor with an extent of 1-mile and associated plan components to provide for a Primitive or SPNM setting that resulted in identifying a carrying capacity would result in positive benefits to wildlife species that rely on undeveloped lands. A corridor would provide for linkage/connectivity areas in the vicinity of Granite Butte, Greenhorn Mountain, and O'Keefe Mountain. The benefit would include supporting the desired condition to provide for, "[hellip]habitat connectivity for wide-ranging species (grizzly bear, Canada lynx, wolverine, and others) between public lands in northern Montana and those in south and southwestern Montana,

including lands in the Greater Yellowstone Ecosystem" (DI-WL-DC, RM- WL-DC, and UB-WL-DC).

1. 664-23: The proposed Plan appropriately strives to protect the Outstandingly Remarkable Values of Wild and Scenic Rivers (FW-WSR-GDL), National Historic Trails (FW-LCNHT- SUIT), and other special areas (Appendix B, Tables 12 & 14), but then avoids protecting CDNST values from effects of timber production. The effects resulting from timber production activities along the CDNST corridor would substantially interfere with the nature and purposes of this National Scenic Trail being inconsistent with the requirements of the National Trails System Act (Section 7(c)).

FS Response: The HLC NF is not proposing timber harvesting with the action of the 2020 Forest Plan. Site-specific actions along the CDNST, such as timber harvesting, will be analyzed through NEPA outside of the forest planning process. Plan components in the 2020 Forest Plan have been designed to protect the nature and purposes of the CDNST during future proposed site- specific management activities.

Observation: The Forest Plan does not protect CDNST qualities and values, since it establishes sections of the CDNST corridor as being suitable for timber production. For example, see Divide GA, Map D-10 and as depicted in Appendix B.

1. 664-24: The FS should develop a CDNST unit plan and support it in the FEIS.

FS Response: The FS must follow all laws, regulations, and policies that provide direction for the CDNST. FSM 2353.44b directs the FS to complete a CDNST Unit Plan for those segments of the trail that cross the HLC NF. Since the unit plan is mentioned in the FS Manual there is no need to repeat this direction in the 2020 Forest Plan.

Issue and Statement of Explanation: As described in the above observations, the FEIS fails to address substantive comments that should have resulted in modified CDNST plan components and/or developed and evaluated an alternative not previously given serious consideration by the agency.

CEQ states, "The agency is obligated to conduct a meaningful impact analysis in accordance with NEPA, and that analysis should be commensurate with the nature and extent of potential impacts of the decision being made. A programmatic NEPA review should contain sufficient discussion of the relevant issues and opposing viewpoints to enable the decisionmaker to take a "hard look" at the environmental effects and make a reasoned choice among alternatives.

There should be enough detail to enable those who did not have a part in its compilation to understand and meaningfully consider the factors involved."

NEPA reviews must describe the desired conditions for each area and how related standards and guidelines (aka thresholds) would constrain actions and prevent degradation. A NEPA document must contain sufficient information to foster informed decision-making and informed public participation. Otherwise, the decision would not be in conformance with 42

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

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

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a) parts 1 and 2.

#### Section V. Statement of Issues Draft ROD

The following are statements of the issues to which the objection applies and concise statements explaining the objection and suggestions on how the proposed decision may be improved.

##### A. Multiple Use

Draft ROD: The Draft ROD on page 22 states, "The Plan provides integrated resource management for multiple uses (219.10(a)) by including plan components at the forestwide and the geographic area scale that establish suitability for a variety of compatible uses. Each geographic area has unique characteristics and plan components are specific for providing and managing multiple uses within that area. The Plan provides for multiple uses by: [hellip] Maintaining

the wilderness character of the 3 existing designated wilderness areas, the 2 wilderness study areas, and the 7 recommended wilderness areas through plan components that support the regulations found in the Wilderness Act of 1964 and the Montana Wilderness Study Act of 1977 (2020 Forest Plan, Designated Areas)[hellip] Protecting the free-flowing nature and outstandingly remarkable values of 45 rivers eligible for wild and scenic river designation through plan components that support interim protection measures for these rivers (2020 Forest Plan, Designated Areas)[hellip]."

Issue and Statement of Explanation: The structure of the Planning Regulations and Directives provide for the integration of congressionally designated areas as a multiple use component. Alternatives in the FEIS do not protect CDNST nature and purposes qualities and values with supporting plan components failing to produce an integrated plan. Due to this lack of integration of protecting the CDNST for the purposes for which it was established, it is not reasoned to declare that the plan is fully compliant with the Multiple-Use Sustained-Yield Act. The plan must contain plan components that to provide for the nature and purposes of the CDNST.

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

Violation of Law, Regulation or Policy: 36 CFR 219.10(b)(1)(vi)

Connection with Comments: Comments at page(s) 20. Handbook at page(s) 9, 13 through 32.

##### B. Recommended Wilderness

Draft ROD: The Draft ROD on page 27 states, "A significant issue in the analysis was whether or not motorized and mechanized recreation uses affect wilderness characteristics and the potential for Congress to consider these areas as additions to the National Wilderness Preservation System. I reviewed the alternatives analyzed in the final EIS, some in which mechanized means of transportation in recommended wilderness were suitable and some in which these uses were unsuitable. I decided that motorized uses (including snowmobiles) and mechanized means of transportation (mountain biking) are unsuitable in recommended wilderness. This decision preserves the wilderness characteristics, including the sense of remoteness and the opportunities for solitude in recommended wilderness, recognizing that ample opportunities for motorized uses and mechanical means of transportation (mountain biking) are available outside of recommended wilderness."

Issue and Statement of Explanation: I agree with this assessment and decision.

Proposed Solution to Improve the Decision: Not Applicable

Violation of Law, Regulation or Policy: There is no violation of law, regulation or policy.

### C. Alternatives Analyzed in Detail

Draft ROD: The Draft ROD on page 37 states, "Given extensive public engagement and environmental reviews associated with recent travel management decisions, I did not identify a need for broad changes in motorized or mechanized suitability during this plan revision effort. Therefore, motorized and non-motorized recreation opportunity settings do not vary widely from the current designated route system. However, in response to public comment, I considered some modifications in desired recreation opportunity spectrum settings in the mix of areas considered for recommended wilderness or primitive recreation opportunity settings."

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

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

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

Proposed Solution to Improve the Decision: See Section I Part C of this objection for a proposed solution for improving the decision.

Violation of Law, Regulation or Policy: 40 CFR 1503.4(a); 36 CFR [sect] 219.15

Connection with Comments: Comments at page(s) 4. Handbook at page(s) 70.

### D. Alternatives Considered but Eliminated from Detailed Study

Draft ROD: The Draft ROD on page 43 states, "Federal agencies are required by the NEPA to rigorously explore and objectively evaluate all reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14).

Public comments received in response to the proposed action provided suggestions for alternative methods of achieving the purpose and need. Some of these may have been outside the scope of what can be included in the Plan or duplicative of the alternatives considered in detail. Thirteen alternative(s) were considered but eliminated from detailed consideration. A full

description of the suggested alternatives and the rationale for not considering them can be found in the final EIS. Reasons why these alternatives were eliminated include:

\*

\* The alternative was not consistent with law, regulation or policy, including the 2012 Planning Rule and USFS Handbook 1909.12.

\* The alternative would not meet the multiple use mandate of the Forest Service.

\* Suggested land allocations may have been beyond the authority of a land management plan, inconsistent with

the intent of a land management plan land allocation or result in an unmanageable land allocation.

\* Inadequate detail was provided by public comments for some suggestions, and in some cases forest-wide plan direction adequately covered a suggested land allocation.

\* The alternative was considered within the range of alternatives analyzed in detail."

Issue and Statement of Explanation: Range of alternatives refers to the alternatives discussed in environmental documents. It includes all reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as those other alternatives, which are eliminated from detailed study with a brief discussion of the reasons for eliminating them. Plan components for all of the developed alternatives do not provide for the protection of the nature and purposes of the CDNST.

Proposed Solution to Improve the Decision: See Section I Part C of this objection. Violation of Law, Regulation or Policy: 40 CFR [sect][sect] 1502.14, 40 CFR 1503.4(a) Connection with Comments: Comments at page(s) 21.

E. Best Available Scientific Information

Draft ROD: The Draft ROD on page 52 states, "My staff utilized and updated a geographic information system database to evaluate complex spatial effects resulting from implementation of the alternatives (such as the recreation opportunity spectrum and effects to wildlife habitat by species). The team also used an optimization model that is widely used and accepted by private and State land managers, to estimate the long-term flow of timber from the plan area. In addition, a dynamic state and transition model developed in Region One was used in conjunction with the timber optimization model to incorporate expected effects of vegetation successional processes and natural disturbances on the landscape."

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

The Plan did not use the ROS planning framework to establish ROS settings to provide for the nature and purposes of the CDNST as demonstrated in the Divide GA, Map D-4. This map also demonstrates the plan does not identify where CDNST plan components apply, since the CDNST is not indicated on the map.

The Plan did not use the Scenery Management System to establish Scenic Integrity Objectives that provide for the nature and purposes of the CDNST as demonstrated in the Divide GA, Map D-6. This map also demonstrates the plan does not identify where CDNST plan components apply, since the CDNST is not indicated on the map.

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

The Draft ROD states that, "My staff utilized and updated a geographic information system database to evaluate complex spatial effects resulting from implementation of the alternatives, such as the recreation opportunity spectrum and effects to wildlife habitat by species."

The 1986 ROS User Guide indicators for Primitive, Semi-Primitive Non-Motorized, and Semi- Primitive Motorized ROS classes provide for greater protection of wildlife corridors than that described for ROS classes in the Forest Plan. The established ROS classes and timber suitability for portions of the CDNST do not provide for the nature and purposes of this National Scenic Trail, which also affects modelling. I appreciate the modelling efforts, but the modelling outputs are not reliable, since the input data was flawed.

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

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

Violation of Law, Regulation or Policy: USDA DR 1074-001, 36 U.S.C. [sect] 216, 36 CFR [sect] 219.3

Connection with Comments: Comments at page(s) 3, 11, 13, 29. Handbook at page(s) 36, 81.

F. National Environmental Policy Act

Draft ROD: The Draft ROD on page 52 states, "The NEPA requires that Federal agencies prepare detailed statements on proposed actions that may significantly affect the quality of the human environment. The Act's requirement is designed to serve two major functions:

- \* to provide decision makers with a detailed accounting of the likely environmental effects of proposed actions prior to adoption
- \* to inform the public of, and allow comment on, such efforts[ellip]."

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

The FEIS did not use the 1986 ROS User Guide planning framework to establish ROS settings to provide for the nature and purposes of the CDNST as demonstrated in Alternative F, Divide GA, Map D-8. Divide GA, Map D-30, depicts that Alternative F establishes much of the CDNST corridor as being suitable for timber production, which is not compatible with providing for the nature and purposes of the CDNST. This map also demonstrates the lack disclosure on the effects of the allocation, since the CDNST is not indicated on the map.

The FEIS did not use the Scenery Management System to establish Scenic Integrity Objectives to provide for the nature and purposes of the CDNST. The CDNST route is a concern level 1 travel route and the scenic integrity objective is to be high or very high. The lack of scenic quality protection is demonstrated in Alternative F, Divide GA, Map D-18. This map also demonstrates the lack disclosure on the effects of the allocation, since the CDNST is not indicated on the map.

Definitions of ROS Classes desired conditions must include ROS Class Characteristics descriptors that address, in part, "Evidence of Humans," "Non-Recreation Uses," and "Naturalness" characteristics, and to make other changes that support providing for the integration of the recreation resource in natural resources planning processes.

Sustainable Recreation plan components must be consistent with the 1986 ROS User Guide guidance and related research, which informed the Planning Rule. Forest Service directives must be consistent with the USDA Departmental Regulation 1074-001 scientific integrity policy that relates to the development, analysis, and use of data for decision-making.

NEPA requires that the responsible official make a reasoned decision, which must be dependent on clear methodologies and scientific information. A NEPA document must contain sufficient information to foster

informed decision-making and informed public participation. To informed decision-making and informed public participation the plan direction must follow accepted methodology and scientific processes, use common definitions, and use plain writing to establish and present the Plan direction. The CDNST plan components presented in the Plan and referred to in the FEIS do not meet these NEPA standards.

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

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

For the reasons laid out in this objection, it is not reasonable to conclude that the, "environmental analysis and public involvement process that the environmental impact statement is based on complies with each of the major elements of the requirements set forth

by the Council on Environmental Quality regulations for implementing the National Environmental Policy Act (40 CFR 1500-1508)-2005."

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

Violation of Law, Regulation or Policy: USDA DR 1074-001, 36 U.S.C. [sect] 216, 40 CFR [sect] 1502.24

Connection with Comments: Comments at page(s) 3, 11, 14, 16. Handbook at page(s) 65.

G. National Forest Management Act

Draft ROD: The Draft ROD on page 52 states, "The NFMA requires the development, maintenance, amendment, and revision of land management plans for each unit of the NFS. These land management plans help create a dynamic management system, so an interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences will be applied to all future actions on the unit. Under the Act, the Forest Service is to ensure coordination of the multiple uses and sustained yield of products and services of the NFS[hellip]."

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

The Plan did not use the ROS planning framework to establish ROS settings to provide for the nature and purposes of the CDNST as demonstrated in the Divide GA, Map D-4. This map also demonstrates the plan does not identify where CDNST plan components apply, since the CDNST is not indicated on the map.

The Plan did not use the Scenery Management System to establish Scenic Integrity Objectives that provide for the nature and purposes of the CDNST as demonstrated in the Divide GA, Map D-6. This map also demonstrates the plan does not identify where CDNST plan components apply, since the CDNST is not indicated on the map.

The Plan ROS class descriptions do not include ROS Class characteristics that describe, "Evidence of Humans," "Non-Recreation Uses," and "Naturalness" characteristics, and to make other changes that support providing for the integration of the recreation resource in natural resources planning processes.

Forest Plan sustainable recreation direction must be consistent with the 1986 ROS User Guide and related

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

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

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

Connection with Comments: Comments at page(s) 2, 3. Handbook at page(s) 33.

#### H. National Trails System Act

Draft ROD: The Draft ROD does not review the National Trails System Act. The National Trails System Act of 1968, as amended, provides that the CDNST, "shall be administered" "by the Secretary of Agriculture" to "provide for maximum outdoor recreation potential and for the conservation and enjoyment" of "nationally significant scenic, historic, natural, or cultural qualities." It empowers and requires that the Secretary of Agriculture select the CDNST rights- of-way which informs the National Scenic Trail corridor location and width. The establishment of the CDNST thus constitutes an overlay on the management regime otherwise applicable to public areas managed by land management agencies.

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

National Forest System lands has an overlay of management regimes within the CDNST management corridor. The Forest Service discretion to implement the general provisions of the Multiple Use and Sustained Yield Act is curtailed by provisions of the National Trails System Act within a selected CDNST right-of-way. The National Trails System Act establishes National Scenic Trails (16 U. S. C. [sect] 1244(a)), including the CDNST (16 U. S. C. [sect] 1244(a)(5)). It also empowers and requires the Secretary of Agriculture to establish the CDNST location and width by selecting the National Scenic Trail "rights-of-way" (16 U.S.C. [sect][sect] 1246(a)(2), 1246(d), 1246(e)). The revised plan should clearly establish a CDNST Management Area (aka National Trail Management Corridor) with an extent of at least one-half mile on both sides of the CDNST travel route and along high-potential route segments.

The final ROD should be able to describe how the plan provides for the nature and purposes of the CDNST by establishing plan components that reflects the nature and purposes as a desired condition with supporting scenery, recreation, and conservation considerations addressed as standards and guidelines. The CDNST is a concern level 1 route, with a scenic integrity objective of high or very high, depending on the trail segment[hellip] 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[hellip] Use the Recreation Opportunity Spectrum in delineating and integrating recreation opportunities in managing the CDNST to provide for the nature and purposes of this

National Scenic Trail.

The NTSA establishment and designation of the CDNST provides for the Secretary of Agriculture to manage the CDNST under existing agencies authorities, but subject to the overriding direction of providing for the nature and purposes of this National Scenic Trail. The establishment of the CDNST thus constitutes an overlay on the management regime otherwise applicable to public areas managed by land management agencies. The NTSA (and E.O. 13195 - Trails for America in the 21st Century) limits the management discretion the agencies would otherwise have by mandating the delineation and protection of the CDNST corridor.

For the purpose of addressing CDNST issues and concerns, the FEIS does not contain sufficient recreation and scenery information to foster informed decision-making or informed public participation. A Supplemental FEIS should be prepared to address the requirements of the CEQ NEPA regulations as found in 40 CFR Parts 1500-1508 (2005). Land use planning associated NEPA must (1) rigorously explore and objectively evaluate all reasonable alternatives, and (2) take a hard look at the effects of the alternatives.

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

Violation of Law, Regulation or Policy: 16 U.S.C. [sect][sect] 1242(a)(2), 1244(f), 1246(a)(2), 1246(c); CDNST Comprehensive Plan, Chapters II, III, and IV; FSM 2353.42 and FSM 2353.44.

Connection with Comments: Comments at page(s) 19 through 28.

#### Section VI. Specialized and Expert Knowledge

My professional expertise is in dispersed recreation and congressional area management and natural resources planning.<sup>21</sup> I have direct knowledge as the program specialist of the development and considerations of the final amendments to the CDNST Comprehensive Plan and final directives (Federal Register, October 5, 2009, 74 FR 51116). I coauthored a Recreation Opportunity Spectrum Technical Guide with Warren Bacon and George Stankey (Attachment C). My academic experience includes receiving a M.S. in Wildland Recreation Management and a B.S. in Wildlife Biology.

My assessment and objection of the Proposed Plan, FEIS, and Draft ROD is also based on recreation research and handbooks including information found in:

<sup>21</sup> [http://nstrail.org/gwarren\\_experience.htm](http://nstrail.org/gwarren_experience.htm)

1. The Recreation Opportunity Spectrum: A Framework for Planning, Management, and Research, General Technical Report PNW-98, 22 1979, by Roger Clark and George Stankey;

2. ROS Users Guide, 1982 and 1986 (U.S. Department of Agriculture, Forest Service. ROS Users Guide. Washington, DC: U.S. Department of Agriculture, Forest Service);
3. Recreation Opportunity Setting as a Management Tool Technical Guide,<sup>23</sup> 1986, by George Stankey, Greg Warren, and Warren Bacon;
4. Landscape Aesthetics, A Handbook for Scenery Management, Agricultural Handbook Number 701, 1995;
5. Studies in Outdoor Recreation: Search and Research for Satisfaction. Studies in Outdoor Recreation: Search and Research for Satisfaction by Robert Manning,<sup>17</sup> 2010, and
6. Other similar publications and papers.<sup>24</sup>

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