

# Proposed Planning Directives Comments – 77 FR 21162

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## **INTRODUCTION – Comments on the Proposed Planning Directives**

The following proposed planning directives recommendations are intended to facilitate the development and implementation of land management plans to provide for integrated recreation, scenery, and designated area programmatic land management plan direction. Direction that would be consistently prescribed across all NFS lands in conformance with professional recreation planning frameworks and applicable legal requirements. For these purposes and the concerns expressed on pages 7 through 18 of this document, I recommend that the final directives use the following direction for FSH 1909.12 parts 13.4, 23.22b, 23.221, and 32.13d:

### **FSH 1909.12 13.4, Assessing Recreation Opportunity Settings and Scenic Character, Page 52**

The assessment for recreation resources is to identify and evaluate information about recreation opportunity settings including uses, trends and sustainability of recreation opportunities in the plan area, recreational preferences of the public, recreational access, and scenic character. The responsible official, using available information, shall identify and evaluate the recreation settings, opportunities, access, and scenic character of the land management plan area (36 CFR 219.6(b)). The responsible official should collect new information if the existing information is inadequate for meeting the methodology and scientific accuracy requirements of the land management plan NEPA process (40 CFR 1502.15, 40 CFR 1502.16, and 40 CFR 1502.24). The responsible official shall:

1. Use the Recreation Opportunity Spectrum (ROS) system to identify and evaluate outdoor recreation opportunities in land management planning as described in FSM 2310. In addition, sub-classes and seasonal variations of ROS classes may be defined, and socioculturally meaningful places within the planning unit should be identified.
2. Use the Scenery Management System (SMS) to identify and evaluate scenic character as described in FSM 2380. The applicable scenery components in the Forest land management planning process are scenic character, scenic integrity, scenic class, and constituent information that is associated with the physical, biological, and cultural images that gives an area its scenic identity and contributes to its sense of place.

As components of the ROS and SMS planning process, and for other considerations, the responsible official should identify and evaluate:

1. Public issues and management concerns as related to recreation and scenery.
2. Levels and types of recreation opportunities needed to achieve integrated recreation goals and resolve issues and concerns.
3. The extent that inventoried ROS classes are consistent with the desired goals and objectives of the Forest Plan.
4. The extent to which plan area meets the demand for recreational opportunities and the ability to sustain or enhance those recreation settings and opportunities.
5. How recreation contributes to local, regional, and national economies.

6. The extent that scenic character is consistent with the desired goals of the Forest Plan.
7. The extent to which scenic character can be sustained or enhanced in the planning unit.
8. The extent and overall condition of recreational facilities in the planning unit.

In addition, the responsible official should identify and evaluate how influences outside the plan area may influence the demand for recreation in the plan area or the ability of the plan area to meet those demands. Using available information, the responsible official should identify and evaluate:

1. The preferences of the public and demand for specific recreation opportunities or settings.
2. The availability of recreation opportunities on other lands within the broader landscape.
3. Emerging new or unique recreational trends or interests that may affect future demand for recreation in the plan area.
4. The stated goals in approved plans or other published reports of Tribes, States, or local governments for recreational opportunities in the vicinity of land management plan area.
5. Social, cultural, and economic conditions or trends such as changing population demographics, traditional uses, or income levels that influence the demand for various types of recreation activities.

The responsible official shall document the assessment information in a report. Identify information needs that are relevant to the assessment. Document how BASI was used to inform the assessment of the extent to which the plan area meets the demand for recreational opportunities and the ability of the plan area to sustain recreation settings, opportunities, access, and scenic character.

### **FSH 1909.12 23.22b, Sustainable Recreation Opportunities and Settings, Page 79**

Plan components must provide for sustainable recreational settings, opportunities, and access. Sustainable recreation opportunities and settings are those that are economically, socially, and ecologically sustainable. To be sustainable, the prescribed set of recreational settings and opportunities must be an integral part of other resource plan components and include a compatible scenic character component.

The responsible official shall use the Recreation Opportunity Spectrum (ROS) system to prescribe outdoor recreation opportunities in land management planning as described in FSM 2310. ROS classes are defined in terms of its combination of activity, setting, and experience opportunities along with associated indicators and thresholds. Sub-classes and seasonal variations of ROS classes may be defined. Socio-cultural meaningful places may be identified as designated areas. The desired conditions for the plan area must describe the types of recreational settings, including the mix of desired ROS classes, specific kinds of recreation opportunities, and associated infrastructure. Plans must have standards or guidelines to ensure consistency of projects or activities with desired ROS classes or other desired conditions for recreation. Plans should include desired conditions that describe the natural, built, social, and managerial environment for sustainable recreation.

The information identified in the assessment provides a starting point to determine the kinds of settings and opportunities to be provided in the plan area. The assignment of ROS class designations to areas within the planning unit should consider the assessment report findings (FSH 1909.12-13.4). The ability for sustainable recreation opportunities, and the distinctive role of the plan area as a provider of recreation, should inform and create an overall context for adjusting existing recreational settings and opportunities in a new, revised, or amended plan.

Plans should have objectives that describe the intended achievement of modifying the conditions of areas from their inventoried ROS classes toward desired ROS classes where applicable. Objectives may also be designed to alter the condition of recreation areas, dispersed sites, infrastructure, and services to achieve sustainable desired conditions for recreation in the plan area.

Plans should identify suitable uses in a recreational context that is associated with a prescribed ROS class and designated areas purposes. Suitability should be described in terms of what types of recreation use and activities are suitable or not suitable within each management area and should be based on the desired ROS setting and address recreation use conflicts. Lands should be identified as suitable or not suitable for types of recreational facilities, infrastructure, and special uses.

Desired recreation settings and opportunities should inform the basis for applying certain plan components to management areas or geographic areas. Plans may identify a specific set of locations or areas, such as dispersed recreational sites, for some specific plan components without creating management areas or geographic areas.

Plan content should describe the distinctive role and contribution of the plan area to recreational opportunities and the provision of social and economic sustainability in the broader landscape. Plans may describe management approaches to the development of collaborative capacity through volunteers or partnerships to accomplish recreation objectives for the plan area.

### **FSH 1909.12 23.22l, Other Designated Areas, Page 95**

The assessment includes information about existing designated areas in the plan area, a general evaluation of the potential need and opportunity for additional designated areas, and the contribution of designated areas to social, economic, and ecological sustainability (FSH 1909.12 10.41). Each type of designated area has its own purposes and authorities. Some plan areas may have unique designations created by special legislation or other administrative action.

Plans shall recognize and identify existing designated areas and any areas recommended for designation. The responsible official must address any additional planning requirements for designated areas as described in legislation, Executive Orders, FSM 2310, FSM 2353, and FSM 2370. In addition, plan components must be consistent with 36 CFR 294.1 – Recreation Areas.

Plan components must provide for appropriate management of designated areas for the specific purposes and values for which an area was designated or recommended for designation in the plan. Plan components must be compatible with the applicable authorities associated with the designation. In developing plan components, the responsible official should consider how designated areas contribute to other desired conditions or objectives for ecological, economic, or social sustainability. To organize plan components applicable to designated areas, the responsible official should provide one or more management or geographic areas to clearly identify the plan components that apply to each designated area; provided, that National Scenic and Historic Trail corridors must be addressed by identifying a management area that includes the extent of a selected rights-of-way area (16 USC 1246(a)(2)).

The responsible official must include plan components that specifically address the principle purposes for which the designated areas were established, such as:

- National Scenic and Historic Trails—nature and purposes, including recreational, scenic, natural, historical, and cultural resource values,
- National Recreation Areas—outstanding outdoor recreation values,
- National Monuments—ecological, geologic, historical, cultural, scientific, and recreational values,
- National Scenic Area—recreational and scenic values, and
- Other designations—significant characteristics and values.

Standards, guidelines, and suitability must place limits or conditions on projects or activities that may adversely affect or substantially interfere with the purposes of congressionally designated areas. Congressionally designated areas are not suitable for timber production. Any potential contribution to the Timber Sale Program Quantity (FSH 1909.12 65.1) from designated areas must be described in plan components, including adopting objectives and standards or guidelines that address when timber can be removed from a designated area.

Land management plans shall form one integrated plan for each unit (16 USC 1604(f)(1)). For National Scenic and Historic Trails that pass through the planning unit, plan components must include management and use direction (16 USC 1244(e) or (f)) for the rights-of-way that provides for the nature and purposes of the National Trail (16 U.S.C. 1246) and address the requirements of Executive Order 13195.

National Scenic and Historic Trails must have Comprehensive Plans (16 U.S.C. 1244(e) or (f)) that address the management of the selected rights-of-way (16 U.S.C. 1246(a)(2)). Land management plan components must be consistent with established Comprehensive Plans for National Trails. Recognize that a Comprehensive Plan for a National Trail could be amended or revised to address changed conditions and National Trails System Act requirements.

Plans must protect potential rights-of-way for: (1) National Scenic and Historic Trails designated for study (16 U.S.C. 1244(b)), and (2) designated National Scenic and Historic Trails where the rights-of-way is yet to be selected (16 U.S.C. 1246(a)(2)).

### **FSH 1909.12 32.13d, Recreation Opportunity Settings, Scenic Character, and Designated Areas, Page 19**

The plan monitoring program must contain one or more monitoring questions and associated indicators addressing the status of visitor use, visitor satisfaction, progress toward meeting recreation objectives, scenic character, and achieving or maintaining the purposes of for which designated areas were established. The purposes for monitoring recreation, scenic character, and designated areas conditions are to evaluate:

1. Maintaining or achieving desired conditions and objectives for sustainable recreation,
2. Contributions to social and economic sustainability,
3. Maintaining or achieving scenic character objectives,
4. Protecting the purposes for which designated areas were established, and
5. Integration with other plan components.

The responsible official shall use the Recreation Opportunity Spectrum (ROS) system to evaluate outdoor recreation opportunities in land management planning as described in FSM 2310 and the Scenery Management System (SMS) to evaluate scenic character as described in FSM 2380. The responsible official should use plan components for sustainable recreation, recreation opportunities, recreation settings, scenic character, and designated areas in designing monitoring questions and associated indicators.

The responsible official shall identify one or more monitoring questions for recreation, scenery, and designated areas to evaluate conditions, such as:

1. What is the status and trend of visitor use, visitor satisfaction, and progress toward meeting recreation objectives in the plan?
2. Are the current recreation settings and opportunities meeting or moving toward desired recreation settings and opportunities identified in the plan?
3. Are the recreational objectives identified in the plan being achieved and are they sustainable?
4. How are the recreation settings and opportunities contributing to the plan's desired condition(s) and objective(s) for ecological, social, and economic sustainability?
5. Is the prescribed recreation opportunity spectrum of the plan area supporting a sustainable set of recreation opportunities to meet current and future demands?
6. Are the existing scenic resources meeting or trending toward desired conditions and achieving scenic character objectives?
7. Are the designated areas desired conditions and objectives being achieved?

Monitoring may be coordinated with programs that are planned on adjacent federal areas and with other agencies and partners that have relevant information for the land management plan area. The monitoring evaluation report must address the level of achievement of each recreation, scenic character, and designated area objective.

Administrative studies and research may be incorporated into the monitoring program. National Visitor Use Monitoring (NVUM) survey results may be used for visitor-related monitoring. Infrastructure (Infra) recreation site and trails modules may be used to monitor opportunities of recreation sites, facilities, and interpretive services. The interpretive services component of this Infra module and the Forest Service program, NatureWatch, may be used collectively as the basis to monitor whether the plan provides opportunities to connect people to nature.

## **COMMENTS AND RECOMMENDATIONS – Recreation and Designated Areas:**

### **Proposed Policy – FSM 1920**

#### **FSM 1920.11, Authority, Page 4**

- **Comment:** The section, “Statutory Authorities” does not list the National Trails System Act, which includes substantial planning direction affecting national forests that is equivalent to direction found in the Wilderness Act and Wild and Scenic Rivers Act.
- **Recommendation:** List in FSM 1920.11 the National Trails System Act (as amended).

#### **FSM 1920.3(6), Policy, Page 5**

- **Comment:** Policy states that, “All service-wide direction necessary for planning assessments, plan development, plan revision, plan amendment, and plan monitoring is contained or referenced in this chapter, and supplements or handbooks thereto.” The concern is that inclusion of critical FSM and FSH specialized guidance and instructions are not clearly identified as material to be utilized in the development of a Forest Plan.
- **Recommendation:** Include an exhibit that lists all FSM and FSH guidance that “should” or “must” be followed in the development of a Forest Plan. The FSM and FSH references found in 1909.12-22.22 Exhibit 1, page 31, would be included in this new FSM 1920.3(6) exhibit. In addition, FSM 2310, FSM 2356, FSM 2360, and FSM 2380 would be included due to the chapters being the principle source of specialized guidance and instruction for carrying out recreation land use planning and resource management programs. Direction should indicate that the technical assessment and planning guidance found in the resource management FSMs and FSHs could change subject to processes describe in, “Involving the public in the formulation of Forest Service Directives” (36 CFR 216).

## **FSM 1921.02, Objectives, Page 8**

- **Comment:** The objectives are silent on the need to address the purposes of congressionally designated areas. An objective should discuss achieving the purposes for which congressionally areas were established.
- **Recommendation:** Add the following objective: “Provide for the purposes for which congressionally designated areas were established.”

## **FSM 1921.12(4), Criteria for Land Management Plans, Page 12**

- **Comment 1:** The role of the IDT is critical to the development of a plan.
- **Recommendation 1:** Rephrase this part as follows: “Land management plans are to be developed through an interdisciplinary process that is consistent with requirements of NEPA (FSM 1950.41(3) and 40 CFR 1502.6).”
- **Comment 2:** Criteria for Land Management Plans do not address achieving objectives.
- **Recommendation 2:** Append to Item 1: “...and congressionally designated areas.” Add an item 6: Each Land Management Plan identifies integrated resource objectives to be achieved.”

## **Proposed Handbook – Assessments – FSH 1909.12, Chapter 10**

### **FSH 1909.12-05, Definitions, Page 12**

- **Comment:** Relevant definitions that provide background to lead to an integrated land management plan are not included.
- **Recommendation:** Add definitions for:
  - Fiscal Capability should be defined for integrated resource management programs for the planning unit addressing multiple-use (maintenance and development of all resources), infrastructure, management, protection (fire and law enforcement), and administrative programs. (36 CFR 219.1(g))
  - National Trails (16 USC 1242(a))
  - Comprehensive Plan for a National Trail (16 USC 1244(e) and (f))
  - Comprehensive Management Plan for a Wild and Scenic River (16 USC 1274(d))

### **FSH 1909.12–11, Assessments, Page 7**

- **Comment 1:** Assessing fiscal capability is inconsistently applied to integrated resource management programs, including addressing protection (fire and law enforcement), multiple-use, maintenance, infrastructure, and administrative programs.
- **Recommendation 1:** Include a new section in the final directives that describes addressing fiscal capability for the planning unit in an integrated process of looking at all expected budget line items.

- **Comment 2:** The following direction could delay the planning process once NEPA considerations are addressed: “If no relevant information exists for these topic areas, or if there are gaps in available information, there is no requirement to begin new studies to acquire or develop such information....”
- **Recommendation 2:** This concept is repeated several times without recognizing that a land management plan is being developed consistent with NEPA procedures (36 CFR 219.5), which requires methodology and scientific accuracy (40 CFR 1502.15, 40 CFR 1502.16, and 40 CFR 1502.24). The direction should alert the responsible official that a, “Plan is a decision that follows NEPA procedures, which requires accurate information.”
- **Comment 3:** Direction is described for the Handbook that allows the responsible official to disregard the Handbook if the direction is “not relevant” to the local situation. The direction goes on to describe that the official should explain why the direction is not relevant. At a minimum, the public needs to always be informed of the not relevant determination to maintain public trust and involvement.
- **Recommendation 3:** This part should only be included if changed to require that the public is informed and allowed an opportunity for public comment. If included, the direction should be moved to FSM 1920.3, since it would establish broad land management plan development policy.

#### **FSH 1909.12-13.13, Key Social, Cultural, and Economics Conditions, Page 44**

- **Comment:** Key social, cultural, and economic considerations are not included.
- **Recommendation:** Add to the list the following, “Congressionally designated areas found within the planning unit.”

#### **FSH 1909.12 13.14, Sources of Relevant Existing Information, Page 45**

- **Comment:** Important source of other information is not listed.
- **Recommendation:** Add to the list the following – 8. Comprehensive plans for National Trails and comprehensive management plans for Wild and Scenic Rivers.

#### **FSH 1909.12-13.4, Assessing Recreation Settings, Page 52**

- **Comment:** The presented recreation assessment approach doesn’t appear to require a scientific framework for addressing recreation planning. One reference that describes and compares recreation planning frameworks is: “An Assessment of Frameworks Useful for Public Land Recreation Planning by Stephen F. McCool, Roger N. Clark, and George H. Stankey (PNW-GTR-705). In addition, the introduction to this section should briefly outline ROS and SMS assessment techniques and reference FSM 2310 and FSM 2380.

- **Recommendation:** Utilize ROS and SMS for assessment processes to achieve consistent and professional assessments for recreation and scenery.

**Suggested text for Assessing Recreation Settings is found on page 2.**

#### **FSH 1909.12-13.6, Assessing Infrastructure, Page 56**

- **Comment:** The direction would lead to assessments that are excessively detailed for programmatic Forest Plan decisions.
- **Recommendation:** This section needs to direct that assessments and evaluations are to understand and estimate the ability of the unit to sustain a level of infrastructure that is the minimum necessary to achieve the objectives of the land management plan. Identify that the Forest Plan may establish programmatic direction for stepped-down (staged) decision making processes, such as the Minimum Road System analysis (36 CFR 212, Subpart A).

#### **FSH 1909.12-14, Assessing Designated Areas, Page 61**

- **Comment:** The assessment direction is incomplete without including additional direction for congressionally designated National Scenic and Historic Trails. The following Congressional Report and Executive Order authority describe the need to protect a National Scenic Trail corridor –
  - The National Trails System Act, House Report No. 90-1631, accompanying P.L. 90-543, describes the intent of the Section 7(a)(2) language, “selection of Routes for National Scenic Trails – Such rights-of-way shall be (1) of sufficient width and so located to provide the maximum retention of natural conditions, scenic and historic features, and primitive character of the trail area, to provide campsites, shelters, and related public-use facilities, and to provide reasonable public access; and (2) located to avoid, insofar as practicable, established highways, motor roads, mining areas, power transmission lines, existing commercial and industrial developments, range fences and improvements, private operations, and any other activities that would be incompatible with the protection of the trail in its natural condition and its use for outdoor recreation.... National scenic trails shall be administered, protected, developed, and maintained to retain their natural, scenic, and historic features; and provision may be made for campsites, shelters, and related public-use facilities; and other uses that will not substantially interfere with the nature and purposes of the trails may be permitted or authorized, as appropriate: Provided, That the use of motorized vehicles by the general public along any national scenic trail shall be prohibited...” (1968 U.S. Code Cong. & Admin. News 3855, 3863–3864, 3867).
  - Executive Order 13195 describes that, “Section 1. Federal Agency Duties. Federal agencies will, to the extent permitted by law and where practicable...protect, connect, promote, and assist trails of all types throughout the United States. This will be accomplished by... (b) Protecting the trail corridors associated with national scenic

trails and the high priority potential sites and segments of national historic trails to the degrees necessary to ensure that the values for which each trail was established remain intact...”

- **Recommendation:** Add the following to the introductory description of the process –

“When congressionally designated areas exist in the planning unit, the responsible official shall identify and evaluate:

- Descriptions and location maps of the congressionally designated areas;
- The condition of the congressionally designated areas, including the ecological sustainability and stability of the protection and maintenance values of the areas; and
- Degree of compliance with protecting the congressionally designated area purposes for which the area was established.

For National Scenic and Historic Trails, determine the status of establishing the rights-of-way (16 USC 1246(a)(2)) and completing Comprehensive Plans (16 USC 1245(5)(e) and (f)) for National Trails that may pass through the planning area. An assessment may recommend that a Comprehensive Plan needs to be amended or revised to address deficiencies. In those cases, the responsible official of the agency that administers the national trail must be consulted.”

### **Proposed Handbook – Land Management Plan – FSH 1909.12, Chapter 20**

#### **FSH 1909.12-21.1, Information Basis, Page 6**

- **Comment 1:** Although NEPA processes are required there is no emphasis to integrate the required NFMA and NEPA processes.
- **Recommendation 1:** Refer to 36 CFR 220 for guidance on preparing the required NEPA document and insert direction that describes determining if the available information and BASI is consistent with NEPA requirements for Methodology and Scientific Accuracy (40 CFR 1502.15, 40 CFR 1502.16, and 40 CFR 1502.24).
- **Comment 2:** Referral to the TIPS site inappropriately implies that the site contains substantial technical guidance, which is not the case.
- **Recommendation 2:** Instead, refer to technical guidance found in the resource FSMs and FSHs (e.g., FSM 2320 and FSM 2350).

#### **FSH 1909.12-22.11, Desired Conditions, Page 21**

- **Comment:** The description describes that, “desired conditions should reflect an overall vision for the future of the plan area as a whole.” This is more limiting than the Rule, which allows for relating desired conditions to a portion of the planning area. Desired conditions

need to be identified for designated areas that address the purposes for which the areas were designated.

- **Recommendation:** Insert direction that desired conditions for designated areas must relate to the purpose(s) for which the area was designated. Most often designated areas do not cover the entire planning unit. In those cases, the Desired Conditions needs to relate to a Management Area that encompasses the designated area extent.

#### **FSH 1909.12 22.12, Objectives, Page 22**

- **Comment:** The rationale for fiscal capability is restrictive, looks backwards, and doesn't allow for projecting future needs and allocations.
- **Recommendation:** Fiscal capability direction could be broadened to suggest relating fiscal capability to projected changed conditions and agency funding priorities being informed by the USDA Forest Service Strategic Plan.

#### **FSH 1909.12 22.22, Identification of Designated Areas, Page 30**

- **Comment 1:** The following statement is unclear: "Identification of designate areas is limited to areas or features actually designated the appropriate person or entity. The appropriate person or entity is designated in laws, regulations, and federal agency policies." The direction could describe that congressionally designated area legislation is approved by the President and implemented through the appropriate Secretary. To be consistent with law, congressionally designated areas must be addressed in land use plans. The degree of compliance verb "may" for implementing legislation is inappropriately used; instead, the degree of compliance needs to be "must."
- **Recommendation 1:** The following two paragraphs should be inserted after paragraph one to add clarity to the intent of the references:
  - "Designated areas are places within the NFS identified or designated because of their unique or special characteristics. Land management plans must address areas designated by statute. Land management plans should address areas designated through a separate administrative process. Whenever the congressionally designated area authorities require additional planning, the land management planning process shall be subject to those requirements. In addition, unless inconsistent with a congressional designated area authorities, requirements for additional planning should be met through land management plans.
  - Congressionally designated areas shall be described as unique Management Areas with plan components of desired conditions, objectives, suitability of lands, and standards or guidelines that provide for the purposes for which each area was designated. A land management plan may establish Management Areas for other types of designated areas. Exhibit 01 is a cross-reference listing of some designated areas classifications."

- **Comment 2:** The direction describes that, “designated areas may be identified on a map or identified by the use of a narrative.” This flexibility is problematic for some designated areas.
- **Recommendation 2:** Congressionally designated areas need to be mapped to clearly identify the extent to which the plan components apply. This is especially true for National Scenic and Historic Trails where Congress prescribed that agencies identify and protect the rights-of-ways (16 USC 1246(a)(2))—see E.O. 13195 and House Report No. 90-1631.
- **Comment 3:** The direction appropriately addresses designated areas that are placed on multiple units. However, the proposed direction only references FSM 2370.
- **Recommendation 3:** Add to this paragraph references to FSM 2320 (Wilderness) and 2350 (National Trails and WSRs). In addition, Comprehensive Plans for National Trails and Comprehensive Management Plans for Wild and Scenic Rivers need to be referenced as authorities that provide multi-unit direction and coordination.

#### **FSH 1909.12 22.32, Distinctive Roles and Contributions, Page 36**

- **Comment 1:** This part should introduce the land management plan chapter to set the stage for the integrated resource management discussions.
- **Recommendation 1:** Move to the beginning of the chapter renumbering the parts that follow.
- **Comment 2:** The description of recreation distinctive roles...in part 3(e) and (f) should use terminology that reflects normal purposes for areas that are designated. A professional description is appropriate due to the intended audience of a FSH.
- **Recommendation 2:** Replace the examples with:
  - (e) A designated area that provides for extraordinary scenic views and an isolated semi-primitive non-motorized setting that uniquely contributes to sustainable recreation and ecosystem services in the local and regional area.
  - (f) A designated National Scenic Trail that contributes to ecosystem services locally, regionally, and nationally.

#### **FSH 1909.12 22.34, Proposed and Possible Actions, Page 37**

- **Comment:** This part should follow 22.32 at the beginning of chapter 20. Fiscal capability must be addressed as a principle consideration in identifying proposed and possible actions (36 CFR 219.1(g)).
- **Recommendation:** Add to this part that, “Proposed and possible actions must consider integrated land management programs and activities for all resources and reflect the identified fiscal capability of the unit for the next 3 to 5 years.”

### **FSH 1909.12 23.22b, Sustainable Recreation, Page 80**

- **Comment:** The presented recreation planning approach doesn't require a scientific framework for addressing integrated recreation planning. The proposed direction needs to adopt the ROS planning framework and be reflective of the assessment requirements as outlined in Exhibit 1. One reference that describes and compares recreation planning frameworks is: "An Assessment of Frameworks Useful for Public Land Recreation Planning by Stephen F. McCool, Roger N. Clark, and George H. Stankey (PNW-GTR-705). In addition, the introduction to this section should briefly outline ROS (and SMS) assessment techniques and reference FSM 2310 (and FSM 2380).
- **Recommendation:** Changes would mandate the use of ROS for land management planning processes as described in FSM 2310 which is the technical source for recreation planning. The use of the ROS framework will result in consistent plan components for recreation prescriptions on NFS lands and be consistent with NEPA requirements (40 CFR 1502.15, 40 CFR 1502.16, and 40 CFR 1502.24).

**Suggested text for Sustainable Recreation is found on page 3.**

### **FSH 1909.12 23.22g, Scenery, Aesthetic Values, Viewsheds, and Geographic Features, Page 87**

- **Comment:** The proposed direction doesn't clearly adopt the SMS as described in FSM 2380. The degree of compliance direction of "should" for using SMS, and only a referral to FSM 2380 and AH 701, could lead to inconsistent applications of SMS on NFS lands.
- **Recommendation:** Recommend that the direction describe that the SMS must be used when developing plan components as described in FSM 2380, which is the technical source for landscape aesthetics planning. In addition, plan components should include standards or guidelines to avoid or mitigate any projected undesirable effects that would be inconsistent with desired conditions.

### **FSH 1909.12 23.22j, Wilderness, Page 92**

- **Comment:** Guidance in this section implies that key attributes of wilderness planning only need to "consider" providing for the protection of wilderness character.
- **Recommendation:** Add the following to this part:
  - {Replace paragraph 5 – In developing plan components....} "The responsible official shall develop plan components for designated or recommended wilderness areas that protect and enhance the wilderness character of the areas, including components that protect ecological and social characteristics. FSM 2320 provides direction for wilderness management. In developing plan components, the responsible official should coordinate with the responsible officials of the adjacent administrative units to ensure compatible management of any connected wilderness area in both plan areas.

In addition, the responsible official should consider management on adjoining lands in other Federal or state ownership, especially when there are connected wilderness areas.”

- {Replace paragraph 6 – The plan must....} “The plan must clearly identify existing wilderness, wilderness study, and recommended wilderness areas within the plan area. To organize plan components applicable to these areas, the responsible official should provide for one or more management or geographic areas.”
- {Replace paragraph 8 – The plan may....} “The plan shall include desired conditions that describe the desired wilderness character for existing, recommended, or wilderness study areas from an ecological and social perspective, recognizing the contribution of wilderness to ecological, social, and economic sustainability.”

#### **FSH 1909.12 23.22k, Wild and Scenic Rivers, Page 94**

- **Comment:** The section doesn’t provide direction to protect ORVs and free flowing water, but only what should be considered when preparing plan components. Plan components are necessary if the direction is not addressed in the CMP. Otherwise, the resulting plan would be inadequate to provide protection of the ORVs. Although consistency is critical, 36 CFR 219.15(e) and 16 USC 1604(i) are not applicable to a W&SR CMP. (See the following discussion on Comprehensive Plans for National Trails.)
- **Recommendation:** The following changes would add clarity to the direction –
  - {Replace paragraph 5 – Plan components for WSR....} “The responsible official shall develop plan components for W&SRs that protect and enhance the free flowing, water quality, and ORVs for the W&SRs. FSM 2354 provides direction for W&SR management. In developing plan components, the responsible official should coordinate with the responsible officials of the adjacent administrative units to ensure compatible management of any W&SR that passes through connected land management plan areas.”
  - {Add to paragraph 8} “Any potential contribution to the Timber Sale Program Quantity (FSH 1909.12 65.1) from established Wild and Scenic River boundaries, must be described in plan components, including adopting objectives and standards or guidelines that address when timber can be removed from a Wild and Scenic River established corridor.”
  - {Replace paragraph 11 – Wild and Scenic Rivers must have comprehensive river management plans....} “Wild and scenic rivers must also have comprehensive management plans (CMPs). Land management plan components must be consistent with a W&SR CMP direction.”

- **Comment:** The proposed direction doesn't adequately address National Scenic and Historic Trails. I have reviewed comment letters submitted for scoping and on the draft Planning Rule and DEIS that were submitted by National Trail organizations and individuals (see Planning Rule comment letters coded as 0587, 0620, 0725, 0750, 1188, and 1666). I believe that many of these comments were reasonable and substantive; however, it isn't apparent that that the final Planning Rule alternatives, including the Preferred Alternative, addressed many of these concerns and recommendations. National Trail comments were characterized as:

*“Comment: Definitions for congressionally designated areas and administratively designated areas. A respondent felt separating of congressionally designated and administratively designated areas through the definition would help in clarifying their differences, including a definition for national scenic and historic trail. A comment was received on the preferred alternative, asking if the lists in the definition of designated areas were exhaustive. Response: The Department clarified the definition of designated areas in the final rule.... The final rule provides direction for wilderness and wild and scenic rivers in § 219.10(b) separately from other designated or recommended areas because their associated legislation contains specific requirements for the Secretary of Agriculture. The final rule in § 219.10(b)(vi) provides for appropriate management of other designated or recommended areas, which would include areas such as congressionally designated national historic trails. To respond to the comment on the preferred alternative, the Department clarified the definition of designated areas to explicitly show that the list of examples is not exhaustive by removing the word ‘include’ and added the words: Examples of \* \* \* designated areas are.” (77 FR 21244)*

The explanation that, “wilderness and wild and scenic rivers in § 219.10(b) separately from other designated or recommended areas because their associated legislation contains specific requirements for the Secretary of Agriculture” should have led to a similar treatment of National Scenic and Historic Trails, which requires the Secretary to address more planning complexities than either wilderness or wild and scenic rivers. The Secretary must address several requirements including: (1) developing a comprehensive plans for a National Trails (16 USC 1244(5)(e) or 5(f)), (2) selecting the rights-of-way (16 USC 1246(7)(a)(2)), and (3) determining the nature and purposes of the designated National Trail (16 USC 1246(7)(c)). In addition, the Secretary may issue regulations, which may be revised from time to time, governing the use, protection, management, development, and administration of trails of the national trails system (16 USC 1246(7)(i)). The final planning directives need to provide affirmative direction that leads to the integration of National Trail requirements in land management plans. Related, although consistency is critical, 36 CFR 219.15(e) and 16 USC 1604(i) are not applicable to a comprehensive plan for a National Trail and implementation of E.O. 13195.

- **Recommendation:** The final directives need to describe that congressional designated areas must be planned and managed for the purposes for which they were designated. Specifically for National Trails, the direction should include the following: “Land management plans shall form one integrated plan for each unit (16 USC 1604(f)(1)). For National Scenic and Historic Trails that pass through the planning unit, plan components must include management and use direction (16 USC 1244(e) or (f)) for the rights-of-way that provides for the nature and purposes values of the National Trail (16 U.S.C. 1246). Furthermore, plans must protect potential rights-of-way for: (1) National Scenic and Historic Trails designated for study (16 U.S.C. 1244(b)), and (2) designated National Scenic and Historic Trails where the rights-of-way is yet to be selected (16 U.S.C. 1246(a)(2)).”

**Suggested text for Other Designated Areas is found on page 4.**

#### **FSH 1909.12 23.22o, Infrastructure, Roads, and Trails, Page 100**

- **Comment:** The discussion of recreational trails should be abbreviated by associating trails with recreation opportunity settings. The discussion of “trails for non-recreational use, infrastructure for recreational visitors, other transportation infrastructure, and utility corridors” suggests site-specific analyses being performed as part of land management planning as opposed directing staged decision making processes.
- **Recommendation:** Use for the discussion of recreational trails: “For recreational trails, the desired condition(s) for trails should include an overall design of the trail system in the land management plan area that reflects the prescribed ROS class designations. Identified ROS classes should lead to plan components that identify the types of trails and recreational use that are suitable or not suitable in a specific management or geographic area.” Use the following for the general discussion of infrastructure: “Development of Plan components must reflect the extent of infrastructure that is needed to achieve the planning unit objectives and be within the projected overall fiscal capability of the planning unit over the planning period. Infrastructure site-specific decisions should be made through stepped-down plans and decisions. Integrated fiscal capability direction is found in FSH 1909.12 22.12.”

#### **Proposed Handbook – Monitoring – FSH 1909.12, Chapter 30**

#### **FSH 1909.12 32.13d, Monitoring Visitor Use, Visitor Satisfaction, and Recreation Objectives, Page 19**

- **Comment 1:** The monitoring section doesn’t reflect a continuation of assessing broader recreation settings and opportunities, and scenic character that could result from changed conditions. This should reflect a continuation of the Plan assessment processes being applied to an adaptive Plan. The direction should be substantive and based on professional assessment practices.

- **Recommendation 1:** Recommend changes to emphasize ROS and SMS for land management planning processes. The use of these frameworks will result in consistent ROS and SMS monitoring practices on NFS lands.
- **Comment 2:** Conditions of designated areas need to be monitored.
- **Recommendation 2:** Modify the title of the section to reflect monitoring of designated areas. Prescribed that monitoring must address whether designated area objectives are being achieved.

**Suggested text for Monitoring Visitor Use, Visitor Satisfaction, and Recreation Objectives is found on page 6.**

FSH 1909.12 Chapters 70 and 80 were not reviewed.

Thank you for considering the above proposed planning directives recommendations and comments.

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