Objection Reviewing Officer
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April 22, 2021

This correspondence is an Objection to the South Plateau Area Landscape Treatment Project Draft Decision Notice, FONSI, and Environmental Assessment. This review is based on a rapid assessment of the Regional Forester's response to the Custer-Gallatin Forest Plan Objections, which is new information. The review attempts to highlight a few of the lingering issues that may affect the decision and implementation of the South Plateau Landscape Treatment Project. This information supplements the South Plateau Area Landscape Treatment Project objection that I submitted on April 21, 2021.

Name of the project being objected to, the name and title of the responsible official, and the name of the National Forest on which the project is located:

South Plateau Area Landscape Treatment Project
Mary Erickson, Forest Supervisor
Custer-Gallatin National Forest

The objector's name, address, and email:

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Statement of Issues – Project Consistency with the Revised Forest Plan

The following are statements of the issues and/or the parts of the project to which the objection applies and concise statements explaining the specific issues; violations of law, regulations and policy; and suggested remedies. The issues raised in this objection supplement are connected to concerns and recommendations identified in the objection to the proposed revised Forest Plan and FEIS and project scoping comments, which are directly related to implementation of the proposed South Plateau Area Landscape Treatment Project.

The South Plateau Area Landscape Treatment Project decision must be consistent with the revised Forest Plan due in part to the overlapping nature of the decisions to be made. Therefore, the issues raised in connection with the proposed revised Forest Plan direction is directly related to this project.

The Forest Service still has the opportunity to administratively address and resolve concerns expressed regarding the proposed revised plan. Many of those lingering concerns are reviewed in the following sections.

Response to Forest Plan Objection – Recreation Opportunity Spectrum

Objection Response: The Regional Forester response states, "*The Forest utilized the National Recreation Opportunity Spectrum Inventory Mapping Protocol, April 2018, to map recreation opportunity spectrum (final EIS section 3.19.1 and appendix F). As required by the planning handbook, the plan includes desired conditions for sustainable recreation using mapped desired recreation opportunity spectrum classes…*

An objector suggests additions, deletions, and modifications of specific plan components for timber harvest, road construction, and recreation uses such as mountain biking to ensure the recreation opportunity spectrum plan components are consistent with the 1986 ROS Red Book…

However, the "Red Book's" introduction states it is not a policy document and acknowledges that recreation opportunity spectrum continues to evolve and requires creative application. While it continues to offer technical guidance to land managers, FSM 2300, Recreation, Wilderness, and Related Resource Management, published April 23, 2020, outlines recreation-related policy…

The degree of "naturalness" is still represented in the 2020 manual where it describes the different settings as "predominately natural or natural-appearing. It is also represented by the related use of the Scenery Management System, which measures the degree of deviation from the scenic character using ecological concepts as opposed to the general term "naturalness". And while "non-recreation uses" is not a term included in the 1982 Users Guide or the amended FSM 2310, the definitions in the 2020 manual update still describe similar activities such as "occasional administrative use" in semi-primitive nonmotorized settings or "evidence of human activities" in roaded natural settings.

Desired recreation opportunity spectrum classes are derived through an integrated planning process as required in FSH 1909.12, sec. 23.23a. As outlined in FSM 2310.2 recreation-related policy "The overarching objective of sustainable recreation planning is to inform decisions that result in sustainable recreation outcomes. To be sustainable, recreation settings, opportunities, and benefits must: 1. Be compatible with other multiple uses; …". As explained in the response to comments, "The recreation opportunity spectrum is a tool for expressing the recreation opportunities provided by an area. The recreation opportunity spectrum is not an appropriate tool to achieve management goals for other types of management, such as wildlife habitat or timber harvest limits…" (final EIS appendix F)."

Issue and Statement of Explanation: FSM 2310 (WO Amendment 2300-90-1) policy that guided the development of the revised plan directed the use of the 1982 ROS User Guide stating, "*FSM 2311.1 - Recreation Opportunity Spectrum (ROS). Use the Recreation Opportunity Spectrum (ROS) system and the ROS Users Guide (U.S. Department of Agriculture, Forest Service. ROS Users Guide. Washington, DC: U.S. Department of Agriculture, Forest Service; 1982. 37p.) to delineate, define, and integrate outdoor recreation opportunities in land and resource management planning*."

The 2012 Planning Rule Programmatic Environmental Impact Statement states the analysis of the recreation resource is based on the 1986 ROS Book, Scenery Management System, and Recreation facility analysis. Furthermore, the Planning Rule PEIS states that, "*These tools are used to define existing conditions, describe desired conditions, and monitor change. These tools, along with overarching guidance at the national, Department, and Agency levels, serve as the context by which individual national forests and grasslands engage with their communities. In doing so, the unit's recreation-related and amenity-based assets are considered and integrated with a vision for the future that is sustainable and that the unit is uniquely poised to provide. As the current planning rule procedures related to recreation are quite general, these tools contribute to consistency in recreation planning across NFS units.*

The recreation opportunity spectrum has been an effective land management planning tool since 1982. The recreation opportunity spectrum is a framework for identifying, classifying, planning, and managing a range of recreation settings. The setting, activity, and opportunity for

obtaining experience are arranged along a spectrum of classes from primitive to urban. In each setting, a range of activities is accommodated. For example, primitive settings accommodate primarily non-motorized uses, such as backpacking and hiking; whereas roaded settings (such as roaded natural) or rural settings accommodate motorized uses, such as driving for scenery or access for hunting. Through this framework, planners compare the relative tradeoffs of how different patterns of settings across the landscape would accommodate (or not accommodate) recreational preferences, opportunities, and impacts (programmatic indirect environmental effects) with other multiple uses. The scenery management system provides a vocabulary for managing scenery and a systematic approach for determining the relative value and importance of scenery in an NFS unit. The system is used in the context of ecosystem management to inventory and analyze scenery, to assist in establishment of overall resource goals and objectives, to monitor the scenic resource, and to ensure high-quality scenery for future generations" (Forest Service Planning Rule, PEIS, page 209).

The Recreation Opportunity Spectrum (ROS) provides a framework for stratifying and defining classes of outdoor recreation environments, activities, and experience opportunities. The Forest Service uses the recreation opportunity spectrum to define recreation settings. The 1982 ROS User Guide, 1986 ROS Book, and FSM 2310 (WO Amendment 2300-90-1)[1] were the recreation resource technical basis for the Planning Rule and planning directives. To be consistent with the planning rule and recreation policy and research the Forest Plan must define and apply ROS principles that are consistent with the ROS planning framework which is the best available scientific recreation planning system. Most important is including ROS physical setting indicators when describing Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized ROS setting desired conditions.

The ROS Book states, "*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… 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… 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*

[1] http://nstrail.org/main/fsm_2350_2300_2009_2.pdf

activities. Third, it can indicate how future land use changes might impact the present pattern of a recreation opportunity provision. *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*."

The Forest Service, in FSM 2310 (WO Amendment 2300-2020-1) modified the 1982 ROS User Guide and 1986 ROS Book Recreation Opportunity Spectrum setting definitions and no longer refers to the 1982 ROS User Guide direction for planning purposes. The agency did not explain the change to policy, but it appears that the agency wishes to allow for timber production in Semi-Primitive Motorized ROS settings and for road construction in Semi-Primitive Non-Motorized ROS settings for the general purpose of forest health. Concerning is that the agency does not disclose the consequences of those changes to recreationists seeking Primitive and Semi-Primitive ROS experiences when new roads and vegetation management activities are encountered, including those seeking high-quality scenic, primitive hiking and horseback riding opportunities along the Continental Divide National Scenic Trail. In addition, road construction has negative effects on natural ecological systems.

Instead of declaring that timber production is compatible with Semi-Primitive Motorized ROS settings, the plan could have established a Roaded Natural/Modified ROS setting for those general National Forest System lands where timber production and harvest are to be emphasized. Primitive and Semi-Primitive ROS classes must constrain some management actions such as mechanical treatments of vegetation that utilize heavy equipment and permanent or temporary roads if these desired ROS class opportunities are to be protected as described in the 1986 ROS Book and as used in the Planning Rule PEIS.

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.

The Forest Service planning directives require the establishment of mapped ROS settings through Forest Planning processes (FSH 1909.12 – Part 23.23a). Mapped ROS classes based on the 1986 ROS Book class descriptions would help ensure the integration of multiple use programs through Forest Plan decisions. The ROS class descriptions and policy direction as modified by FSM 2310 (WO Amendment 2300-2020-1) diminishes the usefulness of using the ROS as a management tool.

The ROS planning framework was not intended to never change, but modifications should only occur through robust public involvement processes, based on science that support modifying ROS characteristic definitions, and to improve readability. The amended FSM 2310 direction does not meet any of these need for change criteria. A review of the amended FSM 2310, which was provide in comments, follows:

The **FSM 2310** (2300-2020-1) amended policy makes substantial changes to the recreation planning direction without the benefit of 36 CFR § 216 public involvement processes. This policy replaces FSM 2310 (WO Amendment 2300-90-1) that required the use of the ROS planning framework: "*FSM 2311.1 - Recreation Opportunity Spectrum (ROS). Use the Recreation Opportunity Spectrum (ROS) system and the ROS Users Guide (U.S. Department of Agriculture, Forest Service. ROS Users Guide. Washington, DC: U.S. Department of Agriculture, Forest Service; 1982. 37p.) to delineate, define, and integrate outdoor recreation opportunities in land and resource management planning*."

Amended **FSM 2310.2** objectives state, "*The overarching objective of sustainable recreation planning is to inform decisions that result in sustainable recreation outcomes. To be sustainable, recreation settings, opportunities, and benefits must: … 1. Be compatible with other multiple uses….*"

Observation: The intent of this objective is unclear; however, a literal reading of the guidance would indicate that the objective is inconsistent with "*multiple use*" as defined by the Multiple Use Sustained Yield Act of 1960 (16 U.S.C. § 531). NFMA integration requirements are reviewed in FSH 1909.12 part 22. Clearly, the recreation resource is not inferior to other multiple use resources. For example, Forest Plan allocations of Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized ROS settings without a timber resource purpose would be consistent with the Multiple Use and Sustained Yield Act.

The Landscape Aesthetics Handbook states, "*The Scenery Management System and ROS serve related, but different, purposes that affect management of landscape settings. In some cases, ROS provides stronger protection for landscape settings than does the Scenery Management System. This is similar to landscape setting protection provided by management of other resources, such as cultural resource management, wildlife management, and old-growth management. In all these examples, there may be management directions for other resources that actually provide higher scenic integrity standards than those reached by the Scenery Management System. Different resource values and systems (the Scenery Management System, the ROS System…) are developed for differing needs, but they are all systems that work harmoniously if properly utilized. In all these examples, there are management decisions made for other resources that result in protection and enhancement of landscape settings."*

Primitive and Semi-Primitive ROS classes will constrain some actions such as mechanical treatments with heavy equipment or road development if these desired ROS class opportunities are to be available to recreationists seeking those experiences. The recreation opportunity setting since its inception has been composed of other natural features in addition to the six factors. Landform

types, vegetation, scenery, water, and wildlife are all important elements of recreation environments; they influence where people go and the kinds of activities possible. Making choices between competing resource priorities is often the nature of integrated resource management planning as required by the National Forest Management Act (16 CFR § 1604(f)(1), 36 CFR § 219.10(a), FSH 1909.12 Part 22).

This objective should be deleted, but could be restated describing that, "*Be derived through integrated planning processes*" (36 CFR § 219.10(a)). The Multiple-Use Sustained-Yield Act makes that principle clear by explaining that "*multiple use*" means management to make "*judicious use of the land for some or all*" of the renewable resources thereon, with some land "used for less than all of the resources" (16 U.S.C. § 531).

Amended **FSM 2310.2** also describes, "*These ecological and socio-economic outcomes are not only important to the sustainability of recreation, but also contribute to the sustainability of the unit and Agency as a whole….*"

Observation: The direction in parts 1 through 7 improves on the prior FSM 2310 direction and provides for important integration considerations that are also found in the planning directives (FSH 1909.12). The statement, "*contribute to the sustainability of the unit and Agency as a whole*" is an improperly declaration and should be deleted.

Amended **FSM 2310.2 part 8** states, "*Resource program plans (such as, travel management plans, and so forth), area plans (for example, Comprehensive River Management Plans, and so forth) and project decisions implement, support, and are consistent with relevant land management plan(s) decisions.* FSH 1909.12, sec. 24."

Observation: Comprehensive River Management Plans and National Scenic and Historic Trail Comprehensive Plans should be consistent with the relevant Forest Plan, but this statement would suggest that designated area plan decisions are subordinate to Forest Plan decisions regardless of the Forest Plan direction. FSM 2310.2 part 8 should be redrafted plainly stating that NFMA, W&SR, and National Scenic and Historic Trail plan decisions must provide for the purposes for which an area is designated. In addition, FSM 2310 should clearly state that, "*Comprehensive Plans developed in response to the requirements of the National Trails System Act (16 U.S.C. §§ 1244(e), 1244(f)), and the Wild and Scenic Rivers Act (16 U.S.C. § 1274(d)) are not resource plans as defined by the NFMA (16 U.S.C. §1604(i) and 36 CFR §219.15(e))*." The phrase, "*and so forth*" is not helpful and should be deleted.

National Scenic Trails, Wild and Scenic Rivers, and Wilderness legislation keeps the management of the federal land under the agencies existing authorities, but subject to the overriding purpose of protecting qualities and values described by the designated area legislation. The establishment of these designated areas thus constitutes an overlay on the management regime otherwise applicable to lands managed by the agency. By eliminating activities and uses incompatible with the purposes for which an area is designated, the designated area limits the management discretion that the agency might otherwise have.

Amended **FSM 2310.3** policy begins by describing that, "1. *Units shall review and use relevant land management plan decisions to guide and inform smaller-scale planning decisions. To ensure attainment of sustainable recreation, all projects and activities must be consistent with the applicable plan components of the land management plan* (36 CFR 219.15 (d))."

Observation: An element that is missing from the direction is to describe policy that responsible officials are to ensure that land management plans are prepared through NEPA interdisciplinary processes that address the integration of the recreation resource in planning analyses and decisions (16 U.S.C. 1604(f), 36 CFR 219.10). In addition, Forest Plans must provide for the purposes for which designated areas are established.

Amended **FSM 2310.5** defines Resource Programs and Area Plans as, "*Plans that address a specific multiple use or resource program on the forest or grassland, or portion of one or more forests or grasslands. The plan area can be delineated by ecological units (such as, watersheds, wildlife habitat areas, riparian areas, geological formations or features, and so forth), and/or by socio-economic considerations (such as, market area, designated area, urban interface area, administrative units such as a ranger district, and so forth). Common examples of recreation-related resource program plans include: facilities plans, travel management plans, interpretive plans, etc. Area-specific plans include: National Scenic or Historic Trail Plans, National Monument Plans, Comprehensive River Management Plans, National Recreation Area Plans, etc. Resource program and area plans must be consistent with land management plan direction. Reference 36 CFR 219.15*."

Observation: FSM 2310 needs to describe that planning processes must provide for the purposes for which an area was designated. FSM 2310 should clearly state that Comprehensive Plans developed in response to the requirements of the National Trails System Act (16 U.S.C. §§ 1244(e), 1244(f)) and the Wild and Scenic Rivers Act (16 U.S. Code § 1274(d)) are not resource plans as defined by the NFMA (16 U.S.C. §1604(i) and 36 CFR §219.15(e)).

Amended **FSM 2310.5** defines Recreation Opportunity Spectrum classes.

Observation: 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.

Primitive settings allow for mechanized use outside of wilderness in the amended FSM 2310 direction. Bicycles should not be allowed in Primitive ROS settings. Primitive means ''*of or relating to an earliest or original stage or state*.'' Mountain bikes are not primitive in nature. 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.[2] FSM 2310 should describe that the trail class norm is Pack and Saddle Stock Class 2 and 3 (FSH 2309.18 23.12 – Exhibit 01).

Observation: Semi-Primitive Non-Motorized settings exempts open roads stating that, "*occasional administrative use occurs on these roads for the purpose of natural and cultural resource protection and management*." This ROS setting does 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 statement that, "*occasional administrative use occurs on these roads for the purpose of natural and cultural resource protection and management*" must be deleted or reference non-motorized vehicles.

Observation: Exhibit 01, Vegetation states that, "*Treatments enhance forest health and mimic natural vegetation patterns.*" Due to social and resource conditions, large-scale vegetation harvest and associated road construction will need to be restricted to meet desired forest conditions.

Natural vegetation patterns have in some cases been created by large fire events, such as the Great Fire of 1910. Hurricane-force winds, unlike anything seen since, roared across the rolling country of eastern Washington. Then on into Idaho and Montana forests that were so dry they crackled underfoot. In a matter of hours, fires became firestorms, and trees by the millions became exploding candles. By noon on the twenty-first, daylight was dark as far north as Saskatoon, Canada, as far south as Denver, and as far east as Watertown, New York. To the west, the sky was so filled with smoke, ships 500 miles at sea could not navigate by the stars. Smoke turned the sun an eerie copper color in Boston. Soot fell on the ice in Greenland. The Great Fire of 1910 burned three million acres and killed enough timber to fill a freight train 2,400 miles long. Merchantable timber destroyed was estimated to be eight billion board feet, or enough wood to build 800,000 houses. Twenty million acres were burned across the entire Northwest. The current insect and disease situation are having similar ecological effects as some past fire events, but at a much slower rate of change.

Desired conditions must stress the need to reflect the constraints described for "*Evidence of Humans*," "*Non-Recreation Uses*," and "*Naturalness*" setting indicators for this Semi-Primitive Non-Motorized 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. Describing that treatments are to mimic natural vegetation patterns is also unclear 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

[2] Manning, R.E. (2010). Studies in Outdoor Recreation: Search and Research for Satisfaction. Studies in Outdoor Recreation: Search and Research for Satisfaction. Page 218.

processes which lead to sustainable ecological conditions. Most important, so as to minimize the evidence of humans, vegetation management actions need to avoid restoration actions that require the construction of permanent and temporary roads within Semi-Primitive Non-Motorized ROS settings and minimize new roads in Semi-Primitive Motorized ROS settings. Exhibit 01, Scenic Integrity states that, "*Typically High*." The desired Scenic Integrity Objective should be simply described as High.

Observation: Some revised forest plans are establishing Semi-Primitive Motorized settings for timber production areas, which is inconsistent with the intent of this ROS class as used in the Planning Rule. Semi-Primitive Motorized settings allows for maintenance level 2 roads, which are not primitive roads as described in the 1982 ROS direction. Possibly, FSM 2310 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.

FSM 2310.5 defines ROS Class Characteristics as, "*The physical, social, and managerial features that function collectively to define a specific recreation opportunity spectrum setting (ROS class) … Both summer and winter setting characteristics for each of the six primary ROS classes are summarized in section* 2311, exhibit 01."

Observation: Exhibit 01 describes ROS characteristics as "*themes*," which is not defined nor recognized as a plan component in forest planning processes (36 CFR § 219 and FSH 1909.12 directives). Failing to identify desired conditions and other plan components in the FSM 2310 definition reduces the importance and effectiveness of the planning directives requirement that states, "*The plan must include plan components, including standards or guidelines, to provide for sustainable recreation integrated with other plan components as described in 23.21a. To meet this requirement the plan: … (a) Must include desired conditions for sustainable recreation using mapped desired recreation opportunity spectrum classes*..." (FSH 1909.12 23.23a).

Desired conditions are the basis for the rest of the plan components; objectives, standards, guidelines, and suitability determinations must be developed to help achieve the desired conditions. If forest plans contain specific, measurable desired conditions, this should focus the process of identifying locations where projects are needed, and thereby increase the efficiency of project planning.

General Technical Report PNW-98 December 1979 states, "*The ROS is a helpful concept for determining the types of recreational opportunities that should be provided. And after a basic decision has been made about the opportunity desirable in an area, the ROS provides guidance about appropriate planning approaches—standards by which each factor should be managed*."

The 1986 ROS Book states, "*The physical setting is defined by the absence or presence of human sights and sounds, size, and the amount of environmental modification caused by human activity.*

The physical setting is documented on an overlay by combining these three criteria as described below. Physical Setting - The physical setting is best defined by an area's degree of remoteness from the sights and sounds of humans, by its size, and by the amount of environmental change caused by human activity. Human Developments – 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."

The 2012 Planning Rule Programmatic Environmental Impact Statement states the analysis of the recreation resource is based on the 1986 ROS Book, Scenery Management System, and Recreation facility analysis. Furthermore, the Planning Rule PEIS states that, "*These tools are used to define existing conditions, describe desired conditions, and monitor change. These tools, along with overarching guidance at the national, Department, and Agency levels, serve as the context by which individual national forests and grasslands engage with their communities. In doing so, the unit's recreation-related and amenity-based assets are considered and integrated with a vision for the future that is sustainable and that the unit is uniquely poised to provide. As the current planning rule procedures related to recreation are quite general, these tools contribute to consistency in recreation planning across NFS units.*

The recreation opportunity spectrum has been an effective land management planning tool since 1982. The recreation opportunity spectrum is a framework for identifying, classifying, planning, and managing a range of recreation settings. The setting, activity, and opportunity for obtaining experience are arranged along a spectrum of classes from primitive to urban. In each setting, a range of activities is accommodated. For example, primitive settings accommodate primarily non-motorized uses, such as backpacking and hiking; whereas roaded settings (such as roaded natural) or rural settings accommodate motorized uses, such as driving for scenery or access for hunting. Through this framework, planners compare the relative tradeoffs of how different patterns of settings across the landscape would accommodate (or not accommodate) recreational preferences, opportunities, and impacts (programmatic indirect environmental effects) with other multiple uses. The scenery management system provides a vocabulary for managing scenery and a systematic approach for determining the relative value and importance of scenery in an NFS unit. The system is used in the context of ecosystem management to inventory and analyze scenery, to assist in establishment of overall resource goals and objectives, to monitor the scenic resource, and to ensure high-quality scenery for future generations" (Forest Service Planning Rule, PEIS, page 209).

An example of a consequence if FSM 2310 (2300-2020-1) definitions are applied to plan components is that an established Semi-Primitive Non-Motorized ROS setting would no longer protect CDNST nature and purposes qualities and values, since resource and road development management actions could approach a setting similar to that expected in a Roaded Modified ROS setting. A Semi-Primitive Motorized ROS setting would likely replace what has been described as a Roaded Modified ROS setting in the past. A Roaded Modified ROS setting is defined by extensive

forest management activities and road networks, which is clearly incompatible with providing for high-quality scenic, primitive hiking and horseback riding opportunities and the conservation of natural, historic, and cultural resources within the CDNST corridor. The ROS class protection standard for the CDNST should be restricted to the establishment of a Primitive ROS setting if FSM 2310 (2300-2020-1) direction is applied to a revised Forest Plan.

The Forest Service did not provide a reasoned basis or a detailed justification for modifying the 1982 ROS User Guide and 1986 ROS Book Recreation Opportunity Spectrum setting definitions and disclosing the consequences of those changes to recreationists seeking Primitive and Semi-Primitive ROS settings, including those seeking high-quality scenic, primitive hiking and horseback riding experiences along the Continental Divide National Scenic Trail. The formulation and issuance of FSM 2310 (2300-2020-1) 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. § 1612(a), 36 CFR § 216). The amended policy (2300-2020-1) is inconsistent with the 36 CFR § 219 forest planning regulations and the Planning Rule PEIS.

FSM 2310 (2300-2020-1) policy should be reissued through a Federal Register Notice following 36 CFR § 216 public involvement processes to define the ROS Classes as desired conditions, to 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 resource planning processes. In addition, the formulation and issuance of any Recreation Planning Handbook should follow 36 CFR § 216 public involvement processes.

Sustainable Recreation Planning directives must be consistent with the 1986 ROS Book 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. 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.

Suggested Remedies that would Resolve the Objection: Amend the response to the Forest Plan objections which have a direct bearing on this project, to ensure that the final South Plateau Area Landscape Treatment Project decision is reasoned and based on the best available scientific information and methodology and scientific accuracy. The revised Forest Plan could strengthen the plan's direction by adopting ROS class discussions and definitions that addressed the above concerns.

Violation of law, regulation or policy: 16 U.S.C. § 1612(a); 36 CFR § 216; USDA Departmental Regulation 1074-001; 36 CFR §$ 219.3, 219.10(b)(1)(i); 219.15; 40 CFR § 1502.23.

Connection with Comments: The issues addressed here are connected with and supplement those made in the objection submitted on April 21, 2021.

Response to Forest Plan Objection – Continental Divide National Scenic Trail

Objection Instructions: The Regional Forester instructions states, "*Describe the compatibility of the 2020 Land Management Plan with the 2009 Continental Divide National Scenic Trail Comprehensive Plan and indicate in the final record of decision if any updates to the comprehensive plan would be needed upon approval of the land management plan*."

Issue and Statement of Explanation: Comprehensive Plans developed in response to the requirements of the National Trails System Act (16 U.S.C. §§ 1244(e), 1244(f)) and the Wild and Scenic Rivers Act (16 U.S. Code § 1274(d)) are not resource plans as defined by the NFMA (16 U.S.C. §1604(i) and 36 CFR §219.15(e)). The instructions suggests that the Regional Forester believes that the Comprehensive Plan is no more binding than a resource plan such as a Travel Plan. This interpretation is inconsistent with the National Trail System Act and FSM 2353.01d(5).

Desired conditions are the basis for the rest of the plan components; objectives, standards, guidelines, and suitability determinations must be developed to help achieve the desired conditions. If forest plans contain specific, measurable desired conditions, this should focus the process of identifying locations where projects are needed, and thereby increase the efficiency of project planning.

The Custer-Gallatin plan does not include the most basic plan component for the CDNST which is a desired condition that describes the CDNST *nature and purposes*: "*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 instruction suggests that the Forest Service feels that the revised Forest Plan is inconsistent with the CDNST Comprehensive Plan. However, it would be improper to modify the CDNST Comprehensive Plan based on the revised Custer-Gallatin Forest Plan, which does not protect CDNST qualities and values. Instead, it would be accurate to describe that the revised Forest Plan is inconsistent with the National Trails System Act as implemented through the direction of the CDNST Comprehensive Plan, FSM 2353, and as provided for in the Notice of final amendments to comprehensive plan and final directives (74 FR 51116).

Comprehensive Plans developed in response to the requirements of the National Trails System Act (16 U.S.C. §§ 1244(e), 1244(f)) and the Wild and Scenic Rivers Act (16 U.S. Code § 1274(d)) are not resource plans as defined by the NFMA (16 U.S.C. §1604(i) and 36 CFR §219.15(e)); FSM 2353.01d(5); 74 FR 51116.

It is not rational that each Forest Service Land Management Plan and BLM Resource Management plan could have the effect of compelling an amendment to a National Scenic or Historic Trail Comprehensive Plan.

Regional Forester Response: The Regional Forester response states, "*Similar to the requirements for developing a land management plan under the National Forest Management Act, the National Trails System Act requires the development of a comprehensive plan for national scenic trails. As a result, both the trail comprehensive plan and the land management plan guide project and activity decisionmaking for the Trail. Section 7(a)(2) of the Trails Act indicates, "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 the specific area in order to insure continued maximum benefits from the land". Thus, the land management plan and comprehensive trail plan must be compatible. If not, either the land management plan or the designated area plan must be amended to achieve this compatibility (FSH 1909.12, section 24.3). Given this important and unique relationship, a discussion of the compatibility of the two plans and a determination of whether the land management plan decision would result in a need to update the Trail comprehensive plan should be included in the record of decision.*

The objector contends that section 7(a)(2)'s requirement to "harmonize" trail and land management planning is not applicable to a land management plan approved after the passage of the National Forest Management Act. They assert this is because the National Forest Management Act requires the land management plan address the comprehensive planning and other requirements of the Trails Act in order to form one integrated plan. However, the National Forest Management Act requirements for one integrated plan at 16 U.S.C. 1604(f) is specific to its statutory requirements, not the Trails Act requirements. Nothing in the National Forest Management Act amended or superseded the Trails Act. Nor does the Trails act supersede either the National Forest Management Act or the Multiple-Use Sustained-Yield Act. The Forest Service must comply with all three. Thus, as required by the planning regulations at 36 CFR 219.10(b)(1(vi), the 2020 Land Management Plan includes "appropriate management of other designated areas", but does not replace or address all the requirements of the Trails Act that are addressed in the 2009 comprehensive plan.

As such both statutorily required plans provide relevant management direction, page 174 of the land management plan references the 2009 Trail comprehensive plan stating, "Management for the Continental Divide National Scenic Trail is outlined in the 2009 Continental Divide National Scenic Trail Comprehensive Management Plan and national policy".

The most relevant statutory and regulatory documents are listed in the designated area section of the final EIS. These sections are intended to highlight other non-discretionary management direction. Including other guidance documents such as management tools or other information is not necessary or recommended."

Issue and Statement of Explanation: The National Forest Management Act requires the formulation of one integrated plan (16 U.S.C. § 1604(f)(1)). The 1982 Planning Regulations

required integration that included meeting the requirements for the planning and management of designated areas: "*The regulations in this subpart apply to the National Forest System, which includes special areas, such as wilderness, wild and scenic rivers, national recreation areas, and national trails. Whenever the special area authorities require additional planning, the planning process under this subpart shall be subject to those authorities. (a) Unless inconsistent with special area authorities, requirements for additional planning for special areas shall be met through plans required under this subpart. (b) If, in a particular case, special area authorities require the preparation of a separate special area plan, the direction in any such plan may be incorporated without modification in plans prepared under this subpart*." (36 § CFR 219.2 – Scope and Applicability)

The 2012 NFMA regulations also requires integrated resource management of multiple use (36 CFR § 219.10(a)), including providing for plan components to provide for the, *"(vi) Appropriate management of other designated areas or recommended designated areas in the plan area, including research natural areas*." Planning directives describe that planning for designated areas may be met through the land management plan, unless the authorities for the designation require a separate plan; however, in the case of the CDNST the Comprehensive Plan directs that Forest Plans further implement the CDNST comprehensive planning requirements through staged-decision making. "… *Any parts of a designated area plan that meet the requirements for land management plan components must be included in the land management plan. The entire area plan does not need to be included in the land management plan. The land management plans must also be compatible with these designated area plans or either the land management plan or the designated area plan must be amended to achieve this compatibility*." (FSH 1909.12 – 24.3)

The Custer-Gallatin plan fails to adopt the most fundamental direction of the CDNST Comprehensive Plan failing to describe the *nature and purposes* of the CDNST as a desired condition plan component. The Regional Forester's response does address the many other concerns expressed in comments and in the objection regarding the Custer-Gallatin CDNST management direction. The Regional Foresters' and Custer-Gallatin revised Forest Plan CDNST plan components do not reflect the guidance in the National Forest Management Act of 1976 and the National Trails System Act as amended in 1978 to provide for the nature and purposes of the CDNST.

Regional Forester Response: The Regional Forester response in consideration of proposed remedies states, "*The 2020 Land Management Plan presents the Trail as a linear feature, with a mile-wide management corridor in (1/2 mile each side of the trail when that boundary remains on the Custer Gallatin). A mapped trail corridor is required by Forest Service Handbook 1909.12 Section 24.43(1)(c), however explicitly calling that corridor a "management area" is not required. The corridor provides a spatially identifiable area where the associated plan*

components apply as required by 36 CFR 2197(e). Land management plan direction applied to the corridor determines how management activities would be conducted within the corridor. The plan provides integrated direction multiple resource areas and land allocations at forestwide, geographic area, and Trail corridor-specific scale. This includes plan direction associated with assigned recreation opportunity spectrum settings and management of scenic resources. The scenic integrity objective for the trail corridor is high (FW-DC-SCENERY-02 and scenery management map, page 138) and it is not suitable for timber production (MG-SUIT-CDNST-01). While the recreation emphasis area land allocations are designed to meet increased demands for recreation opportunities, all authorized activities in areas like the Hebgen Winter Recreation Emphasis Area must be consistent with the Trail direction found in both the 2020 Land Management Plan and the 2009 Comprehensive Plan. Thus, excluding the Trail is not necessary."

Issue and Statement of Explanation: Promoting the Hebgen Winter Recreation Emphasis Area is contrary to protecting the nature and purposes of the CDNST. Implementation of the comprehensive planning requirements of the National Trail System Act is dependent on the Forest Plan establishing plan components that implement the CDNST Comprehensive Plan direction. The Custer-Gallatin plan fails to address the integration requirements of the NFMA and National Trails System Act as implemented through the CDNST Comprehensive Plan and forest planning.

Regional Forester Response: The Regional Forester response states, "*While objectors would prefer primitive or semi-primitive non-motorized settings for the entire length of the Trail, Continental Divide National Scenic Trail direction acknowledges that as the trail crosses various national forests, there will be road crossings and segments that include recreation opportunity spectrum classifications other than the more primitive end of the spectrum. The 2020 Land Management Plan is consistent with the 2009 Trail Comprehensive Plan, which states, "Where possible, locate the [Trail] in primitive or semi-primitive non-motorized [recreation opportunity spectrum] classes, provided that the [Trail] may have to traverse intermittently through more developed [recreation opportunity spectrum] classes to provide for continuous travel" (section IV. B(1)(b)(1)) [emphasis added here]. The Trail route has been constructed on the Forest. Guidance in the Trail plan to locate new segments in less developed settings is specific to new sections of the Trail, not the established existing route. This also applies to the segments of the trail where snowmobile use existed prior to the Trail's designation…*

Issue and Statement of Explanation: 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 intent

of "*may have to*" is to address situations that are outside of authority of the Forest Service to remedy through normal planning processes.

I recognize that the CDNST travel route on the Custer-Gallatin National Forest currently passes through Roaded Natural ROS, Semi-Primitive Motorized, and Semi-Primitive Non-Motorized settings; however, these existing settings do not control revised plan allocations. ROS settings to be established is not restricted to existing inventoried setting characteristics.

Following the guidance in the 1986 ROS planning framework, the revised plan should establish a Semi-Primitive Non-Motorized ROS setting for the CDNST corridor, while accepting the highway and other existing permanent developments as accepted inconsistencies. The established SPNM setting should restrict activities that degrade CDNST values and should lead to actions that would help restore the SPNM setting. The Forest Plan should recognize, in areas previously managed for timber production and harvest, that road restoration and decommissioning actions may be necessary.

The proposed revised Forest Plan if approved will continue to allow and encourage uses that are not in compliance with the National Trails System Act.

Regional Forester Response: The Regional Forester response states, "*However, site-specific mountain bike trail designations were made in the 2006 Gallatin Travel Plan as allowed in the 2009 Trail plan (page 15 indicates mountain bikes are allowed where consistent with the land management plan) and policy in the Forest Service Manual. FSM 2353.44b (10) states: "Bicycle use may be allowed on the [Trail] (16 U.S.C. 1246(c)), using the appropriate trail design standards, if the use is consistent with the applicable [Trail] unit plan and will not substantially interfere with the nature and purposes of the [Trail] (FSM 2353.42)". As such the 2020 Land Management Plan guides future decisionmaking with a suitability component that states "The Continental Divide National Scenic Trail is suitable for mountain bikes, as long as such use does not substantially interfere with the nature and purpose of the trail (MG-SUIT-CDNST-04) [emphasis added here]*."

Issue and Statement of Explanation: The response is incomplete. The Plan inappropriately addresses site-specific determinations without appropriate analyses for motor vehicle, snowmobile, and bicycle use within the CDNST corridor. Mountain bike use of the CDNST is addressed in the CDNST Comprehensive Plan in Chapter IV.B.5.b(2) and FSM 2353.44b(10)—Bicycle use may be allowed on the CDNST (16 U.S.C. 1246(c)), using the appropriate trail design standards, if the use is consistent with the applicable CDNST unit plan and will not substantially interfere with the nature and purposes of the CDNST (FSM 2353.4). The CDNST unit plan, a resource plan, is yet to be completed.

Suggested Remedies that would Resolve the Objection: Amend the response to the Forest Plan objections, and address the objections to the South Plateau Landscape Treatment project,

to ensure that the final South Plateau Area Landscape Treatment Project decision is reasoned and based on the best available scientific information and methodology and scientific accuracy. Ensure that the revised Forest Plan and South Plateau Area Landscape Treatment Project is consistent with the National Trails System Act, CDNST Comprehensive Plan, and FSM 2353 direction that was published in the Federal Register on November 4, 2009 (74 FR 51116).

Violation of law, regulation or policy: National Trails System Act, as amended (P.L. 90-543); 16 U.S.C. § 1612(a); 16 U.S.C. § 1604(f)(1); 36 CFR § 216; 36 CFR §§ 219.3, 219.10(b)(1)(vi), 219.15; 40 CFR § 1502.23; FSM 2353.54.

Connection with Comments: New information. The issues addressed here are connected with and supplement those made in the objection submitted on April 21, 2021.

Sincerely,

Greg Warren[3]

Greg Warren

Note: This document includes minor edits from that originally submitted to the Forest Service.

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