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Forest Plan Revision - Sierra-Inyo-Sequoia National Forests
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Please accept the following comments regarding the proposed Sierra-Inyo-Sequoia Land Management Plans and DEIS. These comments address the planning and management of the Pacific Crest National Scenic Trail (PCNST).

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PCNST Management Area and Plan Components

Introduction

Many of the proposed PCNST Management Area (MA) plan components are desirable, especially those that protect visual quality. I am also very supportive of the recognized “nature and purposes” description that is found in the DEIS, which is consistent with the legislative history for why the PCNST was designated by an Act of Congress. However, the proposed Recreation Opportunity Spectrum (ROS) management direction for many areas outside of wilderness allow uses and activities that degrade National Scenic Trail values. The direct and cumulative effects of uses and activities that are allowed in Semi-Primitive Motorized, Roaded Natural, and Roaded Modified ROS settings would substantially interfere with protecting PCNST values. Establishing Primitive and Semi-Primitive Non-Motorized ROS settings along the PCNST travelway would be consistent with the National Trails System Act, Planning Rule and Directives, and NEPA CEQ regulations. I recommend that the PCNST MA direction be modified as described in scoping and the comments that follow.

The revised Forest Plan MA direction needs to describe desired conditions, standards, and guidelines that provide for the nature and purposes of the PCNST. The nature and purposes of

the PCNST should recognize hiker and equestrian activities as the primary recreational use as intended by the National Trails System Act (NTSA) and Executive Order 13195 – Trails for America. Management activities and uses within this MA need to be compatible with the nature and purposes of the PCNST (FSM 2353.11, FSM 2353.42, and FSH 1909.12 part 24.4). The NTSA Congressional Record and E.O. 13195 supports the nature and purposes of the PCNST as providing for high-quality, scenic, primitive hiking and horseback riding experiences and to conserve natural, historic, and cultural resources along the corridor. Other recreation and resource uses along the PCNST may be allowed only where there is a determination that the other use would not substantially interfere with the nature and purposes of this National Scenic Trail.

The development and management of National Scenic and Historic Trails must be based on many facets of the NTSA, other applicable laws, Executive Orders, regulations, and policies. Planning guidance for the National Trails System has been modified several times since the legislation was enacted in 1968. In 1976, the NFMA was passed requiring integrated plans; as such, new and revised NFMA directed land management plans are not predisposed by the 1968 NTSA guidance to, “...*be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land.*” Development and management of the National Trails System is discussed in **Appendix A**.

PCNST Scoping Comments

Scoping comments submitted in 2014 state, “*I am very supportive of the inclusion of a mapped PCNST MA with plan components that provide for the nature and purposes of the PCNST. Many of the proposed PCNST plan components are desirable. However, some of the proposed components could allow uses and activities that substantially interfere with the nature and purposes of this National Scenic Trail. The principle concern is only protecting the PCNST from “new” uses and activities, including only addressing new recreation events, new roads, new communication sites, new wind towers, new utility lines, new buildings, and new vehicle crossings; however, some existing uses and activities may have degraded and be continuing to degrade PCNST nature and purposes values. The National Trails System Act does not allow for grandfathered uses and activities that may have or be substantially interfering with the nature and purposes values of the PCNST.*” The draft Plans did not satisfactorily address this concern. Previously submitted scoping comments are included in this submittal as **Attachment A** to supplement and support these draft Plan and DEIS comments.

Scoping comments also recommended an alternative to the Proposed Action, as follows: “*The revised LMP should identify a MA corridor of sufficient width to encompass resources, qualities, values and associated settings and the primary use or uses that are present or to be restored along the PCNST travel route. The Forest Plan needs to include a map that displays the extent of the PCNST MA to assure that the nature and purposes of the PCNST are promoted and*

protected. The MA needs to describe nature and purposes desired conditions that are supported by appropriate standards and guidelines. The following are a few broad PCNST MA recommendations:

The extent of the PCNST MA needs to be at least one-half mile on both sides of the PCNST travel route following topographic features where it is reasonable to do so, while additional management direction is prescribed for adjacent areas to assure that the PCNST Scenery Management standards are met. This recommendation is based on ROS criteria that identify remoteness for a Semi-Primitive Non-Motorized setting as: An area at least 1/2-mile but not further than 3 miles from all roads, railroads or trails with motorized use; can include the existence of primitive roads and trails if closed to motorized use. More than 3 miles would tend to classify the area as Primitive another desirable setting. The Forest Service Scenery Management System identifies that the middleground begins at 1/2-mile of the travel route.

- Management of activities and uses within this MA need to focus on providing for the nature and purposes of the PCNST (FSM 2353.11 and FSM 2353.42). The nature and purposes of the PCNST are to provide for high-quality, scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the PCNST corridor. Other recreation and resource uses along the PCNST may be allowed only where there is a determination that the other use would not substantially interfere with the nature and purposes of the PCNST.*
- Location and management factors must be considered, such as, the PCNST needs to be located in more primitive ROS classes where available and once located the management of the PCNST corridor (rights-of-way) must provide for a primitive or semi-primitive non-motorized (and no mechanized transport) experiences to extent practicable. Related, scenic management objectives of high or very high need to be met along the PCNST travel route where on federal lands to the extent practicable.*
- Land management plans need to complete the rights-of-way (NTSA, Sec. 7), Comprehensive Plan (NTSA, Sec. 5), and E.O. 13195 requirements by addressing the following: (1) establish a rights-of-way (Management Area) that is of sufficient width and so located to provide the retention of natural conditions, scenic and historic features, and primitive character of the trail area, and (2) identify specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved..., and an identified carrying capacity [or visitor use management practices] of the trail and a plan for its implementation.*

Pacific Crest Trail Association, other partners, and volunteers are sought to assist and lead PCNST programs.”

Specific PCNST MA Plan components were recommended as repeated in the following table with a few refinements.

Management Area Direction

PCNST Management Area Desired Conditions
The Management Area provides for the nature and purposes of the PCNST. The nature and purposes of the PCNST are to provide for high-quality, scenic, primitive hiking and horseback riding experiences and to conserve natural, historic, and cultural resources along the corridor. The PCNST corridor provides panoramic views of undisturbed landscapes in a tranquil scenic environment. The corridor is of sufficient width to encompass national trail resources, qualities, values, associated settings and the primary use or uses. This includes vistas, campsites, water sources and other important resource values. Primitive and Semi-Primitive Non-Motorized ROS class settings are predominate in the PCNST Management Area corridor.
PCNST Management Area Standards or Guidelines¹
Scenery Management
Manage the travelway as a concern level 1 travel route. Management activities are to meet a Scenic Integrity Level of Very High or High in the immediate foreground and foreground visual zones. Excepted are management activities that contribute to achieving the overall nature and purposes of the PCNST.
<i>Forest-wide Standard: Management activities are to meet a Scenic Integrity Level of Very High, High, or Moderate in the middleground as viewed from the PCNST travel routes.</i>
Recreation Management
Management actions along the PCNST must be compatible with the ROS settings of Primitive class in wilderness and Primitive or Semi-Primitive Non-Motorized class in non-wilderness.
Manage the PCNST to provide high-quality scenic, primitive hiking and pack and saddle stock opportunities. Backpacking, nature walking, day hiking, horseback riding, nature photography, mountain climbing, cross-country skiing, and snowshoeing are compatible with the nature and purposes of the PCNST.
The Management Area is not suitable for motorized and mechanized travel, and such use may only be allowed where consistent with the NTSA Section 7(c) (16 U.S.C. 1246(c)). The use of bicycles and other mechanized transport and motorized use is prohibited on the PCNST tread and within the trail corridor, except such use may be allowed at identified crossings.
Special Uses Management
Activities, uses, and events that would require a permit may not be authorized unless the activity, use, or event contributes to achieving the nature and purposes of the PCNST.
Minerals Management
Mineral leases are to include stipulations for no surface occupancy.
Permits for the removal of mineral materials are not to be issued.
Mineral withdrawals should be enacted in areas with a history of locatable mineral findings.
Timber Production
The Management Area is not suitable for timber production. Timber harvest is not scheduled and does not contribute to the allowable sale quantity.
Vegetation Management
Vegetation may be managed to maintain or improve Threatened, Endangered, and Sensitive species habitat.

¹ See FSM 1110.8 for Degree of Compliance or Restriction “Helping Verbs” and “Mood of Verb” Definitions

Vegetation may be managed to enhance PCNST values, such as to provide vistas to view surrounding landscapes and to conserve natural resources.
Rangelands where affected by livestock use must be maintained in a Proper Functioning Condition.
Lands Acquisition
Provide for land acquisitions to protect the nature and purposes of the PCNST. Land disposals along the PCNST corridor are prohibited.
Travel Routes
The PCNST travel route should fall into Trail Class 2 or 3 and have a Designed Use of Pack and Saddle Stock (FSH 2309.18).
Road construction and reconstruction is prohibited, except as allowed by NTSA Section 7(c) (16 U.S.C. 1246(c)).
Motor vehicle use by the general public is prohibited unless that use: <ul style="list-style-type: none"> a. Is necessary to meet emergencies; b. Is necessary to enable adjacent landowners or those with valid outstanding rights to have reasonable access to their lands or rights; c. Is for the purpose of allowing private landowners who have agreed to include their lands in the PCNST by cooperative agreement to use or cross those lands or adjacent lands from time to time in accordance with Forest Service regulations; or d. Is on a motor vehicle route that crosses the PCNST, as long as that use will not substantially interfere with the nature and purposes of the PCNST.
Bicycle use is prohibited on the PCNST travel route, except where trail crossings do not substantially interfere with the PCNST nature and purposes.
Fire Suppression
Fire suppression activities should apply the Minimum Impact Suppression Tactics Implementation Guidelines.
Other Uses Considerations
Other uses that could conflict with the nature and purposes of the PCNST may be allowed only where there is a determination that the other use would not substantially interfere with the nature and purposes of the PCNST (16 U.S.C. 1246(c)).
Where congressionally designated areas overlap, apply the management direction that best protects the values for which each designated area was established.
Recognize that the PCNST must intermittently cross roads and intersect with access points.
Implementation Strategies
Partnerships and volunteers are sustained or sought to lead and assist in PCNST programs. Volunteer and cooperative agreements will be developed with the Pacific Crest Trail Association and other volunteers and private organizations that are dedicated to planning, protecting, developing, maintaining, and managing the PCNST in accordance with Sections 2(c), 7(h)(1), and 11 of the NTSA.

Comments on the Draft Forest Plans

The following are specific observations, comments, and recommendations on the Draft Forest Plans.

Management Areas – Pacific Crest National Scenic Trail

The draft plan states, “*The Pacific Crest National Scenic Trail management area includes the lands in the visible foreground encompassing resources, qualities, values, associated settings and primary uses (Figure 11, appendix A). The visible foreground is the distance zone, up to a half mile, that is visible from the trail at a height of 5 feet, and using terrain to define the boundaries. The Pacific Crest Trail travels through designated wilderness and non-wilderness lands with management direction for both.*”

Observation: The model to identify the extent of the MA does not reflect establishing ROS classes that provide for the nature and purposes of this National Scenic Trail. Management direction for Semi-Primitive Motorized, Roaded Natural, Rural, and Urban ROS classes allow uses that would substantially interfere with the nature and purposes of the PCNST if the allocation desired conditions are realized. Where the allowed non-motorized activities reflect the purposes for which the National Trail was established, the establishment of Primitive and Semi-Primitive Non-Motorized ROS classes and high and very high scenic integrity allocations would normally protect the nature and purposes (values) of this National Scenic Trail.

Specific to visual mapping, it should be noted that because vegetation is ephemeral and may disappear due to factors such as insects, disease and fire, visual analysis should not consider current vegetation in establishing distance zones or the trail corridor. Another consideration is that the, “*middleground is usually the predominant distance zone at which national forest landscapes are seen, except for regions of flat lands or tall, dense vegetation. At this distance, people can distinguish individual tree-forms, large boulders, flower fields, small openings in the forest, and small rock outcrops. Tree-forms typically stand out vividly in silhouetted situations. Form, texture, and color remain dominant, and pattern is important. Texture is often made up of repetitive tree-forms. In steeper topography, a middleground landscape perspective is similar to an aerial one. Because the viewer is able to see human activities from this perspective in context with the overall landscape, a middleground landscape having steep topography is often the most critical of all distance zones for scenery management*” (Landscape Aesthetics Handbook, page 4-12). With this in mind, plan components need to protect the PCNST from visual impairment beyond the mapped MA corridor. For clarity, it may desirable to establish a scenic integrity Forest-wide Standard or Guideline that protects the PCNST visual middleground, as recommended in my scoping comments.

Management Area Component Recommendations

Plan components that are recommended in a previous section of this document should be adopted as core elements of the management direction for the PCNST MA. However, the recommendations that follow would improve the proposed draft Forest Plan direction, if adopted.

Pacific Crest Trail in Designated Wilderness

Desired Conditions (MA-PCTW-DC)

Observation: Part 01 should embed the PCNST nature and purposes statement, “*The primary policy is to administer the Pacific Crest Trail consistent with the nature and purposes for which this National Scenic Trail was established—to provide for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the corridor.*” (DEIS, Volume 1, Pages 532 -537)

Pacific Crest Trail outside Designated Wilderness

Desired Conditions (MA-PCT-DC) (Inyo, page 65; Sequoia, pages 65; Sierra, page 66)

Observation: Part 01 needs to embed the nature and purposes statement, “*The primary policy is to administer the Pacific Crest Trail consistent with the nature and purposes for which this National Scenic Trail was established—to provide for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the corridor.*” (DEIS, Volume 1, Pages 532 -537).

Observation: Part 03 guidance promotes activities and uses that would substantially interfere with PCNST nature and purposes. I recommend that the part 3 be deleted or modified as follows: “*The PCT corridor traverses a range of recreation opportunity spectrum classes. The recreation setting of the PCT corridor is consistent with or complements the semi-primitive non-motorized recreation opportunity spectrum class, and in locations where the existing condition is semi-primitive motorized or roaded natural restoration activities are implemented that result in more primitive settings.*”

Standards (MA-PCT-STD) (Inyo, page 66; Sequoia, pages 67)

Observation: Proposed plan components for visual quality and recreation settings do not protect the values for which the PCNST was established and designated by an Act of Congress. PCNST plan components for all alternatives need to embed the following standards.

- Manage the travelway as a concern level 1 travel route. Management activities are to meet a Scenic Integrity Level of Very High or High in the immediate foreground and foreground visual zones. Excepted are management activities that contribute to achieving the overall nature and purposes of the PCNST.

- *Forest-wide Standard: Management activities are to meet a Scenic Integrity Level of Very High, High, or Moderate in the middleground as viewed from the PCNST travel routes.*
- Management actions along the PCNST must be compatible with the ROS settings of Primitive class in wilderness and Primitive or Semi-Primitive Non-Motorized class in non-wilderness.

Guidelines (MA-PCT-GDL) (Inyo, page 66; Sequoia, pages 67)

Observation: The proposed guidelines that address only new uses and facilities are inconsistent with the National Trail System Act if there are existing uses that substantially interfere with the nature and purposes of the PCNST.

Suitability (MA-PCT-SUIT) (Inyo, page 67; Sequoia, pages 68)

Recommendation: I recommend edits and additions, as indicated in the following text, to better address providing for plan components that reflect protecting PCNST values:

01 The Pacific Crest National Scenic Trail management area is not suitable for special-use authorizations for new, [reauthorized, or expanded] communication ~~sites~~ and wind generation sites.

02 ~~On the trail itself, year-round~~ Motorize [vehicle use] and mechanized transport is not suitable, except at designated crossings ~~and on interim routes~~ [where determined that the use does not substantially interfere with the PCNST nature and purposes.]

[04 The Management Area is not suitable for timber production. Timber harvest is not scheduled and does not contribute to the allowable sale quantity.]

Glossary

The following definitions should be added to the Glossary of each Forest Plan.

- National Scenic Trail is a designation by Congress, through the provisions of the National Trails System Act of 1968, to establish an area to be part of the National Trails System (16 U.S.C. 1241–1251).
- Nature and purposes of a national scenic trail is term used to describe the character, characteristics, and congressional intent for a designated National Trail, including the resources, qualities, values, and associated settings of the areas through which such trails may pass; the primary use or uses of a National Trail; and activities promoting the preservation of, public access to, travel within, and enjoyment and appreciation of National Trails.² The nature and purpose of the PCNST is to provide for high-quality

² Definition from BLM directive MS-6280.

scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the corridor.

Summary of NFMA and Executive Order Planning Concerns

The draft plan is not in compliance with NFMA and Executive Order planning requirements, including:

- Integrated Planning (16 U.S.C. 1604(f) and 36 CFR 210(a) and (b)), since PCNST management direction was not adequately integrated into the planning process.
- Forest Plan content requirements (36 CFR 219.10(b)) and E.O. 13195, since proposed multiple-use plan components and the extent of some segments of the PCNST corridor are inconsistent with providing for the protection of PCNST values.
- Forest planning process requirements (36 CFR 219.5(a)(2)), since alternatives did not address appropriate management direction for the PCNST Management Area.

Comments on the Draft Environmental Impact Statement

There are several issues with the DEIS with the principle concern being that the PCNST Management Area direction is inconsistent with the National Trails System Act, which requires protecting the nature and purposes of the National Scenic Trail. The PCNST management direction must provide for desirable ROS class settings and limit the use of motor vehicle use as required by NTSA Section 7(c). PCNST Comprehensive Planning Relationship to NEPA is discussed further in **Appendix C**. The following is a summary of NEPA issues and concerns:

DEIS, Volume 1

The DEIS describes in Revision Topic 3 Sustainable Recreation and Designated Areas that, *“There is a need to provide sustainable and diverse recreation opportunities that consider population demographic characteristics; reflect desires of local communities, avoid overcrowding and use conflicts, and minimize resource damage; protect cultural resources; update direction for management of wilderness and wild and scenic rivers; and protect the values of the Pacific Crest National Scenic Trail... (Page 7)*

Alternative C includes the most area of recommended wilderness of all alternatives including many areas the public identified for consideration. It also includes the most areas that would be managed as critical aquatic refuges, including many areas the public identified for consideration. Alternative C also increases the size of the management area for the Pacific Crest National Scenic Trail to include areas that offer iconic views to better provide for the scenic values of the trail... (Page 14)

Pacific Crest Trail

The current plans manage the Pacific Crest National Scenic Trail according to direction provided by a 1982 comprehensive management plan (USDA FS 1982) and direction is focused

on the trail tread and immediate surroundings. Most of the Pacific Crest Trail is within existing wilderness areas except for 13 miles on the Sequoia National Forest and 5 miles on the Inyo National Forest. In these areas, there is limited specific plan direction to guide activities adjacent to the trail that may impact the scenic and recreational values of the trail... (Page 24)

Pacific Crest Trail – Alternative B

The draft forest plans would create a management area allocation for the Pacific Crest National Scenic Trail by defining a corridor of the visual foreground landscape zone (up to one-half mile from the centerline of the trail where visibility is not obscured by terrain) as defined by the Scenery Management System. Management area-specific desired conditions, standards, and guidelines and a management approach would be included to protect the nature, purposes, and resource values of the trail from degradation by activities and development... (Page 31)

Pacific Crest Trail – Alternative C

Alternative C would create a management area allocation for the Pacific Crest National Scenic Trail by defining a corridor that includes the same visible foreground (up to one-half mile of centerline of the trail where visibility is not obscured by terrain) of alternative B and also includes lands inventoried as “Scenic Attractiveness A” in the Scenery Management System within the trail’s viewshed. The plan direction assigned to the corridor would be the same as alternative B... (Page 36)

Pacific Crest Trail

Alternative D *would create a management area allocation for the Pacific Crest National Scenic Trail by defining a corridor 1/4 mile from the centerline of the trail. The plan direction assigned to the corridor would be the same as the draft forest plans.” (Page 40)*

Observation: Alternative C best provides for the nature and purposes values of the PCNST, since it includes the middleground viewshed in some situations and is indirectly protected through other allocations that provide for Primitive and Semi-Primitive Non-Motorized settings. However, this alternative consists of plan components that allow existing uses that may be substantially interfering with the nature and purposes of the PCNST. In addition, the alternative does not provide for establishing outside of wilderness PCNST MA Primitive or Semi-Primitive Non-Motorized ROS settings along the PCNST to protect National Scenic Trail values. Submitted scoping comments addressed these concerns. A reasonable alternative to the proposed action and alternatives is to modify Alternative C to establish a MA corridor that promotes Primitive or Semi-Primitive Non-Motorized ROS class conditions, while recognizing that the PCNST must intermittently cross roads and connect with access points in order to cross linear landscapes. This is a reasonable alternative that needs to be addressed following NEPA process requirements.

Pacific Crest National Scenic Trail

I support and appreciate the following PCNST background discussion: The DEIS states, “*The National Trail System is composed of 30 congressionally designated trails (11 national scenic trails and 19 national historic trails), which stretch for a hundred or thousands of miles each and more than 55,000 miles in total. National scenic and historic trails traverse wilderness, rural, suburban, and urban areas in 49 states connecting with every distinct ecological area or biome in the U.S. They protect crucial conservation areas and provide wildlife migration corridors, as well as education, recreation, and fitness for people of all ages.*

The Pacific Crest National Scenic Trail was designated in 1968 by Congress as one of the original national scenic trails. The National Trails System Act directed that these long distance trails provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass. Citizen stewardship and volunteerism were recognized in the Act and have been an integral component of the planning, management, and maintenance of the trail...

The ‘Pacific Crest National Scenic Trail Comprehensive Plan’ was signed by the Chief of the Forest Service in 1982 and set forth direction to guide the development and management of the Pacific Crest Trail (USDA FS 1982a). The primary policy is to administer the Pacific Crest Trail consistent with the nature and purposes for which this National Scenic Trail was established—to provide for high-quality scenic, primitive hiking and horseback riding opportunities and to conserve natural, historic, and cultural resources along the corridor.

The Comprehensive Plan directed that each ‘National Park, Bureau of Land Management District and National Forest will integrate the direction and guidance provided by the Comprehensive Plan into their respective land management planning processes.’ Executive Order No. 13195, Trails for America in the 21st Century (2001), recognized the importance of protecting the trail corridors associated with national scenic trails ...to the degrees necessary to ensure that the values for which each trail was established remain intact.” (DEIS, Vol. 1, page 532 - 533).

Analysis and Methods

Methods

The DEIS describes, “*To identify the management area boundaries for each alternative, a geographic information systems model was constructed with the following criteria (see maps in volume 3).*

- *Alternative A: Established based on mileage of trail multiplied by 6 feet in width (general trail clearing width for 24-inch trail with packstock).*

- *Alternative B: Established using what topography is seen from the trail platform at 5 feet height up to one-half mile of centerline (foreground).*
- *Alternative C: Established using alternative B plus the Scenic Attractiveness A inventory layer up to 4 miles (middleground).*
- *Alternative D: Established using one-quarter mile management area from centerline of the trail.*

In this section, key components for the environmental consequence analysis for the Pacific Crest Trail are based on the scenic and recreation resources. The recreation opportunity spectrum provides for the varied recreation opportunities along the trail in terms of setting, activity, and experience (USDA FS 1982b)."

Observation: Methods to develop plan alternatives should have utilized establishing, and where necessary, restoring landscapes to provide for desirable Primitive and Semi-Primitive Non-Motorized ROS settings. The PCNST Comprehensive Plan describes ROS classes under Strategy for Second Level Plans (pages 18-19). The Comprehensive Plan should have, but does not recognize that Primitive and Semi-Primitive Non-Motorized ROS recreation settings contribute to protecting nature and purposes (values) of this National Scenic Trail and that direction for more develop ROS classes allow uses that contribute to substantially interfering with the nature and purposes of the PCNST. The PCNST Comprehensive Plan should be revised for a multitude of reasons and this issue will need to be addressed at that time.

To address substantive scoping comments, and draft plan and DEIS issues, the EIS needs to developed another alternative (Alternative E) that incorporate the scenery provisions of Alternative C and the corridor approach of Alternative D except that the extent of the MA should be one-half mile on each side of the PCNST travelway. In addition, MA components need to be revised as recommend in scoping and these draft Plan comments to be consistent with the National Trails System Act.

Indicators and measures need to be accompanied by the establishment of scenic integrity and ROS setting thresholds (standards) that prevent substantial interferences to the nature and purposes of this National Scenic Trail.

Assumptions should describe that Primitive and Semi-Primitive Non-Motorized ROS setting generally provide for the protection of the PCNST nature and purposes, while Semi-Primitive Motorized, Roaded Natural, Roaded Modified, and Rural settings would degrade those values.

The relationship between the Scenery Management System and Recreation Opportunity Spectrum is described in **Appendix B**.

Affected Environment

Recreation Opportunity

The DEIS states, “*Management of the Pacific Crest Trail is designed to harmonize with and complement established multiple-use plans to ensure continued benefits from the lands. Managers protect the integrity of the trail by avoidance, mitigation, and modifying management practices as needed*” (DEIS, Vol. 1, page 536).

Observation: There were few if any established multiple-use plans when the PCNST was designated by an Act of Congress in 1968. The development and management of National Scenic and Historic Trails (NSHTs) must be based on many facets of the NTSA, a Comprehensive Plan, other applicable laws, Executive Orders, regulations, and policies. In 1976, the National Forest Management Act (NFMA) was enacted requiring integrated plans; as such, new and revised NFMA directed land management plans, and the comprehensive planning for NSHTs, are not predisposed by the 1968 NTSA statement to, “...be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land.”

Environmental Consequences

The DEIS states, “*The Pacific Crest Trail Comprehensive Management Plan allows for the full range of the recreation opportunity spectrum to be experienced with rural and urban sections of the trail “generally be(ing) as short as necessary to allow passage across or under highways and railroads or passage through developed areas.”* (DEIS, Vol. 1, page 544)

Observation: The PCNST Comprehensive Plan describes ROS classes under Strategy for Second Level Plans (pages 18-19). However, the Comprehensive Plan did not recognize that Primitive and Semi-Primitive Non-Motorized ROS recreation settings contribute to protecting nature and purposes (values) of this National Scenic Trail. Management direction allowed in more develop ROS classes permit uses that contribute to substantial interfering with the nature and purposes of the PCNST. However, where passing through non-Federal lands and across highways, the statement that “*generally be(ing) as short as necessary to allow passage across or under highways and railroads or passage through developed areas*” appropriately recognizes that all landscapes must be utilized to connect the PCNST from Mexico to Canada.

The effects on the nature and purposes of the PCNST should be described in relation to established resource condition thresholds. It is also important to clearly disclose for each alternative the effects on resources that are located outside of wilderness, since the extent of a PCNST MA within wilderness will have little effect on PCNST values and wilderness resources.

Consequences did not evaluate the effect of more than one set of PCNST plan components, which limited the range of alternatives. Plan components recommended in scoping comments

would provide for a higher level of protection than those adopted for the draft plans and should be analyzed following NEPA processes. Establishing a PCNST MA corridor with Primitive or Semi-Primitive Non-Motorized characteristics outside of wilderness would benefit PCNST values, including associated recreation, water, wildlife, and fish resources. This alternative should be analyzed and effects disclosed.

Timber Suitability and Management, DEIS

DEIS, Appendix A states, *“If present, the following areas were considered withdrawn from timber production: ...national scenic trails.”*

Observation: I support this consideration for addressing designated areas as not being suitable for timber production. This direction needs to be reflected in plan components.

Alternative Recommendation

If the responsible officials were to choose from the Proposed Action and alternatives presented in the DEIS, I would recommend that Alternative C be selected due to direct and indirect PCNST protection provided by the overall resource allocations. However, I would prefer that a new alternative be developed with the PCNST MA components that are described in scoping comments and in this review of the draft Plan and DEIS.

Summary of NEPA Concerns

The DEIS is not in compliance with NEPA³ process requirements, including:

- Reasonable range of alternatives (40 CFR 1502.14), since the management direction for PCNST is inconsistent with the requirements of the NTSA. In addition, none of the alternatives addressed substantive public comments relating to establishing more primitive ROS settings for the non-wilderness PCNST MA.
- Environmental consequences (40 CFR 1502.16, 40 CFR 1508.7, and 40 CFR 1508.8), since the effects of the proposed action and alternatives on the PCNST nature and purposes are not described in relation to thresholds. This would include not disclosing the effects of plan components that would allow activities and use that substantially interfere with the nature and purposes of the PCNST.

Thank you for considering these comments.

Greg Warren

Attachment A – Scoping Comments

³ 36 CFR Part 220 does not lessen the applicability of the CEQ 40 CFR 1500 regulations (see 36 CFR 220.1(b)).

Appendix A – Development and Management of the National Trails System

The development and management of National Trails must be based on many facets of the NTSA, other applicable laws, Executive Orders, regulations, and policies. Planning guidance for the National Trails System has been modified several times since the legislation was enacted in 1968, which authorized and designated the PCNST. In 1976, the National Forest Management Act (NFMA) was enacted requiring integrated plans; as such, new and revised NFMA directed land management plans, and the comprehensive planning for NSHTs, are not predisposed by the 1968 NTSA guidance to, “...be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land.” Development and management guidance found in the NTSA is summarized below and related to other laws and the PCNST:

(1) The NTSA, as amended, is the principal legislation that influences the development and management of the PCNST. The NTSA Statement of Policy describes the purpose of the legislation in Section 2(a), “In order to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation, trails should be established... and (ii) secondarily, within scenic areas and along historic travel routes of the Nation which are often more remotely located.”

(2) The NTSA, Section 3(a)(2) describes location criteria as, “National scenic trails, established as provided in section 5 of this Act, which will be extended trails **so located** [emphasis added] as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass...,”

(3) The NTSA, Section 7(a)(2) is important for it directs the establishment of the PCNST designated area. “The appropriate Secretary shall select the rights-of-way for national scenic and national historic trails and shall publish notice thereof of the availability of appropriate maps or descriptions in the Federal Register.” This is an essential task that needs to be completed for the PCNST and many other National Trails.

(4) The NTSA Section 7(a)(2) further expresses that the, “Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land.” The following parses this Section 7(a)(2) sentence, and reviews other planning requirements, to try to better understand the intent and legal requirements of this NTSA Section 7(a)(2) guidance:

(a) What is a “segment of the National Trails System?” To place this in context, it is important to recognize that the components of the “National Trails System,” includes

National Recreation Trails (NRTs), National Scenic Trails (NSTs), National Historic Trails (NHT), and Side or Connecting Trails. A simple definition of a segment is, “one of the parts into which something can be divided.” The parts of the National Trails System would be each congressionally and administratively designated National Trail component.

(b) What is intended by the guidance to, “be designed to harmonize with and complement any established multiple-use plans for that specific area?” Forest Service policy approved by Chief J. Max Peterson described that, “Development and administration of a National Scenic Trail or National Historic Trail will ensure retention of the outdoor recreation experience for which the trail was established. Each segment of a trail should be designed to harmonize with and complement any established land management plans for that specific area in order to ensure continued maximum benefits from the land. Decisions relating to trail design and management practices should reflect a philosophy of perpetuation the spectrum of recreation objectives envisioned for the trail users. Land management planning should describe the planned actions that may affect that trail and its associated environments. Through this process, resource management activities prescribed for land adjacent to the trail can be made compatible with the purpose for which the trail is established. The objective is to maintain or enhance such values as esthetics, natural features, historic and archeological resources, and other cultural qualities of the areas through which a National Scenic or National Historic Trail goes” (FSM 2353.4(1)(d) – Administration (FSM 1/80 Amend 85 – now expired).

(c) What is intended by the guidance, “to insure continued maximum benefits from the land?” This statement reinforces the phrase, “shall be designed to harmonize with and complement any established multiple-use plans.” Though, this is confusing since “maximum benefits of the land” is not found in the definition of multiple-use as described in the Multiple Use Sustained-Yield Act (MUSYA) of 1960.⁴

Specific to National Scenic Trails, an optimum location assessment may find that where possible designing the rights-of-way corridor to pass through inventoried Primitive and Semi-Primitive Non-Motorized Recreation Opportunity Spectrum (ROS) settings, and then managing the selected corridor to maintain those ROS settings characteristics, would assure continued benefits of the land that best meet the needs of the American people.

(5) NTSA, Section 7(c) states, “National scenic or national historic trails may contain campsites, shelters, and related-public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the

⁴ Multiple Use is defined as, "management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people"

Secretary charged with the administration of the trail. Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, efforts be made to avoid activities incompatible with the purposes for which such trails were established. The use of motorized vehicles by the general public along any national scenic trail shall be prohibited....” This section was also adopted in 1968 and has clear implications to the development and management of NSHTs. It is implicit that the nature and purposes of each designated NSHT be established to not only understand acceptable uses along a National Trail, but also for guiding the selection of the rights-of-way and the establishment of a NSHT management corridor.

(6) In 1976, the National Forest Management Act (NFMA) was enacted requiring integrated plans.

(7) In 1978, the NTSA was amended adding Section 7(k) to address the management and development issues associated with private land along a NSHT stating, “For the conservation purpose of preserving or enhancing the recreational, scenic, natural, or historical values of components of the national trails system, and environs thereof as determined by the appropriate Secretary, landowners are authorized to donate or otherwise convey qualified real property interests to qualified organizations consistent with section 170(h)(3) of the Internal Revenue Code of 1954, including, but not limited to, right-of-way, open space, scenic, or conservation easements....” This direction is specific to private land, but identifies the importance “of preserving or enhancing the recreational, scenic, natural, or historical values” along a National Trail.

(8) In 1978, the NTSA was amended adding Section 5(e) to require the development of a Comprehensive Plan directing that, “a comprehensive plan for the management, and use....”

(9) In 1982, planning regulations for the NFMA were established requiring the development of one integrated plan.

(10) In 2001, Executive Order 13195 – Trails for America – addressed development and management of NSHTs by directing in Section 1(b), “Protecting the trail corridors associated with national scenic trails...to the degrees necessary to ensure that the values for which each trail was established remain intact....” This E.O. supplements the NTSA by clearly identifying the need to protect NSHT corridors.

(11) In 2012, the NFMA Planning Rule was amended and conforming directives were subsequently issued in 2015.

Appendix B – SMS and ROS Relationship

The relationship between the Scenery Management System and the Recreation Opportunity Spectrum systems are discussed in the Landscape Aesthetics Handbook. Landscape Aesthetics - A Handbook for Scenery Management (Agricultural Handbook Number 701); Appendix F - 1 - Recreation Opportunity Spectrum:

“Recreation planners, landscape architects, and other Forest Service resource managers are interested in providing high quality recreation settings, experiences, and benefits for their constituents. This is accomplished, in part, by linking the Scenery Management System and the Recreation Opportunity Spectrum (ROS) System. In addition, providing a single constituent inventory and analysis for both systems is helpful in coordinating management practices.

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

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

In the past, there have been apparent conflicts between The Visual Management System sensitivity levels and ROS primitive or semi-primitive classes. One apparent conflict has been where an undeveloped area, having little existing recreation use and seldom seen from sensitive travel routes, was inventoried using The Visual Management System. The inventory led to a "sensitivity level 3" classification, and thus apparently contradicted ROS inventory classes of primitive or semi-primitive non-motorized or semi-primitive motorized. Using criteria in The Visual Management System, in a variety class B landscape with a sensitivity level 3, the initial visual quality objective is "modification" or "maximum modification," depending on surrounding land classification. However, because of factors such as few social encounters, lack of managerial regimentation and control, and feelings of remoteness, the same area having little existing recreation use may establish an ROS primitive, semi-primitive nonmotorized, or semi-primitive motorized inventory classification. There have been concerns over the premise of The Visual Management System that the visual impact of management activities become more important as the number of viewers increases; yet The

ROS System emphasizes solitude, infrequent social encounters, and naturalness at the primitive end of the spectrum, with frequent social encounters and more evident management activities at the urban end. Value or importance are dependent on more than the number of viewers or users, and the key is that both the Scenery Management System and ROS are first used as inventory tools. Land management objectives are established during, not before, development of alternatives. Where there does appear to be a conflict in setting objectives for alternative forest plans, the most restrictive criteria should apply. An example might be an undeveloped land area in a viewshed managed for both middleground partial retention and semi-primitive non-motorized opportunities. Semi-primitive non-motorized criteria are usually the more restrictive.

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

Appendix C – PCNST Comprehensive Planning Relationship to NEPA

This sections reviews several aspects of the CEQ regulations for implementing NEPA⁵ for addressing National Scenic Trails in land management planning. Information that supplements and clarifies the CEQ planning regulations and 36 CFR Part 220.

A. Relationship of NEPA to Comprehensive Planning

Forest Service “...recreation planning and management tools that shape the recreation program include the Recreation opportunity spectrum (ROS) [and] Scenery management system... 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).

NEPA document(s) that support a National Scenic Trail comprehensive planning should analyze the effects of a range of alternatives, often covering multiple topics, including but not limited to the selection of the rights-of-way, visual quality, ROS, and carrying capacities. A Comprehensive Plan and supporting NEPA decision documents should typically establish goals, desired conditions, allowable uses, standards (thresholds), guidelines, and the conditions under

⁵ 40 CFR 1500-1508.

which uses are allowed for a discreet geographic area or linear landscape.

The CEQ regulations require that NEPA decision-making processes provide for thoughtful, rigorous evaluation of reasonable options within the scope of the proposed decisions. The decision process involves interested and affected individuals, groups, and governments. The “early and often” interactions that the NEPA suggests in establishing the scope of the proposed actions considered in PCNST comprehensive planning are especially important when identifying significant natural, historical, and cultural resources to be preserved; selecting the rights-of-way; and establishing scenic integrity levels, ROS class settings, and capacities for the management corridor.

Comprehensive Plan requirements (16 U.S.C. 1244 (e) and (f)) have sometimes been addressed through staged or stepped-down decision processes: (1) a Comprehensive Plan establishes broad policy and procedures, (2) land management plans provide integrated resource management direction and address programmatic planning requirements as described in the Comprehensive Plan, and (3) mid-level and site-specific plans complete the comprehensive planning process through field-level actions to construct the travel route and protect the corridor. PCNST comprehensive planning requirements are met once all staged phases are complete. As required by laws and regulations, addressing NTSA planning requirements are to be an integrated part of developing NFMA and FLPMA directed land management plans.

When a federal agency does not make an “overt act,” no NEPA requirement to prepare an Environmental Impact Statement (EIS) attaches. However, if some agency action was mandated under a separate statute in relation to that activity but the action was not taken, NEPA does attach and the Administrative Procedure Act applies (40 CFR 1508.18 and 5 U.S.C. 706). The NTSA presents an independent planning requirement to prepare and implement a comprehensive plan including identifying carrying capacity, select the rights-of-way, and in general establish management direction that provides for the nature and purposes values of the NST.

B. Establishment of the Purpose and Need for Action

A NEPA document must provide the framework for the purpose and need for action and for the decisions to be made of identifying the management corridor and establishing scenic integrity levels, ROS class settings, and carrying capacities. A Comprehensive Plan should establish desired conditions, including the nature and purposes of a National Trail as well as key resource indicators and thresholds that prevent degradation. The outcome of addressing these considerations should facilitate describing the “affected environment” part of the NEPA process.

The “need for action” (or change) is based upon a comparison of the baseline conditions and desired conditions. This comparison establishes both the “scope” of and the “need” for action. The “scope” of and the “need” for the proposed actions establish the basis for determining the reasonable range of alternatives. The purpose and need description represents the “problem to be solved.” Defining the scope appropriately (and refining as necessary through

the early steps of the NEPA process) improves the overall efficacy of the NEPA document. How broadly or narrowly the scope is described affects the range of reasonable alternatives that can meet the need, which in turn affects how well the range of alternatives and the selected alternative respond to this need.

C. Identify Proposed Actions and a Reasonable Range of Alternatives

Components of a proposed action in land management planning may include the selection of the rights-of-way and/or identification of the management corridor, and will likely include the establishment of scenic integrity levels, ROS class, and carrying capacities for the National Scenic Trail. The conditions under which a variety of uses are allowed may be labeled as thresholds, standards and guidelines, or other terminology. In regards to addressing scenic integrity, recreation opportunities, and carrying capacities, this step requires that these use conditions be expressed in terms of thresholds that should prevent degradation of NST values.

Distinguish early in the process the importance of certain allowable uses or the conditions of those uses in protecting NST values (avoiding, reducing, or eliminating degradation), and/or enhancing values. Besides providing a clear logic track for the decisions made regarding scenic integrity, recreation opportunities, and carrying capacities, this should also help to identify elements that may need monitoring.

Managed and allowable uses and conditions of use may be either common to all alternatives or may vary by alternative. Managed and allowable uses or conditions of use that would be the same for all alternatives should be identified early in the NEPA process, along with a clear rationale for why those uses or conditions of use would be common to all alternatives.

CEQ regulations also provide guidance regarding the agency's scope of actions. Aspects of an action that are inter-related should be considered during this process.⁶ If the purpose and need for action suggest a change from the existing condition, or if there are unresolved conflicts regarding alternative uses of resources, then a "hard look" at a reasonable range of alternatives will be needed.⁷

D. Analyze the Effects of the Proposed Action and Alternatives

The identification and selection of the rights-of-way may lead to varying degrees of effects, but most often a National Scenic Trail management corridor would be the primary area for addressing the effects analysis. Effects on scenic integrity, ROS class conditions, and carrying capacities should generally be based on analysis of the effects of the allowable uses and conditions of use on NST values that are included in the proposed action and each alternative in the NEPA document. This outcome is also a specific decision aspect of the proposed action or alternatives. The level of precision or certainty of the effects can be guided by the CEQ

⁶ 40 CFR 1508.23; 1508.25

⁷ 40 CFR 1508.25

regulations regarding the use of “methodology and scientific accuracy”⁸ and the information needed to support a reasoned choice among alternatives.⁹ Clearly document how the final decision is based on the best available science or other relevant information needed to understand the reasonably foreseeable adverse effects of a choice between alternatives, the gaps in that information, and the rationale for why a reasoned choice between alternatives can be made at this time. In addition, substantial interference analyses and determinations need to be rigorous.

Management direction for Semi-Primitive Motorized, Roaded Natural, Rural, and Urban ROS classes allow uses that would substantially interfere with the nature and purposes of a NST if the allocation desired conditions are realized. Where the allowed non-motorized activities reflect the purposes for which the National Trail was established, the establishment of Primitive and Semi-Primitive Non-Motorized ROS classes and high and very high scenic integrity allocations would normally protect the nature and purposes (values) of a NST.

⁸ 40 CFR 1502.24

⁹ 40 CFR 1502.22.