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**Draft Revised Land Management Plan and DEIS Comments
Custer-Gallatin National Forest Plan Revision #50185**

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Introduction

I appreciate this opportunity to comment on the Draft Plan and DEIS. This submittal supplements Notice of Intent scoping comments that were sent on January 23, 2018 (**Attachment A**). The following comments are mostly related to forest planning processes to provide for the integrated management of the Continental Divide National Scenic Trail (CDNST) corridor (aka rights-of-way) a congressionally designated area. A reasonable delineation of a minimum extent of a CDNST corridor is depicted on the map in **Appendix A**. These comments also address the application of the Recreation Opportunity Spectrum planning system framework, designation of Species of Conservation Concern, and other issues.

Designated areas are specific areas or features within the plan area that have been given a permanent designation to maintain its unique special character or purpose. Certain purposes and restrictions are usually established for designated areas, which greatly influence management needs and opportunities associated with them. The Interdisciplinary Team was required to identify and evaluate available information about designated areas including:

1. Types, purposes, and locations of established designated areas within the plan area. The Responsible Official should use a map to identify these locations.
2. Range of uses, management activities, or management restrictions associated with the established designated areas in the plan area.
3. Existing plans for the management of established designated areas within the plan area, such as comprehensive plans for national scenic or historic trails.

For reference and the planning record, I have attached the current version of a CDNST Planning Handbook, which addresses many aspects of planning for this National Scenic Trail (**Attachment B**) and the 2009 CDNST Comprehensive Plan (**Attachment C**).

According to FSM 2353.44b, “the land management plan for an administrative unit through which the CDNST passes ... must [except where the CDNST traverses a wilderness area] establish a management area for the CDNST that is broad enough to protect natural, scenic, historic, and cultural features.” FSH 1909.12 describes that, “the Interdisciplinary Team should use other information to delineate a national scenic and historic trails corridor that protects the resource values for which the trail was designated or is being proposed for designation (16 U.S.C 1244(b))...,” [and] “[t]he Responsible Official shall include plan components that provide for the nature and purposes of national scenic and historic trails in the plan area.”

Land management plans shall form one integrated plan for each unit (16 U.S.C. 1604(f)(1)). The plan and developed NEPA alternatives must provide for ecosystem services and multiple uses, including outdoor recreation, range, timber, watershed, wildlife, and fish, within Forest Service authority and the inherent capability of the plan area as follows: ... (b)... (1) The plan must include plan components, including standards or guidelines, to provide for: (i) Sustainable recreation; including

recreation settings, opportunities, and access; and scenic character..., and (vi) appropriate management of other designated areas or recommended designated areas in the plan area...(36 CFR 219.10(b)(i)&(vi)), FSH 1909.12 24.43. The CDNST is a congressionally designated area (36 CFR 219.19). CEQ regulations 36 CFR Part 220 do not lessen the applicability of the CEQ 40 CFR 1500 regulations (see 36 CFR 220.1(b)).

Draft Environmental Impact Statement

Purpose and Need for Action, DEIS Chapter 1, Page 5

Observation: The Purpose and Need for Action section of the EIS must describe the need to provide for integrated resource management of congressionally designated areas to protect or achieve the purposes for which each area was established, which includes providing for the nature and purposes and related values of National Scenic and Historic Trails.

Decision Framework, DEIS Chapter 1, Page 5

Observation: The FEIS Record of Decision of the EIS must describe how the proposed action and alternatives address the following FSH 1909.12 part 20 planning requirements:

- 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...must include desired conditions for sustainable recreation using mapped desired recreation opportunity spectrum classes. This mapping may be based on management areas, geographic areas, designated areas, independent overlay mapping, or any combination of these approaches. (FSH 1909.12 23.23a)
- The Interdisciplinary Team shall identify Congressionally designated national scenic and historic trails and plan components must provide for the management of rights-of-ways (16 U.S.C 1246(a)(2)) consistent with applicable laws, regulations, and Executive Orders. Plan components must provide for the nature and purposes of existing national scenic and historic trails (16 U.S.C. 1246(c), FSH 1909.12 24.43).
- The Interdisciplinary Team shall use the national scenic and historic trails rights-of-way maps required by 16 U.S.C. 1246(a)(2) to map the location of the trails. Where national trail rights-of-way have not yet been selected, the Interdisciplinary Team shall reference the establishing legislation (16 U.S.C. 1244(a)) as the primary source for identifying and mapping the national scenic and historic trails right-of-way. If the right-of-way has not been selected, either through legislation or publication in the Federal Register, the Interdisciplinary Team should use other information to delineate a national scenic and historic trails corridor that protects the resource values for which the trail was designated or is being proposed for designation (16 U.S.C 1244(b)). The plan (and proposed action and alternatives) must identify and map National scenic and historic trails. (FSH 1909.12 24.43)

- Plan components must be compatible with the objectives and practices identified in the comprehensive plan for the management of the national scenic and historic trail. The objectives and practices include the identification of resources to be preserved and the trail's carrying capacity. (FSH 1909.12 24.43)
- In addition, the proposed action and alternatives should be consistent with the planning guidance in FSM 2310, FSM 2353, and FSM 2380.

The EIS must address new information and ensure methodology and scientific accuracy of the analyses. The EIS should describe that the EIS will take a hard look at the environmental consequences of reasonable alternatives including disclosing and analyzing the direct, indirect, and cumulative environmental impacts of the proposed action.

Reasonable Alternatives, DEIS Chapter 2, Page 10

The DEIS states, "All reasonable alternatives to the proposed action must meet the purpose and need for change and address one or more of the significant issues. Not all possible alternatives were carried into detailed study, because the list of options would have been prohibitively large. Instead, the responsible official identified those alternatives that met the criteria and created a reasonable range of outputs, direction, costs, management requirements, and effects from which to choose."

Observation: The DEIS alternatives as presented do not protect CDNST values. Plan components for CDNST resource allocations did not vary by alternative, which resulted in constricting the evaluation of reasonable alternatives for achieving desired conditions for this National Scenic Trail. In addition, one or more alternatives should have addressed bighorn sheep and bison as Species of Conservation Concern.

Significant Issues, DEIS Chapter 2, Page 11

The DEIS states, "Significant issues were defined as those directly or indirectly caused by implementing the proposed action, involve potentially significant effects, and could be meaningfully and reasonably evaluated and addressed within the programmatic scope of a forest plan. Some issues are best resolved at finer scales (subsequent environmental analysis) where the site-specific details of a specific action and resources it affects can be meaningfully evaluated and weighed. Conversely, some issues have already been considered through broader programmatic environmental analysis (such as the Northern Rockies Lynx Management Direction (NRLMD) Final Environmental Impact Statement). In these cases, the issues focus on evaluating the effects unique to and commensurate with the decisions being considered here."

Observation: The management and protection of National Scenic and Historic Trails must be addressed through revision processes. National Trails will affect Forest Plan outcomes if the nature and purposes of these designated areas are protected through recognizing the National Trail

rights-of-way (aka corridor) and then protecting those rights-of-way by establishing appropriate plan components to protect the nature and purpose of the National Trail.

The Proposed Action and alternatives fail to establish a CDNST management corridor with appropriate plan components to provide for the nature and purposes of this National Scenic Trail. This omission is inconsistent with the National Trails System Act as implemented through Executive Order 13195, the 2009 CDNST Comprehensive Plan, Forest Service directives, and guidance found in a related Federal Register Notice (74 FR 51116). Furthermore, the NRLMD direction was not fully addressed in any of the alternatives for protecting an important linkage area.

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

The establishment of a CDNST corridor with an extent of 1-mile and supporting Primitive or SPNM setting plan components would benefit the Canada Lynx and other wildlife species that rely on undeveloped lands. A CDNST corridor would provide for linkage/connectivity areas in the Henrys Lake Mountains Area—see **Appendix B**.

Elements Common to All Alternatives, DEIS Chapter 2, Page 16

The DEIS describes that, “All alternatives adhere to the principles of multiple use and the sustained yield of goods and services required by the Code of Federal Regulations (36 CFR 219.1 (b)). All alternatives are designed to: meet law, regulation, and policy..., provide integrated direction as included in the plan component, and...retain the existing decisions for the Northern Rockies Lynx Management direction.”

Observation: The proposed management direction for the CDNST does not protect CDNST *nature and purposes* values. The establishment of an adequate CDNST corridor with appropriate plan components was not evaluated in the DEIS. This inaction is inconsistent with the National Trails System Act, NFMA, and NEPA. The DEIS should be reissued as a supplement to address the omissions.

Alternatives, DEIS, Chapter 3, Page 19

The DEIS describes that, “All lands that were are not withdrawn from timber suitability due to legal or technical factors (for example, designated wilderness) would be suitable for timber production except for research natural areas, special areas, the Pryor Mountain Wild Horse Territory, the Continental Divide National Scenic Trail, recommended wilderness areas, backcountry areas, eligible wild and scenic rivers, National Natural Landmarks, and riparian management zones. When

consistent with other plan components, harvest for purposes other than timber production could occur on other lands not suitable for production.”

Observation: In general, I support this direction. However, the last sentence is somewhat confusing and should be edited. Possibly, the following sentence would better describe the intent of this guidance: “All lands that ~~were~~ are not withdrawn from timber suitability due to legal or technical factors ~~(for example, designated wilderness)~~ would be suitable for timber production except for research natural areas, special areas, the Pryor Mountain Wild Horse Territory, the Continental Divide National Scenic Trail *corridor*, recommended wilderness areas, backcountry areas, eligible wild and scenic rivers, National Natural Landmarks, and riparian management zones. *Timber harvest may only occur in these areas for resource benefits as determined by the* ~~When consistent with other plan components that are associated with the designation, timber harvest for purposes other than timber production could occur on other lands not suitable for production.~~”

Bison, DEIS, Chapter 2, Page 21

The DEIS states for Alternative D that, “Plan components would support management of bison on the Custer Gallatin National Forest, including a year round self-sustaining bison population on the national forest.”

Observation: I support this element of Alternative D. In addition, for this alternative and possibly others the bison should be classified as a Species of Conservation Concern. Bison have restricted ranges, low population numbers, and restricted ecological conditions on the Custer Gallatin National Forest (and other National Forest System lands). To protect the species and ensure the viability and persistence of the species on the Custer Gallatin National Forest, plan components should be established for at least the identified Bison Management Zones (DEIS, Figure 40). Bison related plan components for the prescribed management zones should include:

Desired Conditions

- Native bison have access to forage, security, and movement corridors to facilitate connectivity and natural distribution of the species.
- Educational materials, including signage at trailheads and campgrounds where native bison may occur, are available to help forest users understand bison behavior and avoid potential conflicts.

Standard

- Provide habitat for a sustainable native bison population.

Objectives

- Implement livestock grazing closures to resolve conflicts in favor of native bison.
- Develop a wildlife migration corridor program to enhance landscape linkages and connectivity to habitat for native bison.

Guidelines – the following guidelines purpose are to manage bison diversity and their habitats to facilitate natural movement, linkage zones, and connectivity:

- Management actions should maintain or restore landscape linkages and connectivity for native bison to support viable populations.
- Management actions should favor native bison diversity and closure of livestock grazing allotments to prevent conflict.

Bighorn Sheep, DEIS, Chapter 2, Page 21

The DEIS states for Alternative D that, “New permitted domestic sheep and goat grazing, permitted and public recreational goat packing, and use of domestic sheep, and goats for weed control would not be allowed.”

Observation: The description should mention the purpose of the guidance is to protect bighorn sheep, and to promote ecological integrity and habitat connectivity. In addition, Alternative D should list bighorn sheep as a Species of Conservation Concern. To restore connectivity, and conserve viability and diversity of native bighorn sheep populations, the Custer Gallatin needs to adopt a standard to not permit domestic sheep grazing allotments within bighorn sheep range.

Model Effects and Land Allocations, DEIS, Chapter 3, Page 631

The DEIS describes that, “Plan components related to management of land allocations such as backcountry areas, recreation emphasis areas, recommended wilderness areas, and special areas can affect timber harvest by requiring specific design criteria and considerations for harvest operations or by restricting availability of lands to harvest. The effects of these plan components were considered in both the suitability analysis as well as the PRISM modeling and consequences are reflected in projected outputs presented above. See table 9 for a summary of which land allocations limit timber harvest and/or suitability and how this varies by alternative.”

Observation: A table 9 objective for the Continental Divide National Scenic Trail corridor might be described as the number of acres restored from RN and Semi-Primitive Motorized ROS settings to a Semi-Primitive Non-Motorized ROS setting.

Model Effects from Recreation Opportunity Spectrum, DEIS, Chapter 3, Page 631

The DEIS describes that, “The acres allocated to summer recreation opportunity settings (ROS) by alternative are shown in table 97 for lands suitable for timber production. Recreation opportunity spectrum allocations regulate motorized and non-motorized recreation, the design of recreation facilities and may influence the design or the location of on-the-ground projects as described in the associated plan components. For example, the desired condition for semi-primitive non-motorized ROS classification is that vegetation management does not dominate the landscape or detract from the experience of visitors. Management restrictions associated with ROS are accounted for in the

PRISM model, and therefore their influence on expected timber outputs and harvest acres are expressed in the outputs shown previously.”

Observation: The description of the Semi-Primitive Non-Motorized ROS class is incomplete. The PRISM model must address restrictions associated with this setting, including Access, Remoteness, and Naturalness. A SPNM area is characterized by a predominantly natural environment where natural ecological processes such as fire, insects, and disease exist. The area may contribute to wildlife connectivity corridors. Closed and revegetated roads may be present, but are managed so as to not dominate the landscape or detract from the naturalness of the SPNM setting. Management actions must result in High or Very High Scenic Integrity—naturally occurring incidents, such as fire, insects and disease are not defined as human-caused deviations in the landscape. Vegetative management may range from prescribed fire to very limited timber harvest for the purpose of maintaining or restoring a natural setting.

The DEIS does not provide a quantitative explanation of how management of National Trails and ROS management restrictions affect timber outputs. To achieve the requirements of methodology and scientific accuracy (40 CFR 1502.24), established forest planning model tools should have been used to model timber outputs and with the Alpha version of the PRISM model being used only to supplement that information. In addition, the effects of each timber output restriction (e.g., ROS SPNM class) should be summarized and depicted in a table as part of the effects analysis.

Model Effects ROS and Sustained-Yield Limit, DEIS Chapter 3, Page 632

The DEIS describes that, “Effects from Recreation Opportunity Spectrum - The acres allocated to summer recreation opportunity settings (ROS) by alternative are shown in table 97 for lands suitable for timber production. Recreation opportunity spectrum allocations regulate motorized and non-motorized recreation, the design of recreation facilities and may influence the design or the location of on-the-ground projects as described in the associated plan components. For example, the desired condition for semi-primitive non-motorized ROS classification is that vegetation management does not dominate the landscape or detract from the experience of visitors. Management restrictions associated with ROS are accounted for in the PRISM model, and therefore their influence on expected timber outputs and harvest acres are expressed in the outputs shown previously.”

Observation: Any timber harvest in a Semi-Primitive Non-Motorized ROS setting should be based on resource benefits to protect backcountry values as determined during site-specific analyses. As such, this setting should not be identified as lands suitable for timber production. In addition, the coefficient parameters in the PRISM model each ROS class must be day-lighted and objectively evaluated.

Recreation Opportunity Spectrum, DEIS Chapter 3, Page 682

The DEIS describes that, “The Forest Service utilizes a framework called the recreation opportunity

spectrum, which describes different settings across the landscape and attributes associated with those settings. Table 106 defines the recreation opportunity spectrum. Five of the six of the recreation opportunity spectrum classes are found within the Custer Gallatin National Forest; no lands in the urban category are present on the Custer Gallatin.”

Observation: To understand the ROS framework, a more thorough definition of each class (aka setting) needs to be presented. ROS class components include: Access, Remoteness, Naturalness, Facilities and Site Management, Social Encounters, Visitor Impacts, and Visitor Management (FS ROS Field Guide). Each component include setting and compatibility indicators and thresholds (aka standards and guidelines). This NTSA requirement may be met if the revised Forest Plan identifies ROS class desired conditions that are supported by standards and guidelines. Identifying only ROS desired conditions without supporting standards, guidelines, and suitability determinations is inconsistent with the NTSA, Section 5(f), FSM 2310.3 and FSH 1909.12 23.23a. See the glossary section of these comments for ROS class definition recommendations.

Designated Areas – Regulatory Framework, Chapter 3, Page 726

Observation: This standalone guidance is confusing and should be deleted from the list of laws, regulations, and policy: T S.2660 - 95th Congress (1977-1978) Continental Divide National Scenic Trail Act: A law that amends the National Trails System Act to establish the Continental Divide National Scenic Trail within Federal lands located in Montana, Idaho, Wyoming, Colorado, and New Mexico. Directs the secretary of agriculture to consult with relevant state and Federal officials in the administration of the lands designated under this act.

Designated Areas – Key Indicators and Measures, Chapter 3, Page 730

The DEIS states that, “The differences between alternatives will be evaluated by:

- Considering effects of forest plan direction and how well it supports and protects the values associated with designated areas.
- The amount of overlap of other allocations, as applicable, and whether the overlapping allocations are compatible with the subject designation.”

Observation: In a general sense, I support this approach. However, the identified values for each designation must be addressed in the EIS to inform the decision as well as be adopted in the revised Plan. A recurrent theme in designated area legislation has been the mandate to preserve areas for future generations and to keep the protected resource in a condition representative of the values or conditions for which it was designated. Important land conservation legislation that is relevant to land management planning includes the National Trails System Act of 1968 (PL 90-543), which states that “National scenic trails,...will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass... National scenic 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... [T]o 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... (Sections 3(a) and 7(c)).” Enacted on the same day as the National Trails System Act, the Wild and Scenic Rivers Act of 1968 (PL 90-542), states that designated rivers, “with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations (Section 1(b)).” Similarly, the Wilderness Act of 1964 (PL 88-577), requires managing agencies to administer wilderness areas “for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character...” (Section 2(a)).

The DEIS must be supplemented to address the omission of clear descriptions of the designated area values. These values must be fully protected in all alternatives, since designated areas did not drive alternatives. For established Wilderness, Wild and Scenic Rivers, and National Trails, *wilderness character, outstandingly remarkable values, and nature and purposes* must be clearly defined and presented in the DEIS to allow for an adequate effects analysis. Plan components must support maintaining or achieving *wilderness character, outstandingly remarkable values, and nature and purposes* desired conditions.

Regarding the CDNST, the Associate Chief described that in consideration of the language in the National Trails System Act, Congressional Reports, CDNST Study Report and public comments, the nature and purposes policy for the CDNST is: “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” (CDNST Comprehensive Plan, FSM 2353.42, and [74 FR 51116](#)).

Regarding Eligible Wild and Scenic Rivers, a supplemental DEIS must describe in some detail the ORV for each listed eligible river. For example, what are the specific fish and wildlife species that is an ORV for the proposed any given river segment? What are the specific ORVs to be protected within the East Rosebud Wild and Scenic River? Understanding the ORVs is critical for describing plan components to protect those values.

Effects of Revised Plan Alternatives, Chapter 3, Page 758

Observation: Table 160 describes the CDNST corridor as being a buffer: “*Continental Divide National Scenic Trail ½ mile buffer,*” which does not capture the intent of the allocation that is to provide for the nature and purposes of the CDNST. The selected rights-of-way and management

corridor extent must be of sufficient width to encompass National Trail resources, qualities, values, and associated settings (FSM 2353.44b and FSH 1909.12 Part 24.43). For the purpose of this and other tables, I recommend that the word “buffer” be replaced with “corridor.”

CDNST Comprehensive Plan, Chapter 3, Pages 802-805

The DEIS states that, “The Continental Divide National Scenic Trail is managed according to the National Trails Act, the Continental Divide National Scenic Trail Study Reports and final environmental impact statement, and the Continental Divide National Scenic Trail Comprehensive Plan (as amended) for the purpose of providing: A continuous, appealing trail route, designed for the hiker and horseman, but compatible with other land uses and access for hikers and stock into the diverse country along the Continental Divide in a manner which will assure a high quality recreation experience while maintaining a constant respect for the natural environment... The plan components would manage the Continental Divide National Scenic Trail within the parameters reached through the coordination of multiple forests and jurisdictions that the route crosses, and consistent with the Continental Divide Trail Comprehensive Management Plan, as amended... Effects from Access and Recreation Management - In all alternatives, recreation opportunity spectrum sets guidance that is appropriate for the trail corridor... Cumulative Effects - The 28 miles of the Continental Divide National Scenic Trail on the Custer Gallatin contribute to the experience of the entire 3,100-mile trail, in coordination with other managers of the trail, as it traverses various jurisdictions across a five state route. Most of the plan components resulted from previous coordination across the various national forests, which the trail crosses... The current Forest Plan describes that, “the recreational opportunity spectrum classification for the Continental Divide National Scenic Trail is semi-primitive non-motorized, year-round. Approximately six miles of the route passes through the Lionhead Recommended Wilderness Area where plan components for that allocation apply... Conclusion - Plan components are sufficient to maintain the trail corridor in the designated Continental Divide National Scenic Trail, consistent with the Continental Divide Trail Comprehensive Management Plan, as amended.”

Observation: The Interdisciplinary Team failed to adequately address the totality of the guidance found in law, regulations, and policy when describing desired conditions along the CDNST travel route and rights-of-way (aka National Trail Management Corridor). The planning team should have noted findings reached in the 2009 CDNST Comprehensive Plan and the 2009 amendments to [the CDNST] Comprehensive Plan and final directives (CDNST Comprehensive Plan, FSM 2353.42, and [74 FR 51116](#)). Managing the CDNST corridor for Primitive and Semi-Primitive Non-Motorized ROS settings will normally assure a high quality recreation experience while maintaining a constant respect for the natural environment in the rights-of-way.

The adopted CDNST nature and purposes description recognizes, in part, the guidance in the National Trails System Act describing that, “*National scenic trails,... which will be... for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities*

of the areas through which such trails may pass.” Instead of the Study Report sentence that is embedded in the DEIS, the following CDNST nature and purposes description should be quoted in this part of EIS and repeated in the Plan: *“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”*.

Federal agencies should have the same or greater respect for the land as required of private land owners that donate or convey real property for the purpose of protecting National Trail Management Corridors. The importance of providing for conservation corridors along National Scenic Trails is demonstrated, in part, in Section 7(k) of the NTSA, which states that, *“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, without regard to any limitation on the nature of the estate or interest otherwise transferable within the jurisdiction where the land is located. The conveyance of any such interest in land in accordance with this subsection shall be deemed to further a Federal conservation policy and yield a significant public benefit for purposes of section 6 of Public Law 96-541.”* P.L. 96-541 defines conservation purposes as for the preservation of land areas for outdoor recreation by, or the education of, the general public, the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem, and the preservation of open space where such preservation is for the scenic enjoyment of the general public.

Proposed plan components do not protect the nature and purposes of the CDNST. None of the revised Forest Plan DEIS alternatives proposes management of the CDNST as directed in the 2009 Comprehensive Plan, FSM 2353.4, FSH 1909.12, and as described in 74 FR 51116. The revised Forest Plan must establish appropriate management direction to guide the protection and management of the CDNST corridor. The Draft Plan and DEIS establishes Semi-Primitive Motorized and Roaded Natural ROS settings in the CDNST corridor, which is inconsistent with the Comprehensive Plan which directs, in part, for the agencies to:

- Manage the CDNST to provide high-quality scenic, primitive hiking and pack and saddle stock opportunities. Backpacking, nature walking, day hiking, horseback riding, nature photography, mountain climbing, cross-country skiing, and snowshoeing are compatible with the nature and purposes of the CDNST.
- Use the ROS system in delineating and integrating recreation opportunities in managing the CDNST. Primitive and Semi-Primitive Non-Motorized ROS settings would normally provide for the nature and purposes of this National Scenic Trail where activities are appropriately managed.

A sample of some specific DEIS concerns are:

- The desired condition did not describe the nature and purposes of the CDNST.
- The desired condition fails to recognize the importance of protecting middleground views and to recognize the need to protect the trail setting when passing through areas with evidence of current and past incompatible management activities. None of the alternatives establish ROS setting guidance that is appropriate for the trail corridor.
- Standards fail to protect against a wide array of activities that may degrade Primitive and Semi-Primitive Non-Motorized settings.
- Mountain bike use should be described as being only allowed where consistent with the direction described in FSM 2353.44b(10).

The discussion of cumulative effects fails to address the cumulative impacts on the nature and purposes values of the CDNST, especially on values that are not associated with recreational experiences. The EIS discussion needs to address both: (1) visitor experience opportunities and settings, and (2) the conservation and protection of scenic, natural, historical, and cultural qualities of the corridor within the Custer-Gallatin National Forest as well as the existing conditions on adjacent National Forests.

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

In conclusion, plan components do not protect the designated Continental Divide National Scenic Trail consistent with Forest Service policy and the CDNST Comprehensive Management Plan, as amended. The DEIS should be supplemented to address alternative CDNST plan components as presented in the following Draft Forest Plan section that follows which is titled: CDNST Plan Component Recommendations.

Draft Forest Plan

Bighorn Sheep – Draft Plan, Page 60

The DEIS describes that, “At the time this plan was written, there were no permitted grazing allotments on the Custer Gallatin stocked with domestic sheep or goats.”

Observation: I recommend that a Standard be added stating, “Do not permit domestic sheep or goat allotments within bighorn sheep range (and within occupied grizzly bear habitat).”

Bison – Draft Plan, Page 61

The DEIS describes that, “The Yellowstone bison population is unique in that it is genetically pure (for example isolated from domestic livestock), and it contains thousands of individuals that exhibit wild behavior and roam relatively freely over a very large landscape.”

Observation: In addition to the Plan components listed, a desired condition and standard should be added describing: Bison are present year round with sufficient numbers and adequate distribution to provide a self-sustaining population on the Custer Gallatin National Forest. Manage for viable native bison populations in the plan area.

Timber – Draft Plan, Page 78

The Draft Plan describes that, “Suitability for Timber Production – Timber production is defined as the purposeful growing, tending, harvesting, and regeneration of regulated crops of trees to be cut into logs, bolts, or other round sections for industrial or consumer use. The 2012 Planning Rule requires identification of lands that are suited and not suited for timber production based on factors that include legal withdrawal (for example, timber production prohibited due to statute, executive order, etc.), technical factors (non-forested lands, geology or soil conditions, etc.), and compatibility with desired conditions and objectives stated in the plan (plan components). Therefore, in lands suitable for timber production, active vegetation management and some regular flow of timber products is expected to occur. Table 15 displays the acres of timber production suitability classification for the proposed action. Unless prohibited by other plan components, timber harvest may occur on lands unsuitable for timber production to meet other resource objectives.”

Observation: The Plan should recognize that timber production and associated activities are inconsistent with Primitive and Semi-Primitive Non-Motorized ROS classes, which are ROS desired allocations for the CDNST corridor. In addition, I recommend that the planning team reevaluate allocating Semi-Primitive Motorized settings for timber production areas believing that a Roaded-Modified ROS setting would be more appropriate in areas where extensive timber production activities are expected such as around West Yellowstone (see **Appendix C**).

Timber production within the CDNST corridor would be inconsistent with providing for the nature and purposes of this National Scenic Trail (see **Appendix D**). To reflect ROS principles, the CDNST corridor with an extent of one-half mile on each side of the travel route should be identified as not being suitable for timber production (36 CFR 219.11(a)(1)(iii)). Timber harvest should only occur within the CDNST Management Area to protect CDNST values. Managing the CDNST corridor for Roaded Natural and Semi-Primitive Motorized ROS settings and timber production purposes would lead to management actions that substantially interfere with the nature and purposes of the CDNST, which is not allowed by the National Trails System Act.

Recreation Settings ROS – Draft Plan, Pages 95-101

The Draft Plan describes that, “Sustainable recreation is the set of recreation settings and opportunities on national forests that is ecologically, economically, and socially sustainable for present and future generations. The recreation opportunity spectrum in summer and winter is used in each phase of planning to assess, integrate, convey, and monitor the plan area’s social, managerial, and physical settings, including seasonal variations and associated benefits....”

Observation: To understand the ROS framework, a thorough definition of each class (aka setting) needs to be presented. ROS class components include: Access, Remoteness, Naturalness, Facilities and Site Management, Social Encounters, Visitor Impacts, and Visitor Management (FS ROS Field Guide). Each component include setting and compatibility indicators and thresholds (aka standards and guidelines). The glossary section of these comments describe a more complete description of each ROS class.

The Draft Plan and alternatives associate timber production with the SPM allocations. To protect the SPM setting, the SPM desired condition statement should describe that the, “*SPM natural setting may have moderately dominant alternations but would not draw the attention of motorized observers on trails and primitive roads within the area.*” All SPNM areas should be established as being not suitable for timber production (36 CFR 219.11(a)(1)(iii)). See the glossary section of these comments for additional ROS plan component recommendations.

Scenery Standards and Guidelines – Draft Plan, Pages 110-112

The DEIS describes that, “Scenic integrity objectives (SIO), along with scenic character descriptions, have been developed. See the Scenery Assessment Report for scenic character descriptions. Scenic integrity objectives are a measure of the degree to which a landscape is visually perceived to be complete when compared to the scenic character of an area. Scenic integrity objectives have been assigned to all Custer Gallatin National Forest land to guide the design and implementation of land management activities to meet desired thresholds of allowable visual dominance by landscape modifications. Projects are designed to meet the scenic integrity objectives of high, moderate, low, or very low, as viewed in the foreground, middleground, and background from the identified critical

viewing platforms (travelways and viewpoints), or as viewed from anywhere to meet the scenic integrity objective of very high.”

Observation: Standard or guidelines would be better expressed as the minimum Scenic Integrity Level to be achieved. Scenic Integrity is a measure of the degree of visible disruption of the Landscape Character. A landscape with very minimal visual disruption is considered to have very high Scenic Integrity. Those landscapes having increasingly discordant relationships among scenic attributes are viewed as having diminished Scenic Integrity. Scenic Integrity is expressed and mapped in terms of Scenic Integrity levels: Very High, High, Moderate, Low, Very Low, and Unacceptably Low.

The DEIS describes that, “For rivers identified as critical viewing platforms, the assigned scenic integrity objective should be met in the foreground (1/2 mile) as viewed from within the high water marks. For the Continental Divide National Scenic Trail, the assigned scenic integrity objectives should be met as viewed from the trail...”

Observation: The guidance for W&SRs and the CDNST should state direction that is similar to that found in the introduction, “Projects are designed to meet the assigned scenic integrity objectives of high, moderate, low, or very low, as viewed in the foreground, middleground, and background from National Forest System roads and trails and identified viewpoints and camping areas, or as viewed from anywhere to meet the scenic integrity objective of very high.”

The DEIS describes that, “To provide an adequate time for germination of native seeds, uncertain precipitation, regrowth of native forbs and grasses, response of shrubs and other vegetation to increased sunlight or increased nitrogen from post-harvest broadcast burning, operational remnants of new vegetation management projects or components of new projects should achieve the assigned scenic integrity objective (as viewed from applicable critical viewing platforms, within five years after completion of all project activities). Project activities include regrading landings or temporary roads, revegetating cut and fill slopes or construction zones, scattering, chipping, or burning slash, broadcast-burning, reseeding or planting. Visible operational remnants of vegetation management projects include stumps, slash, drag corridors, rutted ground, project roads, tree markings, landings as well as edge shaping and edge transition treatments....”

Observation: This guideline should be deleted. This vegetation management guideline in areas that may be suitable for timber production does not support achieving SIO High or Moderate desired conditions. Reoccurring activities of timber harvest, stand tending, road construction and reconstruction would result in the endless application of the proposed five years exemption to meeting the desired visual conditions. I recommend that the ROS Roaded Modified classification and SIO of Moderate or Low be established for timber production areas.

The DEIS describes that, “To meet research natural area designation direction to facilitate research, infrastructure or landscape alterations associated with research activities in areas with a scenic integrity objective of very high may deviate from that assigned scenic integrity objective and may be discernible as seen from anywhere, but should be designed and sited to blend as much as possible with the scenic character and sense of place.”

Observation: This direction should be supplemented to limit this guidance to areas outside of designated wilderness.

Designated Wilderness – Draft Plan, Page 113

The DEIS describes that, “Ecosystems restoration projects will comply with a minimum requirement analysis in conjunction with the currently draft Framework for Evaluating Ecological Intervention when finalized, to determine the project is the minimum necessary for the administration of the area as wilderness.”

Observation: Adopting a draft framework is inappropriate and this sentence should be omitted from the final plan. If any of the framework was to be adopted, the policies and processes should have been presented in the Draft Plan and DEIS for review and comment. Deciding to attempt to undo years of fire suppression effects with direct restoration intervention should be dealt with through plan amendment processes once it is ripe for a decision.

Eligible Wild and Scenic Rivers – Draft Plan, Page 127

The DEIS describes that, “summarizes the potential eligible wild and scenic rivers, and detailed information about the eligibility study, including maps, is found in appendix E of the proposed action, available at the following website: https://www.fs.usda.gov/Internet/ForestServiceE_DOCUMENTS/fseprd567793.pdf. “

Observation: Please include Appendix E as an official appendix to the Forest Plan. In addition, plan components must be modified to protect the specific identified ORVs for each river segment. For example, standards or guidelines must be added to protect scenic values where appropriate. Further direction is found in FSH 1909.12 84.3 – Interim Protection Measures for Eligible or Suitable Rivers.

East Rosebud Wild and Scenic River – Draft Plan, Page 162

The DEIS describes that, “The creek is classified as wild for 13 miles in the Absaroka-Beartooth Wilderness Area and as recreational for seven miles downstream of the wilderness. The outstandingly remarkable values for both segments are for scenery, recreational, and geologic resources.”

Observation: Plan components must be modified to protect the specific identified ORVs for each river segment. For example, standards or guidelines must be added to protect scenic values along the recreational segment.

Continental Divide National Scenic Trail – Draft Plan, Pages 181 - 183

Observation: The CDNST management area corridor core area is not addressed in the Draft Plan and DEIS. This inaction is not in compliance with the guidance found in FSH 1909.12 and FSM 2353. The Management Area direction needs to describe nature and purposes desired conditions that are supported by appropriate standards and guidelines. Additional CDNST plan component recommendations are found in the accompanying CDNST Planning Handbook in Chapter III.

The CDNST rights-of-way is yet to be selected by the Chief of the Forest Service, but it is expected that the existing CDNST travel route location on CG National Forest will be contained within the selected corridor (FSM 2353.04b part 4). The extent of the corridor is to encompass the CDNST resources, qualities, values, and associated settings, which are principally described through established and mapped desired Scenic Integrity Objective and ROS class allocations.

The revised Forest Plan Management Area or National Trail Management Corridor for the CDNST needs to include plan components that provide for the nature and purposes of this National Scenic Trail. The nature and purposes of the CDNST should recognize hiker and equestrian activities as the primary recreational use and protect the NST corridor as intended by the National Trails System Act (NTSA) and Executive Order 13195 – Trails for America. Management of activities and uses within this designated area corridor need to be compatible with the nature and purposes of this National Trail (FSM 2353.11, FSM 2353.4, and FSH 1909.12 part 24.4). The CDNST Comprehensive Plan describe the nature and purposes of the NST as providing for high-quality, scenic, primitive hiking and horseback riding experiences and to conserve natural, historic, and cultural resources along the NST corridor. The Comprehensive Plan also recognized backpacking, nature walking, day hiking, horseback riding, nature photography, mountain climbing, cross-country skiing, and snowshoeing as being compatible with the nature and purposes of the CDNST. Other recreation and resource uses along the National Trail may be allowed only where there is a determination that the other use would not substantially interfere with the nature and purposes of the NST.

The proposed action NTMC management direction needs to be modified as described in this section, since the proposed draft plan would allow uses and activities along the CDNST route and rights-of-way that would substantially interfere with maintaining or achieving the nature and purposes of this National Scenic Trail. The recommended modifications would benefit the National Trails and be consistent with the National Forest Management Act (NFMA) Planning Rule and NEPA CEQ regulations.

When identifying the NTMC, several location and management factors should be considered, including locating the CDNST in more primitive Recreation Opportunity Spectrum (ROS) classes where available and once located the management of the CDNST corridor should provide for a Primitive or Semi-Primitive Non-Motorized experience where on Federal lands. The NTMC should be at least one mile in width to encompass resources, qualities, values and associated settings and the primary use or uses that are present or to be restored along the desirable (existing and potential) CDNST travel route. The extent of this NTMC 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 if closed to motorized use. More than 3 miles would tend to classify the area as Primitive another desirable setting especially in wilderness. The Forest Service Scenery Management System identifies that the middleground begins at 1/2-mile of the travel route.

As identified in NOI scoping comments, the following *insertions* and ~~deletions~~ present plan components that strengthen the Regional Forester's CDNST plan component recommendations and may result in plan direction that provides adequate guidance to protect the nature and purposes of the CDNST. Unfortunately, the referenced Regional Forester's guidance would lead to activities and uses along the CDNST that would substantially interfere with the nature and purposes of this National Scenic Trail.

Continental Divide National Scenic Trail

Desired Conditions

- *Consistent with the CDNST Comprehensive Plan, the MA provides high-quality scenic, primitive hiking and horseback riding opportunities and conserves natural, historic, and cultural resources (CDNST Comprehensive Plan, Chapter IV(A)). The corridor encompasses national trail resources, qualities, values, associated settings and the primary use or uses. This includes vistas, campsites, water sources, and other important resource values. The CDNST is a well-defined trail that provides for high-quality, primitive hiking and horseback riding opportunities, and other compatible non-motorized trail activities, in a highly scenic setting along the Continental Divide. The significant scenic, natural, historic and cultural resources along the trail's corridor are present. Where possible, the trail provides visitors with expansive views of the natural landscapes along the Divide.*
- *The management of the extent of the CDNST corridor is consistent with a Primitive or Semi-Primitive Non-Motorized setting. ROS class inconsistencies are managed to protect CDNST values.*
- *Viewsheds from the CDNST have high scenic values. The foreground of the trail is naturally appearing. The potential to view wildlife is high, and evidence of ecological processes such as fire, insects, and diseases exist. Trail maintenance may include vista clearing consistent with a scenic integrity objective of high.*

- The trail is accessible from access points that provide various opportunities to select the type of terrain, scenery and trail length, ranging from long-distance to day use, that best provide for the compatible outdoor recreation experiences being sought. Wild and remote, backcountry segments of the route provide opportunities for solitude, immersion in natural landscapes and primitive outdoor recreation. ~~Front-country and more easily accessible trail segments complement local community interests and needs and help contribute to their sense of place.~~
- Use conflicts amongst trail users are infrequent.
- The *CDNST travel route* trail is well maintained, signed, and passable. Alternate routes provide access to the trail in the case of temporary closures resulting from natural events, such as fire or flood, ~~or land management activities.~~
- Short side trails to the Continental Divide National Scenic Trail that encompass adjacent attractions enhance the experience along the main trail.
- Trailhead facilities support the uses of the trail (e.g., stock use).

Standards

- *Manage the CDNST route as a visual quality concern level 1 travel route. Resource management actions must meet a Scenic Integrity Level of Very High or High.*
- *Manage the CDNST to provide high-quality scenic, primitive hiking and pack and saddle stock opportunities. Backpacking, nature walking, day hiking, horseback riding, nature photography, mountain climbing, cross-country skiing, and snowshoeing are compatible with the nature and purposes of the CDNST (CDNST Comprehensive Plan, Chapter IV(B)(5), FSM 2353.42 and FSM 2353.44b(8)). Forms of hiking include backpacking, cross-country skiing, snowshoeing and other similar walking activities.*
- *Resource management actions and allowed uses must be compatible with maintaining or achieving Primitive or Semi-Primitive Non-Motorized ROS class settings.*
- *Motorized use by the general public may only be allowed where such use is in accordance with guidance found in the NTSA Section 7(c).*
- New motorized events shall not be permitted on the Continental Divide National Scenic Trail.
- New overnight shelters, constructed and permanent, shall not be allowed.
- *New roads shall not be allowed.*
- Extraction of saleable mineral materials shall not be allowed.
- *No common variety mineral extraction (e.g., limestone, gravel, etc.) shall occur within the CDNST corridor.*
- *Other uses that could conflict with the nature and purposes of the Continental National Scenic Trail may be allowed only where there is a determination that the other use would not substantially interfere with the nature and purposes of the CDNST (16 USC 1246(c)).*
- *Where the CDNST corridor overlaps with Wilderness designations the most restrictive measures control.*

Guidelines

- To retain or promote the character for which the *national scenic* trail was designated, ~~new or relocated trail segments should be located primarily within settings consistent with or complementing primitive or semi-primitive non-motorized recreation opportunity spectrum classes.~~ road and motorized trail crossings and other signs of modern development should be avoided to the extent practicable.
- To retain or promote the character for which the *CDNST* trail was designated, road and motorized trail crossings and other signs of modern development should be avoided to the extent possible.
- To promote a nonmotorized setting, the Continental Divide National Scenic Trail *travel route* should not be ~~permanently~~ relocated onto routes open to motor vehicle use.
- To preserve or promote a naturally appearing setting, the minimum trail facilities necessary to accommodate the amount and types of use anticipated on any given segment should be provided ~~in order to protect resource values and for health and safety, not for the purpose of promoting user comfort.~~
- ~~To retain the character for which the trail was designated, new linear utilities and rights-of-way should be limited to a single crossing of the trail unless additional crossings are documented as the only prudent and feasible alternative.~~
- ~~To provide for a naturally appearing setting and to avoid visual, aural, and resource impacts, use of the Continental Divide National Scenic Trail for landings or as a temporary road for any purpose should not be allowed.~~
- ~~To provide for a naturally appearing setting and to avoid visual, aural, and resource impacts, hauling or skidding along the Continental Divide National Scenic Trail itself should be allowed only (1) where the Continental Divide National Scenic Trail is currently located on an open road or to address hazard tree removal, or (2) no other haul route or skid trail options are practicable. Design criteria should minimize impacts to the trail infrastructure, and any necessary post-activity trail restoration should be a priority for the project's rehabilitation plan.~~
- *To protect the nature and purposes of the CDNST*, unplanned fires in the foreground (up to 0.5 mile) of the Continental Divide National Scenic Trail should be managed using minimum impact suppression tactics or other tactics appropriate for the protection of Continental Divide National Scenic Trail values.

Suitability (MG-SUIT-CDNST)

- The CDNST corridor is not suitable for timber production. ~~Timber harvest may be allowed for purposes such as fuels reduction, restoration or wildlife habitat enhancement.~~
- The CDNST is suitable for summer motorized use only as necessary to meet emergencies, to provide for landowner access, or as allowed by administrative regulations at the time of designation, as long as such use does not substantially interfere with the nature and

~~purpose of the trail. National Trail System Act, Section 7c. Administrative trail maintenance equipment is authorized.~~

- ~~• The Continental Divide National Scenic Trail is suitable for winter snowmobile use over and around the trail.~~

- The Continental Divide National Scenic Trail is suitable for mountain biking.

~~Alternative D: The Continental Divide National Scenic Trail is not suitable for mountain biking where the trail is within recommend wilderness area.~~

CDNST Plan Component Recommendations

The following are standalone recommendations for the EIS proposed action or for developed alternatives for CDNST plan component desired conditions, objectives, standards and guidelines to be applied to a described Management Area (aka National Trail Management Corridor). These components, as applied to a corridor with an extent of one-half mile on each side of the CDNST travel route, is a reasonable alternative to the management of the CDNST that must be developed and analyzed in detail in a DEIS supplement. The following describes plan components for the CDNST as applied mainly to the rights-of-way or corridor that is depicted on the **Appendix A** map.

CDNST LMP MA Desired Conditions – These are descriptions of specific social, economic, or ecological characteristics of the plan area, or a portion of the plan area, toward which management of the land and resources should be directed. Desired conditions are the vision of what you want your forest to look like, and other plan components (objectives, standards and guidelines, and suitability), would be designed to get you there.

| Descriptions |
|--|
| Consistent with the CDNST Comprehensive Plan, the MA provides high-quality scenic, primitive hiking and horseback riding opportunities and conserves natural, historic, and cultural resources (CDNST Comprehensive Plan, Chapter IV(A)). The CDNST corridor provides panoramic views of undisturbed landscapes in a tranquil scenic environment. The corridor encompasses national trail resources, qualities, values, associated settings and the primary use or uses. This includes vistas, campsites, water sources, and other important resource values. Desired conditions are principally characterized by Primitive and Semi-Primitive Non-Motorized ROS settings—see the glossary for ROS class descriptions. Desired ROS class inconsistencies are managed to protect CDNST values. Furthermore, to provide for the conservation purposes of a National Scenic Trail the MA provides for natural ecological processes and not just the visual appearance of naturalness. |

CDNST LMP MA Objectives – These are concise, measurable, and time-specific statements of a desired rate of progress toward a desired condition or conditions, based on reasonably foreseeable budgets. Objectives should be designed so that monitoring can gauge progress as well as the effectiveness of activities in moving towards the desired condition.

| Descriptions |
|--|
| Complete the CDNST unit plan (FSM 2353.44(b)(2)) within 3 years. |

CDNST LMP MA Standards – These are mandatory constraints on project and activity decisionmaking, established to help achieve or maintain the desired condition or conditions, to avoid or mitigate undesirable effects, or to meet applicable legal requirements. Standards must be complied with as written. Adaptive management direction may support the use of situation-dependent (if-then) or qualified (unless) standards. **Guidelines** – These are mandatory constraints on project and activity decisionmaking that provide flexibility for different situations so long as the purpose of the guideline is met. Guidelines should be written so that their intent is clear. If there is evidence that a different approach would be more or equally effective in meeting the intent, divergence can be justified.

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| Descriptions - See FSM 1110.8 and FSH 1909.12 05.1 for Degree of Compliance or Restriction “Helping Verbs” and “Mood of Verb” Definitions |
| Scenery Management |
| Standard: Manage the CDNST travel route as a concern level 1 travel route. Resource management actions must meet a Scenic Integrity Level of Very High or High (CDNST Comprehensive Plan, Chapter IV(B)(4)). (Forest-wide Plan Component) |
| Recreation Setting Management |
| Standard: Resource management actions and allowed uses must be compatible with maintaining or achieving Primitive or Semi-Primitive Non-Motorized ROS class settings. |
| Standard: The CDNST must be managed to provide high-quality scenic, primitive hiking and pack and saddle stock opportunities. Backpacking, nature walking, day hiking, horseback riding, nature photography, mountain climbing, cross-country skiing, and snowshoeing are compatible with the nature and purposes of the CDNST (CDNST Comprehensive Plan, Chapter IV(B)(5), FSM 2353.42 and FSM 2353.44b(8)). Forms of hiking include backpacking, cross-country skiing, snowshoeing and other similar walking activities. |
| Standard: Motorized and mechanized use may only be allowed where such use is in accordance with the CDNST Comprehensive Plan, Chapter IV(B)(5)&(6) and FSM 2353.44b(10) and (11). |
| Special Uses Management |
| Standard: Activities, uses, and events that would require a permit must not be authorized unless the activity, use, or event contributes to achieving the nature and purposes of the CDNST (CDNST Comprehensive Plan, Chapter IV(B)(7)). |
| Minerals Management |
| Standard: Mineral leases are to include stipulations for no surface occupancy. |
| Standard: Permits for the removal of mineral materials are not to be issued. |
| Timber Management |
| Standard: Timber harvest is not scheduled and does not contribute to the allowable sale quantity. |
| Vegetation Management |
| Guideline: Vegetation may be managed to enhance CDNST nature and purposes values, such as to provide vistas to view surrounding landscapes and to conserve natural resources. The purpose of this guidance is to allow for limited vegetation management for CDNST purposes. |

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| Guideline: Vegetation may be managed to maintain or improve threatened, endangered, and sensitive species habitat. The purpose of this guidance is to recognize the conservation purposes of the CDNST. |
| Standard: Rangelands where affected by livestock use must be maintained in a Proper Functioning Condition. |
| Cultural and Historic Resources Management |
| Standard: Protect cultural and historic resources. |
| Lands Acquisition |
| Standard: Provide for land acquisitions to protect the nature and purposes of the National Trail. Prohibit land disposals. |
| Travel Routes |
| Guideline: Segments of the CDNST travel route should fall into Trail Class 2 or 3 and have a Designed Use of Pack and Saddle Stock, except where a substantial safety or resource concern exists, the travel route may have a Designed Use of Hiker/Pedestrian. The purpose of this guidance is to provide for a high quality hiking and equestrian travel route. |
| Standard: Road construction and reconstruction is prohibited; excepted are motor vehicle use circumstances described in the 2009 CDNST Comprehensive Plan Chapter IV(B)(6) and FSM 2353.44b(11). |
| Standard: The CDNST travel route may not be used for a livestock driveway. |
| Fire Suppression |
| Guideline: Fire suppression activities should apply the Minimum Impact Suppression Tactics Implementation Guidelines. The purpose of this guidance is to protect the CDNST nature and purposes from suppression activities. |
| Motor Vehicle Use |
| Standard: The use of motorized vehicles by the general public is prohibited; excepted is motor vehicle use that is in accordance with the 2009 CDNST Comprehensive Plan provisions as detailed in Chapter IV(B)(6). |
| Other Uses Considerations |
| Standard: National scenic or national historic trails may contain campsites, shelters, and related-public-use facilities. Other uses that could conflict with the nature and purposes of the CDNST may be allowed only where there is a determination that the other use would not substantially interfere with the nature and purposes of the CDNST (16 USC 1246(c)). |
| Guideline: Where congressionally designated areas overlap, apply the management direction that best protects the values for which each designated area was established—the most restrictive measures control. The purpose of this guidance is to protect the values for which all congressionally designated areas are established. |

Suitability of Lands – These plan components identify areas of land as suitable or not suitable for specific uses (such as timber or range production), based on the applicable desired conditions. The identification of suitability of lands is not required for every resource or activity and does not need

to be made for every acre of the plan area and the inherent capability of the land to support the use or activity.

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|----------------------|
| Suitability of Lands |
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| Lands are not suitable for timber production (36 CFR 219.11(a)(1)(iii)). |
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CDNST LMP MA Implementation Guidance

Partnerships and volunteers are sustained or sought to lead and assist in CDNST programs. Volunteer and cooperative agreements will be developed with those volunteers and private organizations that are dedicated to planning, developing, maintaining, and managing the CDNST in accordance with Sections 2(c), 7(h)(1), and 11 of the NTSA.

The direction in the NTSA, 2009 CDNST Comprehensive Plan, FSM 2310, FSM 2353.4, and FSM 2380 are used to guide the development and management of the Trail.

Integrated Planning

The NFMA requires that the Forest Service, “form one integrated plan for each unit of the National Forest System, incorporating in one document or one set of documents....” The DEIS and Draft Plan fail to meet this requirement, which resulted incomplete draft documents, which has resulted incomplete reviews and the opportunity to comment. The revised Plan needs to incorporate direction from each of the following management plans where the intention is for the Plan to adopt the management guidance:

- Gallatin and Custer National Forest Noxious Weed Management Direction,
- Northern Rockies Lynx Management Direction, and
- Interagency Bison Management Plan.

The direction in the CDNST Comprehensive Plan must be integrated into the NEPA alternatives and revised Forest Plan. In addition, the forest may wish to integrate the direction found in the NPNHT Comprehensive Plan depending on the status of the Comprehensive Plan revision/amendment efforts.

Glossary

I recommend the following CDNST, ROS class, National Trail, and Wilderness Character definitions. These definition should be included as of the revised Forest Plan.

Continental Divide National Scenic Trail (CDNST). The National Parks and Recreation Act of November 10, 1978 authorized and designated the Continental Divide National Scenic Trail (CDNST) (Pub. L. No. 95-625, 92 Stat. 3467), which amended the NTSA of 1968 (16 U.S.C. 1241-1251):

- CDNST Comprehensive Plan. Statutorily required plan providing direction and guidance for the administration and management of a congressionally designated National Scenic Trail or National Historic Trail. The plan includes the identification of the nature and purposes, goals and objectives, all significant natural, historical, and cultural resources to be preserved, carrying capacity, and high potential segments for the national trail management corridor. Comprehensive planning may be accomplished through staged or stepped-down decision processes.
- CDNST Corridor. A CDNST corridor is referred to on maps published in 1978 as part of the establishment of this National Scenic Trail. The selected rights-of-way and management corridor extent must be of sufficient width to encompass National Trail resources, qualities, values, and associated settings. (FSM 2353.44b and FSH 1909.12 Part 24.43)
- CDNST Designated Area. The CDNST designated area is the extent of the selected rights-of-way. Land management plans may describe the CDNST designated area as that of a management area or national trail management corridor.
- 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” (2009 CDNST Comprehensive Plan, FSM 2353.42, and Federal Register Notice on October 5, 2009 (74 FR 51116)).
- CDNST Travel Route. The CDNST travel route is normally a standard terra trail that has a surface consisting predominantly of the ground and that is designed and managed to accommodate use on that surface. A National Scenic Trail travel route is located within an established management area or national trail management corridor.

Recreation Opportunity Spectrum: The Recreation Opportunity Spectrum planning framework is the recognized framework for stratifying and defining classes of outdoor recreation environments, activities, and experience opportunities through land management planning. The CDNST Comprehensive Plan, Chapter IV.B.5, recreation resource management direction is to use the ROS System in delineating and integrating recreation opportunities in managing the CDNST. The settings, activities, and opportunities for obtaining experiences have been arranged along a continuum or spectrum divided into six classes that are described below along with recommended plan components. The definition of each ROS class describes six setting characteristics: Access, Remoteness, Naturalness, Non-Recreation Uses, On-Site Management, Visitor Management, Social Encounters, and Visitor Impacts. The following descriptions presents plan components that link specific ROS characteristics to the appropriate ROS class.

- **Primitive**: Primitive ROS settings encompass large, wild, remote, and predominately natural landscapes. Additional primitive ROS settings may be scattered across the forest, often

- surrounded by SPNM settings. The setting should essentially be an unmodified natural environment. Natural ecological processes such as fire, insects, and disease exist. The area may provide for wildlife connectivity across landscapes. Primitive ROS settings contain no motorized and mechanized vehicles and there is little probability of seeing other groups. They provide quiet solitude away from roads and people or other parties, are generally free of human development, and facilitate self-reliance and discovery. Signing, and other infrastructure is minimal and constructed of rustic, native materials. Few if any management controls imposed on visitors on-site. Standards: (1) Motor and mechanized vehicles are not allowed in Primitive settings; and (2) Management actions must result in Very High Scenic Integrity—naturally occurring incidents, such as fire, insects and disease are not defined as human-caused deviations in the landscape. Guidelines: (1) No new permanent structures should be constructed in desired Primitive ROS settings since structures may degrade the unmodified character of these landscapes; (2) Less than 6 parties per day encountered on trails and less than 3 parties visible at campsite since an increase in the number of groups may lead to a sense of crowding; and (3) No roads, timber harvest, or mineral extraction are allowed in order to protect the remoteness and naturalness of the area. Suitability: (1) Motorized and mechanized recreation travel are not suitable; and (2) Lands are not suitable for timber production.
- **Semi-Primitive Non-Motorized (SPNM):** Semi-Primitive Non-Motorized settings provide opportunities for exploration, challenge, and self-reliance. The area is characterized by a predominantly natural environment where natural ecological processes such as fire, insects, and disease exist. The area may contribute to wildlife connectivity corridors. Closed and revegetated roads may be present, but are managed so as to not dominate the landscape or detract from the naturalness of the SPNM setting. Rustic structures such as signs and foot bridges are occasionally present to direct use and/or protect the setting's natural and cultural resources. These rustic constructed features are built from native materials or those that mimic native materials. SPNM settings that are established through forest planning have plan components that provide for a SPNM setting for an extent of at least 1-mile (or at least ½ mile if adjacent to a Primitive setting). Standards: (1) Motor vehicle use by the general public is not allowed; and (2) Management actions must result in High or Very High Scenic Integrity—naturally occurring incidents, such as fire, insects and disease are not defined as human-caused deviations in the landscape. Guidelines: (1) The development scale of recreation facilities should be 0-1 to protect the undeveloped character of desired SPNM settings; (2) Less than 15 parties per day encountered on trails and less than 6 parties visible at campsite, since an increased in the number of groups may lead to a sense of crowding; (3) Vegetative management may range from prescribed fire to very limited timber harvest for the purpose of maintaining a natural setting; and (4) Timber harvest should not be conducted for the purpose of providing for trail clearing limits including hazard tree removal, since timber harvest actions may degrade access,

remoteness, and naturalness characteristics of the SPNM setting. Suitability: (1) Motorized recreation travel is not suitable; and (2) Lands are not suitable for timber production.

- Semi-Primitive Motorized (SPM): Semi-Primitive Motorized settings provide motorized recreation opportunities in backcountry settings. Vegetation management does not dominate the landscape or detract from the experience of visitors. Routes are designed for Off Highway Vehicles (OHVs) and high clearance vehicles that connect to local communities, access key destinations and vantage points, provide short day trips on scenic loops or facilitate longer and even overnight expeditions. Visitors challenge themselves as they explore vast, rugged landscapes. Mountain bikes and other mechanized equipment may also be present. Facilities are rustic and are used for the purpose of protecting the setting's natural and cultural resources. Bridges are sometimes present to accommodate foot, horse and ATV traffic but are built from native or natural appearing materials that blend with the surrounding landscape and maintain the semi-primitive character of the setting.
- Roaded Natural: Potential Roaded Natural subclasses:
 - Roaded Natural (RN) - Characterized by a predominantly natural-appearing environment with moderate evidence of the sights and sounds of other humans. Such evidences usually harmonize with the natural environment. Interaction between users may be low to moderate but with evidence of other users prevalent. Resource modification and utilization practices are evident but harmonize with the natural environment. Conventional motorized use is provided for in construction standards and design of facilities. Opportunity to affiliate with other users in developed sites but with some chance for privacy.
 - Roaded Modified (RM) - Characterized by substantially modified natural environment except for campsites. Roads and management activities may be strongly dominant. There is moderate evidence of other users on roads. Conventional motorized use is provided for in construction standards and design of facilities. Opportunity to get away from others, but with easy access.
- Rural: Area is characterized by a substantially modified natural environment. Opportunities to affiliate with others are prevalent. The convenience of recreation sites and opportunities are more important than a natural landscape or setting. Sights and sounds of man are readily evident, and the concentration of users is often moderate to high. Developed sites, roads, and trails are designed for moderate to high uses.

National Scenic and Historic Trails: As envisioned in "Trails for America," national scenic trails are to be very special: "A standard for excellence in the routing, construction, maintenance, and marking consistent with each trail's character and purpose should distinguish all national scenic trails. Each should stand out in its own right as a recreation resource of superlative quality and of physical challenge." According to the Act, national scenic trails "will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of

nationally significant scenic, historic, natural, and cultural qualities of the area through which such trails may pass." National scenic trails are located so as to represent desert, marsh, grassland, mountain, canyon, river, forest, and other areas, as well as landforms which exhibit significant characteristics of the physiographic regions of the Nation. The corridor will be normally located to avoid established uses that are incompatible with the protection of a trail in its natural condition and its use for outdoor recreation.

Congress amended the National Trails Systems Act in 1978 to create the category of national historic trails. Like national scenic trails, national historic trails can only be authorized and established by Congress and are assigned to either the Secretary of the Interior or the Secretary of Agriculture with most of the same administrative authorities as for national scenic trails. To qualify as a national historic trail, a route must have been established by historic use. It must be nationally significant as a result of that use—it must have had a far-reaching effect on broad patterns of American culture (including Native American culture). National historic trails are extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historic significance. National historic trails purpose is the identification and protection of the historic route and its historic remnants and artifacts.

Corridors associated with national scenic trails and the high priority potential sites and segments of national historic trails are protected to the degree necessary to ensure that the values for which each trail was established remain intact. National scenic and 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 corresponding trail, may be permitted in limited situations.

- **CDNST:** The Continental Divide National Scenic Trail (CDNST) traverses along the Rocky Mountains from Canada to Mexico. It navigates dramatically diverse ecosystems through mountain meadows, granite peaks, and high-desert surroundings. 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.
- **Nez Perce (Nee Me Poo) National Historic Trail:** The Nez Perce National Historic Trail commemorates the flight of the Nez Perce Indians from their homeland in the Pacific Northwest to Canada to escape capture by the U.S. military. Using an indirect escape route as dictated by terrain and strategy, the Nez Perce passed through four states and traveled from Wallowa Lake, Oregon, to the Bear Paw Battlefield near Chinook, Montana.

Wilderness Character reflects the nature of wilderness being untrammelled, undeveloped, natural, and having outstanding opportunities for solitude or a primitive and unconfined type of recreation.

- Untrammeled—The Wilderness Act states that wilderness is “an area where the earth and its community of life are untrammeled by man,” and “generally appears to have been affected primarily by the forces of nature.” In short, wilderness is essentially unhindered and free from modern human control or manipulation. This quality is degraded by modern human activities or actions that control or manipulate the components or processes of ecological systems inside the wilderness.
- Natural—The Wilderness Act states that wilderness is “protected and managed so as to preserve its natural conditions.” In short, wilderness ecological systems are substantially free from the effects of modern civilization. This quality is degraded by intended or unintended effects of modern people on the ecological systems inside the wilderness since the area was designated.
- Undeveloped—The Wilderness Act states that wilderness is “an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation,” “where man himself is a visitor who does not remain” and “with the imprint of man’s work substantially unnoticeable.” This quality is degraded by the presence of structures, installations, habitations, and by the use of motor vehicles, motorized equipment, or mechanical transport that increases people’s ability to occupy or modify the environment.
- Solitude or a primitive and unconfined type of recreation—The Wilderness Act states that wilderness has “outstanding opportunities for solitude or a primitive and unconfined type of recreation.” This quality is about the opportunity for people to experience wilderness; it is not directly about visitor experiences per se. This quality is degraded by settings that reduce these opportunities, such as visitor encounters, signs of modern civilization, recreation facilities, and management restrictions on visitor behavior.

Summary

The DEIS needs to be supplemented to correct NEPA deficiencies. Land use planning associated NEPA processes must be in compliance with the National Trails System Act and CEQ regulations 40 CFR Parts 1500 - 1508, including (1) rigorously exploring and objectively evaluating all reasonable alternatives, and (2) taking a hard look at the effects of the alternatives. The Forest Service must ensure that its analysis of the impacts of actions on the Custer-Gallatin National Forest are scientifically accurate and fully considers all of the adverse impacts of uses along the CDNST corridor.

The Draft Plan needs to be supplemented to provide for the integrated management of congressionally designated areas and to clarify and strengthen the direction presented. National Scenic and Historic Trails must be managed in accordance with the National Trails System Act of 1968, as amended. The CDNST must be protected to provide for the nature and purposes of this National Scenic Trail. Primitive and Semi-Primitive Non-Motorized ROS settings normally provide for the nature and purposes of the CDNST. Semi-Primitive Motorized and Roaded Natural ROS

allocations do not protect CDNST values; however, the CDNST Comprehensive Plan recognizes that crossing State Highways and other similar permanent developments is unavoidable. In addition, CDNST protection should include recommending the Lionhead area for future designation as wilderness and protecting the Canada Lynx Henry Lake Mountains linkage area. National Scenic Trails may contain campsites, shelters, and related-public-use facilities. Other uses that could conflict with the nature and purposes of the CDNST may be allowed only where there is a determination that the other use would not substantially interfere with the nature and purposes of the CDNST.

Recommended Wilderness areas (RWAs) must be managed to protect their wilderness characteristics and for the potential for Congressional designation in the future. RWA management can also improve the wilderness characteristics of an otherwise outstanding area, so that it may qualify for future designation. This means allowing foot and horse travel only. Recreational uses that do not conform to the Wilderness Act, including mountain biking, snowmobiling, OHV riding, and other mechanized and motorized uses should not be allowed.

The bison and bighorn sheep should be identified as Species of Conservation Concern in the Forest Plan and addressed in one or more alternatives in the Supplemental DEIS and FEIS.

Please provide with the release of a Supplemental DEIS and FEIS the following geospatial data layers:

- Designated Areas, including Recommended Wilderness, Wilderness Study Areas, Eligible Wild & Scenic Rivers, Inventoried Roadless Areas, and the extent of the CDNST management corridor/rights-of-way to be established (FSH 1909.12 22.2 and 24)
- Recreation Opportunity Spectrum Classes to be established – Summer and Winter (FSH 1909.12 22.2 and 23.23a)
- Scenic Integrity Objectives to be established (FSH 1909.12 22.2 and 23.23f)
- Lands that May be Suitable for Timber Production (FSH 1909.12 Chapter 60)
- CDNST travel route as an independent data layer (FSH 1909.12 23.23I)

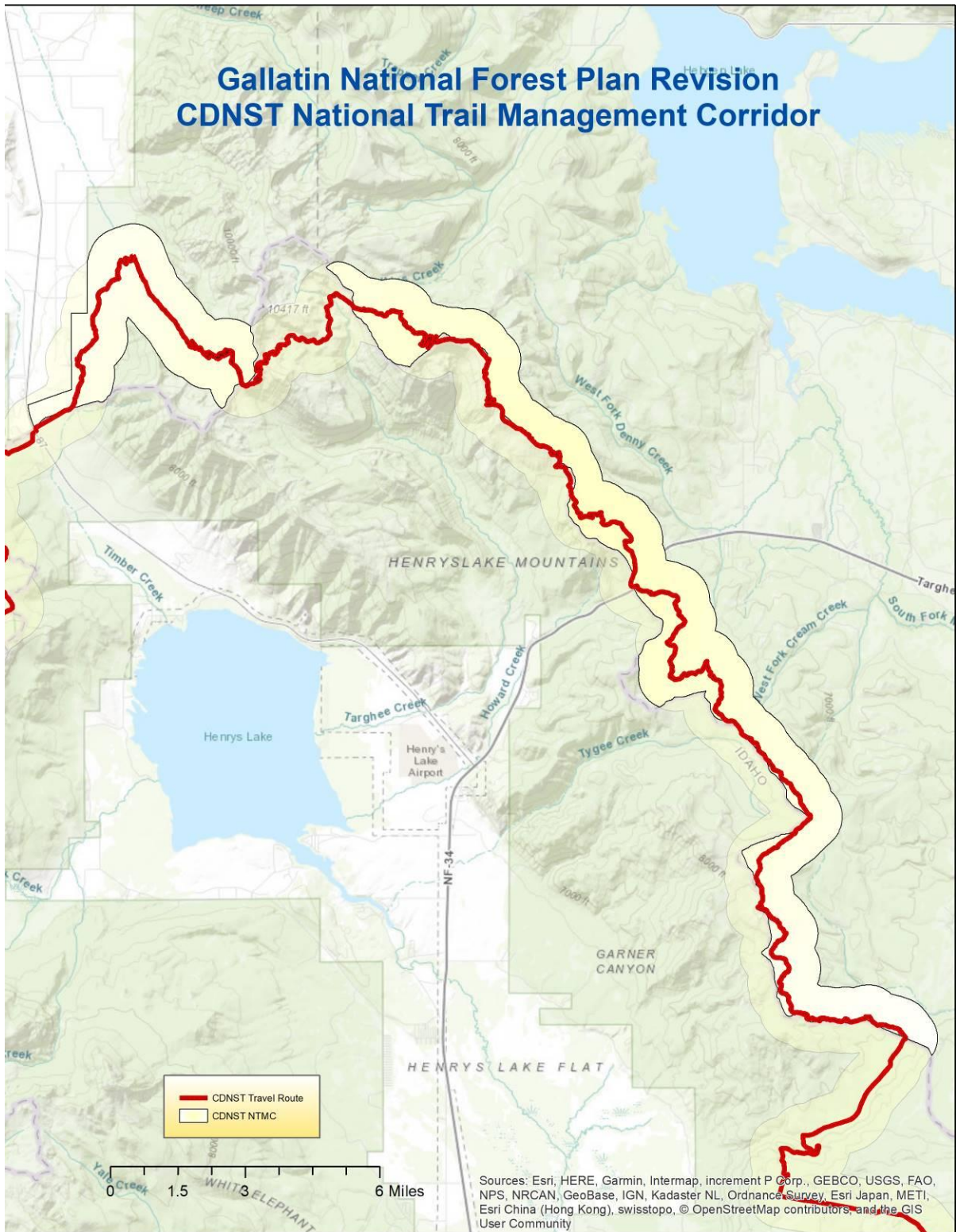
Alternative D best protects Custer-Gallatin National Forest values of those alternatives presented in the DEIS. However, the DEIS needs to be supplemented to address the concerns presented in these comments.

Thank you for the opportunity to review and comment on the Draft Plan and DEIS.

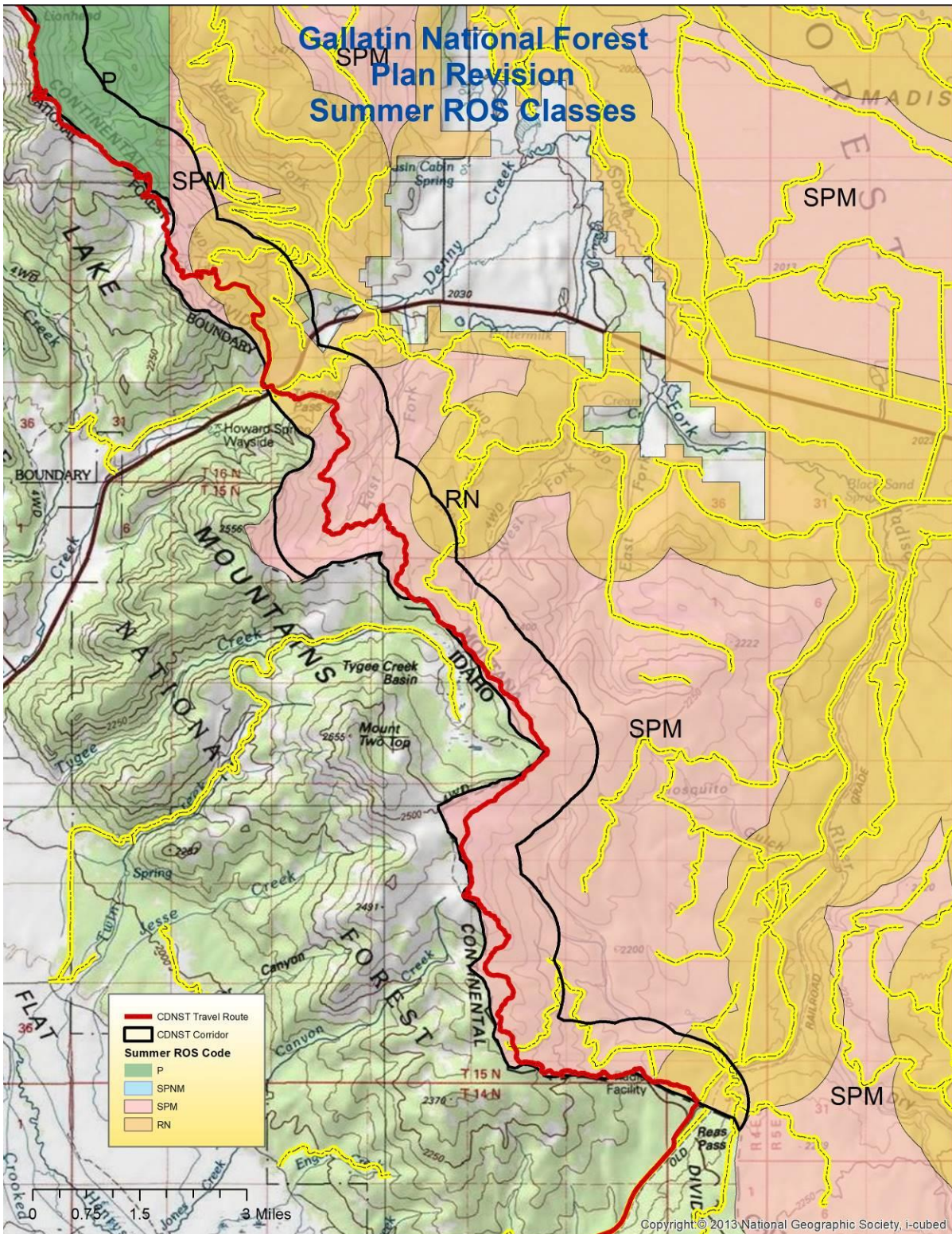
Greg Warren

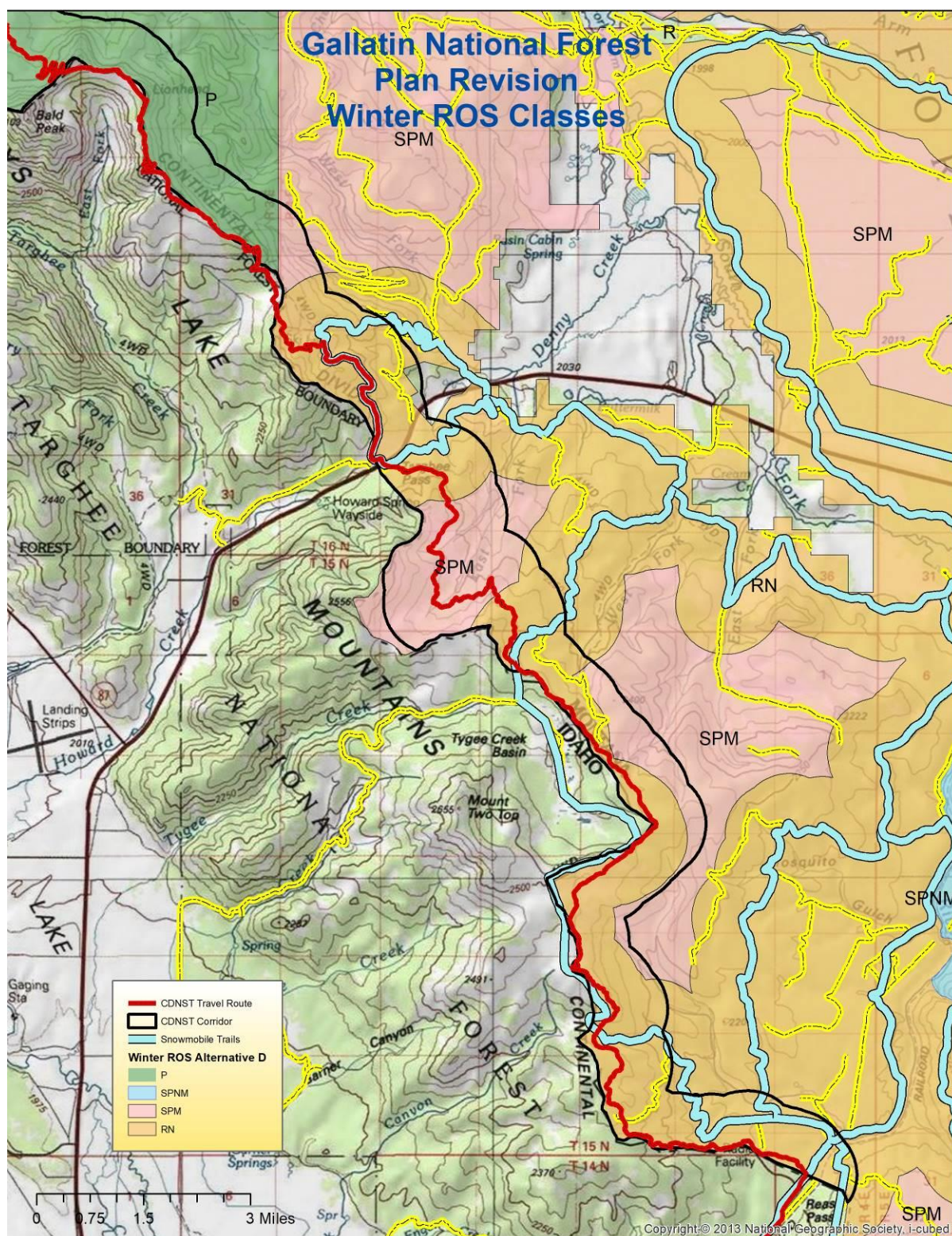
Attachments: A – NOI Submitted Comments
B – CDNST Planning Handbook
C – CDNST Comprehensive Plan

Appendix A – CDNST National Trail Management Corridor

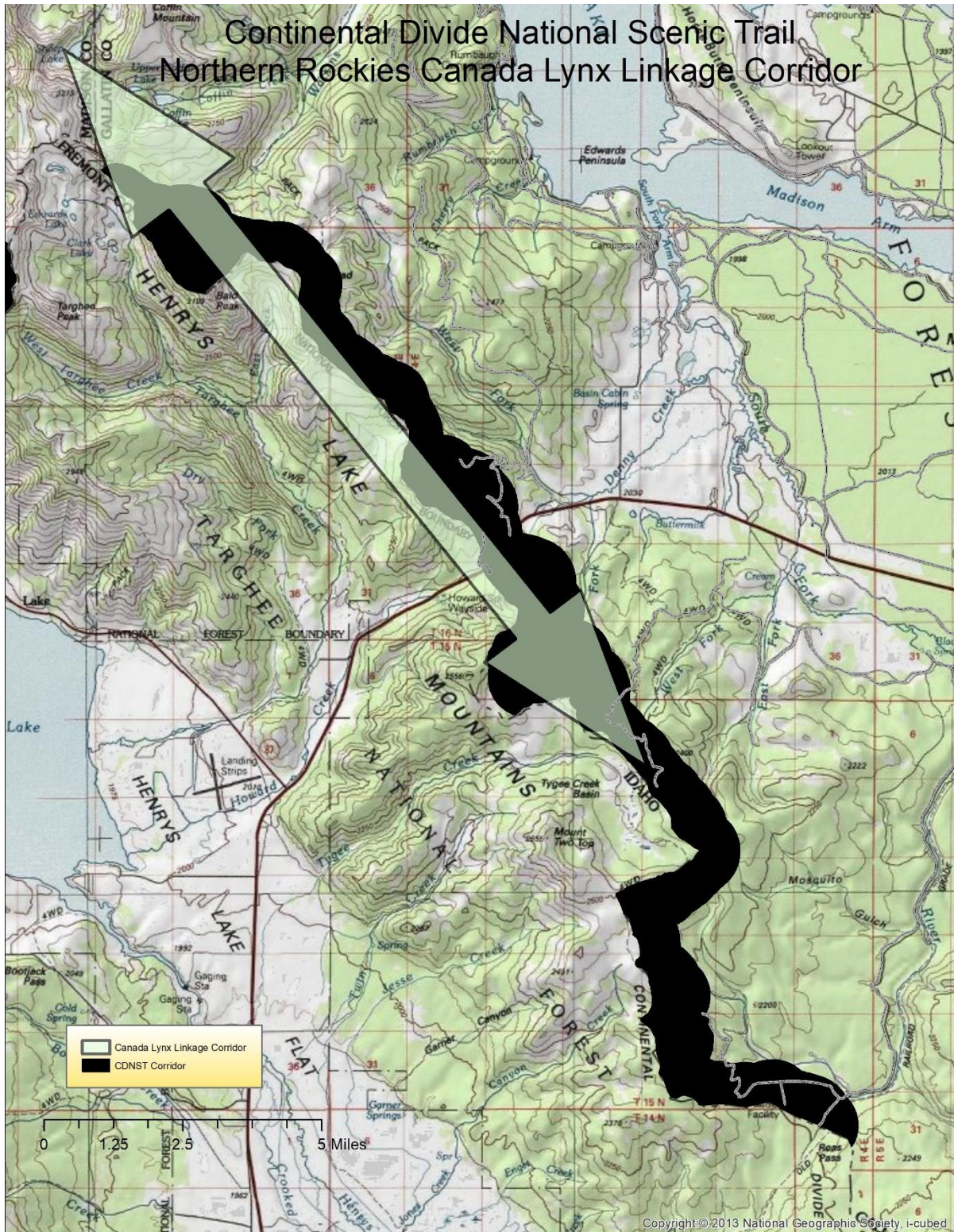


Appendix B – CDNST Corridor and ROS Classes





Appendix C – Canada Lynx Linkage Corridor – Forest Plan Amendment



Appendix D – CDNST Corridor and Suitability for Timber Production.

