

Back Country Horsemen of America



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May 24, 2013

USDA Forest Service
Planning Directives Comments
P.O. Box 40088
Portland, OR 97240

RE: Proposed FSH 1909.12-Land Management Planning Handbook, Chapter 23.22(L)

To Whom it May Concern:

Please accept these comments on behalf of Back Country Horsemen of America (BCHA) regarding the chapter referenced above from the draft handbook. It is the mission of BCHA to perpetuate the common sense use and enjoyment of horses in America's back country and wilderness and to ensure that public lands remain open to recreational stock use. A large part of our mission includes assisting the various government and private agencies in the maintenance and management of public trails and horse camps, and to educate, encourage and solicit active participation in the wise use of the back country resource by horsemen and the general public commensurate with our heritage.

We are writing to demonstrate support for concepts expressed in the 29 April 2013 comment letter submitted by the Pacific Crest Trail Association (PCTA). In that letter, the PCTA points out the current incongruity within the draft directives [Section 23.22(L)], with respect to management of congressionally-designated National Scenic Trails and National Historic Trails, or collectively "National Scenic and Historic Trails" (NS&HTs). The NS&HTs commemorate America's rich natural and cultural heritage and the network of trails traverse 92 national forests in all regions of the National Forest System. For example, the Pacific Crest National Scenic Trail traverses 24 national forests and three U.S. Forest Service (USFS) regions, while the Appalachian National Scenic Trail traverses eight national forests and two USFS regions. NS&HTs also traverse lands administered by the National Park Service, U. S. Bureau of Land Management (BLM), U.S. Fish & Wildlife Service, tribal governments, numerous state and local agencies, and private landowners.

The draft directives fail to provide guidance on NS&HTs similar to what currently is proposed for other congressionally-designated areas like Wilderness [FSH 1909.12 Chapt. 23.22(J)] and Wild and Scenic Rivers [FSH 1909.12 Chapt. 23.22(K)]. Yet, similar to Wilderness Areas and Wild and Scenic Rivers, NS&HTs are designated by

Congress for special management because of the nationally significant natural, cultural, historic, and recreational resources found along them and within the landscape settings through which they pass.

Back Country Horsemen of America supports the contention that the Planning Rule section, 36 CFR 219.1(F), must apply also to the National Trails System Act (NTSA), P.L. 90-543 and congressionally-designated NS&HTs. We believe the agency's guidance for Forest Plan revisions must provide for a consistent strategy for protection of the Nation's NS&HTs. Consequently, we disagree with the concept described in proposed FSH 1909.12-Land Management Planning Handbook, Chapter 23.22(L), which states:

National Trail plans must be consistent with the land management plan (36 CFR 219.15(e)) or either the land management plan or National Trail plan must be amended to achieve this consistency.

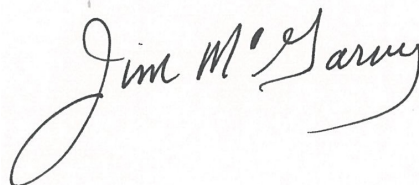
National Trail plans often have more detailed management direction than the plan components of a land management plan. However, any plan components displayed in the National Trail plan must be identical to those in the land management plan.

Our review of 36 CFR 219.15(E), *Consistency of resource plans within the planning area with the land management plan*, however, makes clear its guidance is directed toward existing management plans that are "internal" to a given National Forest, such as a Travel Management Plan that is referenced in this section as an example. Such resource plans for individual activities or programs that are internal (i.e., wholly contained) within a National Forest, stand in marked contrast to existing resource plans that span two or more national forests, such as comprehensive management plans that are required for congressionally-designated NS&HTs. This distinction must be made in the final directives, including use of language proposed by the PCTA in their 29 April 2013 comment letter (attached).

National Forest System management of NS&HTs must be consistent within the USFS and between federal agencies and be consistent among USFS units along each NS&HT. In other words, the directives must be amended to ensure consistency and continuity in the management of NS&HTs from one forest to the next. Moreover, we are encouraged by the thought process with respect to NS&HTs reflected in recent planning guidance issued by the BLM that was developed "to fulfill the requirements of and achieve the policy and purposes set forth in the NTSA... and other applicable laws and policies" (2012 BLM Manual 6280). We encourage the U.S. Forest Service to take a like-minded view in refining the directives for implementing its 2012 Planning Rule. Doing so would facilitate preservation of resources deemed significant by Congress and would promote consistency in the management of NS&HTs across federal agencies and their respective planning units.

We appreciate the opportunity to submit these comments.

Sincerely,

A handwritten signature in black ink that reads "Jim McGarvey". The signature is written in a cursive style with a large, looping initial "J" and a long, sweeping underline.

Jim McGarvey
BCHA Chairman

Pacific Crest Trail Association's Recommended Language regarding Establishment and Management of Congressionally Designate Areas – National Scenic and Historic Trails

In an effort to assist those making changes in the Draft Forest Planning Directives, we would offer the following language:

FSH 1909.12 23.22(L) -- Plans **shall** recognize and identify existing designated areas and any areas recommended for designation. The responsible official **must** address any additional planning requirements for designated areas as described in FSM 2350 and FSM 2370. In addition, plan components **must** be consistent with 36 CFR 294.1 – Recreation Areas.

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

The responsible official **must** include plan components that specifically address the principle purposes for which the designated areas were established, such as, "National Scenic and Historic Trails—nature and purposes, including recreational, scenic, natural, historical, and cultural resource values. Standards, guidelines, and suitability **must** place limits or conditions on projects or activities that may adversely affect or substantially interfere with the purposes of congressionally designated areas. Congressionally designated areas **are not suitable** for timber production. Any potential contribution to the Timber Sale Program Quantity (FSH 1909.12 65.1) from designated areas **must** be described in plan components, including adopting objectives and standards or guidelines that address when timber can be removed from a designated area.

The National Trails System Act contains specific requirements for the Secretary of Agriculture that inform land management planning processes and plan components. National Scenic and Historic Trails **must** have Comprehensive Plans (16 U.S.C. 1244(e) or (f)) that address the management of the selected rights-of-way (16 U.S.C. 1246(a)(2)). Land management plan components **must** be consistent with established Comprehensive Plans for National Trails, while recognizing that a Comprehensive Plan could be amended or revised to address changed conditions and National Trails System Act requirements

Land management plans shall form one integrated plan for each unit (16 USC 1604(f)(1)). For National Scenic and Historic Trails that pass through the planning unit, plan components **must** include management and use direction (16 USC 1244(e) or (f)) for the rights-of-way that provides for the nature and purposes of the National Trail (16 U.S.C. 1246). Furthermore, plans **must** protect potential rights-of-way for: (1) National Scenic and Historic Trails designated for study (16 U.S.C. 1244(b)), and (2) established National Scenic and Historic Trails where the rights-of-way is yet to be selected (16 U.S.C. 1246(a)(2))."