



Forest Service  
U.S. DEPARTMENT OF AGRICULTURE

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Intermountain Region

November 2023

# Enclosure 1: Objection Response for the Ashley National Forest Land Management Plan Revision

For more information about this objection response, please contact:

Katharine Haynes, Regional NEPA Specialist, at [katharine.haynes@usda.gov](mailto:katharine.haynes@usda.gov).



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# OBJECTION REVIEW AND RESPONSE OVERVIEW

## Land Management Planning Process

As required by the National Forest Management Act (NFMA) and guided by the Code of Federal Regulations (CFR) at 36 CFR Part 219, Forest Service Manual (FSM) 1900, chapter 1920, and Forest Service Handbook (FSH) 1909.12, National Forest System (NFS) land management units are required to develop and maintain land management plans for the management of National Forest System lands, and those which depend upon them. These plans are known as “forest plans” or “grassland plans.”

Land management planning is a science-informed process which aims to ensure ecological and economic sustainability, maintenance or restoration of federally listed species and their critical habitat, and provide sustainable multiple uses, all within the inherent capability of the plan area, and the fiscal capability of the unit. Planning can be summarized into four separate yet interconnected segments: assessment, plan development, pre-decisional administrative review (objection) process, and monitoring. All of these ensure integration of information, expertise, and public engagement. Plan development requires preparation of documents in compliance with the National Environmental Policy Act (NEPA) and the 2012 planning rule (36 CFR Part 219) to afford the public an opportunity to participate in the development of the land management plan and associated documents.

During the objection process, the public can raise objections to specific aspects of planning documents. The reviewing officer reviews the objections and proposed remedies and provides a response to objectors, which may include instructions to the responsible official to modify aspects of the planning documents. Once instructions are completed, the responsible official publishes the final plan, environmental impact statement (EIS), and record of decision (ROD). The final plan will be effective 30 days after the date of publication in the Federal Register.

36 CFR 219.62 defines an objector as “An individual or entity that meets the requirements of § 36 CFR 219.53, and files an objection that meets the requirements of [36 CFR] 219.54 and [36 CFR] 219.56.” Interested persons are individuals or organizations that provided substantive formal comments on the plan and filed a formal interested persons request during the designated time period (36 CFR 219.56 and FSH 1909.12, chapter 50, section 51.65).

## Ashley Land Management Plan Objections

An independent review team made up of Forest Service specialists assisted me in the review and resolution of the objections to the revised Forest Plan for the Ashley National Forest. They reviewed the objection letters, identified 21 substantive issues, and reviewed the planning record related to these issues. To facilitate the review and response, similar issues were grouped under a general resource heading. While much of the review focused on ensuring the revised plan meets current law, regulations, and policies, we also considered what changes were warranted to improve upon the analysis and decision, based on the eligible objection issues. In some cases, the review resulted in my issuing instructions to the responsible official because the team found that the planning record did not adequately address the objector’s issue, and there were inconsistencies with law, regulation, or policy, or I thought additional clarification would help resolve the issue. This final response to the objections provides a summary of the issues raised by the objectors and their requested remedies, as well as the review findings and any instructions I deemed necessary to address inconsistencies with law, regulation,



or policy. The Responsible Official must complete my instructions prior to issuing a final decision on the revised Forest Plan for the Ashley National Forest. They can address these instructions in the final ROD and Forest Plan, as well as in the appropriate environmental documentation.

## Eligible Objectors

There were 13 objections to the forest plan, filed by:

- American Rivers
- American Whitewater
- BlueRibbon Coalition
- Coalition of Local Governments
- Colorado Off-Highway Vehicle Coalition
- Daggett County
- JRB, LLC
- Ride with Respect
- State of Utah, Department of Natural Resources, Public Lands Policy Center
- Trails Preservation Alliance
- Ute Indian Tribe of the Uintah and Ouray Reservation
- Winter Wildlands Alliance
- Wyoming Department of Agriculture

## Interested Persons

There were 12 individuals or organizations who requested and were given interested person status:

- BlueRibbon Coalition
- Coalition of Local Governments
- Colorado Off-Highway Vehicle Coalition
- Daggett County
- JRB, LLC
- Ride with Respect
- State of Utah, Department of Natural Resources, Public Lands Policy Center
- Trails Preservation Alliance
- Wyoming Department of Agriculture
- Duchesne County Commissioners
- Sweetwater County Commissioners
- Uintah County Commissioners

## Resolution Meeting

I held a resolution meeting on August 28, 2023 (per 36 CFR 219.57(a)), in Vernal Utah, with a virtual option to attend via Microsoft Teams, which included a phone line for those without internet access. The meeting was well attended and productive. All objectors and interested persons participated either in person or virtually and the meeting was open to the public for observation. The meeting covered aspects of all of the objection topics, with a focus on areas where I was seeking greater clarity.

The discussions at the meeting helped me better understand the issues as well as the remedies proposed by objectors and the discussion benefited from both the objectors and interested persons sharing their perspectives. I appreciate the time of all the participants and the engagement we shared. The feedback received at the meeting was very helpful in my consideration of the issues and development of instructions to the forests. No decisions were made at this meeting, but what was learned through the dialogue, in addition to a review of the objections informed this final written response.



## Objection Response Reading Guide

The following responses to the objections are organized into topic areas, such as recreation or wildlife. Individual issues are addressed in the following format: name of the issue; objection summary, which includes the name of the objector(s); an assessment of the issue; a conclusion of findings based on the assessment; and any instructions to the forest which must be completed before signing the record of decision. Where applicable, similar issues have been combined into one response, while preserving the context of the individual issues.

For ease of discussion throughout this document, the Ashley National Forest will be referred to as “the forest.” The Ashley National Forest Land Management Plan will be referred to as “the Forest Plan” or “the land management plan” depending on the context of the discussion.

All page numbers and plan components cited refer to the Forest Plan, final environmental impact statement (EIS), and draft record of decision (ROD) and their associated appendices that were released on April 19, 2023, at the start of the objection period.

A list of references cited is provided at the end of this document, organized by topic areas. A link to commonly cited references, such as CFRs and forest plan revision documents, is provided under the general sub-heading.





## ENVIRONMENTAL JUSTICE

### Environmental Justice and Motorized Access

#### Objection Summary

BlueRibbon Coalition contends that any time motorized routes or areas are closed, people with disabilities that require the use of motorized means to access those public lands are barred from those areas forever. They say there has been little recourse because the Americans with Disabilities Act does not require public land management agencies to consider disproportionate effects on the disabled community, but only requires that they be given access to public lands on equal terms with everyone else. They argue that the Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government requires the land management plan to “consider whether any route closures, decommissioning or lack of roadside treatments in the Ashley National Forest would disproportionately harm disabled users’ ability to access public lands.”

#### Objector’s Proposed Remedy

Consider the access needs of disabled users in drafting the alternatives for this land management plan and ensure that people with disabilities who depend on motorized means do not lose access.

Backcountry management should follow alternative D, with only 299,000 acres identified as backcountry, to not discriminate against those with physical limitations.

#### Assessment

The Forest Service is subject to several statutes related to accommodations for individuals with disabilities. Under the Americans with Disabilities Act, federal agencies are prohibited from discriminating against people with disabilities. The act, as amended (section 507(c)), clarifies that wheelchairs may be used in wilderness areas but that no agency is required to provide any form of special treatment or accommodation in wilderness areas. Executive Order 13985 expands environmental justice communities to include persons with disabilities, but guidance regarding how to identify if people with disabilities are considered an environmental justice community in a specific location is forthcoming. National forests are not yet required to include people with disabilities in environmental justice analyses.

Limitations to motor vehicle access would impact persons with disabilities, but not in a discriminatory manner because they would be applied equally to everyone. Further, according to the final EIS, motorized recreation access is expected to expand under alternative B modified. Specifically stating, “Compared with alternative A, there is an increase in objectives that would expand both the motorized and nonmotorized trail system on the Ashley National Forest, providing opportunities for access to these experiences. Based on recreation opportunity spectrum class, there is a slight increase in acres with an emphasis on motorized recreation (i.e., semi-primitive motorized acres and roaded natural areas are slightly increased),” (final EIS, chapter 3, p. 224). In the final environmental impact statement, mobility-impaired visitors are specifically considered, finding that under alternative B modified, “Establishment of destination recreation management areas would provide areas with management geared toward



increased access in specific areas,” and “Disability access would increase. Developed recreation sites would increase, and facilities would improve” (final EIS, chapter 3, table 3-61, p. 225).

Where motorized access is restricted, if those restrictions are applied consistently to everyone, they are not considered discriminatory under the Americans with Disabilities Act (29 U.S.C. 794) or Executive Order 13985. Motorized access must be consistent with the resource protection and other management objectives of travel management or the Forest Service's travel management program, and this includes access for people with disabilities (29 U.S.C. 794; 7 CFR 15e.103).

According to Forest Service Manual 2353.05, and Title V, section 507(c), of the Americans with Disabilities Act, “wheelchairs and mobility devices, including those that are battery-powered, that are designed solely for use by a mobility-impaired person for locomotion and that are suitable for use in an indoor pedestrian area, are allowed on all National Forest System lands that are open to foot travel.”

The current recreation designations do not disproportionately impact people with disabilities because restrictions are applied equally to everyone, and access for mobility-impaired visitors is increased and improved under alternative B modified. The planning record demonstrates that people with mobility-limited disabilities were considered in the final EIS, and motorized access is expanded rather than limited under alternative B modified. No discriminatory treatment is evident.

*The response to [Recreation Opportunity Spectrum and Restrictions on Motorized Use](#) discusses how the Forest Service is also directed to provide a variety of recreation opportunities supporting social, economic, and ecological sustainability, utilizing recreation opportunity spectrum to integrate recreation needs and resource values. This issue further discusses how plan direction does not authorize site-specific changes to current motor vehicle use designation and how acres with motorized access increase under alternative B modified.*

## Conclusion

I find that the planning record adequately addresses the objector’s issue related to environmental justice and motorized access, including access for persons with disabilities, and that the project is consistent with law, regulation, and policy.

## RANGE

### Range Concerns with Wildlife Guideline 9

#### Objection Summary

JRB, LLC objects to forest-wide wildlife guideline 09 because it could result in allotments being left vacant. The objector believes that sheep grazing allotments should not be left vacant because they rarely reopen to grazing once they have been vacant and this is detrimental for the domestic sheep industry.

#### Objector’s Proposed Remedy

None proposed.



## Assessment

This analysis addresses the objector's concerns regarding FW-GD-WILDL 09 as currently written in the Forest Plan. This plan component may change as a result of implementing the instructions issued in *Plan Direction for the Prevention of Pathogen Transfer and Commingling* and *the Objection Response for the Intermountain Regional Forester's List of Species of Conservation Concern for the Ashley National Forest*, available on the *Ashley National Forest Plan Revision Webpage*.

WILDL Guideline 09 currently states:

“When a domestic sheep or goat grazing permit for an allotment is voluntarily waived without preference, and if the allotment does not provide separation from bighorn sheep, then authorized use of the allotment should provide separation of domestic sheep and bighorn sheep by one or more of the following methods: (1) mitigate the threat of pathogen transfer from domestic sheep and domestic goats to bighorn sheep consistent with the most current state bighorn sheep management plans, (2) mitigate the threat of pathogen transfer from domestic sheep and domestic goats to bighorn sheep in accordance with reasonable management guidelines pursuant to a new site specific memorandum of understanding, (3) leave the allotment vacant of domestic sheep and domestic goats, (4) work with the State of Utah to remove or translocate bighorn sheep, or (5) implement another method that would provide separation of the species or that would reduce the threat of pathogen transfer from domestic sheep and domestic goats to bighorn sheep.”

This plan component sets forth several options – in no order of priority – if a permit is voluntarily waived without preference. One of these five options includes leaving the allotment vacant. Forest Service regulations authorize the agency to cancel a permit if a permittee waives the permit back to the United States (and provide discretion regarding whether to reissue the permit), as well as to modify permits to address resource conditions and other management needs. 36 CFR 222.3, 222.4. Leaving the allotment vacant is not the same as permanently closing. The option of leaving an allotment vacant is consistent with current law, regulation, and policy.

However, the guideline as written is unclear. The guideline should be revised to clarify that the goal is to minimize the risk of contact between the species, not maintain separation. In addition, it should clarify how and when the Forest Service will implement this guideline, especially in the case of multiple permittees.

If the responsible official deems it necessary to specify the options for reducing the risk of contact, the Responsible Official should revise the language for those options to reduce potential for confusion.

## Conclusion

Current regulations and policy provide the option of leaving allotments vacant if a permittee waives a permit back to the United States without preference. However, the guideline as written is unclear, does not address the situation where there are multiple permittees, and may lead to confusion.



## Instructions

The reviewing official has instructed the responsible official to determine whether the plan components for bighorn sheep should be kept as is, modified or removed based on updates and clarifications to the persistence analysis (refer to the *Objection Response for the Intermountain Regional Forester's List of Species of Conservation Concern for the Ashley National Forest*). The responsible official may consider whether to keep, change, or remove the plan components based on best available scientific information even if the status of bighorn sheep does not change. The responsible official must document the rationale for changes to the plan components.

Further, I am instructing the responsible official that if, based on the updated persistence analysis, they decide to keep FW-GD-WILDL 9, the responsible official must revise FW-GD-WILDL 09 to clarify that the goal is to minimize the risk of contact between bighorn sheep and domestic sheep and goats and how and when the Forest Service will implement this guideline.

## Socio-Economic Impact of Losing Grazing Allotments

### Objection Summary

JRB, LLC contends that the land management plan could result in grazing allotments being closed and/or permits being canceled resulting in 'extremely high' economic impacts to permittees. They believe that the loss of grazing permits would put permittees out of business and cause socio-economic impacts to their families and communities where they live.

### Objector's Proposed Remedies

None proposed.

### Assessment

Law, regulation, and policy surrounding this issue pertain to social and economic sustainability. Specifically, the Forest Service is required to contribute to social and economic sustainability under the 2012 Planning Rule (36 CFR 219.1(c)). The agency is also required to analyze social and economic impacts of our management under the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321, 4331-4335, 4341-4347 and ((FSH 1909.15\_10)). Lastly, under the Multiple-Use Sustained-Yield Act of 1960, the agency is directed to manage National Forest System resources for the greatest good over time, necessitating economic and social analysis (74 Stat. 215; 16 U.S.C. 528-531).

In the final EIS, the economic impacts of four alternatives were analyzed (final EIS, pp. 217-218). Alternatives included options to maintain existing allotments and head counts and to reduce them. Alternative B modified also includes guideline FW-GD-WILDL-09, which includes voluntary permit waivers without preference to provide for separation between domestic sheep and bighorn sheep. The final EIS acknowledges that these closures would have a negative impact on the livestock industry, but does not quantitatively analyze these described potential impacts in the economic analysis which states,

“Although no direct changes to head months would occur as a result of proposed management, specific measures to protect bighorn sheep from disease (i.e., by leaving the allotment vacant of domestic sheep where permits are voluntarily waived without preference) could result in changes to the level of permitted sheep and goat use on a site-specific basis during plan



implementation. Should head months be reduced, or allotments be closed, this could result in financial impacts to individual operators or to the regional industry, with impacts determined by the level of reduction,” (final EIS, p. 224).

The economic analysis is instead based on no changes to existing allotments and head counts, while acknowledging that closures could occur if conditions require. According to Council on Environmental Quality guidance on programmatic NEPA, the forest is not required to provide analysis of site-specific impacts when it is unknown exactly what actions will be taken, and that in these cases impacts can be described qualitatively (Council on Environmental Quality, 2014):

“The PEA or PEIS must provide sufficient detail to foster informed decision-making that reflects broad environmental consequences from a wide-ranging federal program. Site- or project-specific impacts need not be fully evaluated at the programmatic level when the decision to act on a site development or its equivalent is yet to be made. Alternatives need not consider every specific aspect of a proposal but rather should be detailed enough to make a reasoned choice between programmatic directions. For example, a programmatic analysis of a plan would not require consideration of detailed alternatives with respect to each implementation action proposed under the plan – otherwise a programmatic analysis would be practically impossible to prepare, requiring a compilation of a vast series of site-specific analyses” (p. 31).

“A broad (e.g., regional or landscape) description may suffice for characterizing the affected environment in programmatic NEPA reviews, so long as potentially impacted resources are meaningfully identified and evaluated. Impacts can often be discussed in a broad geographic and temporal context with particular emphasis on cumulative impacts. Those impacts can often be shown in a meaningful way by displaying a range of potential effects. The scope and range of impacts may also be more qualitative in nature than those found in project- or site-specific NEPA reviews” (p. 33).

The final EIS includes a socioeconomic analysis of grazing under the assumption that head counts and animal unit months will remain the same under alternative B modified, and qualitatively describes impacts from potential closures due to bighorn sheep, “Should head months be reduced, or allotments be closed, this could result in financial impacts to individual operators or to the regional industry, with impacts determined by the level of reduction” (final EIS, p. 224).

The current economic analysis is therefore compliant because it is based on the management outlined in the Forest Plan based on the known allotment allocations, which would result in stable contributions to social and economic sustainability regarding grazing permittees, and because the final EIS also qualitatively discloses potential impacts from potential closures.

*Refer to [Range Concerns with Wildlife Guideline 9](#) for information regarding assessment of impacts to the livestock industry and the inclusion of FW-GD-WILDL-09. Refer to Issue [Plan Direction for the Prevention of Pathogen Transfer and Commingling](#) for more in depth discussion of bighorn sheep plan components. Refer to the [Objection Response for the Intermountain Regional Forester’s List of Species of Conservation Concern for the Ashley National Forest](#), available on the [Ashley National Forest Plan Revision Webpage](#), for additional information on the designation of bighorn sheep as a species of conservation concern.*



## Conclusion

I find that the responsible official adequately considered and disclosed the socioeconomic impacts of the alternatives to grazing. The planning record adequately addresses the objector's issue and that the project is consistent with applicable law, regulation, and policy.

## RECREATION

### Winter Recreation Opportunity Spectrum and Over the Snow Vehicles

#### Objection Summary

Winter Wildland Alliance objects to the Forest Plan because it fails to include a winter recreation opportunity spectrum map. They assert that the lack of a winter recreation opportunity spectrum map results in the Forest Plan not providing sufficient context or guidance for future winter travel decisions on the forest or for the implementation of plan components FW-DC-ROS 6, 8, 10, 12, and 14. Furthermore, they assert that, in order to satisfy the 2012 planning rule for providing year-round sustainable recreation, the Forest Plan must use the winter recreation opportunity spectrum framework to assess the suitability of forest lands for over snow vehicle use as a component of social, economic, and ecological sustainability and to ensure that over-snow vehicle use does not threaten sensitive winter wildlife, wildlife habitat, air and water quality, and wilderness values.

#### Objector's Proposed Remedies

Develop a winter recreation opportunity spectrum map that reflects desired future conditions for winter recreation settings and provide opportunity for public review and comment on the map before incorporating it into the Forest Plan.

#### Assessment

36 CFR 219.10(b)(i) requires forest plans to include plan components to provide for sustainable recreation, including recreation settings, opportunities, and access. Recreation setting is defined in 36 CFR 219.19 as the social, managerial, and physical attributes of a place that, when combined, provide a distinct set of recreation opportunities. The Forest Service uses the recreation opportunity spectrum to define recreation settings and categorize them into six distinct classes: primitive, semi-primitive non-motorized, semi-primitive motorized, roaded natural, rural, and urban. The definitions of recreation opportunity and recreation setting in 36 CFR 219.19 do not specify season and there is no requirement specific to winter recreation.

FSH 1909.12, chapter 20, section 23.23(a) states "Desired winter recreation opportunity spectrum classes can be developed to depict changes in the location, mix and distribution of setting attributes, access, and associated opportunities (both motorized and nonmotorized)." FSH 1909.12, chapter 20, section 23.23 states, "The plan must include plan components, including standards or guidelines, to provide for sustainable recreation integrated...to meet this requirement the plan...must include desired conditions for sustainable recreation using mapped desired recreation opportunity spectrum classes."



In 2005, the forest updated its summer recreation opportunity spectrum map, which was incorporated into the Forest Plan. In 2005, the forest also mapped winter travel after completing Over-Snow Vehicle Travel Management Planning. However, the forest did not include a map of the winter recreation opportunity spectrum as part of these efforts.

The Forest Plan components FW-DC-ROS 6, 8, 10, 12, and 14 are desired conditions for winter recreation opportunity spectrum settings. The Forest Plan also has plan components that apply to both winter and summer recreation, such as FW-DC-ROS 2, 3, and 4, as well as FW-GO-ROS 1. However, the Forest Plan does not include a winter recreation opportunity spectrum map.

Refer to the issues [Potential Conflicts of Recreation Management Areas with Grazing, Wildlife, and the Recreation Opportunity Spectrum](#), [New Recreation Technologies](#), and [Travel Management & Designated Areas](#) for other examples of how the forest plan addresses sustainable recreation.

## Conclusion

I find the Forest Plan includes components to address sustainable recreation, including winter recreation. The Forest Plan also includes components for winter recreation opportunity spectrum settings, but it is not clear where these plan components apply without a map.

## Instructions

- State when the forest will initiate scoping for developing a map for the winter recreation opportunity spectrum settings.
- Clarify that the Forest Plan includes desired conditions for winter recreation opportunity spectrum settings, which considered over-snow vehicle use in Appendix H, Response to Comments, Recreation Opportunity Spectrum Issue #1, #3, and #4 (pp. 101-102).
- Clarify that the recreation opportunity spectrum classifications in the forest plan are for summer and winter use in Appendix H, Response to Comments, Recreation Opportunity Spectrum Issue #3 (pp. 101-102) but that only summer recreation opportunity spectrum classifications are mapped. When the Ashley National Forest conducts motorized over-snow vehicle travel management, winter recreation opportunity spectrum classifications will be mapped.
- Clarify in the Forest Plan (pp. 57-59) that FW-DC-ROS 2, 3, and 4, as well as FW-GO-ROS 1, apply to both summer and winter recreation, and “Specific locations and distributions of desired *summer* recreation opportunity spectrum settings are mapped in Figure 1-3.”

## Recreation Opportunity Spectrum and Restrictions on Motorized Use

### Objection Summary

BlueRibbon Coalition objects to the Forest Plan because they believe it expands restrictions on motorized use and consequently constrains subsequent travel management planning. BlueRibbon Coalition, along with Ride with Respect, Colorado Off Highway Vehicle Coalition, and the Trails Preservation Alliance contend that most of the planning area should have a motorized designation. They believe that the Forest Plan as written concentrates motorized use into smaller areas which will cause an increase in public safety concerns and impacts that will be exacerbated by the projected increase in



demand for motorized vehicle recreation in the coming decades. They don't think the Forest Plan adequately considers and weighs the benefits of providing for what they believe is an adequate level of motorized use compared to the consequences of restricting use. They also object to the Forest Plan expanding semi-primitive non-motorized designations over historic roads that the counties have proposed to reopen in their trail master plans. They believe that the definition of semi-primitive non-motorized recreation opportunity spectrum classification should include exceptions for motorized routes and motorized use to be consistent with desired future conditions.

## **Objector's Proposed Remedies**

Add language in the Forest Plan clarifying that the semi-primitive non-motorized zone has a non-motorized focus but may include motorized use, including new routes.

## **Assessment**

The 2012 Planning Rule at 36 CFR 219.8(b) requires that development of plan components consider outdoor recreation that contributes to local, regional, and national economies in a sustainable manner; sustainable recreation, including recreation settings, opportunities, and access; and scenic character. The final EIS assumes that demand for motorized and nonmotorized land- and water-based recreation on the forest will continue to increase. Additionally, the final EIS states the assumption that owing to local and state initiatives to promote regional recreation opportunities, nonmotorized water-based recreation, mountain biking, and other trail-based recreation will increase (final EIS, p. 303).

The 2012 Planning Rule also requires the use of the recreation opportunity spectrum throughout the planning process; utilizing existing recreation opportunity spectrum mapping develops a product which informs existing conditions for the assessment phase (FSH 1909.12, chapter 10, section 13.4). Recreation opportunity spectrum mapping is also used as a starting point for integrating with other resource values and deriving desired recreation opportunity spectrum settings (FSH 1909.12, chapter 20, section 23.23).

Existing recreation opportunity spectrum mapping is based on forest recreation opportunities, developments, travel routes, and off-forest influences (e.g., motorized routes of other jurisdictions). There are six, nationally-defined recreation opportunity classes or settings: urban, rural, roaded natural, semi-primitive motorized, semi-primitive nonmotorized, and primitive. They are defined by the social, managerial, and physical characteristics of a place that, when combined, provide distinct recreation opportunities. Each of the six primary recreation opportunity spectrum settings/classes is defined in FSM 2310.5 (FSM 2310, p. 16). The final EIS adequately includes an analysis to consider and weigh the effects of modifications to recreation opportunity spectrum, including evaluating the current existing conditions of recreation opportunities and the existing recreation opportunity spectrum, as well as the proposed alternatives (final EIS, pp. 304-310).

To provide for the sustainability of recreation opportunities to meet current and future demand, multiple alternatives were developed that offered a range of recreation opportunity spectrum setting distributions across the forest. Table 2-3 in the final EIS, Summary of Plan Content Responding to Forestwide Issues by alternative, displays the number of acres in recreation opportunity spectrum classifications by alternative, with alternative B modified providing the highest distribution of semi-primitive motorized acres of all alternatives (final EIS, p. 29). Alternative B modified, the selected alternative, provides the highest distribution of semi-primitive motorized classification (289,000 acres),





and the highest acres combined of motorized classifications (1,165,400 acres) of all alternatives (final EIS, p. 29). Based on recreation opportunity spectrum class, there is a slight increase in acres with an emphasis on motorized recreation (semi-primitive motorized, roaded natural acres) in the preferred alternative, alternative B modified, with an emphasis of motorized recreation on approximately 65 percent of the forest. Table 3-61 summarizes impacts on identified user groups and details the change from current conditions for each recreation management area and the attribute identified for specific user groups are included in this table (final EIS, chapter 3, p. 224).

Furthermore, the economic contributions of recreation based on each alternative was analyzed in the social and economic sustainability and environmental justice section of the final EIS. The analysis determined that Forest Service management was not anticipated to result in a change to the total recreation visits by alternative. As a result, no change to the level of recreation-associated contributions is anticipated. The final EIS states, "Under all alternatives, recreation visits are likely to increase over time, following regional population increases and recent trends toward increased visitation, as discussed in the Recreation section. Changes to the type of recreation use may occur by alternative and could result in some changes to spending patterns and economic contributions; however, these changes have been found to be secondary to the visit type" (final EIS, p. 218).

The Forest Plan decision is strategic in nature and does not authorize projects, activities, or site-specific changes to current motor vehicle use designations. Subpart B and Subpart C of the Travel Management Rule (36 CFR 212) describe the requirements for designating roads, trails, and areas for motor vehicle use. These apply to site-specific designations for motor vehicle use and are not part of the land management planning process. Determinations about which roads and trails will be open or closed to specific types of motorized and nonmotorized uses are site-specific decisions and are not addressed at the forest plan level; however, the Forest Plan may provide context and guidance for future travel management decisions (Draft ROD, p. 44). Where motorized trails in areas classified as primitive or semi-primitive nonmotorized would conflict with the recreation settings, these proposals would be analyzed through a separate, site specific, travel management process (final EIS, chapter 3, p. 299).

Regarding the objector's belief that semi-primitive non-motorized zones should allow for exceptions for motorized routes and motorized use to be consistent with desired future conditions, the plan direction is consistent with the semi-primitive non-motorized definition in FSM 2310.5, which states:

*"...characterized by predominantly natural or natural-appearing landscapes. The size of these areas facilitate distance from more heavily used and developed areas, creating a sense of remoteness. Interaction with other users is low. These settings provide opportunities for self-reliance and utilizing wildland skills. Motorized vehicles are not present, while mountain bikes, and other mechanized equipment may be present. Although some roads may be evident, they do not dominate the landscape. Vehicular use is infrequent. Occasional administrative use occurs on these roads for the purpose of natural and cultural resource protection and management" (WO Amendment 2300-2020-1, p.16).*

Although the definition from FSM 2310 is slightly expanded on from what is in the Forest Plan (FW-DC-ROS-07) as it includes an exception to motorized use for resource protection/management, the requested remedy "to...add language clarifying that the Semi-Primitive Non-Motorized zone has a non-motorized focus but may include motorized use, including new routes" would not meet the standardized definition for semi-primitive non-motorized as defined in Forest Service policy (FSM 2310).



Lastly, the analysis took into consideration the planning efforts of its county partners by the acknowledgement that “local governments have developed or are developing trail master plans, and many of them emphasize adding motorized trails” and identified that new motorized trail had been constructed on the south side of the Duchesne-Roosevelt Ranger District since the 2017 assessment was written (final EIS, p. 299). The effects analysis ascertained that alternative B modified would improve recreation opportunities for trail users as it includes “objectives to increase and improve both motorized and nonmotorized routes” (final EIS, p. 305).

See also [Record of Decision Rationale for the Recreation Opportunity Spectrum](#) for additional information on Recreation Opportunity Spectrum classifications.

## Conclusion

I find that the responsible official adequately considered a range of alternatives for managing sustainable recreation, including classification of lands for motorized and non-motorized use, and consideration of county master plans. The planning record adequately addresses the objector’s issue and that the project is consistent with law, regulation, and policy.

## New Recreation Technologies

### Objection Summary

BlueRibbon Coalition objects to the Forest Plan because they say the final EIS does not go far enough in its analysis of emerging recreation technologies and it doesn’t take into consideration how to manage for these technologies or resulting new user groups. They contend that the Forest Plan should include flexibility to allow for new technologies if they meet standards.

### Objector’s Proposed Remedies

Add the following **bolded** text to the final EIS under the introduction to Emerging Recreation Technologies:

"New recreational products are likely to emerge over the lifetime of the forest plan. Some of these products will likely be prohibited under existing regulations, while others may require additional regulations or direction when they appear. **With new user groups, recreation technology should be fully analyzed and as long as they meet standards set should be allowed.**"

### Assessment

In accordance with 36 CFR 219.8(b), which requires that development of plan components consider outdoor recreation that contributes to local, regional, and national economies in a sustainable manner, the Forest Plan includes forestwide direction as well as desired conditions and guidelines under the emerging recreation technologies direction. This includes:

FW-DC-RECTEC-01: New recreation technologies contribute to visitor enjoyment and experiences, are consistent with recreation settings, still allow for the enjoyment of other existing recreation opportunities, and minimally affect wildlife and other natural resources.



FW-GD-RECTEC-01: New and emerging recreation technologies and equipment should not create adverse effects on existing recreation uses and activities.

FW-GD-RECTEC-02: New and emerging recreation technologies and equipment should not be allowed or should be limited to appropriate sites if safety issues and environmental effects cannot be addressed through mitigation measures.

## Conclusion

The forest plan includes components that adequately address management considerations of new and emerging technologies. I find that the project is consistent with applicable law, regulation, and policy.

## Potential Conflicts of Recreation Management Areas with Grazing, Wildlife, and the Recreation Opportunity Spectrum

### Objection Summary

Utah Department of Natural Resources, Wyoming Department of Agriculture, the Coalition of Local Governments, and JRB LLC object to the identification of recreation management areas and classification of recreation opportunity spectrums that they believe will negatively affect livestock grazing, especially if they result in reduced stocking rates or increased conflicts between recreationists and livestock. They believe that recreation and livestock grazing can be compatible, but are concerned that if an area is specifically designated for recreation, the cattle grazing permits could be canceled per 36 CFR 222.4 (a)(1), unless the Forest Plan specifies that grazing is permitted within any recreation management area or under and recreation opportunity spectrum classification.

They object to the overlap of destination recreation management areas with greater sage-grouse habitat, asserting that the overlap is inconsistent with (FW-GD-WILDL-11). They argue that the developed recreation management areas and destination recreation management areas are inconsistent with 36 CFR 219.9(a).

They also object to the overlap between destination recreation management and bighorn sheep habitat, asserting that this will result in frequent contact between bighorn sheep and recreationists, causing the bighorn sheep to be stressed. They believe that the impacts from the destination recreation management areas are inconsistently analyzed in the final EIS stating that this "management direction and desired condition of increased infrastructure is inconsistent with the requirement to ensure adequate conditions exist for bighorn sheep viability" and the management strategy is inconsistent with 36 C.F.R. § 219.9(b)(1), which require the forest to provide "the ecological conditions necessary to . . . maintain a viable population of each species of conservation concern within the plan area." They note that bighorn sheep are currently listed as an SCC on the forest and key threats to persistence include 'habitat loss and degradation from human caused disturbance.'

They also object to what they believe is duplicative management direction provided by the establishment of recreation management areas when the lands are already classified for recreation opportunity spectrum and 'these "management areas" will become "designated" areas, such as a National Recreation Area, inventoried roadless area, or wilderness, at some point in the future.



## Objectors' Proposed Remedies

### *JRB, LLC*

Remove any bighorn sheep habitat, and most specifically any of the Core Herd Home Range from inclusion within destination recreation management area boundaries.

### *Coalition of Local Governments and Daggett County*

Remove any bighorn sheep habitat, and specifically any of the Core Herd Home Range, as well as potential greater sage-grouse habitat from inclusion in destination recreation management area boundaries.

### *State of Utah*

Reduce the size of the recreation management areas, most importantly the destination recreation management areas. Remove all destination recreation management areas overlapping with active livestock grazing allotments and any wildlife habitat identified in Table 3-41 for At- Risk Species in the final EIS.

## Assessment

36 CFR 219.10(b)(1)(i) requires plan components including standards or guidelines to provide for sustainable recreation including recreation settings, opportunities, and access; and scenic character. According to FSM 1920, section 1926.15 these plan components include guidance for using the recreation opportunity spectrum to map desired recreation settings across the forest and develop corresponding plan components. Management areas describe how plan components apply to specific parcels of National Forest System lands, with locations shown on maps. Every plan must have management areas, geographic areas, or both (36 CFR 219.7(d)). This plan meets this requirement.

Rationale for including recreation management areas is included in the final EIS. "Three recreation management areas will be established to support different recreation opportunities: destination recreation management areas to meet increased demands for recreation near local communities and to benefit local economies; backcountry recreation management areas that provide large, undeveloped landscapes suitable for dispersed recreation use; and general recreation management areas that allow for a range of recreational uses, including motorized and nonmotorized use, along with other multiple uses" (final EIS, p. 15). The recreation management areas, as defined in the final EIS, include standards and guidelines based on larger recreation focus areas and provide for an integration of sustainable recreation with other plan contents. Recreation management areas depict lands with integrated packages of compatible resource direction, and they may overlap with other management areas (final EIS, p. 16).

Under alternative B modified, livestock grazing was identified as an acceptable use within destination recreation management areas in compliance with FSH 1909.12 which provides guidance on suitability of lands within a plan area. The final EIS analyzes the alternatives with the assumption that "grazing allotments will remain active with permitted grazing as long as there continues to be demand..." (p. 269). Further clarification regarding the intent to graze within destination recreation management areas is provided on p. 273 stating: "No specific recreation classification (general, backcountry, or destination recreation management area) would prohibit livestock grazing." While the effects of increased use within destination recreation management areas were not specifically analyzed, the final EIS did analyze



the impacts of recreation, noting that non-motorized impacts "...would be concentrated along trails and campsites, where livestock and visitors would most likely be in proximity," (final EIS, pp.270-271).

As stated above, existence of the recreation management areas does not approve or pre-authorize the development of new recreation infrastructure. Site-specific NEPA analysis would be completed for future developed recreation (or similarly for decisions to authorize grazing consistent with FSH 2209.13), which would include analysis of impacts on livestock grazing as well as design features or mitigation measures that would address conflicts between livestock and recreation use. The final EIS addresses this concern in appendix H p. 93 stating "Impacts from increased recreation use are analyzed in project specific NEPA analysis for new or expanded developed recreation facilities, not in the EIS for the forest plan. As part of the NEPA analysis, mitigations for these impacts are identified, such as hardened trails, information and regulation signage, and control devices such as fences or other barriers."

While the record shows no intent to limit livestock grazing in destination recreation management areas under alternative B modified of the Forest Plan, modifications to existing term grazing permits are within the authority of the Forest Service. Various sections of 36 CFR 222 and FSM 2230 discuss permit modifications to comply with forest land management plans and to meet other resource needs, which could potentially include mitigating conflicts with recreational use.

The planning record shows that the potential effects of destination recreation management areas to at-risk wildlife species, including bighorn sheep and greater sage-grouse, were evaluated for each action alternative (final EIS, table 3-41, p. 183). Specifically, the analysis considered the overlap of destination recreation management areas with bighorn sheep habitat, bighorn sheep core herd home range, and greater sage-grouse habitat. As stated in the final EIS, "effects on wildlife [from recreation], such as disturbance and habitat degradation, would be more concentrated in high-use recreation management areas (destination and general recreation management areas) [...] Destination recreation management areas, which emphasize developed recreation experiences in high-use areas with motorized access and support facilities, would have the greatest level of impacts on wildlife and at-risk species [...] The magnitude of these effects would generally correspond to the area of overlap between recreation management areas and general wildlife or at-risk species habitat" (final EIS, pp. 182-183, 187).

The planning record shows the responsible official adequately considered the potential effects of destination recreation management areas to wildlife in the plan area. As stated above, a site-specific NEPA analysis would be completed for future developed recreation, which would include an analysis of effects to bighorn sheep and sage-grouse habitat, as well as design features or mitigation measures needed to reduce stressors to these species (final EIS, appendix H, p. 94). Plan direction for each species considers the ecological conditions required by the species, key threats to their persistence, and provides plan components needed to alleviate or eliminate these threats (36 CFR 219.7). The analysis of effects to wildlife from recreation under alternative B modified concludes that "Plan components [...] would ensure that habitat for all at-risk species is maintained in the Ashley National Forest despite impacts from recreation" (final EIS, chapter 3, p. 187).

The identification of recreation management areas does not approve or pre-authorize the development of new facilities, roads, or trails. Recreation management areas provide guidance for line officers and decision makers to focus their limited resources when looking at recreation projects, funding, staffing, and maintenance (final EIS, p. 12). Recreation management area desired conditions are indications of



future conditions that would typically be desired in each area. Recreation management areas help clarify the general suitability of various parts of the Forest for different activities and management practices (Forest Plan, p. 84). Site-specific NEPA analysis would be completed for future developed recreation, which would include analysis for at-risk species and other wildlife, and the project would follow the Forest Plan, which protects at-risk species.

The recreation management areas were developed to assist the forest in identifying road, trail, and recreation facility priorities for improvements, updates, and expansion for the many different types of recreation settings and opportunities that exist or could exist within the management area (Forest Plan, p. 84). The recreation opportunity spectrum is a classification tool used by the Forest Service to provide visitors with varying challenges and outdoor experiences. It classifies National Forest System lands into six management classes: urban, rural, roaded natural, semi-primitive motorized, semi-primitive nonmotorized, and primitive. The recreation opportunity spectrum classes are defined by settings and the probable recreation experiences and activities they afford. Recreation opportunity spectrum settings are incorporated as the more detailed breakdown of recreation opportunities within each recreation management area and are mapped at a forestwide level. The development of desired recreation opportunity spectrum settings meets the intent and requirements of FSM 1920, section 1926.15.

*Refer to the issue [Range Concerns with Wildlife Guidelines](#) for a more comprehensive discussion of permit authority under law, regulation, and policy.*

## Conclusion

I find that the responsible official adequately considered and disclosed potential impacts from allocating lands to recreation management areas to domestic livestock grazing, bighorn sheep, sage grouse and other wildlife. They also showed how recreation management areas provide additional guidance for management and are not duplicative, but provide greater refinement of management direction that is informed by the recreation opportunity spectrum classifications. The planning record adequately addresses the objector's issue, and the project is consistent with law, regulation, and policy.

## Record of Decision Rationale for the Recreation Opportunity Spectrum

### Objection Summary

BlueRibbon Coalition asserts that the draft record of decision doesn't sufficiently describe or document the rationale for some site-specific designations related to the recreation opportunity spectrum and specifically recreation opportunity spectrum designations that affect motorized use and access.

### Objector's Proposed Remedies

Add information to the record of decision that describes the rationale for site-specific designations related to recreation opportunity spectrum that affect motorized use and access.



## Assessment

The 2012 Planning Rule requires the use of recreation opportunity spectrum throughout the planning process. Utilizing existing recreation opportunity spectrum mapping develops a product which informs existing conditions for the forest plan assessment phase (FSH 1909.12 chapter 10, section 13.4). Recreation opportunity spectrum mapping is also used as a starting point for integrating with other resource values and deriving desired recreation opportunity spectrum settings (FSH 1909.12 chapter 20, section 23.23). Prior to this plan revision, the forest designated specific roads, areas, and trails for the use of motor vehicles (which includes off-road vehicles) that are displayed on the 2009 Motorized Travel Plan for Ashley National Forest (USDA 2009) as required by 36 CFR 212 subpart B. The 2009 travel management decision additionally approved the forest's summer recreation opportunity spectrum setting which is the basis for the existing recreation opportunity spectrum utilized in the Forest Plan.

Existing recreation opportunity spectrum mapping is based on forest recreation opportunities, developments, travel routes, and off-forest influences (e.g., motorized routes of another jurisdiction). However, desired recreation opportunity spectrum classes may be different from existing classes. The set of desired recreation opportunity spectrum classes is the result of an integrated planning process in which recreation contributes to social, economic, and ecological sustainability (1909.12 chapter 20). Desired recreation settings and opportunities may complement surrounding land uses and may vary by season.

The final EIS adequately includes an analysis to consider and weigh the effects of modifications to recreation opportunity spectrum, including evaluating the current existing conditions of recreation opportunities and the existing recreation opportunity spectrum, as well as the proposed alternatives (final EIS, p. 304-310). Furthermore, the economic contributions of recreation based on each alternative were analyzed in the social and economic sustainability and environmental justice section of the final EIS (final EIS, p. 218).

To provide for the sustainability of recreation opportunities to meet current and future demand, multiple alternatives were developed that offered a range of recreation opportunity spectrum setting distributions across the forest. Table 2-2 "Summary of Plan Content Responding to Forestwide Issues by Alternative," displays the number of acres in recreation opportunity spectrum classifications by alternative (final EIS, p. 29). Alternative B modified, the selected alternative, provides the highest distribution of semi-primitive motorized classification (289,000 acres), and the highest acres combined of motorized classifications (1,165,400 acres) of all alternatives (final EIS, p. 29). Based on recreation opportunity spectrum class, there is a slight increase in acres with an emphasis on motorized recreation (semi-primitive motorized acres and roaded natural areas are slightly increased over other alternatives) in the preferred alternative, alternative B modified, with an emphasis of motorized recreation on approximately 65 percent of the forest. Table 3-61 summarizes impacts on identified user groups and details the change from current conditions for each recreation management area, and the attribute identified for specific user groups are included in this table (final EIS, chapter 3, p. 224).

Designation of specific travel routes is not a Forest Plan decision. Recreation opportunity spectrum provides the framework where specific recreational opportunities, activities, and expected experiences are integrated to ensure compatibility with the landscape's natural and cultural resource values. Determinations about which roads and trails will be open or closed to specific types of motorized and



nonmotorized uses are site-specific decisions and are not addressed at the forest plan level; however, the Forest Plan may provide context and guidance for future travel management decisions (Draft ROD, p. 44).

*For more detail on how the final EIS, the Forest Plan, and the planning record have documented the rationale for the recreation opportunity spectrum designation, please refer to issues [Recreation Opportunity Spectrum and Restrictions on Motorized Use](#) and [Establishment of Recreation Management Areas](#).*

## Conclusion

I find that the record of decision sufficiently describes and documents the rationale for decisions related to recreation opportunity spectrum classifications, including those related to motorized use. The planning record adequately addresses the objector's issue and that the project is consistent with law, regulation, and policy.

## Establishment of Recreation Management Areas

### Objection Summary

The Coalition of Local Governments objects to the lack of clarification and information on how the forest plan recreation management area boundaries were defined and established.

### Objector's Proposed Remedies

None proposed.

### Assessment

The initial response when this issue was submitted as a comment, as provided in final EIS appendix H, addresses the objection in a broad context. It states, "Every plan must have management areas or geographic areas or both (36 CFR 219.7(d)) ... The recreation management areas were developed utilizing the recreation opportunity spectrum and the recreation specialist's knowledge of the Ashley National Forest with coordination from the forest plan revision interdisciplinary team" (final EIS, appendix H, p. 99-100).

Documentation in the planning record, including interdisciplinary team meeting notes (USDA 2018(a), USDA 2018(b), USDA 2018(c), USDA 2018(d)), notes from external cooperator listening sessions (Ashley 2022), interdisciplinary team decision logs (USDA 2019), and notes for Washington Office briefings on the EIS (USDA 2021(a)) further illustrate the collaborative effort and interdisciplinary development of the recreation management areas, and additionally point to collaborative efforts with cooperating agencies.

*See also response to [Potential Future Wilderness Designations](#) for more information on Recreation Management Areas.*





## Conclusion

I find that the planning record provides adequate clarity and information on how the recreation management area boundaries were defined and established and that the project is consistent with law, regulation, and policy.

## Travel Management & Designated Areas

### Objection Summary

Ride with Respect, Trails Preservation Alliance, and Colorado Off-Highway Vehicle Coalition object to the Forest Plan, asserting that it is inconsistent with travel management mandates, including Executive Order #14008 to “improve access to recreation” and “revitalize recreation economies”, and the National Sustainable Trails Strategy. They believe the Forest Plan fails to recognize that motorized trails have been sustainably managed. They are concerned that it fails to provide for an adequate supply of motorized recreational opportunities given increased trends in use. They also believe that the Forest Plan includes an attempt to comply with the 30 x 30 plan which is flawed and arbitrary given the percentage of forest that is already off limits to motorized recreation. Additionally, it fails to provide the necessary flexibility to allow for sustainably managed motorized trails during the life of the Forest Plan.

They allege that the Forest Plan is inconsistent with the Dingell Act's designation of the Ashley Karst National Recreation and Geologic Area, and the 1968 designation of the Flaming Gorge National Recreation Area which provided for preservation of recreational opportunities including motorized trails. In addition, they assert that the "Recreation Management Areas" are redundant and sometimes conflict with recreation opportunity spectrum designations.

### Objectors' Proposed Remedy

None proposed.

### Assessment

The Forest Plan is consistent with Executive Order #14008 which directs the Federal Government to protect America's natural treasures and improve access to recreation. The final EIS adequately includes an analysis to consider and weigh the effects of modifications to recreation opportunity spectrum, including evaluating the current existing conditions of recreation opportunities and the existing recreation opportunity spectrum, and the effects of changes to recreation access and opportunities across all alternatives (final EIS, pp. 304-310).

The Forest Plan is consistent with the National Forest System Trails Stewardship Act of 2016, which does not have specific requirements to be considered during land management planning but directs the agency to “identify sustainable trail systems.” The final EIS does state “Under all alternatives, the Forest would follow guidance established by the Forest Service’s National Strategy for a Sustainable Trail System to minimize impacts to resources” (final EIS, pp. 291-292). Furthermore, the final EIS states “Alternative B would also include objectives to increase and improve both motorized and nonmotorized routes, improving recreation opportunities for these users” (final EIS, p. 305).

Additionally, effects of the plan components, including recreation management area and recreation opportunity spectrum implementation on designated areas, such as Flaming Gorge National Recreation



Area and Ashley Karst National Recreation and Geologic Area, were assessed in the final EIS and found consistent with the designating legislation (final EIS, pp. 332-338). The Forest Plan is consistent with the Dingell Act's designation of the Ashley Karst National Recreation and Geologic Area, and the 1968 designation of the Flaming Gorge National Recreation Area which provided for preservation of recreational opportunities including motorized trails.

Regarding the allegation that the Forest Plan is attempting to comply with the 30 x 30 initiative, there is nothing in the planning record that supports the assumption that recreation management area designations are tied to the 30 x 30 initiative. The planning record documents that the recreation management areas and recreation opportunity spectrum components were developed to meet the intent of 36 CFR 219.10 as well as FSH 1909.12, chapters 10 and 20 which require desired conditions for sustainable recreation using mapped desired recreation opportunity spectrum classes (FSH 1909.12 23.23(a)(2)).

To provide for the sustainability of recreation opportunities to meet current and future demand, multiple alternatives were developed that offered a range of recreation opportunity spectrum setting distributions across the forest. Table 2-2, "Summary of Plan Content Responding to Forestwide Issues by Alternative," displays the number of acres in recreation opportunity spectrum classifications by alternative (final EIS, chapter 2, p. 29). Alternative B modified, the selected alternative, provides the highest distribution of semi-primitive motorized classification (289,000 acres) and the highest acres combined of motorized classifications (1,165,400 acres) of all alternatives (final EIS, p. 29).

The Forest Plan meets the intent of 36 CFR 219.10(b)(1)(i) by including standards or guidelines to provide for sustainable recreation including recreation settings, opportunities, and access. Additionally, the Forest Plan followed direction on assessing recreation settings, opportunities, and access, and includes integrated plan content for sustainable recreation resources as directed in FSH 1909.12, chapters 10 and 20.

Rationale for including recreation management areas is included in the final EIS, which states "Three recreation management areas will be established to support different recreation opportunities: destination recreation management areas to meet increased demands for recreation near local communities and to benefit local economies; backcountry recreation management areas that provide large, undeveloped landscapes suitable for dispersed recreation use; and general recreation management areas that allow for a range of recreational uses, including motorized and nonmotorized use, along with other multiple uses" (final EIS, p. 15).

Recreation management areas, as defined in the final EIS, include desired conditions, standards, and guidelines based on larger geographic recreation focus areas. These areas were developed to provide for sustainable recreation management that integrates with other plan contents. Recreation management areas depict lands with integrated packages of compatible resource direction, and they may overlap with other management areas (final EIS, p. 16).

Recreation opportunity spectrum is a classification tool used by the Forest Service to provide visitors with varying challenges and outdoor experiences. It classifies National Forest System lands into six management classes: urban, rural, roaded natural, semi-primitive motorized, semi-primitive nonmotorized, and primitive. Recreation opportunity spectrum classes are defined by settings and the probable recreation experiences and activities they afford. Recreation management areas were



developed to assist the forest in identifying road, trail, and recreation facility priorities for improvements, updates, and expansion for the many different types of recreation settings and opportunities that exist or could exist within the management area (Forest Plan, p. 84). Recreation opportunity spectrum settings are incorporated as the more detailed breakdown of recreation opportunities within each recreation management area and are mapped at a forestwide level. Development of desired recreation opportunity spectrum settings meets the intent and requirements of FSH 1909.12, chapter 20.

*For further discussion on recreation management areas, recreation opportunity spectrum, travel management and designated areas, please see issues [Recreation Opportunity Spectrum and Restrictions on Motorized Use](#), [Record of Decision Rationale for the Recreation Opportunity Spectrum](#), and [Potential Future Wilderness Designations](#).*

## Conclusion

I find that the planning record adequately addresses the objectors' issue related to travel management and designated areas and that the project is consistent with law, regulation, and policy.

## Socio-Economic Impact to Motorized Recreation

### Objection Summary

BlueRibbon Coalition objects to the level of socioeconomic analysis conducted for the Forest Plan. Specifically, they assert that the analysis fails to properly evaluate substantial adverse impacts to local communities caused by reducing opportunities for motorized recreation. They assert that socioeconomic impacts are only discussed and analyzed briefly and are primarily focused on timber and livestock and that the Forest Plan lacks meaningful data or analysis of the socioeconomic impacts to motorized recreation. They believe that the Forest Plan must "properly evaluate these interconnected motorized designation decisions on a broader scale, and the consequences of decisions in the Draft ROD must be properly disclosed."

### Objector's Proposed Remedy

None provided.

### Assessment

The Forest Service is required to contribute to social and economic sustainability under the 2012 Planning Rule (36 CFR 219.1(c)). The agency may also analyze social and economic impacts of management under the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321, 4331-4335, 4341-4347 and FSH 1909.15\_10). Lastly, under the Multiple-Use Sustained-Yield Act of 1960, the agency is directed to manage National Forest System resources for the greatest good over time, necessitating economic and social analysis (74 Stat. 215; 16 U.S.C. 528-531).

The economic analysis includes recreation estimates and assumes an overall increase in visitation based on regional trends, but the overall level of visitation and origin of visitors would not vary between alternatives (final EIS, chapter 3, pp. 211-212). The analysis is based on the best available recreation data (National Visitor Use Monitoring), but these data are not detailed enough to support an economic analysis broken down by specific recreation activity.



Although the economic analysis does not specifically break out motorized use, motorized access is expected to expand under alternative B modified. According to the final EIS, “Compared with alternative A, there is an increase in objectives that would expand both the motorized and nonmotorized trail system on the Ashley National Forest, providing opportunities for access to these experiences. Based on recreation opportunity spectrum class, there is a slight increase in acres with an emphasis on motorized recreation (i.e., semi-primitive motorized acres and roaded natural areas are slightly increased)” (final EIS, chapter 3, p. 224).

Refer to [Recreation Opportunity Spectrum and Restrictions on Motorized Use](#) for more information regarding the determination that recreation will increase under alternative B modified.

## Conclusion

I find that the final EIS includes an adequate socioeconomic analysis related to recreation. The recreation aspect of the forest plan was adequately considered and are expected to contribute to social and economic sustainability. The planning record adequately addresses the objector’s issue and that the project is consistent with applicable law, regulation, and policy.

## SILVICULTURE AND TIMBER

### Plan Approach to Timber Harvesting and Vegetation Management

#### Objection Summary

The Coalition of Local Governments and Daggett County object to the Forest Plan’s approach to timber and vegetation management. They contend that the Forest Plan needs to provide for an increase in timber harvest, timber production, and overall vegetation management treatments for the forest to reach desired conditions and prevent catastrophic wildfires from occurring. The objectors urge the forest to allow for and plan for additional forested vegetative treatments to protect the forest resources and watersheds and protect against catastrophic wildfire. The objectors encourage the forest to increase the forested vegetation treatment acres/fuels management to have a reasonable chance of dealing with the increased fuel loads and degraded conditions on the forest before catastrophic wildfires occur. They believe there is more availability for timber production in the short term to bring the forest to the desired condition and allow for commercial logging businesses to operate sustainably on the forest.

#### Objector’s Proposed Remedies

Use the sustained yield limit and harvesting in areas, including inventoried roadless areas (79,600 acres), that are unsuitable for timber production but qualify for harvesting due to mortality, disease, and insect epidemics to increase timber production.

#### Assessment

With respect to the issue of the inventoried roadless area being excluded from the acres of suitable timber production, the process for calculating suited and not suited timber is provided in the timber section of chapter 3 of the final EIS (pp. 258-266) and is presented on table 3-70 (p. 263). The



*Methodology and Analysis* section (p. 261) references the guidance provided by the 2012 Planning Rule at 36 CFR 219.11, the National Forest Management Act of 1976, and Forest Service Handbook 1909.12, chapter 60 as related to the timber suitability analysis. The guidance related to which lands are not suited for timber production of the 2012 Planning Rule is also described on page 41 of the land management plan, which includes, “Statute, Executive order, or regulation prohibits timber production on the land.” This applies to lands classified as inventoried roadless area, given that the 2001 Roadless Area Conservation Rule states “Timber may not be cut, sold, or removed in inventoried roadless areas of the National Forest System” (36 CFR 294.13). However, the 2001 Roadless Area Conservation rule also provides exceptions of “generally small diameter timber” [36 CFR 294.13 (b)(1)] “to improve threatened, endangered, proposed, or sensitive species habitat;” [36 CFR 294.13 (b)(1)(i)] “or to maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period” [36 CFR 294.13 (b)(1)(ii)]. These exceptions are stated on page 42 of the Forest Plan. On page 263 of the final EIS, inventoried roadless area acres are specifically referenced in the statement “timber harvest would be allowed on other lands up to 79,600 acres for purposes other than timber production, such as fuels management, which would remove wood products (see forest plan appendix 4) based on compatibility with desired conditions, objectives, standards, and guidelines.” Additionally, on table 4-1, in appendix 4 of the land management plan, volume from timber harvest activities in “Lands Not Suitable for Timber Production” are included in the annual average planned wood product output.

With respect to the issue of the land management plan being unable to meet desired conditions and prevent catastrophic wildfires from occurring, the objectors state that:

“Although timber production sale quantities are low (average sale quantity of 3,806 CCF measured on a decadal basis (Draft LMP at 44)), there is more availability short term to bring the Forest to the desired condition. This can be accomplished by utilizing the sustained yield limit and harvesting in areas that are unsuitable for timber production but qualify for harvesting due to morality [sic.], disease, and insect epidemics. The Forest Service recognizes that about “79,600 acres are not suitable for timber production where timber harvest may be allowed under exception” within inventoried roadless areas *Id.* at 42. These are areas that the Forest Service should start looking at to make treatments to now and is also a basis for increasing the annual timber harvesting allowed currently under the Draft LMP. See *id.* at 26 (FW-OB-CONIF-01).”

The sustained yield limit is the amount of timber volume which can be removed, annually, from the forest in perpetuity. It is not a target, but a limit. As stated in the Forest Plan timber standard FW-ST-TIMB-07 “Limit the quantity of timber (meeting timber product utilization standards) that may be sold per decade to a maximum of 10 times the annual sustained yield limit of 21,446 hundred cubic feet (approximately 10,110 MBF). This volume limit includes timber sold from both lands suitable and lands not suitable for timber production. The salvage or sanitation harvest of trees that have been killed or severely damaged by fire, windthrow, or other disturbances, or the harvest of trees to manage insect infestations and disease spread, are not subject to this limitation” (Forest Plan, pp. 44-45). Therefore, salvage and sanitation treatments would not be counted in calculations related to the sustained yield limit. However, the sustained yield limit is roughly 560 percent of the annual average planned wood sale



quantity (appendix 4 of the Forest Plan) and would allow for an increase in timber production, as appropriate.

The objectors also express concern with the number of acres of timber and fuels treatments planned on an average yearly basis. This statement is a specific reference to the forest plan objective FW-OB-CONIF-01 for 2,400 acres of vegetation management treatments and FW-OB-FIRE-01 for 6,600-32,000 acres of wildland fire and other vegetation treatments (Forest Plan, p. 26, pp. 29-30). The number of acres planned is based upon factors such as “fiscal capacity and organizational capacity” (final EIS, p. 262) as well as the “resource availability, NEPA analysis, weather conditions, socio-political factors, and other unpredictable factors” (final EIS, p. 141). The Forest Plan does account for avenues in which additional timber production may occur on page 43: “If additional support to achieve desired conditions is provided through opportunities—such as increased congressional allocations, stewardship contracting, or work with partners through the Good Neighbor Authority—the projected wood and timber sale quantities identified in Appendix 4 may be exceeded. Conversely, if available resources, markets, or other factors are less favorable than anticipated, the projected wood and timber sale quantities identified may not be met.”

Chapter 3 of the final EIS, especially for terrestrial vegetation and fire, provides analysis that supports the Forest’s assertion that the proposed action promotes vegetation conditions that maintain or move towards desired conditions. The *Environmental Consequences for Fire-Alternative B Modified* of the final EIS, on page 143, states that “Over the long term, fuels treatments would develop a fire-resilient landscape, bringing the frequency and severity of wildland fire closer to the natural range of variation.” Similarly, within the Terrestrial Vegetation effects analysis it is stated “Terrestrial vegetation desired conditions for all vegetation types common to alternatives B modified, C, and D are maintaining essential ecosystem components, processes, and functions. This would result in ecosystems that are resilient or adaptive to disturbances, such as fire, insects, pathogens, and climate variability. Movement toward these desired conditions under alternatives B modified, C, and D would be greater than under alternative A” (final EIS, p. 119).

In summary, the inventoried roadless area lands are deemed not suitable for timber production due to the designation of the land. However, these lands may be harvested if certain objectives and exemptions are met. The annual average planned wood product output indicates that timber harvests are projected for inventoried roadless areas (Forest Plan, appendix 4, table 4-1, p. 4-1). Projected vegetation treatment acres are dependent upon a variety of factors which includes the capacity of the forest, NEPA readiness, socio-politics, and weather. The final EIS provides a programmatic analysis related to the land management plan, and the terrestrial vegetation and fire analysis shows that projected treatments would move forests and woodlands toward desired conditions. The land management plan states that more treatments may be planned to move towards desired conditions if additional support is provided.

## Conclusion

I find the planning record adequately addresses the objector’s issues related to harvesting of lands within inventoried roadless areas and identification of suitable timber lands and shows that the planned treatment volume and acres would move the forest towards desired conditions. The planning record



adequately addresses the objector's issue and that the project is consistent with applicable law, regulation, and policy.

## TRIBAL AND TRADITIONAL USES

### Tribal Jurisdiction

#### Objection Summary

The Ute Indian Tribe of the Uintah and Ouray Reservation ("Tribe") believe the Forest Plan language should explicitly acknowledge the Tribe's jurisdiction of the Ashley National Forest lands and that the Tribe's management role "must exceed that of any other interested entity, party, or agency." Additionally, they state that any management actions conducted should occur under a joint-management system that "fully honors the Tribe's history and jurisdiction is the proper management process for these lands" and the Forest Plan documents should reflect that management.

#### Objector's Proposed Remedies

Add plan language that explicitly acknowledges the Tribe's jurisdiction of the Ashley National Forest lands and that the Tribe's management role must exceed that of any other interested entity, party, or agency.

#### Assessment

The Forest Service recognizes the Ute Indian Tribe's status as a sovereign nation. The government-to-government relationship between the United States and tribes is distinct from its relationship with non-sovereign entities. Because of this relationship, the Forest Service has the responsibility to consult, coordinate, and communicate with Indian tribes potentially affected by agency actions (FSM 1563.01i; EO 13175; 16 USC 472a et seq.; 47 USC 1701 section 1712(c)(9) et seq.).

The Forest Plan reflects this unique relationship. It expressly acknowledges approximately one third of the Ashley National Forest (the entire Duchesne/Roosevelt Ranger District) is within the boundary of the original Uintah and Ouray Reservation and the significance of these lands to the Ute Indian Tribe. It also states, pp. 38-39: (1) the Forest will consider the expertise of the Ute Indian Tribe and as part of its decision-making, particularly concerning management of resources subject to reserved treaty rights and subsistence uses; and (2) the Forest Service recognizes that the Ute Indian Tribe has expertise, knowledge, and interests, including management of resources subject to treaty rights and subsistence uses, which should be incorporated into Federal decision-making where possible and consistent with Federal law.

#### Conclusion

I find the planning record adequately addresses the objector's issue and the project is consistent with applicable law, regulation, and policy.



## Tribal Water Rights

### Objection Summary

The Ute Indian Tribe of the Uintah and Ouray Reservation ("Tribe") objects to the watershed section of the Forest Plan because they believe it does not go far enough to address the Tribe's water rights and "prioritize the protection of the Tribe's water supply and water storage."

### Objector's Proposed Remedies

Address the Tribe's water rights and prioritize the protection of the Tribe's water supply and water storage in the plan documents.

### Assessment

The Forest Plan does not affect treaty rights or valid existing rights established by statute or legal instruments. 36 CFR 219.1(d). Pursuant to 36 CFR 219.8(a)(2), the Forest Plan must include plan components to maintain or restore water quality and water resources. The Forest Plan adequately addresses the protection of water quality and water resources (final EIS, appendix H, p. 39; Forest Plan, chapter 2, pp. 11, 13, pp. 17-18).

### Conclusion

I find the planning record adequately addresses the objector's issue and the project is consistent with applicable law, regulation, and policy.

### Instruction

Based on my conversation with the Tribe during the resolution meeting, I am instructing the Responsible Official to update FW-GO-TRIBE-01 to read as follows "Collaborate with the Ute Indian Tribe to facilitate solutions to issues that are important to the Tribe and to the Ashley National Forest, including access to or on National Forest System lands, water resources, and tribal identification of and access to culturally important plants on National Forest System lands."

## WILD AND SCENIC RIVERS

### Wild and Scenic River Suitability and Eligibility

#### Objection Summary

American Whitewater and American Rivers argue that the 28 rivers previously found eligible for inclusion in the National Wild and Scenic River System must remain eligible, regardless of a subsequent suitability determination, and thus must continue to be afforded interim protection measures, because "Congress is the ultimate decider on Wild and Scenic River designation."

Additionally, objectors contend that suitability decisions should not be made as part of the planning process.





## Objectors' Proposed Remedy

### *American Whitewater*

- Revise the draft ROD, final EIS, and the Forest Plan to provide interim protections for all rivers previously found to be eligible.

### *American Rivers*

- Find the rivers previously found to be eligible to remain eligible.
- Remove wild and scenic suitability decisions from the proposed Forest Plan, final EIS, and draft ROD, and correspondingly include and uphold full status and protective interim management for all eligible wild and scenic rivers in its analysis. Provide an opportunity for public comment before decisions regarding suitability are considered or finalized.

## Assessment

The objectors reference two separate suitability studies, which are addressed under two separate NEPA actions and were preceded by separate eligibility studies:

1. 2022 Wild and Scenic Rivers Eligibility Study and Report ("2022 eligibility report") and 2022 Wild and Scenic Rivers Suitability Study and Report ("2022 suitability report"), which were completed for National Forest System lands within the forest during Forest Plan revision.
  - a. The 2022 eligibility report reviewed 40 rivers and found four rivers eligible for inclusion in the Wild and Scenic River System.
  - b. The 2022 Suitability Report determined the four eligible rivers were not suitable for inclusion in the Wild and Scenic River system.
2. 2005 Intermountain Region Wild and Scenic River Eligibility Study and Report ("2005 eligibility report") and 2008 Intermountain Region Wild and Scenic Rivers Suitability Study and Report ("2008 suitability report"), which were completed for all National Forest System lands in Utah .
  - a. The 2005 eligibility report found 24 rivers on the forest were eligible for inclusion in the Wild and Scenic River System.
  - b. The 2008 suitability report determined two rivers on the forest – the Green River and Upper Uinta River – were suitable for inclusion in the Wild and Scenic River System.

Objectors' assertion that the Forest Service lacks the authority to conduct suitability studies, whether as part of a plan revision or not, is incorrect. The 2012 Planning Rule directs the Forest Service to "Identify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers System, unless a systematic inventory has been previously completed and documented and there are no changed circumstances that warrant additional review [as part of the planning process]" and include components to provide for "Protection of designated wild and scenic rivers as well as management of rivers found eligible or determined suitable for the national Wild and Scenic River system." 36 CFR 219.7(c)(2)(vi), 219.10(b)(1)(v). Forest Service directives provide additional guidance that contradicts the objectors' assertions:

1. "Any eligible river may be studied for its suitability for inclusion in the National System at any time. Rivers may be studied for suitability as part of a plan development or revision, as part of a



plan amendment, in conjunction with a project decision, or in a separate study.” FSH 1909.12, chapter 80, section 83.3.

2. “A river that is determined to be not suitable for inclusion is also determined to no longer be eligible, and interim protection measures (sec. 84) would no longer apply.” FSH 1909.12, chapter 80, section 83.3.
3. “A river determined through a suitability study to be not suitable shall no longer be considered eligible and interim protection measures no longer need to be applied to those rivers.” FSH 1909.12, chapter 80, section 84.3.

Regarding the assertion that the forest changed direction from conducting a suitability study after plan revision to conducting the suitability study during plan revision, this change in direction was within the responsible official’s discretion. After changing direction, the forest provided the public with the opportunity to comment on the draft EIS and the draft 2022 suitability report.

## Conclusion

I find that the forest’s decisions to conduct a suitability study during the Forest Plan revision process and not re-study 22 streams previously determined not suitable in 2008 are consistent with applicable law, regulation, and policy. However, I am instructing the forest to make clarifications and updates to the 2022 suitability report and the record of decision.

## Instructions

Delete the last sentence in the introduction paragraph of the 2022 suitability report which reads: “In total, 4 eligible rivers were studied for their suitability as part of this process and all 4 were determined to be *suitable* for inclusion in the NWSRS.”

Update the final Wild and Scenic River Eligibility Study and Report, 4.2 Suitability Study, pp. 4-5 by changing text “the Ashley National Forest intends to conduct a suitability evaluation as part of a plan amendment, subsequent to the Record of Decision for its land use plan revision” to clarify that a suitability study was conducted during the Forest Plan revision process as documented in appendix F of the final EIS.

Update the record of decision descriptions of the alternatives for alternative B modified (p. 30) and alternative C (p. 31) to clarify that all alternatives include two rivers recommended as suitable (the Green River below the Flaming Gorge Dam (13 miles, scenic classification) and the Upper Uinta River including Gilbert Creek, Center Fork, and Painter Draw (40 miles, wild classification) (Forest Service 2008)), and alternative C includes four additional river segments as suitable.

## Consideration of Streams for Eligibility

### Objection Summary

American Rivers argues that the forest failed to consider and evaluate 11 additional streams as eligible for inclusion in the National Wild and Scenic Rivers System. They believe the forest dismissed their comments “without explaining how that information was found to be not compelling to a finding of Wild and Scenic eligibility, or even whether the Forest evaluated that information at all, contrary to policy and law.” More specifically, they assert the forest failed to adequately consider additional information



regarding at-risk species (spiked big sagebrush, white-tailed ptarmigan, tall willow, Colorado River cutthroat trout, dusky grouse, ruffed grouse, greater sage-grouse, snowshoe hare, rich fen, Goldrich blazing star, Untermann daisy, green threadleaf Dinosaur buckwheat, short-flower crypanth, Lake Fork gilia, shrubby bedstraw, thrifty goldenweed, thicketleaf penstemon, and Huber pepperweed) provided in their comments on the draft 2022 Eligibility Report.

## Objector’s Proposed Remedy

Reopen the wild and scenic eligibility process with opportunity for public comment to address the potential outstandingly remarkable values of 11 streams highlighted in previous comments, and to specifically document how those potential values do or do not meet standards for eligibility.

## Assessment

To be eligible for designation, a river must be free-flowing and possess one or more outstandingly remarkable values. FSH 1909.12, chapter 80, section 82.71. An outstandingly remarkable value must be a unique, rare, or exemplary feature that is significant when compared with similar values from other rivers at a regional or national scale and all features considered should be directly river-related. FSH 1909.12, chapter 80, section 82.73. The criteria for establishing outstandingly remarkable values based on fish and wildlife are whether the river or river corridor contains nationally or regionally important populations of indigenous species, particularly threatened or endangered species or species of conservation concern, or uniquely diverse or high-quality habitat for such species. FSH 1909.12, chapter 80, section 82.73a. The forest is required to respond to comments on draft eligibility study reports. FSH 1909.12, chapter 80, section 85.12.

The 2022 eligibility report evaluated 11 streams for eligibility. These 11 rivers were evaluated based on the criteria described in FSH 1909.12, chapter 80, section 82.7 and found to lack outstandingly remarkable values, as documented in appendix A of the 2022 eligibility report. The forest provided an October 2022 Summary Responses to Scoping Comments and Errata to Draft Eligibility Report.

The 2022 eligibility report specifically documented the forest’s findings on the many of the species identified by the objectors:

- Spiked big sagebrush. See appendix A, pp. A-24, A-31, A-35, and A-38.
- White-tailed ptarmigan. See appendix A, pp. 7, A-16, A-17, A-37, and A-41.
- Tall willow. See appendix A, pp. A-6, A-14, A-16, A-17, A-19, A-20, A-22, A-26, A-37.
- Colorado River cutthroat trout. See appendix A, pp. A-6, A-17, A-22, A-37, and A-43.
- Rich fen. See appendix A, pp. A-6, A-7, A-16, A-17, A-18, A-32, A-37, A-41, and A-44.
- Goldrich blazing star, Untermann daisy, and green threadleaf. See appendix A, pp. A-5, A-10, A-15, A-19, A-21, A-24, A-31, and A-38.
- Dinosaur buckwheat, short-flower cryptanth, Lake Fork gilia, shrubby bedstraw, thrifty goldenweed, thicketleaf penstemon, and Huber pepperweed. appendix A, pp. A-39.

For the remaining species – dusky grouse, ruffed grouse, greater sage grouse, and snowshoe hare – objectors note that several of the studied rivers have habitat for these species as “noted” by the “Utah Division of Wildlife Resources.” The objectors do not provide a citation. Although the report does not specifically address this comment, the 2022 eligibility report documents the forest’s findings regarding



bird and wildlife species more broadly. For most of the 11 rivers studied, the forest concluded there is no designated or proposed critical habitat for river dependent wildlife. For several rivers, the forest also noted the presence of routes or other existing features resulted in habitat fragmentation and a greater frequency of human disturbance. In addition, in the October 2022 Summary Responses to Scoping Comments and Errata to Draft Eligibility Report, the forest concludes: “The wildlife outstandingly remarkable values suggested by the commenter are not rare, unique, or exemplary with respect to the region of comparison.”

## **Conclusion**

I find that the 2022 eligibility report is consistent with law, regulation, and policy. However, the forest should more specifically respond to the objector’s information regarding habitat for dusky grouse, ruffed grouse, greater sage grouse, and snowshoe hare.

## **Instructions**

Add the 2022 eligibility report as an appendix in the FEIS, per FSH 1909.12, Chapter 80, section 82.93.

Document the consideration of habitat for the following species: dusky grouse, ruffed grouse, greater sage grouse, and snowshoe hare in a manner similar to how you considered other species in your analysis.

## **Consideration of Changed Circumstances and ORVs**

### **Objection Summary**

American Rivers believes the forest failed to consider changed circumstances and additional potential outstandingly remarkable values in its decisions regarding wild and scenic river eligibility and suitability.

American Rivers objects to the forest not reconsidering the suitability of 22 streams previously evaluated for Wild and Scenic suitability in 2008, because of changed conditions – specifically climate change – and the passage of time.

Additionally, they called for consideration of climate change adaptation and ecosystem services as an outstandingly remarkable value and believe that the forest did not adequately respond to their comment in providing rationale for why these values were not considered.

### **Objector’s Proposed Remedy**

Reopen the wild and scenic eligibility and suitability process with renewed opportunities for public review and comment to:

- Specifically consider and respond to new information about stream and stream-corridors, including data available from Utah Natural Heritage Program, the State of Utah Instream Flows Protection Program, and from other appropriate sources. Document how information from those sources does or does not constitute changed circumstances, and how that information does or does not meet the standards of wild and scenic eligibility.
- Include specific screening of all candidate streams for potential outstanding remarkable values in the context of climate change and ecosystem services in general, and in the context of specific information provided by adaptation partners.



## Assessment

Changed circumstances are changes that have occurred to the river or the river corridor that have affected the outstandingly remarkable values. FSH 1909.12, chapter 80, section 82.4. Outstandingly remarkable values are river-related unique, rare, or exemplary features when compared with similar values from other rivers at the regional or national scale. FSH 1909.12, chapter 80, section 82.4

Per FSH 1909.12 chapter 80, section 82.73a:

Section 1(b) of the Wild and Scenic Rivers Act establishes categories of outstandingly remarkable values. For each of these categories, criteria are identified in this section to establish a baseline that fosters greater consistency within the Agency and with other Federal river- administering agencies in evaluating eligibility. The criteria within the category may be modified and additional criteria may be included to make them more meaningful in the region of comparison. Additional criteria are not intended to create any subcategories within the value categories established by the Act.

The forest did not modify the criteria for the outstandingly remarkable value categories to include climate change adaptation and ecosystem services, which is within the responsible official's discretion. The forest documented its rationale for not modifying the criteria in the final EIS, appendix H. Response to Comments, pp. 159-160:

Although the criteria within each category may be modified and additional criteria may be included to make them more meaningful in the region of comparison, the Ashley did not include additional categories such as those suggested by the commenter of migration corridors and opportunities for climate adaptation. The established criteria within the categories were utilized. The revised plan addresses climate change vulnerability and adaptation more broadly.

For example, the planning record addresses climate change in the final EIS, watershed and aquatic and riparian ecosystems, pp. 66-94, Ecosystem Services Analysis Method, pp. 212-216, the Air, Soil, and Watershed's Resources Report pp. 98-100, and the draft record of decision.

Of specific concern to the objector is the forest's decision to not reconsider 22 streams from a 2008 suitability study for eligibility during the planning revision process. As discussed above in the response to the objections regarding "Wild and Scenic Rivers Eligibility and Suitability," the forest had the discretion regarding whether to re-evaluate the streams previously determined unsuitable based on changed circumstances.

In the response to comments on the 2022 eligibility report, the forest concluded: "Neither the commenters nor the Forest have identified changed circumstances that affect the outstandingly remarkable values."

## Conclusion

I find that the forest acted within its discretion to not modify the criteria for outstandingly remarkable values or consider climate change and the passage of time as changed circumstances requiring the reevaluation of the previously studied rivers.



## WILDERNESS

### Potential Future Wilderness Designations

#### Objection Summary

Ride with Respect, Trails Preservation Alliance, and Colorado Off-Highway Vehicle Coalition, object to the Forest Plan saying it is inconsistent with Federal law. They believe the land management plan could facilitate wilderness designations and management prescriptions that would be inconsistent with the “Congressional release of all non-designated Forest Service lands as provided in the Utah Wilderness Act of 1984”. The Coalition of Local Governments and JRB, LLC shared similar concerns that backcountry recreation management areas would eventually lead to these areas being designated as National Recreation Areas, inventoried roadless areas, or wilderness.

#### Objectors’ Proposed Remedies

None proposed.

#### Assessment

In response to concerns that the wilderness recommendation process violates the Utah Wilderness Act of 1984, the Forest clarified that the Utah Wilderness Act of 1984 established that the Roadless Area Review and Evaluation (RARE) II was “sufficient for that time” and that the Forest Service “shall be required to review the ‘wilderness option’ during subsequent revisions of forest plans.” The Utah Wilderness Act of 1984 specifically prohibited “the performance of a statewide wilderness assessment” similar to what was completed under the RARE I and RARE II in the 1960s and 1970s (appendix H, Wilderness – Recommended Wilderness, Issue #8, pp. 155 – 157).

As noted above, the Utah Wilderness Act of 1984 states that the Forest Service “shall” review the “wilderness option” during plan revisions. In carrying out the wilderness recommendation process, the Forest was consistent with the Utah Wilderness Act of 1984, the 2012 Planning Rule (36 CFR 219.7 (c)(5)), and its implementing Forest Service Directives (FSM 1923 and FSH 1909.12, chapter 70).

In their response to draft EIS comments, the forest establishes that the proposed designation of recreation management areas is consistent with the 2012 planning rule, which states that “every plan must have management areas or geographic areas or both.” (36 CFR 219.7(d)) As defined in the planning rule (36 CFR 219.19), “geographic areas are based on place, while management areas are based on purpose.” Management areas and geographic areas are used to describe how plan components apply to specific parcels of National Forest System land (final EIS, appendix H, Recreation – Recreation Management Areas, Response to Issue #1, p. 100-101; and FSH 1909.12, chapter 20, 22.21).

As stated in the final EIS (chapter 2, p. 19), the Forest’s focus on recreation management is to provide infrastructure to support recreation, while considering other resource values. In addition, management would provide for a variety of developed and dispersed recreation and tourism opportunities to support a diverse set of users and local communities. Recreation management areas provide guidance for line officers and decision makers to focus their limited resources when looking at recreation projects, funding, staffing, and maintenance (final EIS, p.12). Recreation management areas’ desired conditions are indications of the future conditions that would typically be desired in each area. The recreation



management areas help clarify the general suitability of various parts of the forest for different activities and management practices (final EIS, p.84).

The Forest describes the recreation management areas as “lands other than designated wilderness” on the forest where “similar types and levels of recreation occur” (chapter 2, p. 16). The Forest Plan includes three types of recreation management areas which are defined in the final EIS:

(1) Destination recreation management areas:

- They “provide the most intensive recreation development on the Ashley National Forest. The public should expect areas of high-density recreation with high use levels. In winter, portions of these areas provide facilities for winter uses, such as ice fishing and cross-country skiing. Recreationists are attracted to these settings because of the variety of opportunities. Motorized access and support facilities (roads, parking lots, water access and boating support services, campgrounds, resorts, and marinas) are emphasized” (final EIS, chapter 2, p. 17).

(2) Backcountry recreation management areas:

- “These areas provide large, undeveloped landscapes suited for dispersed recreation use. The public should expect to see natural landscapes with few amenities, limited management, lower visitor uses and density levels, and a limited Forest Service presence. Wheeled motorized travel is suitable, consistent within the desired recreation opportunity spectrum settings as assigned and on designated roads, trails, and areas, except under alternative C. Mountain bikes are permitted on existing roads and trails unless specifically excluded” (final EIS, chapter 2, p. 17).

(3) General recreation management areas:

- “These areas are where the concept of multiple use is most evident. They are the working landscape where dispersed and developed recreation, fuelwood gathering, vegetation management, livestock grazing, electrical transmission infrastructure, communication sites, and oil and gas production may occur. The public should expect to see a variety of ecosystem conservation management activities and some lands modified to meet multiple-use objectives. A broad spectrum of landscapes, activities, and uses are included, ranging from relatively unaltered lands to areas of active management for purposes of meeting a variety of social, economic, and ecological objectives. Small pockets of concentrated use may exist, but these do not dominate the landscape. In summer, dispersed recreation, camping outside a developed campground, off-highway vehicle riding, and motorized water recreation are the most popular uses” (final EIS, chapter 2, p. 17).

Figure 2-1 in appendix A of the final EIS describes the geographic distribution of the proposed recreation management areas (final EIS, appendix A, p. 2). Table 2-3 further describes the resource considerations associated with each of the recreation management area types by alternative (final EIS, chapter 2, p. 34). For example, for the proposed action (alternative B modified), timber harvest, motorized use, and livestock grazing are all suitable in backcountry recreation management areas. In their discussion on environmental consequences of the proposed action on land status and ownership and special uses, the Forest states a goal for the proposed action to “make the backcountry recreation management area suitable for wheeled motorized travel consistent within desired recreation opportunity spectrum settings as assigned and on designated roads, trails, and areas” (final EIS, chapter 3, p. 327).



Tables B-12, B-13, and B-14 in appendix B of the final EIS provide more detail about the specific infrastructure-related projects tentatively planned for each type of recreation management area under each alternative, including the proposed action.

These tables and references establish that multiple uses will still be supported in these recreation management areas, which is not generally consistent with recommended or designated wilderness areas, where the management emphasis is on preserving the wilderness characteristics of an area as described in Forest Service Handbook, 1909.12, chapter 70, section 74.1.

In the absence of changes or updates to the wilderness recommendation process, future land management planning processes will follow the 2012 Forest Service Planning Rule (36 CFR 219.7 (c)(5)) and chapter 70 of the Forest Service Land Management Planning Handbook (FSH) 1909.12. As with this plan revision process, there will be opportunities for public engagement, review, and comment throughout the wilderness recommendation process.

*Questions regarding the objector's concerns on "redundancies" between the use of the recreation opportunity spectrum classification and the designation of recreation management areas are addressed in [Potential Conflicts of Recreation Management Areas with Grazing, Wildlife, and the Recreation Opportunity Spectrum](#); the recreation opportunity spectrum classification is also discussed in [Travel Management & Designated Areas](#).*

## Conclusion

I find the planning record adequately addresses the objectors' issue regarding the allocation of lands to recreation management areas. The project is consistent with applicable law, regulation, and policy. However, I found that the record could be clearer in terms of the direction provided by the Utah Wilderness Act.

## Instructions

Clarify the language in Appendix H, Wilderness – Recommended Wilderness, Issue #8, Page 157 regarding the Utah Wilderness Act to read as follows:

The release language of the Utah Wilderness Act is similar to other wilderness acts of its time. The language in Title II, Sec 201(b)(2), makes it clear that while the RARE II review was sufficient for "for the initial land management plans", the Forest Service "shall review the wilderness option when the plans are revised." Sections 201(b)(3) and 201(b)(4) also make it clear that lands in the inventory shall be managed for "multiple use" except that those lands identified as recommended for wilderness designation through the Forest planning process may be managed to protect their wilderness suitability. Only the performance of a statewide wilderness assessment was prohibited by the Utah Wilderness Act of 1984. Section 201(b)(5) specifically prohibits the Department of Agriculture from conducting "any further statewide roadless area review and evaluation" unless expressly authorized by Congress. Individual reviews by each Forest do not violate this prohibition. The prohibition of a statewide review was intended to prevent a "further" RARE I or RARE II-type exercise.



## WILDLIFE

# Plan Direction for Reducing the Risk of Contact between Domestic Sheep and Goats and Bighorn Sheep

### Objection Summary

The Wyoming Department of Agriculture, State of Utah Public Lands Policy Coordination Office, JRB LLC, Coalition of Local Governments, and Daggett County object to the lack of clarity and specificity of plan components directed at preventing pathogen transfer and commingling of domestic sheep and goats with bighorn sheep (Wildlife Guidelines 09 and 10, and Wildlife Goal 03). They believe the Forest Plan is inconsistent with bighorn sheep statewide management plans and they object to management practices that would result in expansion of bighorn sheep populations beyond their current range.

Objectors believe the Forest Plan fails to recognize the potential for pathogen transmission between mountain goats and bighorn sheep. Objectors also express concern with inclusion of any site-specific management strategies in a permittee's annual operating instructions in the plan components because noncompliance with these instructions could result in permit action and would foreclose discussions on the instructions with the permittee.

### Objectors' Proposed Remedy

*Wyoming Department of Agriculture and State of Utah Public Lands Policy Coordination Office*  
Edit the following two guidelines within the Forest Plan to read as follows:

Guideline 09: "When a domestic sheep or goat grazing permit for an allotment in proximity of bighorn sheep herds is voluntarily waived without preference, then authorized use of the allotment should work towards separation of domestic sheep and bighorn sheep by one or more of the following methods: (1) mitigate the threat of pathogen transfer between bighorn sheep and domestic sheep and domestic goats consistent with the most current Utah Bighorn Sheep Statewide Management Plan, (2) mitigate the threat of pathogen transfer between bighorn sheep and domestic sheep and domestic goats in accordance with reasonable management guidelines pursuant to a new site-specific memorandum of understanding, (3) work with the State of Utah to remove or translocate bighorn sheep."

Guideline 10: "New permitted domestic sheep or goat allotments may be authorized when the Ashley National Forest in cooperation with UDWR, and grazing permittees can develop a site-specific MOU to mitigate threat of pathogen transfer and reduce or eliminate bighorn contact with domestic sheep or domestic goat allotments. This guideline does not apply to use of pack goats for recreational use, nor to existing domestic sheep or goat grazing permits waived with preference."

Goal 03: "Minimize the risk of contact between bighorn sheep and domestic sheep or domestic goats through collaboration with the State of Utah, by utilizing memorandums of understanding and applying reasonable and relevant site-specific management strategies that strive to minimize the risk of contact between the two species."



Include the following Goal in the final EIS, ROD, and Forest Plan.

GOAL: Collaborate with the State of Utah utilizing Utah Statewide Mountain Goat Management Plans to apply site specific management strategies to minimize the risk of contact and pathogen transfer between the mountain goats and bighorn sheep.

#### *State of Utah*

Reference the Utah Mountain Goat Statewide Management Plan as a management action, stating that the Forest Service will adhere to the State's management plan. Include the following language in the final EIS, final record of decision, and Forest Plan: "Work with the State of Utah to utilize the Utah Statewide Mountain Goat Management Plan to apply site specific management strategies to minimize the risk of contact and pathogen transfer between mountain goats and bighorn sheep."

#### *Coalition of County Governments*

Remove reference to annual operating instructions from WILDL Goal 03.

#### *JRB, LLC*

Include a goal within the Forest Plan that calls for collaboration with the State of Utah and incorporation of the Utah Mountain Goat Statewide Management Plan to implement strategies to minimize the risk of contact and pathogen transfer between mountain goats and bighorn sheep.

## **Assessment**

Rocky Mountain bighorn sheep is currently a species of conservation concern on the Ashley National Forest (Regional Forester letter dated December 4, 2017). The Reviewing Official has instructed the Responsible Official to: (1) update the Rocky Mountain bighorn sheep persistence analysis based on the best available scientific information; (2) clarify the consideration of state management actions in the analysis; and (3) then determine whether to recommend that the Regional Forester change the species of conservation concern list. *Refer to the Objection Response for the Intermountain Regional Forester's List of Species of Conservation Concern for the Ashley National Forest, available on the [Ashley National Forest Plan Revision Webpage](#), for additional information on the designation of bighorn sheep as a species of conservation concern.*

Based on these updates and clarifications, the responsible official may then determine whether the plan components for bighorn sheep should be kept as is, modified or removed. Forest Service regulations require a plan to include plan components for integrated resource management to provide for multiple use and ecosystem services, diversity, and integrity, which can include wildlife and grazing, as well as species-specific components for species of conservation concern if necessary to maintain a viable population. 36 CFR 219.9, 219.10(a). Plan components must be based on the best available scientific information. 36 CFR 219.3. The responsible official may consider whether to keep, change, or remove the plan components based on best available scientific information even if the status of bighorn sheep does not change.

This analysis addresses the objector's concerns regarding FW-GD-WILDL 09, FW-GD-WILDL 10, and FW-GO-WILDL 03 as currently written in the Forest Plan. Regarding expansion of the population, the Forest Service acknowledges state authority regarding management of the bighorn sheep population on national forests. "Concerns about the expanding range of bighorn sheep in the Uinta Mountains should



be addressed to the State of Utah since the Forest Service has no authority over the expansion of bighorn sheep in Utah” (final EIS, appendix H, p. 179).

Forest Service regulations require the responsible official to consider the state planning and land use policies, but do not require that the “responsible official conform management to meet non-Forest Service objectives or policies” 36 CFR 219.4(b)(2), (3). FW-GD-WILDL-09 and FW-GO-WILDL-03 directly speak to coordination with the State of Utah and apply methods that are consistent with the current state bighorn sheep management plan, as well as two current memorandums of understanding. Two additional plan goals (FW-GO-WILDL-01 and FW-GO-WILDL-02) show the responsible official’s intent to coordinate with the State of Utah to manage wildlife and their habitat in the plan area. Appendix E in the final EIS (p. 8) documents potential plan inconsistencies with the 2018 State of Utah Resource Management Plan.

The planning record shows the forest carefully considered public and cooperator concerns regarding FW-GD-WILDL 09, FW-GD-WILDL 10, and FW-GO-WILDL 03, including those raised by the objectors. The forest convened a working group to specifically provide recommendations on changes to plan direction wording related to livestock grazing and bighorn sheep between the draft and final EIS (final EIS, appendix E, p. 2). As a result of that coordination, modifications were made to all three of the bighorn sheep plan components (Christensen, 2022). However, it would be helpful for the planning record to contain more detail as it pertains to the changes to these plan components and the work group discussions. In addition, a new goal to minimize the risk of contact between bighorn sheep and mountain goats was considered by the responsible official but was not carried forward for the following reason. The Forest Service’s authority extends to domestic goat and sheep grazing on national forests, not the management of wild mountain goats. As explained in the final EIS (chapter 3, p. 161), “The issue of possible transmission of pathogens between mountain goats and bighorn sheep is...under Utah Division of Wildlife Resources authority.”

*Refer to the analysis and findings of [Range Concerns with Wildlife Guideline 9](#) for more in-depth discussion of bighorn sheep plan component FW-GD-WILDL 09 as it relates to range management. This includes instructions to address the guideline’s lack of clarity and the need to address the situation where there are multiple permittees.*

*Wildlife guideline 10 is also unclear as written.*

WILDL Guideline 10 currently states: "New permitted domestic sheep or goat allotments should not be authorized unless the Ashley National Forest determines, based on local information and the best available science, that separation of the allotment from bighorn sheep will be obtained. This guideline does not apply to the use of pack goats for recreational use, nor to existing domestic sheep or goat grazing permits waived with preference."

However, it is not clear if this means new permits being issued or new allotments being established. The guideline should be revised to clarify what the forest means by “new”.

FW-GO-WILDL 03 currently states, “Minimize the risk of contact between bighorn sheep and domestic sheep or domestic goats through . . . applying site-specific management strategies described in domestic sheep permit annual operating instructions that strive to minimize the risk of contact between the two species.” The inclusion of considerations for annual operating instructions in plan components is within



the forest’s discretion regarding the management of livestock grazing on national forest. The planning record shows that incorporating strategies in annual operating instructions to minimize contact between domestic sheep and bighorn sheep is a currently agreed upon practice between the parties, documented in a recent memorandum of understanding between the Utah Division of Wildlife Resources, Forest Service, Utah Department of Agriculture, JRB LLC, and Sims Sheep Company LLC (USDA, 2022(b)). In addition, as currently drafted, this plan component provides flexibility for discussions with the permittee regarding what site-specific management strategies are appropriate.

## Conclusion

I find the planning record adequately addresses the objectors’ concerns regarding the plan components as currently drafted, but wildlife guideline 09 (see [Range Concerns with Wildlife Guideline 9 for instructions](#)) and wildlife guideline 10 (FW-GD-WILDL 10) would benefit from additional clarification.

## Instructions

The reviewing official has instructed the responsible official to determine whether the plan components for bighorn sheep should be kept as is, modified or removed based on updates and clarifications to the persistence analysis (refer to the *Objection Response for the Intermountain Regional Forester’s List of Species of Conservation Concern for the Ashley National Forest*). The responsible official may consider whether to keep, change, or remove the plan components based on best available scientific information even if the status of bighorn sheep does not change. The responsible official must document the rationale for changes to the plan components.

Further, I am instructing the responsible official that if, based on the updated persistence analysis, they decide to keep FW-GD-WILDL 10, the responsible official must revise that guideline to clarify whether it applies to new permits being issued, new allotments being established, or both.

Additionally, the forest must include additional documentation in the planning record regarding the bighorn sheep working group’s refinement of FW-GD-WILDL-09, FW-GD-WILDL 10, and FW-GO-WILDL 03, between draft and final EIS.

## CONCLUSION

In closing, this is my response to objections filed to the Ashley National Forest Land Management Plan, final EIS, and ROD. Where I find changes or additional information is needed, I am issuing instructions to the responsible official that must be implemented prior to issuing a final decision. My response is the final decision of the United States Department of Agriculture on the objections to this forest plan. Thank you for your participation during this process and I look forward to engaging with you in the management of your national forests.

## REFERENCES CITED

### General

Acts (e.g., the National Forest Management Act) are available at the Office of the Law Revision Counsel’s United States Code website at <https://uscode.house.gov/>.



CFR references are available at [www.ecfr.gov](http://www.ecfr.gov).

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Forest plan revision documents (e.g., final EIS, forest plan assessment) are available at <https://www.fs.usda.gov/project/?project=49606>.

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