

Chapter Five

Implementation and Adaptation of the Forest Plan



Western side of Mount Ogden

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Planning for Activities

Forest Service planning is a two-tiered process. The initial planning process established Forest-wide and management area goals, objectives, standards, and guidelines. This level of planning was programmatic in nature, and evaluated possible management activities across entire Forest. The initial analysis tested the feasibility of activities in arriving at a Forest Plan, but did not evaluate the site-specific effects of individual projects.

The second phase of the planning process is implementing site-specific activities designed to aid in achieving the goals, objectives, management direction, and desired future conditions established in the Plan.

Implementation of the Plan occurs at the project level, using site-specific analysis guided by the National Forest Management Act (NFMA) and the National Environmental Policy Act (NEPA), and other laws and regulations that may be involved in a specific proposal. Project-level compliance with NFMA is primarily concerned with consistency with the Plan and NFMA regulation. NEPA compliance involves the correct environmental analysis process for the specific proposal, and proper documentation and public disclosure of effects in an Environmental Assessment (EA), Environmental Impact Statement (EIS), or a Categorical Exclusion (CE).

Most proposed activities will be consistent with direction in the Plan. When specific proposals are found to be inconsistent with Plan direction, or site-specific analysis shows an error in the Plan, the Plan or the proposal must be adjusted according to the analysis. Most adjustments to the Plan can be accomplished through a non-significant amendment signed by the Forest Supervisor and documented in the appropriate environmental document. Significant amendments require documentation through an EIS/Record of Decision and must be signed by the Regional Forester. Although compliance with both NFMA and NEPA are related, they each require a separate analysis.

Valid outstanding rights

The 2002 Forest Plan was prepared with the understanding by the Forest Service that individuals and entities may have established valid rights, unknown to the Forest Service at this time, to occupy and use National Forest System lands under laws and authorities established by Congress. The courts have established that such valid outstanding rights may be subject to some federal regulation. See *Sierra Club v. Hodel*, 848 F.2d.1068 (10th Circuit, 1988). This plan recognizes that such valid outstanding rights may exist and the Forest Service will certainly honor such valid outstanding rights when it is subsequently determined that the specific facts surrounding any claim to such rights meet the criteria set forth in any respective statute granting such occupancy and use. See *Washington County v. The United States*, 903 F. Supp. 40 (D. Utah, 1995). Upon discovery of such valid outstanding rights, amendment or modification of the forest plan may be necessary. Resource plans and permits, contracts, cooperative agreements, and other instruments issued for the occupancy and use of National Forest System lands (hereafter “instruments”) must be consistent with the Forest plan, subject to valid existing rights. All outstanding and future permits, contracts, cooperative agreements, and other instruments for use and occupancy will be brought into conformance within five years of Plan implementation.

Determinations of consistency are based on whether such instruments follow forest wide and management area standards and guidelines. If inconsistency is determined, the following alternatives are available to the Forest Supervisor: modify the proposal to be consistent with the plan, reject the proposal, or amend the plan to permit the proposal (FSH 1909.12, Ch. 5.31 (a)(1)).

Activities Allowed and Projected Outputs Under the Revised Forest Plan

The following listing of activities and projected outputs is based on *best estimates* of some of the types and amounts of work that could be completed to move toward desired conditions for the Forest during the planning period (10 years). A number of factors can affect whether and how much of any given activity actually can be implemented.

Budgets are determined annually based on what Congress appropriates for Forest Service projects and operations. Dollar amounts are allocated for specific “program areas” such as watershed, wildlife and fish, recreation, timber minerals, range, etc. at the national level. These funds are then allocated to each of the Regions of the Forest Service and subsequently divided among all of the National Forests within a given Region. The mix of funds at the individual National Forest level can vary based on how much and in what program areas Congress appropriated dollars as well as how these dollars are then allocated to each level of the Forest Service. In the case of activities such as oil and gas exploration and

development, implementation is dependent on private sector proposals and actions rather than Forest Service action.

Prior to implementation of most projects, there is required environmental analysis and planning that includes public review and comment as well as opportunities for appeals and litigation. Projects may be changed, delayed or even abandoned depending on the results of these processes. As new issues and new information arise, changes in priority and needs for action may change. Recent emphasis on fire management and wildland urban interface fuels reduction through the National Fire Plan is a good example of this.

Therefore, the following should be viewed as a set of estimates or projections subject to numerous adjustments based on the factors described above.

Revised Forest Plan Projected Activities and Outputs

Watershed Health (Total for 10 year planning period)	
Soil and Water Improvement Projects ¹	20
Aquatic Resources Improvement Projects ¹	25
Vegetation Treatments (Total acres for 10 year planning period)	
Prescribed Fire – Aspen and Aspen /Conifer Mixed ²	32,000
Aspen/Conifer Vegetative Treatment ²	5,000
Aspen/Conifer Commercial Harvest (acres) from MPC 5.2 ²	3,500
Prescribe Fire – Douglas-fir (non-lethal) ²	2,000
Prescribed Fire – Sagebrush ²	30,000
Mechanical Treatment – Oak ²	20,000
Prescribed Fire – Oak ²	8,000
ASQ/TSPQ Volume (MMBF) ³	2.0/4.5
Range Livestock (annual)⁴	
<u>Cattle</u>	
Average AUMs	33,560
<u>Sheep</u>	
Average AUMs	24,300
<u>Forest-wide Livestock</u>	
Average AUMs	57,860
Roads (Total for 10 year planning period)	
New Timber Harvest Road Construction (miles) ¹	7
Projected New Oil and Gas Exploration roads (miles) ⁵	7.5
Projected New Oil and Gas Development Roads (miles) ⁵	4
Recreation	
Projected Number of New Developed Recreation Sites During Planning Period ¹	2
Projected Number of Recreation Facilities Maintained or Rehabilitated During Planning Period ¹	10
Oil and Gas Explorationand Development (Total for 10 year Planning Period)	
Projected New Oil and Gas Exploration Well Pads ⁴	5
Projected New Oil and Gas Fields Developed ⁵	1

¹Source of Information: WORD file “assumptions_by_resource_area_03082001.doc” in K:/pas/forest_plan/deis/alternatives/comparison.

²VDDT model was used to estimate how vegetation would change over time. For Alternatives 3,6 and 7 prescribed fire in aspen and aspen/conifer mixed is based on reaching PFC in 20 years. Estimated for prescribed fire, mechanical treatments, and harvest levels were based on budget constraints, mitigation requirements, standards and guidelines, and resources expected to be available to accomplish project planning.

³Source of information: ASQ/TSPQ values from Appendix B-1, Vegetation Modeling.

⁴Maximum and Minimum numbers are based on Actual Use Records for the Years 1990 to 2001. Note that these variations due to permittee operations, seasonal adjustments, and or non-compliance reductions, are of a magnitude far greater than any variation between FEIS Alternatives. See FEIS, Chapter 3, Table RN-2.

⁵WORD memo from Julie Hubbard titled “Oil and Gas Activities for Specialists While Estimating Effects 7/24/02”.

Forest Plan Amendment and Revision

The Forest has adopted a Continuous Assessment and Planning (CAP) approach to its Forest Plan revision. Forest plans are normally revised on a 10-year cycle, with anticipated completion of the revision occurring 10-15 years after plan approval. One of the lessons learned from implementation of the current Forest Plan is that plans need to be dynamic to account for changed resource conditions (e.g. large scale wildfire) and changed regulations and policies (e.g. listing of the Canada Lynx as threatened under the Endangered Species Act). To keep plans current with changing conditions and issues, they often require amendment.

CAP recognizes the need to keep plans current and puts into place both procedures and an organization to conduct assessments and forest plan revisions.

The need to amend the plan may result from:

- Recommendations of an interdisciplinary team based on monitoring and evaluation results.
- Determinations by the Forest Supervisor that existing or proposed projects, permits, contracts, cooperative agreements, or other instruments authorizing occupancy and use are appropriate, but not consistent with elements of the Plan’s management direction.
- Administrative appeal decisions.
- Planning errors found during forest plan implementation.
- Changes in physical, biological, social, or economic conditions.

The Forest Supervisor will determine whether the proposed changes in the Forest Plan are significant or non-significant. Significance here is defined by the National Forest Management Act regulations, and is different than significance as used under the National Environmental Policy Act.

Additional analysis in support of Plan implementation activities conducted at various scales above the project (site) level is also a form of CAP. Completing these analyses can improve our understanding of ecosystems and associated social and economic dimensions, and provide context information for project planning. Ecosystem analysis at the watershed scale, for example, is designed to help set the stage for project planning and NEPA analysis, focus ID team discussion on key watershed level management issues, and provide a basis for integrating project designs. This type of analysis is not a decision-making process in the context of NEPA.