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November 08, 2019

Ashley National Forest
Attention: Forest Plan Revision
355 North Vernal Avenue
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*Submitted electronically to: [https://cara.ecosystem-management.org/Public/CommentInput?](https://cara.ecosystem-management.org/Public/CommentInput?Project=49606)
[Project=49606](https://cara.ecosystem-management.org/Public/CommentInput?Project=49606)*

Dear Ashley National Forest Plan Revision Team:

We respectfully submit for your consideration the following substantive comments on your “Proposal to Revise the Land Management Plan for the Ashley National Forest” (May 2019), “Draft Wild and Scenic River Eligibility Report” (May 2019), and “Evaluation of Potential Wilderness Areas” (December 2018). We appreciate this opportunity to present our information, recommendations, and proposals at this stage of the process. The Pew Charitable Trusts aims to preserve ecologically and culturally diverse publicly owned lands and waters through congressionally designated wilderness, wild and scenic rivers, and administrative protections.

Consistent with these goals, we have an interest in the implementation of the Forest Service’s 2012 planning rule, particularly as it applies to the identification and management of recommended wilderness, eligible wild and scenic rivers, and the utilization of management tools that best maintain and enhance big game habitat and migration corridors.

We congratulate the Ashley National Forest staff on their careful attention to detail and process, including multiple consultations with citizens and professional organizations.

Pew also recognizes and respects the Ute Indian Tribe’s long-standing ties to ancestral lands within the Ashley National Forest. Our intention is for the following comments to be considered in the context of the Tribe’s interests, treaty rights, and jurisdiction over lands within the forest, including lands within the boundaries of the Uintah and Ouray Reservation.

Recommended Wilderness

The 2012 planning rule requires the Forest Service to identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System during the forest plan revision process and determine whether to recommend any such lands for Wilderness designation (36 CFR 219.7(c)(2)(vii)). Chapter 70 of the Land Management Planning Handbook (FSH 1909.12) provides specific guidance for the wilderness inventory and evaluation process.

In general, recommended wilderness aligns with the topics on which the Forest Plan Revision Team has identified a preliminary need for changing the 1986 forest plan, including:

- Protecting terrestrial ecosystems necessary for maintaining wildlife diversity and habitat connectivity,
- Protecting water quantity and quality, the timing of flows, and watersheds, which are all critical to sustaining ecosystem functions of the forest and securing municipal water supplies, and
- Recognizing the need to balance more traditionally based outputs with newer economic models emphasizing recreation and tourism.

To meet its obligations under the National Forest Management Act of 1976 (Public Law 94-588), the Wilderness Act of 1964 (Public Law 88-577; 16 United States Code 1131 et seq.), and other relevant authorities, Pew encourages the Forest Plan Revision Team to consider an alternative that analyzes all wilderness quality areas as recommended wilderness. By doing so, the Forest Plan Revision Team will be able to analyze the positive environmental effects afforded by appropriately managed recommended wilderness, including improvements to watershed health, fish and wildlife habitat, wilderness, and outdoor recreation, while also aligning with the public’s demonstrated interest in allowing natural processes to be the primary driver of forest management. While Pew believes all units with wilderness characteristics should be analyzed and recommended for wilderness designation,¹ the Forest Plan Revision Team should pay particular attention to the following high quality units: Big Ridge – 274, Cow Hollow – 440, Dry Ridge – 325, Flat Top Mountain – 365, North Slope East Uintas – 530, Sheep Creek East – 562, Sheep Creek West – 574, South Fork Rock Creek – 320, South Slope East Uintas – 463, and Wagon Road Ridge – 242.

While Pew appreciates the efforts undertaken by the Forest Plan Revision Team to prepare its Evaluation of Potential Wilderness Inventory Areas (December 2018), we are concerned that the Forest Plan Revision Team erred in its application of the wilderness criteria in its evaluation of the inventory units. Specifically, the “apparent naturalness” criterion was not considered from the perspective of the average visitor to the forest, but rather from the perspective of someone with specialized knowledge. The Forest Service’s *Q&As Relating to Wilderness Planning under Chapter 70 of 2015 Planning Rule Directives* (Version 1.1, p.2) states:

It is also important to keep in mind that the idea of substantially unnoticeable should be analyzed with an *eye toward an average user*. With enough specialized knowledge anyone could identify imprint of human influence on the landscape. (Emphasis added)

An example of the deviation from the “average user” standard is the consideration of an inventory unit’s fire regime condition class, a highly technical assessment that breaks departure from an ecological reference point into three broad groupings (see Interagency Fire Regime Condition Class Guidebook, v.3 (September 2010)). Additionally, the evaluation may inappropriately consider factors *outside* of the inventory unit in the evaluation of wilderness characteristics that are *within* the unit (e.g., oil and gas activity outside of the unit (Draft Wilderness Evaluation, p.13-14); proximity of private lands to the unit (Draft Wilderness Evaluation, p.252)).

¹ Final recommendations impacting the Uintah and Ouray Reservation should be made only after consultation with the Ute Indian Tribe.

Pew is also concerned the application of “opportunities for solitude *or* for a primitive and unconfined type of recreation” criteria does not consider the availability for solitude outside of non-motorized recreation. The Land Management Planning Handbook states:

The word ‘or’ means that an area only has to possess one or the other. The area does not have to possess outstanding opportunities for both elements, nor does it need to have outstanding opportunities on every acre. (FSH 1909 72.1)

However, the evaluation solely considers non-motorized recreation zoning in its measure of opportunities for solitude. In addition, it relies on a Recreation Opportunity Spectrum from the 1986 Ashley National Forest Land and Resource Management Plan, which may be out of date and has resulted in almost no winter solitude found in any of the inventory units.

The evaluation itself and the analysis process moving forward would benefit from a conclusory determination about the presence or absence of wilderness character within each inventory unit. The Forest Service’s *Q&As Relating to Wilderness Planning under Chapter 70 of 2015 Planning Rule Directives* (p.9) states, “At the conclusion of the evaluation phase, the Interdisciplinary Team must share with the public documentation that indicates the wilderness character associated with each area that has been evaluated.” The evaluation shared by the Ashley Forest Plan Revision Team presents information on the individual wilderness characteristics of each unit, but does not indicate whether the unit has wilderness character as a result of those component characteristics.

Finally, the 2012 planning rule requires the Forest Service to provide for the “Protection of congressionally designated wilderness areas as well as management of areas recommended for wilderness designation to protect and maintain the ecological and social characteristics that provide the basis for their suitability for wilderness designation” (36 CFR 219.10(b)(1)(iv)). Notably absent from the preliminary proposal is any management direction for recommended wilderness. The Forest Plan Revision Team should correct this omission in the Draft Plan/DEIS by including specific management for recommended wilderness that is comparable to that identified for the High Uintas Wilderness.

Conservation-oriented Management Areas

In addition to the recommended wilderness, Pew encourages the Forest Plan Revision Team to consider strategies for protecting and enhancing values, such as uninterrupted wildlife habitat, solitude, and scenic integrity and providing opportunities that emphasize backcountry and primitive recreation, through the targeted use of management or geographic areas. By attaching appropriate, conservation-oriented management to such areas, ecological health and resilience of the forest would be improved, while selectively allowing a broader range of uses (e.g., nonmotorized mechanized travel) and management techniques (e.g., chainsaws for trail maintenance) than are impermissible in designated wilderness. Examples of appropriate management direction for such areas would include:

- Desired conditions targeting primitive or semi-primitive non-motorized recreation settings, and
- Standards limiting motorized use to existing routes and prohibiting commercial timber harvest.

The use of conservation-oriented management areas can be an important complement to other protected areas, such as designated and recommended wilderness, while reflecting other community needs.

Wildlife Habitat Connectivity and Migration

In recent years, science has identified migratory habitat for ungulates as crucial for spring foraging.² We also have a better understanding of how surface disturbance modifies and disrupts migratory behavior.^{3,4} Experts now place migration habitat on par with crucial winter range in terms of importance for conservation focus. Including migratory habitat for ungulates will also improve collaboration with Department of Interior efforts to identify and conserve these important areas. As such, we suggest revising FW-GL-WL-01 (Proposed Plan, p.34) to read as follows:

Management activities should avoid or mitigate surface disturbance and disruptive activities to native ungulates (animals with hoofs) on winter ranges during the winter season **and known migration habitat.**

Our recommended change to this guideline will help ensure management for wildlife is in accordance with the best available scientific information, as required by the 2012 planning rule (36 CFR 219.3).

Draft Wild and Scenic River Eligibility Report

The Ashley National Forest includes numerous natural-condition streams that may warrant protection under the provisions of the Wild and Scenic Rivers Act of 1968 (P.L. 90-542: 16 U.S.C. 1271-1287). Those streams variously provide essential habitat for riparian vegetation, including rare plant communities; habitat for diverse wildlife, including big game, birds, rare and common fish species, invertebrates, and insects, all essential to the dynamic ecological health of the forest; the aquatic essence and geological carving of designated wilderness areas and other specially designated lands; clean water for municipal and agricultural uses; unique recreation opportunities; and inherent scenic and natural values. Since the final forest plan will determine the management of eligible streams and stream-related values for at least a decade, it is essential that every qualified stream is found eligible and managed as directed by the Wild and Scenic Rivers Act.

While Pew appreciates the efforts undertaken by the Forest Plan Revision Team to prepare its Draft Wild and Scenic River Eligibility Report, the information included therein is insufficient for the public to comment on the study results it presents. Unlike other National Forests in Region 4, the Ashley National Forest did not release its wild and scenic rivers study process document (see

² Ellen O. Aikens, Matthew J. Kauffman, Jerod A. Merkle, Samantha P. H. Dwinell, Gary L. Fralick, Kevin L. Monteith. The greenscape shapes surfing of resource waves in a large migratory herbivore. *Ecology Letters*, 2017; DOI: [10.1111/ele.12772](https://doi.org/10.1111/ele.12772)

³ Sawyer, H.S., M.J. Kauffman. 2011. Stopover ecology of a migratory ungulate. *Journal of Animal Ecology* 80:1078-1087

⁴ Sawyer, H.S., N.M Korfanta, R.M. Nielson, K.L. Monteith, D. Strickland. Mule deer and energy development—Long-term trends of habituation and abundance. *Global Change Biology* 23:11: 4521-4529. <https://doi.org/10.1111/gcb.13711>

draft report on pages 2-9 and 2-10) for public review and comment.⁵ Not only does this differ from the process used by other National Forests, it does not meet the requirements for public participation required by the 2012 planning rule and the Land Management Planning Handbook.⁶ Without the release of the study process document, the public and other stakeholders are left guessing as to important aspects of the Forest Plan Revision Team's wild and scenic river analysis, including definitions, criteria, application of datasets, and regions of comparison used to evaluate the presence of outstandingly remarkable values. Without this information, the public and other stakeholders are prevented from commenting on the draft eligibility report.

To rectify this deficiency, the Forest Plan Revision Team should do the following:

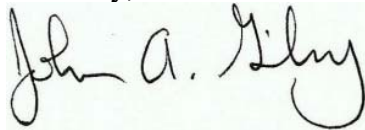
- Promptly release its wild and scenic river study process document for public review and comment;
- Revise the study process document, as appropriate, resulting from input received from the public, tribes, and other stakeholders;
- Revisit the Draft Wild and Scenic River Eligibility Report to ensure its results align with any substantive changes made to the study process document; and
- Re-release the (revised) Draft Wild and Scenic River Eligibility Report for public review and comment.

If begun promptly, the Forest Plan Revision Team can address this deficiency in its wild and scenic rivers process, while still achieving its anticipated release of the Draft Plan/DEIS in October of 2020.

Conclusion

We commend the Forest Plan Revision Team for its hard work, appreciate the opportunity to comment on these documents, and look forward to continuing our engagement on this important planning effort. If you have any questions about these comments, please feel free to contact us.

Sincerely,



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⁵ Bridger-Teton National Forest: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd639824.pdf;
Manti-La Sal National Forest: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd561174.pdf;
Salmon-Challis National Forest: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd549542.pdf

⁶ See 36 CFR 219.4(a). FSH 1909.12 81.1 states, "Shall engage the public and other governments early and throughout the process identified in this chapter to provide feedback and input on the inventory, evaluation, and analysis of rivers considered for eligibility and suitability."