



Forest Service
U.S. DEPARTMENT OF AGRICULTURE

Intermountain Regional Office

Response to Objections on the Manti-La Sal National Forest Restoration and Fuels Reduction Prescribed Fire Project

Objectors

A total of four timely objections were received for the proposed project. The objectors had participated in a past public comment opportunity for the project and were determined to be eligible for review.

Lead Objector	Objection Number non-HFRA
WildLands Defense – Katie Fite Alliance for the Wild Rockies Native Ecosystems Council Yellowstone to Uintas Connection	24-0410-09-218
Grand Canyon Trust – Mike Popejoy	24-0410-10-218
Native Ecosystems Council – Sara Johnson Alliance for Wild Rockies Wildlands Defense Yellowstone to Uintas Connection	24-0410-11-218
Alliance for Wild Rockies – Michael Garrity Native Ecosystem Council Yellowstone to Uintas Connection	24-0410-12-218

Organization of Responses

Objection issues have been consolidated for response in accordance with 36 CFR 218.11. Deputy Regional Forester Deb Oakeson, served as the Reviewing Officer for all objection issues.

Objection Theme 1: Climate Change

Issue 1: The Environmental Assessment (EA) fails to analyze the climate impacts of carbon and greenhouse gas released and the loss of carbon sequestration ability.

Response Summary

The EA addressed the effects of climate change on the project area and discloses that by developing a site-specific burn plan, all applicable laws and regulations will be met. The Forest Carbon Assessment contains reporting of the baseline carbon stocks and flux for the Manti-LaSal National Forest including equivalent and comparable emissions and a climate adaptation worksheet was completed. This project supports the goals of Executive Order (EO) 14008- Tackling the Climate Crisis at Home and Abroad.

Objection Theme 2: Wildlife Impacts

Issue 1: Failure to demonstrate the compliance with the Migratory Bird Treaty Act.

Response Summary

Migratory bird species in the project area were identified from the Utah Wildlife Action Plan and the Partners in Flight Land and Bird Conservation Plans and grouped together into similar habitat groups for analysis. To minimize or avoid the unintentional take of migratory birds and comply with the Migratory Bird Treaty Act, an implementation checklist, design elements, and pre-implementation survey need reviews been incorporated into the EA. The analysis followed Regional Wildlife Guidance in relation to Migratory Bird Treaty Act compliance at the project level and follows the 2008 Memorandum of Understanding between the US Forest Service and US Fish and Wildlife Service by incorporating elements from EO 13186.

Timing and intensity of bird surveys would be determined by the biologist, as stated in Implementation Checklist (Appendix 2). The purpose of wildlife design element WLD 16 is to reduce impacts to migratory birds but lacks specificity. For example, it states that implementing the treatments during peak nesting season would be minimized by treating “only a percentage” of the project area, which is not defined. It also discusses phasing treatments over multiple years but give no parameters.

Instruction

Review design element WLD 16 for specificity regarding how minimization and avoidance efforts would be implemented.

Issue 2: Failure to demonstrate compliance with the Endangered Species Act (ESA).

Response Summary

The Forest is currently in consultation with the U.S. Fish and Wildlife Service (USFWS) and is waiting for their response. Wolverines were not addressed in the Biological Assessment because they have no known presence or habitat on the Manti-La Sal National Forest and did not appear on the official species list that was requested by the Forest from the USFWS. Monarch butterfly is currently listed as a Candidate species and is not yet listed or proposed for listing. Consultation with the Service under section 7 of the ESA is not required for candidate species.

Issue 3: Burning will cause detrimental impacts to wildlife and impacts to habitat and individuals not properly analyzed. Inadequate protective measures, surveys, and analysis for special status species including pinyon jays.

Response Summary

Effects to ESA listed, Regional sensitive, and management indicator species were addressed in the Wildlife BA, Wildlife Biological Evaluation (BE), Botanical BE and Report, Aquatics BE, and Aquatics BA and in the EA. An implementation checklist, design elements, and pre-implementation survey need reviews have been incorporated into the EA to avoid or minimize impacts on the species. The pinyon jay has been petitioned under the ESA but that does not add analysis requirements. In the Wildlife BE, effects to this species are analyzed in the Migratory Bird section and is combined with other bird species that utilize similar habitat. The Silvicultural Report describes the proposed prescribe fire treatments and potential effects to pinyon-juniper stands.

Instruction

See Theme 2, Issue 1.

Issue 5: Objection to burning big game winter range.

Response Summary

The Manti-La Sal National Forest 1986 Land and Resource Management Plan directs the use of interagency management plans to obtain objectives and goals for big game habitat. The State of Utah determines mule deer population objectives. The EA states that interagency coordination will be used for outyear strategic planning, locations, and methods. The Silvicultural Report describes the proposed prescribe fire treatments and potential effects to pinyon-juniper stands. The Wildlife BE discusses the direct and indirect effects of the project on mule deer and elk as a habitat usage and movement between burned and adjacent unburned areas.

Issue 6: Failure to analyze the effects to sage-grouse habitat and demonstrate compliance with the 2015 Greater Sage-grouse Amendment.

Response Summary

The EA states “This proposed action does not apply to land within...sage grouse occupied seasonal habitat...”. In the determination/rationale, it reiterates that greater sage grouse seasonal use habitat designated by the Manti-La Sal National Forest is excluded from the proposed action.

Objection Theme 3: National Environmental Policy Act (NEPA) and Forest Plan Compliance

Issue 1: Use of condition-based management violates the NEPA.

Response Summary

The proposed action in the EA describes the maximum anticipated acreage of treatment per year and landscape conditions which would be targeted for treatment as well as areas that would not be treated; identifies design elements which are designed to minimize or avoid effects to resources and bounds treatment areas spatially; details coordination prior to treatment including verification of treatment areas by an interdisciplinary team, completion of an implementation checklist, and writing of detailed burn plans; and includes a brief description of post-treatment monitoring. The conditions under which treatments would occur and the resulting effects are described which complies with Council on Environmental Quality (CEQ) regulations while allowing managers to react quickly to conditions on the ground. If the conditions and design elements are known, then the effects of the project can be disclosed. There is nothing in the NEPA that precludes doing an analysis in this manner. The NEPA does require disclosure of the effects which was done this in this analysis.

Issue 2: Failure to analyze a range of alternatives.

Response Summary

As disclosed in the EA, iterative adjustments were made to the proposed action, as well as to the design elements throughout the analysis. On page 12 of the EA, alternatives considered but not analyzed in detail are identified and rationale as to why is provided. The analysis in the EA includes an explanation and consideration of no action. As per 36 CFR 220.7(b)(2), no specific

number of alternatives is required or prescribed. When there are no unresolved conflicts concerning alternative uses of available resources, the EA need only analyze the proposed action and proceed without consideration of additional alternatives (36 CFR 220.7(b)(2)(i)).

Issue 3: Failure to analyze effects as an Environmental Impact Statement (EIS).

Response Summary

The EA complied with the NEPA through the interdisciplinary environmental analysis and finding of no significant impact. The responsible official considered the potentially affected environment and the degree of effects to determine significance. Effects of the proposed action, including implementation of the design elements and implementation checklist, would not be significant. There is no need to prepare an EIS.

Issue 4: Failure to consider best available science. Effectiveness of prescribed fire to increase forest resilience and reduce wildfire risk is not supported. Severely Flawed LANDFIRE Models are used to claim “Departure”. Improper fire return interval used.

Response Summary

The EA describes current conditions and trends on the Manti-LaSal National Forest using LANDFIRE modeling. LANDFIRE is the cornerstone of a fully integrated national data information framework developing and improving vegetation and fuels data products seamlessly for the nation based on the best available authoritative data and science using a landscape approach and is foundational for wildfire hazard and risk studies. LANDFIRE modeling is best available science for determining biophysical settings, historical fire regimes and relative departure from conditions and is updated on a regular basis. The silviculture specialist report specifies that highly variable fire return interval rates in pinyon-juniper are accounted for by considering the differences of woodlands, savannahs, and shrublands that occur in the pinyon-juniper type and provides an analysis that discloses the effects of the treatments to pinyon-juniper ecosystems. This EA has provided sufficient evidence and analysis for determining and preparing a FONSI. This EA incorporates by reference data, inventories, other information and analyses (36 CFR 220.7(b)(3)(i) and (v)).

Issue 5: Failure to disclose or assess direct, indirect, and cumulative impacts, including detailed, site-specific information.

Response Summary

Supporting documentation (BA/BE, specialist reports) contain sections that analyze cumulative effects. These documents are incorporated by reference into the EA and available to the public for review. This EA was conducted according to the 2020 CEQ regulations which apply to any NEPA process that began after September 2020. In April 2022, the CEQ amended the regulations and reverted the definition of effects to the definition they were under the 1978 regulations. However, these amended regs apply to any NEPA process begun after May 20, 2022. Therefore, this analysis follows the July 2020 effects analysis guidance.

The specialists provided input regarding the potentially affected environment and degree of potential effects on their relevant resource areas (EA, Environmental Impacts Review section).

The factors considered by the responsible official to determine a finding of no significant impact (FONSI) are summarized in the EA and effects of the treatments are addressed in the Degree of Effect section of the FONSI.

Although addressed in the Environmental Assessment, no design elements mentioned wetland protection to ensure compliance with the Clean Water Act

Instruction

Hydrology/Soils design element HS1 states "No direct ignition or mechanical activities would occur within 100 feet of riparian vegetation near perennial streams. Prescribed fires may back into riparian vegetation areas." Add "wetlands" to design element HS1.

In the Decision Notice, include rationale and scenarios describing the use of mechanical treatment.

Issue 6: Failure to consider Resource and Land Management Plan direction.

Response Summary

The EA identifies plan consistency determined by specialist and describes how the proposed action is consistent with the goals and objectives of the Manti-La Sal Land and Resource Management Plan (LRMP). The project supports the LRMP recognition of the need for prescribed fire on the landscape to protect infrastructure values as well as ecological processes. Compliance with forest plan standards and guidelines is additionally achieved through the project design elements and implementation checklist.

Issue 7: Improper reliance on general and vague design features.

Response Summary

The EA identifies 49 design elements for this project. The EA describes the Purpose and Need, Proposed Action, design elements and Implementation Checklist and how they work in concert to define, bound, and restrict the areas to be treated spatially and temporally. Implementation of the design elements as part of the proposed action would ensure project effects are those outlined in the analysis.

Instructions: See Theme 2, Issue 1; Theme 3, Issue 5; and Theme 5, Issue 1.

Issue 8: Failure to provide a "hard-look" analysis.

Response Summary

The Forest complied with the requirements of NEPA and the Administrative Procedure Act (APA) in conducting an analysis of potential impacts to support reasoned decision-making. They disclosed and analyzed effects in the framework of expected environmental conditions across the landscape-level analysis area and the possible management activities that would occur in this area.

Issue 9: Lack of baseline site-specific information and analysis of how Wildland Urban Interfaces (WUIs) were developed and their compliance with legislative requirement for properly defining WUIs.

Response Summary

The phrase “wildland urban interface” is used in this EA as a general term describing an area where houses meet or intermingle with undeveloped wildland vegetation, or more broadly describing the zone of transition between unoccupied lands and human development. It is not a name or acronym for a Manti LaSal National Forest specific developed boundary or data of wildland urban interface areas. There is no requirement to disclose metadata on how wildland urban interface data for the Forest was developed as it was not used as specific data to inform this analysis.

Issue 10: Lack of maps.

Response Summary

Maps are not required content for an EA (36 CFR 220.7(b)(3)). The EA does contain charts of vegetation distribution, existing vegetation distribution, and vegetation condition class distribution. The EA also contains a series of maps displaying proposed action locations across the entire Forest, and by each of five Ranger Districts. All provide sufficient information and the ability to relay the distributions and area delineations to the public.

Issue 11: Lack of watershed analysis for soil erosion potential; water quality and quantity.

Response Summary

The EA adequately analyzes the potential effects to watershed and soil resources. The soil erosion model, the aquatic BA, and the EA adequately evaluates watershed and soil conditions to support a no significant impact concerning these resources. The FONSI also identifies that the Clean Water Act and other executive orders are complied with regarding this project.

Objection Theme 4: Old Growth/Roadless Rule Compliance

Issue 1: Old Growth management criteria unclear. Project is violating EO 14072.

Response Summary

The ‘Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management’ report was completed in April 2023 and fulfilled requirements set forth in EO 14072, Section 2(b). It states that, “Applicable Forest Service and BLM land management plan (LMP) direction constitutes current management direction for old growth and mature forests on individual management units. This definition and initial inventory effort does not change existing LMP management direction. It is expected that a continual adaptive management process integrating new science, local conversations, and social processes will refine old-growth and mature forest working definitions over time.”

In the Silvicultural Report, Old Growth discusses how the effects of the proposed action on old-growth forests. The implementation checklist (Appendix 2) of the EA instructs the silviculturist

to prepare a prescription for the specific burn area that would minimize the impact to desired large trees in that area.

It should also be noted that the term “old growth” refers to a stand of trees. Using old growth in reference to an individual tree (as done by one of the objectors of this project) is a misapplication of the term. For a stand of trees to be considered old growth it first must meet a set of minimum and measurable characteristics. In doing so, forests located within the Intermountain Region (R4) will use “Characteristics of Old-Growth Forests in the Intermountain Region” (Hamilton, 1993). However, in consideration of pinyon-juniper stands, National Forests located in southern Utah (including the Manti-La Sal NF) are to use “...the descriptions and old-growth criteria developed by the Southwestern Region (R3)”. R3 descriptions and criteria for old-growth are contained within the General Technical Report RM-213.

Issue 2: Tree removal in Inventoried Roadless Areas is a violation. Failure to demonstrate compliance with the Roadless Rule.

Response Summary

The project is compliant with 36 CFR 294.13(b)(1)(ii). The decision states that no new or temporary roads would be constructed within the inventoried roadless area, and that any equipment use would utilize existing roads for loading and unloading of equipment. Proposed pre-treatment activities would not need additional roads to be constructed to be implemented and would be able to utilize the existing roads within roadless areas.

The “Region 4 Roadless Project Summary and Briefing Sheet” specifies how hand thinning would be implemented in Inventoried Roadless areas, stating that thinning would be done by “generally reducing densities of trees less than ten inches in diameter at breast height (DBH)”. However, the EA does not provide a definition of “generally small diameter trees”.

Instruction

Define “generally small diameter timber” to be consistent with the Roadless Briefing document.

Objection Theme 5: Weeds

Issue 1: Failure to analyze effects of projects on weed spread and treatments.

Response Summary

The non-native invasive plant risk assessment for implementation of the proposed action was disclosed in the Botany BE and, in the EA. The conclusion in the EA states: “Possible adverse effects on site and possible expansion of infestation within project area.”, yet the design elements do not address reducing the risk of invasion expansion. The EA does not fully demonstrate compliance with EO 13112.

Instruction

Add design elements consistent with Forest Service Manual (FSM) 2900 and Forest Service Handbook 2080 that reduce the risk of non-native invasive plant expansion.

In design element BOT 1, incorporate objector's suggested language (consistent with FSM 2070.3): *If determined that native vegetation would not sufficiently recover on its own and seeding is necessary, native seed will be given primary consideration, to the extent practicable. Non-native, non-invasive seed may be used during emergency situations to stabilize soil, protect, or restore water quality, or prevent the establishment of invasive species. When native seeds are not available or economically feasible, in highly altered plant communities, or to maintain historical integrity on designated cultural sites, select non-native plants may be used as temporary, non-persistent plant materials provided they will not hybridize with local species, will not permanently displace native species or offer serious long-term competition to the recovery of endemic plants, and are designed to aid in the re-establishment of native plant communities. Seed mixes will be chosen that are certified weed free and suitable for site characteristics and ecological setting.*

Issue 2: Cumulative effects of and potential increase in grazing not addressed.

Response Summary

The increase or decrease of range infrastructure are all factors outside of the scope of this project. The EA simply proposes to replace infrastructure that may be damaged, coordinate changes to grazing management as it relates to each project area, and address changes to forage type and quality. The general impacts of livestock grazing are outside the scope and has been addressed in the response to comments table. An increase in livestock grazing is not being proposed and is outside the scope of this project.

Issue 3: Failure to consider biocrusts in analysis.

Response Summary

Effects to biological crusts were added to the EA after the comment period. A spatial analysis found 5,950 acres of potential biological soil crust habitat that may occur within the project area. There is no direction for management or protection in the Forest Plan.

Instruction

Include a reference citation for the statement in the EA that prescribed burns are beneficial to biological crusts.