November 8, 2019

Ashley National Forest
Attn: Plan Revision Team
355 North Vernal Avenue
Vernal, Utah 84078–1703
Submitted via online portal

RE: Comments on the Ashley National Forest Proposal to Revise the Land Management Plan and Evaluation of Potential Wilderness Inventory Areas

Dear Plan Revision Team,

The Wilderness Society, Grand Canyon Trust, Defenders of Wildlife, Yellowstone to Uintas Connection, Argyle Wilderness Preservation Alliance, Western Resource Advocates, Utah Native Plants Society, and the Sierra Club are grateful for the opportunity to comment on the Ashley National Forest's Proposal to Revise the Land Management Plan ("Proposed Plan") and Evaluation of Potential Wilderness Inventory Areas ("Wilderness Evaluations"). While we appreciate the work that has been done to facilitate transparency and public engagement during this land management revision process, we have major concerns with the approach the Forest Service has taken. Our concerns primarily lie with the Forest Service's misapplication of the wilderness criteria, the lack of wilderness suitability determinations, ensuring adequate management of wilderness areas, and ensuring that a proper range of alternatives are considered. Our comments are divided into comments that are general in nature and then comments that are specific to certain inventory polygons.

The Wilderness Society (TWS) is the leading conservation organization working to protect wilderness and inspire Americans to care for our wild places. Founded in 1935, and now with more than one million members and supporters, TWS has led the effort to permanently protect 109 million acres of wilderness and to ensure sound management of our shared national lands.

We work closely with diverse interests who care about the future of our national forests and provide scientific, economic, legal, and policy guidance to land managers, communities, local conservation groups, and state and federal decision-makers. In doing so, we hope to ensure the best management of our public lands. Our members and supporters nationwide are deeply interested in forest planning as it pertains to the conservation, restoration, and protection of wildlands, wildlife, water, recreation, and the ability to enjoy public lands for inspiration and spiritual renewal.

The Grand Canyon Trust (Trust) is a 501(c)(3) non-profit public lands advocacy organization founded in 1985 whose mission is to protect and restore the Colorado Plateau – its spectacular landscapes, flowing rivers, clean air, diversity of plants and animals, and areas of beauty and solitude. The Trust is headquartered in Flagstaff, Arizona and has more than 4,000 active members and supporters. In addition to our Flagstaff headquarters, we operate satellite offices in Moab, Utah, and Denver and Durango, Colorado. The permanent protection of the wild lands of the Ashley National Forest is directly aligned with our mission as a conservation organization. We submit these comments in the interest of the furtherance of our organization's mission and our membership.

Founded in 1947, **Defenders of Wildlife (Defenders)** is a national non-profit conservation organization focused on conserving and restoring native species and the habitat upon which they depend. Based in Washington, DC, the organization also maintains six regional field offices, including in the Southwest. Defenders is deeply involved in public lands management and wildlife conservation, including the protection and recovery of flora and fauna in the mountains, mesas, and canyonlands of Utah. We submit these comments on behalf of more than 1.8 million members and supporters nationwide, including 13,725 members in Utah.

Yellowstone to Uintas Connection (Y2U) is a 501(c)(3) public interest organization whose staff and members have and will continue to recreate in and work to protect the integrity of habitat for fish and wildlife in this region. We are concerned about the loss of integrity of the Regionally Significant Wildlife Corridor (Corridor) that connects the Greater Yellowstone Ecosystem and Northern Rockies to the Uinta Wilderness and Southern Rockies. The Yellowstone to Uintas Connection organization was given this name to bring attention to this Corridor and we use this name in reference to both the organization and Corridor as it provides context and public awareness to the location and its importance. Habitat is increasingly fragmented by human activities while the agencies charged with managing this area fail to address this fragmentation or correct any aspect of it while approving projects that increase the fragmentation, habitat deterioration, and pollution. Yellowstone to Uintas Connection is headquartered in Mendon, Utah with a satellite office at Kiesha's Preserve near Paris, Idaho.

Argyle Wilderness Preservation Alliance is a nonprofit organization established to protect the Argyle Canyon, Avintaquin Canyon, and Emma Park areas of Duchesne, Carbon, and Utah Counties. We are comprised of over 400 landowners and their families who are dedicated to preserving and protecting the forest, wildlife, watershed, groundwater, all natural resources, and endangered and threatened plant and animal species in these areas. We are committed to protection of the wild, primitive, off-grid community lifestyle in our community, especially when threatened by large utility and infrastructure projects which continually seek to destroy the beauty and quiet enjoyment of these areas. We are also vested in assuring that government

officials and government entities follow all applicable state and federal laws governing Open and Public Meetings, Government Records Access and Management, and other similar matters of public interest.

From its offices across the Intermountain West, including Utah, **Western Resource Advocates (WRA)** works to protect our land, air and water to ensure that vibrant communities exist in balance with nature. In furtherance of this mission, WRA has participated in forest planning processes throughout Utah and has provided comments during previous phases of the Ashley's forest plan revision.

The **Utah Native Plant Society (UNPS)** is a 501(c)(3) non-profit organization that was founded in 1978 and has over 400 members from around the state of Utah. UNPS is dedicated to the appreciation, preservation, conservation and responsible use of the native plants and plant communities found in the state of Utah and the Intermountain West. UNPS seeks to foster public recognition of the spectacularly diverse flora of the state--a natural treasure to be valued, respected and protected. UNPS support of these comments is limited to matters relating to protecting native plants and their ecosystems.

The **Sierra Club** is a national nonprofit organization of approximately 3.5 million members and supporters dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. Sierra Club's Utah Chapter was organized in 1969 and has been involved in protecting Utah's resources ever since. We have a significant interest in protecting the wilderness, wildlife, and other resources of the Ashley National Forest. It is within that context that we are submitting these comments

At the outset, we also recognize and appreciate the unique status of the Ashley National Forest, which is not only within the Ute Indian Tribe's ancestral territory, but also largely within the boundaries of the Uintah and Ouray Reservation. We respect the Tribe's unique ties to and interests in these lands, including its jurisdiction over and Treaty rights to lands within the Ashley National Forest. Our intent is that these comments will be considered in the context of the Ute Indian Tribe's interests, rights, and jurisdiction. Our hope is that these comments, including their focus on protecting wilderness, water, wildlife, and cultural resource values, will complement the Tribe's interests, rights, and jurisdiction.

We hope that our comments and recommendations aid the Forest Service in best managing the Ashley National Forest ("Ashley" or "Forest") and influence what lands within the Ashley National Forest are included in the National Wilderness Preservation System. We look forward to working with and further assisting the Plan Revision Team during the land management plan revision process.

GENERAL COMMENTS

I. Deficiencies in the Application of the Wilderness Criteria

One of our primary concerns is that the wilderness evaluations consistently misapply the wilderness criteria established under the Wilderness Act and in FSH 1909.12, chapter 70, section 72. As part of forest planning, the Forest Service must evaluate inventoried areas to determine potential suitability for inclusion in the National Wilderness Preservation System. 36 CFR § 219.7(c)(2)(v). Those evaluations are conducted based on five criteria, generally described as: (1) the apparent naturalness of the lands; (2) the opportunities for solitude or primitive and unconfined recreation; (3) the presence of ecological, geological, or other features of scientific, educational, scenic, or historical value; (4) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (5) management of the area to preserve its wilderness characteristics . *See* FSH 1909.12, ch. 70, § 72.1. The wilderness evaluations incorrectly apply these criteria, thereby potentially misevaluating the wilderness suitability of the inventoried areas.

a. *Apparent naturalness*

There are two problems with how the wilderness evaluations apply the apparent naturalness criterion to the inventoried areas. The first problem is that the apparent naturalness of the area is not being determined from the average visitor's point of view. The second problem is that the evaluations consider factors that are located outside the boundaries of the inventoried area that are irrelevant and should not be considered.

i. Apparent naturalness must be determined from the average visitor's point of view.

The Forest Service evaluates the apparent naturalness of the wilderness areas from the viewpoint of someone intimately familiar with the area and its historical composition as opposed to the viewpoint of an unfamiliar, average visitor. In other words, the wilderness evaluations focus on how the area has maintained its naturalness as compared to ecologic or historic conditions, rather than the general appearance of such naturalness. This is not the proper way to evaluate apparent naturalness.

The apparent naturalness criterion is derived from language in the Wilderness Act that states wilderness lands need to "generally appear[] to be affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." 16 U.S.C. § 1131(c). The purpose of the apparent naturalness criterion is to determine whether the area generally appears natural to the average visitor. Guidance contained in Chapter 70 of the Forest Service Land Management Planning Handbook ("Handbook") supports this point. When considering improvements, the Handbook states that what needs to be evaluated is "the extent to which improvements … represent a departure from apparent naturalness." FSH 1909.12, ch. 70, § 72.1(1)(c). The same is true for the composition of plant and animal communities which are evaluated for whether they "appear substantially unnatural." *Id.*

Other Forest Service guidance on wilderness planning further clarifies that the apparent naturalness criterion "should be analyzed with an eye toward an average user." Q&As Relating to Wilderness Planning under Chapter 70 of 2015 Planning Rule Directives, Version 1.1, 2, attached as Appendix A. Moreover, both the Fish and Wildlife Service and the Bureau of Land

Management also evaluate apparent naturalness from the average visitor's perspective. FWS Manual, pt. 610, § 4.9 ("The term 'apparent naturalness' refers to whether or not an area looks natural to the average visitor who is not familiar with historic conditions versus human-affected ecosystems in a given area."); BLM Manual 6310.06(C)(2)(b)(ii) (defining apparent naturalness as whether or not an area looks natural to the average visitor who is not familiar with the biological composition of natural ecosystems versus human-affected ecosystems).[1]

The wilderness evaluations consider factors that are irrelevant to determining apparent naturalness from the average visitor's perspective. For example, one of the factors that the Forest Service uses to evaluate the degree to which an inventory polygon appears natural is the fire regime condition class (FRCC). Wilderness Evaluations, 6-7. As a general matter, FRCC does not inform about how natural an area appears to an average person but rather is a description of vegetation classes, and hence is an inappropriate measure of apparent naturalness. Just because a forest ecologist classifies a forest as having departed by more than 33 percent from the central tendency of the historical range of variation does not mean that it appears unnatural to your average visitor.

Even if FRCC did inform how an area appears to an average visitor, the FRCC scheme is considered scientifically antiquated and has fallen out of favor in the forest ecology community.[2] FRCC data and their application to particular lands on the Ashley National Forest are not an appropriate measure of naturalness (much less "apparent naturalness") under the Wilderness Act. Rather, the Forest Service should be evaluating factors that help determine the average visitor's view of apparent naturalness, or the departure therefrom. It makes no sense to use a flawed and antiquated process of fire regime condition classes to evaluate apparent naturalness.

In addition, the evaluations for individual polygons refer to a number of factors that may or may not affect naturalness, but fail to explain how the factors relate to apparent naturalness. Take, for example, the Cottonwood – 187 inventory area. The Cottonwood evaluation summarizes the composition of plant and animal communities, recounts the wildfires that have happened, and

[1] The Grand Mesa-Uncompahgre-Gunnison (GMUG) National Forest recently finalized its wilderness evaluation criteria and report. On page 4, in reference to evaluating apparent naturalness, the GMUG states "The purpose of this factor is to determine if plant and animal communities appear substantially unnatural." It goes on to ask the questions: "Does the landscape appear modified?" and "Is there evidence of human activity within the polygon?" The GMUG's approach -- that is, to evaluate the degree to which the area appears unnatural to the average visitor -- is consistent with that taken by other agencies and other forests.

[2] FRCC is a categorization scheme developed in the early 2000s by The Nature Conservancy to describe vegetative conditions relative to a handful of simplified vegetation classes and does not describe how an area appears. Even if it did speak to appearance to an average visitor, which it does not, FRCC depends upon a detailed knowledge of historical vegetation composition and structure, and disturbance -- information that is lacking across much of Utah. Further, FRCC has been criticized for its unreasonable simplifying assumptions that must be made for it to work (e.g. that all stands follow the simplified developmental pathway; that a single vector of structural stages resulting from running the transition matrix out to stability (a necessary mathematical consequence of the method) represents the "natural range of variability"). Forest ecology has evolved significantly the FRCC model was developed, and FRCC is increasingly antiquated in our era of rapid climate change and its effects on forest structure and succession.

lists the allotments and range improvements located within the proposed boundaries. Wilderness Evaluations, 39-41. But the evaluations do not tie these factors back to how they affect an average visitor's perception of naturalness. To illustrate, the Cottonwood evaluation list several types of improvements present in the area (timber harvests, permanent vertical structures, ground lines, etc.) but does not make a determination as to whether the improvements detract from the areas degree of apparent naturalness. *Id*. at 41-42. Without bridging the gap between the factors evaluated and how those factors impact apparent naturalness, the evaluations are pointless. This issue is rampant throughout the wilderness evaluations, occurring to some extent on every inventoried area.

The Forest Service must develop a rational system for determining what is substantially noticeable to an average visitor. The current method reflected in the evaluations is confusing and does not provide the public with the information necessary to understand how the Forest Service is determining what detracts from apparent naturalness. For every inventoried area, there is a table under Question 1c. This table is meant to gauge to what extent improvements within the inventory area detract from apparent naturalness. Instead, the table only makes determinations as to what improvements are not substantially noticeable. *See, e.g.*, Wilderness Evaluations, 14. The Forest Service cannot conclude that an area is apparently natural only by determining what is not substantially noticeable. The agency must disclose what factors it believes detract from apparent naturalness and, if it believes nothing does, then it must make that clear too. As currently evaluated, the methods used to determine apparent naturalness are irrational and it is entirely unclear what the Forest Service thinks of the apparent naturalness of any inventoried area.

Landscapes need not be pristine or untouched to be suitable for wilderness designation, and an area may include any number of past or present activities or improvements as long as they are substantially unnoticeable to the average visitor. Absent an evaluation of whether and how any improvement, species, or other indicator of forest composition detracts from apparent naturalness, the fact that the evaluations note their presence is irrelevant. What is to be considered is how an average visitor would perceive the naturalness of the area and that is specifically what the evaluations fail to determine.

ii. The evaluations should not consider any factors that are located outside of the inventoried wilderness area.

The Forest Service inappropriately considered factors that are located outside of the inventory area boundaries when evaluating apparent naturalness. The apparent naturalness criterion is only concerned with the appearance of the inventoried area, not the appearance of surrounding areas. No factors outside of the inventory area should be considered because they cannot be interpreted as detracting from an area's apparent naturalness.

Nothing in the Wilderness Act, the 2012 planning rule, or Chapter 70 of the Handbook suggests that the Forest Service is tasked with evaluating improvements outside the unit and determining whether they are substantially noticeable. To do so would go against the long-standing interpretation that wilderness character is judged standing on the edge of the unit looking in, not from within the unit looking out. The Wilderness Act defines wilderness as "an area of undeveloped Federal land retaining its primeval character and influence, without permanent

improvements or human habitation." 16 U.S.C. § 1131(c). Therefore, the Wilderness Act only has effect on proposed and enacted wilderness areas, not on surrounding or adjacent lands.

This position is further supported by both Forest Service guidance and sound policy. The Handbook clearly notes that the Forest Service shall evaluate the wilderness characteristics of lands *in the inventory*" and that it is to consider "[t]he extent to which improvements included *in the area* . . . represent a departure from apparent naturalness." FSH 1909.12, ch. 70, §§ 70.62(b), 72.1(1)(c) (emphasis added). The Handbook goes on to say that activities or uses in lands adjacent to proposed wilderness areas should not preclude consideration of that land as wilderness. *Id*. at §71.22b(10). This is because "[i]t is appropriate to extend boundaries [of proposed wilderness areas] to the edges of development for purposes of inclusion in the inventory." *Id*. This reflects good policy in light of the rapidly decreasing amount of lands that can qualify as wilderness due to increasing encroachment from development and other activities. If wilderness areas were not allowed to border lands that may have a road or a well, there would be few places left to propose as wilderness. Further, the wilderness system is replete with high mountain peaks from which those who ascend them can see human developments stretching out far below them (e.g., Mt. Evans and Mt. Bierstadt that loom over the Denver metro area in Colorado). It would be inappropriate to have excluded these mountains from the National Wilderness Preservation System based on the views that they afford.

The main culprits in this regard are roads and oil and gas wells that are cherry-stemmed or otherwise excluded from the wilderness areas. Despite being excluded, the evaluations list the number and general location of these cherry-stemmed roads and/or wells for every inventoried area. In the Alkali Canyon – 181 inventory area, the evaluation notes that there are five Forest Service roads cherry-stemmed out of the inventory area, as well as one active well pad. Wilderness Evaluations, 13-14. In some cases, the evaluations even represent that the excluded improvements are a departure from apparent naturalness. The Wire Fence – 190 inventory area evaluation notes that there is one well pad surrounded by the inventory area with another pad bordering the area, but the evaluation lists the well pads in the table of improvements representing a departure from naturalness. *Id*. at 252. The Nutters Canyon – 184 inventory area evaluation commits the same error, considering active oil and gas activities outside of the inventory area boundary to be a departure from naturalness. *Id*. at 152.[3] This mistake is prevalent throughout the wilderness evaluations and must be corrected by the Forest Service.[4]

The relevant inquiry is not the presence of improvements, but rather their effect on the area's apparent naturalness. Consideration of outside sights and sounds is only relevant to the evaluation of opportunities for solitude and only to the extent they are pervasive throughout the unit. Because cherry-stemmed roads and wells, and any other excluded areas, are not within proposed wilderness boundaries, the Wilderness Act does not apply. Therefore, these improvements do not affect the apparent naturalness of the proposed wilderness area and should not be considered.

[3] As a side note, the factors under Question 1c dealing with lands adjacent to development or activities that impact opportunities for solitude is an inappropriate consideration for apparent naturalness because it deals with impacts to opportunities for solitude. That is another criterion entirely.

[4] The mistake occurs in the evaluations for every inventory area except Dry Ridge – 325, Sheep Creek East – 562, Sheep Creek West – 574, and Wagon Road Ridge – 242.

b. *Opportunities for solitude or primitive and unconfined recreation*

The Forest Service incorrectly evaluates the inventoried lands' potential outstanding opportunities for solitude or primitive and unconfined recreation. Regarding opportunities for solitude, the wilderness evaluations only consider areas zoned for non-motorized recreational use. There are a multitude of factors beyond motorized and non-motorized ROS zones motorized use that the Forest Service is directed to consider but did not. In regards to opportunities for primitive recreation, the wilderness evaluations rely on irregular considerations to portray a lack of primitive recreation opportunities and base opportunities for primitive recreation on present uses of the areas. These are improper when evaluating opportunities for primitive recreation.

i. The evaluations fail to consider many factors relevant to solitude other than motorized use.

The wilderness evaluations only consider areas zoned for non-motorized recreational activities use per the Recreation Opportunity Spectrum (ROS) when determining if solitude can be found. While the ROS zoning scheme for the Ashley may help inform where lands on the primitive side of the spectrum are likely to be found on the forest, it is hardly a definitive measure of solitude. For instance, according to the Forest Service's ROS primer, solitude can be found in primitive, semi-primitive non-motorized, and semi-primitive motorized zones. USDA Forest Service ROS Primer and Field Guide, Slide 4, *available at* https://tinyurl.com/y4quqdw2. Further, the Ashley's ROS settings date back to 1986 when the current Ashley National Forest Land and Resource Management Plan was finalized and hence may be out of date.

The Ashley is required to update the ROS settings (both existing and desired) in the ongoing plan revision process and in doing so will identify places that are or should be on the more primitive side of the spectrum. There are a multitude of factors beyond motorized and non-motorized ROS zones that the Forest Service should consider but did not. The Handbook says that the Forest Service should consider "impacts that are pervasive and influence a visitor's opportunity for solitude." FSH 1909.12, ch. 70, § 72.1(2)(a). Some of the factors to be considered are topography, presence of screening, distance from impacts, degree of permanent intrusions, and pervasive sights and sounds. *Id*. For instance, the GMUG in its wilderness evaluation evaluates the frequency and density of human presence in the polygon and whether human presence and activities be avoided (e.g., get off a trail, go into a canyon, go behind trees).[5]

An example of the problems caused by measuring opportunities for solitude based solely on non-motorized zoning is that the wilderness evaluations conclude that no solitude can be found in the winter for almost every inventoried polygon. While this is not explained in the evaluations, it is because under the current Ashley National Forest Management Plan, there are few areas on the Ashley that are not authorized for over-snow vehicle use in the winter.[6] But the fact that an area

[5] See supra, GMUG Wilderness Evaluation Report at 6.
[6] Winter motorized allocations in the first round of forest plans were generally made to authorize winter motorized use anywhere not legally forbidden (e.g., Wilderness) and were not based on where use actually occurred.

is authorized in a forest plan for over-snow vehicle use does not mean that motorized use actually occurs. Many areas on the Forest have steep grades or are so thickly forested that motorized travel is impossible or very dangerous, even in winter. In addition, it is likely that some areas authorized for winter motorized use do not receive enough snow to support that use. Furthermore, isolated instances of motorized use do not by themselves erase all opportunities for solitude. In reality, there is likely more opportunity for solitude available in the winter than in the summer due to decreased visitation and noise. This is not taken into account when non-motorized zones are the only measure used to determine solitude. This deficiency occurs on every inventoried area.

It is not appropriate to measure opportunities for solitude solely based on non-motorized use because there are other relevant considerations that need to be evaluated to determine what opportunities for solitude exist. Without an analysis of all the relevant considerations and whether they constitute a pervasive impact to a visitor's opportunity for solitude, the wilderness evaluations cannot reach accurate determinations. Because the Forest Service did not analyze many of the relevant considerations, its evaluations of solitude are inaccurate and must be redone.

ii. The evaluations are improperly narrowing the range of primitive recreation opportunities based on irrelevant considerations.

One common problems in several of the evaluations is that irrelevant factors are being considered, resulting in an inappropriate narrowing of the range of primitive recreation opportunities. The result is that some evaluations express that inventoried areas do not possess opportunities for primitive recreation when in fact they likely do.

Congress never defined what it meant by "unconfined primitive recreation" in the Wilderness Act. However, unconfined primitive recreation has commonly been understood as travel by non-motorized and non-mechanical means such as horse, foot, or canoe. This general understanding aligns with the Handbook which provides the following examples of primitive recreation activities: observing wildlife, hiking, backpacking, horseback riding, fishing, hunting, floating, kayaking, cross-country skiing, camping, and enjoying nature. FSH 1909.12, ch. 70, § 72.1(2)(b). This is also consistent with the Recreational Opportunity Spectrum used by the Forest Service in the evaluations. *See* USDA, ROS Primer and Field Guide, *available at* https://tinyurl.com/y4quqdw2 (noting that cross-country travel by use of non-motorized trails is the norm for primitive recreation).

When determining the availability of primitive recreation, the Forest Service is only directed to consider the opportunity to engage in "recreation activities that lead to a visitor's ability to feel a part of nature." FSH 1909.12, ch. 70, § 72.1(2)(b). However, a review of the wilderness evaluations shows that the Forest Service is evaluating primitive recreation opportunities based partly on irrelevant considerations. In many instances, the evaluations will say that the inventoried area does not support primitive recreation due to a lack of attractions and/or access. *See* Wilderness Evaluations, 119, 153. But these are not factors that the Forest Service is directed to or should consider. The wilderness evaluations are also directed to consider factors such as proximity to private lands and non-Forest Service roads, general topography of the area, areas

and percentage of primitive and non-primitive non-motorized recreation opportunity spectrum, and the types of primitive recreation activities in the area. Wilderness Evaluations, 7. Notably missing from those considerations is anything to do with access or scenic attractions.

Furthermore, considerations such as access and scenic attractions do not make sense when determining opportunities for primitive recreation. Just because there is a lack of scenic attractions does not mean that outstanding opportunities for unconfined primitive recreation don't exist. Put differently, recreational opportunities are not dependent upon attractions. By the same token, a lack of access does not mean that there are not outstanding opportunities for primitive recreation. Outstanding opportunities can exist if someone has to work hard to access an area or if they can use a trail. According to the Forest Service's own definition of primitive recreation in the context of the Recreation Opportunity Spectrum, a lack of access is the norm. *See* Recreation Opportunity Spectrum Overview, available at https://tinyurl.com/yyovtvb6 (noting that a minimal level of access is consistent with primitive recreation).

Lastly, the evaluations that find access routes and scenic attractions relevant are sometimes redundant in regards to the determinations made. For instance, the Alkali Canyon – 181 inventory area evaluation says that primitive recreation is not supported in the area partly due to a lack of access routes. Wilderness Evaluations, 15. But in the same evaluation it is noted that the inventory area contains three trails and multiple other unauthorized routes, as well as five cherry-stemmed roads. *Id*. at 13. With this many trails and routes, it seems feasible that a visitor could access opportunities to view wildlife, hike, or just generally enjoy nature. To compare, the Cow Hollow – 440 inventory area has five trails, some unauthorized routes, and two cherry-stemmed roads, which, according to the Forest Service, makes for adequate access. *Id*. at 49, 51. If the Forest Service does not think there is adequate access, it must explain why and take into account the routes and other means of access (e.g., cross-country travel) within each inventory area. These misapplications of the primitive recreation criterion occur on the Alkali Canyon – 181, Lambson Draw – 490, Nutters Canyon – 184, Sheep Creek West – 574, and polygons #370 and #380 inventory areas.

The Forest Service is incorrect in its assertion that a lack of scenic attractions or a lack of road access diminish opportunities for unconfined primitive recreation. As stated above, the relevant inquiry is if a visitor can engage in a primitive-type or unconfined recreation that enables the visitor to feel part of nature. FSH 1909.12, 72.1(2). The Forest Service is not directed to consider attractions or access and both considerations are irrelevant when evaluating opportunities for primitive recreation.

iii. The evaluations must consider the opportunities for primitive recreation, not just the current recreational uses.

The Forest Service makes the mistake of simply listing the *present recreational uses* of the inventoried areas instead of describing what opportunities exist for primitive recreation. Present recreational uses of the wilderness areas are not equivalent to what opportunities for primitive recreation are available. The Forest Service is required to consider what opportunities there are for primitive recreation and it has not done so.

The Wilderness Act mandates that the Forest Service "[e]valuate the degree to which the area has outstanding opportunities for…a primitive and unconfined type of recreation." FSH 1909.12, ch. 70, § 72.1(2). Opportunities for primitive recreation are not required to be present on every acre of an inventoried potential wilderness. *Id*. The Handbook is crystal clear that it is "the *opportunity* to engage in primitive-type or unconfined recreation activities" that the Forest Service is to consider. *Id*. at § 72.1(2)(b).

An opportunity to partake in an activity is not at all the same as that activity currently being performed. An opportunity is defined as "a set of circumstances that makes it possible to do something." Oxford Definition of Opportunity, *available at* https://tinyurl.com/yyywlk9h. The primary distinction here is that an opportunity only requires the possibility of doing something, not that something has already been done. In other words, the opportunity to do something exists even if that something has not been done before.

The evaluations for every inventoried polygon includes a measure describing the types of primitive recreation activities in the area. The Goslin – 583 inventory area says that the main form of primitive recreation that occurs is hunting, while very little camping and hiking occur. Wilderness Evaluations, 86. The proper consideration is not the frequency of the recreational activity, but whether there is the opportunity for that activity to occur at all. Clearly if hiking and camping take place, even a little, then there is the opportunity for both and they should not be distinguished from hunting. While it is fine to consider what primitive recreation activities currently occur, it should be made clear that there are obviously opportunities for those activities and that there may be opportunities for other forms of primitive recreation that do not yet occur in the area.

The Cottonwood – 187 and Right Fork Indian Canyon – 183 inventory areas are good examples of how every evaluation should consider opportunities for primitive recreation. The Cottonwood evaluation reads that the "area offers primitive recreation opportunities, including backpacking, hunting, hiking, and horseback riding." *Id*. at 43. Similarly, the Right Fork Indian Canyon evaluation notes that the "area offers primitive recreation opportunities including camping, fishing, hunting, hiking, and horseback riding." *Id*. at 172. Both evaluations actually refer to the opportunities for primitive recreation rather than listing current uses and disregarding the opportunities for activities that may not yet take place. Outside of the Cottonwood and Right Fork Indian Canyon areas, all other evaluations focus on present recreational uses and not opportunities.

The Forest Service has not met its obligation to evaluate opportunities for primitive recreation within the inventoried areas. The evaluations make the mistake of conflating an opportunity with a present use. This is misleading and potentially leaves out some opportunities for recreational activities.

c. *Ecological and other values*

Among the several factors considered for the criterion dealing with ecological and other values, the evaluations incorrectly determine the outstanding landscapes present in the inventoried areas, as well as the cultural and historic resources, and fail to consider numerous rare plant and animal species. The Forest Service's evaluations of outstanding landscape features are inconsistent and

contradictory, resulting in a confusing and often inaccurate determination. When evaluating the cultural and historic resources that may be present, the Forest Service only considers those resources that are eligible for the National Register of Historic Places, despite not being directed to do so. The evaluations inexplicably limit the consideration of rare plant and animal species to a few landtype associations that do not encompass the range of relevant plant and animal species found within the inventoried areas.

i. The evaluations of landscape features are often incorrect.

Very few inventoried polygons have notable landscape features according to the wilderness evaluations. This is due, in part, to the inconsistent and contradictory nature in which the Forest Service attempts to determine what areas contain outstanding landscape features.

As part of evaluating the ecological and other features of the inventoried area, the Forest Service is directed to consider the area's outstanding landscape features. FSH 1909.12, ch. 70, § 72.1(4). Outstanding landscape features, although not specifically defined, include waterfalls, mountains, viewpoints, waterbodies, or geologic features. *Id*. The Forest Service measures outstanding landscape features in two ways: (1) by looking at how many acres are of distinctive scenic class and (2) how many acres are outstanding landscapes. The distinctive scenic class is from the scenic attractiveness class system used by the Forest Service for scenery management purposes. The outstanding landscapes measure is based on landscapes with slopes greater than 45 degrees. Wilderness Evaluations, 7.

To start, this approach is misguided and inconsistent with the Handbook. The Handbook suggests that factors to be considered are: rare plant or animal communities or rare ecosystems; outstanding features such as waterfalls, mountains, viewpoints, water bodies, or geologic features; historic and cultural resource sites; potential or existing research natural areas; and high quality water resources or important watershed features. FSH 1909.12, ch. 70, § 72.1(4). In no way does the Handbook direct that slope is a reasonable measure for outstanding landscape features. Common sense also defies this approach as there are many incredible landscape features that are present on flat or less steep terrain (e.g., geysers at Yellowstone National Park, Ancestral Puebloan ruins in Canyons of the Ancients National Monument).

Secondly, notwithstanding that the Ashley National Forest is using a fundamentally flawed approach, the wilderness evaluations are inconsistent in how they determine the presence of outstanding ecological or other features. In many instances, the evaluations will reflect that the inventoried area has significant acreage of distinctive scenic class, but turn around and state that there are no outstanding landscape features in the area. Areas of distinctive scenic class are areas where the landforms, vegetation patterns, composition, water characteristics, land use patterns, and cultural features provide an unusual, unique, or outstanding scenic quality. USDA Landscape Aesthetics Handbook, 1-16 (1995), *available at* https://tinyurl.com/y4az3cmw. This is confusing because if an area is of distinctive scenic class, it is likely that there is some outstanding landscape feature in the area due to the similarity of the two classifications.

Similarly, the evaluations will list features that qualify as outstanding landscapes, but then express that the inventory area has no outstanding landscape features. The Cottonwood – 187 inventory area exemplifies these problems. The Cottonwood area only notes one outstanding

landscape feature – State Highway 191 which is part of the Dinosaur Diamond Scenic Byway. Wilderness Evaluations, 44. For one, based on the examples of outstanding landscapes as natural and geological features, it is dubious that a human-made highway qualifies. Secondly, there are other outstanding landscape features that the Forest Service should have noted but didn't. The evaluation for Cottonwood lists several landscape attributes that qualify as outstanding landscape features including: Left Fork Indian Canyon, Sowers Canyon, Tabby Canyon, Right Fork Indian Canyon, Argyle Canyon/Bad Land Cliffs, and Cottonwood Canyon. *Id*. at 38-45. Despite the presence of these landscape attributes, and the fact that nearly 5,500 acres of the inventory area (almost a quarter) is of distinctive scenic class, the evaluation concludes that the only outstanding landscape feature is a man-made road that likely does not qualify. *Id*. at 44.

Perhaps a better example is the Mount Lena inventory area. The area contains the entirety of Mount Lena, which rises to an elevation of over 9,700 feet. Mountains are listed as an example of an outstanding landscape feature, but the Mount Lena evaluation says there are no such features in the area. Wilderness Evaluations, 136. But no explanation is provided as to why the inventory area has no outstanding landscape features despite the inclusion of a 9,000+ foot mountain. There are several other evaluations that note qualifying landscape features but find that the area has no outstanding landscapes. These include the Big Ridge – 274, Carter Creek – 526, Dry Ridge – 325, Goslin – 583, Lake Fork Mountain – 343, Right Fork Indian Canyon – 183, South Slope East Uintas – 463, Wagon Road Ridge – 242, and Water Hollow – 201 evaluations.

The evaluations are also contradictory in that they will recognize some unique geologic feature, but still claim that the area has no outstanding landscape features. As a reminder, outstanding landscape features include geologic features. FSH 1909.12, ch. 70, § 72.1(4). Therefore, if there is a unique geologic feature, then there is an outstanding landscape feature; the latter is inclusive of the former. The Pole Creek - 384 evaluation describes two unique geologic features in the area – the Pole Creek Cave and the Pole Creek Sinks. Wilderness Evaluations, 163. In addition, the inventory area is over 75% distinctive scenic class with over 10,000 acres classified as such. *Id*. But the evaluation still states that there are no outstanding landscape features in the area. *Id*. The unique geologic features of Pole Creek Cave and the Pole Creek Sinks are themselves outstanding landscape features and this needs to be reflected in the Forest Service's evaluations. This same issue also occurs on the Lake Fork Mountain – 343 and South Fork Rock Creek – 320 inventory areas.

The Forest Service's evaluations on outstanding landscape features are inconsistent, contradictory, and confusing. Any determination of outstanding landscape features needs to be inclusive of the canyons, rivers, lakes, mountains, and other landscape features often listed by the Forest Service as notable attributes of an area. Additionally, unique geologic features are outstanding landscape features and the evaluations need to recognize them as such. The Forest Service needs to update its evaluations of outstanding landscape features so that its determinations of wilderness suitability are based on accurate information, best available science, and sound and rational analysis.

ii. The evaluations fail to consider many rare plant and animal species.

The evaluations base their consideration of rare plant and animal species on a handful of landtype associations. The problem is that these landtype associations only cover a few of the rare plant and animal species found within the inventoried areas. Without consideration of all the rare plant and animal species, the evaluations are inadequate and leave out many relevant concerns.

The wilderness evaluations state the following as a consideration under the ecological and other values criterion: "For considering rare plant or animal communities, the Ashley National Forest utilized the acres of the Uinta Bollie Landtype Association (LTA) which is habitat for rare plants on the Ashley National Forest." Wilderness Evaluations, 7. It is unclear why this is the only LTA considered relevant to rare plants as part of the evaluations. The evaluations do not state that this is the only LTA on the Forest in which rare plants are or might be found. Moreover, the Species at Risk Report for the Ashley indicates that many rare plants are present on the Forest that do not occur in the Uinta Bollie LTA. Ashley National Forest Assessment Species at Risk Report (May 2017), *available at* https://tinyurl.com/y4rgb3ow. For instance, *Spiranthes diluvialis* (Ute Ladies'-tresses) is a federally listed threatened plant species which the Report associates with the Red Canyon LTA. *Id*. at 23. The Report goes on to state that there are four occurrences in the plan area, and that "most occurrences are small, having less than 1,000 plants and occupying less than 50 acres." *Id*. at 23.

The Species at Risk Report also lists seventeen potential plant species of conservation concern, many of which are considered rare based on discussion in the 'Rationale' and/or 'State Status' columns of Table 2. *Id*. at 13-21. The LTAs for these species include Alpine Moraine, Anthro Plateau, Glacial Canyon, Greendale Plateau, Moenkopi Hills, Parks Plateau, Stream Canyon, and Trout Slope, in addition to Uinta Bollie. Similarly, in its list of federally listed threatened, endangered, proposed, or candidate species in Table 3, the Species at Risk Report omits *Phacelia argillacea*, commonly referred to as Clay Phacelia, which is an endangered species whose current range is shown to overlap with the Forest boundary, albeit only slightly. USFWS's Information for Planning and Consultation Tool, *available at* https://ecos.fws.gov/ipac/. Regardless of the species' inclusion in the Report, it must be considered as part of the evaluations and subsequent analysis. Thus, the wilderness evaluations' reliance solely on the Uinta Bollie LTA as rare plant habitat is unjustified, and the evaluations and subsequent analysis must be revised to take into account these other LTAs and their corresponding species.

The wilderness evaluations also state the following as a factor for consideration of rare plant and animal species: "Other factors include acres of the Uinta Bollie LTA and Alpine Moraine LTA which is habitat for the Black Rosy Finch, a rare bird species on the Ashley National Forest." Wilderness Evaluations, 7. Again, it is unclear why these are the only LTAs considered relevant to rare animals as part of the evaluations. The evaluations do not state that these are the only LTAs on the Forest in which rare animals are or might be found. Furthermore, the Species at Risk Report indicates that other rare animals are present on the Forest that do not occur in the Uinta Bollie or Alpine Moraine LTAs.

For instance, the Report specifies that the Pygmy Rabbit (*Silvilagus idahoensis*) and Fringed Myotis bat (*Myotis thysanodes*) are rare on the Forest. Species at Risk Report, 9-10. As an

example, habitat for the Fringed Myotis bat is listed as being found in 20 different LTAs. *Id*. at 10. In addition, USFWS's Information for Planning and Consultation tool lists 18 birds that are listed on the USFWS Birds of Conservation Concern list: Black Rosy-finch, Black Swift, Brewer's Sparrow, Burrowing Owl, Cassin's Finch, Clark's Grebe, Golden Eagle, Grace's Warbler, Lesser Yellowlegs, Lewis's Woodpecker, Long-eared Owl, Marbled Godwit, Olive-sided Flycatcher, Pinyon Jay, Rufous Hummingbird, Virginia's Warbler, Willet, and Willow Flycatcher.

The one rare animal systematically considered in the wilderness evaluations - Black Rosy Finch - is included on this list. But the Forest provides no justification for only considering the Black Rosy Finch under the rubric of rare animals, and for not considering the 17 other bird species listed above or other rare animal species like the Pygmy Rabbit and Fringed Myotis bat. Thus the wilderness evaluations' reliance solely on the Black Rosy Finch and its associated LTAs when considering rare animals is unjustified. The evaluations and subsequent analysis must be revised to take into account other rare animal species and their corresponding LTAs.

We conducted an analysis to show the presence and richness of at-risk species habitat within the inventoried wilderness areas. See Appendix B for a detailed explanation of our analysis and its relevancy to evaluating this criterion. Our analysis found that there are 44 at-risk species with distributions that fall within the Ashley National Forest and overlap with a inventoried wilderness areas. This includes 18 bird species, 10 mammal species, 9 fish species, 3 amphibian species, 2 plant species, 1 reptile species, and 1 mollusk species.

The thirty-two inventoried wilderness areas cover approximately 590,625 acres of land or 43% of the Ashley National Forest. These areas are home ranges for anywhere between 7 and 32 species. This accounts for up to 73% of at-risk species found in Ashley National Forest. The wilderness areas with the highest at-risk species habitat richness in descending order are Mt. Lena (73%), Cottonwood (71%), and South Slope East Uintas (71%).

The at-risk species with the greatest proportion of their distribution falling in inventoried wilderness areas are:

- Clay phacelia: Falls within Indian springs and Mill Hollow
- Columbia spotted frog: Falls within Cottonwood, Indian Springs, Right Fork Indian Canyon, Timber Canyon East, Timber Canyon West, and Water Hollow
- June sucker: Falls within Mill Hollow and Right Fork Indian Canyon
- Eureka mountain snail: Falls within Pole Creek and South Slope East Uintas.
- Ferruginous hawk: Falls within all polygons except #370 & #380
- Fringed myotis: Falls within all polygons except #370 & #380

This information should be incorporated into the individual polygon narratives and considered to be an ecological landscape feature for the purposes of this evaluation criterion.

iii. Eligibility to the National Register of Historic Places is not the basis for consideration of cultural and historic resources.

When determining whether there are historic or cultural resources of value within the inventoried wilderness areas, the only measure that the Forest Service looks to is whether there are historic or cultural resources that have been found eligible for or are listed on the National Register of Historic Places ("NRHP"). In doing so, the Forest Service is limiting the historic and cultural resources measure to those resources covered by the National Historic Preservation Act ("NHPA"). This method is problematic because many cultural resources that may be eligible for the NRHP have not been discovered yet due to inadequate surveying, or have been discovered and have not undergone an eligibility determination, and the method leaves out cultural resources that are not covered by the NHPA.

The Forest Service is directed to consider "[h]istoric and cultural resource sites" when determining whether an area has ecological or other features of value. FSH 1909.12, ch. 70, § 72.1(4)(c). Likewise, the wilderness evaluations state that factors considered for this criterion included "historic or cultural resources of historic value in the inventory area." Wilderness Evaluations, 8. There is no indication that this consideration is supposed to be limited to only historic or cultural resources that are covered by the NHPA and eligible to the NRHP. It would be problematic to limit the consideration in such a way.

For one, a minimal amount of the Ashley National Forest has been surveyed for cultural resources. According to the Forest Service's own calculations, only 16% of the Forest has been systematically surveyed for cultural resources. Ashley National Forest Assessment: Cultural and Historic Resources Report, 2 (April 2017), *available at* https://tinyurl.com/y6lnfxjh. When broken down further, only 7.9% of the Forest (barely over 100,000 acres) has been intensively surveyed, with the rest being subject to a rudimentary reconnaissance level of surveying. *Id*. at 10. These minimal surveys have identified over 2,500 cultural resource sites, nearly half of which were found eligible for or are listed on the NRHP. *Id*. at 11. Based on the resources found and the fact that the significant majority of the Forest has never been surveyed, there are potentially thousands of resources and sites across the Forest that have yet to be discovered and documented. *Id*. at 2. Furthermore, many of the already discovered sites have not been evaluated for eligibility. *Id*. at 23.

Another complication is that the scope of the NHPA's application is limited. The NHPA only applies to "historic properties" defined as "any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion on, the National Register [of Historic Places]." 36 C.F.R. § 60.4. The overwhelming majority of NRHP listed or eligible resources are tangible objects like a building or structure. But many cultural and historic resources are not tangible. Take, for example, archaeological and paleontological resources. These resources, including human remains, funerary objects, fossils, sacred objects, and other objects of cultural patrimony, are often important cultural and historic resources. And although these resources are covered by the Paleontological Resources Preservation Act and the Archaeological Resources Protection Act, they are often not covered by the NHPA and can therefore not be eligible for the NRHP. According to the Forest Service's calculations, "[t]he potential for inadvertent discoveries of human remains is moderate within the Ashley National Forest planning area due to a relatively high site density in some areas." Ashley National Forest Assessment: Tribal Uses Report, 17 (April 2017), *available at* https://tinyurl.com/y3mvhmpd. This exemplifies the problematic nature of limiting cultural and historic resources based on eligibility to the NRHP.

Therefore, instead of only looking to the eligibility of known sites, the Forest Service should list all known cultural resources in the inventoried areas. Additionally, the Forest Service should also take into account the likelihood of undiscovered cultural resources being present in an area. This can be accomplished through a statistical probability analysis. In identifying cultural resources beyond those listed on the NRHP, the Ashley should look at existing Forest Service guidance. For instance, FSH 1909.12, 13.8 directs Forest Service staff, in the context of developing the Assessment Report, to look at priority heritage assets as defined in FSM 2360.5.[7] In addition, the Forest Service's planning tips webpage for cultural and historic resources, located at https://tinyurl.com/y38erdrp, lists a number of potential information repositories -- both internal and external -- for cultural and historic resources.

Just because an area may not contain cultural or historic resources that are eligible for or listed on the NRHP does not mean that the area does not contain significant cultural or historic resources that would benefit from the protections that a wilderness designation provides. The Forest Service should consider the importance of historic and cultural resources regardless of their eligibility to or listing on the NRHP.

d. *Manageability*

The wilderness evaluations consider factors that are irrelevant when determining an area's potential manageability as wilderness. Several factors are considered that are not legally established rights, such as the current management and uses of the inventory area, that may potentially be revised during the Forest management plan process. Similarly, the evaluations consider irrelevant county plans when determining if there are state or federal laws that may affect the Forest Service's ability to manage the inventory areas to preserve their wilderness characteristics.

i. The evaluations should not consider current uses of the inventory areas that are not legally established rights.

The Handbook directs the Forest Service to evaluate the degree to which the area may be managed to preserve its wilderness characteristics and consider factors such as: (1) shape and configuration of the area; (2) legally established rights or uses within the area; (3) specific Federal or State laws that may be relevant to availability of the area for wilderness or the ability to manage the area to protect wilderness characteristics; (4) the presence and amount of non-Federal land in the area; and (5) management of adjacent lands. FSH 1909.12, ch. 70, § 72.1(5).

The intent of these considerations is to assess how the geographical shape and configuration of a wilderness inventory area, as well as any governing legal requirements,[8] might frustrate future

[7] The GMUG included Priority Heritage Assets as a measure of outstanding supplemental features. GMUG Wilderness Evaluation Report at 8.

[8] Legally established uses and rights are those established by law and create affirmative obligations. Examples include development of patented or unpatented hardrock mining claims, access to private inholdings via easements, or surface water diversions pursuant to a water right. These are long-standing

wilderness management. For instance, legally established rights or uses within the area (e.g., rights of access to private land inholdings or energy leases) may create difficulties for future wilderness management. In evaluating manageability, you should not consider current uses such as motorized or mechanized travel. These types of uses do not amount to an affirmative obligation on the part of the Forest Service but rather are a broad discretionary authorization established in the land management plan process. The presence of travel management and other uses is appropriately addressed in the analysis phase where trade-offs are analyzed.[9] Lastly, note that appropriate manageability concerns that are identified in the evaluation can sometimes be addressed by adjusting the boundaries of the polygon.

Therefore, the Ashley National Forest should modify the measures by which it evaluated manageability and the polygon narratives accordingly. It should remove the fifth and seventh measures in the table for Question 4a. The fifth measure -- "current management of the inventory area" -- is the perfect example of a factor that should not be applied because current management (e.g., wildlife management emphasis) is not an affirmative obligation and is in fact exactly what will be discussed and decided in the forest plan revision. The seventh measure -- "Type and extent of management restriction with the inventory area" -- similarly is inappropriate. The fifth and seventh measures are only appropriate to consider in the analysis phase where tradeoffs, and their effects, are compared and evaluated.

The sixth measure -- "Acres of Wildland Urban Interface in the area" -- is also problematic. If the Ashley is going to use this measure, it needs to define what the wildland urban interface (WUI) is and that definition must reflect best available science. There are multiple scientific papers that proffer methods for determining the WUI;[10] the Ashley should identify a scientifically justifiable method and definition. In our correspondence with Forest Service staff, we learned that the Ashley's definition of the WUI includes municipal watersheds. This is not generally how practitioners define the WUI. Regardless, many practitioners consider the overlay of wilderness areas on municipal watersheds a benefit as it guarantees little disturbance and high levels of protection to an important resources.

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rights of access and can be rescinded only by invoking eminent domain or police power. Court decisions have helped flesh out this distinction. For instance, in considering whether grazing permits, a similar authorized land use, constituted legally established rights, the Court of Federal Claims stated that a grazing permit does "not create contractual rights; rather, it merely grant[s] … certain exclusive privileges based upon historical grazing practices." *Hage v. United States*, 35 Fed. Cl. 147, 166 (1996). The differentiation turns on the existence of an affirmative obligation: "[u]nlike a contract, the permit does not create affirmative obligations." *Id*. at 167.

[9] If the agency wants to capture current uses and conditions that would help inform the analysis, the agency could include a notes section within each polygon narrative in which it could catalog the information. The information should not be included in the section evaluating manageability.

[10] For example, *see* Stewart, Susan I., et al, Wildland-urban interface maps vary with purpose and context, Journal of Forestry, 107(2): 78-83 (2009), *available at* https://www.fs.usda.gov/treesearch/pubs/34152 (accessed November 3, 2019); *also see* Radeloff, V. C., et al., The Wildland-Urban Interface in the United States, Ecological Applications, 15 (3): 799–805 (2005), *available at* https://esajournals.onlinelibrary.wiley.com/doi/abs/10.1890/04-1413 (accessed November 3, 2019).

ii. The evaluations should not consider county resource management plans.

The evaluations also inappropriately consider county plans as a criterion for evaluating potential wilderness suitability. While Congress may appropriately consider county plans in determining whether to designate federal land as Wilderness, a county's political position should not be a criterion for conducting the wilderness evaluation under the Planning Rule and its Directives.

The evaluation for every inventoried polygon contains mention of the applicable county resource plan (whether it be Daggett, Duchesne, or Uintah county) and how those plans stand against any and all proposals for wilderness. The problem with this is that, regardless of whether the county resource management plan should be considered state law, the plan is not relevant to the inventoried areas' potential to be managed as wilderness because such a plan's preference for or against wilderness management has no force and effect on the management of federal lands.

Under the Property Clause of the Constitution, Congress has broad authority over the lands and property owned by the United States. U.S. Constitution, Article IV, Section 3, Clause 2. Congress used this authority when it passed the Wilderness Act of 1964. 16 U.S.C. §§ 1131-1136. Nowhere in the Wilderness Act did Congress decide to delegate authority over the wilderness nomination process to states or counties. What the Act does call for is the governor of the affected state and the governing board of affected counties to submit their views on the wilderness proposals. 16 U.S.C. § 1132(d)(1)(C). This is similar to what the general public is afforded under the notice and comment process.

When evaluating the degree to which an area may be managed to preserve its wilderness characteristics, the Forest Service is directed to consider any federal or state laws that are relevant to the area's availability or management as wilderness, among other things. FSH 1909.12, ch. 70, § 72.1(5)(c). The county management plans' preference for or against recommending lands for designation as wilderness is not relevant to the evaluation of whether the lands themselves are suitable for potential designation. Even the Utah state act that allows for the creation of the county management plans recognizes this point. The County Use, Development, and Management Act reinforces that counties do not have the ability to adopt standards that conflict with requirements of federal law. Utah Code Annotated, § 17-27a-104(2). The Act goes even further to say that general land use provisions cannot "be construed as giving a county jurisdiction over property owned by the state or the United States." *Id*. at § 17-27a-304.

Therefore, the evaluations' consideration of Daggett, Duchesne, and Uintah county management plans is irrelevant. Each plan, if followed, would prevent any additional designations of wilderness within the majority of the Ashley National Forest. This is clearly in conflict not only with the evaluation process under the planning rule, but with the purposes of the Wilderness Act which are "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness" and generally preserve wilderness character. 16 U.S.C. § 1131.

II. Lack of Determinations of Suitability as Wilderness

The wilderness evaluations lack any actual determination of wilderness potential for the inventoried lands. After over 260 pages of evaluations and application of the wilderness criteria, the Forest Service makes no determinations as to any polygons suitability for wilderness.

Because these suitability determinations are the fundamental point of the wilderness evaluations, their absence is a fatal flaw.

The purpose of the wilderness evaluations is to apply the wilderness criteria and evaluate each inventoried areas' wilderness characteristics to "determine potential suitability for inclusion in the National Wilderness Preservation System." FSH 1909.12, ch. 70, § 72.1. The Handbook is even more explicit that "[t]he Responsible Official …shall be able to clearly and efficiently describe and document the wilderness character associated with each area at the end of the evaluation step." *Id*. at § 72. "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." Q&As Relating to Wilderness Planning under Chapter 70 of 2015 Planning Rule Directives, Version 1.1, 9. Clarity as to what these determinations look like can be found in several other national forest wilderness evaluations, even previous ones for the Ashley National Forest.

In the past, the Forest Service has made these determinations when evaluating potential wilderness in the Ashley National Forest. When the Ashley was undergoing similar forest management plan revisions that were later halted, the Forest Service released a wilderness evaluation report evaluating many of the same areas that are now inventoried. Draft Potential Wilderness Evaluation Report (2008), *available at* https://tinyurl.com/yydm2jsx. In that report, each inventory area concludes with a wilderness evaluation summary that rates the suitability of the area for wilderness (i.e. low, moderate, high) and justifies the rating by providing an explanation. The summary for the Sheep Creek West area reads: "Capability is moderate, due to the presence of several unclassified road and water developments. There are some opportunities for primitive recreation in the interior of the area, and manageable boundaries." *Id*. at 21.

Another cogent example would be the recent wilderness evaluations completed for the Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forests. GMUG Forest Plan Revision, Revised Wilderness Evaluation Report (March 2019), available at https://tinyurl.com/yyh3279u. Those wilderness evaluations actually evaluate the degree of wilderness characteristics for each polygon. What follows is a summary of one of the inventoried polygons:

> Area G1 was evaluated to possess a ***High*** degree of wilderness characteristics. This finding is due to very naturally-appearing vegetation and wildlife communities, lack of improvements, as well as high-quality opportunities for solitude or primitive/unconfined recreation available throughout the year. The shape of the area is somewhat contiguous, with one cherry-stemmed road bisecting the area into two separate east and west polygons. The northern and western sections of the area are adjacent to West Elk Wilderness. The majority of the polygon is currently managed as Colorado Roadless Areas, and natural features could provide manageable boundaries.

Id. at 2. With the Ashley wilderness evaluations, the reader is left wondering which inventoried areas the Forest Service thinks contain a high degree of wilderness characteristics and will likely get carried forward for analysis. The wilderness evaluations do not make any determinations of which inventoried areas are suitable as wilderness. Because that is the entire point of the

evaluation stage, the Forest Service must go back and update each evaluation with a determination of the areas' wilderness suitability (i.e. no, low, moderate, high).

We request that, when the Forest Service updates each evaluation, it also provide its rationale for which areas (or portions thereof) it intends to carry forward into the analysis stage. As a reminder, this process should be inclusive of wilderness and carry forward as many evaluated parcels as possible. We also strongly recommend that the Forest Service create a table that describes conditions that would merit ranks of high, moderate, or low for each criterion. There are examples of the Forest Service doing this elsewhere[11] and it provides the public with an easy means to see how each criterion was ranked and why.

III. Proposals for Management of Wilderness Areas

Looking ahead to the recommendation and designation stages, we would like to propose some ideas for how the Forest Service can best manage the evaluated areas. We believe that the Forest Service needs a plan to manage the wilderness areas that it recommends until Congress can act on designation. We have also included some management recommendations for wilderness areas that are eventually designated by Congress. Finally, we suggest that some simple boundary adjustments would improve future management of the inventoried areas if recommended and designated.

First, we recommend that the Forest Service include a management plan for protecting recommended wilderness areas in the interim period until Congress decides whether to designate the areas. This would be similar to how the Forest Service included a set of interim protective measures and a management plan for river segments that were found to be eligible and suitable under the Wild and Scenic Rivers Act, until Congress can act on the recommendations made. The general purpose of this interim management plan would be to comply with the mandates of the 2012 planning rule. That rule requires that the plan include components for recommended wilderness areas that "protect and maintain the ecological and social characteristics that provide the basis for their suitability for wilderness designation." 36 C.F.R. § 219.10(b)(1)(iv). Recommended wilderness areas should be managed to protect and maintain their wilderness values, in part, by not allowing timber production, harvesting, or motorized use. The management plan should also include protections for a host of resources such as recreation, fish and wildlife, soils and water, and cultural and historic resources.

Second, we have some recommendations on how to improve management of designated wilderness areas based on the management plan included for the High Uintas Wilderness. Proposed Plan, 69-71. Desired Condition 07 (DA-DC-HUW-07) says that "[l]ivestock grazing is recognized as an appropriate use of wilderness." *Id*. at 70. However, there are limitations on the management of grazing in wilderness, as described in the Congressional Grazing Guidelines. Given those limitations, we suggest that if the Forest Service decides to keep Desired Condition 07, it change the language to read that "[l]ivestock grazing is recognized as an allowable use of wilderness in certain conditions." On the topic of grazing, the management plan should also

[11] *See* Gila National Forest Draft Evaluation Report of Lands Inventoried for Potential Wilderness Characteristics, 8 (June 2018), *available at* https://tinyurl.com/yyjwtf4h.

include an objective requiring the Forest Service to use the Wilderness Grazing Checklist when managing livestock grazing in wilderness. A copy of the Wilderness Grazing Checklist is available at https://tinyurl.com/yy9tsfpa.

There are other important management plan components that are missing from the High Uintas Wilderness Management Plan. At minimum, the plan should include a desired condition or standard that the quality and quantity of seeps, springs, and any other water bodies or riparian areas are not affected by human activities. One of the primary benefits of wilderness is the protection the designation offers for watersheds and water resources, so it is imperative that the management plan strive to protect these resources. Likewise, there should be a standard or desired condition that attempts to eliminate or at least mitigate potential impacts to wildlife, vegetation, and other Forest resources from recreational uses like camping, hiking, and climbing. An objective that should be included is for the Forest Service to manage the High Uintas Wilderness (and any other designated wilderness areas) to meet or exceed the agency's performance accountability measures for wilderness. These additional management plan components will result in better management of the High Uintas Wilderness and other designated wilderness areas.

Third and when possible, we recommend that the Forest Service adjust the boundaries of some of the wilderness areas in order to (1) exclude activities that could potentially diminish the ecological and social characteristics that provide the basis for wilderness designation or (2) include additional areas that would boost wilderness potential. One example of this is inventoried areas that include motorized use roads or routes. Although existing motorized use by itself does not preclude designation of wilderness, allowing motorized use in a wilderness area often impairs wilderness character. In many cases the use will become accepted and expected in the area thereby diminishing wilderness characteristics and potential. For these reasons, it is generally important to exclude motorized roads and routes from wilderness areas whenever possible. Our proposals for excluding motorized use areas is only relevant if the Forest Service decides to leave these areas open to motorized use in the new Ashley management plan. More specific comments on this front are provided below in the "Polygon Specific Comments" section.

IV. Proposed Range of Alternatives under NEPA

When the Forest Service releases a Draft EIS for the revised Ashley National Forest Management Plan, we expect that a true and meaningful effort to analyze a reasonable range of alternatives will have been undertaken. Among those reasonable alternatives, we recommend that the Forest Service analyze two specific alternatives in addition to the other alternatives it intends to consider. The first is an alternative that carries forward every inventoried and evaluated area to the analysis stage. The second is an alternative that analyzes all of our Top Priority Polygons. The Top Priority Polygons are those that we believe are the most important to be designated as wilderness and include: Big Ridge – 274, Carter Creek - 526, Cow Hollow – 440, Dry Ridge – 325, Flat Top Mountain – 365, Mount Lena - 517, 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. Finally, we also recommend that the

Forest Service include, as part of each alternative, a management area that covers all inventoried roadless areas (IRAs) that are not designated as wilderness.

The analysis of alternatives under NEPA is the "heart" of an EIS. 40 C.F.R. § 1502.14. An agency must "[r]igorously explore and objectively evaluate all reasonable alternatives" to a proposed action. *Id.* § 1502.14(a); *also see* 42 U.S.C. § 4332(2)(E) (agencies must "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). Consistent with NEPA's basic policy objective to protect the environment, the reasonable range of alternatives should include environmentally protective alternatives such as alternatives that propose maximum inclusivity of potential wilderness areas.

In order to abide by NEPA's range of alternatives mandate, we recommend that the Forest Service analyze an alternative that includes all inventoried and evaluated wilderness areas. We recognize that the Draft EIS will include an alternative that does not recommend any additional areas for wilderness (i.e. the No Action Alternative). To ensure a proper range, it is imperative that the Forest Service also consider an alternative at the other end of the spectrum with the maximum amount of potential wilderness included.

The other alternative that we recommend for inclusion in the Draft EIS is an alternative that analyzes for wilderness designation all Top Priority Polygons. All of the Top Priority Polygons were selected based on their high potential for and suitability as a congressionally designated wilderness area. As such, this alternative represents a reasonable alternative, supported by the best available scientific information, that must be analyzed under NEPA. Amongst the Top Priority polygons, a majority are areas that we have proposed for specific boundary adjustments. Those polygons are Carter Creek, Dry Ridge, Flat Top Mountain, Mount Lena, North Slope East Uintas, South Slope East Uintas, and Wagon Ridge Road. *See* "Polygon Specific Comments" section below. When analyzing this Top Priority polygon alternative, we request that the Forest Service analyze the polygons with the boundary changes we have described in these comments.

Lastly, we would like to see, as a component of each alternative, a management area designated to protect all IRAs that are not recommended for designation as wilderness. The management area should be named to reflect its purpose of protecting and conserving the Forest's IRAs; something like the Backcountry Management Area or the Roadless Conservation Management Area is fitting. The management area should seek to maintain high scenic quality and primitive recreation opportunities, generally prohibit road construction and reconstruction, prohibit timber cutting, and protect biological strongholds. More details on this designation proposal, including specific desired conditions, standards, and guidelines, are included in Appendix C.

Related to IRAs that are biological strongholds, see Appendix B where we evaluated the presence, richness, and importance of at-risk species habitat within the IRAs. This information should be incorporated into the environmental analysis so that the Forest Service and the public can better understand the biological values of the Ashley's IRAs and the differences and trade-offs between alternatives.

Our analysis found that there are 44 at-risk species with distributions that fall within the Ashley National Forest and overlap with IRAs. Thirty-one IRAs cover approximately 765,878.2 acres

or 55% of Ashley National Forest. IRAs support anywhere between 16 and 34 at-risk species. This accounts for up to 77% of at-risk species found in Ashley National Forest. The IRAs with highest habitat richness for at-risk species in descending order are #0419020 (77%), #0401002 (71%), and #0401011 (68%). These are also the IRAs with the habitat of highest relative importance.

The at-risk species with the greatest proportion of their distribution falling in IRAs are:

- Great Plains Toad: Falls within #0401009
- Clay phacelia: Falls within #0401013
- Columbia spotted frog: Falls within #0401011, #0401013, #0418033, and #0401008
- Bobolink: Falls within #0419020
- June sucker: Falls within #0401012 and #0401013
- Eureka Mountain Snail: Falls within #0419020 and #040101.

We request that the Forest Service include a map that delineates all IRAs that will be included in the management area. Unfortunately, the Forest Service cannot rely on the Roadless Area Conservation Rule to adequately protect roadless values given that it is under attack and may be weakened or repealed in the future. *See, e.g.,* 83 Fed. Reg. 44252 (August 30, 2018). This alternative component would ensure management protections for IRAs separate from the Roadless Rule.

Analyzing a broad range of alternatives, including the alternatives described above, will enable a robust analysis of the trade-offs and impacts associated with recommending most (if not all) of the areas identified in the inventory and evaluated for their wilderness character. These suggested alternatives are reasonable and will foster informed public participation and decision-making, thereby achieving the aims of NEPA.

SITE-SPECIFIC COMMENTS

I. Polygon Specific Comments

Ultimately, we would like to see every inventoried and evaluated wilderness area recommended to Congress for designation. With that goal in mind, we have some polygon-specific comments that we believe will make the polygons more conducive for administrative recommendation and will allow the polygons to be better managed as wilderness in the future. The comments primarily focus on wilderness evaluation units that would benefit from boundary adjustments to exclude areas of motorized use, as well as wilderness evaluation units whose boundaries would benefit from extension to include surrounding areas that would further bolster wilderness character. Regarding motorized use areas, our proposals for excluding these areas are only relevant if the Forest Service decides to leave these areas open to motorized use in the final revised Ashley National Forest management plan. If these motorized use areas are closed, then it is best to leave the boundaries as currently drawn. There are some miscellaneous polygon-specific comments included as well.

a. Polygon Boundary Adjustments to Exclude Motorized Use Areas

There are many inventoried polygons whose boundaries encompass motorized roads and trails. We fear that this may lead the Forest Service to not recommend many of the inventoried areas due to these established motorized uses, or Congress not designating the areas once recommended. In many cases, the wilderness unit boundaries can be redrawn to avoid any motorized use areas while maintaining the appropriate size for wilderness areas.

Among the polygons that encompass motorized use areas is the North Slope East Uintas - 530 inventory area. The North Slope East Uintas inventory area includes four motorized use trails within its boundaries: #1016, #1013, #1014, and #1014A. Wilderness Evaluations, 143. The Forest Service recognizes that these motorized use trails represent a departure from natural range of variation in the area's composition and structure. *Id*. But the Forest Service includes the trails in the inventory area although it does not have to. We recommend that the Forest Service adjust the boundaries of the area so that the eastern boundary abuts trail #1014, #1014A, and the northern portion of trail #1016. The North Slope East Uintas covers a vast 66,791 acres. *Id*. Our boundary adjustment proposal would remove less than half of the inventory area's acreage, leaving a sizeable wilderness area that would far exceed the 5,000-acre minimum.

Another polygon in need of a boundary adjustment is the Mount Lena - 517 inventory area. As currently drawn, the boundaries of Mount Lena surround six trails that allow for motorized use: #0003, #0004, #0008, #0135, #0122, and #0062. Wilderness Evaluations, 134. Five of the six motorized trails could be excluded while still retaining a majority of the area's lands by dividing the area into two separate wilderness units. For the northern unit, we recommend that the Forest Service adjust the boundaries so that the southern border of the northern unit borders trails #0003 and #0004, while cherry-stemming out the portion of trail #0003 that heads north. Likewise, the western boundary should be extended to encompass all of Cart Creek and up to the plateau on the western side of Cart Creek Gorge. This unit could be named Speirs Peak.

For the southern unit, we recommend that the northern boundary run adjacent to Bowden Draw Road and Trail #008. The southern boundary would remain similar to Mount Lena's current southern boundary except it would follow East Draw Road until the road ends and then drop directly south to connect with the Forest boundary where it makes a 90-degree angle near Limestone Mountain. In effect this boundary adjustment would exclude all the area south and east of East Draw Road that is currently included in the Mount Lena inventory area. This unit could be named Mount Lena. In between the north and south units, the area bounded by Bowden Draw Road and trail #008 on the south and Green Draw Road and trails #0003 and #0004 on the north would be excluded.

The boundaries of the Cow Hollow - 440 polygon are poorly drawn and in need of adjustment. The area currently contains five trails open to motorized use: #0110, #1196, #0034, #0026, and #0109. The boundary can be easily adjusted to exclude all five of these trails while also including significant landscapes currently excluded by simply shifting the polygon west. We recommend that the eastern polygon boundary heading north from the Forest boundary remain more or less the same until the polygon boundary meets trail #0026. The boundary should then run west parallel to trail #0026, cherry-stem around trail #0034, and continue north abutting trails #0034 and #0110 until reaching the Red Cloud Loop Road. The Cow Hollow border would

follow Red Cloud Loop Road, then the Dry Fork Mountain Road, and finally the Dry Fork Face Complex Road until the border comes full circle at the Forest boundary. Adjusting the polygon boundary in this way would improve Cow Hollow by excluding all five motorized trails and by including major parts of Ashley Gorge and Black Canyon that are excluded by the currently drawn boundaries.

Our proposals and the adjustments suggested above will increase the wilderness areas' chances of future recommendation and designation by removing areas of motorized use and providing for simpler management of the areas.

b. Polygon Boundary Adjustments to Include Additional Surrounding Areas

Similar to the polygons above that need boundary adjustments to exclude areas, there are several polygons that we believe would benefit from boundary adjustments to include surrounding areas that were left out during the inventory process. These excluded areas are representative of wilderness and would boost the wilderness potential of the inventory areas. For the boundary adjustments proposed below, there are no explanations given for why the areas we propose for inclusion are currently excluded. In many instances, the current boundaries are arbitrary in excluding these areas. The Forest Service should adopt our proposed boundary adjustments or provide a valid reason for why the areas we propose for inclusion are excluded.

The Dry Ridge - 325 inventory area is exemplary of this problem. The northwestern area of Dry Ridge is irregular and excludes Audry Lake, Bear Lake, and portions of Miners Gulch. Audry Lake is a remote, minimally visited lake that sits in a hanging glacial valley, likely making it an outstanding landscape feature and an area with great opportunities for solitude. Bear Lake, although accessible by a road, is still a pristine, high elevation lake, also likely qualifying the lake as an outstanding landscape feature. The excluded portion of the Miners Gulch area is a natural and scenic area that is also minimally visited, providing opportunities for solitude and primitive recreation. So that these areas are included, we recommend that the Dry Ridge boundary continue bordering the Miners Gulch 222 road and then encompass Bear Lake before connecting with the current boundary of the inventory area that begins just west of Bear Lake. Then, the Forest Service needs to include the currently excluded area of Miners Gulch and the area ascending to and surrounding Audry Lake.

The South Slope East Uintas - 463 inventory area has some of the most, if not the most, irregular boundaries of any inventory area, with a lot of exclusions within and around the area. Much of the irregularity is due to the many cherry-stemmed roads, but many of the exclusions are inexplicable. For example, the area boundary excludes Queant, Cleveland, and Dollar lakes, as well as some of Whiterocks Lake. There is no reason why these lakes should not be fully included in the inventory area and no reason is provided. We recommend that the Forest Service adjust the boundaries to include all of the above listed lakes. Additionally, the inventory area boundary cherry-stems around North Whiterocks Canyon Road, but then continues to cherry-stem for miles up Whiterocks Canyon after the road has ended. While we agree with cherry-stemming the boundaries around North Whiterocks Canyon Road, the boundaries should come together after the road and encompass all of Whiterocks Canyon beyond the road that is currently

excluded. Lastly, we recommend that the Forest Service extend the western boundary of the area to adjoin the boundary of the Flat Top Mountain inventory area, while remaining cherry-stemmed around the Uinta River Road. This will allow the inventory area to encompass much of Uinta Canyon.

The boundaries of the Carter Creek - 526 inventory area would also benefit from adjustments. For one, the southern boundary of the area should abut Highway 44, as close as possible, until it reaches Eagle Basin Ranch Road. Then the boundary should head north adjacent to Eagle Basin Ranch Road, avoiding the private inholding until reaching the waters of Flaming Gorge in Red Canyon. The boundary should then run west along the shores of Flaming Gorge until it reaches Dowd Mountain Road, at which point the rest of the area's boundary would remain as currently inventoried. There are a myriad of cultural resources that would be protected by adjusting the boundary in this way including the Carter Creek granary archaeological site, several rock shelters, and some storage sites.

Flat Top Mountain - 365 area's boundaries need to be extended to include the entire eastern moraine of the Yellowstone River. Currently, the western boundary of Flat Top Mountain only includes the very top of the moraine within a very irregular boundary line that is not explained in the wilderness evaluations. The intact eastern lateral moraine of the Yellowstone River is a central feature of the area and would undoubtedly add to Flat Top Mountain's wilderness characteristics. We recommend that the western boundary of the inventoried area is extended west following the Dry Gulch trail southwest until the trail meets up with the eastern fork of the Yellowstone Loop road. At that point, the boundary should head north and abut the Yellowstone Loop and Upper Yellowstone road as close as possible until reaching Swift Creek. The boundary should then head back east and connect with the current boundary just south of Water Lily Lake.

The Wagon Road Ridge -242 inventory area excludes some very scenic and remote lands outside its northwest corner that should be included. These lands include the Madison Formation limestone cliffs, culminating in the spectacular section named Castle Cliffs. In order to include these features and boost the wilderness character of the area, we recommend that the western boundary continue bordering the North Fork Duchesne road until the road forks. Then the boundary should border the right fork of the road until the road ends, at which point the boundary should continue north until it parallels the southern border of the South Fork Rock Creek inventory area. This boundary would add over 4,000 acres of lands with wilderness characteristics to the Wagon Road Ridge inventory area.

We presume the reason that this area was excluded from the wilderness boundaries is because it is a Central Utah Project withdrawal. But that is not a valid reason to exclude areas from wilderness designation. Nothing precludes Congress from designating the withdrawal lands as wilderness. Indeed, Congress did just that when it designated the High Uintas Wilderness, which includes significant acreage of lands withdrawn for the Central Utah Project prior to wilderness designation. Similarly, the vast majority of the withdrawal lands are in existing Inventoried Roadless Areas (IRAs), and the Forest Service saw no conflict in 2001 when it promulgated the Roadless Area Conservation Rule protecting those areas from most ground-disturbing activities.

The suggested boundary extensions above will make the areas easier to manage, provide the areas with additional wilderness characteristics, and provide additional protections for the watersheds in the areas.

c. Miscellaneous Polygon-Specific Comments

In addition to recommendations on boundary adjustments, we also have recommendations on how the Forest Service can improve its evaluations of the South Slope East Uintas polygon. We have found that some landscapes and designations within the inventory area are ignored in the evaluation. Since these landscapes and designations are relevant to the wilderness characteristics of the inventory area, it is imperative that the Forest Service revise the South Slope East Uintas evaluation to ensure that all relevant factors are considered.

The South Slope East Uintas wilderness area fails to mention some of the outstanding landscape features in the area. The wilderness area mentions the Whiterocks Cave as an outstanding landscape feature, but fails to mention the other cave within the area. Wilderness Evaluations, 209. The other cave within the area is the minimally-known Bolton Cave which, like Whiterocks Cave, is also an outstanding landscape feature that must be considered in the evaluations. If Bolton Cave is not within the South Slope East Uintas area, it is due to the irregular southern boundary that excludes much of Farm Creek and Farm Creek Canyon. We request that, in any case, the boundary around Farm Creek is extended farther south towards the Ashley National Forest boundary while continuing to cherry-stem around the Farm Creek Gauge and Sulphur Springs roads.

Additionally, this area contains the second largest mapped likely fen as identified in *Fen Mapping for the Ashley National Forest*, 18 (April 2017), *available at* https://tinyurl.com/yxj8oq44. This fen is located southwest of Reader Lakes and is mapped at 94 acres, but is not mentioned or considered in the area's evaluation. This fen should be listed in response to Question 3b as an outstanding landscape feature, as it is the second largest mapped likely fen on the entire forest. It is significantly larger than the average size of mapped likely fens (2.24 acres) and of all mapped fens (1.61 acres) in *Fen Mapping for the Ashley National Forest*.

II. Proposals for Designation, Protection, and Management of Areas Not Evaluated for Wilderness

Outside of our several comments specifically dealing with wilderness areas, we also have comments pertaining to areas that were not inventoried as potential wilderness that we believe are in need of protections afforded by other designations. Our intent with these comments is to identify areas that we believe should receive more detailed consideration during this plan revision process. These comments consist mainly of recommendations for proposals to designate non-wilderness areas as Research Natural Areas ("RNAs"). While we recognize that the actual designation of Research Natural Areas is a much more detailed process, we request that the areas recommended below be carried forward for further analysis. We hope to be involved in any RNA designation process as the Forest management planning moves forward. The areas we have

proposed for designation were selected based on their outstanding biological integrity and opportunities for research and education.

The Forest Service Manual ("Manual") states that "Forest plans shall include analysis of, and recommendations for, the establishment of proposed Research Natural Areas." FSM 4000, ch. 4060, § 4063.03. The Proposed Plan does not recommend any additional RNAs and only briefly covers the few RNAs that are currently designated in the Forest. Proposed Plan, 75-76. We request that the Forest Service consider the following areas as recommendations for Research Natural Areas as part of this plan revision process. Where appropriate, further Forest Service guidance on RNA designations is cited for proposed individual areas.

1. Audry Lake drainage

In the northwestern corner of, but currently excluded from, the Dry Ridge inventory area is Audry Lake. This isolated area contains the unique Audry Lake and its associated drainage and riparian area. Guidance from the Manual states that, "Where possible, select entire small drainages because they maintain interrelationships of terrestrial and aquatic systems. These drainages are particularly valuable as baseline areas for Research and Development and monitoring and are easier to delineate and protect on the ground." FSM 4000, ch. 4060, § 4063.2. The Audry Lake drainage is a prime example of the type of drainage that the Manual was referring to. In addition, this area is relatively inaccessible to livestock, and perhaps has never been grazed by domestic livestock. In that regard, the Manual states that, "Whenever possible, select proposed areas that show no evidence of major disturbances by humans, such as livestock grazing or timber cutting, for the past 50 years." *Id*. Due to its unique characteristics and relative isolation, Audry Lake meets the selection criteria listed in the Manual and should be designated as an RNA.

2. Big Brush Creek drainage

Located just west of Highway 191 near the southeastern border of the north unit of the Ashley is the Big Brush Creek and the Big Brush Gorge. Not at all inventoried as wilderness, the Big Brush Creek drainage, including Big Brush Gorge, is a unique unglaciated canyon. Significant wildlife use can be seen in the area, and it acts as a refuge for wildlife due to its topography and limited human use. This area also satisfies the Forest Service guidance for RNA designations cited above urging the selection of entire small drainages and areas that show no evidence of major human disturbance. This area appears to have not been grazed by domestic livestock in a long time, if ever. It is unique in the respect that it is a low elevation drainage and there are very few other areas of comparable elevation on the Forest that have been minimally grazed by domestic livestock. Additionally, this large drainage also likely encompasses multiple ecosystems, making it even more ideal for an RNA designation. *Id*. at § 4063.1.

3. South Fork Rock Creek Fen area

This fen is highlighted in the Forest's Terrestrial Ecosystems Report. It is unique in being an extremely rich/calcareous fen, with a pH above 8.0. It is also unique in that it contains 3 clubmosses previously unknown to exist in Utah. Furthermore, this area received detailed

analysis in a proposal for a special interest botanical area submitted by The Nature Conservancy in 1995, and cited in the Terrestrial Ecosystems Report. This area would likely also qualify for a Botanical Area designation, but we wish to highlight that an RNA designation would be most appropriate for the area due to its uniqueness and potential research interest.

4. Sims Peak Potholes North (addition to existing Sims Peak Potholes RNA)

The existing Sims Peak Potholes RNA captures only a portion of the potholes ecologic feature. We recommend that the RNA include the potholes on the northside of Red Cloud Loop road as well. This would better satisfy the Manual's guidance that landscape-scale RNAs are ideal, where feasible. *Id*. at § 4063.1. We recognize that the addition of this area to the north of Red Cloud Loop road would not be contiguous with the existing RNA due to the presence of the road. However, we suggest that this additional area to the north be added to the existing RNA for simplicity, or, if not feasible, be designated as a separate RNA with a similar or related name, such as Sims Peak Potholes North RNA. The northern potholes area contains the same features as the Sims Peak Potholes RNA and is worthy of designation itself.

CONCLUSION

We extend our appreciation to the Forest Service for the opportunity to provide these comments in response to the draft wilderness evaluations and plan components. Our intent in providing these comments is to work cooperatively with the Forest Service and the larger interested public to ensure that the Ashley National Forest – as a public trust resource – is properly managed for the benefit of existing and future generations. It is our desire to see the agency address our concerns about the misapplication of the wilderness evaluation criteria, the need for a broad range of alternatives regarding areas recommended for wilderness, and how the information from the evaluations will be used to inform which areas to carry forward into the analysis. The Forest Service should remain as inclusive as possible during the wilderness analysis and recommendation stages. Our comments also offer the Forest Service recommendations for areas not evaluated for wilderness potential that should be protected as another type of administrative designation or conservation-oriented management area. We hope the Forest Service takes these recommendations seriously and that most, if not all, of the recommendations are analyzed in one or more of the alternatives in the DEIS.

We look forward to working with the Forest Service as the forest plan revision process moves forward. Please do not hesitate to contact us if you have questions.

Sincerely,

Kamran Zafar
Field Attorney
Grand Canyon Trust
970-399-9565
kzafar@grandcanyontrust.org

Scott Miller
Senior Regional Director, Southwest

The Wilderness Society
303-468-1961
scott_miller@tws.org

Vera Smith
Senior Federal Lands Policy Analyst
Defenders of Wildlife
720-943-0456
vsmith@defenders.org

Jason Christensen
Director
Yellowstone to Uintas Connection
435-881-6917
jason@yellowstoneuintas.org

Darrel Fordham
Argyle Wilderness Preservation Alliance
801-301-4190
darrellfordham@hotmail.com

Joro Walker
General Counsel
Western Resource Advocates
801-413-7353
joro.walker@westernresources.org

William H. King
Board Chair
Utah Native Plant Society
Salt Lake City, Utah
801-582-0432
mzzzyt@aol.com

Ashley Soltysiak
Chapter Director
Utah Sierra Club
801-467-9294
ashley.soltysiak@sierraclub.org

APPENDIX A
Q&As Relating to Wilderness Planning under Chapter 70 of 2015 Planning Rule Directives

Q&As RELATING TO WILDERNESS PLANNING UNDER CHAPTER 70 OF 2015 PLANNING RULE DIRECTIVES

VERSION 1.1

CONTACTS:

Susan Spear, Director, Wilderness and Wild & Scenic Rivers, 202-644-4862

Ann Acheson, Director, Ecosystem Management Coordination, 202-205-1275

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A. DEFINITIONS

Q: At the Inventory stage, what is the definition of "not substantially noticeable" as used in FSH 1909.12, Chap. 70, Sec. 71.22, and 71.22b?

A: The term "not substantially noticeable" is not specifically defined in the directives. For purposes of conducting an **Inventory** of lands under Chapter 70, Secs. 71.22 and 71.22b, the determination of "not substantially noticeable" is within the discretion and judgment of the Responsible Official. At the inventory stage, it is important to keep in mind that the "primary function of the inventory step is to efficiently, effectively, and transparently identify all lands in the plan area that may have wilderness characteristics as defined in the Wilderness Act." FSH 1909.12, Chap. 70, Sec. 71.

Plan documentation should include a clear explanation of the factors considered in the determinations of "not substantially noticeable." The primary factors to consider in making this determination would likely include visual elements based on scenery management principles (i.e. how much change from the line, form, shape, color, etc. as compared to the natural or natural-appearing landscape character). With regard to improvements in FSH 1909.12, Chap. 70, Sec. 71.22, the Responsible Official should assess the extent to which improvements reveal the imprint of human influence on the land. In addition, for National Forest System lands east of the 100th meridian, the Responsible Official should consider the potential to provide for active or passive restoration of wilderness character in previously modified areas consistent with the intent of the Eastern Wilderness Act. FSH 1909.12, Chap. 70, Sec. 71.22b.

Q: At the Evaluation stage, what is the definition of "substantially unnoticeable" as used in FSH 1909.12, Chap. 70, Sec. 72.1?

A: For purposes of conducting an **Evaluation** under Chap. 70, Sec. 72.1, the considerations for "substantially unnoticeable" are somewhat narrower. "The primary function of the evaluation step is to evaluate…the wilderness characteristics of the lands included in the inventory." FSH 1909.12, Chap. 70, Sec. 72. This stage requires the Interdisciplinary Team to evaluate, for each area identified in the inventory, "the degree to which the area generally appears to be affected primarily by the forces of nature, with the imprints of man's work substantially unnoticeable (apparent naturalness)." Sec. 72.1(1). At the evaluation stage, the Interdisciplinary Team should be guided by the definition of wilderness and the overall evaluation of the degree to which, as a whole, the evidence of man's influence in the past has detracted from the apparent naturalness of the area such that it may preclude a recommendation for inclusion in the NWPS. The end result of the evaluation is intended to be a qualitative evaluation of the area's wilderness characteristics. The evaluation is one piece of information that will inform the determination as to what areas will be analyzed in alternatives in the NEPA analysis for the land management plan. The evaluation stage is not intended to result in a final decision regarding an area's suitability for wilderness.

It is important to note that criteria for areas to be included in the Inventory ("not substantially noticeable"), is different than the criteria for lands being evaluated ("substantially unnoticeable"). Therefore, the Interdisciplinary Team's evaluation will necessarily be somewhat stricter than at the inventory stage. *Compare* 71.22(b) (inventory stage) *with* 72.1(1)(a-c) (evaluation stage).

The primary factors to consider in making the "substantially unnoticeable" evaluation will likely be visual elements based on scenery management principles. However, just because the evaluation of "not substantially noticeable" improvements did not lead to the exclusion of an area from the inventory, that does not mean that the same improvements would necessarily be "substantially unnoticeable" at the Evaluation stage. The ultimate question at the Inventory stage is "does it appear that this area may have wilderness characteristics such that further evaluation is warranted?" At the Evaluation stage, the ultimate question is "does it appear that this area may meet the wilderness character criteria sufficiently to be included in an alternative to be analyzed in detail for recommendation for inclusion in the NWPS?" Those ultimate questions should guide the exercise of your discretion and judgment with regard to a determination of "not substantially noticeable" and "substantially unnoticeable" at the successive stages of the wilderness evaluation process.

In making this evaluation, the Interdisciplinary Team must, at a minimum, consider the criteria in Section 72.1(1). Other criteria may also be considered within the discretion of the Responsible Official. In carrying out the evaluation, visibility to users will likely be a big part of the analysis. 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 imprints of human influence on the landscape. That does not make all of the effects of past human activity substantially noticeable. For example, the mere presence of invasive species that were introduced by humans either intentionally or unintentionally may still be substantially unnoticeable for purposes of your evaluation. An invasive mollusk, while its presence is a result of human manipulation, may not be substantially noticeable if it is a small species that is not likely to be seen or encountered without actively looking for it, and if it may not be easily distinguishable from native mollusks in the area. Similarly, an area that has experienced past timber harvest may also satisfy the substantially unnoticeable evaluation as a result of significant regrowth in the stand and restoration of the associated roads so that the area appears natural.

The evaluation of substantially unnoticeable is not necessarily reducible to an objective set of criteria that can be applied uniformly, but is a subjective determination left to the Responsible Official's discretion and broad judgment. The conclusion may change and even be different within different habitat types within an area. For example, in an area near or above the tree line, even a relatively small structure may be visible from long distances, and therefore may not be "substantially unnoticeable." On the other hand, a much larger structure that is in a dense forest area, may not be considered substantially noticeable, as it is not visible except when a user is very near the structure itself.

As with any exercise of discretion and judgment, it is critical that the Interdisciplinary Team and the Responsible Official: 1) clearly document and explain the rationale for the ultimate conclusion (the IRAC method (see FSH 1909.12, Chap. 20, Sec. 21.42) is a very clear and easily understood means of documenting the rationale and conclusion); 2) explain why certain criteria weighed for or against a conclusion that something was substantially unnoticeable, and why areas were considered but not selected for inclusion in the analysis; 3) clearly respond to public comments that question the process and the criteria selected by the official, and explain the rationale for the process used; and 4) ensure that the administrative record contains the documentary evidence that explains the process and the ultimate evaluation.

Q: Can a region establish a general framework to define "substantially unnoticeable" or develop common criteria that units should consider as they undertake the analysis?

A: Yes. See FSM 1921.04a; FSM 1921.11. Regions may help to establish common criteria or best practices to guide the units in making the "not substantially noticeable" or "substantially unnoticeable" determination. It is important to remember, however, that the determination will be largely area-specific, and subjective, depending on the particular attributes of a given area; the attributes of the particular structure or component being evaluated; and using the best judgment of the Responsible Official. As a result, it may not lend itself to a particular objective set of criteria that can be replicated consistently across units. Accordingly, it is very important for the Responsible Official to fully document and explain the rationale for the determination. If the region creates a set of criteria or best practices, and the Responsible Official determines that one of the criteria or practices should not apply, care must be taken to fully explain why a particular criteria or practice developed by the region was not followed or did not apply to a given area.

Q: What is the definition for "same land area" referred to in FSH 1909.12, Sec. 24.2? Is it only the geographic area identified in the land management plan or can "the same land area" also apply to multiple designated areas (existing or recommended) that overlap between adjacent units?

A: The "same land area" as used in FSH 1909.12, Chap. 20, Sec. 24.2 refers to overlapping designated areas within the National Forest System land that must be identified in the land management plan. If multiple designated areas overlap between adjacent administrative units, then the forest supervisor for each respective unit, in consultation with the adjacent unit supervisor (FSH 1909.12, Chap. 20, Sec 24.2 (1)(e)) will set forth plan components for the designated areas within that unit's land management plan. In some situations, this may be done by careful reference to the adjacent unit's plan.

B. PLANNING AND MANAGEMENT ISSUES

1. GENERAL PLANNING PROCESS

Q: Some groups have expressed concerns that the use of detailed proposed actions for land management plan revisions constitutes improper pre-determination and could result in undue delays in formally beginning the NEPA process. How should we approach our scoping process to address these concerns?

A: The Forest Supervisor has the discretion to decide when there is enough detail to start the scoping process for a proposal. See FSH 1909.12, Ch. 20, Sec. 21.14 (discussing approaches to coordinating the NEPA analysis process with steps in the planning process). It is acceptable for a Forest Supervisor to develop a detailed proposed action (including identification of areas that will be analyzed in the alternatives for recommendation as wilderness) before starting scoping with a notice of intent, but the Interdisciplinary Team must provide opportunities for public participation in the development of the proposed action. In the case of a proposed action developed before scoping, it is important to explain to the public that no decision on a particular course of action has been reached, and that input received during the NEPA scoping process will help inform the further development of the proposed action and the alternatives that are analyzed (including wilderness areas that are analyzed for recommendation) during the NEPA process.

2. INVENTORY

Q: What is required for public participation during the inventory?

A: The planning directives require that opportunities for public participation be provided at each of the 4 stages of the wilderness process. The purpose is to "increase transparency and enable feedback and input." FSH 1909.12, Chap. 70, Sec. 70.61.

Participation in the Wilderness Process

Early and during each step of the process identified in this chapter, the Responsible Official:

1. Shall provide opportunities for public participation and collaboration, intergovernmental coordination with State and local governments, and Tribal consultation, as required by the broader planning process (36 CFR 219.4 and FSH 1909.12, ch. 40). Through such opportunities, engage the public and other governments early and throughout the process to provide feedback and input on the inventory, evaluation, analysis, and recommendation steps identified in this chapter.

2. May provide additional participation opportunities specifically on this topic as necessary.

3. Maps, analysis, and other documentation developed through each step of the process must be made available timely to the public to increase transparency and enable feedback and input. (70.61)

As noted above, the Interdisciplinary Team must "…engage the public and other governments early and throughout the process to provide feedback and input on the inventory…." The planning directives identify specific criteria for categories of land to be included in the inventory and require that opportunities for public participation be provided so that other lands that may be suitable for inclusion in the inventory may be identified. Maps, analysis and other documentation used by the Interdisciplinary Team to develop an initial inventory must be made available to the public to enable feedback and input. There is no prescribed approach to how an Interdisciplinary Team provides opportunities for public participation, rather, the team must determine the mechanisms that work best for a particular forest.

After considering public feedback on an initial inventory, the Interdisciplinary Team must ensure public availability of the inventory report and maps as part of a transparent planning process.

The Responsible Official shall ensure the Interdisciplinary Team documents the inventory in a report and creates a map of the lands included in the inventory. Both the inventory report and map must be available to the public **and** included in the applicable NEPA document. FSH 1909.12, Chap. 70, Sec. 71.

Q: What is the process to follow if a unit already started its land management plan revision process, before release of new 2015 planning directives, and the public is now recommending additional areas to include and evaluate? Do these new areas go through the same process/criteria that were initially used for areas in the initial inventory? Or do the new areas now go through the criteria/inventory and evaluation process in the new planning directives?

A: The Forest Service Manual provides as follows:

> *If a plan amendment or revision has been initiated prior to the issuance of the amended directive, the Responsible Official should use the amended directive for any new step or phase of the planning process, but is not required to revise past steps or phases within the process: for example, a completed assessment would not need to be revised to comply with the amended directives. For a phase or step that is ongoing at the time of issuance of the amended directive, the Responsible Official should incorporate the amended directive to the extent practicable, but may choose to complete that phase or step as planned to avoid significant disruptions to ongoing public engagement and planning schedules: for example, it may be practicable to incorporate more elements of the amended directive into development of an*

assessment that is 20 percent complete, while an assessment that is 90 percent complete may simply incorporate the guidance in the amended directive on how to document the assessment report. As another example, if a unit is in the process of developing a draft plan and has identified segments of rivers to study for eligibility for Wild and Scenic River designation, the Responsible Official would not be required to re-inventory segments based on the amended directives. FSM 1920.3(b).

Accordingly, the Responsible Official is not required to go back and re-inventory based on the amended directives, but has the discretion to do so. New steps and phases would, however, need to comply with the amended directives. If the Responsible Official chooses to go back and inventory the lands recommended by the public, the new inventory should comply with the new directives. It is important to document the circumstance and the rationale for staging compliance with the amended directive.

Q: How does the initial forest-wide assessment feed into the inventory and evaluation process for recommended wilderness?

A: The initial assessment is intended to help inform the potential need and opportunity for additional designated areas, and how designated areas contribute to social, economic, and ecological sustainability. FSM 1909.12, Chap. 10, Sec. 14. The information from the assessment of existing designated areas and the needs and opportunities for additional designated areas will inform the inventory and evaluation process with information relating to the need for additional areas, the quality and characteristics of existing areas. FSM 1909.12, Chap. 10, Sec. 14. The Interdisciplinary Team should start the inventory process by considering relevant existing information obtained during the assessment phase. FSH 1909.12, Chap. 70, Sec. 71.1. The inventories may begin before, during, or after the assessment using existing information to the extent possible, and must provide opportunities for public and intergovernmental participation. FSM 1909.12, Chap. 10, Sec. 14. However, the inventories may only become final and evaluation of the inventories areas may only begin after the assessment is complete. FSM 1909.12, Chap. 10, Sec. 14. The inventories and evaluation are not completed until the final environmental impact statement is completed.

Q: When considering areas less than 5,000 acres for the wilderness inventory, how do I determine whether an area is of "sufficient size as to make practicable its preservation and use in an unimpaired condition?"

A: Areas that contain less than 5,000 acres but are contiguous to an existing wilderness, primitive area, administratively recommended wilderness or wilderness inventory of another agency meet the size criteria for inclusion in the inventory. FSH 1909.12, Chap. 70, Sec. 71.21(2).

With regard to other areas less than 5,000 acres, the Responsible Official has the discretion to also determine that they meet the size criteria if an area is of "sufficient size as to make practicable its preservation and use in an unimpaired condition." When determining whether these areas meet the size criteria, it may be useful to consider such factors as the level of connectivity between these areas and adjacent lands, as well as the existing or proposed uses and activities on adjacent lands. For example, if the area is smaller than 5,000 acres, but configured in such a way that noise from surrounding highways would be pervasive, then it would not likely be practicable to be preserved and used in an unimpaired condition. The most common examples of areas that are less than 5,000 acres but might be sufficient to make preservation and use practicable are areas that can be preserved due to physical terrain and natural conditions or areas that are self-contained ecosystems, such as an island, that can be effectively managed as a separate unit of the NWPS. Another example would be areas that are located adjacent to designated wilderness areas. As with any exercise of discretion, it is important to clearly identify and document the specific reasons why the preservation and use of the area in an unimpaired condition is or is not practicable.

Q: Should all inventoried roadless areas be included in the inventory?

A: The primary function of the inventory step is to identify all lands in the plan area that may have wilderness characteristics as defined in the Wilderness Act. FSH 1909.12, Chap. 70, Sec. 71. The inventory is intended to be reasonably broad and inclusive, and to provide a basis for public input and feedback. FSH 1909.12, Chap. 70, Sec. 71. As described in Section 71.1, "[t]he Interdisciplinary Team should start the inventory process by considering existing, relevant information identified during the assessment phase (FSH 1909.12, Chap. 10), including information about designated areas (such as inventoried roadless areas).... Building on this information and any additional public input (Sec. 70.61 of this Handbook), the Interdisciplinary Team should apply the criteria and steps identified in section 71.2 of this Handbook to create the inventory." Inventoried roadless areas should be considered but still must meet the inventory criteria before being added to the inventory.

It is also relevant to note that 71.22b provides for inclusion in the inventory of "Areas with improvements that have been proposed by the Forest Service for consideration as recommended wilderness as a result of a previous Forest planning process, or that the Responsible Official merits for inclusion in the inventory that were proposed for consideration through public or intergovernmental participation opportunities (Sec. 70.61 of this Handbook)."

Q: Can areas be added to the inventory and evaluated at any time during the plan revision process?

A: Yes. It is important to remember, however, that each of the four steps (inventory, evaluation, analysis, and recommendation) requires public participation, and that all plan revisions or new plans must complete this process before the Responsible Official

determines, in the plan decision document, whether to recommend lands within the plan to Congress for wilderness designation. *See* FSH 1909.12, Chap. 70, Sec. 70.6. Although areas can be added at any time, if areas are identified very late in the process, the planning schedule may be affected. The Interdisciplinary Team should note the impact on the schedule with internal and external stakeholders.

Q: How do we address management of areas that are inventoried, but ultimately not recommended for wilderness? Some stakeholders have argued that these areas are equivalent to "potential wilderness areas" under 36 C.F.R. § 220.5 (a)(2) and therefore activities such as timber harvest or other management activities incompatible with future wilderness designation should not be permitted. This conflicts with FSH 1909.12, Chap. 70, Sec. 71, which states that "inclusion in the inventory is not a designation that conveys or requires a particular kind of management."

A: Placing lands in the inventory of lands that may be suitable for wilderness is not equivalent to potential wilderness areas under 36 C.F.R. § 220.5(a)(2). Management direction for areas that are inventoried, but ultimately not recommended for inclusion in the NWPS is left to the discretion of the Responsible Official. "Inclusion in the inventory is not a designation that conveys or requires a particular kind of management." FSH 1909.12, Chap. 70, Sec. 71. Given the potential for controversy, however, it will be important to explain and document the rationale for the decision.

It is important to note that 36 C.F.R. § 220.5 is part of the NEPA regulations discussing the need to conduct an EIS for certain types of "proposals that would substantially alter the undeveloped character of an inventoried roadless area or potential wilderness area." That regulation does not address whether any particular management activities should be allowed in those areas. The term "potential wilderness area" is not defined in the Wilderness Act, Forest Service regulations, Agency Directives or in the planning rule. As a result, 36 C.F.R. § 220.5 does not mandate any particular type of management included in the inventory under the 2012 planning rule.

The term "potential wilderness areas" was defined by WO AMENDMENT 1909.12-2007-1 effective January 31, 2007 and subsequently used in NEPA regulations at 36 C.F.R. § 220.5 and 220.6 for consistency. The intent was to have an option to use a "more contemporary inventory" as a result of land management planning than a "previously conducted roadless area inventory." That planning directive has been superseded by WO AMENDMENT 1909.12-2015-1 effective January 30, 2015 and no longer uses the term "potential wilderness areas." Therefore, current directives do not define "potential wilderness area" and there is no longer such an inventory. The Forest Service is aware of the potential for confusion, however, and is evaluating options to clarify any potential misunderstanding.

3. EVALUATION

Q: ***What is required for public participation at the evaluation stage?***

A: "The Responsible Official should provide opportunities for public and governmental participation when evaluating lands identified in the inventory (sec. 70.61 of this Handbook). The Responsible Official should communicate the evaluation process to the public, and shall be able to clearly and efficiently describe and document the wilderness character associated with each area at the end of the evaluation step." FSH 1909.12, Chap. 70, Sec. 72.

Further, the directives state that "[t]he Responsible Official shall ensure that the Interdisciplinary Team documents the evaluation and include this documentation, along with map(s) required by section 71.4 of this Handbook, in an appendix to the applicable NEPA document. The intent is to ensure that the process for inventory and evaluation is transparent and accessible to the public for input and feedback. This documentation will also be available for participation opportunities during the plan revision or development process." FSH 1909.12, Chap. 70, Sec. 72.2.

The Interdisciplinary Team should communicate its approach to the evaluation to the public early in the process. There is no prescribed way to provide opportunities for the public to participate in the evaluation process, so the Interdisciplinary Team has flexibility to design an approach that is most efficient and effective for a particular forest. One approach may be to provide the public with a description of the evaluation criteria that will be used, and apply them to one area as a demonstration of how the evaluation will work. This provides an opportunity to identify any systemic issues with the evaluation process and criteria before they are applied across all the areas. It may also be helpful, although not required, to provide a draft of the full evaluation before it is finalized to give the public an opportunity for input.

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. This documentation of wilderness character must be available during the planning process prior to the development of alternatives and publication of the DEIS. The public must have an opportunity to provide feedback on the areas to be included in plan alternatives that will be evaluated in the DEIS. The directives provide that "based on the evaluation and input from public participation opportunities" the Responsible Official shall identify which specific areas to carry forward for analysis in one or more alternatives. FHS 1909.12, Chap. 70, Sec. 73. It may also be helpful to engage the public during alternative development. This can help to identify areas that should be included or excluded from alternatives based on feedback from the public before the analysis is complete. While the evaluation must be documented in the appendix of the applicable NEPA document, the results of the evaluation should be shared with the public earlier and opportunities to provide feedback provided.

Q: When does suitability analysis fit into the process? Is it part of the evaluation process, or is it a separate decision that can be made later after the land management plan is completed and a decision issued?

A: The evaluation stage must include all lands identified in the inventory, and the Interdisciplinary Team "shall evaluate areas…to determine the potential suitability for inclusion in the National Wilderness Preservation System." FSH 1909.12, Chap. 70, Sec. 72, 72.1. There is not a separate suitability analysis or determination of the suitability of areas for wilderness that is part of the wilderness planning process. While the evaluation is designed to inform the ultimate decision as to whether a particular area will be recommended for inclusion in the NWPS, that recommendation is not made until the analysis is complete and the Responsible Official decides which areas to recommend for inclusion in the NWPS. The Responsible Official's recommendation for inclusion in the NWPS is what triggers management direction for management as a recommended wilderness. For all other areas that were inventoried and evaluated, but not actually recommended for inclusion in the NWPS, no specific management direction is required, except for any inventoried roadless areas which will still be subject to the requirements in 36 C.F.R. § 294.

Q: In conducting an evaluation of "apparent naturalness," the directives provide the following example for determining "if plant and animal communities appear substantially unnatural": "past management activities have created a plantation style forest with trees of a uniform species, age, and planted in rows." FSH 1909.12, Chap. 70, Sec. 72.1(1)(a). What are some other examples of relevant considerations for this evaluation factor?

A: The determination of whether plant and animal communities in an area "appear substantially unnatural" is a professional judgement within the discretion of the Responsible Official, as informed by the Interdisciplinary Team and public input. One possible interpretation of "apparent naturalness" could be based on whether the area "looks natural" to a reasonable person. Using the example provided, a plantation style forest would likely not look natural to a reasonable person and therefore is a relevant factor to consider when evaluating whether the plant and animal communities in an area appear substantially unnatural. Another example might be the presence of invasive non-native species in an area that are so extensive that it dominates the landscape in a readily apparent manner. Other relevant examples may exist and are best identified at the local level. In all instances, such considerations should be well documented.

Q: In conducting an evaluation of "apparent naturalness," should stand composition that is significantly different from historic conditions be taken into consideration?

A: Possibly. If the current stand composition reflects the effects of past management activities (i.e. fire suppression, timber harvest, or other activities), those effects may be

taken into account in your evaluation. The ultimate questions are within the Responsible Official's judgment. Does it appear that the imprints of human management intervention are substantially unnoticeable? Or, has past management left the area with clear indications that the area has been subject to human intervention in the past? *See* FSH 1909.12, Chap. 70, Sec. 72.1. For example, if fire suppression has not altered the species composition, but has left the stands more dense than they would otherwise have been, that might not weigh as heavily against apparent naturalness, since it may not be as noticeable. On the other hand, if past fire suppression has allowed displacement of fire-dependent species with less fire tolerant species, that change might weigh more heavily against the apparent naturalness of that area because the effects of past human management are more noticeable. It is important to remember, however, that it is difficult in most cases to tie a particular change in stand composition to actual human intervention as opposed to natural variability and change over time. If there is insufficient information to tie particular changes in stand composition to human intervention, it might not weigh as heavily against your evaluation of the apparent naturalness of the area.

Q: What level of evaluation and analysis is needed in the forest planning process to determine whether allowing existing motorized use/mechanized transport to continue does or does not reduce the wilderness potential for an area?

A: For those areas that are inventoried, evaluated, and analyzed, and are then recommended for inclusion in the NWPS, the land management plan must include plan components for recommended wilderness areas, such as continuing, altering, or eliminating existing uses. FSH 1909.12, Chap. 70, Sec. 74.1. All plan components must protect and maintain the social and ecological characteristics that provide the basis for wilderness recommendation. The land management plan should contain sufficient analysis and explanation to make clear the rationale for allowing continued motorized use or mechanized transport in a recommended area. This analysis should be completed before the decision by the Responsible Official, as the plan must identify the specific components for recommended wilderness areas. The identification of plan components cannot be delayed to site specific planning at a later date. The plan must have plan components including standards and guidelines so that any existing uses do not degrade the social and ecological characteristics that provide the basis for wilderness designation. Subsequent decisions such as closure orders, grazing allotment management plans, travel management plans, trail relocations, etc. may implement the plan components identified in the land management plan.

For areas that are inventoried and evaluated, but ultimately not recommended for inclusion in the NWPS, there is no requirement of any particular management recommendation. Plan components relating to areas that are inventoried and evaluated, but not recommended, do not require any particular level of analysis regarding whether motorized or mechanized uses reduce the wilderness potential for an area. FSH 1909.12, Chap. 70, Sec. 71. However, as described in Section 74, "the decision document must briefly identify or describe what management direction is provided in the plan for those lands."

4. ANALYSIS

Q: How should we comply with Chapter 70 requirements to document reasons why particular areas that were evaluated for wilderness were not included in one or more plan alternatives for wilderness recommendation in the EIS?

A: While it is within the Responsible Official's discretion to choose not to include an area in a plan alternative for analysis, it is important to document the rationale for that decision. FSH 1909.12, Chap. 70, Sec. 73. It is also important to generate a range of alternatives. After you have completed your evaluation, there are three requirements for documentation:

1) **Why an area is not being considered in an alternative:**
   For each evaluated area or portions thereof that are not included in an alternative in the applicable NEPA analysis, the Responsible Official shall document the reason for excluding it from further analysis. FSH 1909.12, Chap. 70, Sec. 73.

   Any number of issues may weigh against inclusion of an area in the alternatives. This decision should be informed by the information from the evaluation of wilderness characteristics, the design of alternatives (i.e. a "high wilderness" alternative may include areas that had a lower evaluation of wilderness characteristics), and information from the public during the public engagement process.

   The rationale for excluding areas from further analysis must be clearly explained in the administrative record, and must be supported by the administrative record for the plan. The IRAC method (see FSH 1909.12, Chap. 20, Sec. 21.42) is a very clear and easily understood means of documenting the rationale and conclusion. The rationale and supporting documents should be included as part of a "Wilderness Appendix" to the applicable NEPA documents (*i.e.* the DEIS or FEIS). FSH 1909.12, Chap. 70, Sec. 70.6.

2) **The decision document must identify how all areas in the inventory are being managed under the plan:**
   For lands in the inventory and evaluation that were not recommended for inclusion in the National Wilderness Protection System or as a Wilderness Study Area, the decision document must briefly identify or describe what management direction is provided in the plan for those lands. Once a final decision has been made and documented, the Responsible Official, through the Regional Forester, shall notify the Chief of preliminary administrative recommendations for wilderness designation following the direction in FSM 1923.11. FSH 1909.12, Chap. 70, Sec. 74.

This can be done with a table that shows the management areas within each inventoried area.

3) **The decision document must identify any recommendations for designated areas and describe the rationale for the recommendation**:
The Responsible Official shall identify any recommendations for additional designated areas and the rationale for the recommendations in the plan decision document. FSH 1909.12, Chap. 20, Sec. 24.1.

This would occur if all or part of an inventoried area was recommended as a designated area as described in Chapter 20, Section 24.

Q: How should we address an alternative based on comments? Can we make changes to an alternative based on comments? Is responding to issues sufficient rationale to explain why we put specific areas into wilderness?

A: It is important to respond fully to public comments, and/or point to information in the decision document that addresses the comments. It is possible to make changes to an alternative based on public comments. For example, it is possible to remove an area from recommendation or to recommend an area for wilderness designation that had previously not been recommended, provided that you had previously conducted the inventory, evaluation, and analysis for that area. An area that had not previously been inventoried, evaluated, and analyzed, however, cannot be recommended without completing the inventory, evaluation, and analysis steps. If changes are made in response to public comment, is important to remember that the scope of the changes may trigger a requirement to allow for additional public comment on the revised alternative.

In addition, when making changes to an alternative based on public comments, it is critical to clearly and fully explain the rationale for the changes. While it is possible to provide the rationale in the response to comments, it is important to make sure that the other areas of the decision document are consistent with and support the change. It is also important to ensure that you can point to information in the administrative record that explains the rationale for any changes that are made in response to comments.

Q: If our plan alternatives include areas recommended for wilderness that were not included in our evaluation, then how should we analyze those areas?

A: The areas included in alternatives must be evaluated according to FSH 1909.12, Chapter 70, Section 72 before being included in any alternative. A plan **should not include** in alternatives any areas recommended for wilderness that were not inventoried and evaluated. *See* FSH 1909.12, Chap. 70, Sec. 70.6. The Responsible Official does have the discretion to modify and add new areas (FSH 1909.12, Chap. 70, Sec. 71.22b (12)) to the inventory, but each of the four steps (inventory, evaluation, analysis, and recommendation) requires public participation, and this process must be completed before the Responsible

Official determines, in the plan decision document, whether to recommend lands within the plan to Congress for wilderness designation. See FSH 1909.12, Chap. 70, Sec. 70.6.

5. RECOMMENDED WILDERNESS

Q: How should we address activities, including motorized use or mechanical transport, in recommended wilderness areas, and whether to include standards prohibiting certain activities?

A: Subject to valid existing rights, the Responsible Official has discretion regarding existing uses permitted within recommended wilderness. Existing uses may continue only if such uses do not prevent the protection and maintenance of the social and ecological characteristics that provide the basis for wilderness designation. FSH 1909.12, Chap. 70, Sec. 74.1. The land management plan must include plan components, including standards or guidelines, for the protection of congressionally designated wilderness as well as areas recommended for wilderness. These may include the following:

- Desired conditions that describe the desired wilderness character from an ecological or social perspective
- Standards or guidelines appropriate for placing limits or conditions on projects or activities that may adversely affect wilderness character
- The contributions of wilderness as part of the plan area's distinctive role and contribution (See FSH 1909.12, Chap. 20, Sec. 24.41)

It is important to recognize that existing uses have both a qualitative and quantitative aspect. As a result, an existing use at current use levels may not prevent the protection and maintenance of wilderness characteristics, but if that continuing use grows over time, it could reach a level at which it prevents the protection and maintenance of wilderness characteristics. If continuing uses are permitted in recommended wilderness, it is important that the decision document affirm that the plan includes plan components that protect and maintain the ecological and social characteristics that provide the basis for the area's suitability for wilderness designation. FSH 1909.12, Chap. 70, Sec. 74. In addition, the forest supervisor may consider monitoring such uses to ensure that the levels of use do not prevent the protection and maintenance of wilderness characteristics as the plan is implemented. If monitoring shows that use reaches levels that do prevent the protection and maintenance of wilderness characteristics, then a closure order may be necessary to alter or eliminate the use. See FSH 1909.12, Chap. 20, Sec. 24.41 (the plan may include plan components, including standards or guidelines appropriate for placing limits or conditions on projects or activities that may adversely affect wilderness character). It is important to remember that during the biennial evaluation, the Responsible Official evaluates the answers to monitoring questions and determines if any change to management or the plan is warranted. See FSH 1909.12, Chap. 30, Sec. 34.

Where a recommended wilderness area occurs on adjacent land management units, the Responsible Official should also consider the cumulative effects on social and ecological characteristics if existing uses are allowed. In some situations, there may be good rationale to allow existing uses to continue, while these uses are not allowed in the same recommended wilderness area that occurs on an adjacent forest. Accordingly, it is very important for the Responsible Official to fully document and explain the rationale for the determination.

New uses that are perceived to be incompatible with recommended wilderness should not be authorized. For example, recommended wilderness areas are not suitable for timber production because it is not compatible with the desired condition for those areas. FSH 1909.12, Chap. 60, Sec. 61.2. Other new uses that are not compatible with recommended wilderness should not be permitted. If a public use is perceived to be incompatible with recommended wilderness, the Responsible Official may propose a closure, analyze the effects of the proposal, and issue a project decision to issue an order prohibiting the use.

Q: When existing motorized or mechanized uses are allowed to continue in recommended wilderness areas, what are the relevant considerations needed for standards and guidelines to ensure that wilderness potential of an area is not reduced?

A: The Responsible Official should strive to maintain consistency with the provisions of 16 U.S.C. § 1133(d) and FSM 1923.03 when developing plan components for the management of recommended wilderness areas. FSH 1909.12, Chap. 70, Sec. 74.1. Any area that is recommended for wilderness or wilderness study designation is not available for any uses that may reduce the wilderness potential of an area. FSM 1923.03. If expansion of existing uses might reduce the wilderness potential, the responsible official may consider monitoring questions and indicators in the plan monitoring program to monitor the social and ecological characteristics that form the basis for wilderness designation. The Interdisciplinary Team should write desired conditions and objectives to set forth the social and ecological characteristics. The objectives could be set to maintain existing uses at or below a certain level of use or set to maintain evidence of use below a certain limit of acceptable change.

The Interdisciplinary Team may develop questions and indicators to determine whether the desired conditions and objectives are being met. If monitoring questions and indicators are developed, the responsible official would conduct biennial evaluations of the information gathered through the plan monitoring program, issue a written report of the evaluation, and make it available to the public.

If an area is being recommended for wilderness, it is clear that the effects of the existing use have not prevented the area from being considered for wilderness thus far. However, the plan components should ensure that the existing use (either qualitatively or quantitatively) does not prevent the protection and maintenance of social and ecological characteristics that form the basis for wilderness recommendation.

Q: What are the relevant considerations when evaluating existing uses and determining whether or not those uses are preventing the protection and maintenance of the social and ecological characteristics that provide the basis for wilderness designation?

A: The relevant considerations could vary greatly depending on the forest, the use that is being evaluated and the social and ecological characteristics in a given area that provide the basis for wilderness designation. For example, if an area is recommended for wilderness based primarily on its outstanding natural geographical features and the presence of rare species, then the most relevant considerations would be the effects of the particular existing uses on those particular features. If existing mechanical transport uses such as mountain biking are taking place, the Responsible Official should consider the impacts from the use on the particular wilderness characteristics of the area at issue. If existing uses are allowed to continue, the Responsible Official should document and explain the rationale for how the existing uses will not impact the social and ecological characteristics that formed the basis for the wilderness recommendation.

Q: What are the relevant considerations regarding cumulative effects with adjacent forests where a recommended wilderness area is geographically shared across boundaries?

A: The Responsible Official should consider the past, present and reasonably foreseeable future effects from management of the adjacent forest. The responsible official must rely on the existing land management plan and communications with adjacent forest supervisors to identify expected management direction for the adjacent forest, and expected management activities that might have cumulative effects on the recommended wilderness area. In addition, the responsible official should identify and consider the management activities on neighboring areas managed by states, tribes or other federal agencies.

Q: In managing recommended wilderness, how do plan components about motorized use/mechanical transport relate to travel management?

A: Your travel management plan must be consistent with your land management plan:

> *Other resource plans specifically designed for management of infrastructure, such as travel management plans, must be consistent with the plan components of the land management plan (36 CFR 219.15(e)). The Responsible Official shall review any existing travel management plans to determine if the previous decision is consistent with the plan components of the newly amended or revised land management plan. If the travel management plan is not consistent with the plan, it must be made consistent with the land management plan (36 CFR 219.15) or the plan decision*

document must expressly allow the travel management decision to proceed unchanged (sec. 21.41 of this Handbook). FSH 1909.12, Chap. 20, Sec. 23.23l

For example, if during the land management planning process you decide that motorized uses may be suitable in areas that were not previously included in your travel management plan, then either concurrently with the approval of the plan or after plan approval you may conduct additional travel analysis to designate the roads, trails, or areas for motorized uses if you want those areas to be open for motorized travel. It is important to remember that identification of an area as "suitable" for a use in the land management plan does not mean the use must occur in that area, but only that the particular use might be authorized in the future. FSH 1909.12, Chap. 20, Sec. 22.15.

Conversely, if your revised land management plan concludes that certain management areas or geographic areas are not suitable for motorized use, then your travel management plan and Motor Vehicle Use Maps should be revised to reflect that change (including with the additional analysis required by the travel management rule), unless the decision document approving the plan specifically authorized the travel management plan to be carried out without change, notwithstanding the conflict between the two plans. FSH 1909.12, Chap. 20, Sec. 23.23l

Non-motorized mechanized uses are not covered by the travel management regulations. Identifying the suitability or non-suitability of certain areas for non-motorized mechanized uses does not involve travel management.

6. WILDERNESS MANAGEMENT PLANS

Q: How should we tier to Wilderness Management Plans? Our proposed action for our revised land management plan deviates somewhat from our wilderness management plan.

A: Your wilderness management plan should tier to the land management plan. The management plan, wilderness program actions plan, and implementation schedules must be consistent with the land management plan. If the revisions to the land management plan create an inconsistency with the wilderness management plan, then the wilderness management plan must be revised for consistency with the land management plan. FSH 1909.12, Chap. 20, Sec. 24.41. The wilderness management plan, however, does not need to be revised concurrent with the land management planning efforts.

Q: Is there a way to tier to the Wilderness Management Plan in such a way that when the Wilderness Plan is updated, an amendment to the land management plan is not necessary?

A: Your wilderness management plan should tier to the land management plan. The wilderness management plan must be consistent with the land management plan. It is

recommended that plan components (desired conditions, objectives, suitability of lands, standards, guidelines, and goals) be in the land management plan only to avoid inconsistencies. If the revisions to the wilderness management plan create an inconsistency with the land management plan, then the wilderness management plan must be revised for consistency with the land management plan, or you will need to amend the land management plan. FSH 1909.12, Chap. 20, Sec. 24.41.

APPENDIX B
The Importance of Roadless Areas and Wilderness to At-Risk Species
An Analysis Conducted by Defenders of Wildlife

The Importance of Roadless Areas and Wilderness Inventory Units to At-Risk Species
An Analysis Conducted by Defenders of Wildlife

Summary

In revising its land management plan, the Ashley National Forest (NF) is required to evaluate areas potentially suitable for wilderness. 36 CFR § 219.7(c)(2)(v). In doing so, the Ashley NF must identify places that meet the Wilderness Act's criteria and then evaluate the degree to which each area has wilderness characteristics. FSH 1909.12, chapter 70. One of the evaluation criteria is whether a wilderness inventory unit (WIU) has supplemental features (e.g., ecological, geological, or other features of scientific, educational, scenic, or historical value). FSH 1909.12, ch. 70, § 72.1(4). While an area is suitable for wilderness regardless if it contains these supplemental features, the presence of these features is important information to weigh in analyzing and considering which of the wilderness inventory units should be recommended for Wilderness designation.

We consider the presence of habitat for at-risk species to be a notable supplemental feature.[1] There is wide agreement that the world is in a biodiversity crisis. The UN estimated recently that one million species will go extinct by the end of the century absent significant changes such as reducing habitat disturbance. In this report, we identify the WIUs with high percentage/number of home ranges for at-risk species – as well as WUIs with home ranges of high relative importance -- with the expectation that the Ashley NF will incorporate the information into the final wilderness evaluation report under the supplemental features criteria.

We did the same analysis for Inventoried Roadless Areas (IRAs) with the expectation that the Ashley NF will incorporate the information into its environmental impact statement that it is developing pursuant to National Environmental Policy Act and the National Forest Management Act. The information will enable informed decision-making related to the prescribed management of the inventoried roadless areas.

Methods

We assessed the importance of IRAs and WIUs in providing habitat for at-risk species currently supported by the Ashley National Forest. At-risk species were defined to include federally threatened and endangered species (UDWR 2017), species listed as sensitive by the U.S. Forest Service (USDA FS 2016), and additional wildlife identified as species of concern by the Utah Division of Wildlife Resources (UDWR 2017), representing a total of 46 species (Attachment A).

The current distributions of at-risk species across Utah are based on the best available spatial datasets, with an aim toward the greatest possible consistency in data sources and methodology across species. The following datasets are those used by McClure & Dickson 2019 in their report entitled "Predicted Impacts of Utah's Roadless Areas Proposal: Biodiversity Loss, Habitat Fragmentation, and Ecosystem Degradation." Wildlife habitat distribution models from the Gap Analysis Program (USGS 2013) were used to estimate the potential distribution of amphibian, birds, mammal, and reptile species. These models represent the spatial distribution of suitable environmental and land cover conditions for

[1] Habitats of at-risk species are ecological features consistent with FSH 1909.12, ch. 70, § 72.1(4) as well as rare communities or ecosystems consistent with FSH 1909.12, ch. 70, § 72.1(4)(a).

individual species. As such, mapped areas represent places where the environment is suitable for the species to occur. The distributions of at-risk fish species were based on range estimates provided by the Western Division of the American Fisheries Society (WDAFS; WNFC 2012), which have been compiled across state fish agencies at the watershed scale (8-digit hydrologic units or HUC8; Seaber et al. 1987). For fish species where range estimates were not available form WDAFS, datasets were obtained from the U.S. Fish & Wildlife Service Environmental Conservation Online System (USFWS 2019) and scaled to HUC8 watersheds. At-risk mollusk distributions were estimated from observed species occurrence data compiled by UDWR at the 7.5-minute quadrangle scale (UDWR 2019).

To estimate the diversity of at-risk species in each 1) IRA and 2) WIU, we calculated three different metrics.

Species richness: We summed the number of species whose estimated ranges intersect each unit of interest. See Maps 2 and 6 in Attachment 2.

Adjusted species richness: An estimate of species richness perpetuates the assumption that all species are equally important. However, some at-risk species will more heavily rely on the protections afforded to units of interest inside the Ashley National Forest (ANF). We define these species as ones where a greater proportion of their ANF distribution fall within 1) IRAS or 2) WIUs. As such, for each species we calculated:

Species dependency = [area of species distribution in all IRAs/WIUs]/[area of species distribution in ANF]

These values were then rescaled to a range from 1 – 2 where 1 represents at-risk species less dependent on IRA/WIU protections (aka the species with the least of its ANF distribution falling within the units of interest) and 2 represent species more dependent on IRA/WIU protections (aka the species that has the greatest proportion of its ANF distribution falling within the units of interest):

Adjusted species score = [species dependency value]/[maximum of all species dependency values] + 1

See Maps 4 and 8 in Attachment 2.

Proportion of at-risk species: Lastly, we assessed the relative number of at-risk species supported by each IRA/WIU. See Maps 3 and 7 in Attachment 2. This was calculated as the proportion of all at-risk species with distributions in ANF (n=46) that overlap with the unit of interest:

Proportion = [species richness]/46

Results

There are 46 at-risk species with distributions that fall within the Ashley National Forest (approx. 1,384,132 acres). However, only 44 of these species also overlap with an IRA/WIU. This includes 18 bird species, 10 mammal species, 9 fish species, 3 amphibian species, 2 plant species, 1 reptile species and 1 mollusk species. The Eureka mountain snail (*Oreohelix eurekensis*), a species endemic to Utah, has the greatest proportion of its distribution falling in IRAs/WIUs. Under all metrics (species richness, adjusted species richness, and proportion), the range of values was higher for IRAs than for WIUs. This difference was significant for the adjusted species richness score and suggests that IRAs boundaries are more successful for protecting at-risk species with localized ranges. See Figure 1.

Inventoried Roadless Areas (IRAs)

Thirty-one Inventoried Roadless Areas cover approximately 765,878.2 acres or 55% of Ashley National Forest. IRAs support anywhere between 16 and 34 species. This accounts for up to 77% of at-risk species found in Ashley National Forest. The IRAs with highest species richness in descending order are #0419020 (77%), #0401002 (71%), and #0401011 (68%). This pattern persisted for adjusted species richness score with IRAs ranging from 26.5 to 54.4 in score.

The at-risk species with the greatest proportion of their distribution falling in IRAs are:

- Great Plains Toad: Falls within #0401009
- Clay phacelia: Falls within #0401013
- Columbia spotted frog: Falls within #0401011, #0401013, #0418033, and #0401008
- Bobolink: Falls within #0419020
- June sucker: Falls within #0401012 and #0401013
- Eureka Mountain Snail: Falls within #0419020 and #040101.

Wilderness Inventory Units (WIUc)

Thirty-two WIUs cover approximately 590,624.8 acres of land or 42.7% of Ashley National Forest. WIUs support anywhere between 7 and 32 species. This accounts for up to 73% of at-risk species found in Ashley National Forest. The WIUs with highest species richness in descending order are Mt. Lena (73%), Cottonwood (71%), and South Slope (71%). This pattern persisted for adjusted species richness score with IRAs ranging from 10.1 to 45.4 in score.

The at-risk species with the greatest proportion of their distribution falling in WIUs are:

- Clay phacelia: Falls within Indian springs and Mill Hollow
- Columbia spotted frog: Falls within Cottonwood, Indian Springs, Right Fork, Timber East, Timber West, and Water Hollow
- June sucker: Falls within Mill Hollow and Right Fork
- Eureka mountain snail: Falls within Pole Creek and South Slope.
- Ferruginous hawk: Falls within all except 370 & 380
- Fringed myotis: Falls within all except 370 & 380

For more information on this analysis, please contact Lindsay Rosa, Conservation GIS Scientist, Defenders of Wildlife at 202.772.3201 or LRosa@defenders.org.

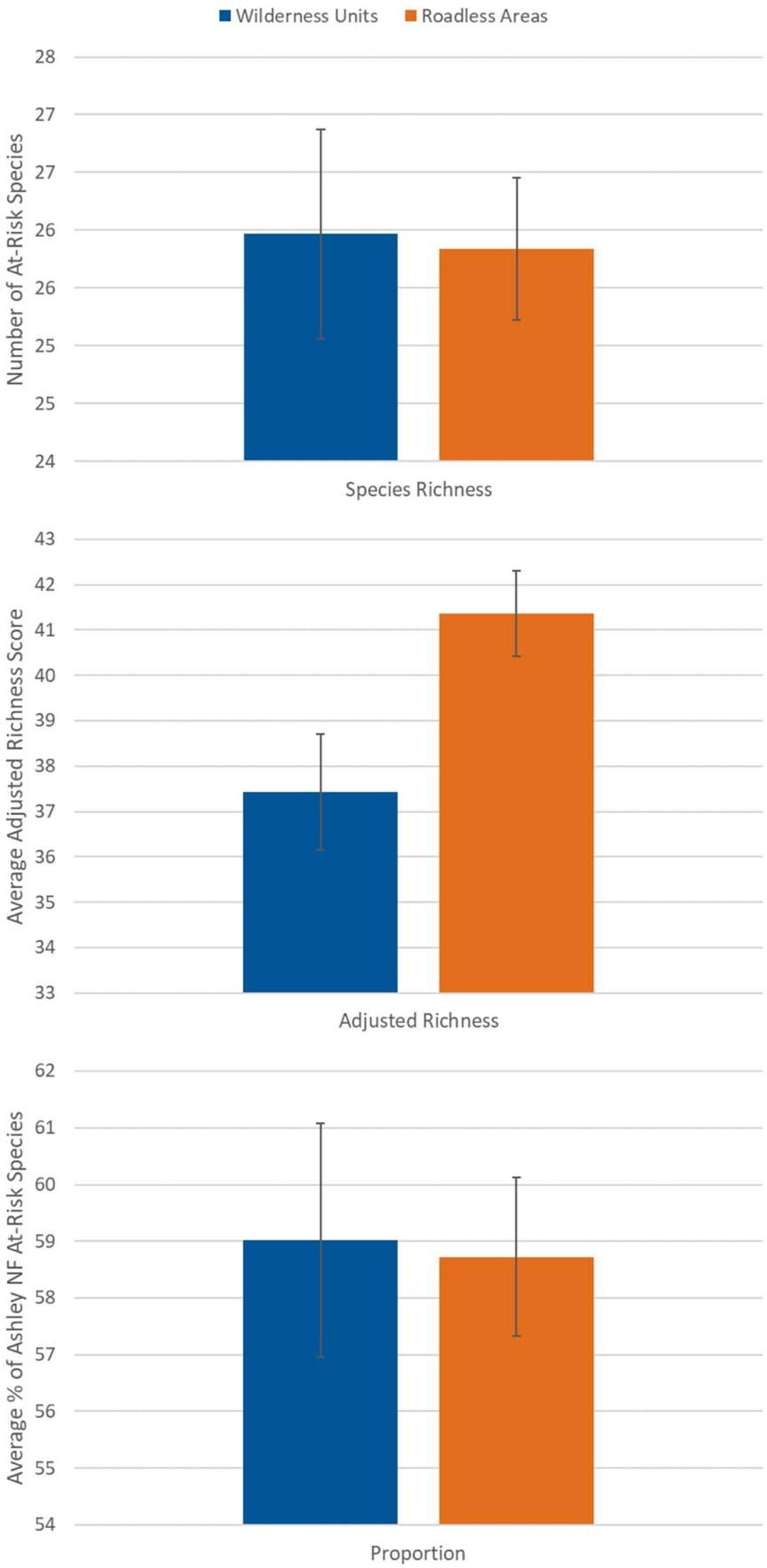

Figure 1. Graphical representation of the range of values for presence, richness, and importance of habitat for at-risk species in IRAs and WIUs on the Ashely National Forest.

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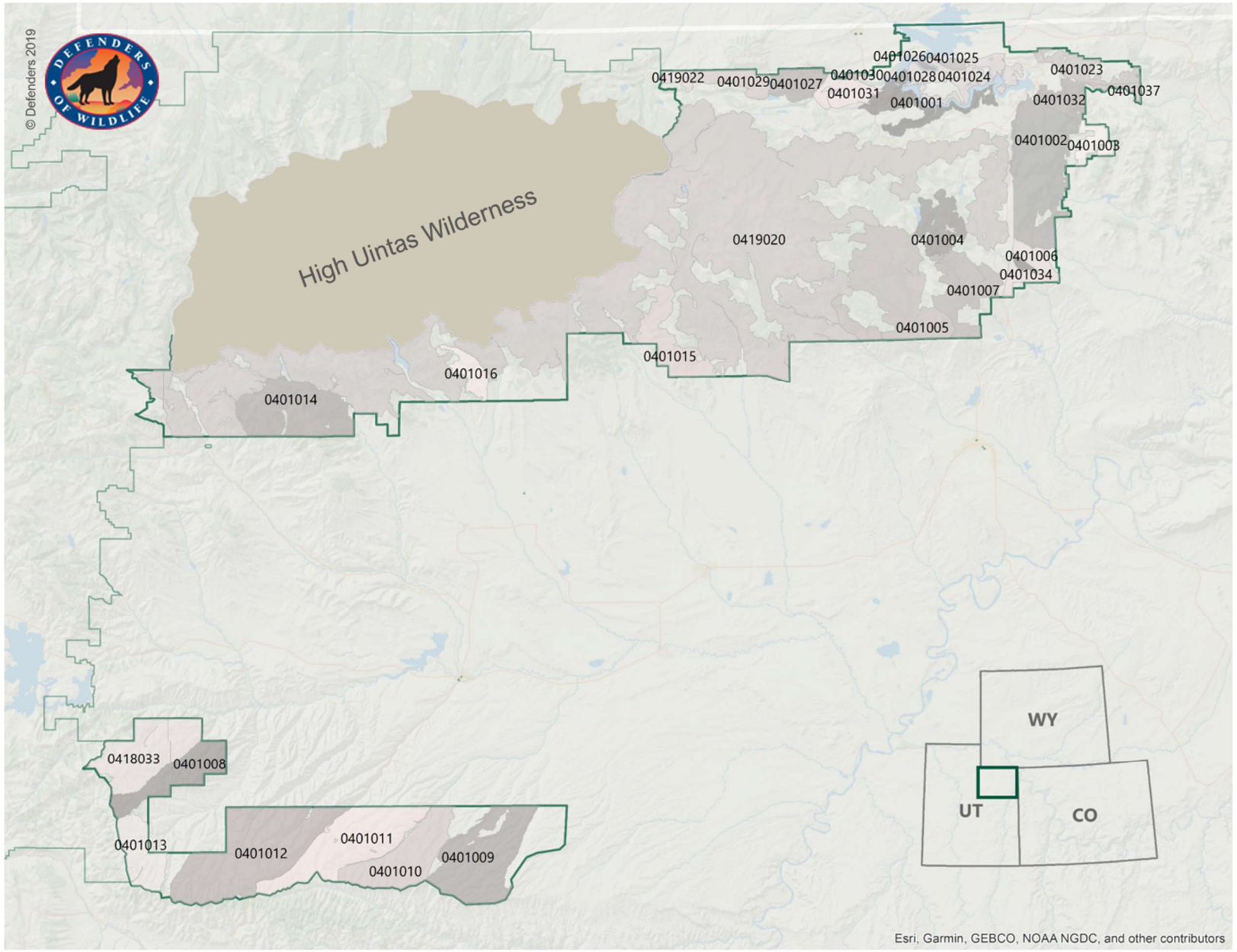
Attachment A

Common Name	Scientific Name	Taxon	Status	Source
Western toad	*Anaxyrus boreas*	Amphibian	Wildlife SOC	USGS
Great Plains toad	*Anaxyrus cognatus*	Amphibian	Wildlife SOC	USGS
Columbia spotted frog	*Rana luteiventris*	Amphibian	USFS Sensitive Species, Conservation Agreement Species	USGS
Northern goshawk	*Accipiter gentilis*	Bird	USFS Sensitive Species, Conservation Agreement Species	USGS
Boreal owl	*Aegolius funereus*	Bird	USFS Sensitive Species	USGS
Short-eared owl	*Asio flammeus*	Bird	Wildlife SOC	USGS
Burrowing owl	*Athene cunicularia*	Bird	Wildlife SOC	USGS
Ferruginous hawk	*Buteo regalis*	Bird	Wildlife SOC	USGS
Greater sage grouse	*Centrocercus urophasianus*	Bird	USFS Sensitive Species, Wildlife SOC	USGS
Mountain plover	*Charadrius montanus*	Bird	Wildlife SOC	USGS
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	Bird	Threatened	USGS
Bobolink	*Dolichonyx oryzivorus*	Bird	Wildlife SOC	USGS
Southwestern willow flycatcher	*Empidonax traillii extimus*	Bird	Endangered	USGS
Peregrine falcon	*Falco peregrinus*	Bird	USFS Sensitive Species, Wildlife SOC	USGS
Bald eagle	*Haliaeetus leucocephalus*	Bird	USFS Sensitive Species, Wildlife SOC	USGS
Lewis' woodpecker	*Melanerpes lewis*	Bird	Wildlife SOC	USGS
Long-billed curlew	*Numenius americanus*	Bird	Wildlife SOC	USGS
American white pelican	*Pelecanus erythrorhynchos*	Bird	Wildlife SOC	USGS
American three-toed woodpecker	*Picoides dorsalis*	Bird	USFS Sensitive Species, Wildlife SOC	USGS
Flammulated owl	*Psiloscops flammeolus*	Bird	USFS Sensitive Species	USGS
Columbian sharp-tailed grouse	*Tympanuchus phasianellus columbianus*	Bird	USFS Sensitive Species, Wildlife SOC	USGS
Bluehead sucker	*Catostomus discobolus*	Fish	Conservation Agreement Species	WDAFS
Flannelmouth sucker	*Catostomus latipinnis*	Fish	Conservation Agreement Species	WDAFS
June sucker	*Chasmistes liorus*	Fish	Endangered	USFWS
Humpback chub	*Gila cypha*	Fish	Endangered	WDAFS
Bonytail chub	*Gila elegans*	Fish	Endangered	USFWS
Roundtail chub	*Gila robusta*	Fish	Conservation Agreement Species	WDAFS
Northern leatherside chub	*Lepidomeda copei*	Fish	USFS Sensitive Species, Wildlife SOC	WDAFS
Colorado pikeminnow	*Ptychocheilus lucius*	Fish	Endangered	WDAFS
Razorback sucker	*Xyrauchen texanus*	Fish	Endangered	WDAFS
Eureka mountainsnail	*Oreohelix eurekensis*	Mollusk	Wildlife SOC	UDWR
Pygmy rabbit	*Brachylagus idahoensis*	Mammal	USFS Sensitive Species, Wildlife SOC	USGS
Townsend's big-eared bat	*Corynorhinus townsendii*	Mammal	USFS Sensitive Species, Wildlife SOC	USGS
White-tailed prairie dog	*Cynomys leucurus*	Mammal	Wildlife SOC	USGS
Spotted bat	*Euderma maculatum*	Mammal	USFS Sensitive Species, Wildlife SOC	USGS
Canada lynx	*Lynx canadensis*	Mammal	Threatened	USGS
Fisher	*Martes pennanti*	Mammal	USFS Sensitive Species	USGS
Fringed myotis	*Myotis thysanodes*	Mammal	Wildlife SOC	USGS

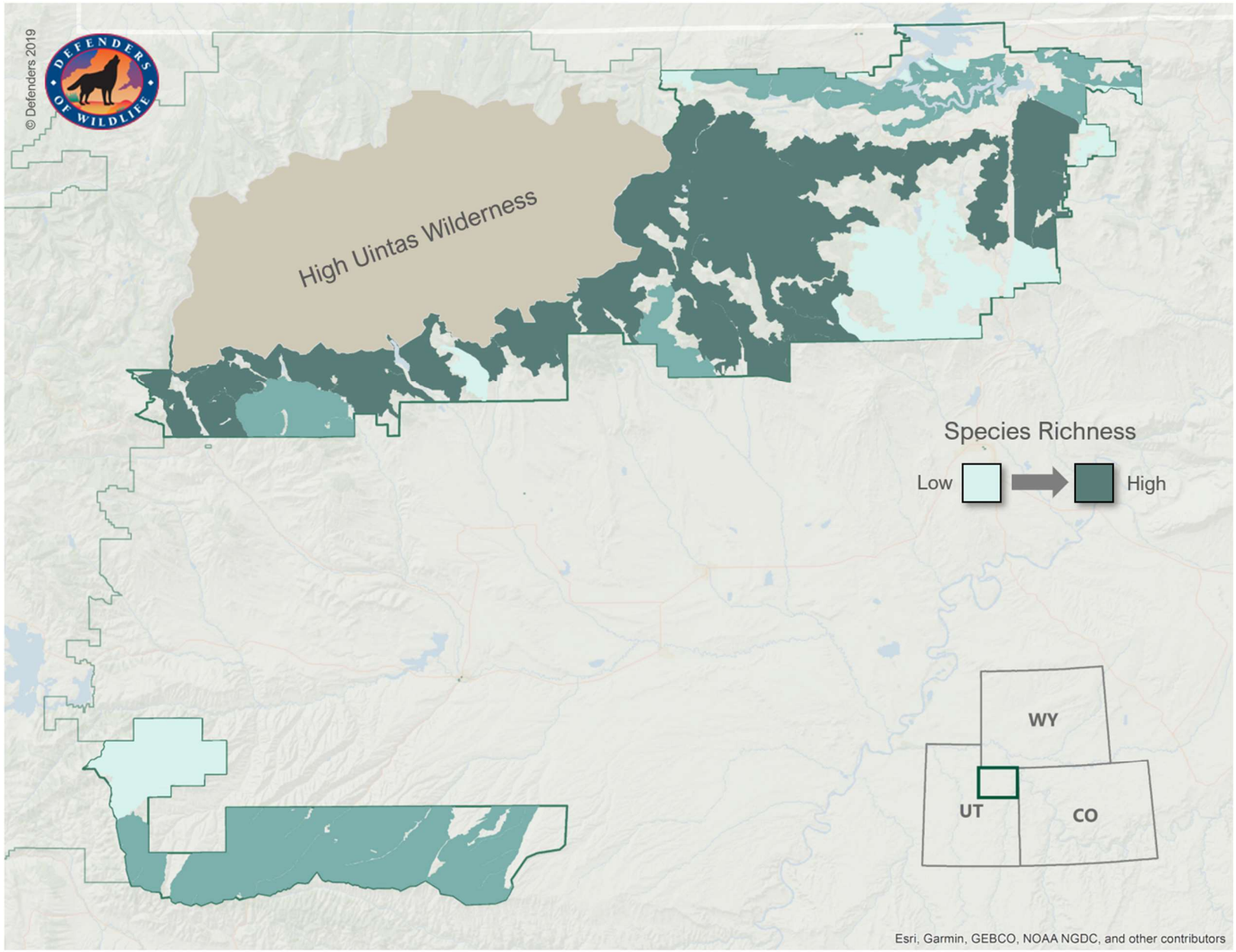
Big free-tailed bat	*Nyctinomops macrotis*	Mammal	Wildlife SOC	USGS
Bighorn sheep	*Ovis canadensis*	Mammal	USFS Sensitive Species	USGS
Kit fox	*Vulpes macrotis*	Mammal	Wildlife SOC	USGS
Clay phacelia	*Phacelia argillacea*	Plant	Endangered	USFWS
Ute ladies'-tresses	*Spiranthes diluvialis*	Plant	Threatened	USFWS
Smooth greensnake	*Opheodrys vernalis*	Reptile	Wildlife SOC	USGS

Attachment 2 – IRA and WIU Maps Showing Presence and Importance of IRAs to At-Risk Species Habitat

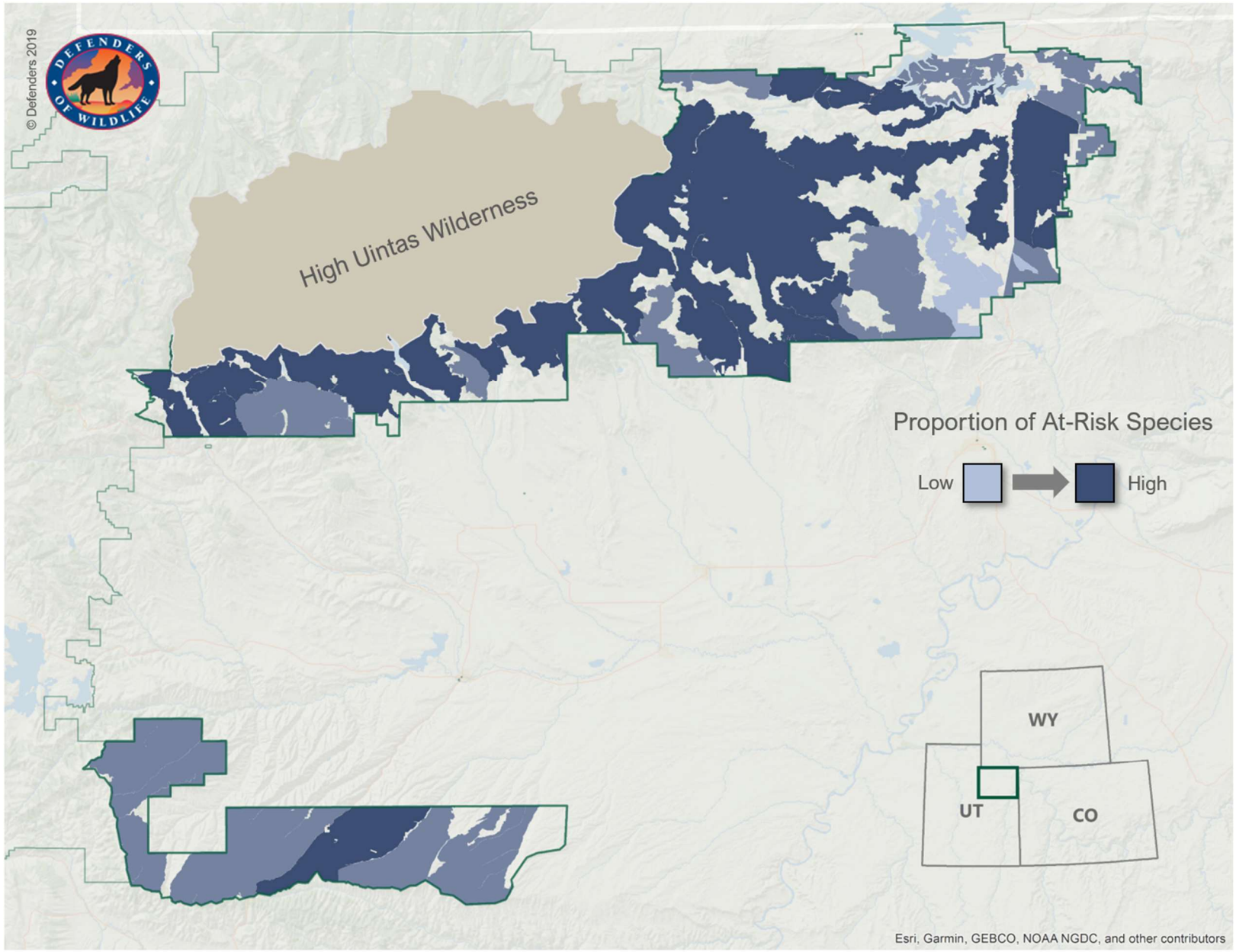
Map 1. Map of Inventoried Roadless Areas (IRAs)



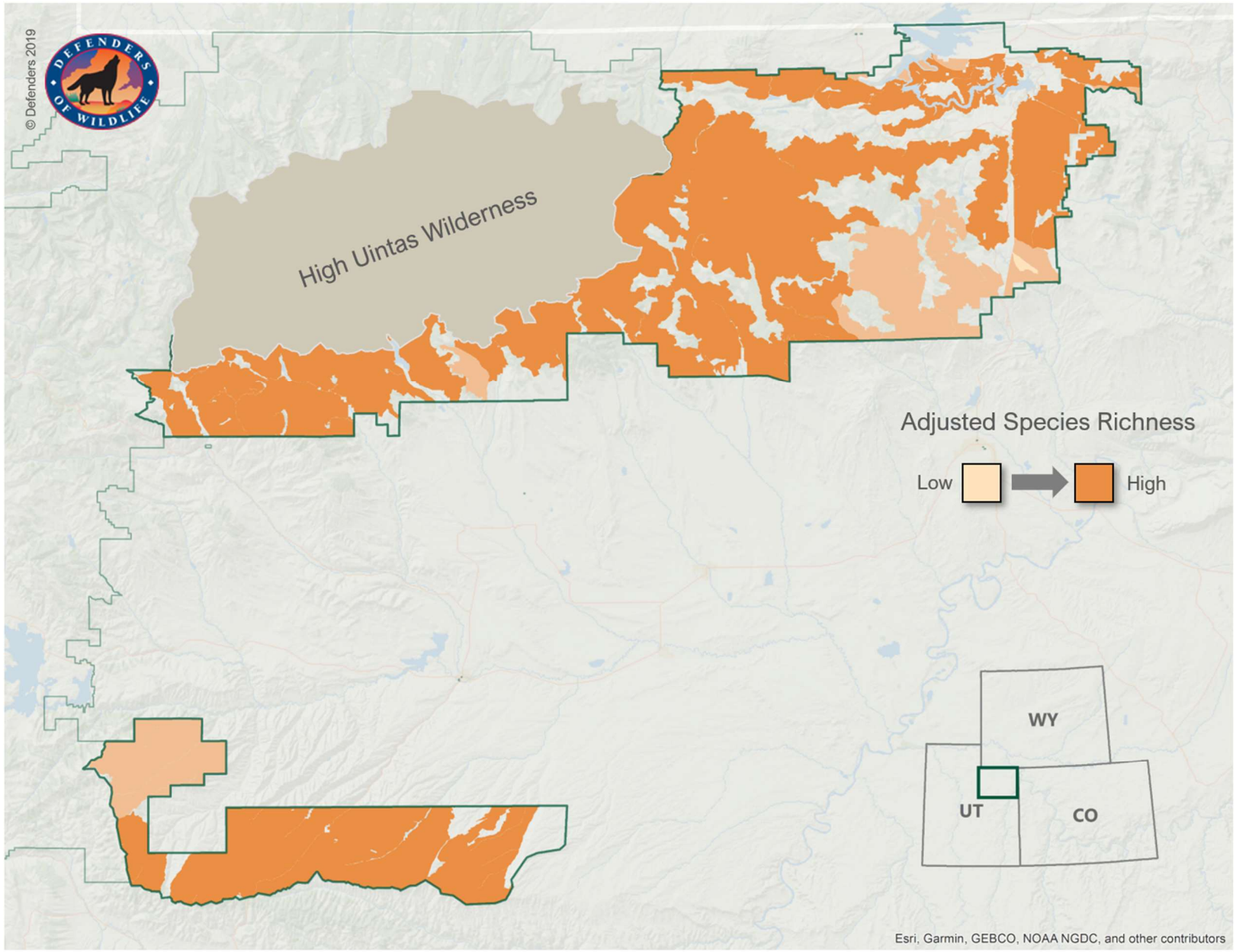
Map 2. Richness of At-Risk Species Habitats in IRAs



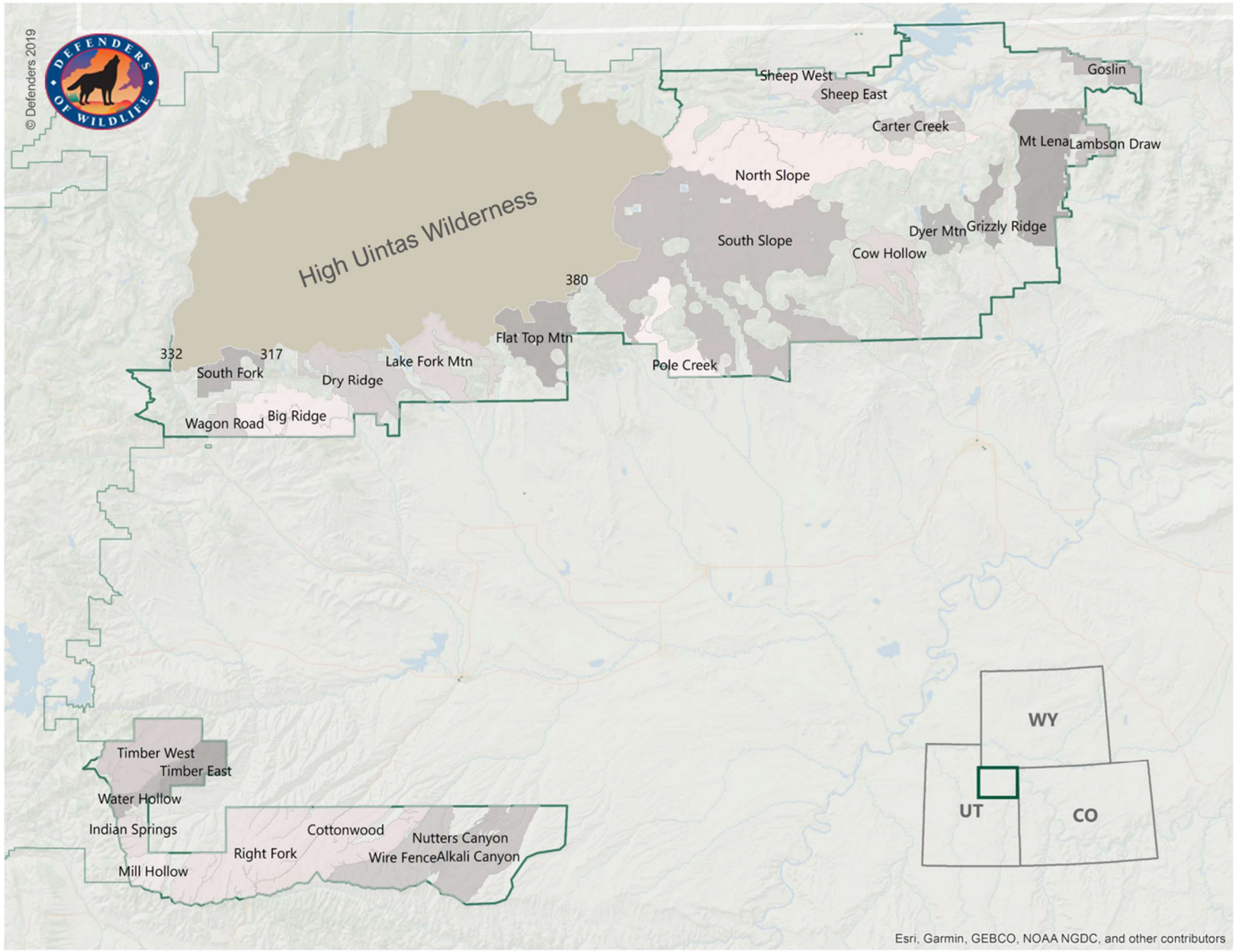
Map 3. Proportion of At-Risk Species Habitats Occurring in IRAs



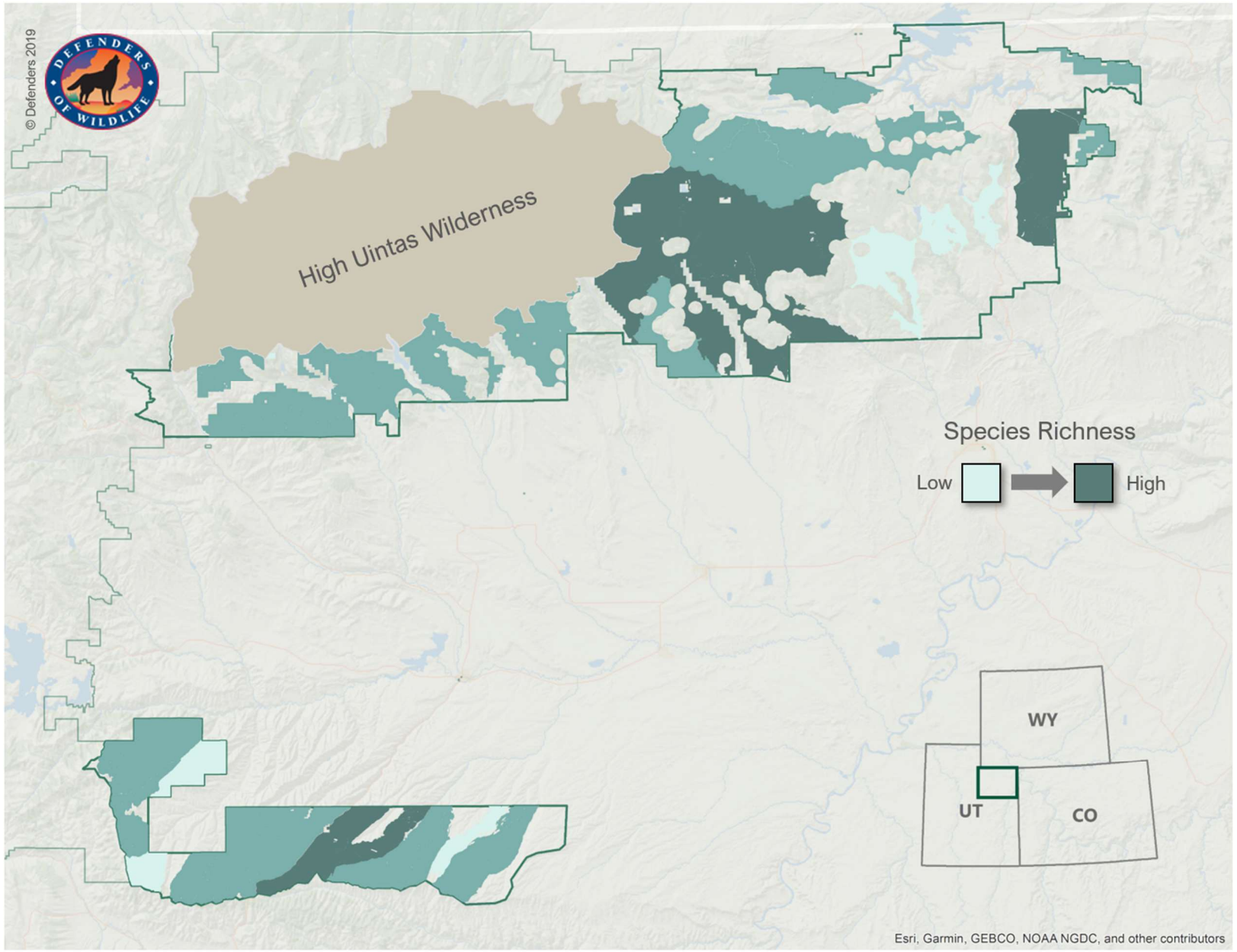
Map 4. Relative Importance of IRAs for At-Risk Species Habitat



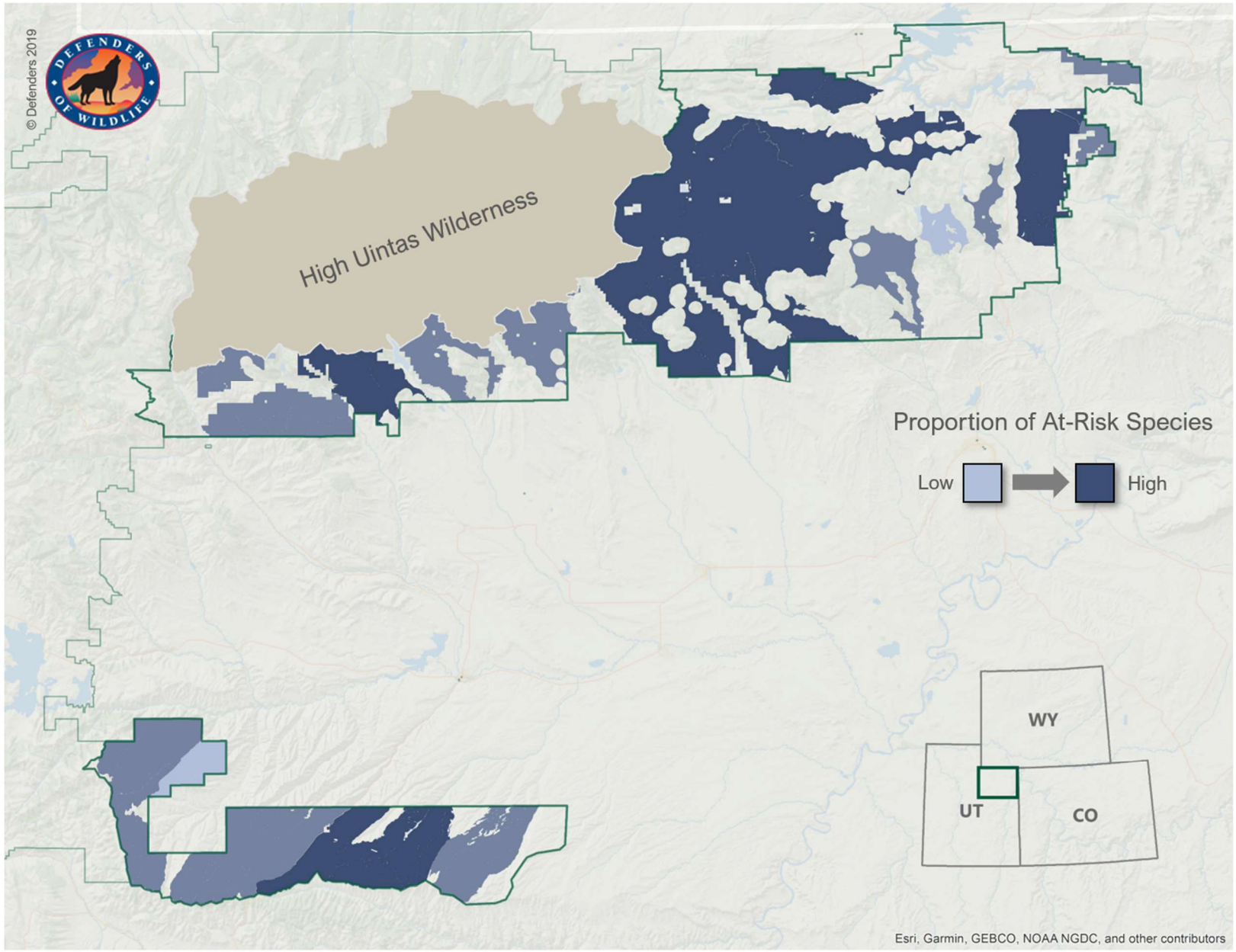
Map 5. Map of Wilderness Inventory Units (WIUs)



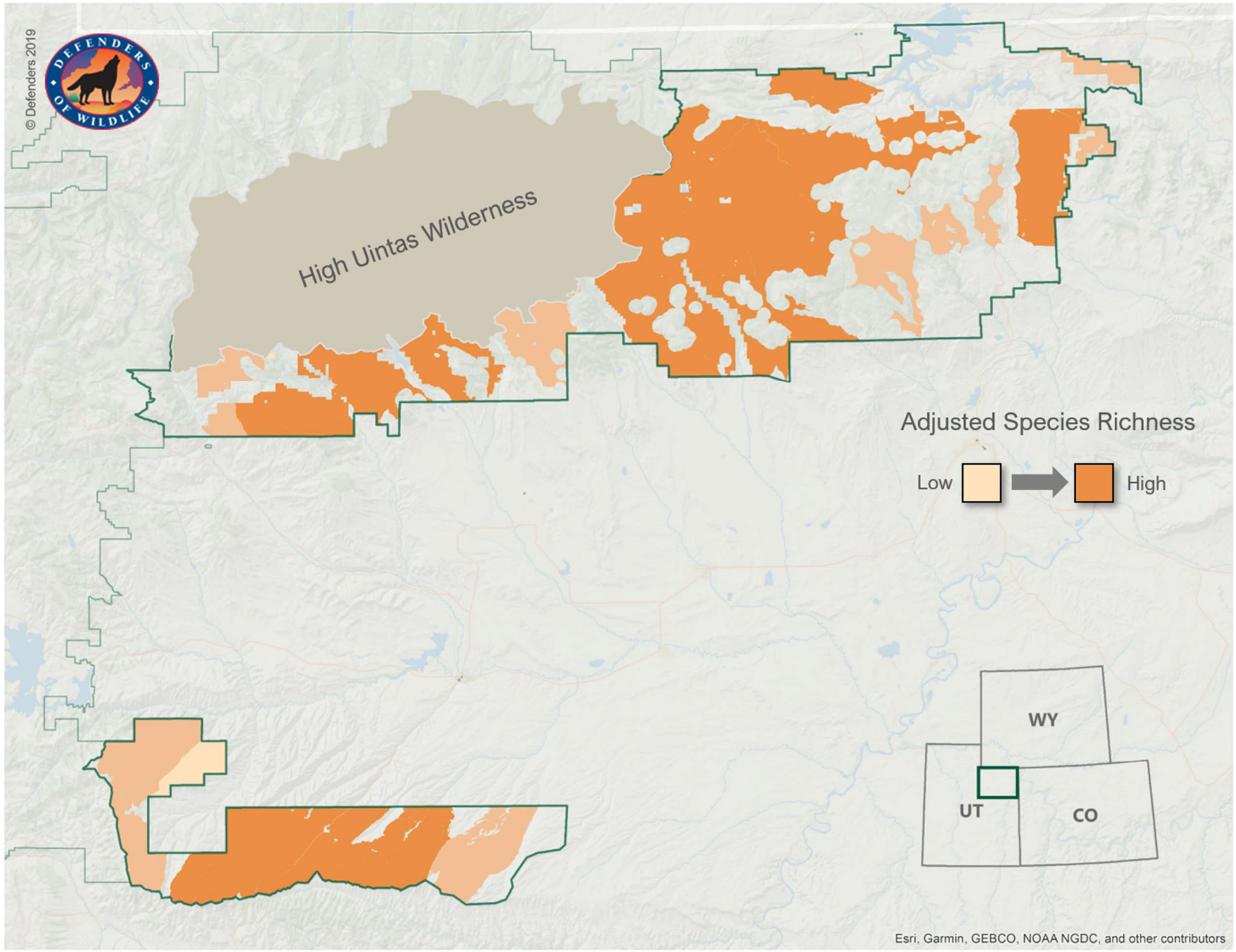
Map 6. Richness of At-Risk Species Habitats in WIUs



Map 5. Proportion of At-Risk Species Habitats Occurring in WIUs



Map 6. Relative Importance of WIUs for At-Risk Species Habitats



Species Habitat Distributions in IRAs

CommonName	0401001	0401002	0401003	0401004	0401005	0401006	0401007	0401008	0401009	0401010	0401011	0401012	0401013	0401014	0401015	0401016	0401023	0401024	0401025
Western toad	1	1	1	0	0	0	0	1	1	1	1	1	1	1	1	1	0	1	0
Great Plains toad	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Columbia spotted frog	0	0	0	0	0	0	0	1	0	0	1	1	1	0	0	0	0	0	0
Northern goshawk	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Boreal owl	0	0	0	0	0	0	0	0	0	1	1	0	0	1	1	1	0	0	0
Short-eared owl	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Burrowing owl	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Ferruginous hawk	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Greater sage grouse	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Mountain plover	1	1	0	0	0	0	0	0	1	1	1	1	0	1	0	0	1	1	1
Western yellow-billed cuckoo	1	1	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Bobolink	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Southwestern willow flycatcher	1	1	1	1	1	1	1	1	0	1	1	1	1	1	1	1	1	1	0
Peregrine falcon	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Bald eagle	1	1	0	1	0	0	0	0	0	0	0	0	0	1	0	0	1	1	1
Lewis' woodpecker	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Long-billed curlew	1	1	1	0	1	0	1	0	1	1	1	0	0	0	1	0	1	1	1
American white pelican	0	0	0	0	0	0	0	1	0	0	0	1	1	0	0	0	0	0	0
American three-toed woodpecker	1	1	1	1	1	1	1	0	1	1	1	1	1	1	1	1	1	1	0
Flammulated owl	1	1	1	1	1	1	1	0	1	1	1	1	1	1	1	1	1	1	1
Columbian sharp-tailed grouse	1	1	1	0	1	1	1	1	1	1	1	1	0	1	1	0	1	1	1
Bluehead sucker	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Flannelmouth sucker	1	1	1	0	0	1	0	1	1	1	1	1	1	1	1	1	1	1	1
June sucker	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0
Humpback chub	0	1	0	0	0	1	0	1	1	1	1	1	0	0	0	0	0	0	0
Bonytail chub	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Roundtail chub	1	1	1	0	0	1	0	1	1	1	1	1	1	1	1	1	1	1	1
Northern leatherside chub	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Colorado pikeminnow	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0
Razorback sucker	0	1	0	0	0	1	0	0	1	1	1	0	0	1	1	1	0	0	0
Eureka mountainsnail	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Pygmy rabbit	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1
Townsend's big-eared bat	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
White-tailed prairie dog	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Spotted bat	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Canada lynx	1	1	1	1	1	1	1	0	1	1	1	0	0	1	1	1	1	1	0
Fisher	1	1	1	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Fringed myotis	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Big free-tailed bat	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1
Bighorn sheep	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Kit fox	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Clay phacelia	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Ute ladies'-tresses	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Smooth greensnake	1	1	0	1	1	1	1	1	0	0	1	1	1	1	1	1	1	1	1

Contd.

CommonName	0401026	0401027	0401028	0401029	0401030	0401031	0401032	0401034	0401037	0418033	0419020	0419022
Western toad	1	1	1	1	0	1	1	0	1	1	1	1
Great Plains toad	0	0	0	0	0	0	0	0	0	0	0	0
Columbia spotted frog	0	0	0	0	0	0	0	0	0	1	0	0
Northern goshawk	1	1	1	1	1	1	1	1	1	1	1	1
Boreal owl	0	0	0	1	0	0	0	0	0	0	1	1
Short-eared owl	1	1	1	1	1	1	1	1	1	1	1	1
Burrowing owl	1	1	1	1	1	1	1	1	1	1	1	1
Ferruginous hawk	1	1	1	1	1	1	1	1	1	1	1	1
Greater sage grouse	1	1	1	1	1	1	1	1	1	1	1	1
Mountain plover	1	1	1	1	1	1	1	0	1	0	1	1
Western yellow-billed cuckoo	0	1	0	0	0	1	1	0	0	0	1	0
Bobolink	0	0	0	0	0	0	0	0	0	0	1	0
Southwestern willow flycatcher	0	1	0	1	1	1	1	0	1	1	1	1
Peregrine falcon	1	1	1	1	1	1	1	1	1	1	1	1
Bald eagle	1	1	1	1	0	1	1	0	1	0	1	0
Lewis' woodpecker	1	1	1	1	1	1	1	0	1	1	1	1
Long-billed curlew	1	1	1	0	1	1	1	0	1	0	1	0
American white pelican	0	0	0	0	0	0	0	0	0	1	1	0
American three-toed woodpecker	0	1	0	1	0	1	1	1	0	1	1	1
Flammulated owl	1	1	1	1	1	1	1	1	1	1	1	1
Columbian sharp-tailed grouse	1	1	1	0	1	1	1	0	1	1	1	0
Bluehead sucker	1	1	1	1	1	1	1	1	1	1	1	1
Flannelmouth sucker	1	1	1	1	1	1	1	0	1	1	1	1
June sucker	0	0	0	0	0	0	0	0	0	0	0	0
Humpback chub	0	0	0	0	0	0	0	0	0	1	0	0
Bonytail chub	0	0	0	0	0	0	0	0	0	0	0	0
Roundtail chub	1	1	1	1	1	1	1	0	1	1	1	1
Northern leatherside chub	0	0	0	0	0	0	0	0	0	0	0	0
Colorado pikeminnow	0	0	0	0	0	0	0	0	0	0	0	0
Razorback sucker	0	0	0	0	0	0	0	0	0	0	1	0
Eureka mountainsnail	0	0	0	0	0	0	0	0	0	0	1	0
Pygmy rabbit	0	0	0	0	1	0	0	0	1	0	0	0
Townsend's big-eared bat	1	1	1	1	1	1	1	1	1	1	1	1
White-tailed prairie dog	1	1	1	1	1	1	1	1	1	0	1	1
Spotted bat	1	1	1	1	1	1	1	1	1	1	1	1
Canada lynx	0	1	0	1	0	1	0	1	0	0	1	1
Fisher	0	1	0	0	0	1	1	0	0	0	1	0
Fringed myotis	1	1	1	1	1	1	1	1	1	1	1	1
Big free-tailed bat	1	1	1	1	1	1	1	0	1	0	1	1
Bighorn sheep	1	1	1	1	1	1	1	1	1	1	1	1
Kit fox	0	0	0	0	0	0	0	0	0	0	0	0
Clay phacelia	0	0	0	0	0	0	0	0	0	0	0	0
Ute ladies'-tresses	1	1	1	1	1	1	1	1	1	1	1	1
Smooth greensnake	1	1	1	1	1	1	0	0	0	1	1	1

Species Habitat Distributions in WIUs

CommonName	317	332	370	380	Alkali Canyon	Big Ridge	Carter Creek	Cottonwood	Cow Hollow	Dry Ridge	Dyer Mtn	Flat Top Mtn	Goslin	Grizzly Ridge	Indian Springs	Lake Fork Mtn	Lambson Draw	Mill Hollow	Mt Lena	North Slope	Nutters Canyon
Western toad	1	1		1	1	1	1	1		1		1		1	1	1	1	1	1	1	1
Great Plains toad																					
Columbia spotted frog								1							1						
Northern goshawk	1	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Boreal owl	1			1		1		1		1		1				1				1	
Short-eared owl		1			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Burrowing owl		1			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Ferruginous hawk	1	1			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Greater sage grouse		1			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Mountain plover					1	1	1	1		1		1	1			1			1	1	1
Western yellow-billed cuckoo							1		1										1	1	
Bobolink																					
Southwestern willow flycatcher	1					1	1	1	1	1	1	1	1	1	1	1	1		1	1	
Peregrine falcon	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Bald eagle							1			1	1		1			1			1	1	
Lewis' woodpecker	1	1			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Long-billed curlew					1		1	1	1				1				1		1		1
American white pelican															1						
American three-toed woodpecker		1			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Flammulated owl	1	1			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Columbian sharp-tailed grouse					1	1	1	1	1	1			1				1		1		1
Bluehead sucker	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Flannelmouth sucker	1	1	1	1	1	1	1	1		1		1	1	1	1	1	1	1	1	1	1
June sucker																		1			
Humpback chub					1			1							1			1	1		
Bonytail chub	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Roundtail chub	1	1	1	1	1	1	1	1		1		1	1	1	1	1	1	1	1	1	1
Northern leatherside chub																					
Colorado pikeminnow					1			1													
Razorback sucker	1	1	1	1	1	1		1		1		1				1			1	1	1
Eureka mountainsnail																					
Pygmy rabbit													1								
Townsend's big-eared bat	1	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
White-tailed prairie dog		1			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Spotted bat	1	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Canada lynx	1	1		1	1	1	1	1	1	1	1	1	1	1		1	1		1	1	1
Fisher						1	1		1	1						1	1		1	1	
Fringed myotis	1	1			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Big free-tailed bat							1						1	1			1		1	1	
Bighorn sheep	1	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Kit fox					1																
Clay phacelia															1			1			
Ute ladies'-tresses	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Smooth greensnake		1				1	1	1	1	1	1	1	1		1	1		1	1	1	

Contd.

CommonName	Pole Creek	Right Fork	Sheep East	Sheep West	South Fork	South Slope	Timber East	Timber Wes	Wagon Road	Water Hollo	Wire Fence
Western toad	1	1	1	1	1	1	1	1	1	1	1
Great Plains toad											
Columbia spotted frog		1					1	1		1	
Northern goshawk	1	1	1	1	1	1	1	1	1	1	1
Boreal owl	1				1	1			1		1
Short-eared owl	1	1	1	1	1	1	1	1	1	1	1
Burrowing owl	1	1	1	1	1	1	1	1	1	1	1
Ferruginous hawk	1	1	1	1	1	1	1	1	1	1	1
Greater sage grouse	1	1	1	1	1	1	1	1	1	1	1
Mountain plover		1	1	1							1
Western yellow-billed cuckoo			1	1		1					
Bobolink											
Southwestern willow flycatcher	1	1	1	1	1	1	1	1	1	1	1
Peregrine falcon	1	1	1	1	1	1	1	1	1	1	1
Bald eagle	1		1	1		1					
Lewis' woodpecker	1	1	1	1	1	1	1	1	1	1	1
Long-billed curlew	1		1	1		1			1		1
American white pelican		1			1		1	1	1	1	
American three-toed woodpecker	1	1	1	1	1	1		1	1	1	1
Flammulated owl	1	1	1	1	1	1		1	1	1	1
Columbian sharp-tailed grouse	1	1	1	1		1	1	1	1	1	1
Bluehead sucker	1	1	1	1	1	1		1		1	1
Flannelmouth sucker	1	1	1	1	1	1	1	1	1	1	1
June sucker		1									
Humpback chub		1						1		1	1
Bonytail chub	1	1	1	1	1	1	1	1	1	1	1
Roundtail chub	1	1	1	1	1	1		1	1	1	1
Northern leatherside chub											
Colorado pikeminnow											1
Razorback sucker	1				1	1			1		1
Eureka mountainsnail	1					1					
Pygmy rabbit											
Townsend's big-eared bat	1	1	1	1	1	1	1	1	1	1	1
White-tailed prairie dog	1	1	1	1	1	1		1	1	1	1
Spotted bat	1	1	1	1	1	1	1	1	1	1	1
Canada lynx	1		1	1	1	1			1		1
Fisher			1	1		1					
Fringed myotis	1	1	1	1	1	1	1	1	1	1	1
Big free-tailed bat			1	1							
Bighorn sheep	1	1	1	1	1	1	1	1	1	1	1
Kit fox											
Clay phacelia											
Ute ladies'-tresses	1	1	1	1	1	1	1	1	1	1	1
Smooth greensnake	1	1	1	1	1	1	1	1	1	1	

Map Values by IRA

IRA	Species Richness	Adjusted Richness	Proportion
0401001	29	46.031	0.659
0401002	31	48.980	0.705
0401003	25	40.391	0.568
0401004	20	32.495	0.455
0401005	23	37.194	0.523
0401006	24	38.829	0.545
0401007	22	35.513	0.500
0401008	23	37.391	0.523
0401009	28	44.459	0.636
0401010	28	44.098	0.636
0401011	30	47.626	0.682
0401012	27	44.090	0.614
0401013	26	43.154	0.591
0401014	28	44.677	0.636
0401015	27	43.737	0.614
0401016	24	38.933	0.545
0401023	27	42.530	0.614
0401024	28	44.119	0.636
0401025	24	37.724	0.545
0401026	24	38.172	0.545
0401027	29	46.031	0.659
0401028	24	38.172	0.545
0401029	26	41.600	0.591
0401030	24	38.054	0.545
0401031	29	46.031	0.659
0401032	27	42.771	0.614
0401034	16	26.491	0.364
0401037	25	39.151	0.568
0418033	24	39.166	0.545
0419020	34	54.388	0.773
0419022	25	40.441	0.568

Map Values by WIU

Inventory Unit	Code	Species Richness	Adjusted Richness	Proportion
317	317	19	27.680	0.432
332	332	23	33.762	0.523
370	370	7	10.098	0.159
380	380	14	20.379	0.318
Alkali Canyon	181	28	39.866	0.636
Big Ridge	274	28	40.574	0.636
Carter Creek	526	30	42.528	0.682
Cottonwood	187	31	44.583	0.705
Cow Hollow	440	24	34.301	0.545
Dry Ridge	325	29	41.629	0.659
Dyer Mtn	450	21	30.296	0.477
Flat Top Mtn	365	26	37.836	0.591
Goslin	583	28	39.316	0.636
Grizzly Ridge	464	23	33.549	0.523
Indian Springs	171	26	38.788	0.591
Lake Fork Mtn	343	28	40.411	0.636
Lambson Draw	490	26	37.397	0.591
Mill Hollow	44	24	36.150	0.545
Mt Lena	517	32	45.395	0.727
North Slope	530	30	42.971	0.682
Nutters Canyon	184	25	36.088	0.568
Pole Creek	384	29	41.429	0.659
Right Fork	183	28	41.230	0.636
Sheep East	562	30	42.528	0.682
Sheep West	574	30	42.528	0.682
South Fork	320	26	37.642	0.591
South Slope	463	31	44.162	0.705
Timber East	204	20	29.360	0.455
Timber West	205	26	38.006	0.591
Wagon Road	242	27	38.555	0.614
Water Hollow	201	26	38.006	0.591
Wire Fence	190	29	41.235	0.659

Species Habitat Distribution Scores

Species	IRA score	WIU Score
Western toad	1.58861	1.49244
Great Plains toad	2	0
Columbia spotted frog	1.8774	1.91614
Northern goshawk	1.66206	1.49657
Boreal owl	1.4254	1.36483
Short-eared owl	1.67839	1.48036
Burrowing owl	1.67452	1.475
Ferruginous hawk	1.72252	1.52867
Greater sage grouse	1.66031	1.46256
Mountain plover	1.45909	1.43063
Western yellow-billed cuckoo	1.37219	1.21296
Bobolink	1.82955	0
Southwestern willow flycatcher	1.48898	1.27834
Peregrine falcon	1.65609	1.50068
Bald eagle	1.15817	1.05543
Lewis' woodpecker	1.70583	1.49176
Long-billed curlew	1.35797	1.10988
American white pelican	1.61705	1.23665
American three-toed woodpecker	1.70753	1.4824
Flammulated owl	1.71795	1.47333
Columbian sharp-tailed grouse	1.4464	1.21787
Bluehead sucker	1.55583	1.41392
Flannelmouth sucker	1.57133	1.4796
June sucker	1.8137	1.79382
Humpback chub	1.4635	1.46134
Bonytail chub	1.55602	1.41402
Roundtail chub	1.52588	1.42191
Northern leatherside chub	1	0
Colorado pikeminnow	1.08855	1.04232
Razorback sucker	1.4848	1.4059
Eureka mountainsnail	1.8051	1.64082
Pygmy rabbit	1.14024	1.01309
Townsend's big-eared bat	1.62574	1.48357
White-tailed prairie dog	1.65052	1.39296
Spotted bat	1.6797	1.50731
Canada lynx	1.61008	1.46051
Fisher	1.68051	1.5202
Fringed myotis	1.72191	1.52805
Big free-tailed bat	1.53439	1.34702
Bighorn sheep	1.57865	1.47623
Kit fox	1.27592	1.27389
Clay phacelia	1.96936	2
Ute ladies'-tresses	1.5895	1.46192
Smooth greensnake	1.65066	1.43203

APPENDIX C
Inventoried Roadless Areas Management Area Proposal

Inventoried Roadless Areas Management Area Proposal

We request that the Forest service include in all alternatives a Management Area (MA) for lands comprised of Inventoried Roadless Areas (IRAs). The name for the MA should be the Roadless Conservation MA or the Backcountry MA or something similar. We request that the Forest Service include a map in the final plan that delineates the lands included in this MA. The following plan components will accompany the MA:[1]

Desired Condition:

- These areas provide large, relatively undisturbed landscapes with high scenic quality that are important for backcountry recreation and allow visitors feel as if they are in a natural place devoid of roads where they can explore, observe nature, and challenge themselves.

- Because these lands are minimally disturbed, they provide clean drinking water and function as biological strongholds for populations of at-risk wildlife and plants. They also serve as buffers against the spread of non-native invasive plant species and serve as reference areas for study and research.

- These areas will be managed for primitive, semi-primitive non-motorized, and semi-primitive motorized zones per the Recreation Opportunity Spectrum (ROS). Management activities conducted within these areas should be consistent with the scenic integrity objective of High.

Standards:

- A road shall not be constructed or reconstructed unless the responsible official determines that the road is needed according to the circumstances allowed in the Roadless Area Conservation Rule (66 FR 3244).

- Timber shall not be cut, sold, or removed unless the responsible official determines that activities meet the circumstances provided in the Roadless Area Conservation Rule (66 FR 3244).

Guidelines:

- When developing a proposed action for a NEPA project, consider conducting restorative activities such as road decommissioning and mine reclamation within the project area to move towards desired conditions.

[1] The plan components offered here are similar, and in some cases identical, to components for IRAs proposed by national forests in New Mexico that are currently revising their forest plans under the 2012 planning rule.

Suitability of Lands:

- The lands in these areas are not suitable for commercial timber activities or road building.

Finally, if the Forest Service is going to attribute its capability to meet the substantive provisions of the planning rule (e.g., maintain water quality, ecological conditions necessary for specific species, wildlife connectivity) in part or whole to having roadless areas managed in a protective way then the plan must treat roadless areas in a way that protects those values. The agency cannot rely on the Roadless Area Conservation Rule to adequately protect roadless values given that it is under attack and may be weakened or repealed in the future.[2]

[2] *See, e.g.*, 83 Fed. Reg. 44252 (August 30, 2018)