

Chapter 28: U.S. Department of Agriculture Forest Service Forest Plan Amendments

28.1 Introduction

This chapter discusses the potential amendments to the U.S. Department of Agriculture (USDA) Forest Service's 2003 *Revised Forest Plan: Wasatch-Cache National Forest (Forest Plan)*; USDA Forest Service 2003 associated with the action alternatives described in Chapter 2, *Alternatives*. Only those portions of the action alternatives that are located on National Forest System (NFS) lands are discussed in this chapter.

All actions authorized by the USDA Forest Service on NFS lands must be consistent with the approved forest plan. If a proposed project-specific action is not consistent with or does not conform to the forest plan, the Forest Supervisor may modify the proposed action to make it conform to or be consistent with the plan, reject the proposed action, or amend the plan such that the action will be consistent with the plan as amended.

Implementation of any of the action alternatives described in Chapter 2, *Alternatives*, would require an amendment to the 2003 *Revised Forest Plan: Wasatch-Cache National Forest*, regardless of the specific authorities used by the Forest Service to authorize the use of NFS lands. However, the nature of the inconsistencies with the *Forest Plan* would vary by alternative, as described in this chapter.

Under 23 United States Code (USC) Section 317, the Federal Highway Administration (FHWA) is authorized under certain conditions to cause the transfer of highway easements over federal land to state transportation departments such as the Utah Department of Transportation (UDOT). The appropriation of NFS lands by FHWA and the transfer of these lands to UDOT would be in the form of a nonexclusive right of way for highway purposes. The Forest Service would still administer the appropriated lands, but UDOT would have an easement on these lands for highway purposes. If the proposed use on the appropriated lands is not consistent with the *Forest Plan*, a plan amendment would be required to allow the appropriation.

If NFS land is not appropriated and an action alternative is selected, UDOT would be required to obtain a special-use authorization (easement or special-use permit) from the Forest Service under 36 Code of Federal Regulations (CFR) Part 251 for those uses occurring on NFS lands. If the proposed use on NFS land is not consistent with the *Forest Plan*, a plan amendment would be required for the Forest Service to authorize these uses.

For the State Route (S.R.) 210 Project, UDOT in coordination with the USDA Forest Service identified each potential situation of nonconformance or inconsistency with the *Forest Plan* through a comparison to the

What is the purpose of this chapter?

This chapter discusses the potential amendments to the USDA Forest Service's 2003 *Revised Forest Plan: Wasatch-Cache National Forest* associated with the action alternatives.

Forest Plan. Where an alternative or component of an alternative would be inconsistent with the *Forest Plan*, UDOT in coordination with the USDA Forest Service developed a project-specific plan amendment that would allow authorization. The Forest Service's land use planning regulations require that an Environmental Impact Statement (EIS) identify those plan amendments that best meet multiple-use and sustained-yield mandates in the National Forest Management Act. Plan amendments would be implemented only for the alternative(s) selected in the Record of Decision for the project.

28.2 Forest Plan Amendment Process

The Forest Service prepares land and resource management plans in accordance with the National Forest Management Act and the regulations in 36 CFR Part 219. The 2003 *Revised Forest Plan: Wasatch-Cache National Forest* was prepared with the Forest Service 1982 forest planning regulations. If the Forest Service decides to amend the plan to address issues discussed in this EIS, it would do so with the 2012 planning rule and regulations at 36 CFR Part 219. The requirements of the 2012 planning rule and regulations are described in the following sections.

28.2.1 Public Involvement

The inclusions of the potential project-specific plan amendment are subject to public review and the procedures in the federal regulations at 36 CFR Sections 219.4 and 219.16. The inclusion of the project-specific amendments in this EIS meets that intent. If a project-specific plan amendment is approved in a decision document, the administrative review process would apply, which would be the objection process at 36 CFR Part 218.

The responsible official must provide opportunities to the public for participating in the plan amendment process. When developing opportunities for public participation, the responsible official must take into account the discrete and diverse roles, jurisdictions, responsibilities, and skills of interested and affected parties; the accessibility of the process, opportunities, and information; and the cost, time, and available staffing [36 CFR Section 219.4(a)].

For each plan amendment, a public notice must identify the Forest Service planning rule provisions that are likely to be directly related to and therefore applicable to the plan amendment. The notice must also identify the applicable administrative review process for the Forest Service decision regarding the actions on NFS lands and the plan amendment.

The Forest Service published a Federal Register notice on April 23, 2021, notifying the public of the previous Notices of Intent published by FHWA on March 9, 2018, March 5, 2019, and May 15, 2019, regarding the preparation of this EIS. The Forest Service's Federal Register notice also notified the public of the potential for a plan amendment and the required administrative review process.

Under 36 CFR Section 219.16(b), when a plan amendment is approved by the Forest Service in a decision document approving a project or activity and the amendment applies only to the project or activity, the notification requirements for the project or activity apply. The required 45-day opportunity for comment on this Draft EIS was provided with a 70-day comment period from June 25 to September 3, 2021. Comments received on the plan amendments during the Draft EIS comment period were considered in this Final EIS.

28.2.2 Forest Plan Amendment Requirements

Plan amendments may be broad or narrow, depending on the need for change, and should be used to keep plans current and to adapt to new information or changing conditions. The responsible official decides whether and how to amend the plan and determines the scope and scale of any amendment. The responsible official must do the following for every plan amendment [36 CFR Section 219.13(b)]:

- Base the amendment on a preliminary identification of the need to change the plan.
- Provide opportunities for public participation and public notification.
- Amend the plan consistent with the Forest Service's National Environmental Policy Act (NEPA) procedures.
- Follow the applicable format for plan components set out in the planning regulations for the plan direction added or modified by the amendment.
- Determine which specific substantive requirement(s) within the planning regulations is (are) directly related to the plan direction being added, modified, or removed by the amendment, and apply such requirement(s) within the scope and scale of the amendment.
- For an amendment to a plan developed or revised under a prior planning regulation, if species of conservation concern (SCC) have not been identified for the plan area and if scoping or a NEPA effects analysis for the proposed amendment reveals substantial adverse impacts to a specific species, or if the proposed amendment would substantially lessen protection for a specific species, the responsible official must determine whether such species is a potential SCC, and, if so, apply 36 CFR Section 219.9(b) with respect to that species as if it were an SCC.

As discussed in its Federal Register notice, the Forest Service determined that the substantive requirements of the 2012 planning rule likely to be directly related and, therefore, applicable to the *Forest Plan* amendment are 36 CFR Sections 219.10(a)(1) and (3), scenery and transportation corridors.

The 2012 planning rule also requires the Forest Service to determine whether a plan amendment is considered a significant change in the plan for the purposes of the National Forest Management Act and therefore requires a 90-day comment period for the proposed plan and Draft EIS [36 CFR Section 219.13(b)(3)]. Because the potential *Forest Plan* amendments would be project-specific, one-time exceptions to the *Forest Plan* requirements and would not change the existing management prescriptions, the Forest Service has determined that the proposed plan amendments would not be significant changes to the *Forest Plan*.

28.2.3 Administrative Review Process

The Forest Service’s planning regulations include a predecisional administrative review (referred to in this chapter as *objection*) process for plan amendments. This process gives an individual or entity an opportunity for an independent Forest Service review and resolution of issues before a plan amendment is approved.

If the Forest Service amends the 2003 *Revised Forest Plan: Wasatch-Cache National Forest*, the amendment would apply only to the project, and the decision for the project-specific amendment would be in the same decision document that would approve the project. For this reason, per the planning regulations, the administrative review process of 36 CFR Part 218, Subparts A and B, would apply.

Written objections, including any attachments, must be filed within 45 days of the end of the objection-filing period. The responsible official would not issue a decision document concerning the proposed plan amendment until the reviewing officer has responded in writing to all objections.

What is an objection?

An objection is a predecisional administrative review process for plan amendments that gives an individual or entity an opportunity for an independent Forest Service review and resolution of issues before a plan amendment is approved.

28.3 Potential Forest Plan Amendments

This section presents relevant forest planning definitions; presents relevant standards and definitions from the 2003 *Revised Forest Plan: Wasatch-Cache National Forest* that have been identified as inconsistent with one or more of the action alternatives described in Chapter 2, *Alternatives*; and describes the potential *Forest Plan* amendments that might be required to authorize the action alternatives.

28.3.1 Definitions from Forest Planning Regulations

The Forest Service planning regulations at 36 CFR Part 219 require that all forest plans include desired conditions, objectives, standards, guidelines, and suitability of lands as plan components. A plan may also include goals as plan components.

Adhering to the standards in the forest plan is mandatory; inconsistencies between a standard and a proposed use would trigger the need for a plan amendment. Inconsistencies between a proposed use and a desired future condition, objective, guideline, or goal do not necessarily trigger the need for a plan amendment. Any inconsistencies with uses proposed as part of the EIS action alternatives and *Forest Plan* desired future conditions, objectives, guidelines, standards, and goals are described in the relevant resource chapters of this EIS.

- **Desired Condition:** A desired condition is a description of specific social, economic, and/or ecological characteristics of the plan area, or a portion of the plan area, toward which management of the land and resources should be directed. Desired conditions must be described in terms that are specific enough to allow progress toward their achievement to be determined, but do not include completion dates.
- **Objective:** An objective is a concise, measurable, and time-specific statement of a desired rate of progress toward a desired condition or conditions. Objectives should be based on reasonably foreseeable budgets.
- **Standard:** A standard is a mandatory constraint on project and activity decision-making, established to help achieve or maintain the desired condition or conditions, to avoid or mitigate undesirable effects, or to meet applicable legal requirements.
- **Guideline:** A guideline is a constraint on project and activity decision-making that allows for departure from its terms, so long as the purpose of the guideline is met. If a guideline is not met, the USDA Forest Service decision document will provide justification for not meeting that guideline. Guidelines are established to help achieve or maintain a desired condition or conditions, to avoid or mitigate undesirable effects, or to meet applicable legal requirements.
- **Suitability of Lands:** Specific lands within a plan area will be identified as suitable for various multiple uses or activities based on the desired conditions applicable to those lands. The plan will also identify lands within the plan area as not suitable for uses that are not compatible with desired conditions for those lands. The suitability of lands need not be identified for every use or activity. Suitability identifications may be made after considering historic uses and issues that have arisen during the planning process.
- **Goal:** A goal is a broad statement of intent, other than a desired condition, usually related to a process or interaction with the public. Goals are expressed in broad, general terms but do not include completion dates.

28.3.2 Relevant Standards and Definitions from the 2003 Revised Forest Plan: Wasatch-Cache National Forest

This section contains relevant standards and definitions from the *2003 Revised Forest Plan: Wasatch-Cache National Forest* with which one or more of the action alternatives described in Chapter 2, *Alternatives*, were determined to be inconsistent.

28.3.2.1 Standard S3.1W – Watershed Emphasis

The *2003 Revised Forest Plan: Wasatch-Cache National Forest* establishes a watershed emphasis management area. In this area, the emphasis is on maintaining or improving the quality of watershed conditions and aquatic habitats. Watershed function and aquatic habitat values are recognized as important and might require restoration to reach desired conditions. Areas of municipal watershed and public drinking water sources will be managed to maintain or improve soil processes and watershed conditions. Where improvement is needed, it is achieved by implementing watershed improvement projects and by applying soil and water conservation practices to land-disturbing activities (USDA Forest Service 2003, page 4-69).

The *Forest Plan* applies Standard 3.1W to the watershed emphasis area. Standard 3.1W states:

- **S3.1W.** Timber harvest, road construction, and new recreation facility development are not allowed (USDA Forest Service 2003, page 4-69).

Relevant definitions from the *Forest Plan* that apply to the Forest Service's interpretation of Standard S3.1W are the following:

- **Road construction** refers to activity that results in the addition of forest classified or temporary road miles. *Road* is defined as a motor vehicle travelway over 50 inches wide, unless designated and managed as a trail. A road can be classified, unclassified, or temporary (USDA Forest Service 2003, page 4-61).
- **Travelway** represents linear concentrations of public viewing including freeways, highways, roads, railroads, trails, commercial flight paths, rivers, canals, and other waterways (USDA Forest Service 2003, page GL-25).
- **New recreation development** refers to major structural public-use facilities such as campgrounds and trailheads. It does not refer to construction within already established developed recreation sites. Trails and single restrooms are not considered recreation development for these descriptions (USDA Forest Service 2003, page 4-61).

28.3.2.2 Standard S22 – Scenery Management

The 2003 *Revised Forest Plan: Wasatch-Cache National Forest* establishes standards and guidelines for scenery management.

The *Forest Plan* applies Standard S22 to the entire forest. Standard S22 states:

- **S22.** Management actions that would result in a scenic integrity level of Unacceptably Low are prohibited in all Landscape Character Themes (USDA Forest Service 2003, page 4-48).

Relevant definitions from the *Forest Plan* that apply to the Forest Service’s interpretation of Standard S22 are the following:

- **Unacceptably Low scenic integrity** refers to landscapes where the valued landscape character being viewed appears extremely altered. Deviations are extremely dominant and borrow little if any form, line, color, texture, pattern, or scale from the landscape character. Landscapes at this level of integrity need rehabilitation. This level should be used only to inventory existing integrity. It must not be used as a management objective (USDA Forest Service 1995).

28.3.3 Identified Inconsistencies between Uses Proposed as Part of the Action Alternatives and the 2003 Revised Forest Plan: Wasatch-Cache National Forest

This section describes inconsistencies that were identified by the Forest Service between uses or components of the action alternatives described in Chapter 2, *Alternatives*, and the 2003 *Revised Forest Plan: Wasatch-Cache National Forest*.

28.3.3.1 Appropriation of National Forest System Lands for Highway Use

If NFS lands are appropriated for highway use by FHWA in accordance with 23 USC Section 317 and pursuant to requirements of Section III.A in the 1998 Memorandum of Understanding between the Forest Service and FHWA, this appropriation would be inconsistent with *Forest Plan* Standard S3.1W because road construction in Management Prescription 3.1W is not allowed outside lands previously appropriated by FHWA.

Although the Forest Service is currently unaware whether a cog rail transportation system would fall under the authority of FHWA (pending FHWA’s determination), a train engine is a motorized vehicle that travels on a travelway, which is inclusive of railroads as defined in the *Forest Plan* (USDA Forest Service 2003, page GL-25). This, combined with the fact that the majority of the proposed alignment for the Cog Rail Alternative is adjacent to and integrated into the proposed road prism, indicates that constructing the Cog Rail Alternative could be considered road construction under the definition of *travelway* in the *Forest Plan*.

28.3.3.2 Construction, Expansion, or Reconstruction of Trailheads

Constructing the proposed new trailheads (Bridge and Lisa Falls Trailheads), expanding an existing trailhead (White Pine Trailhead), reconstructing trailheads as part of the Cog Rail Alternative (Grit Mill and Alpenbock Trailheads), and reconstructing a trailhead as part of a gondola alternative (Alpenbock Trailhead) would be inconsistent with *Forest Plan* Standard S3.1W because developing a new recreation facility is not allowed outside existing recreation facilities in areas under Management Prescription S3.1W.

28.3.3.3 Construction of Snow Sheds, Shoulder Lanes, or Cog Rail Tracks

Constructing snow sheds with or without berms, constructing shoulder lanes on S.R. 210, and/or constructing cog rail tracks adjacent to S.R. 210 would be inconsistent with *Forest Plan* Standard S3.1W because road construction in Management Prescription 3.1W is not allowed for proposed actions outside lands previously appropriated by FHWA or for actions not otherwise authorized within existing FHWA easements.

Although the Forest Service is currently unaware whether a cog rail transportation system would fall under the authority of FHWA (pending FHWA's determination), a train engine is a motorized vehicle that travels on a travelway, which is inclusive of railroads as defined in the *Forest Plan* (USDA Forest Service 2003, page GL-25). This, combined with the fact that the majority of the proposed alignment for the Cog Rail Alternative is adjacent to and integrated into the proposed road prism, indicates that constructing the Cog Rail Alternative could be considered road construction under the definition of *travelway* in the *Forest Plan*.

28.3.3.4 Construction of Cog Rail Tracks or Peak-period Shoulder Lanes

Constructing cog rail tracks or peak-period shoulder lanes would be inconsistent with *Forest Plan* Standard S22 because these actions would result in a scenic integrity level of Unacceptably Low within an area with a Scenic Integrity Objective of High.

28.3.4 Potential Forest Plan Amendment Language

The amendment(s) to the 2003 *Revised Forest Plan: Wasatch-Cache National Forest* would add the following language to Standards S3.1W and S22, depending on the selected alternative(s):

- This standard does not apply to the activities approved for the Utah Department of Transportation's S.R. 210 Project (Record of Decision, [date]).

See Section 28.3.5 below for the standard(s) to which the above language would be added based on the selected alternative(s).

28.3.5 Summary of Potential Forest Plan Amendments by Action Alternative

Table 28.3-1 lists the project components and actions that would be inconsistent with the 2003 *Revised Forest Plan: Wasatch-Cache National Forest* and for which a plan amendment might be required for each alternative described in Chapter 2, *Alternatives*. The table includes the applicable standards with which each project component or action would be inconsistent, the reason each project component or action would be inconsistent with these standards, and the alternatives with which each project component or action is associated.

Table 28.3-1. Potential Forest Plan Amendments Associated with the Proposed Project Components and Actions and Primary Alternatives Analyzed in the Draft EIS

Project Component or Action	Forest Plan Standard	Area of Resource Conflict or Amendment Consideration	Primary Alternative				
			Enhanced Bus Service Alternative	Enhanced Bus Service in Peak-period Shoulder Lane Alternative	Gondola Alternative A (Starting at Canyon Entrance)	Gondola Alternative A (Starting at La Caille)	Cog Rail Alternative
FHWA appropriation of NFS lands	Not applicable	FHWA appropriation of NFS lands for highway purposes ^a		✓ ^b	✓ ^b	✓ ^b	✓ ^b
Snow sheds and berm construction	S3.1W ^c	Road construction	✓	✓	✓	✓	✓
Snow sheds and realigned road construction	S3.1W ^c	Road construction	✓	✓	✓	✓	✓
New trailhead development – Bridge and/or Lisa Falls Trailhead(s)	S3.1W ^c	New recreation facility development	✓	✓	✓	✓	✓
Expansion of existing White Pine Trailhead	S3.1W ^c	New recreation facility development	✓	✓	✓	✓	✓
Reconstruction of Grit Mill Trailhead ^d	S3.1W ^c	New recreation facility development					✓
Reconstruction of Alpenbock Trailhead ^e	S3.1W ^c	New recreation facility development			✓	✓	✓
Peak-period shoulder lane construction	S3.1W ^c	Road construction		✓			
Cog rail track construction	S3.1W ^c	Road construction					✓
Cut-and-fill slopes	S22 ^f	Scenic integrity level		✓			✓

^a Reference: USDA Forest Service and FHWA 1998. “Not applicable” is stated to reflect that no *Forest Plan* standard specifically applies to the FHWA appropriation of NFS lands.

^b Pending FHWA’s determination of proposed actions eligible for appropriation of NFS lands under 23 USC Section 317.

^c S3.1W: Timber harvest, road construction, and new recreation facility development are not allowed (USDA Forest Service 2003, page 4-69).

^d Reconstructing the Grit Mill Trailhead within Management Prescription 3.1W might be required to mitigate impacts under Section 4(f) of the Department of Transportation Act of 1966.

^e Reconstructing the Alpenbock Trailhead within Management Prescription 3.1W might be required to mitigate impacts under Section 4(f) of the Department of Transportation Act of 1966 associated with constructing a gondola base station, gondola angle station, or cog rail operations and maintenance facility at the location of the current trailhead.

^f S22: Management actions that would result in a scenic integrity level of Unacceptably Low are prohibited in all Landscape Character Themes (USDA Forest Service 2003, page 4-48).

28.4 Environmental Impacts of the Potential Forest Plan Amendments

The potential *Forest Plan* amendments are proposed as project-specific, one-time exceptions to *Forest Plan* requirements. The potential *Forest Plan* amendments would not provide opportunities for future development on NFS lands beyond those developments analyzed in this EIS and approved in the decision. Because the site-specific potential amendments would be applicable only to the S.R. 210 Project and would not establish a precedent for other potential amendments, the amendments are nonsignificant. The environmental impacts of the amendments would be the same as the impacts of each applicable action alternative analyzed in this EIS.

28.5 References

[USDA Forest Service] U.S. Department of Agriculture, Forest Service

- 1995 Agriculture Handbook Number 701, Landscape Aesthetics: A Handbook for Scenery Management.
- 2003 Revised Forest Plan: Wasatch-Cache National Forest. South Jordan, Utah: U.S. Department of Agriculture, Forest Service, Intermountain Region, Uinta-Wasatch-Cache National Forest. <https://www.fs.usda.gov/detailfull/uwcnf/landmanagement/planning/?cid=stelprdb5076923&width=full>.

[USDA Forest Service and FHWA] U.S. Department of Agriculture, Forest Service, and U.S. Department of Transportation, Federal Highway Administration

- 1998 Memorandum of Understanding Between United States Department of Agriculture, Forest Service, and United States Department of Transportation, Federal Highway Administration, Regarding the Appropriation and Transfer of National Forest System Lands for Highway Purposes.