

# APPENDIX C

## Forest Plan Amendment #28

### Project-Specific Exceptions to the Standards and Guidelines

Cart Creek Vegetation Project  
Ashley National Forest  
Vernal and Flaming Gorge Ranger Districts

*Allowing openings greater than 40 acres in size and allowing openings next to areas that have not yet reached an average height sufficient to provide hiding cover for the management indicator species (MIS) using the area (involves clearcuts, patch clearcuts, or overstory removals in insect and disease affected areas within management areas b, f, n, r, and n1 within the project area – see maps in Appendix A).*

The proposed action for this project includes this associated project-specific, non-significant forest plan amendment. The following paragraph is added to our existing 1986 forest plan, ch. IV, section F, in the Vernal Ranger District subsection, pp. IV-72 to IV-78; the Flaming Gorge National Recreation Area subsection, pp. IV-61 to IV-64; and in the Flaming Gorge Ranger District outside NRA subsection, pp. IV-65 to IV-71:

Management areas b, f, n, r, and n1 – an exception occurs in these management areas on the Vernal Ranger District and the Flaming Gorge Ranger District in those areas proposed for clearcuts, patch clearcuts, or overstory removals in the Cart Creek Vegetation Project (see the project maps in Appendix A). Project-specific openings greater than 40 acres in size are permitted and the creation of openings is permitted next to older openings that have not yet regenerated enough to provide hiding cover for the MIS using the area. These exceptions are to facilitate the removal of insect and disease affected trees in the area. This is consistent with the National Forest Management Act (NFMA) and subsequent planning rule provisions that maximum size limits should not be applied to areas harvested as a result of natural catastrophic conditions such as fire or insect and disease attack (16 USC 1604[g][3][F] [iv]; see also 36 CFR 219.11[d][4]).

### How the 2012 Planning Rule Applies to this Project-Specific Plan Amendment

We prepared this project-specific amendment under the current (2012) planning rule (36 CFR part 219), which has different provisions than the 1982 planning rule under which the existing plan was developed. Although the existing plan is not changed (until such time as the ongoing forest plan revision is complete), the exception that this amendment allows (an exception to the current plan's opening size limits) must be evaluated based on the 2012 planning rule.

As explained below, this amendment complies with all the procedural provisions and resource requirements of the 2012 planning rule.

The procedural provisions as related to a project-specific amendment are: using the best available scientific information to inform the planning process (§219.3), providing opportunities for public participation (§219.4), following the plan amendment process (§219.13), and including specific information in a decision document (§219.14). This plan amendment has complied with these procedural provisions by:

- §219.3: utilizing relevant peer-reviewed scientific literature and site-specific data to inform the analysis, including project design criteria and mitigation measures (see resource specialist reports and environmental assessment);
- §219.4: seeking input from 660 potentially interested parties (including online subscribers, representatives of the Northern Ute and Eastern Shoshone tribes, Uintah and Daggett counties, the State of Utah, and the special use and grazing allotment permittees in the area) during a

combined scoping and 30-day comment period on the proposal (see documentation of public participation opportunities in project record);

- §219.13: following the plan amendment process by basing the amendment on a preliminary identified need for change and analyzing the potential effects of the amendment through appropriate National Environmental Policy Act (NEPA) procedures (see project record);
- §219.14: including in the decision document relevant information on rationale, compliance with sustainability requirements, applicability, and effective date of implementation (see decision notice).

We have determined the scope and scale of this amendment based on what is necessary for the project to meet its purpose and need. The proposed action and associated amendment will achieve the purpose of the project, which is to: 1) increase the resilience and adaptive capacity of forested stands; 2) maintain aspen; 3) promote forest health in young stands; 4) reduce future fire severity and intensity; 5) reduce hazard trees; and 6) promote an opportunity for local timber purchasers to harvest the merchantable trees selected for removal in treatment stands. We have considered doing a Forest-wide amendment for these opening size exceptions. However, due to current ongoing forest plan revision and to avoid the need for excessive analysis for possibly only short-term benefit (the draft revised plan changes our standards/guidelines to be consistent with NFMA and Forest Service handbook 1909.12, ch. 60, sec. 64.21 direction), we decided to reduce the amendment scope to the project area only.

We have examined the potential effects of this amendment and have concluded it would not result in effects that are contrary to the substantive requirements of the rule, including: 1) ecological, social, and economic sustainability; 2) diversity of plant and animal communities; 3) ecosystem services and multiple uses; and 4) timber requirements based on NFMA (§219.8 to 219.11). This project-specific plan amendment complies with these requirements by:

- §219.8(a): providing for ecological sustainability including ecosystem integrity; air, soil, and water; and riparian areas as well as incorporating best management practices for water quality (see relevant resource sections in environmental assessment);
- §219.8(b): providing for social and economic sustainability by offering some commercial timber harvest areas as well as other stewardship or service contracts (see description of proposed action in environmental assessment);
- §219.9: maintaining the diversity of plant and animal communities in the plan area (see relevant sections in environmental assessment as well as the aquatics, plants, and terrestrial wildlife reports in the project record);
- §219.10: providing for ecosystem services and multiple uses (see relevant sections in environmental assessment as well as the specialist reports in the project record);
- §219.11: meeting specific NFMA-related limitations on timber harvest:
  - No timber harvest for the purposes of timber production will occur on lands not suited for timber production. See forested vegetation report.
  - Timber harvest will occur only where soil, slope, or other watershed conditions would not be irreversibly damaged. See relevant sections in environmental assessment and applicable specialist reports.
  - Timber harvest will be carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and aesthetic values. See relevant sections in environmental assessment including project design criteria and applicable specialist reports.
  - Timber harvest will comply with NFMA resource protections, including those detailed above. See resource specialist reports and environmental assessment.

- Timber harvest will occur only where there is assurance that such lands can be adequately restocked within 5 years after harvest. See forested vegetation report.
- Timber will be harvested only where the harvesting system is not selected primarily because it will give the greatest dollar return or unit output of timber. Harvest systems were selected to meet the primary objectives of improving forest health, reducing hazardous fuels, increasing public safety, and restoring aspen.
- Timber harvest quantity in this project and all projects on the forest combined is limited to an amount equal to or less than that which could be removed annually in perpetuity on a sustained yield basis (see forest plan).
- Limitations for even-aged harvest:
  - The current planning rule, as did previous rules, states that regional forester approval is required if the maximum size of areas cut in one harvest operation exceeds established size limits (§219.11[d][4]). However, established size limits do not apply to areas harvested as a result of natural catastrophic condition such as fire, insect and disease attack, or windstorm (16 USC 1604[g][3][F][iv]; see also 36 CFR 219.11[d][4]). Since this amendment involves cutting insect or disease affected trees, the size limits do not apply, and therefore no regional forester approval is required. An amendment is still required, however, because these exceptions to opening size limits are not stated in our current forest plan.
  - Clearcutting will be used only where determined to be the optimum method. All stands to be treated with clearcut are composed of primarily lodgepole pine or have a major aspen component. Both species regenerate best under full site exposure. See forested vegetation report.
  - Clearcutting or other even-aged harvest will shape and blend cuts with the natural terrain (as opposed to doing square cut blocks). See project maps and forested vegetation report.
  - The regeneration harvest of even-aged stands is limited to stands that have generally reached the culmination of mean annual increment of growth. All stands to be treated with clearcut have reached the culmination of mean annual increment of growth. See forested vegetation report.

## Conclusion

This project-specific, non-significant amendment is part of the proposed action for the Cart Creek Vegetation Project. The amendment complies with the procedural provisions and resource requirements of the 2012 planning rule as detailed above.