

Ashley National Forest Assessment

Land Ownership and Status, Use, and Access Report

Public Draft

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for:
Ashley National Forest

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Contents

Introduction.....	1
Data Sources and Gaps	1
Data Sources.....	1
Gaps.....	2
Scale of Analysis.....	2
Land Ownership and Land Status	2
Current Conditions and Trends – Land Ownership and Status.....	2
Conveyances.....	2
Acquisitions (Purchases and Donations)	3
Land Exchanges.....	3
Current Conditions and Trends – Land Special Uses	5
Current Conditions and Trends – Access.....	6
Summary	7
Maps.....	9

Tables

Table 1. Acres of land classified by ownership within the Ashley National Forest plan area	2
Table 2. Types of recreation special use authorizations on the Ashley National Forest.....	5
Table 3. Types of lands special use authorizations on the Ashley National Forest.....	6

Figures

Figure 1. Changes in amount of National Forest System lands between 1986 and 2012.....	10
Figure 2. Map showing types of land status withdrawals on the Ashley National Forest.....	11
Figure 3. Locations of certain types of special uses on the Ashley National Forest	12
Figure 4. Types of access into the Ashley National Forest	13

Introduction

This assessment describes how land status, ownership, use, and access patterns influence the forest plan area and how management of the forest plan area may influence land use and access. It assesses public and private ownership, legal restrictions, and public access that may affect management of the Ashley National Forest.

Land ownership and land status are the basic patterns of public and private ownership of both surface and subsurface estates and legal restrictions and permissions on the use of the land. Land ownership and land status includes:

- public domain lands
- acquired lands (and the authority under which they were acquired)
- lands with reserved or outstanding mineral rights
- existing rights of way
- leased lands
- withdrawals of lands from mineral entry or other uses
- Lands in designated areas described in this assessment

Private land inholdings within the boundaries of the national forest are outside of the plan area, but are taken into consideration in the planning process because they influence management of the plan area. In the same respect, management of the national forest plan area may influence conditions on the inholdings.

Land status also refers to planning, zoning, easements, or other legal designations for private lands and formal management status of other public lands (such as national parks, state forests, and local parks).

Land use is the current use of land. Land use can be residential, commercial, industrial, or agricultural use for private lands, and current land allocations and the uses permitted in existing land management plans for Ashley National Forest System or other public lands. Desired land uses under local government authorities may provide important information about how future changes in land use may affect management of the national forest plan area.

Access is the ability to move to, from, or through the plan area by any means. These means include pedestrian access from properties adjacent to the plan area and air access to airstrips in the plan area.

Data Sources and Gaps

Data Sources

- Automated Lands Program System (ALPS)
- Forest Service Natural Resource Manager, Infra Database, Special Use Data System (SUDS)
- Land Status Record System (LSRS)
- Motor Vehicle Use Map
- FS Enterprise Data Warehouse, Ashley National Forest GIS Data
- Landownership Adjustment Data System (LADS)
- Title Claims and Encroachments Management System (TCEMS)

Gaps

- Data on existing rights-of-way for public access to National Forest System lands
- Unsurveyed or unverified land ownership patterns may not be reflected correctly in the current Forest Service Geographic Information System (GIS)

Scale of Analysis

The lands considered in this planning process include the lands located within the Ashley National Forest boundary. For this evaluation, these lands are divided into four distinct areas, which are basically the existing ranger district boundaries, with the Roosevelt-Duchesne South unit being separate from Roosevelt-Duchesne North unit (table 1).

Land Ownership and Land Status

During the planning process, it may be beneficial to consider the current land use management of adjacent lands that border the Ashley National Forest. By considering other land-use management practices, it will aid in good boundary management, Ashley National Forest access, and help prevent encroachment problems. These lands include federal lands such as the Bureau of Land Management and Uinta Wasatch Cache National Forest. They include other lands, such as the Uinta and Ouray Indian Reservation, Utah State land, Wyoming State land, and the local counties surrounding the forest.

There are 22,794 acres of private land scattered within the Ashley National Forest boundary (table 1). Most of these inholdings began as mining claims and homesteads, and the majority are still owned by private individuals. There are 1,720 acres of state trust lands located within the boundary of the Flaming Gorge Unit, but this is the only unit on the Ashley National Forest that contains State trust land.

Table 1. Acres of land classified by ownership within the Ashley National Forest plan area

Area	National Forest System	Private	State
Flaming Gorge	353,928	10,695	1,720
Vernal	341,218	7,428	0
Roosevelt-Duchesne North	500,779	2,295	0
Roosevelt-Duchesne South	204,357	656	0
Ashley National Forest (Totals)	1,400,282	22,794	1,720

Current Conditions and Trends – Land Ownership and Status

Landownership Adjustment and Control: Since implementation of the forest plan in 1986, the following actions have taken place on Ashley National Forest land in relation to land transactions. It should be noted that all but one of the listed conveyances are located outside of the “administrative unit area” for this analysis, as most were administrative buildings located in near-by towns and communities. These conveyances represent actions taken to reduce backlog and cost of maintenance on existing facilities. See figure 1 for a map showing locations of lands acquired, disposed, and lands of other ownerships in the “Maps” section at the end of this document.

Conveyances

The following are conveyances that have occurred on the Ashley National Forest. All but the first listed one have occurred under the authority of the Forest Service Facility Realignment and Enhancement Act.

- Manila Landfill (conveyed under Townsite Act authority) for 7.81 acres, completed 2015
- Roosevelt Office Admin Site for 2.62 acres, completed 2013
- Green River Admin Site for 4.23 acres, completed 2013
- Duchesne Ranger Station for 0.83 acres, completed 2010
- Roosevelt Dwelling #1 for 0.34 acres, completed 2010
- Roosevelt Dwelling #2 for 0.28 acres, completed 2010
- Duchesne Dwelling for 0.43 acres, completed 2010
- Vernal Admin Site for 0.23 acres, completed 2010

The future of Forest Service Facility Realignment and Enhancement Act conveyances is uncertain because the Act's authority expired in September of 2016 and has not yet been renewed. Reauthorization was not approved in the last bill, but it is expected to pass with the next Omnibus Bill or continuing resolution. The Forest Service can continue to work on projects approved for conveyance prior to the Act's expiration. Two conveyance projects were authorized under the Act currently being worked on, the Ashley Way Manila Housing Site and the Stockmore Administration Site.

Acquisitions (Purchases and Donations)

No land purchases or donations have been completed on the Ashley National Forest in the last 30 years. The primary funding source for land acquisitions, the Land and Water Conservation Fund, is at risk because the authority for the 50-year old program expired October 1, 2015. Although the fund was renewed for 3 years, it is unknown whether it will be renewed for the long term.

Land Exchanges

- In 1990, the forest received administrative jurisdiction over 315 acres of Federal land from the Department of Interior, as mitigation for wildlife concerns associated with the Central Utah Project.
- In 1998, the forest received title to 333 acres of surface estate from State of Utah, within the Flaming Gorge National Recreation Area. Also, 7,150 acres of mineral estate was received from the State of Utah in various parts of the national forest. These were acquired as part of the Utah Schools and Lands Exchange Act.
- In 1999, approximately 2,433 acres of Ashley National Forest land in and around the community of Dutch John were transferred to the Department of Interior for eventual sale into private ownership.

To date, there are no major land exchange proposals pending now. Minor land exchanges are likely to occur more frequently and new proposals are evaluated and managed on a case-by-case basis. However, only a limited number of proposals can be processed at a given time due to the lengthy and costly process.

On July 14, 2016 a bill was introduced in the House of Representatives (H.R. 5780), cited as "Utah Public Lands Initiative Act." The purpose is "to provide greater conservation, recreation, economic development, and local management of Federal lands in Utah, and for other purposes." This bill is a locally driven effort to change the management of certain public lands in Utah. This initiative is led by Congressman Rob Bishop and originally involved Duchesne, Uintah, Daggett and Summit Counties. Daggett County withdrew its support in early 2016, and then Summit County withdrew its support in September of 2016. The Act proposes several actions, including a land exchange for the Deer Lodge Summer Home area, new wilderness designations, Ashley Karst National Geologic and Recreation Area, Ashley Spring Conveyance, and watershed management area designations. To date, the bill did not come up for a vote before the last Congressional session closed on December 8, 2016. The bill had one House cosponsor and no Senate sponsor, so is generally considered dead due to lack of support. The bill has

currently been withdrawn from consideration by Congressman Bishop, who plans to amend it before introducing it again in 2017.

Right-of-Way Corridors: The utility corridor management emphasis areas in the current forest plan are generally consistent with the current needs identified by the Western Utility Group, an organization of major western gas, electric, and telecommunications companies. The current forest plan direction identifies energy transportation and utility corridor/window designations, it also identifies areas of exclusion, such as the NRA, that have a statutory prohibition to right-of-ways for linear facilities or corridor/window designations.

There have been three different proposals for large transmission projects that could have an effect on this forest. One of those proposals is the Energy Gateway South project, where a record of decision was issued in December of 2016. This project will cross both public and private land, but will not cross any land on the Ashley National Forest. Another proposal where the Bureau of Land Management in December of 2016, and the Western Area Power Administration in January of 2017, issued their record of decision is for the Transwest Express project. This project shows the selected route as staying south of the Vernal and Roosevelt-Duchesne units and staying north of the Roosevelt-Duchesne South Unit. Although the Transwest Express will not cross Ashley National Forest land, it will cross neighboring national forest land of the Uinta-Wasatch-Cache National Forest. The third proposal, known as the Zephyr project, is still in the beginning stages of determining their possible routes.

Recent increased activity in large transmission projects across the western states show, along with increased interest in communication uses and technologies, the demand for better connectivity is on the rise and is expected to increase.

Easement and Rights-of-Way Acquisitions: The Ashley National Forest has approximately 20 road right-of-way authorizations and easements (an easement conveys a limited interest in land). As a tool, the easements provide public access to forestland through adjoining private, tribal, and Bureau of Land Management-administered public land. To date, there has been little activity in identifying and acquiring more rights-of-way/easements. The need for continued access in the future remains, so the ability to secure additional right-of-way easements may be necessary. This will depend greatly on the land owners desire to cooperate with the forest and grant the access desired to provide the public with continued opportunities to access the national forest.

Surveys of the Ashley National Forest: National forest boundary line location surveys are completed annually on different portions of the boundary. Most of the Ashley National Forest boundary has been established and posted. However, much of the boundary line needs refurbishment, and in some cases, resurveyed. Additional boundary line surveys are needed in the next decade and should include any inholding land that has not yet been surveyed and marked. Continued development adjacent to the national forest boundary will require periodic maintenance of posted boundary to identify encroachments and trespasses. There are currently eight encroachment cases documented on the Ashley National Forest in the Title Claims and Encroachments Management System database.

Communication Sites: There are five communication sites on Ashley National Forest. The sites provide service to the public through leases to companies, state agencies, and others for communication facilities. Inquiries concerning new uses on existing sites are increasing. Requests for use of existing communication sites by public users appear to be increasing. Ashley National Forest currently has limited ability to accommodate additional uses at existing sites due to limited capacity. Cellular technology has increasingly developed and the need for additional or expanded facilities is likely. Communication site plans are essential to the planning and management of a site, yet only one of the five sites has a management plan in place.

Land Status Withdrawals: The term “withdrawal” as described in the Federal Land Policy and Management Act of 1976 means withholding an area of Federal land from settlement, sale, location, or entry, under some or all of the general land laws, for the purpose of limiting activities under those laws to maintain other public values in the area or reserving the area for a particular public purpose or program; or transferring jurisdiction over an area of Federal land, other than “property” governed by the Federal Property and Administrative Services Act, as amended (40 U.S.C. 472) from one department, bureau or agency to another department, bureau or agency.

Prior to the passage of the Act, withdrawals generally took the form of an executive order, public land order, or a Secretarial decision. These executive actions, once published in the Federal Register, segregated the affected Federal land from mineral entry or location under the General Mining Act of 1872.

Since approval of the forest plan in 1986, six withdrawals have been revoked and one partially revoked within the national forest. Roughly 12,000 acres remain withdrawn for various and sundry administrative purposes, including improved campgrounds, caves, reservoirs, and special geological areas. There are currently no withdrawal requests pending and the Ashley National Forest does not anticipate any requests in the near future. Refer to figure 2 in the “Maps” section at the end of this document for a map showing locations of withdrawals across the Ashley National Forest.

Current Conditions and Trends – Land Special Uses

Recreation special use authorizations include recreation residences, resorts, marinas, outfitter and guide services, and temporary events. There are currently 125 recreation special use authorizations issued on the forest (table 2). Requests for and interest in recreation special use authorizations is increasing and expected to continue. This increase is primarily for temporary events such as fishing derbies.

The Ashley National Forest processes and administers lands special use authorizations for a variety of uses. These uses range from roads, powerlines, canals, and water pipelines, to small dams and reservoirs. There are currently 146 lands special use authorizations issued on the national forest (table 3). Requests for and interest in these types of authorizations are increasing primarily in the utility areas such as power, oil and gas, fiber optic and cellular. To date, the Ashley National Forest has not received any requests for authorizations in relation to renewable energy for wind or solar power, but some interest has been shown in the development of hydropower projects. Please refer to the following map for land use types and locations. See figure 3 in the “Maps” section at the end of this document for locations of special use authorizations on the Ashley National Forest.

Table 2. Types of recreation special use authorizations on the Ashley National Forest

Recreation Special Uses	Flaming Gorge	Vernal	Duchesne-Roosevelt North	Duchesne-Roosevelt South	Ashley National Forest Total
Privately Owned Improvements Recreation Residences	10	40	8	0	58
Privately Owned Resorts	2	0	2	0	4
Marinas	3	0	0	0	3
Government Owned Improvements - Concessions	2	0	0	0	2
Concessions rental service	1	0	0	0	1
Concessions outfitter guide	20	1	10	0	31
Temporary events (number varies yearly)	21	5	0	0	26
Total Recreation Special Uses	59	46	20	0	125

Table 3. Types of lands special use authorizations on the Ashley National Forest

Lands Special Uses	Flaming Gorge	Vernal	Duchesne-Roosevelt North	Duchesne-Roosevelt South	Ashley National Forest Total
Agricultural and agricultural improvements	2	0	0	0	2
Research	3	0	0	0	3
Cultural resource and treasure trove uses	0	0	0	1	1
Storage	1	0	0	0	1
Oil and gas development	3	1	0	0	4
Energy generation and transmission (FERC)	0	0	2	0	2
Electric transmission and distribution	8	2	5	1	16
Federal aid highway right-of-way	5	0	0	3	8
Road or trail authorization	12	0	5	1	18
Communications, communication use	5	5	1	0	11
Other communication uses (Snotel/Seismic)	1	0	5	1	7
Telephone	4	1	5	0	10
Canals	5	6	6	0	17
Canals under ditch bill easements	8	6	8	0	22
Dams, reservoirs	5	3	3	0	11
Dams, reservoirs under ditch bill easement	0	2	0	0	2
Water developments and measure (gauging station)	3	3	5	0	11
Total lands special uses	65	29	45	7	146

Current Conditions and Trends – Access

The Ashley National Forest is accessed by a number of primary and secondary roads (see figure 4 in the “Maps” section). These roads include Utah and Wyoming State Highways, as well as numerous county roads, tribal roads, and National Forest System roads. Highway 191 and State Highway 44 are scenic byways, running through the Vernal and Flaming Gorge Ranger Districts. The roads provide access to several Ashley National Forest system roads and trails and are the main access to the National Recreation Area. Ashley National Forest system roads and a Scenic Backway provide access to the north slope of the Uinta Mountains. A scenic backway, county roads, and tribal roads provide access to the many canyons along the south slope of the Uinta Mountains within the Vernal and Duchesne-Roosevelt Ranger Districts. The Duchesne South unit can be accessed from Highway 191, which is a scenic byway, or from Reservation Ridge, which is a scenic backway, or a number of National Forest System, tribal or county roads. More in depth information on the Ashley National Forests scenic byways and backways can be found in the Recreation assessment report.

In 2009, the Ashley National Forest published the record of decision for the Motorized Travel Plan. This plan documents the selection of roads, motorized vehicle trails and areas to be designated for public motor vehicle use on the Ashley National Forest. In 2015, Subpart A, Travel Analysis Report, was completed by the Ashley National Forest. The purpose was to determine and identify the existing Ashley National Forest routes that will likely be needed, as well as the routes that will likely not be needed, for

future management purposes. Subpart A is available for review on the Ashley National Forest website, which will show the results from the analysis and be used for future planning. The decision from the 2009 Motorized Travel Plan will be incorporated into the new Ashley forest plan. Motorized travel will not be readdressed during forest plan revision.

A portion of the Duchesne-Roosevelt South Unit is currently under lease for oil and gas development and production as authorized by a Forest Service leasing decision in 1997. Some lease development occurred prior to 2012, including construction of well pads and new access roads. A programmatic development EIS and decision were released in 2012, for development of oil and gas leases controlled by Berry Petroleum. This 2012 decision allows for construction of up to 57 miles of new access roads, and the use and upgrade of 20 miles of existing forest system roads, in addition to various other developments. The new access roads are specifically for oil and gas development, and are not open for public use. Some of these access roads have been constructed, but construction of new access roads is currently on-hold due to low prices for crude oil. Development of additional access roads might occur if oil prices increased in the future.

The Ashley National Forest shares boundaries with the Uinta-Wasatch-Cache National Forest, the Bureau of Land Management, and the Uintah and Ouray Indian Reservation. Boundaries are also shared with the State of Utah, the State of Wyoming and private lands. The boundaries shared with other Federal and State agencies provide opportunities to collaborate on access management. Refer to the following map on motorized access.

Summary

- The Ashley National Forest will continue to follow forest plan guidelines when issuing special use permits, for a variety of uses, on Ashley National Forest land. Current forest plan direction states special use permit applications will be evaluated using the following criteria:
 - ◆ There is a demonstrated public need.
 - ◆ National Forest resources and programs will not be unacceptably damaged or impaired.
 - ◆ Private land is not available to accommodate the use.
- Our shared boundary with other federal, state, and local landowners provides us with opportunities, as well as challenges, for collaboration on land use and access.
- The current forest plan goal is to increase public benefits and utilization through more efficient land use administration. The Ashley National Forest will continue to work with the public to resolve access and land use issues.
- There is currently a bill in congress, the “Utah Public Lands Initiative” proposed by Congressman Rob Bishop. If passed, the bill would change many aspects of land management. This would affect Ashley National Forest land within Duchesne, Uintah, and Summit Counties.
- There seems to be an increased demand for local communication uses, including small communities needing more connectivity and better quality service. This will likely increase the demand for more communication facilities on the Ashley National Forest and possibly more utility corridors for power and fiber optic across the national forest.
- Current forest plan direction states that future energy transmission corridors will be in conformance with the Corridor Plan (Appendix H) of the forest plan environmental impact statement. Recent increased activity in large transmission projects across the western states show the possibility of increased interest and need.

- Current forest plan direction states the need to program to accomplish land exchange and purchase opportunities with State and private landowners. The Ashley National Forest will continue to look for opportunities to acquire land through purchase or donation, convey out administrative properties to reduce the backlog of building maintenance, and pursue land exchange proposals when in the public interest.

Maps

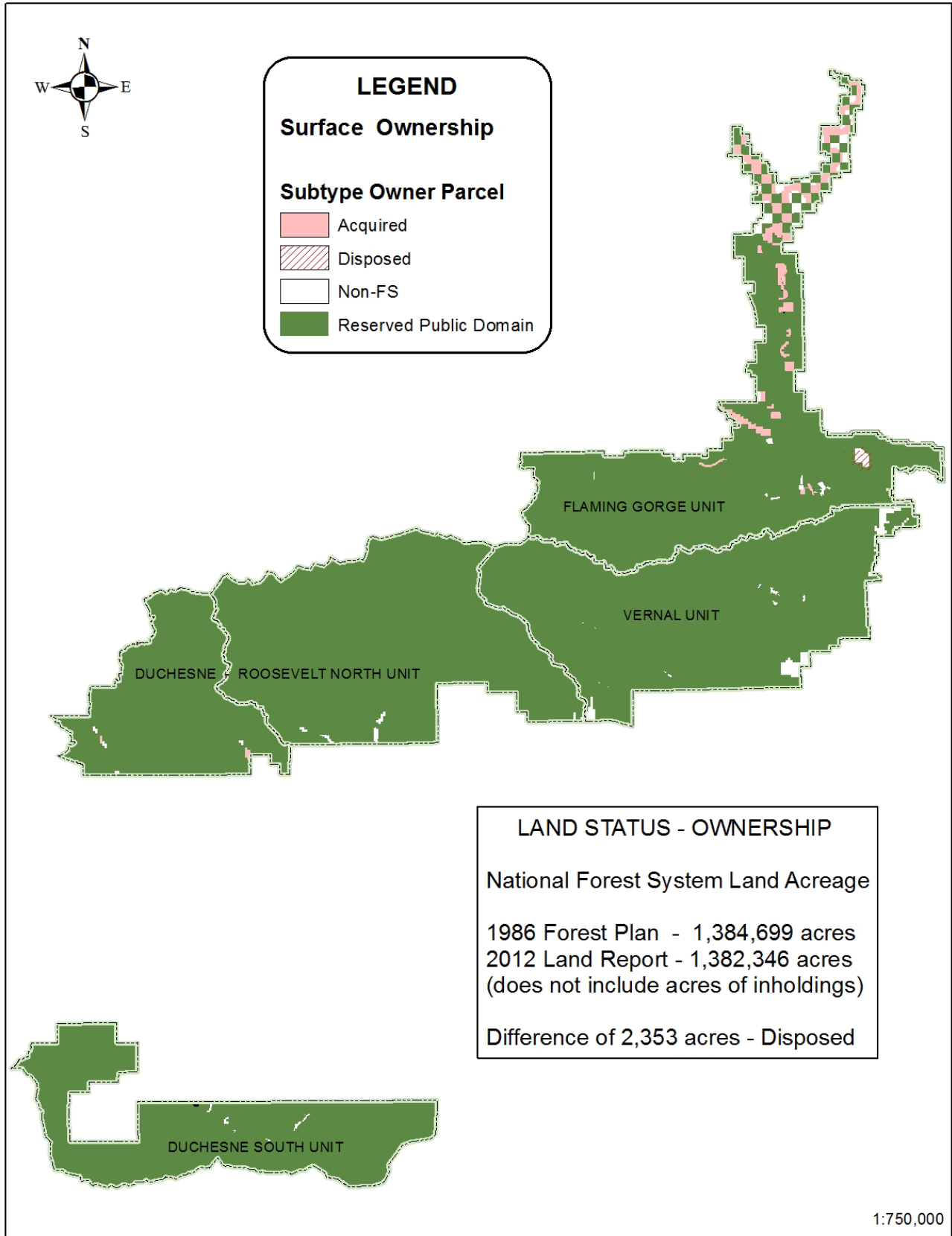


Figure 1. Changes in amount of National Forest System lands between 1986 and 2012

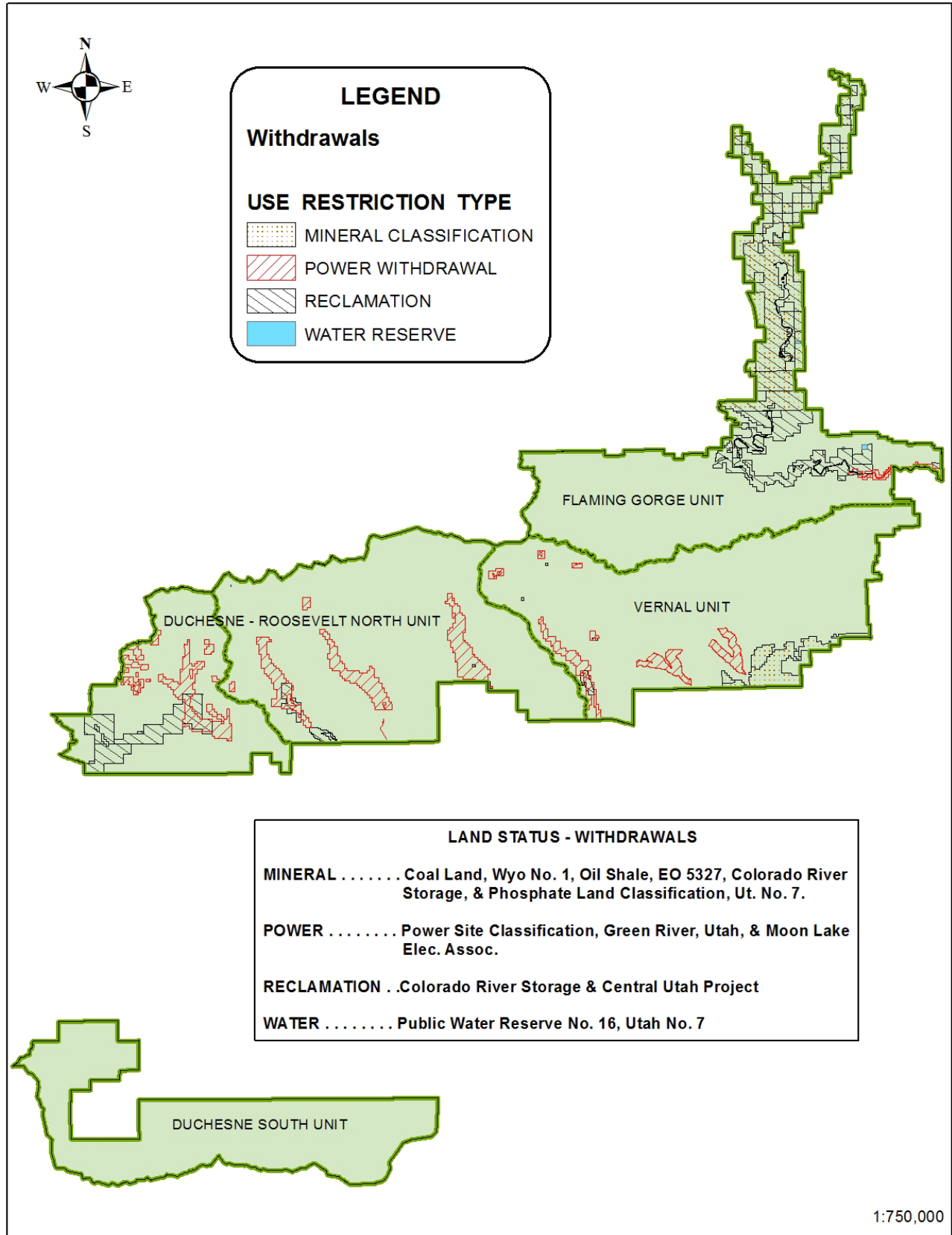


Figure 2. Map showing types of land status withdrawals on the Ashley National Forest

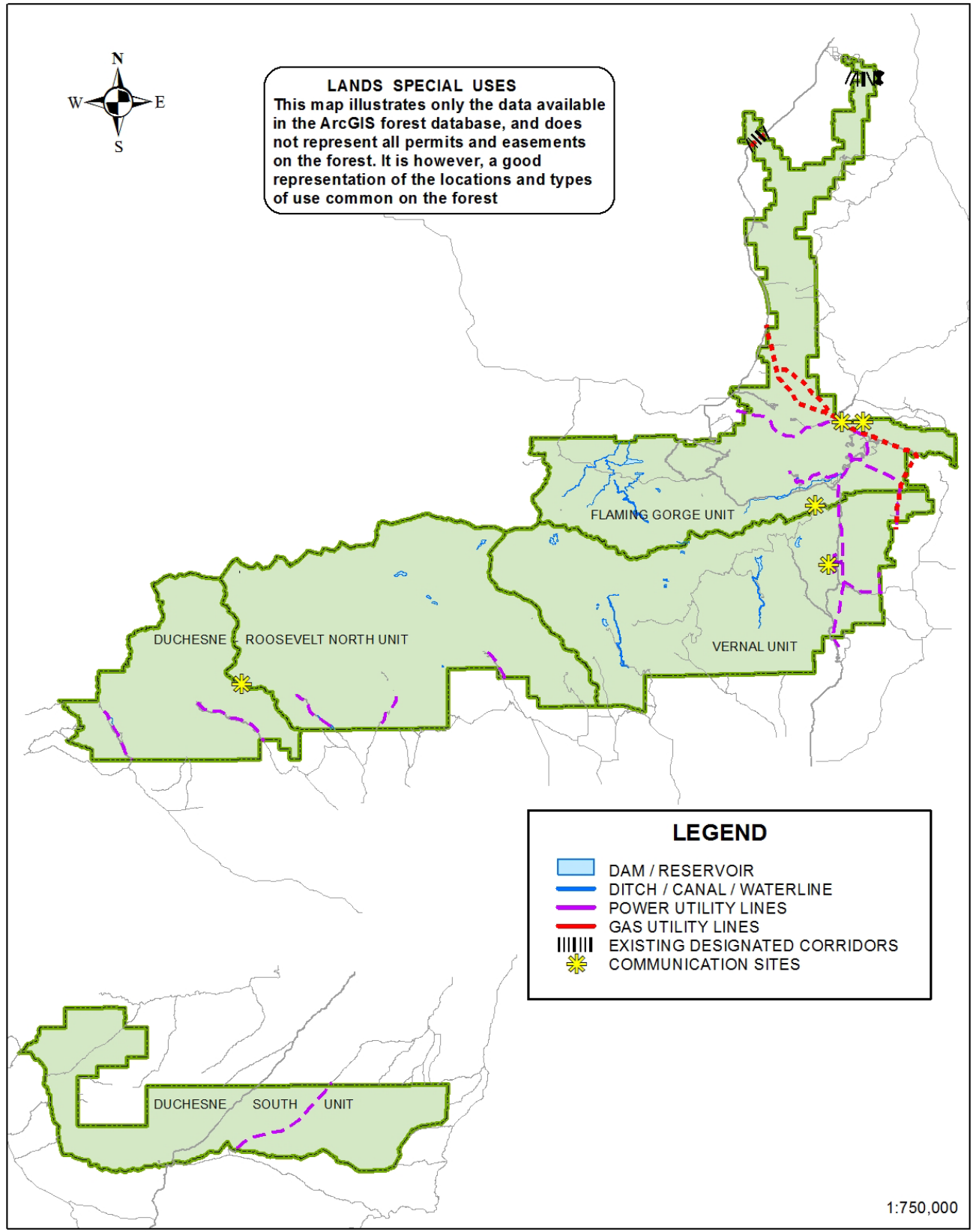


Figure 3. Locations of certain types of special uses on the Ashley National Forest

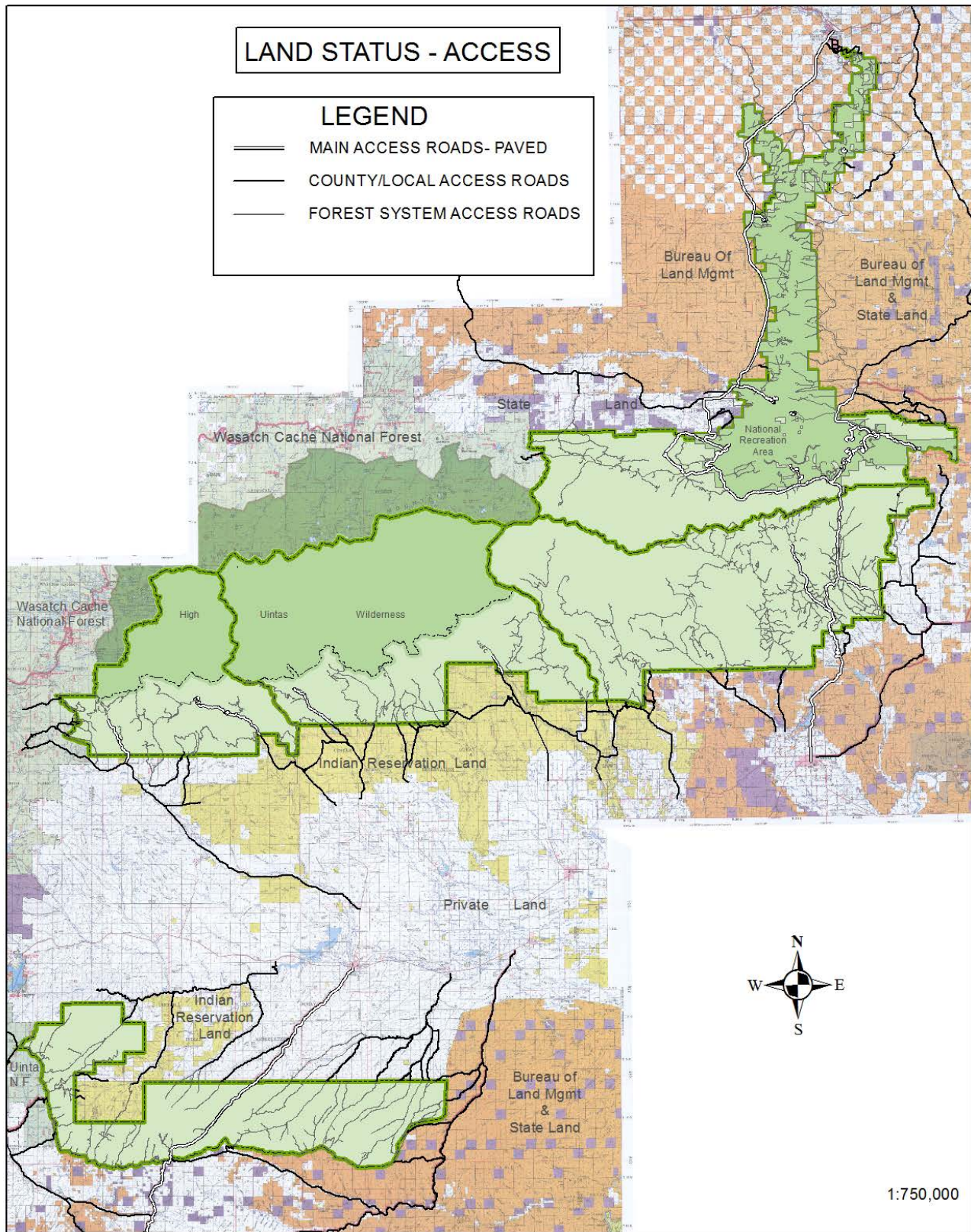


Figure 4. Types of access into the Ashley National Forest