



United States
Department of
Agriculture

Forest
Service

August 2003



Decision Notice

Pine Valley Fuel Break Environmental Assessment

Includes Appendix A – Responses to Public Comments

Dixie National Forest
Pine Valley Ranger District
Washington County, Utah

For Information Contact: Cyndi Sidles
Pine Valley Ranger District
435.652.3172

<http://www.r5.fs.fed.us/dxnf/HealthyForest/index.htm>

Decision and Reasons for the Decision

Background

This notice documents the decision for the Pine Valley Fuel Break project on the Pine Valley Ranger District of the Dixie National Forest. This project proposes to reduce the fuel hazards around the communities of Pine Valley and Central where the risk for damage from wildland fire is high. The purpose of these treatments is to immediately change fire behavior around these communities. The specific project needs are reduced fuel heights, reduced fuel loads, and increased fuel spacing. The end result will be an increase in fire suppression effectiveness, public and firefighter safety, and a reduced possibility of damage to structures in these communities. The environmental assessment (EA) documents the analysis of the proposed alternative to meet this need.

This project is also one of the Forest Service demonstration projects for the President's Healthy Forests Initiative for Wildfire Prevention and Stronger Communities. This initiative calls for administrative improvements to ensure more timely decisions, greater efficiency, and better results in projects that reduce the risk of damage from wildland fires and restore forest health.

Decision Framework

Given the project's purpose and need¹, my decision will address the following questions:

1. Will my decision provide for public health and safety related to wildland fire?
2. Will my decision provide for firefighter safety?
3. Will my decision reduce fire behavior through fuels reduction in the wildland urban interface areas of Central and Pine Valley?
4. Will my decision protect the Mexican spotted owl?
5. Will my decision protect the Pine Valley goldenbush?

Decision

Based upon my review of the EA and Finding of No Significant Impact, and in accordance with the direction in the Final Environmental Impact Statement and the Forest Land and Resources Management Plan, as amended, it is my decision to implement the Proposed Action². The Proposed Action will construct two shaded fuel breaks on approximately 516 acres around the communities of Pine Valley and Central.

Reasons for My Decision

My decision to implement the Proposed Action is based on its effectiveness in changing fire behavior around the communities of Pine Valley and Central. This change in fire behavior, and the existing fuel conditions, in turn, provides for public and firefighter safety immediately surrounding those communities. The constructed fuel breaks will reduce fuel heights, increase fuel spacing, and reduce fuel loads, allowing improved ability to protect structures and other values at risk.

¹ EA, pages 1-5.

² The Proposed Action is described in detail on pages 5-7 of the EA.

The proposed action³ in my judgment:

- Considerably improves public health and safety related to wildland fire and firefighter safety.⁴
- Reduces fire behavior by removing fuels. Removing overgrown vegetation and increasing the spacing between individual trees and shrubs will reduce the potential for fires to move into or through the wildland urban interface⁵.
- May disturb the Mexican Spotted Owl, in the short-term, but the proposed action is not likely to adversely affect the owl⁶.
- Does not contribute to a trend toward federal listing or cause a loss of viability to the Pine Valley goldenbush⁷. Potential impacts to the plant have been eliminated with design criteria #2⁸.

Other Alternatives Considered

No significant issues or unresolved conflicts concerning alternative uses of available resources warranting consideration of additional alternatives were identified.⁹

No Action

This alternative would continue the present management situation. No fuel breaks would be constructed at this time.¹⁰ The treatment areas would remain in dense pinyon-juniper, brush, and some coniferous vegetation immediately adjacent to the communities of Pine Valley and Central.¹¹

If no action were taken, current management plans would continue to guide management of the project area. Taking no action would result in the fuels continuing to accumulate and remaining in a highly volatile state adjacent to Pine Valley and Central. The probability of human-caused wildland fire ignitions is not expected to change significantly in the near future. The result could be catastrophic to these communities.¹²

Public Involvement

This project was first identified to the public in the 2001 3rd quarter issue of the Dixie National Forest Schedule of Proposed Actions (SOPA). Updates followed in every quarterly issue that followed. The Dixie National Forest has worked with both communities on their Community Fire Plans. Although completely community-run, the Forest Service provides technical assistance. This work is on going. On October 8, 2002, letters were sent to interested public and other agencies requesting comments on the proposed action. Nineteen comment letters were received and most respondents supported the project. In addition, as part of the public involvement process, the Forest Service held Open Houses in Central and Pine Valley on October 22 and 23 respectively. Although no significant issues were

³ EA, pages 5-13

⁴ EA, page 8

⁵ Fire and Fuels report, pages 12-15

⁶ EA, page 9-10

⁷ EA, page 13

⁸ EA, page 6-7

⁹ EA, page 7

¹⁰ EA, page 5

¹¹ EA, page 1-2

¹² EA, pages 2 and 4.

identified, several public comments were incorporated into either the proposed action or the design criteria.

The EA and Finding of No Significant Impact (FONSI)¹³ were completed and distributed on May 23, 2003. A legal notice was published in the Spectrum on May 28, 2003. Nineteen comment letters were received. Responses to the comments received can be found in Appendix A – Responses to Public Comments, included as an attachment to this Decision Notice

Findings Required by Other Laws and Regulations

This project was designed in conformance with the Dixie National Forest Land and Resource Management Plan's (Forest Plan) standards and guidelines.¹⁴ As such, my decision to proceed with the Proposed Action is consistent with the Forest Plan and the National Forest Management Act.

Implementation and Appeal Opportunities

This decision is subject to appeal in accordance with 36 CFR 215.7 by those who commented or otherwise expressed interest in this proposal prior to the close of the 30-day comment period. Written notice of appeal of this decision must be fully consistent with 36 CFR 215.14 "Content of an Appeal":

- A) It is the appellant's responsibility to provide sufficient project- or activity specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed (paragraph (b)(6-9).
- B) The appeal must be filed with the Appeal Deciding Officer Sec. 215.8 in writing. At a minimum, an appeal must include the following:
 - 1. Appellant's name and address (Sec. 215.2), with a telephone number, if available;
 - 2. Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
 - 3. When multiple names are listed on an appeal, identification of the lead appellant (Sec. 215.2) and verification of the identity of the lead appellant upon request;
 - 4. The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
 - 5. The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251, subpart C (Sec. 215.11(d));
 - 6. Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
 - 7. Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
 - 8. Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
 - 9. How the appellant believes the decision specifically violates law, regulation, or policy.

¹³ Both documents are available on the Internet at <http://www.fs.fed.us/dxnf/HealthyForest/index.htm>

¹⁴ Dated September 2, 1986, as amended.

C) The Appeal Deciding Officer shall not process an appeal when one or more of the following applies:

1. An appellant's identity is not provided or cannot be determined from the signature (written or electronically scanned) and a reasonable means of contact is not provided.
2. The appellant has not provided a reasonable means of contact.
3. The decision cannot be identified.
4. The appeal is illegible for any reason, including those submitted electronically in a format different from that specified in
5. The legal notice.

The written notice of appeal must be postmarked and submitted to: USDA-Forest Service, Intermountain Region, Attn: Appeals Deciding Officer, 324 25th Street, Ogden, UT 84401, within 45 days of the date of legal notice of this decision in the Spectrum.

If no appeal is received, implementation of this decision may occur on, but not before, five business days from the close of the appeal period. If an appeal is received, implementation may not occur for 15 days after the disposition of the appeal.

Implementation of this decision is expected to begin in the fall of 2003.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Cyndi Sidles, Pine Valley Ranger District, 196 E. Tabernacle, Room 40, St. George, UT 84770 or at 435.652.3172.

_____/s/ Bevan Killpack
BEVAN KILLPACK
District Ranger
Pine Valley Ranger District

08/12/2003
Date

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