

**Decision Notice
and
Finding of No Significant Impact
(FONSI)**

**Cedar Springs-Deer Run-Mustang Ridge Campgrounds
Fuels Reduction Project**

**USDA Forest Service
Ashley National Forest
Flaming Gorge Ranger District
Daggett County, Utah**

General Location

The Cedar Springs-Deer Run-Mustang Ridge Campgrounds project area is located approximately three miles west of Dutch John, Utah within: T2N, R22E, Sec. 8, 9, 16, 17 and 21, SLM.

INTRODUCTION

The Environmental Assessment (EA) for the Cedar Springs-Deer Run-Mustang Ridge Campgrounds Fuels Reduction Project has been prepared pursuant to the requirements of the National Environmental Policy Act (NEPA – 40 CFR 1500-1508), the National Forest Management Act (NFMA – 36 CFR 219), and the 1986 Ashley National Forest Land and Resource Management Plan (Forest Plan).

The EA documents the analysis of a “no action” alternative (Alternative 1) and one action alternative (Alternative 2) designed to meet the purpose and need for the project. Responses to public comments received on the proposed action are included in the project record (Response to Public Comments).

PURPOSE AND NEED

The purpose of this project is to reduce hazardous fuels within the Wildland Urban Interface (WUI) of the Cedar Springs, Deer Run and Mustang Ridge Campgrounds and marina areas.

The 2002 Mustang Fire showed that under extreme weather and fuel conditions fire could, and did become severe and fast moving, causing significant damage to public property and putting the public at risk of injury. This fire spread rapidly through the dense and continuous crowns of pinyon-juniper trees similar to those around the Cedar Springs, Deer Run and Mustang Ridge Campgrounds and boat launch areas (Gamble 2007). Once fire gets into pinyon-juniper crowns and begins to spread, the fire becomes more intense, moves faster and becomes unmanageable. This kind of a fire puts the public, firefighters, and public and private property at most risk.

Reducing the amount of pinyon-juniper fuels and their continuity would reduce the potential for crown dominated fires. Resulting ground fires, while still a very serious threat to public and firefighter safety and to loss of property, are less intense and may move slower, allowing for an increased opportunity for suppression and evacuations if necessary. Consequently, reducing the amount of pinyon-juniper fuels and their continuity around these campgrounds would reduce the potential for a severe and fast moving crown fire to cause physical injury or property damage. It would also allow more time for visitors to evacuate the campgrounds and marinas, more time for fire suppression activities and it may allow for additional suppression tactics to be utilized.

During the analysis in July of 2008 pinyon Engraver beetles or *Ips* beetles (*Ips confusus*) were discovered within a small pocket of pinyon pines just east of the Mustang Campground and within individual pines scattered throughout the Mustang Campground area (Webb 2009). This infestation caused the mortality of the small pocket of pinyon trees. The dead and dying trees were immediately removed to prevent the *Ips* beetle from spreading and causing additional pinyon tree mortality. Additional pockets of *Ips* beetle mortality were also discovered later in 2008 approximately two miles to the northeast and northwest of this area, indicating that susceptible stands of pinyon trees are present within and adjacent to the project area (Webb 2009). Infestations of *Ips* beetles can kill their host pinyon pine trees if attacked in mass as was the case with these infestations.

Ips beetles use the host trees to create additional life cycles (3-4 per year) that attack adjacent pinyon trees, also potentially causing their mortality. If enough *Ips* beetles attack then mortality can occur to single trees or to numerous trees over the entire landscape, especially if pinyon trees are weakened by biotic stresses caused by other insects and/or disease, and/or abiotic factors such as extended periods of drought which is currently the case. Higher stand densities similar to those that exist within the project area can also contribute to between-tree competition as trees compete for available moisture, light and other nutrients. This can result in additional stress on individual trees and also weakens the tree's defenses to *Ips* beetle attacks.

Any *Ips* beetle mortality, especially that which may occur over an entire landscape, increases hazardous fuels and the potential for crown dominated fires, especially during the first several years during the red-needle stage. Scenic and recreational values of the project area would also be diminished. Consequently, improving forest health by reducing the potential for *Ips* beetle caused pinyon mortality would help to reduce fuels and the potential for crown dominated fires. It would also help to maintain the existing

recreational and scenic values of the Cedar Springs, Deer Run and Mustang Ridge Campgrounds and the Cedar Springs Marina.

DECISION

I have reviewed the analysis documented in the EA for the Cedar Springs-Deer Run-Mustang Ridge Campgrounds Fuels Reduction Project, the project record in its entirety, the public comments to the project and the Response to Public Comments. I have also discussed the project's anticipated effects with members of the interdisciplinary team and the public. As a result, I have decided to implement the Proposed Action or Alternative 2 as described in the EA beginning on page 9 and as displayed in the maps on the following two pages.

The specifics of Alternative 2 are listed below:

Hazardous fuels within and around these campgrounds and marinas will be reduced to reduce the risk of severe and fast moving fires to cause public injury and property damage. The following specific actions and/or mitigation measures will be implemented:

1. Reduce the density and continuity of pinyon-juniper fuels by removing a portion of the trees within approximately 345 acres near the Cedar Springs and Deer Run Campgrounds and approximately 199 acres near the Mustang Ridge Campground areas (refer to maps on pages 3 and 4). Trees will be removed or cut down by chainsaw or mechanical methods using heavy equipment (snipper/buncher, track hoe bucket and thumb, mulching or shredding heads, etc.) on slopes less than 35% (Oprandy 2007). Treatments may begin in 2009 and will be timed to reduce *Ips* beetle breeding habitat (Webb 2007) and to minimize effects to campground/marina visitors and wildlife. Three separate levels of treatment will be used and are described below:
 - **Primary Treatment units...** trees will be removed to create a mosaic of tree densities and patterns... reducing pinyon-juniper tree density to a five to 30 foot spacing (tree canopy to tree canopy), creating openings of various sizes, and leaving untreated areas. A minimum tree spacing of five feet, along with creating a mosaic of treated and untreated areas will be used to maintain visual objectives. A larger spacing of up to 30 feet will be used to reduce the amount and continuity of fuels. Pinyon trees with visible signs of stress from insect, disease, high density or other damage will be removed to achieve both a reduction in the amount and continuity of fuels and to reduce the risk of increased incidence of the *Ips* beetle. The strategic location of these units will also provide a fuels break for fires approaching campground areas.

Cedar Springs Map

Mustang Map

This treatment will occur on approximately 96 acres (Units 1-4) within the Cedar Springs-Deer Run area and 51 acres (Units 5 and 6) within the Mustang Ridge area.

- **Pinyon Juniper (P/J) regeneration units...**Areas where pinyon-juniper trees have been previously removed to promote wildlife habitat values may have all or most regenerating (young) pinyon juniper trees removed. This treatment will occur on approximately 35 acres (Units 7-10) within the Cedar Springs-Deer Run area and 5 acres (Units 11-13) within the Mustang Ridge area (refer to maps on pages 4 and 5). These treatments will help to maintain wildlife habitat and forage values and will also continue to be effective as a fuels break for fire approaching campground areas.
 - **All other areas...**Within the remainder of the project area (approximately 357 acres), including the campgrounds themselves, dead and dying trees would be removed with the exception of dead trees retained for wildlife. Some adjacent live trees may also be removed so that any slash burning does not scorch adjacent trees. There would be no slash piling or burning within the campgrounds. The amount of dead and dying trees currently on site is minor but this could change if *Ips* beetle caused pinyon pine mortality is experienced. If *Ips* beetles become established additional measures would be taken to prevent any substantial pinyon pine mortality from occurring. This would include, in addition to the removal of dead and dying trees, the removal of pinyon trees weakened by biotic stresses caused by insects and/or disease and the removal of pinyon trees where higher stand densities contribute to between-tree competition or stressed trees...resulting in the removal of up to 17 pinyon trees per acre in the overstory of the Cedar-Deer Run area and 30 pinyon trees in the overstory of the Mustang area, an approximate 12-20% removal of the overstory.
2. Reduce the risk of increased incidence of *Ips* beetle by limiting any pinyon pine slash generation to after August 1 of each year with a slash treatment prior to the next spring before beetles fly.
 3. No tree cutting, piling or burning will occur on weekends or holidays. For chain saw cutting in Unit 3 where it is adjacent to the Deer Run Campground an additional restriction of only working from 8:00 AM through 6:00PM will be implemented.
 4. On going surveys are being conducted for the Northern Goshawk. If goshawks are located in the project area, the guidelines of the Goshawk Strategy and the Forest Plan Amendment for the Utah Northern Goshawk (Probasco 2007a)

5. Where possible, treatments should be conducted in fall after the breeding season for migratory birds.
6. Where possible, retain large trees, standing dead trees, and trees containing cavities, especially near the edges of clearings.
7. Maintain and promote the esthetic and wildlife values associated with Ponderosa pine within the area by removing pinyon-juniper from up to 30 feet around individual Ponderosa pine trees or stands. Ponderosa pine is currently scarce within the project area.
8. Seed disturbed areas immediately following tree removal as necessary to protect the soil and to prevent cheatgrass or other invasive plant species from becoming established or expanding. Reseed burn pile sites where slash has been piled and subsequently burned. In both cases the seed mix will contain a mixture of both natives and non-natives to best ensure seed germination, soil protection and competition to cheat grass and other invasive species (Goodrich 2007a).
9. Approximately five tons/acre of slash (remaining coarse woody debris of ≥ 3 " and vegetative materials following cutting) would be left following treatments to promote soil productivity, improve seed germination and for soil retention (Gamble 2007; Webb 2007; Oprandy 2007). Preferred slash species would be juniper to reduce potential of *Ips* infestation. Amounts in excess of that would be treated within the time frame identified in #2 above to mitigate *Ips* beetle population increases. Specific slash treatments may include:
 - piled and burned on site within created openings on as flat of terrain as possible and/or removed and disposed of elsewhere (may be used for other projects, and/or transported to a location near the Cedar Springs Sewage Lagoons and burned),
 - juniper slash, or sufficiently dried pinyon slash, made available for use as campground firewood (cut small enough to fit in campground fire pits),
 - juniper slash chipped and spread on site to promote soil productivity and improve seed germination, and/or
 - juniper slash left as wildlife habitat.

However, slash piling and burning would be the primary treatment. Slash piles containing pinyon would be burned within the time frame identified in #2 above. Slash piles containing only juniper or pinyon slash unsuitable for propagating *Ips* beetles may be left on site to dry for approximately one year or less before they are burned (and if necessary, re-piled and burned again to get a desired level of slash consumption). Any remaining slash would be mechanically spread out and the pile site prepared for seeding (disked or

roughened to improve seed germination). All burning would be conducted during the winter or spring and meet Utah Smoke Management Plan direction.

10. Protect Cultural Resources within the project area. Cultural Resource surveys of the project areas indicate that approximately 55.2 acres need special protection (Elliott 2007). Where these resources fall within areas where only dead and dying trees will be removed, no treatments will occur. Where cultural resources fall within the Primary Treatment or P/J regeneration units only hand treatments using chainsaws or brush cutters will occur (no mechanical removal using heavy equipment, no slash dragging and no slash piling). If *Ips* beetle infestations occur within the 55.2 acres needing special protection then Ashley Heritage personnel will determine on a case by case basis how best to protect cultural resources and still minimize the potential for further *Ips* beetle caused tree damage or mortality. If additional cultural resources are identified during project implementation these resources will also be protected.
11. Exclude heavy equipment from the immediate vicinity of Cedar Springs and within 50 feet of the project area's three intermittent/ephemeral watercourses and within 300 feet of the reservoir (Conroy/Plunkett 2007).
12. Reduce fuels from around FS permanent structures (restrooms, fish cleaning stations, visitor booths, pavilion, etc.) (Gamble 2007). Require Special Use permittees to also remove fuels from around special use facilities and structures. Trees may be limbed from the ground four feet up to achieve this effect. Continue to upgrade permanent facilities to reduce their ignition potential.
13. Improve existing escape routes within campground and marina areas in case of fire (Gamble 2007). Routes should be designated and understood by Forest Service and concessionaire/campground host personnel.
14. Thinning prescriptions should maintain scenic values and should appear natural after slash disposal or burning and site revegetation (Hanchett 2006). This is expected to take approximately three to five years. Stumps should be flush cut and smooth within 300' of campground roads to prevent public injury and to reduce stump visibility. Elsewhere, stumps should cut to minimize visibility. Openings should be blended into forested areas with irregular edges; straight edges along previous openings or utility corridors should be modified by eliminating straight edges where possible. A Recreational Specialist should be on site to direct thinning operations near developed recreation sites to minimize visual impacts. Thinning around campgrounds should be minimal to maintain privacy and a noise buffer, especially in areas between campgrounds and roads (Highfill 2007).

DECISION RATIONALE

I selected the Proposed Action or Alternative 2 because I believe it best reduces the potential for a severe and fast moving crown fire to cause physical injury or property damage. It is most important to me that forest visitors have the safest possible recreational experience. The safety of special use permittees, forest workers and others that might be involved in fire suppression activities is also important to me. I believe the implementation of this alternative provides for an increased level of safety for all.

I also believe that promptly reacting to any Ips beetle infestations, and if necessary, taking the proactive steps described of removing stressed trees predisposed to Ips beetle infestation will not only maintain the recreational and visual values of the project area, but it will also help to reduce the potential for a severe and fast moving crown fire to cause physical injury or property damage, especially during the first several years during the red-needle stage.

I believe the specific actions and/or mitigation measures described above (#1-14) will minimize any negative effects of my decision, especially to the recreational and visual values of the area.

In making this decision I want to emphasize that I recognize the importance of the esthetic and recreational values of the area to forest visitors and to the Cedar Springs Marina Special Use Permittees. I do not expect this project to be similar to the previous wildlife enhancement projects that generated so much concern. I expect that while there will be some short term effects during project implementation, the recreational and visual values of the project area will be maintained in the long term.

OTHER ALTERNATIVES CONSIDERED

In addition to the selected alternative, I considered one other alternative in detail, the No Action Alternative beginning of page 9 of the EA. Under the No Action Alternative, the activities described in the proposed action or Alternative 2 would not occur. Fuels levels would remain the same or would increase slightly over time. There would be no response to Ips beetle caused single tree or small pockets of tree mortality, or the prevention of landscape mortality throughout the project area which could have a substantial effect on the potential for fires and the recreational and visual values of the area.

Alternatives considered but not carried forward for detailed analysis included the following:

- An alternative that treated the entire project area as a primary treatment was eliminated from detailed analysis in a response to public comments primarily from those who operate and manage the Cedar Springs Marina under a Special Use Permit and some who frequently use the Cedar Springs Campground and Marina. The original scope of the project was reduced to treat the minimal

amount of area that would meet project objectives and provide for an increased level of public safety.

- Another alternative or administrative action that was not carried forth in the analysis was to rely only upon the existing, or an increased level, of fire suppression forces, equipment and training to suppress or manage fires within the project area. To date, fire suppression efforts, both by agency and/or local forces have successfully extinguished fires within the project area before they became property and life threatening. This effort is expected to continue as an effective tool that is necessary to reduce the risk of large fires. Key to this action is to have sufficient equipment and properly trained personnel close by to suppress fires before they cause damage or injury, especially during periods of severe weather and/or dry fuel conditions. The administrative action of positioning initial attack fire fighting forces where they are most needed, securing the necessary equipment and maintaining it in good working order and the training of federal fire suppression forces will continue by the Forest Service. Since this is an administrative action it will not be carried forth in the analysis.
- The use of insecticides or other chemical measures to prevent *Ips* beetle caused pinyon pine mortality was not considered in this analysis since it does not meet the purpose of this project which is to reduce hazardous fuels within the Wildland Urban Interface (WUI) of the Cedar Springs, Deer Run and Mustang Ridge Campgrounds and marina areas. Any use of insecticides or other chemicals to protect individual pinyon pines would need to be considered in a separate analysis.

PUBLIC AND OTHER AGENCY INVOLVEMENT

The Cedar Springs-Deer Run-Mustang Ridge Campgrounds Fuels Reduction Project has been listed on the Forest Schedule of Proposed Actions since April, 2007. On April 13, 2007 a scoping letter was sent to over 100 potentially interested persons and organizations providing an opportunity for comments (Schramm 2007). A 30 day comment period was initiated with publication of a legal notice in the Vernal Express on April 18, 2007. The scoping letter for this project stated that “At this point in time I believe that this project, as defined by the specific actions listed above, may be appropriately excluded from documentation in an EA or EIS as described in Category 10 of FSH 1909.15, Chapter 31.2. Category 10 projects are “Hazardous fuels reduction activities using prescribed fire, not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing, not to exceed 1,000 acres. However, determination of the appropriate level of analysis and documentation will be made only after a review of specialist reports, biological evaluations/assessments, public comments, and other pertinent information and analyses”.

However, on December 5, 2007 the U.S. Ninth Circuit Court of Appeals declared that the use of Category 10 of FSH 1909.15, Chapter 31.2 was invalid. Subsequently on December 19, 2007 the Forest Service issued direction to “refrain from issuing any new decisions approving hazardous fuel reduction projects that rely on this category (Category 10) (Kimbell 2007). Consequently the analysis for this project was documented an EA.

A public meeting concerning this project was also held in Dutch John, Utah on July 12, 2007.

A total of 16 comments were received from the following individuals and organizations; Uintah County, Kevin Wright, Rebecca Hedrick, Carl Stout, Gene and Renee Gautieri, Brian Kapalaski, Stacey Linville, Steve and Judy Raridan, Doug Burton, Linda Linville, Lynn and Jeanette Nelson, Bob Linville, John Rauch, Frances Harding, Utah Environmental Congress and Mark Brown.

All comments were considered in the analysis and in the determination of my decision. Specific comments and the Forest Service response to those comments are documented in the project record, Response to Public Comments.

CONSISTENCY WITH THE FOREST PLAN, NFMA, AND OTHER LAWS

This decision is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk. The use of the best available science is noted in the Wildlife Resources Technical Report and BA/BE (references sections), the Specialist Report for Soils Resource (page 4), the Forest and Woodland Resource Report (Section VII), and the existing assessment of existing structures and the adoption of Firewise Council recommendations to protect structures (Fuels Specialist Report, pages 4-9). While not noted in the specialist reports I have also considered Cohen (Wildland-Urban Fire – A different approach) which notes that the most effective structure protection measure is to fireproof the structure...an effort that has been and will continue to be implemented within the project area. However, a reduction of fuels will also be implemented to improve public and firefighter safety as noted in the EA beginning on page 9.

Forest Plan Consistency (National Forest Management Act) - My decision is consistent with Forest Plan and NFMA direction. This Act requires the development of long-range land and resource management plans (Forest Plan). The Ashley National Forest Land and Resource Management Plan (USDA Forest Service 1986) was approved as required by this Act. It has since been amended numerous times. The amended plan provides for guidance for all natural resource management activities. The Act requires all projects and activities to be consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this project. The analysis for this project is responsive to guiding direction contained in the Forest Plan. The analysis indicates that this project is consistent with the standards and guidelines contained in the Forest Plan.

The standards and guidelines that are pertinent to my decision are noted below:

- Maintain a fire management program to protect investments. Consider effectiveness of pre-suppression, fuel reduction, and treatment areas (S&G, page IV-54).
- Implement and manage for adopted visual quality objectives (Objective, page IV-19).
- Provide appropriate aquatic and terrestrial habitat analysis input to all resource management activities (S&G, page IV-29).
- Manage pinyon-juniper to provide for maximum wildlife habitat and esthetics. Sage-grass browse and openings of various sizes and shapes should be maintained and expanded where slopes, watershed conditions, soils, and esthetics considerations permit (FGNRA Supplemental Direction, page A-5).
- Manipulate vegetative cover where appropriate to improve ground cover, preserve natural beauty, increase diversity, and reduce fire hazard (FGNRA Supplemental Direction, page A-5).
- Provide for public safety in the location, design, construction, maintenance, and administration of all facilities and improvements (FGNRA Supplemental Direction, A-9).
- Manage for forest stands that will maintain or improve the recreational and scenic values (Forest Plan page A-5).
- Maintain and/or establish special safety precautions and measures where people concentrate or where unusually hazardous conditions exist (Forest Plan page A-9).
- Strive to restore scenic values in areas where they have been deteriorated or destroyed, by vegetative manipulation, planting, additional cutting to blend corridors, etc. (Forest Plan A-9).
- Consider using Forest Service crews for tree removal as a method to minimize damage to the recreational and scenic values on timber sales near roads or other places receiving close public scrutiny (Forest Plan page A-10).
- Manage for well-stocked forest stands that will maintain or improve the recreational and scenic values (Forest Plan page A-10).
- Fire protection programs will be geared to keep pace with the higher risks and hazards and important recreation values. Areas of heavy public use, the canyon lands, and areas of scenic beauty will need special protection (Forest Plan page A-10).
- Promptly investigate and, where appropriate, minimize insect, disease, and other damage (Forest Plan page A-21).
- Combine silvicultural treatments with direct hand treatment of insect infested stands to minimize insect damage (Forest Plan page A-21).
- Encourage vegetation manipulations or other management practices which foster biological diversity in preference to artificial methods of insect and disease control having only short-term benefits (Forest Plan page A-21).

Public Law 90-540 – My decision is consistent with Public Law 90-540. The Cedar Springs – Deer Run – Mustang Campground and Marina’s project area lies within the Congressionally designated Flaming Gorge National Recreation Area (FGNRA). This NRA was established by Congress on October 1, 1968 following the impoundment of Flaming Gorge Reservoir. The enabling legislation for the NRA contains the following language:

The enabling legislation for the NRA, Public Law 90-540 (October 1, 1968), set aside lands "for the public outdoor recreation use and enjoyment of the Flaming Gorge Reservoir and surrounding lands in the States of Utah and Wyoming and the conservation of scenic, scientific, historic, and other values contributing to the public enjoyment..." and that " the administration, protection, and development of the recreation area.....shall be in such a manner as will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of natural resources that will promote or are compatible with, and do not significantly impair the purposes for which the recreation area is established.

Other laws

My decision is consistent with Federal, State, and local laws or requirements imposed for protection of the environment, including:

The National Environmental Policy Act (NEPA) - This Act requires public involvement and consideration of potential environmental effects. The entirety of the documentation for this project is in compliance with this Act.

Clean Water Act – The analysis and my decision meet the intent of the Clean Water Act (Conroy/Plunkett 2007).

Clean Air Act – My decision meets the intent of the Clean Air Act. Under this act areas of the country were designated as Class I, II, or III airsheds for Prevention of Significant Deterioration purposes. Class I areas generally include national parks and wilderness areas. Class I provides the most protection to pristine lands by severely limiting the amount of additional human-caused air pollution that can be added to these areas. The Bridger Wilderness is the closest Class I airshed located approximately 140 miles north of the project area. The project area is classified as a Class II airshed. This project will be implemented following the Utah Interagency Smoke Management Plan (2006). This plan allows for slash burning when the National Weather Service Clearing Index is above 500, or between 400 and 500 with the approval of the Executive Secretary. Provisions of the Utah Interagency Smoke Management Program meet the intent of the Clean Air Act.

Executive Order 12898...Environmental Justice – This order requires consideration of whether projects would disproportionately impact minority or low-income populations.

This analysis complies with this Act. Public involvement occurred for this project. Public involvement did not identify any adversely impacted local minority or low-income populations.

Endangered Species Act – The Biological Assessments for the project concluded that there would be a “No Effects” for federally Endangered, Threatened, or Candidate Species (Probasco 2007; Gouley 2007; Goodrich 2007).

Migratory Bird Treaty Act – The project complies with the Migratory Bird Treaty Act of 1918 as amended (Probasco 2007a).

National Historic Preservation Act – A “Determination of Significance and Effect” and accompanying cultural resources reviews were prepared for the project. Concurrences on the “No Effect” determination was received from the Utah Division of State History on November 6, 2006 and September 7, 2007.

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the Council of Environmental Quality Regulations for significance (40 CFR 1508.27) and have determined that this decision is not a major Federal action that will significantly affect the quality of the human environment, either individually or cumulatively. Preparation of an Environmental Impact Statement pursuant to Section 102 (2)(c) of the National Environmental Policy Act of 1969 is not required. This determination is based on the following factors, as outlined in 40 CFR 1508.27.

1) *The selected alternative will be limited in geographic application [40 CFR 1508.27(a)].*

Activities associated with my decision will be confined within the boundaries of the 544 acre project area boundary. Additionally, activities will be limited to those actions disclosed in this document.

2) *My decision would not result in any significant beneficial or adverse effects [40 CFR 1508.27(b)(1)].*

The analysis in the EA did not identify any individually or cumulatively significant beneficial or adverse short or long-term impacts resulting from implementation of the proposed action or Alternative 2 (EA, beginning on page 12).

3) *The selected alternative would not result in substantive effects on public health or safety [40 CFR 1508.27(b)(2)].*

My decision will reduce the amount of pinyon-juniper fuels and their continuity around these campgrounds, and will reduce the potential for a severe and fast moving crown fire to cause physical injury or property damage. I do not expect the implementation of my decision to cause any substantive effect on public health or safety.

4) *My decision would not result in any significant effects on any unique characteristics of the geographic area, historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas [40 CFR 1508.27(b)(3)].*

The analysis documented in the EA, Biological Assessments, Biological Evaluations, and specialists reports discloses that the my decision will not result in any significant effects on Inventoried Roadless Areas or potential wilderness, cultural or historic resources, or wetlands (EA, beginning on page 12). The project area does not contain park lands, prime farmlands, ecologically critical areas or wild and scenic rivers.

5) *The selected alternative would not result in any effects that are likely to be highly controversial [40 CFR 1508.27(b)(4)].*

Controversy in this context refers to situations where there is substantial dispute as to the size, nature, or effect of the Federal action, rather than opposition to its implementation. The basis for the analysis is contained in the project record. Standard analysis techniques related to fisheries, botany, wildlife, and watershed conditions were utilized. In addition, review of the concerns and comments received during internal and external scoping efforts did not result in identification of any significant issues specific to the Proposed Action (EA, beginning on page 12).

6) *The effects associated with the selected alternative would not result in any highly uncertain, unique, or unknown risks [40 CFR 1508.27(b)(5)].*

The environmental analysis, including the EA, specialist reports, Biological Assessments, and Biological Evaluations (contained in the project record), did not identify any highly uncertain or unknown risks associated with implementation of the selected alternative. The management activities associated with my decision are typical of those successfully implemented in the past on the Ashely NF.

7) *My decision does not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration [40 CFR 1508.27(b)(6)].*

My decision implements direction found in the Ashley Forest Plan (EA page 6). Implementation of my decision will not trigger other actions, nor is it directly part of a larger connected action.

8) *The analysis documented in the EA discloses that my decision would not result in any significant short term, long term, or cumulative effects [40 CFR 1508.27(b)(7)].*

This documentation begins on page 12 of the EA.

9) *My decision would not adversely affect sites or objects listed or eligible for listing in the National Register of Historic Places, nor would it cause the loss or destruction of significant scientific, cultural, or historic resources [40 CFR 1508.27(b)(8)].*

My decision will not result in any major effects on cultural or historic resources. A “Determination of Significance and Effect” and accompanying cultural resources reviews were prepared for the project. Concurrences on the “No

Effect” determination was received from the Utah Division of State History on November 6, 2006 and September 7, 2007 (EA page 43).

10) My decision would not adversely affect threatened or endangered species or their habitats [40 CFR 1508.27(b)(9)].

My decision will not have an adverse direct, indirect or cumulative effect on any threatened or endangered species within or outside the project area. The Biological Assessments for the project concluded that there would be a “No Effects” for federally Endangered, Threatened, or Candidate Species (Probasco 2007; Gouley 2007; Goodrich 2007).

11) My decision is consistent with Federal, State, and local laws and requirements imposed for the protection of the environment [40 CFR 1508.27(b)(10)].

The project record and page 11 of this Decision Notice/FONSI disclose consistency of the selected alternative with applicable laws and regulations relating to federal natural resource management.

IMPLEMENTATION AND APPEAL RIGHTS

The project is planned for implementation beginning in May of 2009.

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215. Only individuals or organizations who submitted comments or otherwise expressed interest in the project during the 30-day notice and comment period may appeal. Appeals must meet the content requirements of 36 CFR 215.14. Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of this notice in the Vernal Express. This date is the exclusive means for calculating the time to file an appeal. Timeframe information from other sources should not be relied on. Appeals may also be hand delivered to the above address, during regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday. Hand delivered appeals must be sent to: Appeal Deciding Officer, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: appeals-intermtn-regional-office@fs.fed.us. E-mailed appeals must be submitted in rich text (rtf) or Word (doc) and must include the project name in the subject line. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

The Appeal Deciding Officer is Forest Supervisor Kevin B. Elliott.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, five business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

For further information contact D. Ross Catron, Project Team Leader, Flaming Gorge Ranger District, 25 West Highway 43, Manila, Utah, 84046; or phone (435) 781-5268.

 /s/ Rowdy Muir
ROWDY MUIR
Acting District Ranger

 March 22, 2009
Date

LITERATURE CITED

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