

DECISION MEMO
D3/4 DEVELOPED SITE
HAZARD TREE REMOVAL PROJECT
PHASE #2

Forest Service, U.S. Department of Agriculture
Roosevelt-Duchesne Ranger District, Ashley National Forest
Duchesne and Uintah Counties, Utah

I. PROJECT BACKGROUND AND DECISION TO BE IMPLEMENTED

A. PROJECT LOCATION

This decision involves 18 developed recreation and administrative sites on the Roosevelt-Duchesne Ranger District (the District). The sites are located in the Duchesne River, Rock Creek, Lake Fork, Yellowstone River, Hells Canyon, Uinta River, and Farm Creek drainages of the District. See attached maps in Appendix B for specific site locations.

B. FOREST PLAN MANAGEMENT AREA DESIGNATIONS

All of the sites lie within the Ashley National Forest Land and Resource Management Plan's (Forest Plan's) management area designation h, *developed recreation sites and Forest administrative sites* (Forest Service 1986, p. IV-9). The project is expected to meet Forest Plan direction, objectives, and standards and guidelines for management area h (see project record for a comprehensive list).

C. PURPOSE AND NEED

The District has experienced a high level of bark beetle caused tree mortality in and around its developed sites. Many of these trees pose a hazard to Forest visitors and employees using the sites and need to be removed. This action is needed to help provide for public and employee safety at these sites.

D. DECISION

I have decided to remove the hazardous trees from 18 of the District's campgrounds, trailheads, parking areas, and administrative sites beginning as soon as fall 2009. See attached Appendix A for a list of the developed sites (as well as affected tree species and cause of die-off at each site) covered under this decision. Removal will be accomplished by small timber sales, by Forest Service crews, or by using a combination of both. All activities under this proposal will take place within developed sites or in areas immediately adjacent to these sites. Adjacent areas include those areas within approximately one and one-half tree lengths – a maximum of 150 feet – from site boundaries. Only dead or dying trees will be removed and no road construction will occur.

In the scoping letter for this project, we proposed removing hazardous trees from 40 of the District's developed sites. This decision covers only 18 of the originally proposed 40 sites. I issued a prior decision on the first 17 sites in March 2007, in which decision I noted that we anticipated receiving additional heritage clearances for the remaining 23 sites later that summer. One more site (the Rock Creek Ranch/Resort) was added to the approved list through a note to the file in May 2007. The remaining four sites were dropped from the list due to duplication (e.g., the Swift Creek Campground and Trailhead were combined into one site) or due to a lack of foreseeable hazard trees at those sites. We have now received the remaining heritage clearances, hence the issuance of this decision on phase #2 of the project.

If done through small timber sales or other contract, implementation will occur through approximately three to five work contracts, each with duration of six to eight weeks. Whether done by Forest Service crews or through contract, work will most likely occur during the off-season for Forest visitor use at developed sites; the off-season is generally prior to Memorial Day and after Labor Day.

This project will include the following design elements and mitigation, monitoring, and conservation measures, as well as all other applicable Forest Plan standards and guidelines and other relevant direction.

Soil, Water, Fisheries, Heritage, and Recreation

1. Rubber-tired skidders would be used during removal of dead and dying trees. Unless a road is present next to streams and wet areas, skidders will remain greater than 75 feet away from these areas and endline to retrieve a cut tree (see ID Team communication C-01-#7 attachment #2 and hydrology report D-04-#1 p. 4 in project record; see also heritage email G-02-#2 in project record).
2. Any burning of slash will be limited to small piles (generally less than 10 feet in diameter) located in upland areas (see ID Team communication C-01-#7 attachment #2 and hydrology report D-04-#1 p. 4 in project record; see also heritage email G-02-#2 in project record).
3. Landings will be kept small (approximately half-load size) and logs will be hauled off in half-loads before any more logs are added to the landing (see ID Team communication C-01-#7 attachment #2 and hydrology report D-04-#1 p. 4 in project record; see also heritage email G-02-#2 in project record).
4. Heavy equipment use will not occur within the immediate vicinity of springs (see hydrology report D-04-#1 p. 5 in project record).
5. Damage (from falling trees, burning slash, etc.) to existing water works structures (e.g., head box, pumps, waterlines, and storage tanks) will be avoided by clearly marking and keeping away from such structures (see hydrology report D-04-#1 p. 5 in project record).
6. We will follow the INFISH (Forest Service 1995) guidelines for timber management within riparian areas (see ID Team communication C-01-#7, C-01-#7 attachment #1, and aquatics biological evaluation and assessment D-01-#1 p. 6 in project record).
7. To enhance the quality of fish habitat, we will place some of the removed trees along stream channels to increase bank stability and provide overhead cover. We may also

use some trees that are not harboring bark beetles to block undesirable user-created trails (see aquatics biological evaluation and assessment D-01-#1 p. 7, aquatics report D-01-#2 p. 5, and ID Team communication C-01-#7 in project record).

8. All phases of the project (felling, skidding, dragging, piling, and burning) will avoid damage to known historic archaeological features such as concrete pads or retaining walls, rock-lined walkways, cultural depressions, bridge abutments, fountains, or other structural remains at the Bridge Campground, the Yellowstone Group Campground, and the Uinta River Guard Station. Log staging and slash piling for later burning will not occur on the guard station grounds. (Similar avoidance will occur at the following sites from the March 2007 decision as well: the Uinta Group Campground and the Moon Lake and Yellowstone Guard Stations.)
9. In the case of inadvertent damage to historic buildings or fences or to other historic features, the Forest Archaeologist will be notified in order to determine to what extent and in what manner the inadvertent damage will be mitigated.

Noxious Weeds

10. The following mitigations comply with the 1999 Executive Order on Invasive Species, the USDA Forest Service Guide to Noxious Weed Prevention Practices (Forest Service 2001), and the Ashley National Forest Environmental Assessment for Noxious Weed Management (Forest Service 1994).
 - o Ground disturbing heavy equipment and any equipment used for spreading straw, mulch, or seed will be thoroughly cleaned at an off-Forest location prior to being transported to the project area.
 - o Micro-mill sites, log landings, skid trails, and burn pile sites will be seeded as necessary immediately following the activity to take advantage of the seedbed and prevent the establishment of noxious weeds. Seed mixes will include species that germinate rapidly to provide a quick cover of vegetation (the “nurse crop” technique). Seed mixes used for rehabilitation purposes will be noxious weed free certified.
 - o If hay, straw, or mulch is used for rehabilitation purposes within the project area, it will be noxious weed free certified.
 - o Noxious weeds will be controlled on all disturbed areas should they become established.

Monitoring

11. Forest recreation and vegetation management personnel will continue to survey for and monitor the sites for bark beetle activity and for hazardous trees.
12. Forest weed management personnel will monitor for noxious weeds and, if necessary, conduct initial control and follow-up maintenance (see Noxious Weeds measure #10).

My decision is based on several factors including the contents of this Decision Memo, site-specific resource information, and supporting documentation.

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA) when conditions meet one of the identified categories of action that has been found to not individually or cumulatively have a significant effect on the human environment. These categories of exclusion can be found in 7 CFR part 1b.3, or as identified by the Chief of the Forest Service in the Forest Service Handbook (FSH) 1909.15 section 31, or within a category established on June 5, 2003 or July 27, 2003. To fit into a categorical exclusion (CE) there must not be extraordinary circumstances related to the decision that may result in a significant environmental effect.

I have concluded that this decision is appropriately categorically excluded from documentation in an EIS or EA as it is a routine activity within a category of exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. My conclusion is based on information presented in this document and the entirety of the project record.

A. CATEGORY OF EXCLUSION

This decision qualifies for the following exclusion under FSH 1909.15 31.2:

Category #13: Salvage of dead and/or dying trees not to exceed 250 acres, requiring no more than ½ mile of temporary road construction. The proposed action may include incidental removal of live or dead trees for landings, skid trails, and road clearing. Examples include but are not limited to: a) Harvest of a portion of a stand damaged by a wind or ice event and construction of a short temporary road to access the damaged trees; and b) Harvest of fire-damaged trees.

The hazard tree removal areas around all 18 sites total 109 acres. Under this decision, we expect to remove hazard trees from approximately 43 of these acres (see project record for individual hazard tree removal area maps).

The decision meets requirements for exclusion from an EIS or EA, but does require a Project Record and Decision Memo (FSH 1909.15 30).

B. FINDING OF NO EXTRAORDINARY CIRCUMSTANCES

Resource conditions to consider when making a determination of extraordinary circumstances include, but are not limited to: Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species; floodplains, wetlands, or municipal watersheds; congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas; inventoried roadless areas; research natural areas; American Indian and Alaska Native religious or cultural sites; archaeological sites, or historic properties or areas. The mere presence of one or more of these resource conditions does not preclude the use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist (FSH 1909.15 Chapter 30.3).

The categorical exclusion is appropriate in this situation because this project does not have the potential to have any significant and adverse effects, including effects to the above resource conditions, on the environment. I have determined this based on the following analysis:

1. Federally Listed Threatened or Endangered Species or Designated Critical Habitat, Species Proposed for Federal Listing or Proposed Critical Habitat, or Forest Service Sensitive Species

The Endangered Species Act (ESA) requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened (T) or endangered (E), or result in adverse modification to such species' designated critical habitat. In accordance with this Act, a wildlife biologist, fisheries biologist, and Forest ecologist analyzed and documented the potential effects of this project on species and critical habitat listed under the ESA (see biological assessments in project record). It was determined that the proposed action would have "*no effect*" on the following species classified under the Endangered Species Act or their critical habitat: Canada lynx (T), western yellow-billed cuckoo (candidate), Mexican spotted owl (T), black-footed ferret (E), bonytail chub (E), Colorado pikeminnow (E), humpback chub (E), razorback sucker (E), and all T&E plant species.

Potential effects were also analyzed and documented for Forest Service sensitive (S) species (see biological evaluations in project record). It was determined that the proposed action would have "*no impact*" on the following species classified as sensitive by the Intermountain Region of the Forest Service: bald eagle, peregrine falcon, greater sage grouse, wolverine, Colorado River cutthroat trout, and all sensitive plant species. A "*may impact individuals or habitat, but will not likely result in a trend toward Federal listing or reduced viability for the population or species*" determination was made for the spotted bat, Townsend's big-eared bat, boreal owl, great gray owl, flammulated owl, three-toed woodpecker, and northern goshawk.

Present, Not Significant – It was determined that this decision will have "*no effect*" on all species listed under the ESA. It was also determined that this decision will have "*no impact*" on some Forest Service sensitive species and "*may impact individuals or habitat, but will not likely result in a trend toward Federal listing or reduced viability for the population or species*" for others (see above).

2. Floodplains, Wetlands, or Municipal Watersheds

Floodplains: Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as ". . . the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year."

Present, No Effect – Nine of the 18 sites lie near watercourses. By definition, all watercourses have a floodplain (Rosgen and Silvey 1996), so there are minor "floodplains" associated with each of these watercourses. The project does not propose any development of or modification to any of these floodplains. The project will not change any floodplain properties nor will it alter the extent of any floodplains. This decision should result in no floodplain-related impacts.

Wetlands: Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as ". . . areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally

saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.”

Present, No Effect – Many of the sites are located in the vicinity of water bodies and their associated riparian habitats. However, the project does not target wetland vegetation and no new construction will occur. As designed, this decision should result in no wetlands-related impacts.

Municipal Watersheds: Portions of the project area lie within source protection zones 2 and 4 of the municipal watershed for the city of Duchesne, Utah. Also, portions of the project area are adjacent to a source protection zone for Yellowstone Spring in Yellowstone Canyon.

Present, No Effect – Due to the small size and design elements of the project, this project will have no effect on this resource.

3. Congressionally Designated Areas

Wilderness:

Not Present, No Effect – This decision does not affect Wilderness. The project is not in Wilderness. Wilderness is identified on the Forest as management area i (Forest Service 1986, p. IV-9). The project is located in management area h. The developed sites covered under this decision range from 75 feet (Mill Flat Trailhead) to 6.5 miles away from the closest Wilderness, the High Uintas Wilderness Area. This decision will not affect the Wilderness Area.

Wilderness Study Areas:

Not Present, No Effect – There are no Wilderness Study Areas on the Forest. This decision will not affect Wilderness Study Areas.

National Recreation Areas:

Not Present, No Effect – The only National Recreation Area on the Forest is the Flaming Gorge National Recreation Area, which is located over 22 miles to the northeast of the closest project site. This decision will not affect the National Recreation Area.

4. Inventoried Roadless Areas

Not Present, No Effect – This project is not located within an inventoried roadless area (IRA). Some of the project sites are adjacent to IRAs, but no activities will take place within the IRAs. There will be no effect on this resource.

5. Research Natural Areas

Not Present, No Effect – This decision does not affect Research Natural Areas (RNAs). The project is not in or adjacent to any of the seven designated RNAs on the Forest. The nearest RNA, the Uinta Shale Creek RNA, is located over six miles to the north of the closest project site. This decision will not affect RNAs.

6. American Indian and Alaska Native Religious or Cultural Sites, Archaeological Sites, or Historic Properties or Areas

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in, the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered on federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered on federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through "in situ" preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited acts. Surveys have been conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision (see project record). There are historic archaeological features at several of the sites. The features will be avoided. This project will not damage cultural resources.

Additionally, the Federal government has trust responsibilities to tribes under a government-to-government relationship to ensure that the tribes' reserved rights are protected. Consultation with tribes helps ensure that these trust responsibilities are met. The Forest consulted with potentially affected tribes (see project record). The intent of this consultation has been to remain informed about tribal concerns. No tribal concerns were identified for this project.

III. PUBLIC INVOLVEMENT

The proposal for this project was provided to the public and other agencies for comment during scoping. A scoping letter was sent out to 207 interested persons and organizations on January 11, 2007 and a legal notice was published in the *Uintah Basin Standard* on January 16, 2007.

In response to the solicitation and outreach, four individuals/organizations submitted comments. Each comment was considered and evaluated before making this decision. The attached Appendix C provides a summary of these comments and our responses to them.

IV. FINDINGS REQUIRED BY OTHER LAWS

My decision will comply with all applicable laws and regulations. I have summarized some of the pertinent laws below.

The proposed action is consistent with the National Forest Management Act, the National Environmental Policy Act, the Endangered Species Act, the Clean Water Act, the National Historic Preservation Act, the American Indian Religious Freedom Act, the Native American Graves Protection and Repatriation Act, and Executive Order 12898 - Environmental Justice.

The National Forest Management Act (NFMA). This decision is consistent with our Forest Plan as required by NFMA. This decision is designed in consideration of the goals, objectives, standards, guidelines, and management area direction of the Forest Plan.

This decision will follow Forest Plan policy to ensure habitat diversity for Management Indicator Species (MIS). The project's effects to MIS are evaluated in the wildlife and fisheries specialist reports contained in the project record. Additional MIS information in *Life Histories and Population Analysis of Management Indicator Species of the Ashley National Forest* (Forest Service 2006) is also contained in the project record for this decision.

The Endangered Species Act (ESA). According to Section 7 of the ESA, Federal agencies must ensure that authorized actions are not likely to jeopardize the continued existence of any threatened or endangered species. Biological assessments were conducted for all Federally listed threatened species, endangered species, designated critical habitat, species proposed for Federal listing, and proposed critical habitat found on the Forest. The biological assessments contained in the project record reveal that the circumstances and potential effects of this proposal are not considered a threat to threatened, endangered, candidate, and proposed animals and plants, or to their habitat. Based on these findings, I conclude that my decision is consistent with the ESA. Biological evaluations for Forest Service sensitive species were also conducted. This project is not considered a threat to any designated sensitive species either.

The Clean Water Act and Executive Order 11990. Based on the analysis conducted for this proposal, I conclude that my decision meets the intent of the Clean Water Act and the Executive Order 11990.

The National Historic Preservation Act; the American Indian Religious Freedom Act; and the Native American Graves Protection and Repatriation Act. According to these acts, Federal agencies are required to conduct adequate reviews to assess the possible effects of project decisions upon heritage resources. Heritage surveys have been conducted at the 18 developed sites covered under this decision and consultation with the State Historic Preservation office took place. No cultural, historical, or archaeological resources, including native plants and sites used by Native Americans, will be impacted by this project. My decision incorporates measures that meet the intent of these acts.

Executive Order 12898 - Environmental Justice. I have considered the effects of my decision on low-income and minority populations and concluded that this project is consistent with the intent of this order. My decision will not cause a significant change in local employment or revenue sharing with local communities. It should not disproportionately affect low-income or minority populations.

V. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215. Appeals must meet the content requirements of 36 CFR 215.14. Only individuals or organizations who submitted comments or otherwise expressed interest in the project during the comment period may appeal. Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of the notice of this decision in the *Uintah Basin Standard* (expected May 12th, 2009). The actual publish date is the exclusive means for calculating the time to file an appeal. Timeframe information from other sources should not be relied on. The Appeal Deciding Officer is Kevin Elliott, Ashley National Forest Supervisor. Although Mr. Elliot is stationed in Vernal, 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. Emailed appeals must be submitted in Word (.doc), rich text format (.rtf), or in portable document format (.pdf) and must include the

project name in the subject line. 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.

VI. IMPLEMENTATION DATE

Implementation of project activities will begin as soon as fall 2009. If no appeal is received, implementation of this decision may legally begin on, but not before, the fifth business day following the close of the appeal filing period (36 CFR 215.9[a]). If an appeal is filed, implementation may not occur for 15 business days following the date of appeal disposition (36 CFR 215.9[b]).

VII. CONTACT PERSON

For additional information concerning this decision, contact: Colette Webb, Forester, Vernal Ranger District, at (435) 781-5188 (cwebb@fs.fed.us) or Lesley Tullis, Biological Scientist, Vernal Ranger District, at (435) 781-5137 (ltullis@fs.fed.us).

/s/ John R. Kirkaldie

JOHN R. KIRKALDIE
District Ranger
Roosevelt-Duchesne Ranger District

May 4, 2009

Date

REFERENCES

Exec. Order No. 13112, 64 Fed. Reg. 6183 (Feb. 8, 1999). Invasive species. Signed February 3. Available online at: <http://www.archives.gov/federal-register/executive-orders/1999.html>.

Forest Service. 2001. *Guide to noxious weed prevention practices*. Version 1.0. July 5. Available online at: http://www.fs.fed.us/rangelands/ftp/invasives/documents/GuidetoNoxWeedPrevPractices_07052001.pdf.

Forest Service, Ashley National Forest. 2006. *Life histories and population analysis for management indicator species of the Ashley National Forest*. Version 1.0. March.

Forest Service, Ashley National Forest. 1994. *Environmental assessment for noxious weed management*. Unpublished document on file at the Ashley National Forest Supervisor's Office, Vernal, UT.

Forest Service, Ashley National Forest. 1986. *Ashley National Forest land and resource management plan*. Available in hard copy or on CD at the Ashley National Forest Supervisor's Office, Vernal, UT.

Forest Service, Ashley National Forest, Vernal Ranger District. 2007. *Project Record for the D3/4 Developed Site Hazard Tree Removal Project*. Unpublished data, analyses, and documentation for the project on file at the Vernal Ranger District Office, Vernal, UT.

Forest Service, Intermountain, Northern, and Pacific Northwest Regions. 1995. *Decision notice and finding of no significant impact: inland native fish strategy (INFISH) environmental assessment*. Available online at: http://maps.wildrockies.org/ecosystem_defense/Resources_Species_Topics/Fish/INFISH_PAC_FISH/.

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APPENDIX A

D3/4 Developed Site Hazard Tree Removal Project Developed Recreation and Administrative Site List for Spring 2009 Decision

Campgrounds	Drainage/Geographic Area	Affected Tree Species and Species of Beetle or Other Cause of Mortality
1. Aspen Campground	Duchesne River	PICO/PIEN/PIPO mix; MPB and possible spruce beetle
2. Bridge Campground	Yellowstone River	PICO/PIPO mix; MPB
3. Hades Campground	Duchesne River	PICO/PIEN/PIPO mix; MPB and possible spruce beetle
4. Reservoir Campground (and Day Use Area)	Yellowstone River	No real beetle problem yet -mostly decadent POTR5 that is dying off
5. Rock Creek Group Campground	Rock Creek	PICO; MPB (also, mistletoe)
6. Swift Creek Campground (and Trailhead)	Yellowstone River	PICO/PIPO/PIEN mix; MPB and some spruce beetle (also, mistletoe)
7. Yellowstone Campground and Group Site	Yellowstone River	PICO/PIPO; MPB Also, some hazardous cottonwood branches and POTR5 die-off caused by beavers
Trailheads/Other	Drainage/Geographic Area	Affected Tree Species and Species of Beetle or Other Cause of Mortality
8. Center Park Trailhead	Hells Canyon	PICO/PIEN/ABLA mix; some MPB (also, mistletoe) in PICO
9. Davis Park Trailhead	Farm Creek	No real hazard tree problem yet; tree species is PICO/PIEN/PSME mix
10. Fish Creek Trailhead	Lake Fork River	No real hazard tree problem yet; tree species is POTR5 with current minimal mortality
11. Lake Fork Trailhead	Lake Fork River	PICO; MPB (also, mistletoe)
12. Mill Flat Trailhead	Duchesne River	PICO; MPB
13. Rock Creek Angler Parking Area	Rock Creek	No real hazard tree problem yet; tree species is cottonwood with current minimal mortality
14. U-Bar Ranch/Resort	Uinta River	PICO/PIPO/PSME/POTR5 mix; current MPB in PICO/PIPO
15. Uinta Pond Parking/Day Use Area	Uinta River	No real hazard tree problem yet; tree species is POTR5/PICO mix; there is MPB in the PICO surrounding the site, but not currently in immediate vicinity of site itself
16. Yellowstone Trailhead	Yellowstone River	No real hazard tree problem yet; tree species is POTR5/PIPO mix
Administrative Sites	Drainage/Geographic Area	Affected Tree Species and Species of Beetle
17. Rock Creek Visitor Center and Administrative Site	Rock Creek	PICO; MPB (also, mistletoe)
18. Uinta River Guard Station	Uinta River	PICO/PIPO; MPB

Note: PICO = lodgepole pine; PIEN = Engelmann spruce; PIPO = ponderosa pine; MPB = mountain pine beetle; POTR5 = quaking aspen; PSME = Douglas fir.

APPENDIX B

MAPS



D3/4 Developed Site Hazard Tree Removal Project Yellowstone River and Hells Canyon Sites (6 sites)

B-4

Ashley National Forest
Roosevelt-Duchesne Ranger District



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APPENDIX C

Responses to Comments

D3/4 Developed Site Hazard Tree Removal Project

Ashley National Forest
Roosevelt-Duchesne Ranger District

Comments Received in Response to the 1/11/07 Scoping Letter & 1/16/07 Legal Notice of Scoping	
<i>Utah Environmental Congress:</i>	
Comment	Response
<i>Relation to previous proposed actions</i>	
<p>1. "This proposed action is the exact same proposed action that UEC has already submitted . . . comments on several times over the course of the past three years."</p>	<p>On September 20, 2006, the District issued a decision to implement a hazard tree removal project at the Upper Stillwater Campground and Rock Creek Trailhead in the Rock Creek drainage and at Avintaquin Campground on Reservation Ridge. This project had been originally scoped as a campground maintenance project (scoping letter of March 6, 2006), with the expectation that the decision would be authorized under a non-appealable categorical exclusion and that all campgrounds on the district would be treated. The project was later re-scoped as a sanitation harvest (scoping letter of June 27, 2006) narrowed down to only three of the originally proposed developed recreation sites, with the expectation that the decision would be authorized under an appealable categorical exclusion. As stated above, that decision was issued, therefore the three sites covered under the September 2006 decision are not included in this decision.</p>
<i>Specific acreages and timeframes</i>	
<p>2. ". . . we need to know specifically how many acres of cutting units are included in this proposal and, specifically, how many years would proposed harvest take to complete?"</p>	<p>The 18 sites in this decision add up to approximately 109 acres. This includes a treatment area of approximately one and one-half tree lengths (a maximum distance of 150 feet) extending around each developed site boundary. Under this decision, we expect to remove hazard trees from approximately 43 of the 109 acres (see project record for individual hazard tree removal area maps).</p> <p>The 17 sites in the previous decision on phase #1 of this project add up to approximately 141 acres. Under that decision, we stated our expectation of hazard tree removal from approximately 86 of the 141 acres (see project record for individual hazard tree removal area maps).</p> <p>If done through small timber sales or other contract, implementation would occur through approximately five work contracts, each with duration of six to eight weeks. If done through Forest Service crews, timeframes may be longer. Either way, we expect that work will be completed over the next several years.</p>

<i>Preparation of an EA or EIS</i>	
3. "The scoping solicitation letter explains that, 'It is not anticipated that the 250 acre limit [250 acres is the limit for the CE category] would be reached for several years' and that 'further NEPA analysis would be triggered if the 250 acre treatment limit is reached.' This indicates that the proposed action does not fit within the geographic or temporal limits of the CE category being invoked. It is necessary at this point to proceed with preparation of an EA or EIS."	We apologize if the referenced wording was unclear. We simply meant to say that we had not yet calculated specific acreages, that we anticipated the total acreage for the original proposal (which included more sites than are covered in this decision) would be substantially less than the 250-acre limit, and that if, for some reason, we discovered that the acreage limit were about to be reached or surpassed, then further NEPA analysis (such as preparation of an EA) would be necessary.
4. "... this proposed action involves logging prescription units scattered across a project are spanning at least roughly 50 miles, and the duration in years of the logging implementation are admittedly uncertain and open-ended. In light of this fundamental uncertainty of the duration, extent, or scope of the impacts in terms of context and intensity Preparation of an EA or EIS is needed."	See response to Comment #2 above. Also, see project record for specialist reports and Decision Memo for finding of no extraordinary circumstances.
5. "... it is also clear that there are extraordinary circumstances due to the significance of the impacts of the proposed action to TES [threatened or endangered species] and other resource conditions listed in FSH 1909.15 Ch 30."	Analyses by resource specialists indicate that there are no extraordinary circumstances related to the proposed action that warrant further analysis and documentation in an EA or an EIS. The mere presence of one or more of the resource conditions listed in Forest Service Handbook (FSH) 1909.15 30.3.2 does not preclude the use of a CE. It is the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist (FSH 1909.15 30.3). See project record for specialist reports and Decision Memo for finding of no extraordinary circumstances.
<i>Limitation of the proposed action</i>	
6. "... we encourage the Forest to . . . limit the proposed action to a 1-2 year implementation period and that the logging be only for dead hazard trees within 100 feet of roads and developed recreation area structures."	Only dead and dying hazard trees will be removed, extending up to one and one-half tree lengths (a maximum of 150 feet) from developed site boundaries. We expect that implementation of the project will occur during the next several years.
<i>Past comments on other hazard tree removal proposals incorporated by reference</i>	
7-10: Compartmentalization, cumulative effects, and NEPA	
7. "It is obvious that the agency response (logging, chemical spraying, pheromone treatments) to the bark beetles killing trees at the same campgrounds across the Ranger District are all part of one larger agency action. . . . We suggest that it is obvious at this point that at least an EA is obviated."	See response to Comment #1 above. Also, spraying/pheromone treatments have been addressed in the broader context of the District, or even across two adjacent districts (see Campground Forest Health Protection File Memo, dated 4/28/06). The need to respond to bark beetle mortality is ongoing. However, there is no connection (as defined by NEPA) between the actions mentioned (one action is not required to justify another), and there is no "larger agency action" that is getting compartmentalized since the responses have been proposed based on new information each time with constantly changing conditions inherent to beetle activity.
8. "Many of the affected watersheds have been hammered by logging, road construction, increased recreational use of all types, and grazing in the past few decades. . . . All of the past, present, or reasonably foreseeable activities/projects within or near project area and their cumulative effects need to be analyzed."	When determining the scope of this project, we considered the degree of the potential direct, indirect, and cumulative effects on the resource conditions listed in FSH 1909.15_30.3. Following scoping, we determined that this project will not have individually or cumulatively significant effects on the human environment and that it does indeed fall within one of the categories of action excluded from documentation in an EA or EIS (FSH 1909.15_31.2 (13)). See project record for specialist reports.
9. "Is the proposed action located in an area suitable for timber management emphasis? How does management direction relating to management prescriptions n and f inform the development of the proposed action? How much harvesting has occurred in	The action authorized is intended to provide for public safety. It is not being driven by timber management objectives (only dead and dying trees are being removed, and only within and adjacent to developed recreation and administrative sites). Also, these areas

<p>this area before and during this forest planning period? How many entries, and at what frequencies, will be required to maintain the currently desired conditions? How much will this contribute to the TSPQ for this forest planning period, and how much will it contribute in the future? Are any of the lands to be harvested in suitable timber areas, and if so, how much of the volume between alternatives would contribute towards the ASQ?"</p>	<p>fall within Forest Plan management area h, <i>developed recreation sites and Forest administrative sites</i>, and not within management areas f or n.</p>
<p>10. "The scientific analysis, environmental information, and analysis of the effects of the range of alternatives is . . . mandated by NEPA to be made available to the public for review and comment before decisions have been made. The document [scoping letter] circulated for public review for this project does not constitute an Environmental Document or an Environmental Assessment because it did not contain a description of the affected environment or an analysis of the direct, indirect, and cumulative effects of the proposed action."</p>	<p>A scoping letter is not meant to be an environmental document or assessment. It is a means to solicit input from resource specialists, other agencies, and interested publics such as you. This input is then used to determine the scope of a proposed action. We determined that this action would not have a significant effect on the human environment and is categorically excluded from documentation in an EA or an EIS. See also response to Comment #8 above.</p>
<p>11: Tree and beetle species</p>	
<p>11. "The species affected by beetles and what beetle species are concerns are not specified."</p>	<p>See Appendix A for a site list, including species of beetles and affected trees at each site.</p>
<p><u>12-13: Wildland urban interface (WUI) and structure ignitability</u></p>	
<p>12. "USDA Forest Service research done by Jack Cohen and others indicates that structure losses in similar conifer forest types can be most effectively reduced by focusing on reducing structure ignitability and fuels in the immediate surroundings (30-60 meters). [Because] the most common heat source leading to structure ignition during wildfires is from firebrands originating as far as one mile away . . . installation of a shaded fuel break around WUI areas (such as campground areas) will do nothing to reduce this most common source of heat leading to structure ignition."</p>	<p>This decision involves the removal of dead and dying trees in and adjacent to developed recreation and administrative sites to reduce the hazard associated with falling snags. The action authorized is not designed to reduce fire danger, although some reduction of hazardous fuels will occur.</p>
<p>13. "Make this WUI area a showcase you can display to the public . . . we recommend that the ignitability of each structure be reduced according to Fire Wise principles (i.e., metal roofing and siding) . . . Consider benefits/opportunities for non-commercial pruning of the lower branches of larger trees, as opposed to harvest and removal. Spend your money and energy focusing on the critically important 30-60 meter area around each structure, not in the roadless backcountry."</p>	<p>See response to Comment #12 above. The decision is to remove hazardous trees in and adjacent to developed recreation and administrative sites. Some reduction in fire danger is anticipated; however, the decision being made at this time is focused on reducing the hazards associated with falling snags.</p>
<p><u>14-16: Old growth and other LRMP direction</u></p>	
<p>14. "The Forest should conduct old growth surveys in the area (and affected management areas f and n) using Hamilton's old growth criteria [Hamilton 1993] to determine if old growth standards are (and will) be met. These surveys need to gather data on what Hamilton identifies as the most important components of old growth: multiple canopy layers, amount and size of standing snags, decadence, and sufficient large diameter down material."</p>	<p>The action authorized by this decision is limited to areas within or immediately adjacent to developed recreation and administrative sites. It is probable that some of these sites contain minimum old growth characteristics as outlined by Hamilton (1993). Minimum required characteristics include diameter at breast height (DBH), trees per acre (TPA), and age of live trees in the main canopy, where parameters differ by cover type. The planned treatment, however, does not involve the removal of trees that are expected to live. The project involves the removal of dead or dying trees only. The removal of hazard trees is necessary to provide for public safety.</p> <p>The project areas fall within Forest Plan management area h, not management areas f or n. With implementation of the proposed project, no change to the minimum old growth characteristics within management areas f or n will occur.</p>

<p>15. "The Forest . . . is to maintain a minimum of 5% old growth in . . . management areas f and n where this project is located and . . . the second old growth standard is to maintain 160 acres of contiguous old growth with old growth characteristics for old growth dependent species . . . such as goshawk, three-toed woodpecker, and lynx."</p>	<p>The project areas fall within Forest Plan management area h, not management areas f or n. See also response to #14 above.</p>
<p>16. "The environmental document needs to consider if protecting <i>Cypripedium fasciculatum</i> and clustered lady's slipper and other TES plants and animals is required . . . There is evidence that some of these species do not respond positively to logging . . . Thinning of lodgepole and creations of openings may cause some risk to existing populations of the brownie lady's slipper, a sensitive plant species."</p>	<p><i>Cypripedium fasciculatum</i> is considered in the Plants Biological Evaluation and Assessment. There are no populations of this species in any of the project areas. The nearest populations are far removed from the areas to be treated. No effect is reasonably concluded.</p>
<p>17-22: Water quality, soils, and fisheries</p>	
<p>17. "There are problems with water quality downstream from this . . . project area, as indicated by the water bodies on Utah's 303d TMDL list. We are not convinced that the Forest Service currently has adequate baseline data and current data on water quality to ensure demonstrated compliance with the Clean Water Act. Sedimentation is a problem in this area because of the high concentration of logging, grazing, and other management activities . . . It should . . . be analyzed to what extent any downstream TMDL areas can handle any increased level of contaminants such as additional sediment loading that [could] result from the proposed action."</p>	<p>The removal of dead and dying trees within and adjacent to the developed recreation and administrative sites will result in only minimal soil disturbance and will not impact water quality. Based on the State of Utah's 303d listing and 305b water quality assessment for 2006, no streams within the project area are listed as impaired or non-supporting the beneficial use classes designated them.</p>
<p>18. The Forest should determine "whether the quality of fish [especially Colorado River cutthroat trout] habitat can be enhanced or maintained" through implementation of this project.</p>	<p>The project includes removal of dead and dying trees within and immediately adjacent to only established developed sites. Minimal soil disturbance is expected as a result of selective removal of hazardous trees from these sites. There are no known Colorado River cutthroat trout (CRCT) populations downstream of any of the project sites. There are some known populations upstream from some of the sites. INFISH (Forest Service 1995) standards and guidelines will be followed to protect riparian habitat and fisheries. Project activities will be conducted in such a way that there will be no increase in sediment delivery to streams and potential CRCT habitat. In addition, the quality of trout habitat may be enhanced by placing some of the removed trees in the stream channel and along banks to provide overhead cover and improve bank stability.</p>
<p>19. "The Forest Service has the obligation to maintain or improve stream channel stability (LRMP, p. IV-37). Baseline conditions of channel stability in the project area and cumulative effects area (that we recommend be the Little Brush Creek watershed boundary) would be helpful [to know]."</p>	<p>This project does not have any potential to impact stream channel stability. It involves salvage of dead and dying trees within (and one and one-half tree lengths outside of) the boundaries of 18 developed sites. The small size and nature of this salvage would result in minimal soil disturbance and would not impact water quality within the sites' corresponding drainages. None of the sites lie within the Little Brush Creek watershed.</p>
<p>20. "Impacts to soils and mychroizal communities should be a driving issue. Heavy equipment, felling, skidding, jackpot burning, and piling will harm healthy mychroizal communities and compact soil, thereby exacerbating already disturbed soil conditions in the watershed . . . We request that all areas that have not been sampled in the last 5 years be sampled again so that more up to date data can be used to inform this analysis of effects to soils."</p>	<p>Shestak and Busse (2005) have found that microbial communities show broad tolerance and resilience to compaction. The soils in these developed site areas are considered to already have permanent impacts, referred to as a Total Soil Resource Commitment (TSRC). This is the conversion of a productive site to an essentially non-productive site. In addition to developed sites such as campgrounds, trailheads, and administrative sites, other examples of TSRC areas include roads and recreational trails. Soils change very slowly but the soils in the TSRC areas are already outside the range of disturbance for healthy forested conditions.</p>

<p>21. "No buffers are proposed. We recommend a minimum of 300-foot buffers from all aquatic, wetland, and riparian habitats."</p>	<p>See relevant project design elements and mitigation, monitoring, and conservation measures on pp. 2-3 of the DM.</p>
<p>22. "BMPs are not mitigation measures . . . it is not reasonable to just summarily rely on BMPs [such as stream buffers] to mitigate this environmental impact."</p>	<p>As mentioned earlier, this project will not result in any measurable impacts to water quality. See project record for hydrology and fisheries specialist reports.</p>
<p>23-24: Lynx Conservation and Assessment Strategy (LCAS) guidelines</p>	
<p>23. "Maintenance of suitable lynx habitat should focus on retention of live and dead trees as well as coarse woody debris (LCAS, p. 18). This LCAS direction appears to be inconsistent with the proposed action."</p>	<p>Due to the locations and small size of the areas in question, it was determined in the Biological Assessment that the proposed project would be consistent with the intent of the standards and guidelines outlined in the LCAS and Northern Rockies Lynx Management Direction (NRLMD). Refer to the Terrestrial Wildlife Biological Evaluation and Assessment in the project record.</p>
<p>24. "The environmental document that is prepared needs to ensure that there exists adequate denning habitat for lynx as prescribed in the LCAS. 'Within a LAU, maintain denning habitat in patches generally larger than 5 acres, comprising at least 10 percent of lynx habitat. Where less than 10 percent denning habitat is currently present within a LAU, defer any management action that would delay development of denning habitat structure. Maintain habitat connectivity within and between LAUs' (LCAS, p. 79). Based on the current proposal and past timber sales, it is doubtful that there is enough denning habitat within the project area."</p>	<p>The project sites occur within LAU 3 (33,069 acres), LAU 5 (24,510 acres), LAU 7 (52,674 acres), LAU 9 (42,730 acres), LAU 11 (30,386 acres), and LAU 14 (24,233 acres). Following implementation of project activities, the areas will remain well within LCAS and NRLMD guidelines. For further information, refer to the Terrestrial Wildlife Biological Evaluation and Assessment in the project record.</p>
<p>25-28: MIS and TEPCS species</p>	
<p>25. "The Forest needs to determine the distribution, status, and trend of habitat and populations of T, E, and sensitive species in the affected watershed. Analysis of effects . . . on the quantitative MIS population trends needs to be done prior to approving the proposed action or alternatives."</p>	<p>Refer to the Terrestrial Wildlife Biological Evaluation and Assessment and Terrestrial Wildlife Specialist Report in the project record.</p>
<p>26. "Species such as boreal owl, goshawk, and three-toed woodpecker require large diameter trees for nesting. An analysis of the effects of the proposed action to the distribution, status, and trend of the habitat and populations of these species needs to be included in the environmental analysis . . . for this action."</p>	<p>Refer to the Terrestrial Wildlife Biological Evaluation and Assessment and Terrestrial Wildlife Specialist Report in the project record.</p>
<p>27. "Maintenance of viable goshawk populations and adequate habitat should include the following considerations:</p> <ul style="list-style-type: none"> ▪ The forest will be managed to maintain vegetative diversity, providing habitat for a large variety of species. Special emphasis will be given habitat such as . . . old growth timber (LRMP, p. IV-3). ▪ Maintain habitat connectivity by ensuring that high quality habitat patches are no more than 60 miles apart, preferably less than 20 miles apart (Strategy, p. 6). ▪ Leave areas of uncut timber between openings created by clear cuts large enough to meet all resource needs (LRMP, p. IV-35)." 	<p>Refer to the Terrestrial Wildlife Biological Evaluation and Assessment and Terrestrial Wildlife Specialist Report in the project record.</p>
<p>28. "The Ashley NF is obligated to maintain habitat capable of supporting 5,600 elk and 43,700 deer (LRMP, p. IV-28). Populations of both of these species are on a downward trend, and this project will displace these species (DEIS, p. 113). Additionally, the Forest is required to map elk calving areas and antelope fawning areas as well as establish and maintain thermal and security cover to meet big game habitat objectives (LRMP, p. IV-29). The Ashley has provided no evidence that these standards were complied with, and this project will do nothing to promote the habitat needs of big game."</p>	<p>For information regarding elk and mule deer population status and trends on the Forest, refer to <i>Life Histories and Population Analysis for Management Indicator Species of the Ashley National Forest</i> (Forest Service 2006) and the Terrestrial Wildlife Specialist Report prepared for this project. Elk, mule deer, and antelope habitat have been mapped across the Forest, including calving and fawning habitat. The analysis of effects of the proposed project on elk and mule deer, including fawning/calving habitat and thermal and security cover, are documented in the Terrestrial Wildlife Specialist Report in</p>

	the project record. Antelope habitat does not occur within or near the project areas and therefore was not analyzed in the report.
29: NFMA Regulations	
29. "Please let us know in writing if this proposed action is being analyzed and implemented pursuant to the Forest Plan and the 1982 regulations that it is based upon, or if the 2005 NFMA regulations are being used for this proposed action."	The Forest is operating under our current Forest Plan (which is based on the 1982 NFMA regulations) until revised. The latest, most current NFMA regulations now in effect are the 2008 NFMA regulations.
30: Migratory birds	
30. "It seems that the extensive vegetation treatment in this area, including the increased fragmentation, may result in detrimental effects to, and taking of, migratory bird resources We recommend the Forest . . . [conduct surveys for, analyze impacts to,] and focus on the 2002 List of Birds of Conservation Concern and species that are listed among the Partners in Flight Priority Species the UEC [also] recommends that you conduct activities outside of critical breeding seasons for migratory birds, minimize temporary and long-term habitat losses, and mitigate all unavoidable habitat losses."	Refer to the Terrestrial Wildlife Biological Evaluation and Assessment and Terrestrial Wildlife Specialist Report in the project record.
31-33: "Hazard" trees	
31. "If public safety is the concern, it is . . . important to note that some coniferous species maintain their economic and structural integrity for decades after mortality, and there may be little concern for public safety at this early time."	While trees may fall unexpectedly for a variety of reasons (root rot, wind bursts, etc.), dead and dying trees present an obvious hazard that can be mitigated through removal. While some snags may stand for years, there is no way to predict with certainty how long that may be, and large branches or tops of snags may fall prior to the entire tree falling, which also present a serious hazard to the public and to employees. The Forest Service is obligated to remove obvious hazards from developed recreation and administrative sites.
32. "Furthermore, we note that . . . many of the standing snags that are harvested [in hazard tree timber sale projects] are not actually a threat to the roads and campgrounds due to: 1) their large size/structural integrity and 2) their distance from developments. Some standing dead inside campgrounds are not hazard trees, and they often add to the natural beauty of the recreation area."	As stated above, dead trees are considered hazard trees. It is impossible to predict with certainty when a dead tree (or a portion of it) will fall, potentially injuring or killing someone. While this is a risk that the public and employees assume in undeveloped areas of the Forest, there is an expectation within developed sites that obvious safety hazards will be removed. Under its multiple-use mandate, the Forest Service is not required to manage for all resources in all locations at all times. Developed recreation and administrative sites are provided for public recreational opportunities and for employee stations/work centers, and as such public and employee safety must take a higher priority than other areas where snags may be desirable.
33. Also, "given that trees in this part of the West typically grow to be only 80-120 feet tall, there is no public hazard presented by snags that are more than 120 feet from the roads and campground developments. As such, we suggest that the proposed action be designed to harvest only those snags that are 120 feet or less from these developed campgrounds and roads."	The project involves the removal of dead and dying hazard trees within and adjacent to developed recreation and administrative sites. The authorized adjacent or surrounding areas are those areas that lie up to one and one-half tree lengths from (this could be a potential maximum of up to 150 feet from) developed recreation and administrative sites.

Dale Jablonski (Northeast Area Manager; State of Utah Department of Natural Resources; Division of Forestry, Fire and State Lands):	
Comment	Response
34. "This project should be considered as a 'Good Neighbor Authority' project."	We are open to using the Good Neighbor Authority to implement this project. State personnel may contact the project manager, Colette Webb (435-781-5188), to further discuss this matter.
James Thompson:	
Comment	Response
35. "I'm okay with the removal of such [hazardous] trees, as long as it wouldn't result in major impacts, i.e. heavy machinery ruts, one or two foot high stumps, and uncut log piles left all over the place."	<p>Little to no rutting is expected. In the past two years, contractors removed trees from three campgrounds on the Forest where beetles caused small pockets of tree mortality. None of these logging operations caused rutting.</p> <p>Stump height will be required to be 6 inches or less through contract provision.</p> <p>Log landings will be kept small (about half-load size) and logs will be hauled off before more are added to the landing. Brush disposal piles will be kept small, consistent with developed site aesthetics (generally less than 10 feet in diameter).</p>
36. "However, what I'm a little concerned about is how the scoping letter states that not only would dead trees be removed, but also 'dying' trees I'm assuming that the Forest Service would have enough sense to consider a 'dying' tree as one with most of its needles brown as a result of disease or beetle kill. However, . . . I've seen the results of how some 'tree harvesters' get carried away and end up cutting numerous 'green' trees that don't appear to be dead or dying. So, I'm hoping there will be adequate supervision or monitoring for this project."	<p>In cases of bark beetle infestation, a dying tree is defined as one in which the beetles have successfully mass attacked the tree. Boring dust and fading foliage are the primary indicators of a successful mass attack resulting in tree mortality. Pitch tubes may also be present. Boring dust surrounding the base of the tree is an indication that the tree has been successfully attacked and girdled by the developing bark beetle larvae.</p> <p>With successful mountain pine beetle infestation, the needles of the affected tree begin to discolor several months to one year after the tree has been attacked (Amman et al. 1990). In Engelmann spruce attacked by spruce beetle, the needles usually do not fade or discolor until the second or third summer following attack (Holsten et al. 1999). However, boring dust surrounding the base of the tree is an indication that the tree has been successfully attacked and is dead, although the needles may remain green for an additional one to two years.</p> <p>This project involves the removal of dead or dying trees only. Forestry personnel will mark those trees slated for removal before the logging operation occurs. The sale administrator or project manager will routinely inspect the hazard tree removal operations to ensure full compliance with project specifications.</p>
37. "I'm especially glad to see there will be no new road construction."	Thank you for your comment.
Uintah County Commission:	
Comment	Response
38. "Uintah County supports this action. We also believe there are campgrounds facing considerable hazards from trees that are mature or dying, and recommend they also be removed from the camp site areas."	Thank you for your comment. This decision covers phase #2 of this project, which involves the removal of dead and dying hazard trees from within and around the 18 developed sites listed in Appendix A.

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