

# **Decision Memo**

## **Little Elk Summit Fuels Reduction Project**

USDA Forest Service  
Ashley National Forest  
Flaming Gorge Ranger District

Daggett County, Utah

### **General Location**

The Little Elk Summit Fuels Reduction Project located approximately 10 miles south of Manila, Utah within: T1N, R20E, Sec. 5 & 6, SLM; T1N, R19E, Sec. 1, 2, 3, 4, 9, 10, 11 & 12, SLM; T2N, R20E, Sec. 29, 30, 31 & 32, SLM; and T2N, R19E, Sec. 33, 34, 35 & 36, SLM.

### **Decision to be Implemented**

I have decided to authorize the use of prescribed fire and mechanical treatments to reduce hazardous fuels within the Little Elk Summit project area defined above and as shown on the attached map. I expect this action to move portions of the project area that are currently in a Condition Class 2 to a Condition Class 1 (Gamble, 2006). I expect that the use of prescribed fire will also, in and of itself, begin to restore the ecological benefits of fire back into the project area.

Prescribed fire treatments will involve the use of helicopter, wildland fire engine, ATV and/or hand (drip torch) ignition techniques. Chainsaws and/or other hand operated tools will be used to complete all mechanical treatments. Within the project area I expect to treat approximately 3,712 acres with prescribed fire and 818 acres with the mechanical removal of conifers (refer to attached map). Mechanical treatments will remove conifer regeneration that is less than 9" diameter at breast height (an incidental amount of trees over 9" may be removed in aspen stands or in areas where conifers are encroaching into browse areas). Slash created from any mechanical treatment will be lopped and scattered and left in place; or lopped, scattered and burned if excessive amounts of slash are created.

Prescribed burning will primarily occur within Ponderosa pine forests but may also occur in mixed conifer, Douglas fir, lodgepole pine, aspen and browse or sagebrush areas. Substantial areas of sagebrush and browse will be avoided. It is expected that the use of prescribed fire and mechanical methods will create a mosaic of treated and untreated areas. Different levels of fire intensity within burned areas are also expected to create a mosaic of vegetative and structural diversity within the project area.

This decision applies primarily to National Forest lands and a small portion of Flaming Gorge National Recreation Area (FGNRA) lands within the Ashley National Forest. FGNRA lands are managed under direction provided by Congress in Public Law 90-540,

which established the FGNRA. Public Law 90-540 charged the Secretary of Agriculture with...administering, protecting, and developing the FGNRA in a manner that “will best provide for (1) public outdoor recreation benefits, (2) conservation of scenic, scientific, historical, and other values contributing to public enjoyment, and (3) such management, utilization, and disposal of natural resources as will promote or are compatible with, and do not extensively impair, the purposes for which the recreation area is established.”

There will be no road construction or development of new “user defined” roads with the implementation of this project.

### **Mitigation Measures**

1. Prescribe burn Honslinger Units #4 and #5 and Elk Park Units #1 and #2 north of the Deep Creek Road in the spring on or before April 15 and Elk Park Units #1 and #2 south of Deep Creek Road on or before April 20 to ensure protection of nesting birds/amphibians while also reducing the amount of browse burned (refer to map). These dates may be modified depending upon field and weather conditions following a field review by the District Biologist. If a spring prescribed burning opportunity is not available due to weather and/or personnel limitations then a fall prescribed burn will be implemented. Any fall burning will incorporate additional measures to reduce the amount of browse consumed by fire. These measures may include burning less total area, accomplishing additional burn prep work prior to any ignition and/or burning under a cooler prescription.
2. Prescribe burn the Young’s Springs Unit #3 in the fall as conditions allow.
3. If goshawks are located within areas proposed for treatment implement guidelines of the Goshawk Strategy and the Forest Plan Amendment for the Utah Northern Goshawk Project (Probasco. 2006).
4. If boreal toads are located within treatment areas then assess potential effects to these species/habitat and modify project implementation as identified in the project record.
5. No ignition of fire would be started in stream corridors and associated riparian area to limit fire in Lynx Analysis Unit.
6. Maintain a 300’ buffer adjacent to fish bearing streams (Carter Creek, Little Elk Creek and Elk Creek) where prescribed will be excluded.
7. Protect identified cultural resource sites within prescribed burning areas by provided a 30 meter buffer around the sites where fire will be excluded. If additional sites are identified during project implementation these sites will be reviewed by Forest archeologists who will identify any changes to project implementation as needed.

## **Purpose and Need for the Decision**

The exclusion of fire over recent history has resulted in the buildup of fuels throughout the project area. This is especially true within the Young Springs area west of the Deep Creek Campground where there has not been any salvage of beetle killed Ponderosa pine following the beetle epidemic of the 1980s. The increase of fuels manifests itself in both downed slash and excessive Ponderosa pine and other conifer regeneration. Other vegetation types within the project area also exhibit increased downed fuels and increased tree densities. Excessive fuels create conditions where fire will eventually occur at higher than historic intensities, potentially resulting in severe effects to soils, vegetation (including mature fire resistant Ponderosa pine forests), watersheds and wildlife and fisheries habitat.

The exclusion of fire (where one or more fire return intervals are missed) has also altered historic or pre-European settlement fire regimes within the project area. This has resulted in a departure from historic reference conditions for vegetation, fuels and disturbance regimes which is described as a “Condition Class 2”. As a comparison, “Condition Class 1” indicates that there has been little to no departure from historical conditions (Gamble, 2006).

With the absence of fire, key ecological processes such as nutrient recycling, forest health and succession, sustaining plant and animal diversity, vegetative composition and forage and browse production have also been altered.

Conifers, primarily Ponderosa pine, pinyon-juniper and Douglas-fir also are encroaching into areas previously dominated by mostly sagebrush but also other browse species and/or open meadows. This is reducing, and will continue to reduce the amount and quality of key wildlife browse areas.

Consequently, the purpose of this proposal is three fold:

1. To reduce hazardous fuels within the project area. It is expected that this will return portions of the project area back to a desired “Condition Class 1”.
2. To reintroduce fire and its resulting ecological benefits back into the project area where fire is used as a tool to reduce hazardous fuels.
3. To maintain or improve wildlife browse areas.

## **Monitoring...Adaptive Management**

A key to successfully implementing my decision is to continue monitoring, and then adapting to the results. The project area has been monitored to determine fuel loading, forest stand conditions, wildlife habitats and presence of key wildlife species, fish and macro-invertebrate populations. These parameters will continue to be monitored post treatment to determine project effectiveness. An Interdisciplinary Team will also

evaluate project implementation within one year following each year's treatment to determine the need for adjustments to any subsequent project implementation.

### **Forest Plan Direction (USDA Forest Service, 1986)**

This decision incorporates pertinent Forest Plan direction pertaining to the desired resource condition objectives for this area. The project area contains the following Management Areas and direction:

**Management Area “n”**...Range of resource uses and outputs. Commodity production modified for amenity production (7,551 acres). This MA is described as “Resource protection as needed outside of NRA. Low investment. Prescribed fire allowed.”

**Management Area “f”**...Dispersed Recreation Roaded within the FGNRA (1,370 acres). This MA is described as “Areas receiving a variety of uses in a variety of landforms and vegetation types located throughout the Forest in a roaded environment. Prescribed burning used to manage resources but aggressive prevention and suppression to protect resources under heavy use levels.”

**Management Area “b”**...Moderate Timber Production (716 acres). This MA is described as “...forested lands with commercial timber stands. Although providing the Ashely Forest's highest timber production, there is still only a moderate level of investment for the timber resources. Protect timber resources as necessary. Immediate and aggressive control but with a cost consistent with the land management objectives.”

**Management Area “n1”**...NRA Existing Situation (832 acres). This MA is described as “...lands where activities and practices recognize the recreation and wildlife values within the FGNRA. Standards and guidelines are modified to comply with Public Law 90-540”. Within this MA some vegetative manipulation by prescribed fire where it is in keeping with scenic, wildlife, and recreation purposes as required by FGNRA legislation. Prescription based on protection of facilities, wildlife, VQOs, and fuels abatement.”

**Management Area “r”**...Wildlife within the FGNRA (294 acres). This MA is described as “...lands having special or critical wildlife capabilities in the FGNRA. Objective is to maintain or increase wildlife species diversity and numbers while meeting the direction for protection of recreation and visual resources in Public Law 90-540. Prescribed fire permitted. Prescription based on facilities protection, fuels abatement, management objectives, and VQO requirements.”

Appendix A of the Forest Plan also provides supplemental direction for FGNRA lands within the project area. Direction pertinent to this project includes the following:

- Manipulate vegetative cover where appropriate to improve ground cover, preserve natural beauty, increase diversity, and reduce fire hazard (FP page A-5).
- Rehabilitate burns resulting from wildfires and prescribed burning to provide soils stability and restore recreationa, wildlife, and esthetic values (FP page A-19).

- Design and execute prescribed burning operations in a manner and under conditions which will minimize the adverse effects of smoke as an air pollutant (FP page A-19).
- Convert flammable vegetation to less flammable cover types in high value areas where fire risks are high and major esthetic values would not be lost (FP page A-19).
- Manipulate vegetation cover by use of fire where appropriate to provide variety, improve ground cover and wildlife habitat, preserve natural beauty, and reduce fire hazard (FP page A-19).

## **Decision Rationale**

This decision was made after careful consideration of the proposal, public comments, Forest Service specialist reports and the entirety of the project record. The Chief of the Forest Service has established categories of actions that can be excluded from documentation in an environmental assessment (EA) or environmental impact statement (EIS). This action falls under that authority...FSH 31.2., Category 10 – 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 (Amendment No: 1909.15-2004-3) (USDA Forest Service 2004a). The limitations of this category as listed in 10. a. through e. have also been met.

Direction provided in the Environmental Policy and Procedures Handbook (FSH 1909.15, Interim Directive 1909.15-2004-1, effective February 24, 2004) requires the Responsible Official to consider whether extraordinary circumstances related to a proposed action warrant analysis in an EA or EIS (USDA Forest Service 2004a & b). The ID also states that “The mere presence of one or more of these resource conditions does not preclude 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.” The potential extraordinary circumstances that were considered during the analysis are presented in the following paragraphs.

### **1) Threatened and Endangered Species or Their Critical Habitat**

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species’ designated critical habitat. In accordance with Section 7(c) of this Act, a list of proposed, threatened or endangered species that may be present in the project area was provided by the U.S. Fish and Wildlife Service on August 22, 2005. The information indicated that there is suitable habitat for the Bald Eagle and the Canada Lynx, and that these species might occur within the project area. As required by this Act, potential effects of this decision on listed species have been analyzed and documented in Biological Assessments (Christensen (Terrestrial Species). BA 2006; Gouley (Aquatic Species). BA/BE 2006; Goodrich (Plants). BA 2006).

It was determined that bald eagles are not expected within the project area and that this decision will result in no effect to bald eagles. It was also determined that Canada Lynx

are not expected within the project area but that this decision “may affect, but is not likely to adversely affect Canada Lynx”. The Counterpart regulations were used to compile with the Section 7 consultation process for this project. The counterpart regulations were authorized by 50 CFR 402.04 to streamline the consultation process for projects that support the National Fire Plan.

No effects are expected to any other proposed, threatened or endangered species.

**Sensitive Species** - Manual direction (FSM 2670) requires analysis of potential impacts to sensitive species, which are species identified by the Regional Forester for which population viability is a concern. Potential effects of this decision on sensitive species have been analyzed and documented in the Biological Evaluations for this project. It was determined that this decision may impact individual flammulated owls, northern goshawks and three-toed woodpeckers, but will not cause a trend toward their federal listing or cause a loss of viability to these populations (Probasco (Terrestrial Wildlife). BE 2006; Goodrich (Plants). BE 2006; Gouley (Aquatic Species). BA/BE 2006).

**MIS Species** - I have considered the effect of this decision on the 12 Management Indicator Species designated in the Forest Plan (Probasco. 2006; Gouley. 2006). Three of the terrestrial species and two aquatic species may be present within the project area. They include mule deer, Rocky Mountain elk, northern goshawks, Colorado River cutthroat trout and macroinvertebrates. The analyses for the MIS species that may be present within the project area indicate that this decision will not have an effect upon the trend of these species and that their habitats will not be substantially affected.

**Birds of Conservation Concern (Migratory Birds) and Utah Partners in Flight Priority Bird Species** - The analysis (Probasco. 2006) indicates that this decision satisfies provisions of the Migratory Bird Treaty Act, E.O. 13186 and the Draft December 9, 2002 Forest Service/ Fish and Wildlife Service MOU.

## **2) Floodplains, Wetlands, or Municipal Watersheds**

This decision will have no significant and adverse effects on extraordinary circumstances described in FSH 1909.15, Chapter 30.3.2(b) (Conroy. 2006).

**Floodplains** - Compliance with Executive Order 11988 (Floodplains) requires that agencies: restore and preserve the natural and beneficial values served by floodplains; evaluate potential effects on floodplains; consider alternatives to avoid adverse effects in floodplains; minimize potential harm; allow the public early notification and review opportunities of plans or proposals within floodplains.

This project does not change any floodplain properties, nor does it alter the extent of any floodplains. As such, the project is consistent with directives from Executive Order 11988 (Conroy. 2006).

**Wetlands** –There are no known or mapped wetlands within the project area that will be affected by the implementation of this decision. As such, the project is consistent with directives from Executive Order 11990 (Conroy. 2006).

**Municipal Watersheds** – The project area lies within the designated municipal watershed for the Town of Dutch John, UT. It is not expected that the project will have any significant and adverse effects on this municipal watershed (Conroy. 2006).

### **3) Congressionally Designated Areas**

**National Recreation Areas:** Approximately 10% of the project area (1,126 acres) is located within the Flaming Gorge National Recreation Area (FGNRA). These lands are located near the eastern portion of the project area adjacent to Utah State Highway 44. Within those FGNRA lands that are visible from Highway 44 a mechanical treatment is prescribed to achieve project objectives. This is expected to maintain and improve the visuals quality along this highway and have a positive effect upon the recreational uses of these lands. This treatment, combined with prescribed fire use where it is not readily visible from Highway 44, are expected to have a positive effect upon the purposes for which the NRA was set aside, which is 1) public outdoor recreation benefits, and 2) conservation of scenic, scientific, historic, and other resource values contributing to public enjoyment.

### **4) Inventoried Roadless Areas**

Approximately 3,305 acres of Inventoried Roadless Areas occur within the project area. The implementation of this decision is not expected to diminish the roadless and potential wilderness characteristics of the areas that are proposed for prescribed burning (Catron. 2006). No new road construction or the development of “user defined” roads are expected to occur as part of this decision.

### **5) Research Natural Areas**

There are no research natural areas within the Little Elk Summit Fuels Reduction Project area.

### **6) Native American 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. This decision complies with the cited Act. Surveys have been conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas within the Little Elk Summit Fuels Reduction Project area. The results of these surveys have been reviewed and a determination made that there are no cultural properties that will be affected by this undertaking (Loosle. 2006). A letter of concurrence was received from the Utah State

Historic Preservation Office on May 26, 2006 (Seddon (State of Utah). 2006) for the Honslinger area portion of the project.

Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. The Forest consulted with potentially affected tribes in 2005 through scoping with the Ute Tribe Business Committee. The intent of this consultation has been to remain informed about Tribal concerns. Consultation did not result in any tribal concerns or significant cultural resource issues for this project.

### **Public Involvement**

The Little Elk Summit Fuels Reduction Project NEPA has been listed on the Forest Schedule of Proposed Actions for over a year. On July 18, 2005 a scoping letter was sent to over 100 potentially interested persons or organizations providing an opportunity for comments. A second scoping letter was sent on November 1, 2005 (legal notice posted in the Vernal Express on November 2, 2005) that provided an additional comment period. Six comment letters were received from four separate entities during the two comment periods. Comments were received from the following agencies and organizations: US Fish and Wildlife Service, Utah Division of Wildlife Resources, Utah Environmental Congress and High Uintas Preservation Council.

All comments were evaluated to help determine whether effects related to the proposed action warranted further analysis and documentation in an EA or EIS (Appendix A, Response to Public Comments. 2006).

### **Findings Required By and/Or Related To Other Laws And Regulations**

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

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

***Forest Plan Consistency (National Forest Management Act)*** - 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. This decision is responsive to guiding direction contained in the Forest Plan, as summarized in this document. This decision is also consistent with the standards and guidelines contained in the Forest Plan.

**Clean Water Act** - Based on the analysis conducted for this proposal, I conclude that my decision meets the intent of the Clean Water Act (Conroy. 2006).

**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 Dinosaur National Monument (20 miles east of the project) is a Class I airshed. The project area is classified as a Class II airshed. This project will be implemented following the Utah Interagency Smoke Management Program and follow provisions of the Utah Smoke Management Plan (2006). This plan allows for prescribed fire ignitions 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.

**Wild and Scenic Rivers Act** – While there are no congressionally designated wild, scenic, or recreational rivers or streams within the Little Elk Summit project area, Carter Creek has been designated as eligible for scenic classification in the *Ashley National Forest's Final Eligibility Determination of Wild and Scenic Rivers, July 2005*. Mechanical treatments are planned within a small portion of the Carter Creek drainage within the wildland/urban interface of the Deep Creek Campground. Mechanical treatments will use chainsaws and/or other hand tools to reduce fuels around the campground. This work is expected to compliment and blend into existing campground facilities and adjacent forested areas. Prescribed burning is not planned within the Carter Creek Canyon. However, fire may drop or creep into canyon vegetation creating pockets or areas where fire would burn. These areas, if they are created, are expected to be small and few in number, and will be expected to add to the vegetative diversity and scenic values of the canyon and creek. Neither activity is expected to affect Carter Creek's eligibility or Congressional consideration as a wild, scenic or recreational river or stream. There are no other rivers or streams eligible for wild, scenic or recreational consideration within the project area.

**Executive Order 12898...Environmental Justice** - This order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

### **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 this notice in the Vernal

Express, Vernal, Utah. This date is the exclusive means of determining the time to file an appeal. Timeframe information from other sources should not be relied upon.

Incorporation of documents by reference is not allowed. The Appeal Deciding Officer is Kevin B. Elliott, Ashley Forest Supervisor. Appeals must be sent to: Appeal Deciding Officer, Intermountain Region USFS, 324 25<sup>th</sup> Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: [appeals-intermtn-regional-office@fs.fed.us](mailto:appeals-intermtn-regional-office@fs.fed.us). Emailed appeals must be submitted in rich text (rtf), Word (doc) or portable document (pdf) formats 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. If an appeal is filed, I am willing to meet and discuss concerns.

**Implementation Date**

If no appeals are received, this decision may be implemented no sooner than five days following the close of the appeal-filing period. If an appeal is received, implementation may begin 15 days following the disposition of all appeals.

**Contact Person**

For additional information about this decision or copies of the Decision Memo, please contact D. Ross Catron, Team Leader, during normal office hours (weekdays, 8:00 a.m. to 5:00 p.m.) at the Flaming Gorge District Office located at 25 West Highway 43, Manila Utah 84046; Phone: 435-781-5268; Fax: 435-781-5295; or e-mail: [rcatron@fs.fed.us](mailto:rcatron@fs.fed.us). Additional information about this decision can be found on the Internet at [www.fs.fed.us/r4/ashley/projects](http://www.fs.fed.us/r4/ashley/projects).

**Responsible Official**

The responsible official for the project is Jeff E. Schramm, Flaming Gorge District Ranger, Ashley National Forest.

          /s/ Jeff E. Schramm            
JEFF E. SCHRAMM  
District Ranger

          September 22, 2006            
Date

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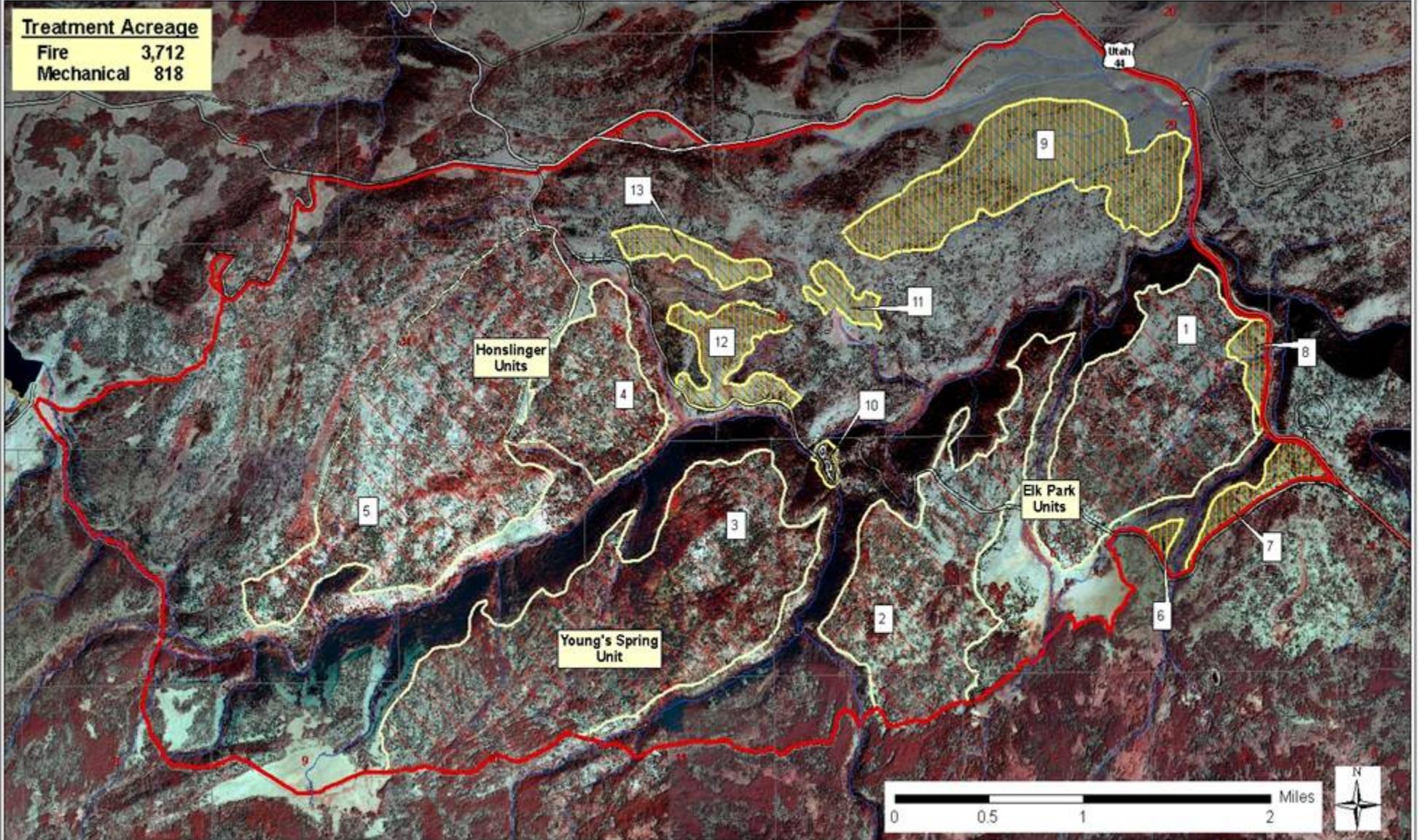
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- USDA Forest Service 2004b. FSH 1909.15, 30.3. *Interim Directive 1909.15-2004-1*, effective February 24, 2004).

# Little Elk Summit Fuels Reduction Project -- Treatment Sub-units

Treatment Acreage	
Fire	3,712
Mechanical	818



Legend		
	Fire	
	Mechanical	
	Project Boundary	

Project Name: <b>Little Elk Summit Fuels Proposed Treatment Units</b>	
Project Location: Township: T1N, T2N	Range: R18E, R19E Section(s): Multiple
State(s): <b>Utah</b>	County(s): <b>Daggett</b>
Map Projection: <b>UTM Zone 12N, NAD 1983</b>	Nominal Map Scale: <b>1 : 30,000</b>
Drawn By: <b>W. Conroy</b>	Date Drawn: <b>06 March 2006</b>
File Location: <b>C:\work\spoc\projects\Little Elk Summit Fuels Project\LEF_map2_UNITS-ar_07sep06.mxd</b>	

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