DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

For

The Timpanogos Interagency Land Exchange

USDA Forest Service Intermountain Region

Uinta National Forest

Wasatch and Utah Counties, Utah

I. Introduction

The USDA Forest Service and OSPG, L.C., a Utah limited liability company (OSPG), have entered into an exchange proposal of 37.053 acres, more or less, of non-Federal land (the Highland parcel), for up to 266.37 acres, more or less, of National Forest System (NFS) lands and various administrative sites located on the Uinta, Wasatch-Cache, and Fishlake National Forests (NF).

On December 6, 2002, President Bush signed the Timpanogos Interagency Land Exchange Act (P.L. 107-329; 116 Stat. 2815), hereinafter referred to as "the Act." The purposes of the Act are: (1) to authorize the Secretary of Agriculture to acquire by exchange non-Federal lands located in Highland, Utah, as the site for an interagency administrative and visitor facility; (2) to direct the Secretary of the Interior to construct an administrative and visitor facility on the non-Federal land acquired by the Secretary of Agriculture; and (3) to direct the Secretaries of Agriculture and Interior to cooperate in the development, construction, operation, and maintenance of the facility.

The Act allowed for the exchange of any or all of the following Federal parcels:

Salt Lake District, Salt Lake County, Wasatch-Cache NF

Corner Canyon (Public Domain status - 20.69 acres)

Pleasant Grove Ranger District, Wasatch and Utah Counties, Uinta NF

Long Hollow (Public Domain status - 237.24 acres) (Wasatch County)
Pleasant Grove Ranger Station Office (Weeks Law status - 0.83 acre) (Utah County)
Provo Sign and Radio Shop (Weeks Law status - 0.18 acre) (Utah County)
Springville Parcel (Weeks Law status - 7.20 acres) (Utah County)

Beaver Ranger District, Beaver County, Fishlake NF

Beaver Residential House and Garage (Weeks Law status - 0.23 acre)

Although this exchange was legislatively authorized, several alternatives were considered through the National Environmental Policy Act (NEPA) process. The range was narrowed to two alternatives that were acceptable to both parties: Alternative A - No Action; and Alternative B -Proposed Action. Both alternatives were analyzed in the EA.

The Environmental Assessment (EA) for this proposed exchange, entitled *Timpanogos Interagency Land Exchange,* is available for public review at the Uinta NF Supervisor's Office, 88 West 100 North, Provo, UT 84601 (801) 342-5193; the Wasatch-Cache NF Supervisor's Office, 8236 Federal Building, 125 South State Street, Salt Lake City, UT 84138 (801) 236-3429; the Fishlake NF Supervisor's Office, 115 East 900 North, Richfield, UT 84701 (435) 896-1001; or the Intermountain Regional Office, 324 25th Street, Ogden, UT 84401 (801) 625-5499.

II. Purpose and Need for This Project

The exchange would result in a more consistent approach to managing NFS lands. The scattered and isolated NFS lands proposed for this exchange were selected because they are difficult to manage in a consistent manner and in accordance with Forest Plans. Some of the resource properties are heavily used by off-highway vehicles (OHV) that cannot be readily monitored or controlled.

The development of an interagency center at the proposed location would provide better service to the public and closer coordination between the managing agencies of American Fork Canyon. It would replace facilities and structures that no longer meet managing agency needs.

III. Decision

Based on my review of the information documented in the EA, the Finding of No Significant Impact as noted in Section VII below, and other documents contained in the project file, it is my decision to convey the 237.24-acre Long Hollow Federal parcel in exchange for the 37.053-acre Highland non-Federal parcel, together with a cash equalization payment of $70,000.

The Forest Service and non-Federal party agreed that the priority for conveyance of the Federal parcels to the non-Federal party would be in the following order: Long Hollow, Provo Sign and Radio Shop, Springville, Pleasant Grove Ranger Station, Beaver Residential House and Garage, and finally, the Corner Canyon parcel. The Federal parcels were appraised in that order until equalization to the non-Federal parcel (Highland) was obtained.

My decision implements Alternative B - Proposed Action, as described in Section 2.1.2 of the EA. This alternative identified six Federal parcels that could be exchanged for the Highland non-Federal parcel. The approved appraised values determined that only the Long Hollow Federal parcel, together with a cash equalization payment of $70,000 by the non-Federal party, is needed to equalize the exchange.

Immediately following my decision, OSPG and the USFS will execute a formal and binding Land Exchange Agreement, which documents the terms under which the land exchange will be executed.

It is my further decision that the remaining Federal administrative sites identified (Pleasant Grove Ranger Station Office, Provo Sign and Radio Shop, and the Beaver Residential House and Garage), as well as the Corner Canyon parcel, may be made available for open sale through the Pilot Conveyance Program and/or other authorities available to the Forest Service.

The Springville parcel is not currently eligible for conveyance under the Pilot Conveyance Program.

Decision Rationale - Public Interest Determination

This decision best meets the purpose and need for the project, responds to public issues, and minimizes overall disturbance to Federal resources. In accordance with 36 CFR 254.3(i), I have determined that the resource values and the public objectives served by the non-Federal lands to be acquired are equal to or exceed the resource values and the public objectives served by the Federal lands to be conveyed. Additionally, the intended use of the Federal property after conveyance is likely to remain unchanged and thus will not substantially conflict with established management objectives on adjacent NFS lands, as per 36 CFR 254.3(ii). My reasons for proceeding with this action and selecting the Proposed Action alternative, which also summarizes my determination of public interest, are as follows:

1. Completing the exchange will carry out the direction established in the Timpanogos Interagency Land Exchange Act, P.L. 107-329; 116 Stat. 2815.

2. Acquiring the non-Federal parcel would create management efficiency by allowing the Park Service to build a facility that would reduce costs associated with the currently owned and rented facilities. The new building would consolidate the administrative sites for at least two Federal agencies — the Park Service and the Forest Service. It would also provide the opportunity for local government agencies to share space.

3. Conveying the Long Hollow Federal parcel will eliminate eight corners and approximately 3.02 miles of landline boundary.

4. The Long Hollow Federal parcel is located in an area zoned “P-160” for Preservation Zone. This zoning is fairly restrictive yet typical for those areas identified as having preservation needs with regard to watershed protection, view shed, and other sensitive issues. Development is conditional and very low density under this zone; only one home site per each 160-acre parcel is allowed. This type of zoning will not conflict with the adjacent NFS lands.

5. Recreational access and opportunities will be essentially unchanged.

6. Neither the beneficial nor adverse effects of this action, as detailed in Sections 3.2, 3.3, and 3.4 of the EA are significant. There would be no significant direct or indirect effects to wetlands; riparian zones; floodplains; wildlife; threatened, endangered, or sensitive plant or animal species; vegetative cover; recreation; visual resources; nor cultural or historical resources.

7. This action, when related to other actions, will not cumulatively produce any significant impacts. There are no foreseen impacts that would contribute to other management or new project activities (EA, Section 3.0). The Proposed Action alternative does not set a precedent for future actions that would be potentially significant (EA, Section 3.0).

8. This exchange meets the equal value requirements of 36 CFR 254.3(c), although the Act does give allowance to the Secretary [of Agriculture] to accept or make a cash equalization payment in excess of 25 percent of the Federal lands, if circumstances require. The Federal land has an approved value of $1,575,000, and the non-Federal land has an approved value of $1,505,000. A cash equalization payment of $70,000 will be made to the United States from OSPG, as provided under 36 CFR 254.12.

   The subject appraisals were written in accordance with the requirements of *The Uniform Standards of Professional Appraisal Practice, The Uniform Appraisal Standards for Federal Land Acquisitions,* and all other applicable Federal laws and regulations.

IV. Alternatives Considered in Detail

Two alternatives - Alternative A - No Action; and Alternative B - Proposed Action, were evaluated. See EA Section 2.0 for a detailed description of the two alternatives.

See EA Section 2.1.4 for a summary of the effects and impacts to resources for the two alternatives evaluated. The analysis supporting these conclusions can be found in the project record, as well as in the EA, Section 3.

No Action Alternative

Under Alternative A - No Action, the Timpanogos Cave National Monument facilities would continue to be utilized until other suitable arrangements could be made. The Pleasant Grove Ranger District (RD), as well as other Uinta and Fishlake NF facilities and properties, would remain in Federal ownership. The operation of Forest Service activities from an office located in a residential area in Pleasant Grove, Utah, would continue. The NFS lands within the Uinta and Wasatch-Cache NF boundaries would be managed as per the pertinent 2003 Forest Plans. The Fishlake NF property would be managed as it is currently.

Proposed Action Alternative

Alternative B, Proposed Action, is the alternative by which the Forest Service may meet the purpose and need of the exchange by acquiring the non-Federal Highland parcel as a site for an interagency administrative and visitor facility, in accordance with the Act. As discussed above, this alternative allows for up to six Federal parcels identified in the Act to be exchanged to the non-Federal party. The appraised values determined that only the Long Hollow Federal parcel is needed to equalize the exchange, together with a cash equalization payment of $70,000 paid to the United States.

As stated above, the remaining Federal administrative sites identified (Pleasant Grove Ranger Station Office, Provo Sign and Radio Shop, and the Beaver Residential House and Garage), as well as the Corner Canyon parcel, may be made available for open sale through the Pilot Conveyance Program and/or other authorities available to the Forest Service.

The Springville parcel is not currently eligible for conveyance under the Pilot Conveyance Program.

In the meantime, the operation of Forest Service activities from an office located in a residential area in Pleasant Grove, Utah, will continue; the administrative sites and NFS lands within the Uinta and Wasatch-Cache NF boundaries will be managed as per the pertinent 2003 Forest Plans; and the Fishlake NF property will be managed as it is currently.

Alternatives Considered but Eliminated from Further Analysis:

Exchange of any properties not outlined in the Act

The Act identified only those specific properties listed in the proposed action. Therefore, consideration of any other properties for exchange falls outside the scope of this project and consequently such alternatives were eliminated from further analysis.

Purchase of the non-Federal parcel without the exchange of properties

The Forest Service has authority to purchase administrative sites. However, no funding is currently available for purchase of lands, and funding would not become available within the timeframe needed to accomplish the acquisition of a site for the proposed interagency facility. Therefore, fee simple purchase is not a viable alternative and was eliminated from further study. In addition, OSPG stated in a letter dated October 7, 2004, that they were not willing to sell the non-Federal parcel, and were only interested in a land exchange.

V. Public Involvement and Scoping

The proposal was listed in the spring, summer, and fall of 2003; and winter, spring, and summer of 2004 editions of the Schedule of Proposed Actions. The proposal was provided to the public and other agencies for comment through a scoping notice in April 2003. Three comments were received in response to this notice from the Utah Environmental Congress, Bureau of Reclamation, and the Western Land Exchange Project.

An interdisciplinary team (ID Team) meeting was held on August 5, 2003, to discuss scoping comments received by the public, and to identify any additional issues. Using the public comments and those issues identified through interagency scoping and other agencies, the ID Team developed a list of issues to address in the EA.

A copy of the EA was released for public review on February 20, 2004. The EA was posted on the Uinta NF website (http://www.fs.fed.us/r4/uinta/projects/index.shtml), and notices of the availability of the EA were mailed to interested parties and published in local newspapers. A total of 13 comments were received. These comments were reviewed and, in some cases, revisions were made to the EA to address those comments. Comments received on the EA are summarized and responded to in the Public Comment Summary and USFS Response document in the EA, as well as in the Project Record.

VI. Compliance with Other Laws, Plans, and Regulations

The Proposed Action alternative is in compliance with all Federal, State, and local laws and regulations. In addition, the land exchange is consistent with:

- **Forest Plans.** Acquisition of the non-Federal Highland parcel and conveyance of the Long Hollow Federal parcel is in conformance with the Revised Uinta NF Plan (2003), and meets Forest Wide Goal 7, Chapter 2, page 2, which states: "When there is an apparent and overriding benefit, opportunities for consolidation of land ownership and subsurface and surface property rights, acquisition of appropriate access, and establishment of identifiable boundaries are pursued."

- **The Endangered Species Act (ESA) of 1973.** No threatened, endangered, or sensitive species of animals, plants, or habitat are affected by this exchange, as concurred with by the U.S. Fish and Wildlife Service on March 17, 2004. Therefore, this exchange does not conflict with the requirements of the Endangered Species Act of 1973, as amended (EA, Section 3.3).

- **National Historic Preservation Act of 1966.** No archeological/cultural values are involved. The exchange does not conflict with the requirements of the National Historic Preservation Act of 1966 (P.L. 89-665) and Executive Order (E.O.) 11593. The Utah Historic Preservation Office concurred with the findings of the *Timpanogos Interagency Land Exchange Cultural Resource Summary Report, Report # UN-01-349,* on July 1, 2003 (EA, Section 3.2).

- **Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA).** The Federal and non-Federal parcels have been examined for evidence of hazardous materials in accordance with the CERCLA (42 U.S.C. 9601), as amended. No evidence was discovered indicating the likelihood of contamination on the Federal or non-Federal parcels; nor was any evidence found to indicate that any hazardous materials were stored for one year or more or disposed of or released on the non-Federal parcel.

- **Federal Land Policy and Management Act of 1976 (FLPMA).** Conveyance of the Federal parcel into private ownership will not conflict with the requirements of Sec. 402(g) of FLPMA (grazing permittee/lessee).

- **Functions Transfer (Interior to Agriculture) Act of June 11, 1960.** The Division of Mineral Resources, Bureau of Land Management, reports that the Federal and non-Federal lands have no value for any minerals covered by the mineral leasing laws and are not considered to be valuable or potentially valuable for geothermal resource development. A Forest Service mineral report substantiates this finding.

- **Executive Orders 11988 and 11990.** This exchange does not conflict with E.O. 11988 (floodplains) or E.O. 11990 (wetlands). The Forest Service will neither gain nor lose wetland habitat.

- **Federal Cave Resources Protection Act of November 19, 1988.** No caves are involved; therefore, the exchange does not conflict with the intent of this Act.

- **The Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999.** This Act requires a 30-day review by House and Senate Appropriations Committees of the formal notice(s) for pending exchange cases involving Federal land value in excess of $500,000. The 30-day Appropriation Committee Review of the Timpanogos Interagency Land Exchange ran from November 1 to December 1, 2004, with no comments or questions from the Committee.

- **Land Exchange Laws.** The land exchange is consistent with the General Exchange Act of March 20, 1922 (42 Stat. 465; 16 U.S.C. 485), as amended by the Act of February 28, 1925 (43 Stat. 1090); the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1716); and the Federal Land Exchange Facilitation Act of August 20, 1988 (102 Stat. 1086; 43 U.S.C. 1716).

- **Other Legislation.** This exchange is in conformance with the Clean Water Act, Noise Control Act, Clean Air Act, Farmlands Protection Policy Act, and E.O.'s on Environmental Justice (E.O. 12898), Migratory Bird Treaty Act (E.O. 13186), and Invasive Species (E.O. 13112). This action will not significantly affect human or natural resources. The effect of the decision will not differentially affect low income or minority populations.

VII. Finding of No Significant Impact

According to regulations for implementing the NEPA, an Environmental Impact Statement (EIS) must be prepared if the proposed action alternative will have a significant effect on the environment. In NEPA, the significance of an action requires the consideration of both context and intensity (40 CFR 1508.27). For the resource evaluations involved in this land exchange, context is limited to the effects to the local jurisdiction of the Forest involved, which now includes two counties (Utah and Wasatch), and one RD (Pleasant Grove). Both the short- and long-term effects range from beneficial to neutral in relation to current uses of the involved parcels.

Intensity refers to the severity of the impact of an action. In accordance with 40 CFR 1508.27 (b), the following factors have been considered in the evaluation of intensity:

1. Beneficial and Adverse Impacts - As detailed in Sections 2.1.4 and 3.0 of the EA, the beneficial and adverse impacts of this proposed action are not significant.

2. Public Health and Safety - Public scoping and agency analysis of the proposed action did not reveal any public health or safety concerns.

3. Unique Geographic Characteristics - No unique geographic characteristics will be substantially impacted by the proposed action. No wetland areas are associated with the non-Federal property, and the riparian areas associated with the non-Federal and Federal properties will remain essentially unchanged (EA, Section 3.3.8).

4. Controversy Regarding Effects - There appears to be no uncertainty or controversy regarding the projected effects to the quality of the human environment.

5. Unique or Unknown Risks - There appears to be no unique, highly uncertain, or unknown environmental risks associated with the proposed action. The foreseeable future uses of the non-Federal and Federal parcels are defined in the EA, Section 3.1.

6. Precedent for Future Actions - The proposed action does not set a precedent for future actions that would be potentially significant (EA, Section 3.0).

7. Cumulative Impacts - This action, when related to other actions, will not cumulatively produce any significant impacts (EA, Section 3.0).

8. Cultural/Historic Resources - There will be no significant adverse effects to cultural or historic resources as a result of the proposed action (EA, Section 3.2.2).

9. Threatened and Endangered Species - There will be no adverse effects to threatened or endangered species or critical habitat as a result of the proposed action (EA, Section 3.3.6).

10. Violation of Environmental Laws - As discussed above, the proposed action is in compliance with all Federal, State, and local laws and regulations as well as the Uinta NF Land and Resource Management Plan.

After considering the environmental effects described in the EA and my review of public input, I have determined that these actions will not have a significant effect on the quality of the human environment. Thus, an EIS will not be prepared for this exchange.

VIII. Appeal Rights and Implementation

This decision is subject to appeal pursuant to 36 CFR Part 215.11. Individuals or organizations that submitted substantive comments during the comment period may appeal this decision. Appeals must meet the content requirements of 36 CFR 215.14, as published in the Federal Register on June 4, 2003.

Appeals must be filed within 45 days following the date the legal notice of this decision is published in the *Salt Lake Tribune*, Salt Lake City, Utah. The date of publication of this legal notice in the *Salt Lake Tribune* is the exclusive means for calculating the time to file an appeal.

Those wishing to file an appeal should not rely upon dates or timeframe information provided by any other source.

Appeals must be post marked or received by the Appeal Deciding Officer, who is the Chief of the USDA Forest Service, by the end of the appeal filing period. A copy must also be sent to Tom Ellison, Land Adjustment Group Leader, Regional Office, 324 25th Street, Ogden, UT 84401, or e-mail to: tellison@fs.fed.us.

Appeals may be filed electronically at appeals-chief@fs.fed.us.; hand delivered between 8 am and 5 pm, eastern time, Monday through Friday (excluding holidays); or mailed (Federal Express recommended, but not required) to: USDA Forest Service, Mail Stop 1104, Ecosystem Management Coordination Staff, ATTN: Appeals, 1400 Independence Ave., S.W., Washington, DC 20250-1104. Appeals sent by Federal Express should be directed to: USDA Forest Service, EMC Staff, 3rd Floor Central Wing, 201 14th St. SW, Washington, DC 20024 (202) 205-0895. Appeals may also be faxed to (202) 205-1012. Electronically mailed appeals must be submitted in Microsoft Word (*.doc) or rich text format (*.rtf). Individuals or organizations that participated during the planning process have standing to appeal this decision. It is the responsibility of the appellant to ensure that their appeal is received in a timely manner.

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

IX. Contacts

For additional information concerning this decision, contact Tom Ellison, Land Adjustment Group Leader, Intermountain Region, USDA Forest Service, 324 25th Street, Ogden, UT, 84401 (801) 625-5499; or Hank Finch, Utah Land Adjustment Zone, 8236 Federal Building, 125 South State Street, Salt Lake City, UT 84138 (801) 236-3429.

/s/ Jeanne A. Evenden_____ December 22, 2004_____
JEANNE A. EVENDEN DATE
Director of Lands
Intermountain Region
USDA Forest Service