

Decision Memo

Redford Road Permit Reissuance

USDA Forest Service
Spanish Fork Ranger District, Uinta National Forest
Utah County, Utah
Township 9 South, Range 4 East, Sections 2 and 3, SLM

Background

In August of 2000 the Uinta National Forest issued a Private Road Special Use Permit to the Robert Redford Trust for Forest Road 116 in Diamond Fork Canyon. Forest Road 116 is the primary access to the Trust's Diamond Fork Ranch. Approximately 1000 feet of the road crosses National Forest System lands before continuing onto the private land. The Special Use Permit authorized the construction and maintenance of 1000 feet of gravel road, including a concrete culvert bridge spanning Diamond Fork Creek, from the junction with Forest Road 029 to the private property boundary. The permit also authorized the installation of an entrance gate to prevent public use of the road. The Private Road Special Use Permit expired December 31, 2004.

Decision

I have decided to issue a Private Road Special Use Permit renewing the authorization to the Robert Redford Trust for continued use and maintenance of 1000 feet of Forest Road 116. This Special Use Permit will expire five years from the date of issuance, at which time the permit holder may apply for another permit.

The permit will not authorize any new road construction. The permit will authorize the Robert Redford Trust to continue using the road to access the Diamond Fork Ranch and to perform routine maintenance of the road, culvert and gate.

Renewal of the permit was analyzed by a Forest Service archaeologist, ecologist, range specialist, fisheries biologist, wildlife biologist, and hydrologist. Each of these specialists concurred that there are no extraordinary circumstances that would warrant further analysis and documentation of the proposal in an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and that the proposal would not have a significant effect on the environment.

In my decision-making process I considered all of the concerns that were raised as a result of our public involvement efforts. This proposal was presented to the public for comment on November 12, 2004 with the publication of a legal notice in *The Daily Herald*. In addition, letters requesting comments were mailed to several interested individuals or groups.

A concern was raised over potential impacts to proposed, endangered, threatened and sensitive species, and to population trends of management indicator species (MIS). These topics were

analyzed by a Forest Service ecologist, fisheries biologist, and wildlife biologist. Reissuance of the permit is expected to have no effect on these species.

A concern was raised that the length of the term of the permit should be shorter than five years to allow changes to the authorization in response to unforeseen issues or events. Clause 17 of the previous permit stated that the permit may be revoked at the discretion of the issuing officer. The reissued permit would also contain this clause which gives the Forest Service the ability to respond to unforeseen issues or events. In addition, the Forest Service can amend the permit to include additional conditions during the term of the permit.

A concern was raised that the permit should include language stating that it does not convey permanent rights to the permitted area. Clause 17 of the previous permit addressed this concern. This clause would be included in the reissued permit.

I have determined that this proposal is categorically excluded from documentation in an environmental impact statement or an environmental assessment under Section 31.2, Item 15, of Forest Service Handbook (FSH) 1909.15 on Environmental Policies and Procedures. This category pertains to the issuance of a new special use authorization for a new term to replace an expiring or expired special use authorization when the only changes are administrative, there are no changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization. Each of these conditions is met.

Public Involvement

As stated above, this proposal was presented to the public for comment on November 12, 2004 with the publication of a legal notice in *The Daily Herald*. In addition, letters requesting comments were mailed to several interested individuals or groups. A response was received from one group and the pertinent concerns raised were discussed above.

Findings Required by Other Laws

This decision is consistent with the Uinta National Forest 2003 Land and Resource Management Plan (Forest Plan) as required by the National Forest Management Act. The proposal is consistent with Forest Plan standards and guidelines for Soil and Water Resource Management (Forest Plan pages 3-8 through 3-10), Wildlife and Fish Habitat Management (Forest Plan pages 3-11 through 3-31), Noxious Weeds and Vegetation Management (Forest Plan pages 3-15 through 3-20), Transportation Management (Forest Plan pages 3-32 through 3-34), and Special Uses Management (Forest Plan page 3-31).

Issuance of the permit would not violate the Endangered Species Act or any other applicable environmental laws. Additionally, the terms and conditions of the permit require the permit holder to comply with all laws applicable to the authorized facilities and activities.

Implementation Date

The Special Use Permit will be issued immediately.

Administrative Review or Appeal Opportunities

This decision is not subject to administrative appeal.

Contact Person

For additional information concerning this decision or the Forest Service appeal process contact Duane Resare, Spanish Fork Ranger District, 44 West 400 South, Spanish Fork, UT, 84660, (801)-798-3571.

/s/William R. Ott

WILLIAM A. R. OTT

Spanish Fork District Ranger
Responsible Official

4/26/05

Date