

DECISION MEMO

Tibble Fork and Silver Lake Flat Dam Permit Issuance Project
USDA - Forest Service
Uinta National Forest
Pleasant Grove Ranger District
Utah County, Utah

BACKGROUND

The North Utah County Water Conservancy District (Water District) was issued a Special Use Permit # PLG402801 in May 1964, that replaced a 1952 term authorization issued to three irrigation companies to “construct and maintain an earth-fill dam and 1,100 acre feet (44 surface-acres) reservoir at Silver Lake Flat.” The Silver Lake Flat dam and reservoir were placed in full service August 25, 1971. Use of the dam and reservoir for public benefit has been reauthorized several times during the past 40 years.

In June 1963, the Water District was issued Special Use Permit # PLG402802 to construct, operate and maintain the Tibble Fork dam for intercepting and storing flood water and debris from the North Fork of American Fork Canyon. The permit also authorized a 239 acre feet (13 surface-acres) storage reservoir. The Tibble Fork dam was placed in service in May 1966. As with the Silver Lake Flat Dam, use of the Tibble Fork dam and reservoir has been reauthorized several times during the past 40 years.

Both dams were constructed in conjunction with the Public Law 566 Project. The latest term permits for each dam authorization expired December 31, 2003.

The Silver Lake Flat dam project area is located in Section 2 of Township 4 South, Range 2 East, and Section 6 of Township 4 South, Range 3 East, Salt Lake Base Meridian. The Tibble Fork Dam project area is located in Sections 7 and 8 of Township 4 South, Range 3 East, Salt Lake Base Meridian. Both dams lie within the American Fork Management Area of the Pleasant Grove Ranger District.

The Silver Lake Flat and Tibble Fork reservoirs provide irrigation water to residents living in six northern Utah County communities. Also, they are significant in offering leisure opportunities for more than 500,000 annual visitors who choose them for a variety of activities. Recreational use occurs year round. Therefore, the permit will provide public benefits beyond the use authorized to the Water District.

DECISION

I have decided to approve the request by the North Utah Water Conservancy District for two Special Use Permits to continue operation and maintenance of the Silver Lake Flat dam and Tibble Fork dam, both located in the North Fork of American Fork Canyon. Each new permit will be issued for another 30 years and no ground-disturbing activities are anticipated with the new authorizations. The purpose of these dams is to provide irrigation water flows and flood

control for public health and safety. The reservoirs also provide opportunities for a variety of recreational uses.

The Silver Lake Flat permit authorizes the Water District's continued use and maintenance of: a conservation pool, dam, log boom, monitoring weir, piezometer wells, spillway, reservoir, and outlet works. The Silver Lake Flat permit covers about 55.5 acres of National Forest System land and provides for the storage of about 1,100 acre feet of water.

The Tibble Fork permit authorizes the Water District's continued use and maintenance of: a dam, piezometer wells, spillway, reservoir, and outlet works. The Tibble Fork permit covers about 44.2 acres of National Forest System land and provides for the storage of about 200 acre feet of water.

The proposed action is specifically listed as one of the Forest Service Chief's categories for categorical exclusion (Forest Service Handbook 1909.15, Section 31.2, No. 15):

Issuance of a new special use authorization for a new term to replace an existing 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 authorized.

The proposed action will be of limited context and intensity and capable of producing little or no significant environmental effects (**40 CFR 1508.4**) individually or cumulatively on the quality of the human environment; is within a category listed in FSH 1909.15, Section 31.2; and there are no extraordinary circumstances related to the proposed action.

PUBLIC INVOLVEMENT

The Pleasant Grove Ranger District initiated scoping for this proposal by issuing a letter on January 23, 2003, to about 20 known interested or potentially affected parties. The proposed action was also listed in the Uinta National Forest's *Quarterly Schedule of Proposed Actions*, Winter 2003, Spring 2003, Summer 2003, Fall 2003, Winter 2004, Spring 2004, Fall 2004, Winter 2004/05 editions. In response to these solicitations, the Forest received two written comments. The project was also internally scoped.

Based upon the public comments and interdisciplinary team review, one issue was identified:

A. It appears the Tibble Fork debris basin wholly or partially resides within the Mill Canyon IRA (Inventoried Roadless Area). With the reissuance of a new permit what activities will or may actually take place within the IRA? The Mill Canyon Inventoried Roadless Area (IRA) #418041 was part of the 1999 Uinta National Forest roadless inventory. This roadless area is encompassed by State Road 144 and Forest Road 085 on the western boundary, Forest Road 085 on the northern boundary, Wasatch Mountain State Park along the eastern boundary, State Highway 92 and Forest Road 114 (Cascade Scenic Drive) on the southern boundary. The Mill Canyon Roadless Area covers 16,826 acres and contains three Forest Service roads and three watershed treatment parcels, all of which were excluded from consideration as part of this IRA. The Mill Canyon IRA

boundary was defined to specifically exclude features that did not meet the roadless area criteria.

The Tibble Fork dam and reservoir were excluded in the 1999 Uinta National Forest inventory of unroaded and undeveloped lands so they are wholly outside of the Mill Canyon IRA boundary. The inventory followed the direction given in the Forest Service Handbook 1909.12, Section 7.1: "...Identify and inventory all roadless, undeveloped areas that satisfy the definition of Wilderness found in section 2 (c) of the 1964 Wilderness Act." The Tibble Fork Dam and reservoir were excluded from the Mill Canyon IRA because they have been considered developed areas since 1969 and do not meet IRA implementation standards. Permanent facilities or facilities exhibiting substantially noticeable mechanical earthwork could be excluded from roadless areas.

Specific direction was given to the IRA interdisciplinary team as to how they were to identify roadless area boundaries. The guidelines were: "Roadless area boundaries should generally be established at a point 33' from the centerline of the constraining road, edge of development, facility or other feature which would disqualify an area as roadless. This boundary location reflects the anticipated easement distance which will occur within road corridors and around facilities. Adjustments of this distance may be made on a case-by-case basis to reflect legal easements, cut/fill slope location or other definable distance criteria that would affect the boundary of a roadless area. The roadless area boundaries may be changed after the evaluation phase to reflect proposed wilderness recommendation to Congress (FSH 1901.12, 7.26)." (Item 7, page 13 Draft Inventory of Unroaded and Undeveloped Lands on the Uinta National Forest, 1999)

When looking at the Mill Canyon IRA map it may appear that the Tibble Fork dam and reservoir are included within the IRA boundaries. This perception occurs because buffer zones were not required in the mapping process. The specific direction was: "For display and mapping of roadless area(s) do not apply any buffer to roads or facilities data layers. Calculate the acreage of each roadless area by determining the acreage of the polygon formed by the intersection of all road, and/or 'facility or influence of man's activities' area segments surround the area." (Item 8, page 13 Draft Inventory of Unroaded and Undeveloped Lands on the Uinta National Forest, 1999)

The Tibble Fork dam does meet all safety requirements as mandated by State of Utah Division of Water Rights and annual inspections are conducted by their Dam Safety Engineers. If the State does require any modifications to provide for public safety, the Water District will need to request authorization for any needed change. At that time, the Forest Service would follow the National Environmental Policy Act and the Council on Environmental Quality regulations before authorizing any ground-disturbing activities. The new special use permit will not authorize the North Utah County Water Conservancy District to conduct any activities within the Mill Canyon Roadless Area.

CATEGORICALLY EXCLUDING THIS PROPOSED ACTION

A proposed action may be categorically excluded from further analysis and documentation in an environmental impact statement or environmental assessment only if there are no extraordinary circumstances related to the proposed action

Extraordinary circumstances are those instances that could result in significant environmental effect to one or more resource conditions, as described in FSH 1909.15, Section 30.3, 2a-g. The following are considered “extraordinary circumstances”:

- a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species - Bonneville cutthroat trout (BCT) is the only aquatic TES species known to possibly inhabit the two action areas within the North Fork Drainage. Small isolated populations of BCT have been found in the upper reaches of the American Fork River. The Tibble Fork area has been surveyed and no threatened or endangered species are present. The authorization area does not contain any critical habitat for threatened and endangered species. The Forest Service has determined that this project will not adversely affect any federally protected species or critical habitat. (As per the BE for the Tibble Fork and Silver Lake Dams Re-issue 50 year permit, April 2004, A. Sitting Up, biologist; prepared for the renewal of SUP # 4028-01 and SUP #4028-01 for North Utah County Water Conservation District’s Tibble Fork and Silver Lake Flat Dams. Biological Assessment and Evaluation Fisheries and Aquatic Resources, Silver Lake Dam/Tibble Reservoir Permit Reissue, R. Smith, biologist and Biological Assessment Tibble Fork/Silver Lake Flat Fuels area by J. Waters, biologist, February 2005. Recreation Resident Waterline Permit Project, January 2005, D. VanKeuren, Uinta NF ecologist).
- b. Floodplains, wetlands, or municipal watersheds - The continued operation and maintenance of the Tibble Fork and Silver Lake Flat dams will have no impact on municipal watersheds. Neither of the permit areas is located in or near floodplains or wetlands. This decision will not affect floodplains, wetlands or municipal watersheds. (See project file)
- c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas - The permit areas do not reside in, and the project would not have any direct, indirect or cumulative impacts on, any congressionally designated areas.
- d. Inventoried roadless areas (IRAs) - The permit areas are located outside the Mill Canyon IRA (#418041); however, the Tibble Fork dam is adjacent to the IRA. The authorization to permit the continued operation and maintenance of these two dams will have no impact on the classification, management and characteristics of this IRA.
- e. Research Natural Areas (RNA) - The permit areas do not reside in, and the projects will not have any direct, indirect or cumulative impacts on any Research Natural Areas.
- f. American Indians and Alaska Native religious or cultural sites - Based on site investigations and scoping, the permit areas are not known to include, and the project would not have any direct, indirect or cumulative impacts on, any American Indian religious or cultural sites.
- g. Archaeological sites, or historic properties or areas - Issuing new permits for the continued operation and maintenance of Tibble Fork and Silver Lake Flat dams does not have the potential to affect heritage resources. (See project file.)

FINDINGS REQUIRED BY OTHER LAWS

The proposed action is consistent with the 2003 Uinta National Forest Land and Resource Management Plan. Specifically, issuing new permits for the continued operation and maintenance of the Silver Lake Flat and Tibble Fork dams is consistent with the American Fork Management Area desired future condition as described

Special uses for municipal water systems and communication and power lines will continue to be permitted. (Forest Plan, page 5-22)

The 2003 Forest Plan also states the following:

- Soil, air, and water resources provide for watershed health, public health and safety, long-term soil productivity, and ecosystem sustainability, and meet applicable laws and regulations. (Page 2-1, FW-Goal-1)
- Suitable commodity uses are provided in an environmentally sustainable and acceptable manner to contribute to the social and economic sustainability and diversity of local communities. (Page 2-1, FW-Goal-3)
- Diverse and suitable recreational opportunities are provided responsive to public demand while maintaining ecosystem health and contributing to social and economic sustainability. Page 2-1, FW-Goal-6)
- Forest infrastructure, including facilities and transportation systems, is safe and responsive to public needs and desires; has minimal adverse effects on ecological process and ecosystem health, diversity, and productivity; and is in balance with needed management actions. (Page 2-1, FW-Goal-8)
- All activities on the Forest comply with state and federal clean water standards and applicable permitting processes. (Page 2-3, Sub-goal-1-11)
- Provide and maintain habitat to support native fish populations. (Page 2-11, Sub-goal-2-38)
- Critical infrastructure, such as roads and administrative and recreation sites, are protected. (Page 2-22, Sub-goal-8-7)

There are no floodplains or wetlands within the project area, and no floodplains or wetlands will be impacted. The project is consistent with the Clean Water Act.

There are no threatened, endangered, sensitive species within the project area. A Biological Evaluation and a Biological Assessment were completed (A. Sitting Up April 2004), and a determination of "no effect" and "no impact" to threatened, endangered, or sensitive species was made. No adverse impacts on birds are anticipated, and this decision is consistent with the Migratory Bird Treaty Act.

No cultural resources will be affected by the proposed action. The decision is consistent with the National Historic Preservation Act, the American Indian Religious Freedom Act, and the Native American Graves Protection and Repatriation Act.

In accordance with Executive Order 12898, this action will not result in any disproportionate impact to minority or low-income populations.

Implementation of this proposal is consistent with other Federal, State, and local laws for the protection of the environment.

IMPLEMENTATION DATE

This decision may be implemented immediately.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

Pursuant to 36 CFR 215.8 (a)(4), this decision is not subject to a higher level of review or appeal.

CONTACT PERSON

For further information about this decision or project, please contact John Hendrix, Pleasant Grove District Natural Resource Staff, at 390 North 100 East, Pleasant Grove, Utah 84062, or by phone at (801) 785-3563.

/s/ Peter W. Karp
Peter W. Karp
Forest Supervisor
Uinta National Forest

6/9/2005
Date

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