

## **DECISION MEMO**

### **Boreal Toad Habitat Protection Fence**

**USDA Forest Service, Uinta National Forest  
Heber Ranger District  
Wasatch County, Utah**

#### **PROPOSED ACTION**

The proposed action is to put up an electric fence along both sides of an approximate 0.15-mile stretch of an unnamed stream on the west side of Strawberry Reservoir in Wasatch County, Utah (Township 3 South, Range 12 West, northeast  $\frac{1}{4}$  of Section 25: Strawberry Reservoir NW Quadrangle). The fence will be placed approximately 5 to 15 feet from the edge of the stream channel. The electric fence would be temporary and only in place for a 2 to 3 week period while cattle are in the pasture.

#### **PURPOSE AND NEED FOR ACTION**

The purpose and need of the proposed action is to protect boreal toads that occur along the stream from potential impacts caused by livestock grazing. The boreal toad (a subspecies of western toad) is classified as a Wildlife Species of Concern by the state of Utah. Comparison of current distribution to historic distribution indicates that boreal toad populations have declined significantly in parts of Utah and other western states. Trampling by livestock (especially cattle) has been identified as a risk factor for juvenile and adult boreal toads. The electric fence is designed to reduce the risk of trampling by keeping cattle away from a section of stream where boreal toads are known to occur.

#### **PUBLIC INVOLVEMENT AND SCOPING**

The proposed action was developed with input from Utah Division of Wildlife Resources. A request for comments was published in the *Daily Herald* on July 25, 2005. No comments have been received.

#### **DECISION AND REASONS FOR MY DECISION**

It is my decision to implement the project as described above. My decision is based on the following factors and issues brought forward during the scoping process:

1. The proposed action will protect boreal toads along this stream reach from potential impacts due to livestock trampling.
2. The proposed action will have minimal impact on the livestock permittee.
3. No private land will be impacted.
4. No new roads will be constructed or improved and installation and removal of the fence will not require off-road vehicle use.
5. Ground disturbance will be negligible.
6. Public access will be physically restricted within the small enclosure, but no closure of the area will be implemented.

7. The fence will be powered by a solar generator with low voltage and should present minimal risk to the public. Warning signs will be put up along the fence, and the fence will be readily visible.
8. The Forest Service has determined that the proposed action will not adversely affect populations of any species listed under the Endangered Species Act, species listed as Sensitive by the Intermountain Region of the Forest Service, or migratory birds.
9. The Forest Service has determined that the proposed action will not impact any known archaeological resources.

### **CATEGORICALLY EXCLUDING THIS PROJECT**

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

The proposed action falls within category 31.2(6) “Timber stand and/or wildlife habitat improvement activities which do not include the use of herbicides or do not require more than one mile of low standard road construction (Service level D, FSH 7709.56).”

The categorical exclusion is appropriate in this situation because there are no extraordinary circumstances that may result in a significant individual or cumulative environmental effect. Extraordinary circumstances are those instances that could result in significant environmental effect to one or more of the following resource conditions, as described in FSH 1909.15-30.3, 2a-g.

FSH 1909.15, Section 30.3 lists the following as ‘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. – The Forest Service has determined that the proposed action will not adversely affect any species or critical habitat listed or proposed for listing under the Endangered Species Act, or any species classified as Sensitive by the Intermountain Region of the Forest Service. Forest Service Sensitive species evaluated were those listed for the Uinta National Forest in the most recent list of *Intermountain Region Proposed, Endangered, Threatened, and Sensitive Species* (documentation contained in project file).
- b. Floodplains, wetlands, or municipal watersheds – The Forest Service has determined that the proposed action will not adversely affect floodplains, wetlands or municipal watersheds.
- c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas – The project area does not occur in, and the proposed action would not have any direct, indirect, or cumulative impacts on congressionally designated areas, such as wilderness, wilderness study areas, or national recreational areas.

- d. Inventoried roadless areas (IRAs) – The project area does not occur in, and the proposed action would not have any direct, indirect, or cumulative impacts on any inventoried roadless areas. (IRAs are mapped in Appendix C to the FEIS for the 2003 Forest Plan.)
- e. Research natural areas – The project area does not occur in, and the proposed action would not have any direct, indirect, or cumulative impacts on any research natural areas.
- f. American Indians and Alaska Native religious or cultural sites – The proposed action would not have any direct, indirect, or cumulative impacts on any American Indian religious or cultural sites.
- g. Archeological sites, or historic properties or areas - The project would not have any direct, indirect, or cumulative impacts on any archeological sites or historic properties or areas.

#### **FINDINGS REQUIRED BY OTHER LAWS**

This decision is consistent with management direction contained in the 2003 Uinta National Forest Land and Resource Management Plan (Forest Plan), as required by the National Forest Management Act. The project was designed in conformance with Forest Plan standards and incorporates appropriate Forest Plan guidelines. The proposed action is consistent with Sub-goal-2-38 from the 2003 Forest Plan: “Healthy, self-sustaining riparian communities, habitat for viable populations of aquatic life, and conditions for natural stream dynamics exist on the Forest.” The proposed action is also consistent with Guideline WL&F-17: “Protect known occupied boreal toad habitat from disturbance (e.g., trampling) during the active breeding season (generally four to five weeks following snowmelt).”

Wetlands and floodplains would not be adversely affected by implementation of this decision, and this decision complies with Executive Orders 11988 and 11990 and the Clean Water Act. This decision also complies with the Endangered Species Act as potential effects to species listed under the Endangered Species Act were analyzed and documented (project file). The Forest Service determined that this decision would not affect any species listed under the Endangered Species Act. Potential effects on migratory birds also were analyzed and documented, and therefore, this decision complies with Executive Order 13186 and the Migratory Bird Treaty Act.

Implementation of this proposal is consistent with other federal, state, and local laws for the protection of the environment and cultural resources.

#### **ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

Pursuant to 36 CFR 215.12 (f), this decision is not subject to a higher level of review or appeal.

#### **IMPLEMENTATION**

Implementation of this project may begin immediately.

**CONTACT PERSON**

For further information please contact Jeff Waters, Wildlife Biologist, at the Heber Ranger District Office, 2460 South Highway 40, Heber City, UT, 84032 or by phone at (435) 654-0470.

/s/ Julie K. King

JULIE K. KING  
District Ranger  
Heber Ranger District  
Uinta National Forest

August 29, 2005

Date