

**DECISION NOTICE  
AND  
FINDING OF NO SIGNIFICANT IMPACT**

**Slate Canyon Waterline Replacement Project  
Environmental Assessment**



**USDA Forest Service  
Pleasant Grove Ranger District, Uinta National Forest  
Utah County, Utah**

**DECISION AND REASONS FOR THE DECISION**

**Background**

The Utah State Hospital (Hospital) in Provo, Utah, is the holder of a special use permit (permit PLG101401A) issued by the Uinta National Forest (UNF) for the operation and maintenance of water collection and transmission facilities within an area known as Slate Canyon. Slate Canyon is located in the Wasatch Mountains east of Provo. This steep-sided canyon extends about 3 miles east from its mouth at Slate Canyon Drive on the eastern edge of the City of Provo. Elevation at the mouth of the canyon is about 4,750 feet above mean sea level (msl) and rises to about 7,400 feet msl at Boardman Springs No. 2. An intermittent stream occupies the canyon bottom; however, this stream is seasonally dry in places.

A special use permit was first issued to the Hospital in 1937. The most recent permit was issued in 2003 and will expire December 31, 2011. This permit covers portions of Sections 3, 8, 9, 10, and 17, Township 7 South, Range 3 East, Salt Lake Base Meridian.

This permit is used to exercise a water right held by the State of Utah (State) for a group of four springs known as Boardman Springs 1, 2, 2a, and 3, located within Slate Canyon. Water from these springs is conveyed to the Hospital via the existing pipeline in Slate Canyon and serves as the principal source of culinary water for the Hospital. The Boardman Springs water right is included as part of the Knight Springs water right (55-4108). This water right allows the State to convey up to 1.10 cubic feet of water per second from the springs.

The existing 5½- to 8-inch-diameter pipeline that conveys water from the springs to the Hospital is about 70 years old and in poor condition, with thin walls from years of corrosion, and damage from avalanches and flooding in the vicinity of the pipeline. In recent years, maintenance of the pipeline has greatly increased as deterioration continues.

Original construction included burying segments of the pipeline beneath a trail in the canyon (designated as Forest Service Trail 061), and other segments of pipe were suspended from the canyon walls. Some previously buried segments of the pipeline have become exposed at the surface from the erosional effects of avalanches and periodic flooding within the canyon. Annual maintenance is required on the pipeline as rock falls and snow slides cause ruptures in segments of the pipeline. These ruptures result in water loss and soil erosion from flowing water until the pipe is repaired. Moreover, some portions of the pipeline are suspended on canyon walls and are relatively inaccessible from the existing trail, making those segments difficult to maintain.

The objectives of this project are to:

- provide continued access to the State's water rights at Boardman Springs;
- reduce the need for pipeline maintenance and associated natural resource damage and disturbance;
- reduce potential pipeline ruptures caused by vandalism and natural events;
- enhance the visual integrity of Slate Canyon by removing exposed sections of the existing pipeline where the pipe can be removed without extensive resource damage; and
- provide a safe and reliable water delivery system to the Hospital.

Two Alternatives, a No-Action and Proposed Action Alternative, were analyzed in detail in the Slate Canyon Water Pipeline Replacement Project Environmental Assessment (EA). Three other alternatives were considered but eliminated from further analysis for reasons stated in Chapter 2 of the EA.

### **Decision and Rational**

Based upon my review of all alternatives, I have decided to implement Alternative 2, the Proposed Action, as described in Chapter 2 of the EA. The decision was based on my review of the environmental effects disclosed in the EA and the project record. I decided to approve the Proposed Action because this alternative meets the purpose and need to replace the existing aged pipeline and the project objectives stated above. Several issues, identified in Chapter 1 of the EA, were brought up in public comment related to the projects effects on biological resources, visual resources, roadless areas, riparian resources, soil resources, and water quality. These issues were analyzed and it was determined that this alternative would have beneficial or minor environmental effects. Mitigation would minimize project impacts. This alternative is consistent with goals and objectives in the 2003 Uinta National Forest Land and Resource Management Plan. Alternative 2 is summarized below.

The existing 5 ½- to 8-inch-diameter water transmission pipeline from the four Boardman Springs collection boxes to the water storage reservoir located near the Hospital will be

replaced by the State. The new pipeline will be buried below the surface of the existing trail in Slate Canyon. Construction may also include the relocation of the junction box, construction of two cleanout valves, construction of five air valves, and construction of three air vents; these structures will be mostly underground and will be located within the State's right-of-way, either in or near the trail.

Construction activities will require heavy machinery such as backhoes, trenchers, compactors, and material haulers. Because of the narrowness of the existing trail corridor (6 to 10 feet wide), staging areas will be located at the mouth of Slate Canyon, off U.S. Forest Service (Forest Service) administered lands, and appropriate machinery turnaround locations will be identified where the trail naturally widens or where conditions along the trail permit widening within the right-of-way. Additional disturbances may occur at up to ten stream crossings. In order to trench and lay pipe in the streambed, the stream may need to be temporarily diverted around the construction area.

It is anticipated that the pipeline replacement will occur during the 2006 construction season, which is expected to last 5 to 7 months. It is possible that construction may not be completed in 2006 because of weather conditions, and the canyon could remain closed until the construction is completed in 2007. The existing pipeline will not remain operational during construction. In order to facilitate the removal of the existing pipeline, the Hospital will use Provo City water during construction. Water from the springs will be re-channeled into the existing stream via the overflow from the existing collection boxes during construction until the new pipeline became operational. Those sections of the old pipeline that are exposed and can be removed without extensive resource damage will be removed during construction, and the rest of the pipeline will be abandoned in place.

## **Required Mitigation**

### **Geology and Soils**

**GS-1: Avoid Earthwork when Soils Are Too Wet or Too Dry.** Soils shall be in a loose or friable condition prior to surface disturbance to avoid detrimental soil disturbance. Excessive wet conditions produce soil clods and soil compaction, while excessive dry conditions produce soil powder, both of which are detrimental to soil structure, thus inhibiting proper soil function for drainage, water holding capacity and soil stability. Prohibit construction during spring runoff where construction occurs on/near floodplains or wetlands. Construction timing limitations would decrease the risk of facility site damage, water contamination, and stream and riparian impacts from flooding events.

**GS-2: Reshape Road/Trail Surface after Trench Backfill to Drain Laterally.** As the road/trail surface is restored after the trench is filled, it should be outsloped, and rolling dips should be installed so that the trail surface drains away from the road/trail rather than down it.

**GS-3: Placement and Treatment of Waste Soil Wedges.** This measure is intended to create soil surfaces that promote infiltration of water and eliminate surface runoff. It involves a technique called extreme surface roughening (also known as pocking or gouging) that causes sediment and rainfall/snowmelt to be intercepted and trapped at the microscale, thereby facilitating vegetation establishment and minimizing erosion. Fine sediments collect in the micro surface basins, creating favorable conditions for plant germination and establishment. This measure will be implemented in any vegetated area that is disturbed outside of the existing trail. The following steps are involved in this process.

Mark areas where waste soil wedges will be placed; original ground slope in these areas should not exceed 35%. Do not create soil wedges around trunks of trees that are to be retained.

Remove and temporarily stockpile all vegetation and topsoil (A horizon) from the wedge placement areas. Where the pipeline route deviates from the road/trail, stockpile all vegetation from the trench area as well. The excavated depression will act as a keyway to anchor the wedge fill.

Spread and shape waste soils from trench excavation, with heights above original ground not to exceed 2 feet. Use a technique of dropping the excavated material onto the wedge site from a height of about 3 feet. Assure smooth transition of wedges into undisturbed areas.

Replace topsoil using the same dropping technique. The finished surface should be hummocky, with no continuous downhill slopes exceeding 2 feet in length. Place stockpiled vegetation randomly over the replaced topsoil, and lightly embed it into the surface using a backhoe bucket.

Provide additional soil cover where cleared vegetation was sparse. This cover may be either chips or hogged material from a fuel-thinning project or a planted grass cover. Provide this additional soil cover according to recommendations of a Forest Service soil scientist or watershed specialist.

## **Hydrology**

### **H-1: Divert Streamflow around Trenching Operations at Stream Crossings.**

Streamflow at the time of construction of pipeline stream crossings shall be diverted using a piping system, such that streamflow does not impinge upon disturbed soils or channel segments. Piping shall be placed so as not to cause scour at the outfall.

Construction at stream crossings will occur later in the season when stream flows are low or absent.

**H-2: Prevent Damming of Bedload Transport.** At stream crossings, erosion-resistant material covering the trench backfill shall be recessed to a depth no higher than the stream's anticipated scour depth at maximum probable flow. A scour-depth estimate shall be made using established procedures, the maximum probable flow (518 cfs), and channel geometry and pattern.

## Roadless Areas

**RA-1: Provide Physical Barrier to Unauthorized Use.** After construction, a physical barrier (e.g., barrier rock) will be installed on both sides of the Forest Service gate at the mouth of Slate Canyon to prevent unauthorized vehicle use of Slate Canyon Trail.

## Visual Resources

**V-1: Topography and Earthwork.** In addition to the movement of soil, earthwork also includes the movement of rocks, the use of soil retention, the disturbance of tree roots, and the dumping or stockpiling of earth and rock material. Earthwork activities resulting in excessive cut and fill often leave long-lasting negative visual impacts. When the soil's dark surface layer is disturbed, the lighter subsurface soil is exposed. The resulting visual contrast creates an eyesore within the viewshed. Excessive disturbance of existing topography also eliminates existing vegetation and creates runoff and erosion problems. Techniques to minimize problems related to topographic disturbance include the following.

1. Minimizing Cut and Fill Slopes by
  - locating the trail and buried pipe in areas of minimal slope,
  - minimizing the trail width and grade, and
  - aligning the trail and buried pipe with existing topography.
2. Minimizing Earthwork Contrasts by
  - blending slopes to match and mimic existing topography,
  - utilizing existing natural screens (i.e., vegetation, topography, etc.),
  - retaining existing features such as vegetation, rocks, and drainage channels,
  - applying native seed mixes to areas of cuts and fills, and
  - prohibiting long-term dumping/stockpiling of earth and rock on downhill slopes.
3. Maintaining Topographic Integrity by
  - locating the project away from areas adjacent to prominent landforms, and
  - ensuring that the shape and placement of project blend with existing topography.

**V2: Vegetation.** Vegetation can be utilized as a visual screen for the burial of the pipe. The retention of existing vegetation is an effective method of reducing a project's visual impact. Retaining existing vegetation reduces erosion and runoff problems, lessens site recovery duration, and often reduces rehabilitation costs. Upon completion of project construction, disturbed areas shall be revegetated in order to blend the project in with the adjacent landscape. In the event of vegetative clearing, practices shall minimize visual contrast and create natural-looking clearings and edges. Techniques include the following.

1. Retaining Existing Vegetation by
  - minimizing surface disturbance, and
  - protecting roots from damage during construction.
2. Minimizing Project Impacts on Existing Vegetation by
  - minimizing clearing size,
  - preserving islands of vegetation within the construction limits rather than clearing the entire area,

using irregular clearing shapes to blend with the existing landscape when clearing vegetation and avoiding straight lines, feathering/thinning the edges of cleared areas to create natural-looking edges, maintaining a mix of tree/shrub species in various sizes along edges, and disposing of all excess vegetative material.

**V3: Restoration.** A restoration plan is an important part of any project. Upon completion of project construction, all disturbed areas shall be restored as closely as possible to their previous conditions. Restoration efforts shall minimize a project's long-term visual impacts by decreasing the amount of disturbed area while adequately providing for project operations. Restoration techniques include:

1. Blending disturbed areas into the undisturbed surrounding landscape by recontouring the site as closely as possible to its previous form, replacing native rock and debris in order to lessen unnatural-looking grass cover, planting native plant materials in natural-looking patterns, and breaking up unnatural lines in the disturbed site (i.e., clearing edges, cut and fill extents, etc.) with rocks, debris, and native plant materials.
2. Revegetating Disturbed Areas by roughening the surface in order to trap water and speed vegetative growth after recontouring the site; stockpiling and reusing topsoil; furrowing steep slopes; applying a Forest Service approved seed mix to disturbed areas; selecting native plant species; and planting and/or seeding at optimal times: in spring, seed from March 1 through May 31, in fall, seed from October 1 through November 30.

### **Slate Canyon Site Specific Conservation Measures**

1. Best Management Plans (BMPs) (FSH 2509.22) will be used where ground-disturbing activities occur. These BMPs will be applied to protect soil, water, and vegetation resources where construction activities will occur in sensitive areas and will be described for site-specific conditions within the erosion and drainage control plan developed prior to project construction and in consultation with permitting agencies.
2. Minimize tree or shrub removal during project construction.
3. Construction activities will be limited to the greatest extent possible in riparian habitat and/or undisturbed areas.
4. Temporary equipment and materials staging areas will be located in previously disturbed areas.
5. All construction boundaries will be flagged, staked, or fenced, and no disturbance will be allowed outside these boundaries.

6. To control erosion and protect water quality, silt fences or straw bales (certified as weed-free according to State standards) will be properly erected around all construction activities. These will be monitored and maintained by the State on a weekly basis while construction activities are occurring within the project area.

7. Follow invasive species prevention measures outlined in the Forest Plan Standards and Guidelines, listed above. In no cases will weeds or potentially weed-contaminated materials (bales, borrow material) be transported or transferred across the project area.

8. Prior to initiating construction, all equipment will be washed and visually inspected for invasive, nonnative seeds and reproductive plant parts. Nonnative materials will be removed and disposed of appropriately. All equipment to be used for construction will be thoroughly cleaned prior to mobilization to and from the project site.

9. Implement an approved weed management strategy in all disturbed areas in accordance with Forest Service protocol to minimize potential effects from noxious weeds. This includes the monitoring and eradication of weeds before and up to one year after construction is completed. Any borrow material used during construction of the proposed projects will be certified by the State as weed-free as per Forest Service standards.

10. At the start of trenching activities, any topsoil will be removed and stockpiled on-site but separately from other excavated materials. The stockpiled topsoil will be protected from wind and water erosion and reserved until backfilling the trench or grading activity is completed and then used to recover the disturbance to final grade. In areas along the pipeline where there is no topsoil, imported, certified weed-free topsoil soil will be used.

11. The Forest Service will require the State or its construction contractor to post signs notifying the public of the trail closure. These signs will be at the mouth of the canyon and at the eastern trail connections.

12. Construction activities will occur during daylight hours to reduce and prevent impacts on roosting birds and any bats that may forage in the area.

13. To prevent undue harm to migratory birds, the State will conduct avian nest surveys for bird species listed under the Migratory Bird Treaty Act and raptors will be conducted within 50 feet of the pipeline less than 10-days prior to the start of construction activities. If active nests are encountered during nest surveys, an avoidance buffer will be set up until the hatchlings fledge. The buffer varies by species and will be determined based on the buffers presented in Appendix C of the Forest Plan.

14. Prior to construction, the State will complete a detailed restoration plan that will be approved by the Forest Service.

15. Upon completion of project construction, all disturbed areas will be re-contoured to their original grade. In areas where the trail requires reconditioning prior to pipeline construction, the re-contouring and final grade will meet Forest Service engineering, recreational, and visual resource standards.

## **OTHER ALTERNATIVES CONSIDERED**

### **Alternative 1: No Action**

Under the No-Action Alternative, the Forest Service would not authorize the State to replace the Slate Canyon water pipeline as described under Alternative 2. The existing pipeline would continue to be maintained by the State. Pipeline ruptures would be repaired as necessary, as allowed under the existing special use permit. The pipeline would be accessed for maintenance via Forest Service Trail 061. In addition to being episodically damaged by flooding, landslides, and avalanches, the pipeline would continue to corrode. It would eventually become non-serviceable, and an alternative water supply for the Hospital would eventually be needed.

The existing condition currently includes about 200 yards of flood-related erosion damage to the existing trail in the canyon. This damage would have to eventually be repaired because boulders dominate this portion of the trail. Repairs to the trail would be required to accommodate continued maintenance of the pipeline. Repairing the washed out sections of the trail may involve grading and importing about 1,900 cubic yards of fill material. The State would perform annual maintenance of the trail to maintain access to the pipeline until the pipeline became non-serviceable.

The effects of this alternative are described in Chapter 3 of the EA. A comparison of the two alternatives can be found in Chapter 2 of the EA. This alternative was not selected because it would not achieve the purpose and need and because the Proposed Action Alternative would achieve the purpose and need with beneficial or minor adverse environmental effects.

## **PUBLIC INVOLVEMENT**

The Slate Canyon Water Pipeline Replacement project has been listed in the following UNF Schedule of Proposed Actions (SOPA) winter 2004, spring 2005, summer 2005, autumn 2005, and winter 2006. The SOPA is published quarterly and mailed to over 400 individuals, as well as posted on the Forest Service web page.

On January 24, 2005, a scoping letter was mailed out to 109 members of the public or other local, state, and federal agencies to solicit comments on the project. The Forest Service published a *legal notice* in the *Provo Daily Herald* on February 2, 2005, requesting scoping comments. The 30-day period for public and agency comment was from February 2, 2005, through March 4, 2005. The scoping document and legal notice were also posted on the Forest Service's web page. Three comment letters were received during the scoping period; those letters are included in Appendix A of the EA. Using the comments received from scoping, the Forest Service developed a list of issues to address.

On November 21, 2005, a copy of the EA was mailed out to 109 members of the public or other local, state, and federal agencies to solicit comments on the EA. The Forest

Service published a *legal notice* in the *Provo Daily Herald* on November 29, 2005, requesting comments on the EA. The 30-day period for public and agency comment was from November 29, 2005, through December 29, 2005. The EA was also posted on the Forest Service's web page. Two comment letters and two verbal comments were received during the scoping period; those comments and responses to the comments are included in Chapter 5 of the EA.

## FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in Chapter 3 of the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (*40 CFR 1508.27*). Thus, an environmental impact statement will not be prepared.

I base my finding on the following:

### (A) Context

- (1) The context of the Selected Alternative is limited to about 4.3 acres located in Slate Canyon and described in the EA. Actions will be limited to those actions disclosed in the EA. Further, my decision is consistent with 2003 UNF Land and Resource Management Plan direction, including Forest-wide and management area specific desired future conditions, pertinent goals and objectives, and standards and guidelines applicable to the Lower Provo Management Area.

### (B) Intensity Factors

- (1) My decision will not result in any significant adverse effects [40 CFR 1508.27 (b) (1)]. The analysis documented in Chapter 3 of the EA did not identify any direct, indirect, or cumulatively significant adverse short or long-term impacts resulting from implementation of the selected alternative.
- (2) There will be no significant effects on public health and safety [40 CFR 1508.27 (b) (2)]. The selected alternative will not adversely affect public health and safety. Construction will be of short duration and Slate Canyon Trail will be closed to the public to ensure their safety during construction. A gate at the canyon entrance will restrict access and warning signs at the eastern end of the canyon will indicate the canyon closure. (EA, page 3-35)
- (3) My decision will not result in any significant effects on any unique characteristics of the geographic area, historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas [40 CFR 1508.27 (b) (3)]. The project would not affect the geographic characteristics of Slate Canyon because the pipeline would be buried within the existing trail. The project area was surveyed, and no cultural resources were identified that would be affected by project construction. There are no parklands, prime farmlands, wetlands, wild and scenic rivers, wilderness areas, or ecologically critical areas in or near the

project site (EA, Chapter 3). Slate Canyon occurs within the Rock Canyon/Buckley Mountain Inventoried Roadless Area. However, Slate Canyon Trail, including a buffer of 33 feet on each side of the trail was not included in the roadless area inventory. The State has a deeded easement and special use permit that allows them to use motorized equipment on the trail periodically to maintain the existing pipeline and to take water quality samples at Boardman Springs.

- (4) The Selected Alternative will not result in any effects that are likely to be highly controversial [40 CFR 1508.27 (b) (4)]. Controversy in this context refers to scientific dispute over the effects of the federal action and not opposition to its implementation. There is no controversy associated with the Slate Canyon Water Pipeline Replacement Project, either in regards to human impacts or science. The scientific basis for the analysis is contained in the project record and EA. The effects of the Selected Alternative are very minor (EA, Chapter 3) and are supported by science and information as referenced in the EA.
- (5) The Selected Alternative will not result in any highly uncertain, unique, or unknown risks [40 CFR 1508.27 (b) (5)]. The Utah Division of Facilities Construction and Management has extensive experience with pipeline construction, and the Forest Service (including the UNF) has experience overseeing construction conducted by permit holders. The proposed techniques are not new and will be conducted by licensed contractors. No risks to humans or other species are involved.
- (6) My decision does not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration [40 CFR 1508.27 (b) (6.)]. This project would not establish a precedent for future actions with significant effects. One other pipeline project in Slate Canyon has been proposed by the City of Provo, but this project would have independent use and would not be connected to the proposed pipeline. The Provo City pipeline would be constructed within Slate Canyon trail, but would have a shorter length. Impacts from pipeline construction would likely be similar to the selected alternative (see the cumulative impacts analysis in Chapter 3 of the EA). Any future proposed projects would be subject to site-specific analysis and implementation would hinge on that analysis.
- (7) The analysis documented in the EA discloses that my decision will not result in any significant cumulative effects [40 CFR 1508.27 (b) (7)]. Chapter 3 of the EA discloses that the Selected Alternative will not result in any significant cumulative effects.
- (8) My decision will not adversely affect sites or objects listed or eligible for listing in the National Register of Historic Places, nor will it cause the loss or

destruction of significant scientific, cultural, or historic resources [40 CFR 1508.27 (b) (8)]. The project area has been surveyed and no cultural or historic sites were found, thus there are no historic properties that would be affected by the project.

- (9) My decision will not adversely affect threatened or endangered species or their habitats [40 CFR 1508.27 (b) (9)]. The Slate Canyon Water Pipeline Replacement Project will have no adverse effect on any species listed under the Endangered Species Act or any designated critical habitat (EA, Chapter 3 Biological Resources). A Biological Assessment (BA) was prepared, and this document concluded that the project will have no effect on federally listed species or their critical habitats.
- (10) My decision is consistent with federal, state, and local laws and requirements imposed for the protection of the environment [40 CFR 1508.27 (b) (10)]. The Slate Canyon Water Pipeline Replacement Project does not involve a violation of any federal, state or local law or requirements imposed for the protection of the environment. The Selected Alternative will have no or only very minor effects on air quality, biological resources, cultural resources, geology and soils, hydrology, recreation resources, roadless areas, or visual resources (see Chapter 3 of the EA).

## **FINDING REQUIRED BY OTHER LAWS AND REGULATIONS**

This decision to install a new pipeline in Slate Canyon is consistent with the intent of the 2003 UNF Land and Resources Management Plan's long-term goals and objectives listed on pages 2-1 through 2-3. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines listed in Appendix D of the EA.

This decision complies with the Clean Water Act (EA Chapter 3, Hydrology). Portions of the proposed recreation facilities fall within a Riparian Habitat Conservation Area as defined by the Forest Plan. However, there is no other suitable pipeline alignment that would not cause substantial resource impacts. Construction activities would primarily occur within the existing trail, which would minimize vegetation removal. Erosion would be minimized with the implementation of mitigation measures GS-1 through GS-3 and H-1 and H-2. Necessary permits will be acquired from the Army Corps of Engineers and the Utah Division of Water Rights prior to construction.

Relative to the Secretary of Agriculture's Memorandum #1827, which requires conservation of prime farmland, rangeland and forestland, this action will have no detrimental effects on prime farmland, rangeland, floodplains or wetlands (EA, Chapter 3, Affected Environment and Environmental Effects).

The decision fully complies with Section 106 of the National Historic Preservation Act. The project area was surveyed and no cultural resources were identified (EA Chapter 3

Cultural Resources). An Archeological Survey Report was completed and sent to the Utah State Historic Preservation Office and concurrence was received.

This decision complies with Executive Order 13112 on Invasive Species, which directs that federal agencies not authorize activities that would increase the spread of invasive species. The project will implement UNF Forest Plan (UNF 2003) standards and guidelines (Forest Plan, Noxious Weeds Management, pg 3-15 though 3-17) that will ensure there will be no substantial noxious weed impacts (EA Chapter 3 Biological Resources and Appendix D).

The project will result in short-term localized adverse impacts to potential foraging and nesting habitat for migrating neo-tropical birds. However, foraging habitat is abundant in Slate Canyon and in the surrounding area; consequently impacts will be minimal. In addition, avian surveys will be conducted prior to the start of construction to ensure that no migratory birds will be affected by project construction (EA Chapter 3 Biological Resources and Appendix D).

This decision complies with the Clean Air Act (EA Chapter 3 Air Quality). The estimated PM<sub>10</sub> emissions during construction will be well below the general conformity applicability threshold, and the general conformity regulation does not apply to this project.

This decision complies with the Endangered Species Act (EA Chapter 3 Biological Resources). No endangered species are known to occur within the project area, and no endangered species habitat will be affected by project construction.

### **IMPLEMENTATION DATE**

Pursuant to *36 CFR 215.10 (a) and (b)*, implementation of this project may begin 5 days after the close of the appeal filing period, if no appeal is filed. If an appeal is filed, implementation may not occur for 15 days following the date of appeal disposition. Construction is planned to begin the spring of 2006.

### **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. Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of this notice in the *Provo Daily Herald*. The Appeal Deciding Officer is the Regional Forester, Jack G. Troyer. Appeals must be sent to: Jack Troyer, 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.) or Word (doc.). Documents in other formats (tiff, jpg etc) should be mailed in hardcopy. 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.

**CONTACT PERSON**

For further information about this decision or project, please contact Pamela J. Gardner, District Ranger, at the Pleasant Grove District, Uinta National Forest, 390 North 100 East, Pleasant Grove, Utah 84062, or by phone at (801) 785-3563.

*/s/ Dan S. Dallas* \_\_\_\_\_  
**Dan S. Dallas**  
**Acting Forest Supervisor**  
**Uinta National Forest**

**February 22, 2006**  
**Date**

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