

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

Three Forks Fish Barrier Project EA



**USDA Forest Service
Spanish Fork Ranger District, Uinta National Forest
Utah County, Utah**

DECISION AND REASONS FOR THE DECISION

Decision and Rational

Based upon my review of the Three Forks Fish Barrier Environmental Assessment, it is my decision to approve installation of a fish barrier on the upper Diamond Fork River, approximately 0.5 miles above the Three-Forks parking area. The fish barrier will be located in Township 8 South, Range 5 East, Section 26, Salt Lake Meridian, Utah County.

The fish barrier would restrict non-native fish species including German Brown Trout and Rainbow Trout from the upper reaches of the Diamond Fork watershed so they are no longer competing with native BCT populations. The fish barrier will be constructed using native materials brought in from off-site and would be approximately 20-30 feet wide, 5-10 feet high and will include upper/lower splash aprons extending about five feet above and below the structure. Rip-rap extending up to 30 feet up and downstream of the barrier along both banks will prevent erosion of the opposing hill slope and road embankment. The channel notch in the barrier will be designed to pass 100-year runoff flows. The barrier is designed to be the same width as the stream channel and will not impede debris and bedload transport. The streambed below the barrier will be armored with large stone to ensure that channel incision is not triggered by the gradient change. The side walls of the structure will extend above the stream banks and will be keyed into the banks or natural anchor points. Road fill and streambanks above and below the structure will be rip-rapped to prevent erosion. Woody vegetation from the site will be avoided to the extent possible during construction or incorporated into the rip-rap design for additional bank stabilization. The total length of disturbance along Diamond Fork Creek (including the structure and rip-rap above and below) would involve approximately 100 feet of stream. Work in the stream channel will take approximately 2-

4 days, will be implemented during low summer flows, and is anticipated to begin mid-July to late-August of 2006.

Design Criteria, Best Management Practices and Mitigation Measures

In order to minimize impacts to soil and water quality and vegetation resources, the following BMPs have been incorporated into the design of the barrier or will be utilized during installation:

- Selection of the site for the fish barrier strongly considered the need to minimize disturbance during construction. This included finding a location where most of the construction could be done without equipment having to leave the road, and a fairly steep and incised channel location where impacts to the Diamond Fork Road could be avoided and the size of the structure and upstream/downstream disturbed areas could be minimized.
- Barrier construction will occur during low streamflow conditions to minimize sedimentation to Diamond Fork Creek.
- Minimize disturbance in the channel by conducting only essential access and work in the stream area. Conduct staging activities, material/equipment storage well away from the stream. Use physical markers to delineate the area to be disturbed.
- Minimize the length of time that stream specific construction occurs. Consolidate channel work and complete the installation without interruption. Avoid conducting concurrent site activities that may delay channel work and increase exposure time of disturbance.
- Conduct the construction activity in phases. Avoid area-wide clearance of the construction site. Disturb areas in small parcels and stabilize them before proceeding with the next phase.
- Ensure that all needed materials, manpower, and equipment are available on-site prior to initiating any disturbance in the stream channel/floodplain and tributaries.
- Dispose of excess material out of the stream channel/floodplain.
- Install temporary sediment control measures prior to initiating construction in the stream channel/floodplain.
- Structures must be substantially keyed into the streambanks and installed to a depth below maximum expected bed scour. Use armoring or other treatments, as appropriate, to prevent scouring.
- In-stream structure must be substantially keyed into the streambanks and channel bed to reduce the possibility of erosion under, around, or through the structure.
- Riparian vegetation should generally be planted and managed in association with any grade control project. Salvage/transplant rooted native material where feasible.
- Maintaining existing road embankment can be accomplished by installing Class V riprap (Class V: 770-2200 lbs each, minimum dimension of 20 inches, and breadth and thickness at least one-third its length) at a minimum of 2-feet thick on a permanent erosion control geotextile (Type IV-A minimum). Rip-rap should extend upstream as far as water will be backed up and downstream until stream flows are consistent with existing flows.

- Above the water line the disturbed area would be revegetated by sowing native bunchgrass seed, to minimize space for new weeds and provide ground cover.

In order to minimize impacts on recreational use and public safety the following measures have been incorporated into this alternative:

- A temporary road closure will be issued during construction of the fish barrier to provide for public safety. Construction would last two to four days. The road closure would not be issued Friday through Sunday or on a federal holiday to limit recreation user conflicts. Signs will be displayed at the Forest Service Bulletin Boards in Diamond Fork, a press release will be issued in the *Provo Daily Herald*, and the Central Utah Project Office will be notified prior to the closure order.
- Adequate turnaround for trailers at the closure points will be provided.
- There are alternative travel routes to upper Diamond Fork via Right Fork of Hobble Creek (FS 70058) and Sheep Creek-Rays Valley Road (FS 70051)
- Signing roads in accordance with MUTCD, Manual on Uniform Traffic Control Devices. Inform the public about the travel delays that may be encountered by posting signs at the Forest Service Bulletin Boards in Diamond Fork.
- Protect the asphalt road surface by restricting point loading from heavy equipment supports and by unloading imported material on turnout approximately 100 feet up canyon from site.

My decision does not authorize the application of rotenone; that decision is made by the State of Utah, Department of Wildlife Resources, and is independent of this action.

PUBLIC INVOLVEMENT

The Three Forks Fish Barrier project has been listed in the UNF's Spring 2006 schedule of proposed actions (SOPA). The SOPA is published quarterly and mailed to over 400 individuals as well as posted on the Forest Service web page.

A legal notice requesting comment on the proposed action was published in the Provo Daily Herald on January 23, 2006, and letters were sent to interested publics on January 19, 2006. In addition, as part of the public involvement process, the agency has coordinated with and the Division of Wildlife Resources, US Fish and Wildlife Service, and Trout Unlimited.

One comment letter was received in response to the Forest's public involvement process. This letter requested additional information regarding BCT populations. This information is included in this environmental assessment. The letter also stated that this entity was supportive of the proposal and encouraged the Forest to spearhead a larger proposal to conserve BCT populations and habitat conditions.

FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in 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 less than 100 feet of stream bank along the Upper Diamond Fork River, as described in the EA. Actions will be limited to those 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 applicable to the Diamond Fork 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 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)]. Construction will be of short duration and the access road will be temporarily closed to the public. Measures outlined above include posting information signs, providing adequate turnarounds for trailers, providing alternative access travel routs, signing roads, and posting information on bulletin boards and in the newspaper about the temporary road closure will ensure that there will not be any adverse affects on public health and safety.
- (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 the Diamond Fork drainage. 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.
- (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 Project, either as regards human impacts or science. Only one comment in support of the project was received. UDWR and Trout Unlimited are also supportive of the project. The scientific basis for the analysis is contained in the project record and EA. The effects of the project are very minor 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 UNF has experience with construction of similar projects. The 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. 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)]. The cumulative effects section 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 Project would have no adverse effect on any species listed under the Endangered Species Act or any designated critical habitat (Wildlife Resources, EA). A Biological Assessment (BA) was prepared, and this document concluded that the project would 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 1408.27 (b) (10)]. The 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 affects on fisheries and aquatic resources, hydrology, recreation, visuals, vegetation, or wildlife.

FINDING REQUIRED BY OTHER LAWS AND REGULATIONS

This decision to install a fish barrier on the Upper Diamond Fork River 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 though 2-3. The project was designed in conformance with land and resource management plan standards.

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

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. Above the waterline the disturbed area will be revegetated to sowing native bunch seed to minimize space for new weeds and provide ground cover.

This decision complies with the Endangered Species Act. No endangered species are known to occur within the project area, and no endangered species habitat would be affected by project construction.

The Clean Water Act (CWA) requires each state to implement its own water quality standards. The State of Utah's Water Quality antidegradation policy requires maintenance of water quality to protect existing beneficial uses on streams designated as Category 1 High Quality Waters. All surface waters geographically located within the outer boundaries of the National Forest, whether on private or public lands are designated as High Quality Waters (Category 1). This means they will be maintained at existing high quality. New point sources will not be allowed and non-point sources will be controlled to the extent feasible through implementation of BMPs or regulatory programs (Utah Division of Water Quality 1994). The State of Utah and the Forest Service have agreed through a 1993 Memorandum of Understanding to use Forest Plan Standards & Guidelines and the Forest Service Handbook (FSH) 2509.22 Soil and Water Conservation Practices (SWCPs) as Best Management Practices (BMPs). The use of SWCPs as BMPs meets the water quality protection elements of the Utah Nonpoint Source Management Plan.

The beneficial uses and high quality of water in the area of the project will be maintained during and following project implementation through the proper implementation of BMPs as described above. . The water quality effects of project will be short-term and of limited extent. Necessary permits would be acquired from the Utah Division of Water Rights prior to construction.

Executive Order 11990 of May, 1997, requires USFS to take action to minimize destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. In compliance with this order, USFS direction requires that an analysis be completed to determine whether adverse impacts would result. The Rotenone does not affect aquatic or riparian vegetation. Rotenone use would result in no direct, indirect, or cumulative effects on floodplains or wetlands. Therefore, USFS has determined that no adverse impacts to wetlands would occur. This project complies with Executive Order 11990.

Executive Order 11988 of May, 1977, requires the Forest Service to provide leadership and to take action to (1) minimize adverse impacts associated with occupancy and modifications of floodplains and reduce risks of flood loss, (2) minimize impacts of floods on human safety, health, and welfare, and (3) restore and preserve the natural and

beneficial values served by floodplains. There is no effective location for the fish barrier outside of the stream channel and floodplain. The barrier may result in some localized change in floodplain function and erosion during larger than normal spring runoff. The barrier does not present a threat to human safety, health or welfare, nor will it augment the threat present by flood events. The project will comply with Executive Order 11988.

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

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

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 during the summer 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. The appeal must be postmarked or received by the Appeal Reviewing Officer within 45 days of the date of the publication of the legal notice in the *Provo Daily Herald*. A notice of appeal, including the reasons for appeal, must be filed with: Appeals Deciding Officer - Brian Ferebee, Forest Supervisor, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: appeals-intermtn-regional-office@fs.fed.us. Emailed appeals must be submitted in rich text (rtf) or Word (doc) and must include the project name in the subject line. 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 Ron Smith, Fisheries Biologist, at the Uinta National forest Supervisor's Office, 88 West 100 North, Provo, Utah 84601, or by phone at (801) 342-5100.

/s/ _____
DOUGLAS H. JONES
Spanish Fork District Ranger
Uinta National Forest

06/02/06 _____
Date

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