

DECISION MEMO
Vernon Reservoir Vegetation/Sage Grouse Habitat Restoration Project

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

DECISION

Description of Decision

It is my decision to implement the Vernon Reservoir Vegetation/Sage Grouse Habitat Restoration Project. Approximately 300 acres of sagebrush will be treated with a Dixie harrow; 200 acres with a two-way treatment and 100 acres with a one-way treatment. Within the project area 250 acres will be left untreated. Sagebrush will be thinned in a mosaic pattern to create as much edge effect as possible.

The treated area will be seeded with native grasses and a variety of forbs desirable to sage grouse and which are adapted to the ecosystem. Native seed will be used as much as feasibly possible. Since forbs are a major component of the sage grouse diet, the introduction of some non-native nitrogen-fixing forbs will be necessary due to the high cost and lack of availability of native forbs. The seed mix is listed below. Substitutions of comparable species can be made if needed, based on cost and availability. The sagebrush treatment and seeding is scheduled for the fall of 2006.

Seed Mix

Western Wheatgrass 'Arriba'
Bluebunch WG 'Goldar'
Great Basin Wildrye 'Trailhead'
Needle and Threadgrass--Beaver, UT
Indian Ricegrass 'Rimrock'
Rocky Mountain Beeplant
Alfalfa 'Spredor 4'
Sainfoin 'Eski'
Small Burnet 'Delar'
Western Yarrow 'SID Columbia'
Blue Flax

Livestock grazing in the sage brush treatment areas will be deferred until vegetation has reestablished sufficiently, but for no less than two growing seasons. Livestock deferment will be accomplished by construction of approximately 2.5 miles of fence. This fence will remain after sufficient vegetation establishment and used for livestock management. The fence is scheduled for construction in the fall of 2006.

Since cattle will be fenced out of some of the current watering troughs, the existing pipeline will be extended and a trough added on the north side of the new fence to provide livestock water. Two spurs will be added to the existing pipeline and small dugouts created and fenced to provide water and small riparian areas for use by sage grouse and other wildlife. The pipeline extension is scheduled to be implemented in 2007.

Approximately 600 acres of varying juniper density will be treated. Small juniper plants (5 inches in diameter or less at the base) which are re-invading previously chained areas will be cut and scattered. The junipers will be cut with a chainsaw and/or a cutter attached to an all terrain vehicle (ATV). The junipers will be treated over the next several years.

The project site is located north and east of Vernon Reservoir in T9S R5W Sections 14, 15, 16, 22, 23, 24, 25, 26, 27, and 34, Tooele County, Utah.

Design Features/Mitigation

- Sagebrush treatments will be parallel to bottom lands and will not perpendicularly cross these bottoms unless necessary.
- Noxious Weeds: Currently, there are no identified noxious weeds within the treatment area. All machinery will be cleaned before entering the site to remove any noxious weed seed or materials. After treatment the area will be monitored for noxious weeds and be treated as needed as part of the ongoing Spanish Fork Ranger District noxious weed control program. .
- Fencing: To meet wildlife concerns the wire spacing from the bottom wire will be 16 inches from the ground. The second wire will be 24 inches from the ground the third wire will be 32 inches from the ground and the top wire will be 42 inches from the ground. To increase the fences visibility to wildlife the steel posts tops will be white and the wire will be flagged.
- Vegetation reestablishment will be observed annually by a vegetation manager and soil scientist until reestablishment is sufficient to allow livestock grazing. A vegetation trend study is located in the project area and will also be used to determine vegetation reestablishment.
- Provide wildlife escape ramps in all developed water sources.
- All archeological sites that are eligible for the national register of historic places or areas have been removed from the proposed action or will be avoided if within a treatment area.

Rational for Decision

This project will open up the sage brush canopy and create a mixed age class of sagebrush which will improve sage grouse habitat. The treatment will also allow the understory grasses and forbs currently suppressed by thick sagebrush by the thick sage brush canopy to be released.

The use of native seed as much as possible will increase the plant diversity in the project area.

The reduction of young juniper will help maintain sagebrush ecosystems.

The members of the West Desert Adaptive Resource Management Local Working Group feel this is an excellent project to improve sage grouse habitat. Meeting minutes from August 19, 2005 are in the project file.

This area is one of the Utah Division of Wildlife Resources sagebrush improvement focus areas. The UDWR is also a contributing partner in this project.

Increased water will be available to all forms of wildlife.

Category

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 31.1, 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 project is within the FSH 1909.15 31.2 (6) category of exclusion that includes “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.”

Finding of No Extraordinary Circumstances

FSH 1909.15, Section 30.3 (1909.15-2004-3) lists the following as resource conditions that should be considered in determining whether extraordinary circumstances warrant further analysis.

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 Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered or result in adverse modification to such species’ designated critical habitat. As required by this Act, potential effects of this decision on listed species have been analyzed and documented in a Biological Assessment (Project File Records).

Forest Service biologists and vegetation specialists have surveyed the project area. The Forest Service has determined that this project will have no effect on federally protected species or critical habitat. It was also concluded that the proposed project will have no impact to population trend or population viability of TES species evaluated with the

exception of sage grouse. This project will improve sage grouse habitat (Project File Records).

Floodplains, wetlands, or municipal watersheds

Executive Order 11990 requires federal agencies to avoid adverse impacts associated with destruction or modification of wetlands. Executive Order 11988 requires federal agencies to avoid adverse impacts associated with the occupancy and modification of floodplains. This project is not located in and will not have any direct, indirect or cumulative impacts to impact floodplains, wetlands or municipal watersheds (Project File Records).

Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas

The project area does not reside in, and the projects will not have any direct, indirect or cumulative impacts on any Congressionally designated areas.

Inventoried roadless areas

This project does not lie within any inventoried roadless areas.

Research natural areas

The project area does not reside in, and the projects will not have any direct, indirect or cumulative impacts on any research natural areas.

American Indians and Alaska Native religious or cultural sites

Based on site investigations and scoping, the project area is not known to include, and the project will not have any direct, indirect or cumulative impacts on any American Indian religious or cultural sites (Project File Record). All archeological sites that are eligible for the national register of historic places or areas have been removed from the proposed action or will be avoided if within a treatment area. The decision is consistent with the American Indian Religious Freedom Act, and the Native American Graves Protection and Repatriation Act.

Archeological sites, or historic properties or areas

Based on site investigations, the project area does not reside in, and the project will not have any direct, indirect, or cumulative impacts on any archeological sites that are eligible for the national register of historic places or areas. The decision is consistent with the National Historic Preservation Act (Project File Records).

The proposed actions 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; are within a category listed in FSH 1909.15; and there are no extraordinary circumstances related to the proposed actions.

PUBLIC INVOLVEMENT

This project has been listed in the Uinta National Forest's "Schedule of Proposed Actions" (i.e. "NEPA Quarterly") since the fall of 2005. A scoping letter was sent to interested parties on August 19, 2005 and a request for comments was published in the *Provo Daily Herald* on August 25, 2005. An additional request for comments was published in the *Provo Daily Herald* on October 19, 2005. These documents and notices are contained in the project files located at the Spanish Fork Ranger District. In response to these efforts, I received three letters regarding this project. Issues identified during development of the proposed action and from public responses to scoping are addressed in the following section:

Issue: The use of a two-way pass with a Dixie harrow is designed to decrease canopy cover of sagebrush to approximately ten percent and recommend this treatment be minimized. They cite the Strategic Management Plan for Sage grouse from the Utah Division of Wildlife resources, 2002, which recommends a 15 to 25 percent sagebrush cover to optimize nesting success. This objective is also guideline (Veg- 7) of the Uinta National Forest 2003 Land and Resource Management Plan. (Forest Plan, pages 3-17 to18).

The decision has been modified providing a combination of one-way and two pass treatments with a Dixie harrow. This combination will also meet guideline Veg-13 which states "All vegetation management activities should mimic the natural pattern, structure, and composition of vegetation on the landscape (within the historic range of variability.)" (Forest Plan, page 3-18).

Issue: There is a concern about the spread of noxious weeds.

The decision now addresses noxious weeds.

Issue: The use of native seed is recommended.

The decision has been modified to include native seed as much as feasibly possible.

Issue: Visibility of the fence should be increased to minimize conflict with sage grouse.

To address this issue, the design features have been modified to include white topped t-posts and flagging of the fence.

Issue: Monitoring should be conducted to determine the effectiveness of the vegetation treatments in achieving project objectives of mitigation measures.

Vegetation reestablishment observations have been included in the decision.

Issue: Vegetation treatments should be timed to avoid nesting and breeding seasons for goshawks and other migratory birds.

The project has been modified to conduct sagebrush treatments in the fall.

Issue: Fire could be used as a treatment rather than mechanical treatment.

Fire was not proposed because it will not meet the purpose and need of sage brush restoration and seeding for sage grouse benefit. Prescribed fire can kill more sagebrush than is desired for a mosaic pattern. In addition, burning alone does not create enough seed /soil contact to produce a successful seeding.

Issue: There will be direct, indirect and cumulative impacts to wetland, riparian and aquatic habitats; TES populations and habitats and archeological resources within the project area.

There is no live water or riparian areas within the sagebrush treatment area. Vernon Creek lies on the edge of the most northern juniper treatment area. However, there is no soil disturbance involved in cutting down juniper and no direct, indirect or cumulative effects to this riparian area. The Forest Service has determined this project will have no effect on federally protected species or critical habitat. It was also concluded that the proposed project will have no impact to population trend or population viability of TES species evaluated with the exception of sage grouse. This project will improve sage grouse habitat. The proposed action has been modified to exclude archeological sites from any ground disturbing treatments (Project File Records). Therefore, this project can be categorically excluded.

FINDINGS REQUIRED BY OTHER LAWS

This project lies within the Vernon Management Area as identified in the Uinta National Forest 2003 Land and Resource Management Plan. (Forest Plan, pages 5-168 to 179). The management prescription for this area is 3.1-Aquatic, Terrestrial, and Hydrologic Resources. This action is in compliance with Forest Plan.

No adverse impacts on birds are anticipated, and this decision is consistent with the Migratory Bird Act. Sagebrush treatments will be in the fall outside the nesting period.

The proposed actions will not impact water quality and are consistent with the Clean Water Act. The project is in compliance with the Clean Air Act.

There will be minimal and only shallow sub-surface activity to harrow sagebrush and bury posts. Therefore, there are no implications on mineral resources.

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 215.9 (a) and (b), implementation of this project may begin five business days after the close of the appeal filing period, if no appeal is filed. If an appeal is filed, implementation may occur on, but not before, the 15 business day following the date of appeal disposition. Implementation is planned to begin during the fall of 2006.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

Pursuant to Earth Island Institute v. Ruthenbeck, No. CIV F-03-386 JKS (E.D. Cal., October 19, 2005), this decision is subject to appeal under Forest Service regulations 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 the legal notice in *The Provo Daily Herald*. The Appeal Deciding Officer is Brian Fereber, Forest Supervisor. Appeals must be sent to: Appeal Deciding Officer, 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.). 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 please contact Renae Bragonje at the Spanish Fork Ranger District - Uinta National Forest, 44 West 400 North, Spanish Fork, Utah 84660, or by phone at (801) 798-3571.

Duane Resare for
DOUGLAS H. JONES
District Ranger
Spanish Fork Ranger District
Uinta National Forest

8-16-06
Date