

Decision Memo

Strawberry Cove II FLPMA Private Road Easement and FLPMA Forest Road Easement

USDA Forest Service
Heber Ranger District, Uinta National Forest
Wasatch County, Utah
T.4S., R.10W., Section 6 Uintah Special Meridian

Background

Strawberry Cove II, L.L.C., Manager Edward Collard, has private land holdings on the western side of Soldier Creek Reservoir. Other tracts of land have been previously developed in the same locale. The Forest Service has cooperated with the developer on the previously developed lands, including private land donations to the Forest Service for Sage Grouse habitat. The current proposal is designed to provide access to the Strawberry Cove II development while concurrently meeting Wasatch County regulations for two access points to provide safe ingress and egress for emergency services. Forest Road #602 will provide the northern access point, which currently is the southern access point for the Strawberry Cove I development to the north. A private road will be constructed across National Forest System lands approximately 0.5 miles south of Forest Road #602. The road will be approximately 200' in length and 34' in width (55' easement width); equating to less than ¼ acre of National Forest System land.

Decision

I have decided to issue two Federal Land Policy and Management Act (FLPMA) easements, one for a private road and the other for a forest road, for access to the Strawberry Cove II development. The FLPMA grants the authority to issue the easements. This decision is based upon the following factors:

- The ground disturbing activities associated with this permit have been analyzed and construction of the private road is properly located. Prior to construction, design specifications will be submitted to Forest Service engineer personnel for approval. The following Best Management Practices (BMP) will be included in a Monitoring Plan and closely adhered to prior to, during, and after construction:
 - Install a culvert to provide for proper drainage of the ditch line.
 - Constructed road should meet Forest Road #480 at a right angle and provide flare outs for proper turning radius.
 - Stockpile upper 12" of topsoil to place on cut and fill slopes after construction to promote vegetation establishment. If topsoil cannot be salvaged, new topsoil will be placed on cut and fill slopes.

- Road will be a hardened, gravel surface.
 - Road design features will include in-sloping, out-sloping and rolling grade dips to minimize erosion.
 - Prior to construction, erosion control measures such as erosion fences or certified weed free straw wattles will be utilized until the slope is stabilized or re-vegetated.
 - The roadsides will be seeded and mulched to establish desirable native vegetation and cover bare soil. Seeding will either be drill or broadcast with a mixture of thickspike wheatgrass, Indian ricegrass and slender wheatgrass along with Lewis blue flax, adjusted to provide 50 pure live seeds per square foot seeded. Mulch with certified weed-free straw to a depth of between one and two inches immediately following seeding. Do the seeding in late fall, ideally just before or just after the first snowfall. Monitor the road construction sites for three years, controlling any weeds found in the construction zone.
- No effects to threatened or endangered species would occur.
 - No effects to cultural resources or historic sites would occur
 - There are no floodplains or wetlands within the project area. The proposed action would not impact water quality and is consistent with the Clean Water Act.
 - The project would not generate pollutants and is in compliance with the Clean Air Act.

This action is categorically excluded from documentation in an environmental impact statement or an environmental assessment because it meets the criteria identified in FSH 1909.15 Chapter 30, Section 31.2 – Categories of Actions for which a Project or Case File and Decision Memo are Required, Item 3:

Approval, modification, or continuation of minor special uses of National Forest System Lands that require less than five contiguous acres of land.

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':

- 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).

- Floodplains, wetlands, or municipal watersheds – The Forest Service has determined that the proposed action will not adversely affect floodplains, wetlands or municipal watersheds (documentation contained in project file).
- 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.
- 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.)
- 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. (RNA's are mapped in Appendix C to the FEIS for the 2003 Forest Plan.)
- 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 (documentation contained in the project file).
- 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 (documentation contained in project file).

Public Involvement

A proposal to issue a new special use authorization was listed in the January 2007 Schedule of Proposed Actions. The proposal was provided to the public and other agencies for comment during scoping from November 14, 2006 to December 15, 2006. Additionally, the agency placed a legal notice in the Provo Daily Herald on November 16, 2006.

One comment was received from the Utah Environmental Congress (UEC). See the following table about specific comments and response:

COMMENT	RESPONSE
The purpose and need statement is not sufficient. Needs to disclose that the purpose and need is tied to allowance for new resort facility and structures.	The road would not be utilized for a resort. As stated in the purpose and need, it would be used to access residential private property development.
Commentor cites EarthIsland v. Ruthenbeck	The referenced Court order was clarified on October 19, 2005 which activities would be

	subject to notice, comment, and appeal under the 36 CRFR 215 rules. The proposed activity was not included in the list of activities.
The decision must be informed by the appropriate Roads Analysis and associated RAP. Commentor believes appropriate scale would be at the watershed scale.	A site specific Roads Analysis for this non-Forest Service system road yielded a result of very little to no effects on National Forest System lands.
Proposed Action is one segmented part of a larger new resort/development proposed action in the area. Involves cumulatively significant impacts to resources and triggers the necessity to prepare an EIS because extraordinary circumstances are present.	The proposed action is to provide safe ingress/egress to a summer home residential subdivision. Access is already provided to the homes. The proposed access would not increase the number of homes, it merely provides safe egress. Two access roads are required by Wasatch county ordinance. Compliance with local ordinances was identified in the purpose and need.
Proposed action should be simply denied and cancelled.	See purpose and need – Wasatch County requires safe ingress/egress.

Findings Required by Other Laws

This decision is consistent with the 2003 Uinta National Forest Land and Resource Management Plan as required by the National Forest Management Act. The proposal is in conformance with Forest Plan standards and incorporates appropriate Forest Plan guidelines for the Strawberry Reservoir Management Area (Forest Plan, pages 5-121 to 5-141).

Forest Wide Goal (FW-Goal-3) – 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.

Implementation Date

This project will be implemented after May 1, 2007 or as weather conditions dictate.

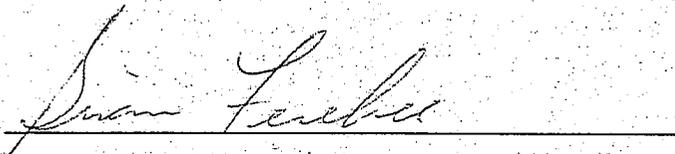
Administrative Review or Appeal Opportunities

Pursuant to 36 CFR 215.12 (f) this decision is not subject to administrative appeal.

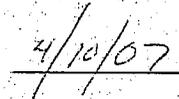
Contact Person

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BRIAN FEREBEE
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Date

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