

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

Telephone Hollow Timber Sale and Fuels Treatment



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

DECISION AND REASONS FOR THE DECISION

Based upon my review of all alternatives, I have decided to implement the Proposed Action, as described in Chapter 2 of the Environmental Assessment (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

My decision is to approve implementation stand treatments designed to reduce stand densities and competition in approximately 270 acres of lodgepole pine and aspen forest types. Even-aged stands would be commercially thinned to increase growth and vigor, primarily retaining the larger healthier trees on the site. In addition to the commercial thinning, a hazardous fuels reduction treatment near the Daniels Summer Homes will be implemented. In conjunction with the thinning, small openings (up to 2 acres in size) would be created to promote structural diversity and lodgepole pine regeneration. Multi-aged stands would be thinned across all age/size classes, with a focus on reducing invading shade-tolerant species which contribute to ladder fuels and conversion of the site from lodgepole pine to subalpine fir dominance. Approximately 20 acres of aspen would be mechanically treated to reduce subalpine fir invasion. Activity fuels (logging slash) would be treated by various means to reduce post-harvest fire potential in selected areas of the project. This may include removal, chipping, crushing, and/or piling and burning. Areas within the Strawberry Project Lands (lands within the project area on the east side which are under a watershed emphasis – 3.2 in the Forest Plan) would not be part of a commercial timber sale and would be treated by piling and burning bark beetle infested trees.

My decision also includes the following mitigation measures:

- A portion of a treatment unit will be excluded from the sale for protection of a National Historic Register Eligible Site.

- Avian surveys will be required prior ground disturbing activities; no activities will occur during the primary nesting season of April 1-June 30; if any sensitive species nests are detected, the nest will be buffered by distances described in the 2003 Land and Resource Management Plan (Forest Plan).
- Where post-treatment monitoring indicates stocking is inadequate, revenues from the sale of the timber would be used to supplement reforestation in the affected stands with tree planting.
- Off-road equipment associated with the timber sale contract will be cleaned to ensure lack of weed, soil, vegetative mater, or other debris that may hold seeds prior to accessing the timber sale area. This includes Forest Service and private equipment.
- The Forest Service will treat weed populations along the roads within the sale project area prior to the first project equipment entry, to prevent the equipment transporting seeds on their tires or tracks from the roadside.
- Include in the KV plan clauses requiring monitoring for and control of weed populations found in timber sale project area, for three years following the sale.
- If residual mountain pine beetle infestations are found after treatment, the Forest would use a combination of anti-aggregation pheromone and traps to reduce lodgepole pine mortality. These treatments are non-ground disturbing and temporary in nature.
- Avoid use of skid trails and landings during wet periods.
- At the conclusion of the project, unclassified and temporary roads utilized during harvest activities will be obliterated, surface gouged or pocked and logging slash spread, where available, to facilitate revegetation in the treatment areas.
- If group selection treatment areas are not showing successful regeneration, exclosure livestock fencing will be installed.

The *Purpose and Need* is to maintain healthy, vigorous lodgepole pine stands in the affected landscape, reduce stand susceptibility to mountain pine beetle, reverse the successional trend away from subalpine fir dominated stands, and reduce the risk of a stand replacing crown fire in the treated stands. The need to treat hazardous fuel conditions is exacerbated by the proximity of residential and summer homes to treatment units.

OTHER ALTERNATIVES CONSIDERED

Alternative 1: No Action.

This alternative would not involve any actions by the Forest Service to manage the timbered vegetation in the Telephone Hollow area. Stand structural diversity would not be manipulated. The subalpine fir would continue to encroach in the lodgepole pine and aspen stands. Fuels would not be treated in the area, leaving risk of wildland fire to the Daniels Summit community unchanged. Mountain pine beetle would continue to cause mortality in lodgepole pine trees within affected stands depending on weather and population dynamics. Populations would be monitored for informational purposes.

Two additional alternatives were considered but eliminated from detailed analysis. Discussion of these alternatives is in Chapter 2 of the EA.

No additional alternatives were raised during the public opportunity to comment –

PUBLIC INVOLVEMENT

The Project was listed quarterly in the Schedule of Proposed Actions from Winter 2003 through Fall 2004 editions. The Project was reinitiated and republished in the SOPA beginning in the Summer 2006 edition through present. The Schedule of Proposed Actions is posted on the Uinta web site and is mailed to over 400 individuals. In addition:

- The Heber Ranger District sent a scoping document to the public and other agencies listed on the Heber District General NEPA mailing list, Daniels Summit Homeowners and to the interested parties on the Heber District Timber Sale mailing list, requesting comments on February 13, 2004.
- A legal notice requesting comments was published in the “*Provo Daily Herald*” on February 26, 2004 and a press release was published in the Tooele, Utah “*Transcript-Bulletin*”. Seven letters were received. The project was put on hold in 2004, due to other priorities on the Uinta National Forest.
- A second legal notice requesting comments was published in the “*Provo Daily Herald*” on October 24, 2004.
- A second scoping document was sent to the public and other agencies listed on the Heber District mailing list requesting comments on October 25, 2006.
- A corrected legal notice was published in the “*Provo Daily Herald*” on December 24, 2006.

In response, twelve comment letters, e-mails or phone calls were received from environmental groups, federal, state and county agencies as well as private citizens.

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 approximately 260 acres of disturbance as 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 applicable to the Strawberry Reservoir 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. The Daniels Summit community is identified as an “urban wildland interface community within the vicinity of Federal lands”. This project will change the fuel profile in both the fuels treatment and timber sale units including a change in the fuel continuity from a stand with a high density and dead/live ladder and crown fuels to a more open stand with little to no ladder fuels which will lessen the risk of catastrophic wildfire.
- (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 will not affect any unique characteristic of the geographic area, nor will the Project have any impact any historic or cultural resources within the Project Area (Landscape Architect and Heritage Reports). There are no parklands, prime farmlands or ecologically critical areas in or near the project site; (UNF Forest Plan). There are no wild and scenic river segments affected by this Project (UNF Forest Plan). Ecologically critical areas would not be impacted; there are no wilderness or wilderness study areas, Research Natural Areas or Inventories Roadless Areas within the Project area (UNF Forest Plan).
- (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. 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)]. Timber sales and fuels thinning projects are not new and do not contain highly uncertain, unique, or unknown risks. 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 will not establish a precedent for future actions with significant effects. Any future proposed projects will be subject to site-specific analysis and implementation will 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; four sites were found. Three sites are not eligible for the National Register of Historic places. The sale boundary has been moved in a treatment unit to exclude the Eligible site; therefore no affects will occur. (Project Record – Archaeology Report)
- (9) My decision will not adversely affect threatened or endangered species or their habitats [40 CFR 1508.27 (b) (9)]. The 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 with the exception of Canada Lynx. The Project Area occurs seven miles south of a Lynx Analysis unit; therefore, it is expected that the Project may affect but is not likely to adversely affect Canada Lynx.
- (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.

FINDING REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the 2003 UNF Land and Resources Management Plan. A review of the Forest Plan is included in the Project Record and was evaluated as part of the specialists' review. My decision will comply with all applicable laws and regulations.

The purpose of the Clean Water Act is to restore and maintain the integrity of waters. Section 313 of the Clean Water Act requires Federal Agencies to comply with all Federal, State, interstate and local requirements, administrative authority and process and sanctions

with respect to the control and abatement of water pollution. Executive Order 12088 also requires the Forest Service to meet the requirements of the Act. The proposed action will comply with the Clean Water Act. There will be no net loss to Riparian Habitat Conservation Areas and no wetlands will be impacted. (Project record: Hydrology Report).

This decision will have no detrimental effects on prime farmland, rangeland, or forestland (Secretary of Agriculture's Memorandum #1827).

The decision fully complies with Section 106 of the National Historic Preservation Act. The Project Area was amended to exclude one of these site eligible for the National Register of Historic Places. Therefore, there will be no historic properties affected by the proposed timber sale. (EA Chapter 3 - Cultural Resources; Heritage Report; SHPO Concurrence).

The project complies with the Migratory Bird Treaty Act. The project may result in small negative impacts on individual migratory birds but is not expected to affect population viability of any migratory bird species. There are no known raptor nest sites within the project area. Avian surveys will be required prior to ground disturbing activities; no activities will occur during the primary nesting season of April 1-June 30; if any sensitive species nests are detected, the nest will be buffered by distances described in the LRMP. (Chapter 3 – Wildlife Resource; Decision Mitigation; USFWS Concurrence).

This decision complies with the Endangered Species Act (EA Chapter 3, BA/BEs; USFWS Concurrence).

The Clean Air Act defines the National Ambient Air Quality Standards for various sources of pollutants that must be met to protect human health and welfare, including visibility. The Project area is not located within a non-attainment area. No management actions on the forest have been the cause of clear air standards exceedances. Forest management and use could have a minor short-term affect on particulates from dust and road use. The generalized effects of timber harvest and roads on air quality are detailed in the FEIS for the Uinta National Forest 2003 Land and Resource Management Plan. The minimal effects will not be measurable; therefore, there will be no impacts to air quality from the Project. This decision is in compliance with the Clean Air Act. (Forest Plan)

Environmental Justice (Executive Order 12898) requires consideration of whether projects will disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, and I considered the results in making my decision. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations. (Project Record)

A site specific of timber capability/suitability for the stands and types of treatments within the analysis was completed; the timber treatments are appropriate under NFMA (Timber Capability and Suitability Evaluation/Validation – Project Record.)

This Project is consistent with Forest Service timber management requirements (FSM 1921.12a) (1921.12 Conformance Documentation – Project Record)

My conclusion is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk (Project Record).

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. Implementation is planned to begin during the fall of 2007.

APPEAL PROCESS

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 Daily Herald*. The Appeal Deciding Officer is Brian Ferebee, 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 about this decision or project, please contact Stephen Penny, Forester, at the Heber Ranger District, Uinta National Forest, 2460 South Highway 40, Heber City, Utah 84032 or by phone at (801) 785-3563.

/s/ Julie K. King

JULIE K. KING
District Ranger
Heber District

May 4, 2007

Date

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