

Decision Notice and
Finding of No Significant Impact
Strawberry River Fish Habitat Phase III
USDA Forest Service
Heber Ranger District, Uinta National Forest
Wasatch County, Utah

Introduction

The Uinta National Forest in partnership with the Utah Division of Wildlife Resources proposes to conduct a fisheries habitat and stream channel stabilization project to restore and maintain the natural dimension, pattern, and profile of the Strawberry River; improve upstream fish migration from Strawberry Reservoir; stabilize eroding stream banks; reestablish a more natural riparian plant community; reduce stream temperatures; reconnect river to historic flood plain; improve and increase complexity of aquatic habitat; and reduce fine sediment and improve spawning habitats on approximately 5.6 miles of the Strawberry River.

The project area is located along the Strawberry River between the Bull Springs Road (040° 12' 26.00" N, 111° 12' 42.81" W) and approximately ½ mile upstream of Highway 40 (040° 17' 14.47" N, 111° 13' 20.54" W). Additionally, approximately ¼ mile of Hobble Creek and one mile of Spring Creek will be included. (Map attached)

This action is needed to meet the desired condition of a properly functioning stream channel and floodplain, which is beneficial to the ecosystem and wildlife habitat in general. This action is also designed to meet UDWR objectives for habitat and passage of cutthroat trout and Kokanee salmon during spawning.

Decision

Based upon my review of the EA, I have made the decision to implement Alternative B – Proposed Action with the attached mitigation measures.

Specific objectives of the proposal are to: Restore and maintain the natural dimension, pattern, and profile of the Strawberry River; improve upstream fish migration from Strawberry Reservoir; stabilize eroding stream banks; reestablish a more natural riparian plant community; reduce stream temperatures; reconnect river to historic flood plain; improve and increase complexity of aquatic habitat; and reduce fine sediment and improve spawning habitats on approximately 5.6 miles of the Strawberry River. The proposed action is scheduled for implementation in three phases over a period of three to five years beginning in summer 2008.

A stream restoration plan will be prepared for each stage of restoration beginning with stage one. Each restoration plan will consist of a detailed description of restoration work to be completed.

The proper alignment and placement of rock and log vanes, root wads, and other structures will be based on accepted principles of applied fluvial geomorphology. In addition, only structures suitable for the stream type based on the Rosgen Classification system will be used. The restoration effort will focus on a number of techniques that have been proven to enhance the natural function of the stream (i.e., establish proper dimension, pattern and profile).

A single thread channel with meanders and proper channel sinuosity will be maintained. Rock and log vanes will be placed at critical locations to protect stream banks and allow riparian vegetation to reestablish. Vertical banks will be sloped to allow vegetative cover to establish. Root wads and logs will also be used to protect stream banks and provide cover for trout. Coconut fiber will be used on outside bends of meanders to provide additional bank protection until vegetation becomes established.

Willow clumps will be transplanted from other Strawberry Valley locations to positions along the newly sloped stream bank. In addition, willow clippings and other woody vegetation native to the project area will be used to accelerate the re-establishment of a riparian community. Sloped banks and other disturbed areas will be reseeded with species currently found in the area that are appropriate for the site including water requirements.

Channel realignment may be necessary, were excessive degradation has occurred, in order to reconnect the stream with the flood plane. When channel realignment is necessary, the old channel will be converted into oxbow ponds when possible, increasing the complexity of the aquatic habitat.

Stage 1, Stage 2, and Stage 3 of Phase III of the Strawberry River Project will consist of five key elements; 1) construction of temporary road approximately 1 mile long between Bull Springs road and Spring Creek, 2) bank stabilization, 3) grade control structure 4) off-channel or oxbow pond enhancement and/or construction, and 5) main channel realignment.

Stage 1, Years 1 & 2

Approximately, 2.3 miles of stream will be restored during Stage 1; this includes approximately 34 bank stabilization sites, 8-10 grade control structures, 8 oxbow pond enhancements, and two main-channel realignment locations.

Stage 2, Years 3 & 4

Approximately 2.0 miles of stream will be restored during Stage 2; this includes approximately 23 bank stabilization sites, 4-5 grade control structures, 7 oxbow pond enhancements and one-channel realignment location.

Stage 3, Year 5

Approximately 1.3 mile of stream (Strawberry River and Hobble Creek combined) will be restored during Stage 3; this includes approximately 20 bank stabilization sites, 2 grade control structures, 3 oxbow ponds, and one channel realignment location.

Mitigation Measures

The following mitigation measures will be implemented with this decision. These measures have been compiled from the EA:

Vegetation:

- Sloped banks and other disturbed areas will be reseeded with species currently found in the area that are appropriate for the site including water requirements.
- Standard Weeds-9 of the Uinta National Forest 2003 LRMP states: “For at least three years after a project is completed, treat invading noxious weeds, as needed, on areas impacted by ground-disturbing operations.” This will include hand application of herbicides where permitted, and hand grubbing weeds where herbicides are not permitted.

Soils:

- Prior to disturbing or moving soil at each of the stream bank locations, topsoil will be salvaged and stockpiled. Stockpiled topsoil will be protected from disturbance, compaction, and erosion during storage. Topsoil will be replaced on final graded surfaces after the final contour is established either by movement or placement of subsoil.
- At the conclusion of the project, temporary roads and staging areas need to be obliterated, alleviating subsurface compaction and leaving a roughened surface to reduce water and wind erosion until vegetation is reestablished. Surface roughening techniques to reduce soil compaction and erosion include track-hoe deep surface roughening which involves using a track-hoe excavator to roughen the soil surface throughout the depth of subsoil compaction by creating small (< 1 foot deep), overlapping depressions. The roughened soil surface will help catch water, prevent runoff, lower erosion, and catch sediment.
- Minimize and eliminate vehicle use on staging areas and temporary roads during wet periods to minimize soil compaction.
- No more than 15 percent of the activity areas of Segment 1 of the Strawberry River should have detrimentally disturbed soils after the project completion. In other words, at least 85 percent of the activity area should be in a non-detrimentally disturbed condition. (Uinta 2003 LRMP Standard S&W-1 and Regional Soil Quality Guidelines - FSH 2509.18 – Soil Management Handbook, Chapter 2 – Soil Quality Monitoring, Section 2.2 – Soil Quality Standards)
- Soil Moisture Content – avoid soil disturbance when soils are either too dry or wet. Soils should be in a loose or friable condition prior to surface disturbance.

Aquatics:

- All equipment and instream materials such as root wads and rocks used in this project will be free from any exposure or prior contamination with invasive aquatic species such as quagga and zebra mussels, and any fish related disease such as Whirling Disease.

Wildlife:

- Project impacts on migratory birds will be mitigated by: 1) no activities will occur during the primary nesting season of April 1 – June 30; and 2) if any Sensitive species nests are detected, they will be buffered by distances described in the LRMP (USDA 2003d: Appendix C-1).

Recreation:

- Any tracks or temporary access created by off road vehicle use in implementing this decision will be rehabilitated, re-seeded, treated for weeds and barriers will be placed if necessary to prohibit motorized access by the public while the area is revegetating.

Rationale for Decision

I selected Alternative B – Proposed Action with mitigation measures because it best meets the purpose and need to facilitate restoration of a properly functioning stream channel. Soil disturbance, increases to turbidity, and displacement of resident fish would be short term and in the long term these parameters would improve at a faster rate toward desired conditions than the No Action alternative.

Other Alternatives Considered

An Environmental Assessment (EA, attached) has been prepared which considered one alternative in addition to the proposed action:

Alternative A – No Action

Under the No Action alternative, current management plans would continue to guide management of the project area. No fish habitat and stream channel restoration work would be implemented to accomplish project goals. The Strawberry River will continue to erode unstable banks, fine sediment will continue to restrict salmonid spawning and rearing habitat, and riparian vegetation will be limited to discontinuous patches within favorable habitat areas.

Public Involvement

This proposal was developed with the Utah Division of Wildlife Resources. A legal notice initiating the notice and comment period of a proposed action required by 36 CFR 215 was published in the Provo Daily Herald on October 25, 2007. Public scoping was held concurrently and scoping letters were sent to interested publics. The proposal was listed in the *October 2007 Schedule of Proposed Actions*. In addition, as part of the public involvement process, the agency has coordinated with the Northern Utes tribe.

Comments were received from Utah Environmental Congress. Issues pertinent to the proposal were identified and analyzed in the EA.

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

The context of the Selected Alternative is limited to 5.6 miles of stream corridor and a 30-foot wide buffer of the Strawberry River [40 CFR 1508.27(a)]. Activities and environmental effects associated with my decision will be confined to the project area described in the EA. Actions will be limited to those actions disclosed in this document and its appendices. Further, my decision is consistent with the management area direction, desired future conditions, and Forest Plan standards specified for the area (see EA proposed action pg 3).

(B) Intensity Factors

(1) My decision will not result in any significant beneficial or adverse effects [40 CFR 1508.27(b)(1)].

The analysis documented in the Environmental Consequences section of the EA did not identify any individually or cumulatively significant adverse short or long-term impacts resulting from implementation of the Selected Alternative. The application of management requirements and mitigation measures will insure that any adverse effects are minimal (EA pg 10-26).

(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. Management requirements and mitigation measures will be in place to inform and protect the public during project activities. Proposed activities will meet water quality standards set by the Clean Water Act.

(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 analysis documented in the EA and the project record discloses that the Selected Alternative will not result in any effects on Inventoried Roadless Areas, or cultural or historic resources), and will not result in any major effects on wetlands.

(4) The Selected Alternative will not result in any effects that are likely to be highly controversial [40CFR 1508.27(b)(4)].

Controversy in this context refers to scientific dispute over the effects of the Federal action, not opposition to its implementation. The scientific basis for the analysis is contained in the project record and summarized in the EA. Standard analysis techniques and models were used. The effects of the Selected Alternative are minor and are supported by scientific research 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 environmental analysis (which includes the EA, resource technical reports, Biological Assessments, and Biological Evaluations) determined that the Selected Alternative will not involve any highly uncertain or unknown risks. The management activities associated with my decision are typical of those successfully implemented in the past on the Uinta National Forest, for example the “Strawberry River Fish Habitat Project” implemented in 2002.

(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)].

The Selected Alternative will not set a precedent for future actions with significant effects. 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 Environmental Consequences 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 historical resources [40 CFR 1508.27(b)(8)] (EA pg 10).

The project area was surveyed for cultural resources and no sites of any kind were found, thus there will be No Historic Properties affected by the project. Concurrence on this project was received from the Utah State Historic Preservation Office on December 6, 2007 (Project Record). Mitigation measures appropriate to all action alternatives will include actions taken in the event any cultural or historic resources are discovered during implementation of the project. The Forest Archaeologist will be notified so the sites can be evaluated for eligibility to the National Register.

(9) My decision will not adversely affect threatened or endangered species or their habitats [40 CFR 1508.27 (b)(9)].

My decision will not have an adverse direct, indirect or cumulative effect on any threatened, endangered or sensitive (TES) species within or outside the project area.

A biological evaluation/assessment (BE/BA) was completed December 5, 2007 and found the following: *No Effect* for bald eagle, western yellow-billed cuckoo, and Canada lynx; *No Impact* for northern goshawk, peregrine falcon, flammulated owl, American three-toed woodpecker, or fisher; and *May Impact Individuals or Habitat, but Will Not Likely Contribute to a Trend Towards Federal Listing or Loss of Viability to the Population or Species* for greater sage-grouse, spotted bat, and Townsend's big-eared bat.

The Fish BE/BA was completed on September 20, 2007 with *No Effect to the Bear Lake strain of Bonneville Cutthroat Trout* which may exist in the drainage but has not been observed in surveys. *No Effect* to Colorado Cutthroat trout since they do not exist in the drainage.

The TES plant BE/BA was completed November 15, 2007 and had a finding of *No Effect* to Ute Ladies tresses, Barneby Woody Aster, Danity Moonwort, Slender Moonwort, Garrett bladderpod, Rockcress draba and Wasatch Jamesia due to no habitat for these species within the project area.

(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)].

This decision is consistent with Federal, State and local laws through consistency with the 2003 Forest Plan. The UDWR has obtained a 404 Stream Alteration permit from the State (State permit jurisdiction for the Army Corp of Engineers).

My decision 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. The best available science was utilized in rendering this decision (Project Record).

Findings Required by Other Laws and Regulations

National Forest Management Act - This decision to implement Alternative B – the Proposed Action is consistent with the intent of the 2003 Revised Forest Plan's forest wide goals, sub goals and objectives listed on pages [2-1 through 2-24] and the desired future condition of the Strawberry Management Area on pages [5-123 through 5-131]. The project incorporates applicable forest wide standards and guidelines (pg 2-3 of EA) and is consistent with the management prescription direction mapped for the area. (2003 Revised Forest Plan, pages 5-121 through 5-131).

Clean Water Act – This act 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. 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.

Executive Order 11990 of May 1977 – This order requires the Forest Service 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, Forest Service direction requires that analysis be completed to determine whether adverse impacts would result.

Wetlands within the project area were identified and effects discussed in Chapter 4 (pg 16) of the EA. Effects to wetlands will be short term and any disturbed areas will be reseeded with appropriate species (pg 2). My decision is in compliance with EO 11990.

Executive Order 11988 of May 1977 – This order required the Forest Service to provide leadership and take action to (1) minimize adverse impacts associated with occupancy and modification of floodplains and reduce risk of flood loss, (2) minimize impacts of floods on human safety, health and welfare, and (3) restore and preserve natural and beneficial values served by floodplains.

This decision in the long term will improve properly functioning condition of Strawberry River which will allow the flood plain to function properly and decrease incident of destructive flooding. The actions of this decision will overall minimize impacts of flooding on human safety, health and welfare as well as contribute to restoring and preserving the natural and beneficial values served by floodplains (EA Chapter 4, pg 19). My decision is compliant with EO 11988.

Endangered Species Act - This Act directs that all Federal departments and agencies shall seek to conserve endangered, and threatened (and proposed) species of fish, wildlife and plants. This obligation is further clarified in a National Interagency Memorandum of Agreement (dated August 30, 2000) which states our shared mission to "...enhance conservation of imperiled species while delivering appropriate goods and services provided by the lands and resources."

Based on the disclosure in Chapter 4, concerning threatened and endangered or proposed wildlife, plant or fish species and the Biological Evaluation and Assessment, it has been determined there are no adverse effects to populations of endangered, and threatened (and proposed) species of fish, wildlife and plants relative to this decision. My decision is compliant with ESA.

Executive Order 13186 of January 10, 2001 – Based on the discussion in Chapter 4 of the EA (pg 28), and the information in the project file concerning migratory birds, my decision is compliant with EO 13186. There may be a small amount of negative effect to habitat in the short term, but a positive effect to habitat overall in the long term. The mitigation measure attached to this decision on pg 6 stipulates that no activities will occur between April 1- June 30 during nesting and fledging seasons.

Executive Order 13112 – Invasive Species – This Executive Order directs that Federal Agencies should not authorize any activities that would increase the spread of invasive species. Effects to invasive species was analyzed in Chapter 4 of the EA (pg 24) and a mitigation measure attached to this decision on page 5 stipulates that ground disturbed areas will be reseeded with native species and weeds will be treated for 3 years after project implementation. Also attached is a mitigation measure to prevent spread of aquatic invasive species such as quagga and zebra mussels and Whirling Disease. My decision is compliant with EO 13112.

American Antiquities Act of 1906 and the National Historic Preservation Act of 1966 – Based on the discussion in Chapters 4 concerning Heritage Resources and the project file documentation, it has been determined there would be no measurable effects to any historic properties relative to this decision.

Prime Farmland, Rangeland and Forest Land (Secretary of Agriculture Memorandum 1827) – There is no prime farmland within the project area. The Decision does not make any changes to grazing allotments found within the project area.

Civil rights – Based on comments received during scoping no conflicts have been identified with other Federal, State or local agencies or with Native Americans, other minorities women, or civil rights of any United States citizen.

Executive Order 12898 of February 16, 1994 “Federal Actions to Address Environmental Justice on Minority Populations and Low-income Populations” - This order requires federal Agencies to the extent practicable and permitted by law to

make achieving environmental justice part of its mission by identifying and addressing as appropriate disproportionately high and adverse human health effects, of its programs and policies and activities on minorities and low-income populations in the United States and territorial possessions. In compliance with this Executive Order the Uinta National Forest through scoping and public involvement attempted to identify interested and affected parties, including minorities and low-income populations for this project. No minorities and low-income populations affected by this action were identified during public involvement activities.

Roadless Area Conservation Rule of January 12, 2001 - The intent of the rule is to provide lasting protection for inventoried roadless areas within the National Forest System in the context of multiple use management. The rule prohibits road construction and reconstruction and timber harvest in inventoried roadless areas on National Forest System lands.

The temporary road constructed in this decision will be rehabilitated after it is used to haul in supplies and materials and does not occur within an inventoried roadless area. This decision is compliant with the Roadless Area Conservation Rule.

Executive Order 11644 (1972) and Executive Order 11989 (1977) – Use of off-road vehicles on the public lands – The purpose of the order is to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of the land and to minimize conflicts among the various uses of those lands.

Any off road use of vehicles or equipment will be temporary and short duration in implementing this decision. The effects of temporary access routes were analyzed in the EA Chapter 4 (pg 21). Any disturbance will be reseeded, weeds treated and any tracks off main routes will have barriers to prohibit off road vehicle use by public while area is revegetating (see mitigation measures following Decision). This decision is compliant with EA 11644.

Travel Management Rule of November 9, 2005 – (36 CFR Parts 212 and 261) – The rule requires designation of roads, trails, and areas open to motor vehicle use. It prohibits the use of motor vehicles off the designated system.

The temporary road and temporary access routes needed to implement this project were analyzed and effects disclosed and mitigated in the EA Chapter 3 (pg 21). They will be used for administrative access only during implementation of the project. Following the project the temporary road and access routes will be obliterated. My decision does not designate any routes for public motorized use. It is consistent with the Travel Management Rule.

Appeal Statement/Implementation Date

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 the legal notice in the Provo Daily Herald. The Appeal Deciding Officer is Uinta Forest Supervisor Brian Ferebee. 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) and must include the project name in the subject line. 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.

If no appeal is received, implementation of this decision may occur on, but not before 5 business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

Contact

For additional information concerning this decision contact Julie King, Uinta National Forest, 2460 South highway 40, Heber, UT 84032 435-654-0470.

/s/ Julie K. King
Julie K. King
District Ranger
Heber Ranger District

March 6, 2008
Date