

DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

Stansbury Vegetation Research and Treatment

USDA Forest Service
Salt Lake Ranger District, Wasatch-Cache National Forest
Tooele County, Utah

Decision and Reasons for the Decision

Background

The project area is located within the Salt Lake Ranger District of the Wasatch-Cache National Forest (WCNF) on the northwestern portion of the Stansbury Mountains. Approximately 80% of the historic sagebrush communities on the west side of the Stansbury Mountains have been replaced by juniper. The loss of sagebrush has led to a loss of wildlife habitat and a need to improve habitat conditions in the area. In addition, recently burned areas in this landscape have been invaded by non-native species that have greatly altered the fire regime.

The primary purpose of this project is to provide a research opportunity to explore various techniques to restore native species within the sagebrush ecosystem. Several universities would work with the Forest Service to conduct this research. An additional purpose of the project is to restore sagebrush ecosystems to a properly functioning condition in the Stansbury Mountains and to minimize the potential for invasion of cheatgrass following wildfires on these sites currently dominated by juniper. Finally, there is a purpose to increase our knowledge about how to restore sites currently dominated by invasive species, such as cheatgrass, in the Stansbury Mountains. The environmental assessment (EA) documents the analysis of two alternatives to meet this need.

Decision

Based upon my review of all alternatives, I have decided to implement the Research Treatments portion of Alternative 2 which includes the following actions:

Research Treatments:

1. Prescribed burn on approximately 35 acres of existing juniper (12½ acres to be included in a research enclosure);
2. Mechanically treat one 12½-acre experimental study site by hand clear-cutting juniper to ½ meter in height;
3. Mechanically treat one 12½-acre experimental study site with a bullhog wood shredder, which converts standing juniper into compost materials on site;
4. Establish enclosures in each 12½-acre treatment area to keep livestock use from research plots.

I am still considering the Vegetation Treatment portion of Alternative 2 and may issue another Decision Notice in the future. The Vegetation Treatment portion of Alternative 2 is described below in the “Other Alternatives Considered” section. If I decide to implement the Vegetation Treatment portion, the decision will be published and there will be another opportunity for administrative appeal. Implementing the research activities does not presuppose the vegetation treatments described in Alternative 2 will be later approved and completed. Neither component is dependent upon the other for its justification and implementing one does not automatically lead to the other. The effects of Alternative 2 were fully analyzed

The Research Treatments are within Management Prescription Category (MP) 6.2 which emphasizes managing for livestock production while maintaining or restoring non-forested ecosystem integrity. The proposed treatments are consistent with the types of activities allowed in this prescription category.

If at a later date they were approved, the Vegetation Treatment portion of Alternative 2 would occur in MP 2.6, “Undeveloped Areas.” Implementing this portion would require an amendment to the WCNF Forest Plan. However, since I am only authorizing the Research Treatments at this time, there will be no amendment to the Forest Plan.

Reasons for the Decision

The Research Treatments provide a unique opportunity to work with several universities to research the conditions under which native perennial understory vegetation may return following disturbance. Researchers will test various restoration techniques that would allow native species to replace and effectively compete with undesirable non-native invasive species. The research will be valuable to further the state of knowledge regarding restoration of these ecosystems.

Significant issues discussed in the EA were impacts to archeological resources, water resources, scenery, soil, and wildlife. I believe the mitigation measures discussed below will minimize any potential impacts. The three cultural sites eligible for listing in the National Register of Historic Places will be protected through 50 meter buffer zones. Soil compaction will be prevented by operating in dry conditions. With little to no sediment movement predicted there will be no adverse effects to water quality. The project will improve wildlife habitat for those species that prefer open sagebrush and grasslands. Species that prefer older juniper woodlands will still find suitable habitat. In addition, no rare plant species have been located through surveys so none will be affected by these treatments.

Mitigation Measures

Mitigation measures are part of my decision and will reduce some of the potential impacts of the project. The Forest Plan forestwide standards and guidelines (See Appendix A) relevant to my decision are also incorporated.

1. Use of the bullhog:
 - a. Only allowed in dry periods to avoid soil compaction
 - b. Confined to the normal dry season – extending from approximately April 1 through October 15. The operating season can be extended on either side of these

2. When creating fire line, follow the natural contour of the land.
3. Leave overstory clumps near fencing to reduce the linear effect of fencing in the landscape.
4. High burn severity conditions are limited to less than 15% of the treatment area.
5. The three archeological sites that were determined to be significant will be flagged by the Forest archeologists and physically avoided during the implementation of this project.
6. No ground disturbing treatments can be done within 25 feet of permanently flowing or intermittently flowing stream channels.

Other Alternatives Considered

In addition to the selected alternative, I considered also considered the No Action Alternative. A comparison of the alternatives can be found in Chapter 2 of the EA.

Alternative 1 (No Action)

Under the No Action alternative, current management plans would continue to guide management of the project area. There would be no vegetation treatments within the juniper and invasive, non-native vegetation communities. Under this alternative, environmental consequences would continue to occur because the existing environment is not static and juniper encroachment would continue, further eliminating native species and setting the stage for hot crown fires, leading to even further cheatgrass dominance.

Alternative 2 (Proposed Action)

This alternative includes the Research Treatments described in the Decision section as well as the following Vegetation Treatments:

1. Mechanically treat up to 500 acres outside the experimental sites with a bullhog wood shredder;
2. Chemically treat invasive species on up to 200 acres within the 2000 Box Canyon Fire area. Treatments would include a combination of Plateau to treat the cheatgrass, and Dicamba or other broadleaf herbicides to treat prickly lettuce.
 - a. Small 1-2 acre plots would be established in a 40-acre portion of the Box Canyon Fire that would require hand removal of burned junipers before chemical treatments can be applied.
 - b. Large plots would be included within the 200-acre area that would require using a bullhog for removal of burned junipers before chemical treatments can be applied.

Public Involvement

A proposal to conduct research and treat juniper stands in this portion of the Stansbury Mountains was first listed in the Schedule of Proposed Actions in July 2005. The proposal was provided to the public and other agencies for comment during a scoping period which extended from June 27 to August 5, 2005. In addition, as part of the public involvement process, the agency consulted with federal and state agencies, the Goshute Tribe and universities. A

preliminary EA was sent to interested parties on June 1, 2006 and published on the WCNF website. A 30-day notice and comment period followed distribution of the preliminary EA.

Using the comments from the public, other agencies, the Goshute tribe and universities, the interdisciplinary team identified several issues regarding the effects of the proposed action. Main issues of concern included effects of the treatments on archeological sites, TE&S species, wildlife, and roadless values (see EA Chapter 1, *Issues* section for a complete discussion). To address these concerns, the Forest Service created the alternatives and mitigation measures described above.

Finding of No Significant Impact

After considering the environmental effects associated with the research treatments which were 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:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. There will be no significant effects on public health and safety. Manual and mechanical treatments are routinely used with no discernible effects on public health and safety. (see EA Chapter 2, *Mitigation Measures*).
3. There will be no significant effects on unique characteristics of the area. The action will move the project area towards the desired future conditions in the WCNF Forest Plan (see EA Chapter 1, *Forest Service Guidance*). The Forest landscape architect found that the action would be compliant with Forest Plan direction for a natural appearing Landscape Character Theme (see EA Chapter 3, *Scenery Management*).
4. The effects on the quality of the human environment are not likely to be highly controversial since there is no known scientific controversy over the impacts of the project (see EA Chapter 3).
5. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk
6. The action is not likely to establish a precedent for future actions with significant effects. Though the research will hopefully produce useful information, this decision addresses only a single research project in the Stansbury Mountains of the WCNF.
7. The cumulative impacts are not significant (see EA Chapter 3). While I am approving only research component only, I may decide to approve the other vegetation treatments proposed in Alt 2 in the future. The effects disclosed in the EA from the full implementation of Alt 2 revealed no significant cumulative impacts.

8. The Forest archeologist identified three cultural sites eligible for listing in the National Register of Historic Places in the project area. The action will have no significant adverse effect on these sites since the archeologist will flag a 50-meter buffer zone around the cultural resources and consult with personnel implementing the project (see EA Chapter 3, *Heritage Resources*).
9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973. There are two threatened & endangered species listed for Tooele County: bald eagle and yellow-billed cuckoo. Neither the bald eagle nor the yellow-billed cuckoo have potential habitat within the project area. Bald eagles have the potential to fly over the project area, but no potential foraging or roosting habitat exists within the project area. (see EA Chapter 3, *Wildlife Resources*).
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment.

Findings Required by Other Laws and Regulations

This decision to allow research treatments of juniper stands in the Stansbury Mountains of the WCNF is consistent with the intent of the forest plan's long term goals and objectives listed in Chapter 4 (pp. 4-1 through 4-117). The action is also consistent with specific direction for the Stansbury Management Area on pages 4-166 through 4-175. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for soil, water, and aquatic resources, wildlife resources, and vegetation values.

Clean Water Act – The Clean Water Act requires each state to implement its own water quality standards. The State of Utah’s Water Quality Anti-degradation Policy requires maintenance of water quality to protect existing in-stream Beneficial Uses on streams designated as Category I High Quality Water. All surface waters geographically located within the boundaries of the Wasatch-Cache National Forest whether on public or private lands are designated as Category I High Quality Water. This project will maintain water at existing high quality.

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.

There are no wetlands within the project area. 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.

There are no floodplains within the project area.

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, correspondence with the USFWS and the Biological 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.

Executive Order 13186 of January 10, 2001 – Based on the discussion in Chapter 3 of the EA and information in the project file concerning migratory birds, my decision is in compliance with this Executive Order for the Conservation of Migratory Birds.

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. Based on the mitigation and management requirements included as part of my decision, the approved activity will not increase the spread of invasive species.

American Antiquities Act of 1906 and the National Historic Preservation Act of 1966 – Based on the discussion in Chapters 3 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 and the comment period 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 Wasatch-National Forest through intensive scoping and public involvement attempted to identify interested and affected parties, including minorities and low-income populations for this project. A comment period was held for 30 days following the publication of the legal notice in the Salt Lake Tribune.

No minorities and low-income populations were identified during public involvement activities.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at *Appeal Deciding Officer, Jack Troyer, Regional Forester, 324 25th Street, Ogden, Utah 84401 fax 801-625-5277*. The office business hours for those submitting hand-delivered appeals are: 8:00 to 4:30, Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), and Word (.doc) to appeals-intermtn-regional-office@fs.fed.us. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Salt Lake Tribune, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the Salt Lake Tribune, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations who submitted comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Steve Scheid, 6944 S 300 E, Salt Lake City UT 84121, 801-733-2689.

/s/ Faye L. Krueger

8/26/2006

Faye L. Krueger
Forest Supervisor
Wasatch-Cache National Forest

Date

APPENDIX A

The following Forest-wide Standards and Guidelines (LRMP 4-36 – 4-38) are applicable to Stansbury research and treatment project decision:

- (G1) Minimize the amount and impact of smoke from “fire use” activities by identifying smoke-sensitive areas, using “best available control measures,” monitoring smoke impacts, and following guidance in State smoke management plans.
- (S1) Allow no ground-based skidding on slopes greater than 40 percent.
- (S7) Allow management activities to result in no less than 85% of potential ground cover for each vegetation cover type. (See Appendix VII for potential ground cover values by cover type.)
- (G4) At the end of an activity, allow no more than 15% of an activity area (defined in Glossary) to have detrimental soil displacement, puddling, compaction and/or to be severely burned.
- (G5) Do not allow activities that could result in water yield increases that would degrade water quality and impact beneficial uses.
- (G9) Avoid soil disturbing activities (those that remove surface organic matter exposing mineral soil) on steep, erosive, and unstable slopes, and in riparian, wetlands, floodplains, wet meadows, and alpine areas.
- (G11) Use Best Management Practices and Soil and Water Conservation Practices during project level assessment and implementation to ensure maintenance of soil productivity, minimization of sediment discharge into streams, lakes and wetlands to protect of designated beneficial uses.
- (G59) Manage Forest landscapes according to Landscape Character Themes, and Scenic Integrity Objectives as mapped. (See Chapter 4, A.7. Scenery Management for definitions).
- (G60) Resource management activities should not be permitted to reduce Scenic Integrity below Objectives stated for Management Prescription Categories.
- (S32) Review undertakings that may affect cultural resources to identify potential impacts. Compliance with Sections 106 and 110 of the National Historic Preservation Act shall be completed before the responsible agency official signs the project decision document.
- (G88) Design any mitigation measures necessary to resolve adverse affects to sites in such a way that they provide the maximum public benefit that the sites (or the information derived from them) can offer.

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