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Forest
Service

**Intermountain
Region**

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Decision Notice and Finding of No Significant Impact for the Atwood Dam Repair Project

Ashley National Forest

Roosevelt Ranger District, Duchesne County, Utah

John R. Erickson, Responsible Official and Forest Supervisor

DECISION

I have decided to implement Alternative 2, which is the Proposed Action of the Atwood Dam Repair Project Environmental Assessment (EA). My review of the EA and the supporting project record has provided me with the information that Alternative 2 is the best course of action, and overall, will have minimal impacts to the project area and surrounding areas. The Proposed Action involves much needed repairs of Atwood Dam, which is located in the High Uintas Wilderness. Atwood Dam is located in the E1/2 of Section 14, T4N, R4W, USM, within Duchesne County, Utah (see Map 1 of this document).

The Proposed Action includes the following:

The Issuance of a short-term (two-year) special use permit to authorize the needed repair of the dam, during which time the ditch bill easement will also be issued. The issuance of this short-term special use permit will allow the following actions.

1. Installation of an impermeable liner within the core of half of the dam. This will involve removal of the upstream side of the south half of the dam, installation of an impermeable liner, then replacing the removed portion of the dam back over the top of the liner.
2. Construction of new toe drains on the downstream side of the dam. This will involve digging a trench along the entire toe of the dam and placing a perforated pipe along with gravel and sand in the trench. This will allow the water that seeps through the dam to collect in a central location where the water will flow through a measuring device, then flow into the stream. The trench will be backfilled and not visible at the surface.
3. Lining the existing concrete outlet works with a new pipe and grouting the annular space between the new pipe and the existing concrete outlet works. The existing wet well will be disabled and filled with grout.
4. Installing a new head gate on the face of the dam at the inlet to the outlet works and installing a new stem along the face of the dam and new wheel.
5. Placing fill on the crest of the dam to fill in irregularities due to settlement. This will create an even elevation along the entire crest of the dam
6. Installing a flume in the outlet channel to measure flows from the dam, and installing a staff gage measuring device on the upstream side of the dam to measure the water in the lake.
7. Removing borrow material from below the high water mark for the repair of the dam, depending on its suitability. If the borrow material is found to be unsuitable, the material will then be taken from the existing borrow areas located on the north and south ends of the dam, which were previously used during the construction of the original dam.

The work on the dam, after completion, will not increase the impoundment of water or change the size of the dam. The work will require one field season (June through September of 2015) to complete the repair to the dam; however, the special use permit will cover two years in the event that work cannot be accomplished during the first field season, which will allow for the work to take place the following field season.

There will be an estimated six to eight people working at the site from June through September; they will be transported to the site via pack animal, along with needed supplies and food. Additional food and supplies will also be transported via pack animal at a minimum regular weekly basis. The workers will camp near the work site in approved campsite locations. There will be up to four horses kept on location near the work site for use in the event of an emergency.

Heavy equipment and construction materials will be transported by helicopter to the work site. Flights will occur for approximately two to three days in June/July (weather dependent), to transport the equipment and construction materials in, then again for one to two days in September, to transport the equipment out. This will require the temporary closure of system trails and roads that are directly affected by the flight path. During the time of equipment and supply transport, the heavy lift helicopter will not land in the wilderness; instead, it will sling load the equipment and supplies, placing them on the dam or within the temporary work area. A light helicopter may be used for personnel transport and in the case of an emergency, requiring landing. The temporary work area will be located south of the dam, within the existing borrow site.

The flight staging area will be located in Bennion Park, with flights going to Lake Atwood from this location. The flight path is approximately 12 miles in length and will travel in a northwesterly direction, crossing Forest Trail 044. Forest Road (FR) 305 which accesses Bennion Park and FR 305A beyond Bennion Park will be closed to public access as well as Forest Trails 044 and 043 during flight operation to safe guard the public (see Map 3 at the end of this document, for an illustration of the flight path). Bennion Park and FRs 305 and 305A will be closed for approximately two weeks prior to the equipment transport to the work site and about one week upon completion of the project to avoid conflict with recreationists during equipment staging.

The main project area includes the dam, areas adjacent to the dam, and the associated areas for the workers camp site, showers, and a latrine for a total of approximately five acres. The horse and pack stock grazing area will encompass approximately 155 acres, and will include several different forage areas, with limits of a one mile radius from the main project area of the dam site and camp. The size of this grazing area will allow movement of the stock for their benefit and the benefit of the resource. The total project area includes approximately 160 acres. Bennion Park will only be used as a staging area for equipment, but approximately three miles of road (FR305 and 305A will be closed during the equipment transfer phases of the project. (See Maps 2 and 3 of this document which more clearly illustrate the project area and the project activities).

DECISION RATIONALE

The purpose of this project is to respond to the applicant's request for authorization to repair Atwood Dam by issuing a temporary two-year special use permit. This short-term special use permit will allow the irrigation company to repair the dam, in conjunction with a Ditch Bill easement being issued from the Forest Service. The Ditch Bill easement is planned to be issued concurrently with this temporary permit for the repair of the dam. Issuance of the Ditch Bill easement is not a discretionary action[1].

To minimize impacts to the wilderness, transport of heavy equipment and supplies will be accomplished by helicopter thus eliminating impacts that would be associated with road construction. The Minimum Requirements Decision Guide (MRDG) has been used to develop the appropriate actions that are the minimum necessary for the work to occur in the wilderness, yet accomplish the project objective within the time frame allowed. The MRDG has helped to identify the number, size and type of equipment needed as well as the appropriate flight path for the equipment to be shuttled into the wilderness (see project record).

There are multiple needs that will be addressed with this project. The first stems from the Ashley's Land and Resource Management Plan (Forest Plan) objective to "assure the safety of all dams, canals, bridges, and utilities" (p. IV-53), which is in place to assure safety to the public and provide protection of the natural resource. The second is to meet the need of the irrigation company and their shareholders so they will have a continued supply of irrigation water. The leaks now threaten the integrity of the dam, requiring its repair. According to the Utah Dam Safety standards, without these repairs, the dam could have a 'no storage' order placed on it, forcing Dry Gulch Irrigation Company and its shareholders to go without irrigation water from this valued resource.

Finally, the safety of the dam is in question if the repairs are not addressed. Even if a 'no storage' order were in effect (the gate would be locked open to allow full water flow), the dam structure may still be at risk of failure from spring melt because the dam can still hold water even with the head gate open. If failure were to occur, this will cause considerable downstream resource damage and public safety concerns.

I selected Alternative 2 because Alternative 1, which is the No Action Alternative, will not accomplish the purpose and need of the project. In the process of making my decision, I reviewed the environmental consequences of both alternatives (pgs. 24-97 of the EA). I acknowledge that there are effects to some of the resources that were analyzed for Alternative 2; however, none of those effects rises to a level of significance or are considered adverse. Alternative 1 has potentially severe detrimental consequences. These factors weighed heavily in my decision and my choice of Alternative 2.

While I am aware of and sensitive to the special qualities, scenic beauty, and solitude that the High Uintas Wilderness provides to both people and wildlife, my concern for the safety and well-being of downstream residents and recreationalists, and ensuring that

[1] 43 U.S.C. 1761(c)

the quality of the watershed is maintained takes precedence. Should the dam fail by not repairing the dam, people's safety could potentially be at risk, and the Atwood-Uinta River watershed will be damaged from scour and sedimentation caused by a high volume and velocity of rushing water. Additionally, if the dam is not repaired and a no-storage order is enacted, this will deprive downstream users of a critical source of water for agricultural activities. Those agricultural activities are an integral part of the livelihood and culture of the people of the Uinta basin.

The Atwood Dam Repair Project EA documents the environmental analysis and conclusions upon which this decision is based.

PUBLIC INVOLVEMENT

This action was originally listed in April 2014 as a proposal on the Ashley National Forest Schedule of Proposed Actions (SOPA) and has been updated periodically during the analysis. The SOPA is sent out quarterly to 31 individuals, and is also posted on the US Forest Service website at http://www.fs.fed.us/sopa/forest-level.php?110401. People were invited to review and comment on the proposal through scoping and during the official EA comment period. A detailed scoping letter was sent out for comment on June 5, 2014 to 54 interested and affected parties. The EA was sent to 34 interested parties. The legal notice announcing the start of the comment period for the EA was published on November 25, 2014 in the *Vernal Express*. The official comment period was 30 days starting on November 26, 2014 and ending on December 26, 2014. The EA lists the agencies and people consulted on pages 98-99. During the scoping period, there was one comment that was received which was in support of the project. During the official comment period, there were four comments that were received; they were all supportive of the project.

A draft decision notice and finding of no significant impact (DN/FONSI) was made available to the public and copies were sent to those who expressed interest in the project. The draft DN/FONSI was sent to 30 individuals. A legal notice announcing the availability of the draft DN/FONSI and the opportunity to object to the Atwood Dam Repair Project was published in the *Vernal Express* on February 3, 2015. This initiated a 45-day objection period which ended on March 20, 2015. No objections to the DN/FONSI were received.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

As the Responsible Official, I, John R. Erickson, am responsible for evaluating the effects of the project relative to the definition of significance established by the CEQ Regulations (40 CFR 1508.13). I have reviewed and considered the EA and documentation included in the project record, and I have determined that Alternative 2 (the Proposed Action) will not have a significant effect on the quality of the human environment.

As a result, no environmental impact statement will be prepared. My rationale for this finding is as follows, organized by sub-section of the CEQ definition of significance as follows.

CONTEXT

The setting of this project is localized with effects largely confined to the project area. "In the case of site specific actions, significance would usually depend on the effects in the locale rather than in the world as a whole. Both short and long-term effects are relevant" (FSH 1909.15, 65.1, Part 02). This project is a site-specific action that by itself does not have international, national, region-wide, or statewide importance. The resource effects analysis disclosed in the EA reveal that most of the environmental effects of project implementation are confined to the project area.

I realize that while this project is underway there will be impacts to the project area. The project area in the vicinity of the dam comprises approximately 160 acres which is equivalent to about 0.035 percent of the entire High Uintas Wilderness (pg. 53 of the EA). In terms of context, this project area and its effects are confined to a very small area. Forest Roads 305 and 305a will be closed during the equipment staging phase of the project. Their closure may impact some individuals who use those roads for recreation. However, FRs 305 and 305A are approximately 1.7 and 1.3 miles long respectively, totaling three miles, which represents approximately 0.26 percent of the 1,140 miles of roads open to mixed use. In terms of context, the length road closure is a small fraction of the open road system on the Ashley National Forest, and those roads will be closed for a short period of time (less than three weeks).

I considered both the short and long-term effects of this project as described on pages 24-97 of the EA. In the short term (about 120 days for repairs), there will be the sights and sounds of repairs being made to the dam. However, once the project is complete, the immediate effects to solitude and primitive and unconfined recreation will return to pre-project levels. In addition, the long term effects will stabilize and improve the integrity of the dam, thereby reducing the threat of a potential dam failure and the resulting consequential effects. It is my determination that the effects of implementing Alternative 2 will not be significant locally, regionally or nationally.

INTENSITY

Intensity refers to the severity of the impact. This section is organized around the ten significance criteria described in the National Environmental Policy Act (NEPA) regulations (40 CFR 1508.27).

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.** Consideration of the intensity of environmental effects is not biased

by beneficial effects of the action. This project has both beneficial and negative impacts.

The beneficial effects include stabilizing and repairing Atwood Dam which is compromised. In its present state, Atwood Dam is leaking and contributing fine sediments to Atwood Creek. The dam is also a potential safety and environmental concern. Should the dam fail, this will not only pose significant consequential environmental impacts to the Atwood-Uinta watershed, but also present a serious risk to human safety. The repairs will virtually eliminate the threat of structural failure for the foreseeable future. Repairing the dam will also ensure that Lake Atwood continues to be a source of important irrigation water for agricultural activities.

There are negative impacts associated with this project. Atwood Dam itself is considered an historic feature. The repairs to the dam, by their very nature have a negative impact to the historic integrity of the dam. However, design criteria have been developed and will be followed so that the impacts to the dam are not considered adverse (see Appendix A of this document, and pgs. 57-58 of the EA). I have also considered the potential for adverse effects to sensitive plant and animal species; however, this project will "not likely contribute to a trend towards Federal listing or a cause of loss of viability" for any Threatened, Endangered, Proposed, or Candidate species or Regional Forester's Sensitive Species (see Wildlife Specialist Report, the Fisheries Specialist Report, the Biological Assessments, and the Biological Evaluations in the project record, and pgs. 59-91 of the EA). I have considered the negative effects to the High Uintas Wilderness and wilderness characteristics. However, the impacts are localized and will end upon completion of the project. I have also considered the effects on recreational opportunities, and while there will be some impacts in the form of increased trail use, and temporary closure of the Bennion Park area, these effects are not lasting.

These impacts are similar to other projects. The Fox and Crescent Reservoirs Maintenance Project was completed in 2004. This project involved the repair of two other dams in the Uinta River drainage of the High Uintas Wilderness using mechanized transport of heavy equipment and supplies. As such, the effects of the Atwood Dam Repair project are largely known and understood (see project record).

In consideration of the effects disclosed in this EA as well as the project record, I have evaluated both the beneficial and negative impacts of the project. I have determined that these impacts are not significant.

2. **The degree to which the proposed action affects public health or safety**. The dam and the immediate area surrounding the dam will be closed to the public while the repairs are being made, thus eliminating the potential risk to the public from construction activities. Forest Trails 043 and 044 will be closed while the heavy lift helicopter is used to transport equipment both in the spring for two to three days and in the fall for one to two days of 2015 to ensure public safety.

In addition, access to Bennion Park will also be closed for approximately one to two weeks in early June and for about a week in September of 2015 to reduce conflict between recreationalists and equipment supply trucks and to improve public safety. Forest Roads 305 and 305A which access Bennion Park will also be closed to the public during equipment staging (see pgs. 7, 12, and 21 of the EA). Therefore I have determined that the implementation of Alternative 2 will not have adverse effects on public health and safety.

3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There are no park lands, prime farmlands, ecologically critical areas, or wild and scenic rivers in the project area. There are however historic features: the dam itself is considered historic, and the project will change certain structural characteristics of the dam. Because of this, there is the potential to negatively impact the dam's historic integrity. To reduce the impacts to the historic features of the dam, design criteria have been developed that are specific to preserving the historic aspects of the dam (see Appendix A of this document and pg. 20 of the EA).

   There are floodplains and wetlands below the dam. Atwood Creek flows out of Lake Atwood. An approximately 0.6 acre wetland is located outside of the Atwood Creek riparian area below the dam.

   Executive Order 11990-Protection of Wetlands and Executive Order 11988-Floodplain Management provide specific language for the protection of wetlands and floodplains, respectively. In addition, design criteria for soil, riparian and water resources have been developed to negate or minimize impacts to wetlands and floodplains (see Appendix A of this document and pgs. 19-20 of the EA).

   The project area is located in the High Uintas Wilderness. While I realize there will be impacts to the wilderness both from the increased use and construction activities, as well as the use of mechanized equipment, the effects will be temporary in nature, lasting no more than 120 days or one field season. There are several design criteria that will be in place that focus on recreation and wilderness. It is expected that these design criteria will greatly reduce or negate many of the effects that could result from this project (see Appendix A of this document and pgs. 19-21 of the EA).

   Therefore, due to the design criteria that will be in place and the nature of the project itself, the impacts to unique features within the project area will not be significantly affected (pgs. 31-33, 51-55, and 57-58 of the EA).

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The proposed action and its effects are similar to previous Forest Service projects. Dam repair in wilderness areas has occurred previously, and the resulting impacts from this project are not expected to be different or outside the effects from previous and similar projects.

I interpret controversy criteria in a FONSI to be the degree to which there is scientific controversy relative to the results of the effects analysis. Based upon previous implementation of similar projects, the effects of the proposed alternative actions on the quality of the human environment are not considered as highly controversial. While there are many different views about some of these specific management actions, the activities proposed are consistent with Forest Plan direction and best available science.

There is no known credible scientific controversy over the impacts of the proposed action and as such, I have determined that the effects of Alternative 2 will not be highly controversial.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The human environment is the natural and physical environment, and the relationship of people with that environment (40 CRF 1508.14). This Proposed Action is similar to past actions completed by the Forest Service. Dam repair projects similar to this have been completed in both the wilderness and outside the wilderness on the Ashley National Forest. The effects upon the human environment are reasonably expected to be similar (see the project record, Fox and Crescent Reservoirs Maintenance Project). The project record demonstrates a thorough review of the best available and relevant scientific information and risks associated with the project. We have experience with the types of activities being implemented. Based upon my knowledge of past actions and the professional and technical knowledge and experience, I am confident that we understand the effects of these activities on the human environment. There are no unique or unusual characteristics about the area or that Alternative 2 would lead to an unknown risk to the human environment. The EA thoroughly documents the anticipated effects from this project on pages 24-97.
6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** As previously stated, the Proposed Action includes activities that are similar to past actions both in the wilderness and outside the wilderness. Therefore, the effects are expected to be similar. The effects analysis is site-specific to the Atwood Dam Repair project area and is consistent with the Forest Plan direction. Therefore, no precedent-setting actions are proposed.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative effects of past and present actions, combined with the current proposal, and reasonably foreseeable future actions for each resource are discussed on pgs. 32, 38-39, 44-45, 52-53, 57-58, 62-64, 71, 77-78, 82, 87, 89, 91-92, and 96 of the EA. The analysis conducted in the EA revealed that there would be no cumulative effects for water resources, soils, recreation, heritage, fisheries and aquatic organisms, botanical species, noxious weeds, and air quality. While, concurrent recreational activities such as camping, backpacking, horseback riding and packing with stock and the noise generated from those activities, could add cumulatively to the effects of the

proposed action for terrestrial wildlife species, these effects would not rise to a level of significance and adversely impact wildlife species. Wilderness characteristics in the immediate vicinity of the project area will experience cumulative impacts resulting from increased use; however, these effects will be eliminated once the project is complete and have no lasting or significant effects to wilderness characteristics. In addition to being thoroughly reviewed in the EA, cumulative effects analysis for the project area, by resource, were also presented in detail in the associated specialists resource analyses (see project record, Specialists Reports). These analyses were reviewed and determinations were made in accordance with 40 CFR 1508.7 which defines cumulative impacts. Therefore, the effects of the action alternative, when considered in conjunction with other past, ongoing and reasonably foreseeable activities are not expected to lead to significant cumulative effects due to timeframes of implementation, protective measures developed in the selected design criteria, and application of Forest-wide Standards and Guidelines. Therefore, I have determined that the cumulative impacts are not significant.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The Atwood Dam is over 50 years old, and is considered an example of early 20th century irrigation practices which allowed for the development of agriculture and communities in the Uinta Basin (pg. 56 of the EA). As such, the dam is eligible for the National Register of Historic Places. Because of the necessary repairs to the internal workings of the dam, there could be adverse effects to the dam's historical features. However, with the implementation of specific design criteria (see Appendix A of this document and pg. 22 of the EA) the direct effects to the dam's historical integrity will be reduced and kept from becoming adverse[2] (pg. 58 of the EA), and will not rise to a level of significance. The State Historic Preservation Office (SHPO) has concurred that this project will not have adverse impacts (see project record) to the historical integrity of the Atwood Dam. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources because the proposed action does not involve removing or destroying any significant scientific, cultural, or historical features.

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

   Terrestrial Species: As required by the Endangered Species Act (ESA), a Biological Assessment was prepared addressing the potential effects to

[2] Per 36 C.F.R. § 800.5(a)(1), "An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic propoerty that qualify the property for inclusion in the National Register in a manner that would diminish the property's integrity. Adverse effect effects may include reasonably foreseeable effects caused by the undertaking that may occure later in time, be farther removed in distance, or be cumulative."

endangered, threatened, proposed, or candidate species (see project record, Biological Assessment). While habitat exists on the Ashley National Forest for the Mexican spotted owl, black-footed ferret, western yellow-billed cuckoo, and the greater sage grouse, there is no suitable habitat present for these species in the project area, and as such, they were not further evaluated in the EA for effects from the proposed action (see pg. 61 of the EA, and the Biological Assessment in the project record). There is however suitable habitat for the Canada lynx. Findings were made of "may affect, but is not likely to adversely affect" the Canada lynx (threatened), and "No effect" for the Mexican spotted owl (threatened), the black-footed ferret (endangered), the western yellow-billed cuckoo (candidate), and the greater sage grouse (Candidate) as a result of Alternative 2 (see pg. 63 of the EA).

Fish and Aquatic Species: A Biological Assessment was prepared for fish and aquatic species and is contained within the Biological Evaluation (see project record). There are four fish species that have been identified in Duchesne County and on the Ashley National Forest that are considered endangered. Those species are the bonytail, Colorado pikeminnow, humpback chub, and razorback sucker. It was determined that there is no suitable habitat for these species in the project area, and as such a finding was made of "No effect" for any of the above mentioned species (pgs. 81-82 of the EA).

Botanical species: There is one threatened plant species on the Ashley National Forest, which is commonly known as the Ute ladies-tress. This plant is found in the extreme northeastern portion of the Forest along the Green River from Little Hole to the Forest boundary. There is no habitat for this plant in the project area, and as such there will be no effect from the proposed action (pg. 90 of the EA).

Based upon the information contained within the EA, and the Biological Assessments for both terrestrial and aquatic organisms, I have determined that there will be no adverse impacts from Alternative 2 on any endangered, threatened, proposed, or candidate species.

10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** Alternative 2 is consistent with the Ashley Land and Resource Management Plan (see pgs. 8-9 of the EA). Actions proposed will not threaten a violation of federal, state, or local environmental protection laws (see individual specialist reports in the project record and pgs. 8-9 of the EA). Project design criteria listed in Appendix A would assure compliance with these laws. Documentation associated with the Atwood Dam Repair Project meets the requirements of National Environmental Policy Act. As a result, I have determined Alternative 2 does not violate Federal, State, or local laws involved in the protection of the environment.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

National Forest Management Act (NFMA) (16 USC 1600 ET SEQ.)

The National Forest Management Act and accompanying regulations require that specific findings be documented at the project level. Those findings applicable to this project include:

1. ***Consistency with the Forest Plan (16 USC 1604[i]):*** The Atwood Dam Repair Project is consistent with the Ashley's Forest Plan. The Atwood Dam project area in the vicinity of Lake Atwood is in management area (MA) "i" – High Uintas Wilderness. The management prescription for MA "i" is under the direction of the Utah Wilderness Act of 1984. "This prescription is designed to provide for the management, administration, and protection of roadless areas that were classified under the Wilderness Act of 1984" (p. B-20 of the Forest Plan FEIS). Pertinent standards and guidelines include:
   - Maintenance of dams, weirs, and stabilization improvements permitted within limits of Utah Wilderness Act of 1984. No new storage or transmission facilities (p. IV-24 of the Forest Plan)
   - Inspect all dams as scheduled to assure compliance with engineering specifications. Unsafe or unserviceable dams will be reconstructed to approved standards, placed under specific limitations, or removed from service, and suitable site rehabilitation will be required prior to permit termination (p. IV-53 of the Forest Plan).

   The Bennion Park equipment staging area is located in MAs "d" – High forage production and livestock utilization and "n" – range of resource uses and values. The activities that will occur in Bennion Park are consistent with the allowed uses in those MAs (pgs. IV-5 and 6, and IV-10 and 11 of the Forest Plan).

   The effects analysis and project record demonstrates the project is consistent with Forest Plan standards and guidelines. I have determined the actions are appropriate and required to remain consistent with the Forest Plan. As required by NFMA Section 1604(i), I find this project to be consistent with the Forest Plan.

2. ***Federal law and direction applicable to Regional Forester's Sensitive Species (RFSS) include the National Forest Management Act and the Forest Service Manual 2670:*** This section provides a summary of the Biological Evaluation (BE) findings for the RFSS. "Sensitive" species include "those plant and animal species identified by a Regional Forester for which population viability is of a concern (Forest Service Manual [FSM] 2670.5). Biological Evaluations must arrive at one of the four possible determinations: 1) "no impacts" (NI; where no effect is expected); 2) "beneficial effects" (BEN; where effects are expected to be beneficial); 3) "may impact individuals but is not likely to cause a trend to federal listing or loss of viability" (MII; where effects are expected to be insignificant [e.g. unmeasurable], or discountable [e.g., extremely unlikely]); 4) "likely to result in a trend to federal listing or loss of viability", (LRT; where effects are expected to be detrimental and substantial).

The following is a summary of the findings; the BEs for terrestrial, aquatic, and plant species are located in the project record. Regional Forester Sensitive Species that are not listed below were determined to have a NI; there were no determinations found that impacted RFSS species more than a MII determination.

- *RFSS Wildlife BE Determination:*
  - Alternative 2 – MII for the following RFSS terrestrial wildlife species: spotted bat, Townsend's big-eared bat, boreal owl, great gray owl, flammulated owl, three-toed woodpecker, northern goshawk, and wolverine (pgs. 67-71 of the EA).
  - Cumulative Effects – When combined, the effects of past, present and reasonably foreseeable actions with the proposed action would not result cumulative effects for RFSS wildlife species (pgs. 71-72 of the EA).

I have reviewed the analysis and projected effects on all RFSS plant and animal species listed as occurring or possibly occurring on the Ashley. There is no indication that implementing Alternative 2 would cause effects different than those disclosed in the Biological Evaluation (BE). I concur with the findings and determinations summarized above.

3. ***Management Indicator Species (MIS):*** The National Forest Management Act requires that the Forest Service provide for the diversity of plant and animal communities based on the suitability and capability of the specific land area to meet overall multiple-use objectives. To help meet this statutory goal of diversity, the Forest Service published planning regulations in 1982 which provide that fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. Management Indicator Species are a representation of those species that we wish to maintain. The Ashley Forest Plan requires that habitat is maintained for MIS (p. IV-28 of the Forest Plan). As such, MIS were analyzed with respect to the impacts of both alternatives in the EA.

The following is a summary of the findings for both MIS species and migratory birds considered under the Migratory Bird Treaty Act. The specialist reports discussing MIS for both terrestrial and aquatic species are located in the project record and presented in the EA on pgs. 72-80, and 87-90. The table below presents the findings from the proposed action on MIS and migratory birds. Species that have a finding of "no effect" are not included.

Species	Classification	Finding
Red-naped sapsucker	MIS	May impact individuals, but would not effect the trend in population.
Warbling vireo	MIS	May impact individuals, but would not effect the trend in population.

Species	Classification	Finding
Northern goshawk	MIS	May impact individuals, but would not effect the trend in population.
Golden eagle	MIS	May impact individuals, but would not effect the trend in population.
Lincoln's sparrow	MIS	May impact individuals, but would not effect the trend in population.
Song sparrow	MIS	May impact individuals, but would not effect the trend in population.
Rocky Mountain elk	Species of Economic Importance	May impact individuals, but would not effect the trend in population.
Mule deer	Species of Economic Importance	May impact individuals, but would not effect the trend in population.
Broad-tailed hummingbird	US Fish and Wildlife Service Birds of Conservation Concern (Migratory Birds) or Utah Partners in Flight Priority Species	May impact individuals, but would not effect the ability of the Forest to provide habitat for this species and is unlikely to affect their population.
Cassin's finch	US Fish and Wildlife Service Birds of Conservation Concern (Migratory Birds) or Utah Partners in Flight Priority Species	May impact individuals, but would not effect the ability of the Forest to provide habitat for this species and is unlikely to affect their population.
Prairie falcon	US Fish and Wildlife Service Birds of Conservation Concern (Migratory Birds) or Utah Partners in Flight Priority Species	May impact individuals, but would not effect the ability of the Forest to provide habitat for this species and is unlikely to affect their population.
Black-rosy finch	US Fish and Wildlife Service Birds of Conservation Concern (Migratory Birds) or Utah Partners in Flight Priority Species	May impact individuals, but would not effect the ability of the Forest to provide habitat for this species and is unlikely to affect their population.

With respect to cumulative effects, when combined, the effects of past, present and reasonably foreseeable actions with the proposed action will not result in cumulative effects for MIS species or migratory birds (pgs. 78, and 89-90 of the EA).

I have reviewed the analysis and projected effects on all MIS animal species listed as occurring or possibly occurring on the Ashley, as well as migratory birds. There is no indication that implementing Alternative 2 would cause effects different than those disclosed in the Wildlife and Fisheries and Aquatic Species specialist reports. I concur with the findings and determinations summarized above.

The 1964 Wilderness Act and the 1984 Utah Wilderness Act

Wilderness designation poses several constraints to completing repairs or maintenance of the Atwood dam. The 1964 Wilderness Act (16 U.S.C. 1131) contains a general prohibition against motorized tools and equipment and mechanical access. However, it does provide exceptions for "...the minimum requirements for the administration of the area for the purposes of this Act..." (Wilderness Act, Section 4c 1964). The Lake Atwood Dam and Lake Atwood are legally authorized, are in the Wilderness, and must be properly administered to protect Wilderness values, downstream resources, and to ensure public safety. Concurrent with the development of the EA, a minimum requirements decision guideline (MRDG) was prepared for this project (see project record). A variety of scenarios were analyzed in the MRDG. The proposed action in the EA reflects a scenario in the MRDG that is a combination of traditional methods and mechanized methods. The Wilderness Act states we must use what is minimally required to administer the area as "Wilderness". Therefore, to use a motorized tool or piece of equipment in a Wilderness, we must justify that these types of tools are necessary.

Use of the helicopter, skid loaders, mini excavators and the other mechanized equipment that was identified on pgs. 18 and 19 of the EA for Alternative 2 constitutes the minimum tools necessary. The evaluation of what is the minimum tool must consider not only impacts to the Wilderness setting, but impacts to the forage base, trails, the number of people, and the impacts to campsites, sanitation, etc. All of these factors were considered in the MRDG and likewise the EA.

It is important that the public and project managers understand that the minimum requirements concept for Wilderness will be adhered to during the implementation of this project. I have authorized helicopter use for up to 25 round trips at the beginning of the project and up to 15 round trips at the conclusion of the project; I have also authorized the use of mechanized equipment in order to complete the project in a timely fashion and ensure that engineering standards for dam construction are also met. Even though I have authorized the use of this equipment to complete this project, every effort will be made to minimize motorized intrusions into the Wilderness. Helicopter flights will only be used to transport equipment that cannot reasonably be carried in by horses or mules such as skid loaders, mini excavators, concrete, pumps, and generators. Pack stock will be used to carry supplies such as food, clothing, camping equipment, and other tools and equipment.

If I had chosen a scenario in the MRDG that primarily employed the use of traditional methods to transport materials and equipment to the site, the impacts caused from the increased trail use by pack stock, the impacts to nearby pasture areas, and the increased number of work crew would have been substantially magnified. In addition, it is not possible to achieve proper compaction of the dam without the use of mechanized equipment; without proper dam compaction, the dam would not be in compliance with dam safety regulations and be at risk for failure (pg. 18 of the EA). Therefore, I have determined that Alternative 2 comprises the best balance of traditional methods and mechanized equipment to complete the job as quickly as possible, while minimizing

physical impacts to the wilderness environment.

The 1984 Utah Wilderness Act which established the existence of the High Uintas Wilderness, specifically allows for the maintenance of reservoirs and states the following:

> "Within the Mount Naomi, Wellsville Mountain, Mount Olympus, Mount Nebo, Twin Peaks, High Uintas, Pine Valley Mountain, Mount Timpanogos, and Deseret Peak Wilderness areas as designated by this Act the provisions of the Wilderness Act shall not be construed to prevent the installation and maintenance of hydrologic, meteorologic, climatological, or telecommunications facilities, or any combination of the foregoing, or limited motorized access to such facilities when nonmotorized access means are not reasonably available or when time is of the essence, subject to such conditions as the Secretary of Agriculture and the Secretary of the Interior deem desirable, where such facilities or access are essential to flood warning, flood control, and water reservoir operation purposes." (Public Law 98-428, Section 305).

Based upon the allowances in both the 1964 Wilderness Act and the 1984 Utah Wilderness Act, I have determined that the necessary repairs to Atwood Dam can be best accomplished with a combination of both mechanized and traditional means, while remaining in compliance with both of these Acts.

The National Historic Preservation Act (NHPA)

The NHPA gives the direction on protecting and preserving our heritage and archeological sites that are a reflection of our nation's history. The Atwood dam as stated above is an example of early 20th century irrigation practices. The dam was originally constructed in 1921; by 1952, the dam had reached its current state in terms of height and water storage capacity. As the dam is over 50 years old and is an example of early irrigation practices, the dam is eligible for the National Register of Historic Places.

The repair of the dam will involve replacement of aging equipment and interior parts. These parts and equipment are part of the historical integrity of the dam. By replacing these parts out of necessity, some historical aspects of the dam will be altered. Specifically, replacement of the old equipment, changes to the existing wheelbox, and the installation of a crank shaft on the face of the dam could have adverse effects to the dam's historical features. However, with the implementation of specific design criteria (see Appendix A of this document), the direct effects to the dam's historical integrity will be reduced and kept from becoming adverse[3] (pg. 58 of the EA). Therefore, I have determined that with the implementation of specifically tailored design criteria, the effects to the historical integrity of the dam will be mitigated and will not rise to a level of significance. Furthermore, the SHPO (see project record) has also concurred with this conclusion. As a result, I have determined that Alternative 2 will be in compliance with the NHPA.

[3] Ibid.

The Clean Water Act
The Clean Water Act provides direction for protection of water quality. The Atwood-Uinta Watershed was evaluated and is considered to have high quality based upon the Forest Service Watershed Condition Classification system (pg. 24 of the EA). However, there is limited water quality data in the watershed, with the last known sampling date occurring in 2003. The effects from Alternative 1 would have created the possibility of a dam failure resulting in downstream effects to the watershed such as channel scour and increased sediment, potentially affecting water quality and aquatic habitat. Alternative 2 will have negligible effects to water resources because the work will be conducted during low flow or no flow conditions (pg. 29 of the EA).

Design criteria, including riparian area protection, have been developed to protect water quality based on site specific conditions, further reducing any effects that could result from the proposed action. Therefore, the integrity of the project area's water and riparian features will be maintained and ultimately improved as a result of repairing the dam. Water quality will continue to comply with the Clean Water Act and meet state water quality parameters (pg. 30 of the EA). Alternative 2 will not have any effects on fisheries or aquatic organisms with the implementation of design criteria. Therefore, I have determined that the Clean Water Act requirements will be met.

Clean Air Act of 1970, as amended
The air quality of the High Uintas Wilderness is typically considered excellent (pg. 92 of the EA). Emissions from the use of mechanized equipment as a part of the proposed action will be minor when considered at both the project level and as a percent of the total emissions for Duchesne County (pgs. 95-97 of the EA). Impacts to air quality will not exceed thresholds outlined in the Environmental Protection Agency's National Ambient Air Quality Standards. As a result of the analysis contained within the EA and the Air Quality Specialist Report (project record), I have determined that this project will meet the requirements of the Clean Air Act.

Environmental Justice – Executive Order 12898
Public involvement occurred for this project, and the results did not identify any adversely impacted local minority or low-income populations. I have considered the effects of this project on low income and minority populations and concluded that this project is consistent with the intent of this Executive Order. The local community was notified of this project through the public participation process (see project record, Scoping Documentation and EA communications).

IMPLEMENTATION DATE

There were no objections filed for this project. As per 36 CFR 218.12, if no objection is received within the legal objection period, this decision may be signed and implemented on, but not before, the fifth business day following the close of the objection-filing period.

CONTACT

For additional information concerning this decision, contact: LeAnn S. Colburn, Forest Environmental Coordinator. She can be reached by phone at (435) 781-5163 or email at lscolburn@fs.fed.us

3/30/2015

John R. Erickson **Date**

Ashley National Forest Supervisor

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APPENDIX A

PROJECT DESIGN CRITERIA

Design criteria are integral to reducing impacts of the project on the resources. As such design criteria are a part of the proposed action. Without the design criteria in place, the environmental consequences identified in Chapter 3 of the EA would have different results. The design criteria are organized according to resource areas.

Water and Soil Resources

1. Mechanical approach to the stream channel to construct the flume shall use the north side of the channel for access. The north side of the channel is slightly higher, more rocky, and supports a willow dominated plant community that is less prone to impacts than the south side of the channel that supports a subalpine meadow community.
2. Construction on the north side of the outlet channel shall avoid clearing or removing brush including willows. The vegetation can serve as an organic buffer to prevent impacts on soil and the stems and roots shall be left as intact as possible to facilitate revegetation post construction.
3. Mechanical equipment using the assigned north access route would both enter and exit on the same path (as determined by the Forest Service) to limit impacts to soil and riparian resources.
4. Livestock waste shall be broken up and scattered when camp/livestock areas are vacated or moved. This would prevent waste piling and speed decomposition of the material. Waste shall be kept the recommended 200 feet from all water sources in the wilderness (High Uintas Wilderness Restrictions).
5. If the contractor decides to excavate the top fine earth layer from the lake bottom, this shall be reserved and spread on the upper portion of the south staging area at the end of the construction period. This material has more silt, clay and organic matter than the existing soil in that area and would promote revegetation.
6. Follow engineering blueprint plans to install silt fence (sediment fence) before construction begins, along the entire dam toe-slope and in the river near the channel outlet. This will prevent sediment movement to the channel and protect the water quality flowing down Atwood Creek.
7. Follow the engineering blueprint plans to install rip-rap within a rip-rap apron to line the area from both weir boxes to the stream channel, lining the channel at their outlets. The rip-rap shall armor the channel area and prevent headcutting or erosion.
8. Refuel and service equipment only in designated staging areas. These areas shall be located to prevent contamination of streams and wetlands by fuels and other

chemicals.

9. Transport and store fuel and other petrochemicals in leak-proof, labelled, and approved containers.
10. Store fuels and other petroleum products in safe locations and at least 100 feet from surface water. These sites shall have an impermeable liner and impervious berms so they can contain any spilled material. A spill kit shall be kept onsite when heavy equipment is operating in the vicinity of riparian areas or live water.
11. Do not drain used oil, fuel, antifreeze or other materials into the soil or bury any chemicals on site. Excess fuels and other supplies must be airlifted out of the area.
12. Camping areas and areas where livestock are corralled or tethered shall be at least 200 feet from any source of water (High Uintas Wilderness Restrictions).
13. Pit toilets onsite shall keep all waste at least 200 feet from any water source and bury waste at least 8 inches deep (High Uintas Wilderness Restrictions). Latrines shall be filled in after completion of the project.
14. Have a contingency plan to follow in the event of a petrochemical spill. This plan shall include who to contact in the event of a spill and may include having absorbent or neutralizing materials on hand with literature that describes spill cleanup or containment procedures.

Recreation

15. Helicopters shall avoid flying directly over trails, other than as necessary to cross the trail.
16. All refuse and garbage shall be properly stored in Forest Service approved bear proof containers and packed out and disposed of properly.
17. Open campfires and firewood gathering are not allowed within ¼ mile from Lake Atwood or other lakes in the basin. Wood used for cooking or heat shall be collected beyond ¼ mile from any lake in the Atwood basin.
18. Campsites shall be located 200 feet or more from other occupied campsites.
19. Latrines shall be located at least 200 feet from campsites.
20. Camp areas will be kept clean and free of litter at all times, e.g. cigarette butts, hay twine, foil, etc.
21. Nailing and wiring to live trees is prohibited. Shims will be used to protect live trees from thin rope.
22. Soapy water will be dumped at least 200 feet from any water source. A sump hole for gray water disposal will be at least 1' deep and filled in and naturalized at the end of the project period.
23. No permanent structures shall be constructed within the campsite.
24. Staging areas, fuel storage and containment area, and camping site will be identified prior to initiation of the project.

25. Post signs at trailheads, on Forest Service website, and at Forest Service offices in early season to alert potentially affected users. Distribute information through local media on the trail and area closures that are in affect.
26. Install additional drainage structures on Forest Trail 043, particularly in the Roberts Pass area.
27. Schedule the use of helicopters to weekdays whenever possible.
28. Post construction zone signs at the project site to alert potentially affected users.
29. Forest Service Trails 043 and 044 shall be closed in the areas affected by the helicopter operations while transporting supplies.
30. Lake Atwood Dam and the project work site would be closed for the duration of the project.
31. Transport of equipment and supplies for staging for the helicopter operations to Bennion Park shall occur during weekdays.
32. A wilderness ranger shall perform periodical campsite visits to determine if mitigation measures are being followed properly.

Wilderness

33. Food scraps shall be burned or buried; all other garbage, debris and waste must be packed out of the wilderness.
34. Movement of equipment shall be limited to only that area to be disturbed in the construction plans.
35. Contaminated soils (spills, oil drips, etc.) shall be removed from the Wilderness.
36. Ruts caused by equipment shall be leveled.

Heritage

37. The existing wheel structure may be removed during construction, but shall be replaced in approximately the same location and incorporated into the new crank shaft wheel structure. The original wheel structure would no longer be a functioning part of the dam, but shall remain as a visual component of the dam in order to maintain the visual integrity of the dam.
38. The gate stem and vent pipe crank shaft on the upstream face of the dam shall be covered with riprap to reduce visibility of this non-historic component. The new inlet gate would be covered with untreated metal trash racks to visually mimic the historic inlet works.
39. The staff gage measuring device will be of a similar type and similar material as historically used on other period dams of the area, in order to maintain the historic appearance of the dam.
40. Avoid damaging the historic debris within the existing borrow area. Flag and avoid

the historic implements.

41. Maintain the historic integrity of the dam to every extent possible.

Range

42. Utilization of forage species in dry meadows shall be 40% or less.
43. To keep within the allowable use standards, a four inch residual stubble height is required in riparian areas following grazing.
44. If utilization of the entire 155 acres is met, pack and riding stock handlers would either move stock outside the one mile radius to graze, or feed stock with certified weed-free hay, pellets, and/or grain.
45. Stock shall be rotated to different grazing areas to reduce the impact to vegetation and soils.
46. Grazing is prohibited in the Chain Lakes Basin.
47. Upon death within the National Forest of any stock used in this operation, the Permit Holder shall dispose of the carcass in a suitable manner more than 200 feet from any water.
48. Where salt for pack and saddle stock is provided, mixing with grain will be the preferred method. Salt also could be in block form, but must be secured off the ground in a waterproof container, located away from other camps, trails and live water, and removed when livestock are removed.
49. Stock will not be tied to trees for longer than two hours; hitch lines or hitch racks shall be provided where necessary. Manure shall be scattered at a minimum of 200 feet away from water.
50. Only stock necessary for each trip will be permitted. No excess stock will be permitted, except for the trip duration if an animal becomes injured during use.
51. Stock must be ridden or led, not permitted to run loose on trails or travel routes (except where safety requires).
52. Stock shall be tied to an overhead line when tethered for extended periods.

Wildlife

53. Flights shall maintain an elevation of 1,000 feet above trees to avoid disturbance to raptors and other wildlife, unless safety dictates otherwise.

Invasive Plants

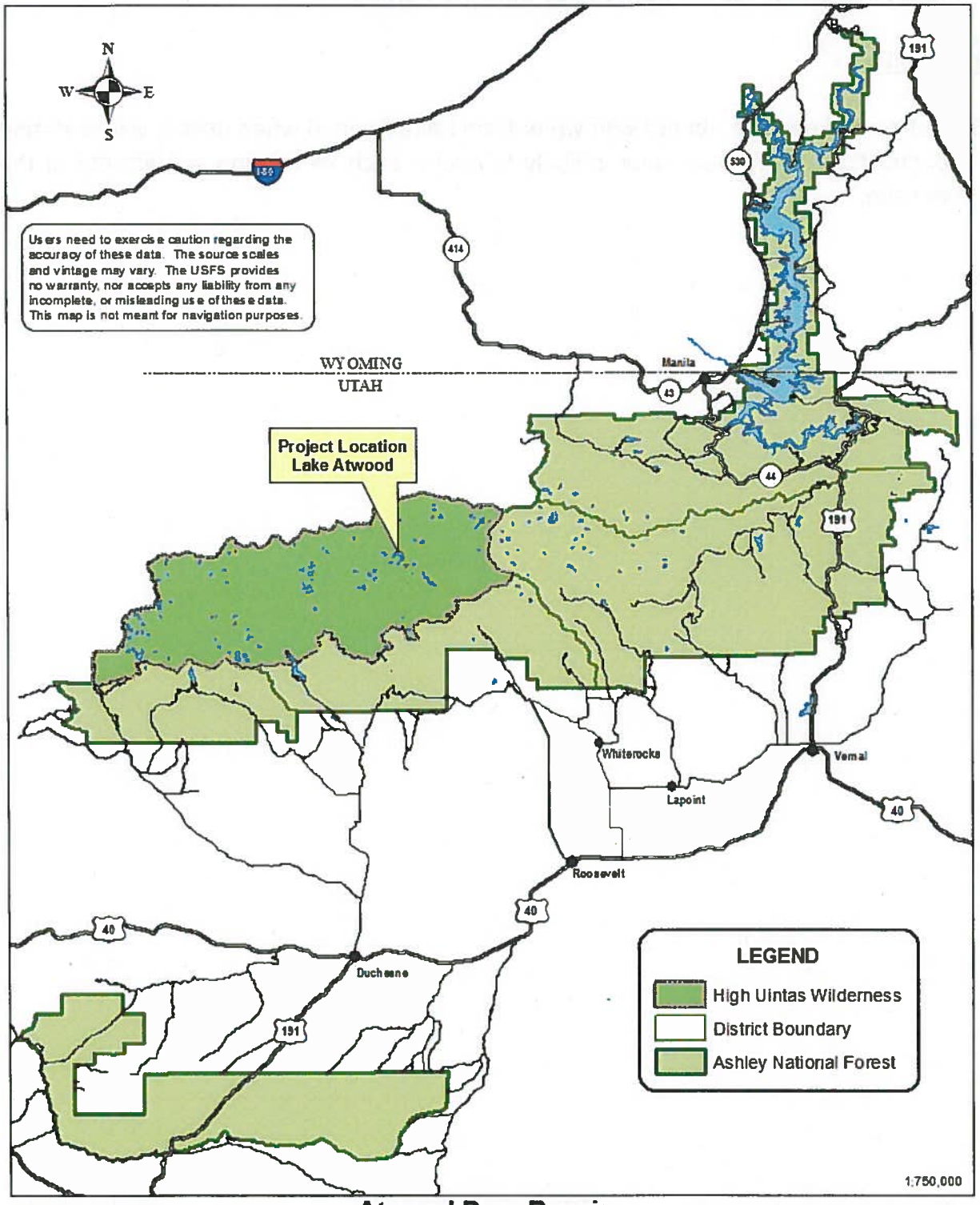
54. In order to reduce transport of noxious weed seeds or plant materials to the project site, machinery shall be washed before transport.

55. Certified weed-free hay, pellets, and/or grain would be required for horses and mules, if livestock feed is transported onto the Forest.

Air Quality

56. Dust control shall be abated with water from Lake Atwood when dust is visible during construction work where dust is likely to occur; such as moving soil around at the dam site.

Map 1



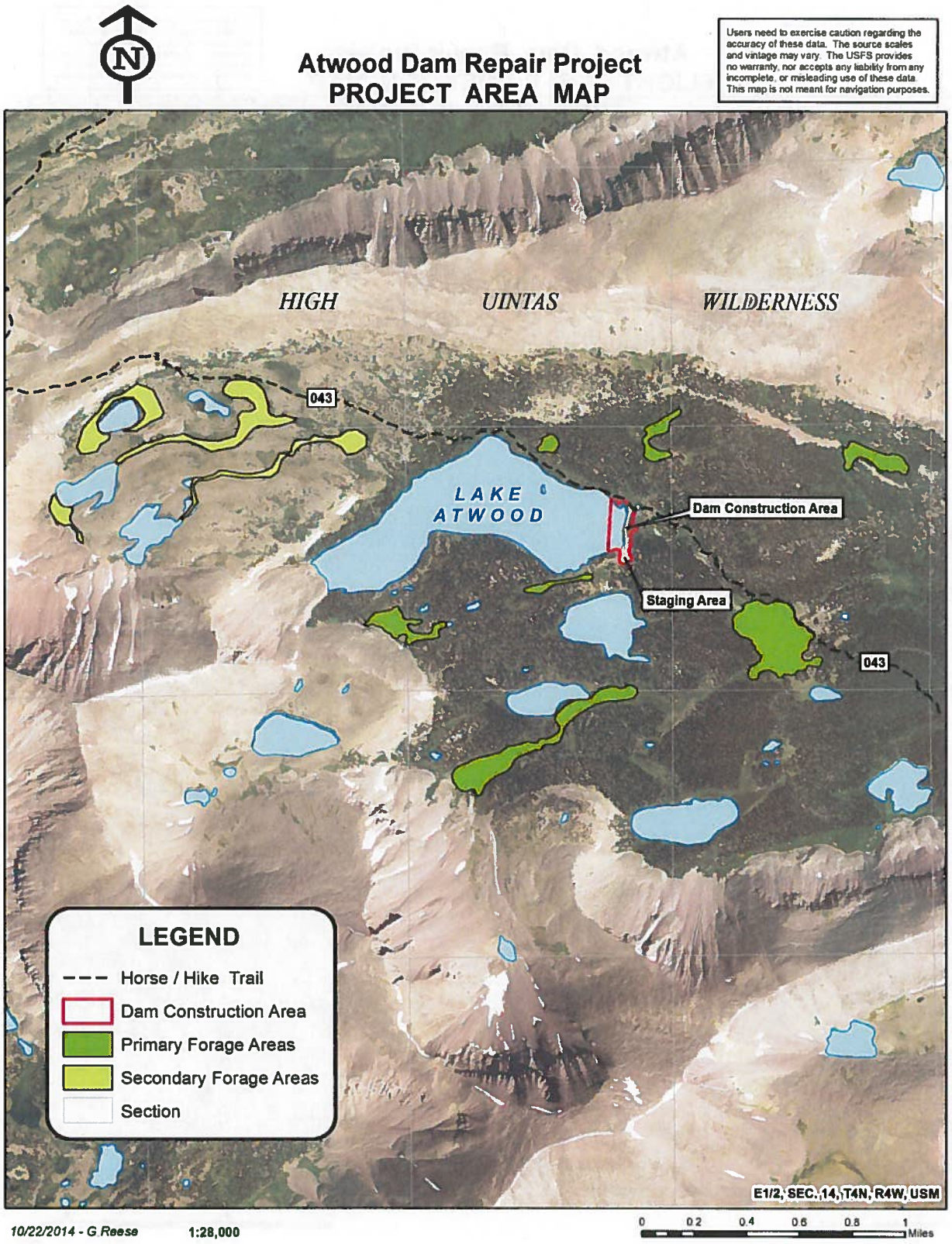
PROJECT LOCATION -
E1/2, SEC. 14, T4N, R4W, USM

Atwood Dam Repair
VICINITY MAP

0 2.5 5 10 15 20 25 Miles

05/30/2014 - G.Reese

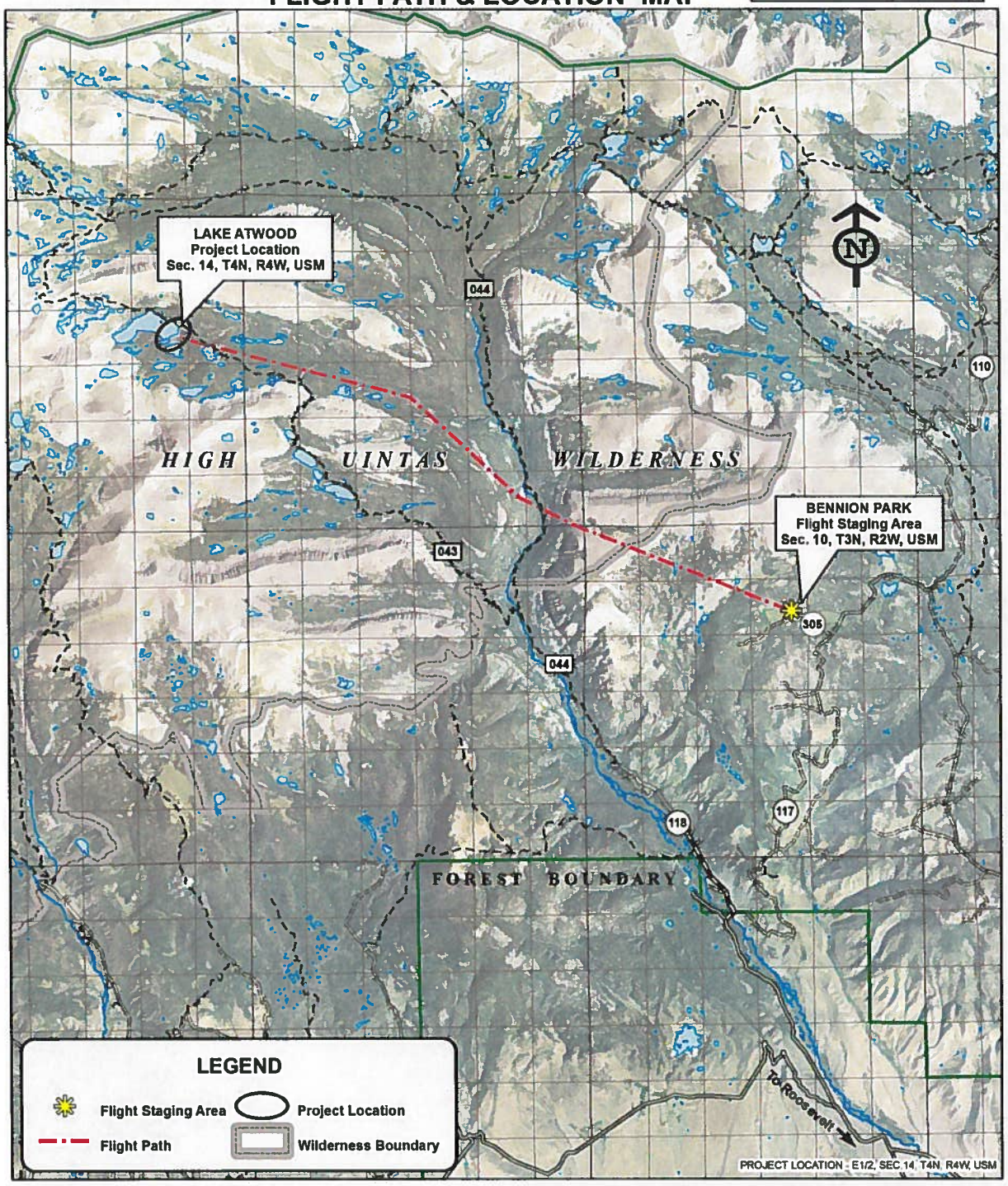
Map 2


N
Atwood Dam Repair Project
PROJECT AREA MAP
Users need to exercise caution regarding the accuracy of these data. The source scales and vintage may vary. The USFS provides no warranty, nor accepts any liability from any incomplete, or misleading use of these data. This map is not meant for navigation purposes.
HIGH UINTAS WILDERNESS
043
LAKE ATWOOD
Dam Construction Area
Staging Area
043
LEGEND
Horse / Hike Trail
Dam Construction Area
Primary Forage Areas
Secondary Forage Areas
Section
E1/2, SEC. 14, T4N, R4W, USM
10/22/2014 - G Reese
1:28,000
0 0.2 0.4 0.6 0.8 1 Miles

Map 3

Atwood Dam Repair Project
FLIGHT PATH & LOCATION MAP

User needs to exercise caution regarding the accuracy of these data. The source scales and vintage may vary. The USFS provides no warranty, nor accepts any liability from any incomplete, or misleading use of these data. This map is not meant for navigation purposes.



10/28/2014 G Reese 1:140,000

0 0.5 1 2 3 4 5 Miles