

**DECISION MEMO**  
**West Fork**  
**Duchesne River Fish Barrier Project**

**USDA - FOREST SERVICE**  
**UINTA NATIONAL FOREST**  
**HEBER RANGER DISTRICT**  
**WASATCH COUNTY, UTAH**

**INTRODUCTION**

The purpose of this project is to prevent upstream spread of whirling disease beyond the CUP VAT Diversion, which may act as a secondary barrier

The West Fork of the Duchesne River above the Central Utah Project (CUP) VAT Diversion contains a pure Colorado River cutthroat trout (CRCT) population that is threatened by the discovery of Whirling Disease (WD) downstream at the confluence of the North and West Forks. This stream reach, classified as a blue ribbon fishery, also provided disease-certified CRCT which created the brood source in Sheep Creek Lake for the South Slope GMU. These fish are critical for future propagation efforts of CRCT, a Tier 1 Species, according to strategies within the CRCT Conservation Agreement. Moreover, should WD spread above the VAT Diversion, the CUP aqueduct system will rapidly spread the pathogen to the Currant Creek, Strawberry, Diamond Fork and Spanish Fork River drainages, threatening additional blue ribbon fisheries and cutthroat trout recovery efforts.

**DECISION**

It is my decision to implement the proposed action to construct a fish barrier in the West Fork of the Duchesne River to help prevent Whirling Disease from spreading beyond the VAT Diversion.

The Utah Division of Wildlife Resources (UDWR) in coordination with the Heber Ranger District of the Uinta National Forest will install the fish barrier on the West Fork Duchesne River approximately 0.25 mile downstream of the Central Utah Project (CUP) VAT Diversion. The fish barrier will be located in Township 1 North, Range 10 West, Section 26, USM, Wasatch County. The fish barrier will be constructed using native materials (three - four foot diameter boulder) brought in from off-site and would be approximately 20-30 feet wide, 5-10 feet high and will include upper/lower splash aprons extending five feet above and below the structure. Rip-rap extending 20 to 30 feet up and downstream of the barrier along both banks will prevent erosion of the opposing hill slopes. This design will provide a more permanent structure less prone to erosion than treated timber materials.

## **RATIONALE FOR DECISION**

Whirling disease is a serious threat to CRCT populations above the VAT Diversion and has already taken its toll on fisheries State wide. It is vitally important that the Forest Service as a land management agency work closely with the UDWR in sustaining healthy fish populations on the National Forest. The Vat Diversion provides some barrier preventing the disease from traveling upstream, but it is just a matter of time until Whirling Disease breaches this barrier and travels in to the Strawberry and Currant Creek watersheds where the effects to fisheries would be devastating. This project is fairly low impact and low cost yet will provide a substantial measure of security in halting the spread of Whirling Disease. There are no other identified practical alternatives to treat this situation other than a barrier. I have considered the contents of this analysis and the effects of this action and have decided that it is in the best interests of the Heber Ranger District to implement this proposed action.

## **PUBLIC INVOLVEMENT AND SCOPING**

An interdisciplinary team (IDT) of Forest Service specialists reviewed this project. Input from this team was incorporated in the design of the proposed action and the specialist reports are contained in the project file. A request for comments was published in the *Provo Daily Herald* on April 20, 2007, and scoping letters were mailed to interested parties. These documents are contained in the project file at the Heber Ranger District Office. One comment letter in support of the project was received.

## **CATEGORICALLY EXCLUDING THIS PROJECT**

The proposed action is categorically excluded from documentation in an environmental impact statement or environmental assessment. Forest Service Handbook 1909.15 states that “*a proposed action may be categorically excluded from further analysis and documentation...only if there are no extraordinary circumstances related to the proposed action and if:*” ... “*the proposed action is within a category listed in section 31.12 or 31.2*” (FSH 1909.15, section 30.3). The proposed action is within one of the Forest Service Chief’s categories for categorical exclusion (Forest Service Handbook 1909.15, Section 31.2, No. 7):

7. “*Modification or maintenance of stream or lake aquatic habitat improvement structures using native materials or normal practices.*”

## **FINDING OF NO EXTRAORDINARY CIRCUMSTANCES**

FSH 1909.15, Section 30.3 lists the following as ‘extraordinary circumstances’:

- a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species. –

The West Fork Duchesne drainage is located within the South Slope Uinta Subunit of the Northeastern Geographic Management Unit for CRCT. The drainage was historically inhabited by CRCT and a conservation population of CRCT is still present. (Smith 2007)

Colorado River cutthroat trout is the only aquatic TES aquatic species known to currently inhabit the West Fork Duchesne drainage. The drainage is outside the historic range of Bonneville cutthroat trout (*Oncorhynchus clarki utah*) and June sucker (*Chasmistes liorus*) and these species are presently not found in the area. (Smith 2007)

Because the proposed action involves only placement of an instream rock structure, it is expected there will be no effect to threatened, endangered, proposed, or candidate species, including the bald eagle, western yellow-billed cuckoo, or Canada lynx. Similarly, since the project is confined to instream work, it is expected there will be no impacts to Forest Service Sensitive species, including the northern goshawk, flammulated owl, peregrine falcon, greater sage-grouse, fisher, spotted bat, or Townsend's big-eared bat. The Columbia spotted frog typically breeds in pools or ponds with little or no current, and has only been located in the Wasatch Range and the West Desert of the Bonneville Basin. Therefore it is expected there will be no effect to the Columbia spotted frog. (Bornstein 2007)

Management Indicator Species on Uinta NF include the northern goshawk (discussed previously), American three-toed woodpecker, and American beaver. The American three-toed woodpecker is a coniferous forest species, and is therefore not expected to be affected by the proposed action. The American beaver is known to prefer low-gradient streams and ponds (Novak 1987), and generally avoid fast-moving streams such as the West Fork Duchesne River. Therefore, no effects on American beaver are expected. The boreal toad, a state of Utah Sensitive species, has not been located in the West Fork Duchesne, and is therefore not expected to be affected by the proposed project. Of the 24 species identified as Priority Species in the Utah Partners in Flight Avian Conservation Strategy, none are identified as having mountain riparian as the primary breeding habitat. Therefore, no effects are expected to Partners in Flight Priority Species. (Bornstein 2007)

The West Fork Duchesne Fish Barrier project area matches none of the habitat criteria for any of the TES species except for Wasatch jamesia. Therefore the proposed action will have no effect on Ute Ladies'-tresses orchid, and no impact on Barneby Woody Aster, Dainty Moonwort, Slender Moonwort, Garrett bladderpod, or Rockcress draba. For Wasatch jamesia, there is suitable but unoccupied habitat in the proposed action area. The proposed action as designed will not impact the suitable habitat. Therefore, the West Fork Duchesne Fish Barrier Project will have no impact on Wasatch jamesia. (Van Keuren 2007)

The West Fork Duchesne drainage is located within the South Slope Uinta Subunit of the Northeastern Geographic Management Unit for Colorado River cutthroat trout. This project is designed to improve species viability by preventing the upstream movement of whirling disease (*Myxobolus cerebralis*) infected fish.

- b. Floodplains, wetlands, or municipal watersheds – The Forest Service has determined that this project will not adversely affect floodplains, wetlands or municipal watersheds. This project is of low intensity, will involve only limited ground disturbance, will employ BMPs and mitigation measures to eliminate or minimize impacts to water in the project area (see project file).

- c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas – The project area does not reside in, and the project would not have any direct, indirect or cumulative impacts on any congressionally designated areas. (USDA Forest Service 2003)
- d. Inventoried roadless areas (IRAs) – The project is not within an inventoried roadless area. (USDA Forest Service 2003)
- e. Research natural areas – The project area does not reside in, and the project would not have any direct, indirect or cumulative impacts on any research natural areas. (USDA Forest Service 2003)
- f. American Indians and Alaska Native religious or cultural sites – A complete cultural resources inventory, in 10-15 meter wide transects, of the West Fork Fish Barrier project area was completed in May 2007. No prehistoric or historic sites, artifacts or features were found within the project boundaries. There are also no traditional plants or use areas located within the project area. The project, therefore, will have no direct, indirect, or cumulative impacts on any known American Indian religious or cultural sites, or any archaeological sites or historic properties. (Taylor 2007)
- g. Archeological sites, or historic properties or areas - A complete cultural resources inventory, in 10-15 meter wide transects, of the West Fork Fish Barrier project area was completed in May 2007. No prehistoric or historic sites, artifacts or features were found within the project boundaries. There are also no traditional plants or use areas located within the project area. The project, therefore, will have no direct, indirect, or cumulative impacts on any known American Indian religious or cultural sites, or any archaeological sites or historic properties. (Taylor 2007)

The proposed action will be of limited context and intensity and capable of producing little or no significant environmental effects (40 CFR 1508.4) individually or cumulatively on the quality of the human environment; is within a category listed in FSH 1909.15; and there are no extraordinary circumstances related to the proposed action.

#### **FINDINGS REQUIRED BY OTHER LAWS**

Implementation of the fish barrier project will be consistent with the West Fork Duchesne Management Area desired future conditions as described in the 2003 Uinta National Forest Land and Resource Management Plan (USDA Forest Service 2003).

The proposed project is also consistent with Forest-wide and Management area specific direction. The 2003 Forest Plan states the following:

**FW-Goal-2:** Biologically diverse, sustainable ecosystems maintain or enhance habitats for native flora and fauna, forest and rangeland health, watershed health, and water quality.

**Sub-goal 2-19:** Streams are managed to provide self-sustaining fisheries by ensuring that sufficient habitat and water flow are available to support all life stages of native and desired non-native aquatic species. Where streams are managed to provide a recreational fishery, sufficient habitat is maintained to ensure that the stream's recreational values are maintained.

**Sub-goal-2-21:** Protect and maintain the following 14 conservation populations and one metapopulation of Colorado River cutthroat trout in the following subunits:

- Four populations in the White River/Price River drainages of the South Tavaputs Plateau Subunit of the Southeastern Geographic Management Unit (GMU) (UDWR 1997b, p. 50),
- Nine populations in the South Slope Uinta Mountains portion of the Green River drainage of the South Slope Uinta Subunit of the Northeastern GMU (UDWR 1997b, p. 39),
- One population in the Strawberry River drainage of the North Tavaputs Plateau Subunit of the Northeastern GMU (UDWR 1997b, p. 39), and

One metapopulation consisting of three water bodies in the West Fork Duchesne River drainage of the South Slope Uinta Subunit of the Northeastern GMU.

Wetlands and floodplains exist within the project area. Construction will avoid delineated wetlands and utilize State of Utah Best Management Practices, Forest Plan Standards, and mitigation measures. Construction will occur within the floodplain, however the structure is designed to not impede stream or floodplain function. Therefore, the Forest Service has determined that this project will not adversely affect those floodplains or wetlands and the decision is in compliance with Executive Orders 11988 & 11990 and the Clean Water Act. The proposed action requires a 404 Stream Alteration permit which the UDWR has applied for and will have in hand prior to implementation.

Equipment used in implementing the project would generate a very minimal amount of air pollutants. The project complies with the Clean Air Act.

The proposed action is consistent with the Endangered Species Act. A Biological Evaluation/Biological Assessment was completed. This Act and subsequent Executive Order and Memorandum of Understanding between the USDI Fish and Wildlife Service and USDA Forest Service provide for the protection of migratory birds. This project is scheduled for late summer of 2007 and is out of the Migratory Bird Nesting season and will not have an effect on Migratory Birds.

There will be no implications on mineral resources.

The decision is consistent with the National Historic Preservation Act, the American Indian Religious Freedom Act, and the Native American Graves Protection and Repatriation Act.

In accordance with Executive Order 12898, this action will not result in any disproportionate impact to minority or low-income populations.

My conclusion is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. The best available science was utilized in rendering this decision (Project Record).

Implementation of this proposal is consistent with other Federal, State, and local laws for the protection of the environment.

**ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

Pursuant to 36 CFR 2155.12(f) and *Earth Island Institute v. Ruthenbeck*, No. CIV F-03-386 JKS (E.D. Cal., October 19, 2005), this decision is not subject to appeal.

**IMPLEMENTATION**

Implementation of this project may begin immediately.

**CONTACT PERSON**

For further information please contact Ron Smith, Fisheries and Aquatic Resources Program Manager, Uinta National Forest, Provo, UT (801) 342-5154.

/s/ Julie K. King  
JULIE K. KING  
District Ranger  
Heber Ranger District  
Uinta National Forest

8/31/07  
Date

**REFERENCES**

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