

**DECISION NOTICE and
FINDING OF NO SIGNIFICANT IMPACT
NORDIC VALLEY FUELS PROJECT**

USDA Forest Service
Ogden Ranger District, Uinta-Wasatch-Cache National Forest
Weber County, Utah

Decision and Reasons for the Decision

Background

This project is located adjacent to the community of Nordic Valley, within the Ogden Ranger District, Uinta-Wasatch-Cache National Forest (UWCNF). The Ranger District is working with the community to implement their Community Wildfire Protection Plan to reduce hazardous fuels around the community. There is the need to break up the continuity of fuels around the community, and reduce the potential for fire to spread from the National Forest to the homes, or vice versa. Wildfires within oak and maple stands on the Wasatch Front tend to be fast-moving and create hazardous conditions for fire fighters and produce undesirably severe fire effects.

The primary purpose of this project is to alter the fuel profile so that less hazardous fuel conditions exist for fire suppression forces. An environmental assessment (EA) for the Nordic Valley Fuels project was completed in July 2008, and analyzed two alternatives to meet this need (the proposed action and no action). This analysis and decision are conducted under the Healthy Forests Restoration Act (2003) authority.

Location

The Nordic Valley Fuelbreak project area is approximately 50 acres of oak, maple, and Douglas-fir vegetation roughly between Pole Canyon and Coal Hollow above Nordic Valley, Weber County, in the upper Ogden Valley, in T.6N, R.1E, Section 5, NE ¼, SLM. The project area is within the Wasatch-Cache Forest Plan management prescription 3.1W, Watershed Emphasis.

Decision

Based upon my review of the alternatives and effects, I have decided to implement creation of a linear fuel modification zone within about 50 acres. Woody vegetation less than 12" diameter (dbh = diameter at breast height) would be cleared in an 8-15' swath; farther out (up to 20 feet from the edge of the cleared area) the vegetation would be thinned to produce a shaded fuelbreak, and concentrations of dead wood within the entire 50-acre area would be treated.

Specifically, my decision is implementation of the proposed action, Alternative 2, which includes the following actions:

- Outside of the riparian habitat conservation area (RHCA), clear a linear swath by cutting (with chainsaws or hand tools) woody vegetation smaller than 12” dbh down to nearly ground level. This fuelbreak will be about 8 – 15’ wide, depending on the topography and fuels (wider on steeper slopes and within oak/maple stands). The fuelbreak length is approximately 0.5 miles.
- Beyond the cleared swath, a shaded fuelbreak zone will be created by removing all dead wood and much of the smaller woody vegetation, but leaving the largest stems and trees. This zone will be up to about 20 feet from the edge of the more intensive clearing. The total treated width of the fuelbreak zone may be up to 50 feet wide.
- Beyond the cleared swath and shaded fuelbreak treatment area but within the 50-acre project area, dead wood (downed and standing) concentrations will be treated.
- The RHCA is defined as 100 feet on either side of the high water mark of Pole Canyon. Given the relatively low flammability of and sensitive management required in an RHCA, treatment within the RHCA is limited to cleaning up smaller dead wood, limbing conifers, and very limited thinning of live stems. Coarse woody debris (logs greater than 12” diameter) will be left.
- Within the entire unit, mature conifers will have lower limbs removed, to about 6 feet in height.
- Woody cleared material will be either piled and burned, or dragged to a chipper and chipped.
- The fuelbreak will also require maintenance, as the oak/maple brush is expected to quickly resprout. Maintenance activities (such as hand-cutting the sprouts) will occur on an approximately 5 year interval.
- Any noxious weeds released from the fuelbreak clearing will be monitored and treated (as per the Wasatch-Cache Noxious Weed Treatment EIS 2006).
- There will be no road or trail construction associated with this project. Access to the project area will be on foot.

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. Monitor and treat noxious weeds yearly for at least three years following project implementation, particularly in burn pile areas after burning.
2. Follow the guidance in the Wasatch-Cache Noxious Weed EIS for any noxious weed treatment.
3. Wood chips created from this project will be piled near the road and made available for public use (such as for landscaping). Any chip piles remaining after a reasonable time for public availability will be spread back within the unit or hauled off site.
4. Burn slash piles only when weather conditions are suitable to prevent escape and when proper smoke clearance is favorable.

5. Rock or other barriers will be placed at suitable fuelbreak access points to prevent OHV/vehicle access.
6. The landscape architect will work with the implementation crew(s) on the final feathering of the edges of the treatment area to minimize visual impacts.
7. The RHCA is defined as 100 feet on either side of the high water mark of Pole Canyon. Given the relatively low flammability and sensitive management required in an RHCA, treatment within the RHCA is limited to cleaning up smaller dead wood, limbing conifers, and very limited thinning of live stems. Coarse woody debris (greater than 12" diameter) will be left.
8. Throughout the project area, any snags with existing cavities will be retained.

Reasons for the Decision

The communities of Nordic Valley, Radford Hills, Moose Mountain, and Wolf Mountain are adjacent to the Forest boundary, and sit within a dense and continuous stand of oakbrush (Gambel oak, *Quercus gambelii*, and bigtooth maple, *Acer grandidentatum*). Several wildfires in oakbrush vegetation on the Wasatch Front in recent years have threatened homes and endangered residents and firefighters. The oakbrush adjacent to these communities has not burned for many years; we have no records of fires there in our fire history. Therefore, the vegetation is relatively old and decadent, and extremely dense. The Spillway wildfire (October 1996), about two miles to the south of the project area, burned 662 acres and threatened the one house in the vicinity before it was controlled; a summertime fire is likely to be even more intense and fast-moving, indicating the potential threat. The prevailing wind pattern in the area is of winds from the west and southwest. This would increase the potential for fire to spread from the National Forest into Nordic Valley.

There is a need to break up the continuity of the fuels around these two communities, in order to reduce the potential for fire to spread from the National Forest lands into these communities. The goal of the project is to produce a fuel break to reduce fire spread between the National Forest and these communities.

The project design, including the mitigation measures below, will minimize any adverse effects to soil, water, wildlife, rare plants, heritage resources, or scenery. No threatened, endangered, or sensitive wildlife or plant species or archeological sites were found during specialists' surveys. Similar fuels treatments have been implemented on the Ogden Ranger District in recent years, with favorable results.

Other Alternatives Considered

The proposed action presented in the March 20, 2008 scoping letter included construction of a non-motorized trail in conjunction with the fuelbreak, to provide multiple uses. As a result of scoping and interdisciplinary analysis, the trail construction aspect of the fuelbreak has been eliminated from consideration, for the following reasons:

- Concerns about increased illegal vehicle use.

- Lack of public rights-of-way across private parcels on either end of the National Forest fuelbreak.
- Concerns with creation of a non-system trail that does not provide a clear benefit within the entire trail system context.
- Concerns with construction of a trail on a steep slope within the Pole Canyon riparian area.

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

Public Involvement

In March 2008, a scoping document describing the preliminary proposal and soliciting comments was sent to a number of individuals, organizations, and agencies on the District's mailing list, including adjacent property owners. The preliminary proposal was for a combination non-motorized trail and fuelbreak. Five responses were received from this scoping. In addition, the development of the Community Wildfire Protection Plan involved extensive community and interagency (particularly Utah Division of Forestry, Fire and State Lands; and Weber County Fire District) participation.

In response to an adjacent landowner's concerns, the location of the fuelbreak within the 50-acre project area was shifted so that the eastern endpoint lies in a more suitable location for the continuation of the fuelbreak across the private land. Several public and internal individuals had concerns with the trail aspect of the proposal, particularly the creation of a non-system trail and potential increase of illegal vehicle use. As a result, the proposed action was modified to eliminate trail construction, and focus only on the fuelbreak. Other design features, such as barriers to discourage illegal vehicle use and trail realignment for a less steep grade, were also incorporated as a result of scoping. The fuelbreak realignment between scoping and the current proposed action changed the length from 0.34 miles to about 0.5 miles.

Finding of No Significant Impact

After considering the environmental effects associated with the fuelbreak construction 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.

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, *Recreation, Scenery, and Roadless 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. No significant effects are anticipated from this or future projects of its kind. (See EA Chapter 3.)
7. The cumulative impacts are not significant (see EA Chapter 3). The effects disclosed in the EA from the full implementation of Alt 2 revealed no significant cumulative impacts.
8. Archeological surveys did not reveal any sites eligible for listing in the National Register of Historic Places in the project area. The action will have no significant adverse effect on any cultural resources (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 Weber County: Canada lynx and yellow-billed cuckoo. Neither the lynx nor the yellow-billed cuckoo are likely to occur 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 fuelbreak construction near Nordic Valley of the UWCNF is consistent with the intent of the Wasatch-Cache 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 Northern Wasatch – Ogden Valley Management Area on pages 4-140 through 4-151. 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 3 concerning threatened and endangered or proposed wildlife, plant or fish species 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 or grazing allotments 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. An objection period will be held for 30 days following the publication of the legal notice in the Ogden Standard Examiner.

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

Administrative Review or Objection Opportunities

This proposal is subject to objection under 36 CFR 218. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to file an objection. Timeframe information from other sources should not be relied on. Objections must meet content requirements of 36 CFR 218.7. Any objections, including attachments, must be postmarked or received within 30 days following publication of the legal notice in the Ogden Standard-Examiner. Incorporation of documents by reference is not allowed. The Reviewing Officer is Brian Ferebee, Forest Supervisor. Send objections to: Objection Reviewing Officer, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or fax to 801-625-5277; or by email to: appeals-intermtn-regional-office@fs.fed.us. Emailed objections must be submitted in rich text (rtf) or Word (doc) and must include the project name in the subject line. Objections may also be hand delivered to the above address, during regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

The legal notice of the opportunity to object was published on July 18, 2008. No objections were received during the 30-day objection period.

Implementation Date

If no objections are filed within the 30-day Opportunity to Object time period, implementation of the decision may occur on, but not before, 5 business days from the close of the objection period. When objections are filed, implementation may occur on, but not before, the 7th business day following the 30-day Response to Objection period.

Since no objections were received during the objection period, implementation may occur any time after August 25, 2008.

Contact

For additional information concerning this decision or the Forest Service objection process, contact Julie Hubbard, 125 South State Street, Salt Lake City UT 84138, 801-236-3407.

/s/ **CHIP SIBBERNSEN**

Chip Sibbernsen

District Ranger

Ogden Ranger District, Uinta-Wasatch-Cache National Forest

August 25, 2008

Date

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Appendix A – Forest Plan Direction

The following Forest-wide Standards and Guidelines (LRMP 4-36 – 4-38) are applicable to the Nordic Valley Fuelbreak project decision:

- (S2) Apply runoff controls during project implementation to prevent pollutants including fuels, sediment, and oils from reaching surface water and ground water.
- (S6) Within legal authorities, ensure that new proposed management activities in watershed containing 303d listed water bodies improve or maintain overall progress toward beneficial use attainment for pollutants which led to listing; and do not allow additions of pollutants in quantities that result in unacceptable adverse effects.
- (S7) Allow management activities to result in no less than 85% of potential ground cover for each vegetation cover type.
- (G2) Projects in watersheds with 303(d) listed waterbodies should be supported by scale and level of analysis sufficient to permit an understanding of the implications of the project within the larger watershed context.
- (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 designated beneficial uses.
- (G14) Manage vegetation for properly functioning condition at the landscape scale. Desired structure and pattern for cover types of the Wasatch-Cache National Forest are as follows except in the Wildland Urban Interface, where vegetation structure and pattern should be managed to reduce threat of severe fire to property and human safety. [See Forest Plan for Table G14, not included here.]
- (G35) The full range of fuels reduction methods is authorized consistent with management direction for the specific area.
- (S20) When constructing or maintaining roads, trails and facilities, use Best Management Practices to minimize sediment discharge into streams, lakes, and wetlands.
- (G44) When constructing and reconstructing roads, trails, and facilities minimize potential effects on habitat of plant species at risk and key big game winter and spring ranges.
- (G59) Manage Forest landscapes according to Landscape Character Themes, and Scenic Integrity Objectives as mapped. (See Chapter 4, A.7.Scenery Management [in Forest Plan] 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 effects to sites in such a way that they provide the maximum public benefit that the sites (or the information derived from them) can offer.