

**Decision Notice &
Finding of No Significant Impact
Logan Canyon Recreation Residence Permit Re-Issuance**

USDA Forest Service

**Logan Ranger District, Uinta-Wasatch-Cache National Forest
Cache County, Utah**

Background

This document details my decision regarding continued recreation residence use for existing summer homes and associated facilities located in Logan Canyon. My decision is based on an environmental analysis for this proposal documented in an Environmental Assessment (EA) and released concurrent with this decision.

Recreation residences sometimes referred to as summer homes, are an historic and well-recognized recreation experience for thousands of National Forest visitors around the country. Recreation residences on National Forest System lands were first authorized in 1915 to encourage recreation in National Forests. These cabins are privately owned, but are set on National Forest System lands and thus require agency authorization for the occupancy and use. This authorization takes the form of a special use permit issued for each lot where a summer home is located.

Recreation use in the Logan area began in the early 1900s. As access from the Cache Valley improved, recreation use increased. In 1905, management of the forest was made the responsibility of the Forest Service. The first special use permit authorized by the Forest Service for a summer residence in Logan Canyon was likely issued in the 1930s. Most of the cabins were constructed between the 1940s and the 1970s. Construction of developed recreation sites (such as campgrounds) in Logan Canyon also occurred during that time. Most of the public recreation sites and summer homes were in place by the 1950s.

Generally, summer home groups are organized and administrated as "tracts" and each tract usually has a homeowner's association that works with the Forest Service on issues of community interest. In Logan Canyon there are 12 separate tracts which include a total of 84 recreation residences. Over the years since their establishment, Logan Canyon summer homes were authorized under a series of special use permits. The 20-year term for the current permits for all of these recreation residences expires on December 31, 2008.

Forest Service direction regarding continued recreation residence use is included in both legislation and agency policy. The Cabin User Fee Fairness Act of 2000 directed the Forest Service "to ensure to the maximum extent practicable, that the NFS recreation residence program is managed to preserve the opportunity for individual and family-oriented recreation..." In addition, the Forest Service Manual (FSM 2347.1) states the following:

Recreation residences are a valid use of National Forest System lands. They provide a unique recreation experience to a large number of owners of recreation residences, their families, and guests. To the maximum extent practicable, the recreation residence program shall be managed to preserve the opportunity it provides for individual and family-oriented recreation. It is Forest Service direction to continue recreation residence use and to work in partnership with holders of these permits to maximize the recreational benefits of recreation residences.

The 2003 Forest Land and Resource Management Plan for the Wasatch-Cache National Forest (Forest Plan) calls for the recreation residence program to continue and for the Forest Service to work in partnership with holders of these permits to maximize the recreation benefits. A host of requirements are a part of this use of the National Forest. For instance, summer homes must be used at least 15 days per year, but cannot be used as a principal residence. In addition, each special use permit requires that homeowners comply with all applicable laws, regulations, and ordinances of Federal, State, and local government. Maintenance requirements for each recreation residence are detailed in an Operation and Maintenance Plan (O&M Plan) which is a part of each special use permit.

Summer home permit holders are also required to comply with the Wasatch-Cache National Forest Recreation Residence Administrative Guide (Administrative Guide), which includes such things as detailed provisions for the size of various structures and measures for environmental protection. The initial version of the Administrative Guide was distributed to permit holders in 2005 for comment and sent out in final form in February of 2006. The Administrative Guide formed the basis for much of the compliance review that is summarized in the EA. As the EA was being completed, the Administrative Guide was updated. The most significant change between the two versions was the establishment of Riparian Management Objectives (RMOs) for recreation residences on the Wasatch-Cache National Forest, which is included as Appendix D in the EA.

In the sections which follow, this document outlines my decision regarding continued recreation residence use in Logan Canyon and a number of connected actions, summarizes the rationale for my decision, lists mitigation measures that will be applied to implement the decision, and includes alternatives that were considered in the environmental analysis and in reaching my decision. In addition, this Decision Notice summarizes the public involvement effort that was an important part of the EA process; describes why no significant environmental impacts would occur; documents how the decision would be consistent with applicable laws, regulations, and policies; and provides information about the administrative review (appeal) opportunity that is available.

Decision

Chapter 1 of the EA details the purpose and need for this proposal (Proposed Action) and includes a discussion of the elements of the decision to be made. Based on the analysis in the EA, my decision is to allow continued recreation residence use on the 84 lots in Logan Canyon. This is consistent with agency policy detailed in Forest Service Manual, sections 2721.23(a) through 2721.23(j) and with the broad policy governing recreation residences and permitted uses set forth in FSM 2347.1 and in Title 36 of the Code of Federal Regulations (36 CFR 251.50).

As my decision is implemented, the reissuance of individual permits for each lot will depend on whether the holder is in compliance with the terms and conditions of their existing authorization. Those who are will be issued a new 20-year special use authorization expiring on December 31, 2028. In cases where the lot is not in compliance with permit requirements by December 31, 2008, but where the holder is making substantial efforts towards that end, a temporary permit will be issued. In this case, a one-year permit will be available to help the owner complete the work that is needed for full compliance (FSM 2721.23a, (9)). Assuming they are able to achieve compliance within that period, these permit holders will then be issued a permit for the remainder of the 20-year term. No temporary permit will be issued to those holders who do not show due diligence in achieving compliance. In that scenario, the permit will expire on December 31, 2008 and the holder will be required to submit a plan for removal of all improvements from the site and restoration of the lot.

Inspections conducted over the past several seasons indicate that some remaining work needs to be done in order for all homeowners to achieve compliance and be eligible for a new long-term special use permit. All permittees are urged to carefully review the compliance letters they received from the Forest Service, so they understand and can complete the work that may need to be done before December 2008. Recreation residence permit holders who do not achieve compliance within these timeframes will be required to submit a plan to remove their improvements from the National Forest and restore the site to a condition acceptable to the Forest Service, and then do so (FSM 2721.23(j)).

Conditionally accepted structures and improvements (as identified in permittee compliance letters) will be included in new special use permits. This means that these existing *conditionally accepted* structures or improvements will continue to be allowed on a lot, but if destroyed or substantially damaged or deteriorated, it must be removed entirely, or modified in such a way as to comply with all Forest Service requirements.

The new permits will replace the existing Recreation Residence Term Special Use Permits that expire on December 31, 2008. My decision maintains availability of three of the five in-lieu lots (to relocate an existing residence if the need arises, such as severe flooding). I am deciding to dismiss two of the in-lieu lots because they are directly in areas that flood each spring. No additional recreation residences beyond the existing 84 units will be authorized. My decision also authorizes existing tract improvements (such as roads, bridges, and waterlines) identified in Appendix A. These improvements will be included in tract association permits.

My conclusions are based on the scientific analysis in the EA (and supporting project record) that demonstrates a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information. The analysis identifies techniques and methodologies used, considers the best available science, and references scientific resources relied upon. The analysis includes a summary of the creditable scientific evidence relevant to evaluating reasonably foreseeable impacts.

Details of the Decision, including Mitigation

During each of the 2005-2007 field seasons, every recreation residence was reviewed for compliance with the terms and conditions of the current term permit, operations and maintenance plan, and the Administrative Guide. Some were found to be in non-compliance. Under my decision, those in compliance by December 31, 2008 will be issued a new 20-year permit. In cases where the site is not in compliance with the permit by this date, but where the holder is making substantial efforts towards that end, a temporary permit will be issued. In this case, a letter of non-compliance will be sent and a one-year permit will be issued to allow the permit holder up to one year to bring the site into compliance. The one-year permit will expire December 31, 2009. Once in compliance, permit holders will be issued a special use permit for the remainder of the 20-year term, to put them in line with the other 20-year permits. Lots not in compliance by the expiration of the one-year permit will have their permit revoked and be required to remove all structures and restore their lot to natural conditions.

Terms of the special use permits will comply with national direction effective at the time the new permits are issued. This analysis assumes that the current standard terms will remain in effect. If these terms change prior to issuance of the permits, any changed effects will be addressed before new permits are issued.

Permit holders must be in compliance with State, County and local standards for sanitation and water systems prior to the issuance of the new term permit (Clause IV.A of the Term Special Use Permit for Recreation Residences).

Roads, water systems, utility lines and miscellaneous improvements are currently not under special use permits. All of these facilities will be put under special use permits with a 20-year expiration date and current operations and maintenance plans. For a list of improvements, see Appendix A.

Operations and maintenance plans for residences will be updated and include requirements for permit administration and resource issue mitigation. Each permit holder will have an Operations and Maintenance (O&M) plan outlining specific actions necessary to maintain compliance. The plan is required in Clause II A of the Term Special Use Permit for Recreation Residences. It will be reviewed annually and updated as deemed necessary by the Authorized Officer. The Operation and Maintenance Plan requires that:

- Permit holders must follow all requirements in their renewed special use permit.
- Permit holders must follow all requirements listed in Wasatch-Cache Recreation Administrative Guide.
- Each lot's O&M Plan will consist of 3 sections: 1) Forestwide requirements for all lots, 2) Tract specific requirements and 3) Lot specific requirements. These O&M Plans will include resource mitigation requirements and be reviewed and signed by the permittees.

No ground-disturbing activities are included in my decision for permit renewal. Any future ground disturbing actions on tracts and/or lots will require additional NEPA analysis.

Mitigation Measures

My decision includes mitigation measures in addition to the provisions listed above, to prevent or diminish adverse effects of management actions on the human environment. Permit holders will comply with actions and mitigating measures itemized in Appendix B (included as Appendix D in the EA) and the Administrative Guide. These actions will diminish resource impacts and maintain healthy riparian conditions, water quality, and wildlife habitat. Monitoring of mitigation will be accomplished through permit administration.

Decision Rationale

In making the decision to authorize continued recreation residence use of 84 summer homes in Logan Canyon, I have reviewed the existing environmental conditions and the direct, indirect, and cumulative effects for all the actions included in each of the alternatives. I have also considered comments received from the public. I gave careful consideration of how well each alternative met the **purpose and need**, how well each responded to the **issues**, and how each alternative addressed **public concerns**.

Purpose and Need

On September 1, 2005 a review was completed by Forest Service resource specialists to determine whether recreation residence use was consistent with the Forest Plan, the Administrative Guide, and pertinent laws and regulations. Based on their review, it was determined that recreation residence use at the Logan tracts was consistent, or could be modified to be consistent, with the Forest Plan, the Administrative Guide, and other state/county requirements. The consistency review included the following criteria:

- Standards and guidelines that protect riparian vegetation and stream channel characteristics.
- Standards and guidelines that protect water quality. Impacts on water quality directly and indirectly affect aquatic insects and native and non-native fish species. Forest Plan direction includes measures to prevent sediment, oils, and chemicals from reaching surface and ground water. These pollutants can cause direct mortality to aquatic species or indirect effects as aquatic insect communities adjust to pollutants.
- Improvements for which no approval documentation could be located and which were inconsistent with the Administrative Guide or other Forest Service requirements.

The **purpose** of this project is to provide for continuation of recreation residence use within the twelve existing tracts in Logan Canyon in accordance with the Forest Plan, the Administrative Guide, and state/county direction. Recreation residences are identified under national policy as a valid use of National Forest System lands. It is agency policy to continue recreation residence use and to work in partnership with the holders of these permits to maximize the recreational benefits of these residences. The Cabin User Fee Fairness Act of 2000 directed the Forest Service "to ensure to the maximum extent practicable, that the NFS recreation residence program is managed to preserve the opportunity for individual and family-oriented recreation..."

The **need** for this action includes the following:

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- Make a decision whether to continue recreation residence for the 84 summer home permits in a timely fashion relative to their common expiration date.
 - Update existing permits to incorporate existing improvements which are consistent with Forest Service requirements and policy, but which have not been previously permitted.
 - Properly authorize existing tract association improvements (such as roads and water systems)
 - Identify additional requirements and mitigation measures which are needed to assure compliance with Forest Service policies, the Administrative Guide, and Special Use Permits.

I selected the proposed action because it best meets the purpose and need by continuing recreation residence use and working in partnership with the permit holders to maximize the recreational benefits of these residences. My decision authorizes the continued use and occupancy of 84 recreation residences, in accordance with the Forest Plan, the Administrative Guide, and county and state requirements.

I did not select the No Action alternative because it would have discontinued the use and occupancy of recreation residences when permits expired, reducing recreation opportunities for recreation residence use on the Logan District.

Significant Issues

Based on public comments received during scoping, the Forest Service Interdisciplinary Team developed the list of significant issues for the proposed project. The issues were then used in development of alternatives, to prescribe mitigation measures, and in the analysis of environmental effects. My decision addresses and resolves the significant issues in the following ways:

- **Fish and Wildlife** - How will continued recreation residence use affect aquatic life and wildlife, including threatened, endangered, and Forest Service sensitive species, Forest management indicator species, and migratory bird species? How will continued recreation residence use affect Riparian Habitat Conservation Areas?

My decision will continue to provide opportunities for recreation residence use while protecting and maintaining important habitats for aquatic life and wildlife species. Some recreation residences have had an impact on the stream, aquatic habitat, and riparian areas. However, within the past several years homeowners have made a number of improvements to reduce the impact. Many homeowners have ceased cutting streamside vegetation and have removed a number of diversions and small dams from the stream, improving riparian conditions. Continued recreation residence use will mean that some impacts to wildlife and their habitat and vegetation will continue. However, those impacts are relatively minor and the fact that Logan Canyon supports recreation of other types suggests that many of these impacts would occur even if recreation residences were no longer there. See EA, Chapter 3, Sections 3.1 and 3.2.

- **Vegetation** - How will continued recreation residence use affect vegetation, including threatened, endangered, and Forest Service sensitive plant species? To what extent

would recreation residence use affect the spread of noxious and non-native invasive plant species?

There are no threatened, endangered, or Forest Service sensitive plant species found within any of the recreation residence tracts and very little potential habitat exists. The vegetation within the recreation residence tracts was previously affected during the construction of the cabins, outbuildings and roads, and altered by the human use associated with the permitted recreation residences. No new ground disturbing actions are included in this decision. Therefore, there will be no impact on any TES plants from re-issuance of the recreation residence permits.

Some of the recreation residence lots contain non-native plants and grasses planted by permittees years ago. Some homeowners have begun removing non-native vegetation, replacing it with native grasses, forbs, and shrubs. According to the Administrative Guide, non-native vegetation will continue to be removed, allowing it to revert to native vegetation, to ensure that continued recreation residence use is consistent with Forest Service requirements.

My decision includes noxious weed management to effectively reduce the spread of existing and new infestations of noxious weeds and non-native plant species. Weed treatments will be in accordance with the WCNF Noxious Weed EIS and the Administrative Guide. See EA, Chapter 3, Section 3.3.

- **Soil and Water** - How will continued recreation residence use affect water quality and quantity, including the effects on streams, floodplains, and wetland function? To what extent will continued recreation residence use affect soils, including the effects of bare soil conditions created by vehicle and pedestrian traffic within each tract?

Under my decision, water quality and quantity, floodplains, and wetlands function will be restored or maintained in the vicinity of the recreation residence tracts. Recreation residence permit holders will be required to comply with Forest Plan standards and guidelines, the Recreation Residence Administrative Guide, and State and local government requirements for water use and stream and spring diversions.

My decision to re-issue recreation residence permits in Logan Canyon will maintain water quality of the Logan River since very little soil erosion occurs at the recreation residences tracts. Currently, water quality beneficial use is met on the Logan River and under my decision these beneficial uses will continue to be met.

Implementation of my decision will maintain soil quality. In general, improvements to tracts and lots such as roads, driveways, parking areas, homes and outbuildings make up only a small portion of the tracts as a whole. No additional access roads, driveways, or parking areas will be constructed under this decision.

Under my decision, effects on soil quality are expected to decrease slightly as individual lots are brought into compliance by the removal of unauthorized structures and improvements. Soil quality will be improved when these disturbed areas are restored and stabilized with native vegetation (see EA, Chapter 3, Section 3.4).

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- **Recreation and Wilderness** - How will continued recreation residence use affect access and the recreation experience and safety of other visitors to Logan Canyon?

Implementation of my decision will have little to no effect on other recreation use in Logan Canyon. There are very few public safety issues in the recreation residence tracts, as the general public seldom uses these areas for recreation. The accessibility for general public use and recreation on Forest lands occupied by recreation residence tracts is not compromised by the tracts. All recreation residences at Logan Canyon are private structures, but they are located on National Forest lands open to the public (36 CFR 251.55b). The public is allowed to access the land, but cannot use the structures or facilities. Generally, public use of the tracts is limited to an occasional fisherman or other visitor. The general public usually visits one of the many other sites available in Logan Canyon (see EA, Chapter 3, Sect 3.5).

- **Scenery** - How will visual resources in the Logan Canyon Scenic Byway be affected by continued recreation residence use?

My decision to re-issue recreation residence permits will have no effect on visual resources of the Logan Canyon Scenic Byway because the existing cabins are considered to be part of the cultural image of the canyon. A continuation of the special use permits would not change the cultural image since compliance with Forest Plan and Recreation Residence Guide direction is required by my decision (see EA, Chapter 3, Section 3.6).

- **Historic Resources** - What will be the effect on recreation residences and other improvements that are eligible for National Register of Historic Places, including those that are located in riparian areas?

Provisions in my decision do not include any ground-disturbing activities or any removal or alteration of any historic property. Compliance with the National Historic Preservation Act (NHPA) is set in motion when a proposed undertaking involves ground-disturbing activities, removal or alteration of historic buildings or structures, or may cause potential effects to historic properties including the historic setting and integrity of a property. Since none of the above-mentioned actions are included in my decision, it is compliant with the NHPA (see EA, Chapter 3, Section 3.7). Any future ground disturbing actions on tracts and/or lots will require additional NEPA analysis.

Public Concerns

The Forest Service initiated public scoping on April 1, 2006, when a scoping letter was sent to 104 individuals, organizations, and recreation residence owners in Logan Canyon. Further, the proposal for permit re-issuance was listed in the 2006-08 Schedules of Proposed Actions (SOPA). An article was included in the April 7, 2006 edition of the Logan Herald Journal.

A total of five responses to scoping were received. Four responses were from summer home permittees stating their desires to comply with permit re-issuance requirements. One response was from an interested party concerned with potential resource effects to wildlife, fisheries, threatened and endangered species and vegetation, the application of “fire wise” principles, and susceptibility of structures to wildland fire.

The Preliminary Environmental Assessment was posted on the Wasatch-Cache National Forest website on August 10, 2007. Notification of the availability of the preliminary EA for review and comment was sent by mail/email to 92 individuals and organizations. A Legal Notice was posted in the Salt Lake Tribune on August 11, 2007 beginning the 30-day comment period. The District received 7 letters commenting on the preliminary EA. Comments were related to MIS, removal of existing vegetated berms, and the seemingly contradictory guidance from the EA and the “Living with Fire” and other “fire wise” information.

My decision to implement the proposed action (re-issuance of permits and the required compliance with Forest Plan, the Recreation Residence Administrative Guide, and the list of allowable actions in the EA Appendix D) addresses these concerns. Existing earthen berms (which are vegetated with native species) are not causing sedimentation and will not need to be removed by the permittees (see EA, Sections 3.1 – 3.3).

Additional information further defining defensible space for wildland fire protection (in and out of Riparian Habitat Conservation Areas) was added to the EA and clarified in the list of allowable actions in Appendix D of the EA. The vegetation within and immediately adjacent to recreation residence tracts is primarily riparian vegetation, consisting of hardwood trees such as box elder, cottonwood, and willows, and water-loving shrubs and plants. Fire hazard is dependant upon the location of resources at risk from wildfire relative to the likelihood of suppressing fire in a timely manner. In this particular area, the fire hazard of the recreation residences is fairly low due to the proximity to water and water-loving riparian vegetation. These water loving plants are less likely to burn than plants found in other drier regimes.

Therefore, in this habitat, Riparian Management Objectives (RMOs) that keep and restore natural riparian vegetation will allow for fire protection without the need for further fire hazard reduction (such as presented in the “fire-wise” publications). Many of the “fire wise” publications apply to different forest types, and do not take into consideration the unique attributes of the riparian vegetation type (see EA, Section 1.6.2 and Section 3.2).

A detailed listing of public comments, along with the agency response is included in the EA, Response to Comments (EA, Appendix B).

Alternatives Studied in Detail

In addition to the proposed action, the EA analyzed the no action alternative, as described below.

No Action

Under this alternative, the current term special use permits would expire and the Forest Service would not issue replacement 20-year permits for the recreation residences. Ten-year permits would be issued instead. Within that period, all above ground improvements would have to be removed from National Forest System lands at the expense of the permit holders (FSM 2721.13c). It would likely take up to twenty years for all improvements to be removed and the sites fully restored. Restoration of some sites may need to be completed at government expense and previous holders billed for restoration costs.

Improvements include structures, roads, utility lines, tanks and containment systems. Permit holders would be required to fill wells, pump and fill septic tanks, pit toilets and vault toilets with dirt; and reshape the landscape to fill in structure foundations. Pipelines, underground wiring, sewage distribution boxes and drain fields would be left in place. The permit holder, with Forest Service guidance, would scarify soil and plant native vegetation in compacted areas (e.g. driveways) following residence removals.

Other Alternatives Considered but not Studied in Detail

- **Issue special use permits, but do not require compliance with state, county, and local laws and regulations.**

This was dismissed from further study because it would cause unreasonable environmental harm. Laws regulating sanitation and potable water are developed and implemented by the state and county to protect water quality and prevent health hazards to the public. Clause IV.A of the recreation residence permit states, “The holder, in exercising the privileges granted by this permit, shall comply with all present and future regulations of the Secretary of Agriculture and all present and future federal, state, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit.” The State and Counties have the authority and jurisdiction, through the Clean Water Act, to regulate and enforce individual wastewater disposal.

- **Issue special use permits, but do not require compliance with maintenance and construction standards listed in the permit, FSH 2709.11, and the Recreation Residence Administrative Guide.**

This was dismissed because it is already decided by existing policy and it fails to meet purpose and need. Forest Service Handbook 2709.11, 41.23a, 3 states, “Ensure the current use is in full compliance with the terms of the permit before issuing the new term permit.” Forest Service regulations and policy require recreation residences to be in compliance for permit issuance.

- **Issue special use permits for less than 20 years.**

This was dismissed because it is already decided by existing policy and it fails to meet the purpose and need. Forest Service policy allows for issuing 20 year special use permits for recreation residence tracts. It is unnecessary to issue a term permit for less than the twenty years allowed by regulation and policy.

Finding of No Significant Impact

After carefully considering the environmental effects described in the EA, I have determined that my decision 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 on this action. I base my finding on the following:

1. The beneficial effects of the action do not bias my finding of no significant environmental effects.

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2. There will be no significant effects on public health and safety. The proposed action protects public health by requiring permittees to be compliant with county and state regulations pertaining to public health and safety regulations.
 3. There will be no significant effects on unique characteristics of the area. This decision will not significantly affect cultural resources in the project area. As noted above, there is no ground disturbing action included in my decision; hence, there will be no impact on historic or cultural features and the NHPA is not invoked (see EA, Chapter 3, Section 3.7). There are no permanent effects to parklands, prime farmlands, wetlands, ecologically critical areas, or wild and scenic rivers. Although a portion of the Logan River above Guinavah-Malibu Campground is eligible as wild and scenic, the recreation residences have been a part of the existing environment for over 50 years. Nothing in this decision would affect its potential for formal designation as wild and scenic.
 4. The effects on the quality of the human environment are not highly controversial. There is no known scientific controversy over the impacts of the project (see EA, Chapter 3).
 5. The environmental analysis shows the effects are not uncertain (see EA, Chapter 3), and do not involve unique or unknown risk. The Forest has issued special use permits similar to the one in this analysis with no uncertain or unique risk.
 6. This decision will not establish a precedent for future actions with significant effects.
 7. The cumulative impacts are not significant (see EA, Chapter 3).
 8. This decision will have no significant adverse effects on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historical Places. This action will also not cause loss or destruction of significant scientific, cultural or historical resources (see EA, Chapter 3, Section 3.7).
 9. This decision will not adversely affect any threatened or endangered species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (see EA, Section 3.1 and 3.2, as well as the Biological Assessment and Biological Evaluation in the Project Record).
 10. This decision will not violate Federal, State, and local laws or requirements for the protection of the environment.

Findings Required by Other Laws and Regulations

Numerous laws, regulations, and agency directives require that my decision be consistent with their provisions. My decision is consistent with all laws, regulations, and agency policy relevant to this project. The following discussion is intended to provide information on the regulations that apply to issues raised and comments made by the public or other agencies.

National Forest Management Act of 1976 (PL-94-588) – The National Forest Management Act directs that management activities be consistent with the Forest Plan. Based on the discussions provided in the EA, I have concluded my decision is consistent with provisions of the 2003 Revised Land and Resource Management Plan for the Wasatch-Cache National Forest (Forest Plan), including Goals, Management Prescriptions, and Standards and Guidelines.

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 1 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 1 High Quality Water. Requirements in my decision are designed to prevent contamination of surface and ground water. Based on these measures and the analysis presented in the EA, Section 3.4, I have concluded that my decision will maintain water at existing high quality and is consistent with the Clean Water Act.

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. As disclosed in the EA, my decision will have no adverse effects to wetlands located within the project area and therefore is in compliance with EO 11990 (see EA, Section 3.4).

Executive Order 11988 of May 1977 – This order requires the Forest Service to provide leadership and take action to (1) minimize adverse impacts associated with occupancy and modification of floodplains and reduce risk to 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. Although the recreation residences are located within the Logan River floodplain, as disclosed in the EA, my decision will have no adverse effects to floodplains (see EA, Section 3.4).

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) that 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 information disclosed in the EA, BE, and BA, I have determined my decision will not significantly affect populations of endangered, threatened, and candidate species of fish, wildlife and plants. This is because they are not found in the recreation residence tracts or the disturbance from the recreation residences is limited in space and time. A determination of “no effect” was made for the bald eagle, Canada lynx, yellow-billed cuckoo, and the Maguire’s primrose. Consultation with the US Fish and Wildlife Service was not required because of the “no effect” determinations. No TES plants were found and potential habitat was found to be negligible within the recreation residence tracts.

Executive Order 13186 of January 10, 2001 – There are many species of migratory birds that spend the summer in habitats provided in Logan Canyon. Chapter 3, Section 3.1 of the EA explains that the recreation residences have had little effect on migratory birds, since most of the trees used by these birds for nesting habitat have been retained within the tracts for shade and aesthetics. Based on this information 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. My decision includes aggressive noxious weed management to effectively reduce the spread of existing and new infestations of noxious weeds and non-native plant species. Weed treatments will be in accordance with the WCNF Noxious Weed EIS and the Recreation Residence Administrative Guide. See EA, Chapter 3, Section 3.3. Therefore, my decision is consistent with this order and will not increase the spread of invasive species.

American Antiquities Act of 1906 and the National Historic Preservation Act of 1966 –

There are no ground disturbing actions included in my decision; hence, there will be no impact on historic or cultural features and the NHPA is not invoked (see EA, Chapter 3, Section 3.7). Based on the discussion in Chapter 3 concerning Heritage Resources it has been determined there would be no measurable effects to any historic properties relative to this decision.

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

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

Executive Order 12898 of February 16, 1994 “Federal Actions to Address Environmental Justice on Minority Populations and Low-income Populations” – This order requires federal Agencies to the extent practicable and permitted by law to make achieving environmental justice part of its mission by identifying and addressing as appropriate disproportionately high and adverse human health effects, of its programs and policies and activities on minorities and low-income populations in the United States and territorial possessions. In compliance with this Executive Order the Wasatch-Cache National Forest through scoping and public involvement attempted to identify interested and affected parties, including minorities and low-income populations for this project. A comment period was held for 30 days following the publication of the legal notice in the Salt Lake Tribune. No minorities and low-income populations were identified during public involvement activities.

Violating Federal, State and local Laws – This decision does not violate any Federal, State or local laws or requirements for the protection of the environment.

Administrative Review or Appeal Opportunities

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

period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

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

Implementation

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Jennefer Parker, District Ranger, 1500E, Hwy 89, Logan, UT, 84321, phone 435-755-3620.

BRIAN FEREBEE

Date

Forest Supervisor

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Appendix A

Table A. Existing improvements in recreation residence tracts (to be included in association permits)

TRACT	ROADS, WATER SYSTEMS, UTILITY LINES, OTHER IMPROVEMENTS
Gus Lind	0.3 miles of road with bridge and gate
Beirdneau	0.53 miles of road with gate
Valhalla	0.15 miles of road with bridge and gate
Birch Glen	0.63 miles of road with bridge and gate in upper and east tract, and 0.2 miles of road in lower tract Water pipeline from spring source to individual lots (this supplements the main Logan City-supplied water system)
Brown's Rolloff	0.24 miles of road with bridge and gate Water system from local spring source
Lower Card	0.14 miles to end of Lower Card Canyon with gate Water pipeline connecting to Forest Service water system
Upper Card	0.25 miles to end of Upper Card Canyon tract road. (The Upper Card road which includes a bridge but no gate and goes to the archery range is a Forest Service system road, so no association permit is required) Water pipeline connecting to Forest Service water system
Pine Bluffs	0.1 miles of road with bridge and gate Water pipeline connecting to Forest Service water system
Chokecherry	0.4 miles of road with bridge and gate Water pipeline connecting to Forest Service water system
Juniper	Water pipeline connecting to Forest Service water system (0.13 miles of road, shared with Preston Valley Campground, is a Forest Service system road; no special use permit is required)
Brachiopod	0.1 mile of road with bridge and gate Water pipeline connecting to Forest Service water system
Hailstone	0.1 mile of road with bridge and gate (Water system currently under permit to the only rec res permit holder in this tract)

Appendix B

Allowable actions around features and facilities of recreation residence lots on the Uinta-Wasatch-Cache National Forest

The Forest Plan provides the primary direction for managing activities and uses of NFS System lands. Eleven of the twelve tracts are located in relative proximity to streams and wetlands. Areas indicated in the Forest Plan as riparian make it a high priority for maintaining and enhancing those values. The Forest Service uses Riparian Management Objectives (RMOs) to provide specific, activity or project level guidance to help conserve riparian and aquatic values within Riparian Habitat Conservation Areas (RHCA). A set of RMOs has been developed for the recreation residence program on the Uinta-Wasatch-Cache National Forest and is included below as Table 1. These RMOs address not only the recreation residence itself, but also other improvements such as sheds, access roads, bridges, decks, patios, etc. A primary objective of the RMOs is to retain and improve vegetation in the RHCA in a way that helps to minimize sedimentation, maintain woody debris, prevent pollution, and shade the creek to keep water temperatures low, while at the same time allowing recreation residence use, access, and wildfire protection.

Table 1. Riparian Management Objectives for Recreation Residences –Uinta-Wasatch-Cache National Forest.
In-stream and Streamside Structures
<ul style="list-style-type: none">• Weirs, retaining walls, and similar structures are allowed if needed to protect a recreation residence. They must be approved by the District Ranger and the State Engineer.• Dams, pools, and similar structures are not allowed.• Only bridges necessary for summer home use will be permitted.• Painting and staining of bridges, decks, sheds, and summer homes is allowed but requires use of appropriate containment and absorption materials. Replacement with synthetic materials which do not require periodic painting and staining is recommended.• Sandbags may be used to protect individual summer homes and other outbuilding from flooding from November 1 to July 15. Sandbags must be removed from the Forest by July 15. Where sandbags were historically used to protect sections of road, retaining walls using native material should be considered and if desired constructed after approval by the District Ranger.
Improvements
<ul style="list-style-type: none">• Expansion of the footprint of summer homes, decks, patios, walkways, sheds, and storage buildings is not allowed if any part of the improvement is located within the RHCA.• No new decks, patios, walkways, sheds, and storage buildings will be allowed if any part of the improvement would be located within the RHCA• If summer homes and associated structures located in RHCA are destroyed by a natural event (e.g., wildfire), or become so structurally unsound that they must be demolished, additional environmental review will be required before they are allowed to be rebuilt. In some cases, the degree of impact to the riparian area from the summer home may not allow a summer home to be rebuilt on the lot. In

those cases, a permit holder will be offered an in-lieu lot if one is available.

- Play equipment, such as swing sets, and fireplaces and fire rings should be located more than 25 feet from the edge of the stream channel and within 25 feet of the structure.
- Expansion of parking areas is not allowed.
- Temporary parking is not allowed off the parking spur or roadway in the RHCA.

Vegetation Management and Wildfire Hazard Reduction

- Trees and brush along tract roads may be cleared up to 14 feet in height and 14 feet in overall width.
- Standing trees greater than 5" in diameter which present a safety hazard may be cut down after receiving approval the Forest Service permit administrator.

Vegetation Management and Wildfire Hazard Reduction (Continued)

- Existing native riparian vegetation may not be converted to another vegetation type.
- Large woody material may not be removed from the stream channel unless the permit administrator determines that it is a threat to life or property.
- Larger trees (diameter 5 inches or greater) that have fallen to the ground or have been cut down should be retained on site for recruitment of coarse woody debris and not cut into short lengths. Such trees may be cut on the ground and moved aside only to the extent necessary to allow access to the summer home and other improvements on the lot
- Within 25 feet horizontally of the edge of the stream channel:
 1. Small trees and brush may be cut and the limbs on larger trees pruned if they are within 7 feet of cabins¹, sheds, decks, patios, and other structures.
 2. Within 7 feet of structures noted above, grasses and forbs may be mowed or cut by other means down to 2 inches in height.
- Greater than 25 feet of the edge of the stream channel, horizontally to the outer edge of the RHCA:
 1. Small trees and brush may be cut and the limbs on larger trees pruned around summer homes¹, decks and patios for a distance of 25 feet and 7 feet around sheds.
 2. Grasses and forbs may be mowed or cut by other means down to 2 inches in height around summer homes, decks and patios for a distance of 25 feet and 7 feet around sheds and other structures.
 3. In areas beyond 25 feet of cabins and 7 feet of other structures, but also greater than 50 feet from the stream channel, trees larger than 5 inches in diameter may be pruned up to a vertical height of 10 feet, and smaller diameter trees may be cut in order to reduce ladder fuels.

1 - Exceptions may be allowed in those situations where an entire recreation residence is within 50 feet of the edge of the stream channel. Such exemptions must be described in an O&M Plan and can include clearing distances greater than 25 feet from the home, but may not include converting existing riparian vegetation.

Operations and Maintenance

- Trails may be surfaced with wood chips or gravel to help control erosion.
- Motorized equipment, such as chain saws, lawn mowers, etc., and their oil and fuel may be stored on site only from June 15 to September 30.
- Herbicides may only be used when applied by a certified applicator and only when the product has been approved for use by the Forest Service and local government.
- Fertilizer can only be used for restoration work within the RHCA.
- Long-term (greater than 6 months) storage of paint, pesticides, and chemicals is not permitted.
- Storage of firewood should be minimized and located within 25 feet of the recreation residents.