

## **Decision Memo**

### **Juab County Gravel Pit Permit Reissuance**

**USDA Forest Service  
Spanish Fork Ranger District, Uinta National Forest  
Juab County, Utah**

#### **Background**

The Spanish Fork Ranger District of the Uinta National Forest has issued the following Special Use Permit to Juab County since 1959, for the purpose of using and maintaining an existing gravel pit located just south of Little Birch Creek on National Forest System lands.

#### **#SPK100102:**

The Spanish Fork Ranger District of the Uinta National Forest will be reissuing a new term special use permit. There are no changes to the authorized facilities or increases in the scope or intensity of the authorized facilities.

Clause II.D of the Special Use Permits stated: “At the expiration or termination of an existing permit, a new permit may be issued to the holder of the previous permit or to a new holder subject to the following conditions:

1. The authorized use is compatible with the land use allocation in the Forest Land and Resource Management Plan.
2. The permit area is being used for the purposes previously authorized.
3. The permit area is being operated and maintained in accordance with the provisions of the permit.
4. The holder has shown previous good faith compliance with the terms and conditions of all prior or other existing permits, and has not engaged in any activity or transaction contrary to Federal contracts, permits, laws, or regulation.”

All of these conditions have been met.

#### **Decision**

I have decided to issue a free use Mineral Materials Permit renewing the expired term special use authorization to Juab County to continue to use and maintain a gravel pit on the Spanish Fork Ranger District of the Uinta National Forest System Lands in Township 12 South, Range 1 East, North east, Sections 21 SLM. This Special Use Permit will expire ten years from the date of issuance, at which time the permit holder may apply for another permit. The permit will not authorize construction of additional facilities. Juab County shall provide the Forest Service with a site development map that includes:

- Maximum development limits
- Wilderness boundary
- Forest boundary
- Fencing or other means of securing the area
- Access to and from the pit
- Drainage and water removal improvements

The maximum development limits include:

- The pit can not extend to the east.
- The pit can not extend to the south.
- Development may extend to the north and west.
- The pit may be dug deeper, but shall be limited to only 10-15 feet deeper than its current elevation.

Access to the site needs to be identified and road maintenance and drainage shall be described. The site shall be secured from litter/garbage dumping, shooting, and all other activities not related to the utilization of the rock resource in order to satisfy environmental considerations, public sanitation, and public safety.

An interdisciplinary team of Forest Service specialists reviewed this project. Each of these specialists concurred that there are no extraordinary circumstances that would warrant further analysis and documentation of the proposal in an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and that the proposal would not have a significant effect on the environment.

This action is categorically excluded from documentation in an environmental impact statement or an environmental assessment because it meets the criteria identified in FSH 1909.15 Chapter 30, Section 31.2 – Categories of Actions for which a Project or Case File and Decision Memo are Required, Item 3:

*Approval, modification, or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land. Example: g.) Approving the removal of mineral materials from an existing community pit or common-use area.*

The categorical exclusion is appropriate in this situation because there are no extraordinary circumstances that may result in a significant individual or cumulative environmental effect. Extraordinary circumstances are those instances that could result in significant environmental effect to one or more of the following resource conditions, as described in FSH 1909.15-30.3, 2a-g.

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 Forest Service has determined that the proposed action will not adversely affect any species or critical habitat listed or proposed for listing under the Endangered Species Act, or any species classified as Sensitive by the Intermountain Region of the Forest Service. Forest Service Sensitive species evaluated were those listed for the Uinta National Forest in the most recent list of *Intermountain Region Proposed, Endangered, Threatened, and Sensitive Species* (documentation contained in project file).
- b.) Floodplains, wetlands, or municipal watersheds – The Forest Service has determined that the proposed action will not adversely affect floodplains, wetlands or municipal watersheds (documentation contained in project file)
- c.) Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas – The project area does not occur in, and the proposed action would not have any direct, indirect, or cumulative impacts on congressionally designated areas, such as wilderness, wilderness study areas, or national recreational areas. (documentation contained in project file)
- d.) Inventoried roadless areas (IRAs) – (Forest Plan FEIS, Appendix C). The project area does not occur in, and the proposed action would not have any direct, indirect, or cumulative impacts on any inventoried roadless area.
- e.) Research natural areas – (Forest Plan Map Prescriptions). The project area does not occur in, and the proposed action would not have any direct, indirect, or cumulative impacts on any research natural areas.
- f.) American Indians and Alaska Native religious or cultural sites – The proposed action would not have any direct, indirect, or cumulative impacts on any American Indian religious or cultural sites.
- g.) Archeological sites, or historic properties or areas - The project would not have any direct, indirect, or cumulative impacts on any archeological sites or historic properties or areas (documentation contained in project file).

## **Public Involvement**

In my decision-making process I considered all of the concerns that were raised as a result of our public involvement efforts. This proposal was presented to the public for comment on January 23, 2007 with the publication of a legal notice in *The Daily Herald*. The project was also included in the Schedule of Proposed Actions since Autumn 2006 and letters were mailed to interested parties.

One letter in response to the scoping was received and no issues were brought forward.

**Findings Required by Other Laws**

This decision is consistent with the Uinta National Forest 2003 Land and Resource Management Plan (Forest Plan) as required by the National Forest Management Act. The proposal is consistent with Forest Plan standards and guidelines for Soil and Water Resource Management (Forest Plan pages 3-8 through 3-10), Wildlife and Fish Habitat Management (Forest Plan pages 3-11 through 3-31), Noxious Weeds and Vegetation Management (Forest Plan pages 3-15 through 3-20), and Special Uses Management (Forest Plan page 3-31).

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

The terms and conditions of the permit require the permit holder to comply with all laws applicable to the authorized facilities and activities. Implementation of this proposal is consistent with other Federal, State, and local laws for the protection of the environment.

**Implementation Date**

This project will be implemented immediately.

**Administrative Review or Appeal Opportunities**

Pursuant to 36 CFR 215.12(2), 36 CFR 215.12 (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 administrative appeal.

**Contact Person**

For additional information concerning this decision contact Douglas H. Jones, District Ranger, Spanish Fork Ranger District, 44 West 400 South, Spanish Fork, UT, 84660, 801-798-3571.

    /s/ BRIAN FEREBEE    

    9-21-2007    

BRIAN FEREBEE  
Forest Supervisor  
Uinta National Forest

Date