

**Record of Decision**  
**-For-**  
**Upper Strawberry Allotments Grazing EIS**

USDA Forest Service  
Uinta National Forest  
Heber Ranger District  
Wasatch County, Utah

The Strawberry, West Daniels, and Twin Peaks allotments, collectively referred to as the Upper Strawberry Allotments, are administered by the Heber Ranger District of the Uinta National Forest. My decision is to implement the Proposed Action of the Final Environmental Impact Statement (FEIS). My decision will authorize continued livestock grazing use within the Upper Strawberry Allotments under updated management direction to achieve site-specific management objectives and move existing conditions toward desired conditions.

The Strawberry Allotment will be converted from being grazed by sheep to being grazed by cattle. A portion of the Strawberry Allotment would be fenced off and closed to grazing and, in addition, a special management pasture would also be created within the allotment. The southern portion of the Twin Peaks Allotment (Mill A Unit) would be fenced and converted from sheep to cattle. West Daniels Allotment would continue to be grazed by cattle.

**Decision and Reasons for the Decision**

My decision will update the Upper Strawberry, West Daniels, and Twin Peaks Allotment Management Plans and authorize livestock grazing in a manner that will meet the resource indicators developed specifically for these allotments in addition to Uinta National Forest Land and Resource Management Plan standards and guidelines for livestock management. An adaptive management strategy, which will allow for flexibility during the implementation of the grazing strategy, will allow Forest Service managers and/or permittees to respond to changing conditions and unexpected results. Livestock numbers, grazing practices and seasons will be modified as necessary to meet the allotment's resource indicators, based on monitoring results of the previous season. Monitoring will follow the Monitoring Plan (Appendix A – FEIS).

Based on information in the FEIS, I chose to approve the Proposed Action for the following reasons:

The Proposed Action meets the purpose and needs as described in the FEIS. The purpose and need for the project is to comply with Public Law 104-19, Section 504(a) (Rescission Act).

The Proposed Action will maintain or move towards desired conditions for resources affected by domestic grazing. Because of the additional resource indicators and monitoring plan that have been incorporated into the Proposed Action, the allotments will make progress towards the desired conditions outlined in the FEIS quicker than under the Current Management Alternative.

Grazing is a suitable use of these Forest Service Lands and is permissible through the Multiple Use Act of 1960, as amended. The allotments contain lands identified as suitable for domestic livestock grazing in the Uinta National Forest Plan and continued domestic livestock grazing is consistent with the goals, objectives, standards, and guidelines of the Forest Plan (2003a, p. 5-43 and 5-129).

It is Forest Service policy to make forage available to qualified livestock operators from lands suitable for grazing consistent with land management plans. (FSM 2203.1; 36 CFR 222.2(c)).

The Proposed Action will be responsive to a request by a permittee to consider a change in class of livestock. It is Forest Service policy to continue contributions to the economic and social well being of people by providing opportunities for economic diversity and by promoting stability for communities that depend on range resource for their livelihood (FSM 2202.1). The Proposed Action provides more economic stability and supports the ranching industry. The conversion also provides an opportunity to exclude cattle grazing in the Strawberry River drainage which is a high value fishery and riparian corridor. A secondary benefit is the preservation of open space, ranching operations that remain in business in general provide open space for wildlife species.

Part of the Forest Plan's desired condition for lands contained within this project area is to continue to permit livestock grazing activities on the Strawberry, Twin Peaks, and West Daniels allotments (2003a, p. 5-43 and 5-129). Additionally, the Strawberry Watershed Restoration Report recommends closure of the Upper Strawberry Allotment to livestock grazing on the west side of Strawberry River from Mill B to upper Trail Hollow (Strawberry Watershed Restoration Report, page 10). The Proposed Action achieves this recommendation.

### **Public Involvement**

This project has been listed in the Uinta's *Schedule of Proposed Actions* since March 2004. The Notice of Intent was published in the *Federal Register* on June 8, 2005. The agency also published a legal notice in the *Provo Daily Herald* on June 6, 2005. In addition, 111 scoping letters were mailed out to various federal, state, county, and local agencies, the Ute Indian Tribe, and interested publics. Five comment letters were received.

The interdisciplinary team developed a list of issues and concerns to address; the team also used the comments from the public and other agencies to formulate this list. Issues raised during scoping the Draft EIS comment period included:

- EIS needed to include analysis of the No Action/No Grazing Alternative and Current Management.

These alternatives were analyzed in detail. No other alternatives were recommended for analysis.

- Economic viability for affected permittees

In response to permittee request, the proposed action included change in livestock class for portions of the Twin Peaks and Strawberry Allotments.

- Suitability for grazing

A site-specific grazing suitability and capability analysis was completed for the Allotments.

- Suitability for Management Indicator Species

An analysis of suitability and capability for the Uinta National Forest's MIS was completed for the Allotments.

- Resource concerns including issues with Wildlife, water quality not meeting goals, Soil productivity/erosion.

The EIS included a detailed analysis of these resources and the potential impacts. The Proposed Action includes additional resource indicators and a detailed monitoring plan that are in addition to the requirements of the Uinta National Forest Land and Resource Management Plan.

- Monitoring Plan

We received numerous comments regarding the monitoring plan. The ID team revised the plan to include more detail for the FEIS in response to these comments.

The Notice of Availability for the Draft Environmental Impact Statement (DEIS) was published in the *Federal Register* on April 7, 2006. A legal notice was published in the *Provo Daily Herald* on April 12, 2006. Seven comments were received. The comments were analyzed by the interdisciplinary team. Appendix B of the FEIS summarizes the substantive comments regarding the Upper Strawberry allotments and the Agency's response to these comments.

### **Environmentally Preferred Alternative**

40 CFR 1505.2 states that an Agency must "...identify all alternatives considered by the agency in reaching its decision, specifying the alternative or alternatives which were considered to be environmentally preferable... An agency shall identify and discuss all such factors including any essential considerations of national policy which were balanced by the agency in making its decision and state how those considerations entered into its decision."

The factors I used in specifying which alternative(s) would qualify as "environmentally preferable are the six goals as stated in the National Environmental Policy Act (NEPA - Title 1, Section 151(b)):

1. Fulfills the responsibilities of each generation as trustee of the environment for succeeding generations.
2. Assures all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings.
3. Attains the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.
4. Preserves important historic, cultural, and natural aspects of our national heritage, and maintains wherever possible, an environment which supports diversity and a wide variety of individual choices.
5. Achieves a balance between the human population and resource uses, which permits high standards of living and a wide sharing of life's amenities.
6. Enhances the quality of renewable resources and approaches the maximum attainable recycling of depleted resources.

The No Grazing Alternative best provides a healthful, productive and aesthetically pleasing surrounding environment with the fewest impacts to the biological and physical environment as disclosed in the FEIS. However, for the reasons outlined in my decision and in the following section, the No Grazing Alternative was not chosen to be implemented.

### **Alternatives Considered**

The FEIS analyzed three alternatives in detail: The Proposed Action, Continuation of Current Management, and the No Grazing Alternative. No other alternatives were raised at the scoping phase or during the DEIS comment period.

My rationale for not selecting the No Grazing Alternative is that this alternative would not be responsive to the Multiple Use Act, would not address issues raised by the public regarding the economic viability for affected permittees (FEIS, page 4, Appendix B - Wasatch County Comment Letter), or Forest Service Policy (FSM 2203.1; FSM 2202.1; 36 CFR 222.2(c)).

I did not select the continuation of Current Management Alternative because it would not fulfill the recommendations for the Strawberry Watershed Report to close the upper Strawberry Allotment to livestock grazing (USDA 2004, page 10). The Proposed Action, with the additional resource indicators and detailed monitoring plan (Appendix A) will ensure that resource conditions remain stable or have upward trend more responsively than the Current Management. In addition, the Proposed Action is responsive to permittee request to change class of livestock.

### **Finding Required by Other Laws**

This decision to implement the Proposed Action, updating the Strawberry, West Daniels, and Twin Peaks Allotment Management Plans and authorizing livestock grazing in a

manner that will meet Uinta National Forest Land and Resource Management Plan standards and guidelines, and establishing additional direction for livestock management throughout the allotments. After considering the environmental consequences (FEIS, Chapter Three) I have determined that the decision is consistent with the Uinta National Forest Land and Resource Management Plan, the National Forest Management Act, and other applicable laws and regulations.

*Migratory Bird Treaty Act and Executive Order*

This decision is in compliance with the act, subsequent executive order, and memorandum of understanding between the USDI Fish and Wildlife Service and USDA Forest Service, which provides for the protection of migratory birds. If new requirements or direction result from subsequent interagency memorandums of understanding pursuant to Executive Order 13186, the decision will be evaluated to ensure that it is consistent.

*National Environmental Policy Act (NEPA)*

The Environmental Impact Statement and this Record of Decision is in compliance with NEPA and the Council on Environmental Quality (CEQ regulations 40 CFR 1500-1508) for implementing NEPA.

*Endangered Species Act (ESA) of 1973 (as amended)*

Information concerning threatened and endangered plant, fish, and wildlife species is included in the FEIS, in correspondence with USFWS, and in detailed discussions contained in the Biological Assessments (Project File).

The US Fish and Wildlife Service has concurred that implementation of the Proposed Action would *may affect - not likely to adversely affect* Canada lynx, *may affect individuals but not likely to adversely affect the species* for Ute's Ladies' tresses and would have *no affect* for bald eagle and western yellow-billed cuckoo (candidate). This decision is consistent with the Endangered Species Act. (Project Record).

*Clean Water Act (as amended)*

Based on analysis in the FEIS and the Project Record concerning hydrology, this decision is consistent with the Clean Water Act and amendments. No permits are required for implementation of the decision.

*Wild and Scenic Rivers Act*

No Wild and Scenic Rivers will be affected by the Proposed Action or alternatives.

*Executive Order 11990 of May 1977 (Wetlands)*

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 an analysis be completed to determine whether adverse impacts would result. Based on analysis in the FEIS and the Project Record concerning wetlands, the decision complies with EO 11990 by maintaining and restoring riparian conditions.

Executive Order 11988 of May 1977 (Floodplains)

This order requires the Forest Service to provide leadership and to take action to (1) minimize adverse impacts associated with occupancy and modification of floodplains and reduce risks of flood loss, (2) minimize impacts of floods on human safety, health, and welfare, and (3) restore and preserve the natural and beneficial values served by flood plains. Based on analysis in the FEIS and the Project Record concerning floodplains, the decision complies with EO 11998 by maintaining floodplain integrity.

National Historic Preservation Act (1966) and American Antiquities Act (1906)

Based on analysis in the FEIS and the Project Record concerning Heritage Resources, it has been determined there will be no measurable effects to any Historic Properties with this decision. The State Historic Preservation Office concurs with the Uinta National Forest determinations of “no adverse effect” (Project Record).

Clean Air Act (1977 as amended)

This decision is in compliance with the Clean Air Act, which defines the National Ambient Air Quality Standards (NAAQS) for various sources of pollutants that must be met to protect human health and welfare, including visibility. This decision will also meet all NAAQS.

National Forest Management Act (NFMA) (36 CFR 219.27)

Management actions approved by this decision provide needed resource protection in accordance with the National Forest Management Act. A site-specific analysis of grazing capability and suitability of livestock on the three allotments was completed. Capability and suitability of the land to support grazing is not a limiting factor (FEIS, page 62). A capability/suitability analysis for the Uinta National Forest’s Management Indicator Species was completed. Implementation of the Proposed Action or any of the alternatives will not affect the capability or suitability for MIS within the project area (FEIS, Chapter 3, pgs. 207, 1, 72, 74)

Federal Licenses and Permits

No federal licenses or permits are required.

Environmental Justice (E.O. 12898)

The agency considered all public input from persons or groups regardless of age, race, income status, or other social/economic characteristics. No minority or low-income communities would be disproportionately affected under any of the alternatives.

Prime Farmland, Rangeland, and Forestland

The decision is in accordance with Secretary of Agriculture Memorandum 1827 and Department Regulation 9500-3 for prime farmland, rangeland and forest land.

Research Natural Areas

No Research Natural Areas will be affected by the Proposed Action or alternatives.

Energy/Mineral Development

The decision will not have any unusual energy requirements nor will the decision have an effect on the availability of lands for mining, under federal mining laws and regulations and PL 92-400.

### Inventoried Roadless Areas

Inventoried Roadless Areas (IRAs) contain natural landscapes where human activities have not had a significant impact, and the areas meet criteria for potential wilderness designation under the Wilderness Act of 1964. Portions of the Box Spring (418006), Daniels Canyon (418007), Wallsburg (418037), and Two Tom Hill (418013) Inventoried Roadless Areas are within the allotments accounting for approximately 13,307 acres. Grazing was addressed as a use within these IRAs in the Forest Plan. Continued use would not impede the characteristics of the IRAs.

### **Implementation**

If no appeals are filed within the 45-day appeal period, implementation of the decision may occur on, but not before, five 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.

### **Appeals**

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215. Appeals must meet the content requirements of 36 CFR 215.14. Individuals or organizations who submitted timely comments or demonstrated interest in the proposed action during the comment period specified at 215.6 may appeal this decision. Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of this notice in the *Provo Daily Herald*. The Appeal Deciding Officer is Brian Ferebee, Uinta National Forest Supervisor. Appeals must be sent to: Appeal Deciding Officer, Intermountain Region USFS, 324 25<sup>th</sup> Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: [appeals-intermtn-regional-office@fs.fed.us](mailto:appeals-intermtn-regional-office@fs.fed.us). Emailed appeals must be submitted in rich text (rtf.) or Word (doc.). Documents in other formats (tiff, jpg etc) should be mailed in hardcopy. Appeals 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.

This decision is subject to appeal pursuant to 36 CFR 251.82. Notice of appeal must be postmarked or received by the Appeal Reviewing Officer within 45 days of this decision. The notice of appeal should be sent to: Brian Ferebee, Uinta National Forest Supervisor, 88 West 100 North, Provo, UT 84601. A copy of the notice of appeal must be filed simultaneously with Julie King, Heber District Ranger, 2460 South Highway 40, Heber City, UT 84032. Appeals must meet the content requirements of 36 CFR 251.90.

Appellants with standing under both 36 CFR 251 and 35 CFR 215 may only appeal under one regulation and may not appeal under both.

**Additional Information**

If you have any additional questions, please contact Jim Percy, Range Management Specialist, Heber Ranger District, at 435-654-0470.



JULIE K. KING  
Heber District Ranger

9-26-06  
Date