

Decision Notice
& Finding of No Significant Impact
Bartholomew Canyon Vegetation Treatment

USDA Forest Service
Spanish Fork Ranger District, Uinta-Wasatch-Cache National Forest
Utah County, Utah
Township 6 South Range 3 East Section 36; Township 6 South Range 4 East Section 31;
Township 7 South Range 3 East Sections 1 and 2; and Township 7 South Range 4 East
Sections 5, 6, 7, 8, 17, and 18.

Decision and Reasons for the Decision

Background

The purpose of this proposal is to restore/maintain the oak/maple community, improve wildlife habitat, maintain desired seral stage diversity and improve firefighter access along the Bartholomew Canyon Road in the Bartholomew Canyon Area of Hobbles Creek Canyon.

This action is needed because the oak/maple community in the Bartholomew Canyon consists of large continuous canopies of mature/decadent oak and maple. Thick continuous canopy discourages use by many wildlife species because of the lack of herbaceous understory forage production and seed production. Decadent oak produce fewer acorns, which are used by a variety of wildlife species. Wildlife species benefit from openings in the shrub/tree canopy and from a diversity of age and structural classes of shrubs/trees. These treatments would enhance critical habitat for moose, elk, mountain goats and turkeys. While this area is not critical habitat for mule deer it is summer range habitat.

The project area is also big game winter range. As development of houses in the area (on private land) increases, the big game winter range decreases, and the more critical it will be to have a properly functioning big game winter range on National Forest lands. Winters with abundant snowfall increase the need for proper functioning winter range.

User created roads and ATV trails, as well as illegal ATV use, are fragmenting wildlife habitat and disturbing the animals. ATV use is not authorized on the Forest within this project area. Forest Service roads in the area are open to public travel during the fall hunting season only. Otherwise, Forest Service roads remain closed to public access and are open for administrative use only because access is through private land and is gated most of the year. However, adjacent land owners are illegally gaining access to these roads because their properties are behind the existing gate.

Forest Service Road 755 currently is shown as maintenance level 2 in the Forest Service records as an unimproved road not suitable for passenger cars. However, since Springville City has no need for the road, the road has not been maintained for years and it has become grown in with vegetation to where it is difficult to determine the road exists. Currently, no

motorized traffic is using the road.

Fuels have been building up over the years on Forest System lands due to human cultural practices and changing climatic conditions. There are no recorded large fires (>100 acres) from 1960s to present within the project area (Forest Service fire history data). There have been a couple of large fires in areas not too far removed from the project area, including the Cherry Creek II wildfire of 2003 that burned over 5,000 acres. Hobble Creek is listed as one of Utah's Communities at Risk for Wildfire (Utah Communities at Risk 2008)¹.

The 2006 Northern Utah Regional Wildfire Protection Plan (RWPP) designates Hobble Creek as a high risk area for wildfire. Risk of wildfire is a safety concern for private land owners in the Left Fork of Hobble Creek. Fuels need to be treated along the Forest System/private boundaries to reduce the potential impact of a wildfire on the Hobble Creek community. Hazardous fuels reduction treatments would help minimize the risks to private land, structures, and natural resources from potential wildland fires.

Access to the area is risky for firefighters; the roads are narrow and thick with brush, providing for low visibility and lack of turn around space. If a wildfire was to occur and the public evacuated from the area, the narrow roads thick with brush would be a hindrance. Springville City has public works infrastructure in the area that would be at risk if a wildfire occurred. Powerlines have a lot of brush and small trees growing under and adjacent to them. Loss of the infrastructure, such as the water supply lines and water tank due to a large wildfire event, would decrease the available of water to the residents of Springville City.

This action responds to the goals and objectives outlined in the Uinta National Forest 2003 Land and Resource Management Plan, and helps move the project area towards desired conditions described in that plan.

The environmental assessment (EA) documents the analysis of three alternatives to meet this need.

Decision

Based upon my review of all alternatives, I have decided to implement Alternative 2 which will:

Mechanically treat approximately 30-60 percent of oak/maple vegetation type within approximately 1,500 acres of National Forest System lands in the Bartholomew Canyon area adjacent to National Forest System/Private Land Boundary and along the Bartholomew Canyon roads. A four wheeler or pickup truck pulling a chipper/shredder, chainsaws, bullhog/masticator may be used in the project area. The proposed treatment location is in Utah County T7S R4E Sections 4, 5, 7, 8, 9, 10, 16 and 17. The mechanical treatment area

¹ Utah Communities at Risk. 2008. State of Utah Division of Forestry, Fire and State Lands.
<http://www.ffsl.utah.gov/firemgmt/WUI/ComAtRisk/CommunitiesAtRisk.php>

ranges in elevation from 5,500 ft to 7,600 ft.

Use prescribed fire to treat 30-60 percent of the oak/maple vegetation type within the targeted area (382 acres) within approximately 3,030 acres prescribed fire project area of National Forest System lands in the Bartholomew Canyon Area. The proposed treatment location is in Utah County T6S R3E Section 36, T6S R4E Section 31, T7S R3E Section 1 and 2, and T7S R4E Sections 5, 6, 7, 8, 17, and 18. The prescribed fire area ranges in elevation from 6,100 ft to 11,068 ft.

Obliterate, close and reseed approximately five miles of user created roads and ATV trails.

Improve defensible space (30-60 feet) around Springville City infrastructure under special use permit on National Forest System lands by removing shrubs and trees.

Create three turnouts and parking along Road 755 for emergency vehicles and other equipment. Areas would be cleared and graveled. Maintain Forest Service Road 570 by clearing vegetation along road, adding water bars, and spot gravelling road as necessary. Seasonally gate and close Forest Service Road 570 above Springville City's water tank (road would still remain open for administrative use and would be open during the fall). Change the FSR 747 from an objective maintenance and operation level 2 to a level 1 (change the road from high clearance road to an administrative use only road).

Monitor and treat infestations of noxious weeds as per the current weed management program of the Forest.

In response to public comments and internal analysis of the proposal, mitigation measures and design features were developed to reduce the potential impacts the project may cause.

Mechanical Treatment

Mosaic Pattern throughout the treatment area.

Trees and brush will be chipped and scattered on site.

No treatment on slopes greater than 30 percent.

Mechanical treatment will not follow fence lines or trails.

No Treatment will occur within 50 feet of Class III riparian habitat conservation areas (RHCA) or within 300 ft of Class I RHCA's.

Stumps should be no higher than 6 inches.

Areas that have potential to become user created trails will be blocked off.

Mechanical treatment along Bartholomew Road will be within 60 feet of the road.

All equipment coming in and out of the project area will be washed first to prevent the spread of weeds.

No treatment should occur within a distance of 500 feet from the Left Fork Hobbie Creek Road.

Prescribed Fire

Will occur in the spring with snow on ridges/north facing slopes.

Active ignitions will occur in Bartholomew Canyon on south facing slopes with in the

targeted area.

No ignitions within 300 ft of Class I RHCA's.

Mechanical treatment must have occurred prior to burning.

Recon flight will occur before ignitions begin.

Ignitions will occur on the north side of the road.

Monitoring

Monitoring for invasive weeds will take place following treatment.

Fuels Monitoring will continue post treatment.

Range readiness monitoring will occur prior to cattle being grazed following the prescribed fire.

When compared to the other alternatives, this alternative will reintroduce fire into the ecosystem, which is one of the goals of the Forest Plan. This alternative will treat a greater number of acres and thus improve a greater number of acres, thus altering and reducing fuel loading and decreasing the risk of damage to the surrounding community and Springville City infrastructure from a severe wildfire event. The reduced and altered fuel loading from the prescribed fire will allow for greater safety for firefighters who would fight a wildfire should it occur in the area. This alternative meets requirements under Clean Air Act, Clean Water Act, National Environmental Policy Act, 2003 Uinta National Forest Land and Resource Management Plan and other applicable laws and regulations.

Other Alternatives Considered

In addition to the selected alternative, I considered two other alternatives. A comparison of these alternatives can be found in the EA on pages [7-8].

Alternative 1 – No Action

Under the No Action alternative, current management plans would continue to guide management of the project area.

Alternative 3 - Mechanical Treatment Only

This alternative would involve implementing all of the proposed action except the prescribed fire portion of the project.

Public Involvement

As described in the background, the need for this action was identified in early 2008. A proposal to use prescribed fire and mechanical treatment (Bullhog/masticator) to treat 30-60 percent of the oak/maple community to restore age class diversity, structural diversity and understory diversity and to close and reseed roads was listed in the Schedule of Proposed Actions in April and July 2008. The proposal was provided to the public and other agencies for comment during scoping May 9, 2008. In addition, as part of the public involvement

process, the agency published a legal Notice in the "Provo Daily Herald" on May 14, 2008. The project was proposed to the Springville City Council on May 13, 2008. Legal notices, maps, and scoping letters were posted on the Uinta National Forest web site. In response, eight letters, phone calls or emails were received from private citizens and environmental groups.

Using the comments from the public, other agencies, and environmental groups (see Issues section), the interdisciplinary team identified several issues regarding the effects of the proposed action. Main issues of concern included: 1) Impacts to sensitive watershed; 2) Impacts to air quality; 3) Potential for prescribed fire to escape; and 4) Impacts to roadless Area(see EA pages 13-17). To address these concerns, the Forest Service created the alternatives, and incorporated the mitigation, design features, and monitoring described above.

Finding of No Significant Impact

After considering the environmental effects 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:

My finding of no significant environmental effects is not biased by the beneficial effects of the action.

There will be no significant effects on public health and safety because smoke emissions will be less than the standard for healthy air, the risk of fire escape is low due to the mitigation measures (see EA pages 14-15).

There will be no significant effects on unique characteristics of the area because there are no such areas to be affected. (see EA page 16).

The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the project (see EA pages 12-14).

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 (see EA pages 12-18).

The action is not likely to establish a precedent for future actions with significant effects because no future actions are planned for this area (see EA page 18).

The cumulative impacts are not significant (see EA page 18).

The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because there are not any in the area (see EA page 6). The action will not cause loss or destruction of

significant scientific, cultural, or historical resources, because there are not any in the area (see EA page 6). SHPO concurred with this finding in their letter dated Sept. 7 2008.

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 because no TES species reside in this area or have suitable habitat in this area (see EA page 5). The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA pages 5-6). The action is consistent with the Uinta National Forest Land and Resource Management Plan (See EA page 3).

Findings Required by Other Laws and Regulations

My decision is consistent with all applicable laws, Executive Orders, regulations, and policies listed below.

National Environmental Policy Act of 1969, as amended (NEPA): NEPA set up procedural requirements for all federal government agencies to consider, analyze and document the environmental impacts of their actions.

- The entire process of preparing this EA was undertaken to comply with NEPA.

Clean Water Act of 1977: The objective of this act is to restore and maintain the integrity of the nation's waters. This objective translates into two fundamental goals: (1) eliminate the discharge of pollutants into the nation's waters; and (2) achieve water quality levels that are fishable and swimmable. This act establishes a non-degradation policy for all federally proposed projects.

- Water quality should not be affected by this project due to the mitigation measures in place. My decision is compliant with the Clean Water Act.

Clean Air Act, as amended: Directs federal agencies to monitor compliance with all Federal, State, or local air control rules, regulations, and directives.

- Smoke emissions will be less than the standard for healthy air. My decision is in compliance with the Clean Air Act.

Endangered Species Act of 1973, as amended: The purpose of this act is to provide for the conservation of endangered fish, wildlife, plants, and their habitats. Biological Assessments must be prepared to document possible effects of proposed activities on endangered and threatened species within the analysis area potentially affected by the project.

- A biological assessment was prepared and it has been determined that there will no effect to T&E species. No further consultation is required.

Migratory Bird Treaty Act was established to protect migratory birds by making it illegal to pursue, hunt, take, capture, kill, or possess migratory birds or any part nest, or egg of any such bird.

Executive Order 13186 was issued to direct federal agencies in their responsibilities to protect migratory birds. It specifies the need to avoid or minimize any adverse impacts on migratory birds. The order addressed the need to restore and enhance the habitat of migratory birds.

- Based on the information in the project file concerning migratory birds, my decision is compliant with EO 13186.

American Antiquities Act of 1906: This act prohibits the unauthorized excavation of, or damage to, any historic or prehistoric ruins or objects situated on federally owned lands.

- No historic, cultural or prehistoric sites or ruins were found in the project area. The SHPO concurs with a finding of no adverse impact. My decision is compliant with this Act.

National Historic Preservation Act of 1966 (NHPA): This act requires federal agencies to consult with the State Historic Preservation Office and American Indian Tribes before cultural resources, such as archaeological sites and historic structures are damaged or destroyed. Section 106 of this act requires federal agencies to review the effects project proposals may have on cultural resources in the project area.

- No comments on the project were received from Tribes and the State Historic Preservation Office has concurred with a "no adverse effect" determination on the project. No historic, cultural or prehistoric sites or ruins were found in the project area. The SHPO concurs with a finding of no adverse impact. My decision is compliant with this Act.

Prime Farmland, Rangeland and Forest Land (Secretary of Agriculture Memorandum 1827) – There is no prime farmland within the project area. My decision is in compliance with this Memorandum.

Executive Order 12898: 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 Uinta National Forest through scoping and public involvement attempted to identify interested and affected parties, including minorities and low-income populations for this project.

- No minorities and low-income populations affected by this action were identified during public involvement activities.

National Forest Management Act (NFMA): This project was designed in conformance with land and resource management plan standards and incorporates appropriate land and

resource management plan guidelines for the Desired Future Conditions (DFC) for the Management Area which are: 1) Fuels Treatments and natural fires are managed to protect or enhance important sensitive watersheds throughout the management area; 2) The Bartholomew Watershed continues to provide municipal water for Springville City and is protected from impacts that could result in compromising the integrity of the water collection and delivery systems located within the management area; 3) Approximately 2,500 acres of forested ecosystem are managed for multiple uses (Land and Resource Management Plan, pages 5-62 to 5-87).

Forest-wide Goals and Objectives that are applicable to this project are: FW-Goal-2 Biologically diverse, sustainable ecosystems maintain or enhance habitats for native flora and fauna, forest and rangeland health, and watershed health; Sub-goal-2-1 The fuel management aspect of the fire management program is emphasized through application of hazard reduction activities; Sub-goal-2-3 Fire is reintroduced as an ecosystem function to move landscapes toward desired conditions; Sub-goal-2-8 Ecosystem resilience is maintained by providing for a full range of seral stages and age classes that achieve a mosaic of habitat conditions and diversity to meet a variety of desired resource management objectives. Recruitment and sustainability of some early seral species and vegetation communities in the landscape are necessary to maintain ecosystem resilience to perturbations (LRMP pages 2-5 to 2-6).

Implementation Date

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.

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215. Individuals or organizations who submitted substantive comments during the comment period specified at 215.6 may appeal this decision. Appeals must meet the content requirements of 36 CFR 215.14. 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.

Appeals must be sent to: Appeal Deciding Officer, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: appeals-intermtn-regional-office@fs.fed.us. Emailed appeals must be submitted in rich text (rtf) or Word (doc) and must include the project name in the subject line. 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, excluding holidays. 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.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Provo Daily Herald, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the Provo Daily Herald, 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.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Lans Stavast, Fuels Planner, Uinta-Wasatch-Cache National Forest, 88 West 100 North, Provo Utah 84601, and 801-342-5151.



Douglas L. Jones
District Ranger
Spanish Fork Ranger District

2/20/09
Date

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