DECISION NOTICE
AND FINDING OF NO SIGNIFICANT IMPACT

BENNION-DUNBAR ALLOTMENTS GRAZING AUTHORIZATION

USDA Forest Service
Uinta-Wasatch-Cache National Forest
Spanish Fork Ranger District
T 9S, R 5W Sections: 1, 2, 8-17, 22-27, 34, 35; T9S, R4W Sections 7, 18
Tooele County, Utah

DECISION

I have decided to implement Alternative 3 (selected alternative) which is described on pages 15-16 of the Bennion-Dunbar Allotments Grazing Authorization Environmental Assessment (EA). The Bennion-Dunbar Allotments will continue to be managed under the Uinta National Forest 2003 Land and Resource Management Plan standards and guidelines with a rest rotation grazing system. The proposed action will employ an adaptive management strategy, which adjusts the timing, intensity, frequency and management of grazing on the allotments as needed to meet Forest Plan standards and guidelines, and will continue to meet or satisfactorily move Forest resources toward desired conditions and meet Forest Plan objectives. Monitoring, through allotment inspections and long-term trend studies, will determine the need and frequency for administrative adjustments in the timing, intensity, frequency and/or management of grazing (monitoring plan, project record). Fences and water developments will be constructed in order to meet Forest Plan direction, provide livestock forage to the permittee, and protect heritage resources.

The following Uinta National Forest 2003 Land and Resource Management Plan (Forest Plan) standards and guidelines will be implemented as part of the selected alternative.

Graze-4 ***Standard:*** Limit grazing to meet the following utilization levels on non-riparian vegetation types based on the annual average of the current year's growth. However, through June 15 at Strawberry Reservoir Management Area and through June 1 at the Vernon Management Area, minimum canopy cover and height requirements for greater sage grouse habitat take precedence over the forage utilization standards in the following table.

Forage Utilization Standards

Vegetation Type	Forage Utilization	
	Very Early – Early Seral	Mid – Late Seral
General Uplands and Winter Range		
Upland shrublands (sagebrush, snowberry, mountain mahogany species, cliffrose, bitterbrush, saltbrush, and mountain brush)	40%	60%
Grasslands	45%	65%

The utilization standards will be lowered on the sites that do not meet the Forest Plan objectives for 70 percent of the potential effective ground cover (1 out of 9 sites). Those portions of soil type 21 located in Pinyon/Juniper sites that do not currently meet guideline S&W-3 will be managed with lowered utilization standards of 40 percent rather that 60 percent as described in Graze-4 Standard. These areas would be monitored and if within 10 years, ground cover does not start to increase upland utilization would be lowered to 30 percent.

Veg-7 ***Guideline:*** Manage approximately 80 percent of potential greater sage grouse breeding and winter habitat areas in the Vernon and Strawberry Reservoir Management Areas to support the percentages and heights of canopy cover listed in the table below. Breeding habitat should retain the given height levels of grasses and a diversity of forbs annually through June 1 in the Vernon Management Area and June 15 in the Strawberry Reservoir Management Area. Vegetation should be maintained in a mosaic of openings and shrubs.

Vegetation Requirements in the Vernon and Strawberry Reservoir Management Areas

Vegetation Type	Minimum % Canopy Cover	Minimum Height Canopy Cover[1]	
		Vernon Management Area	Strawberry Reservoir Management Area
Greater Sage Grouse Breeding Habitat (Maintain through June 15 - Strawberry Vernon- maintain through June 1)*			
Sagebrush	15-25%	16-32 inches	16-32 inches
Grasses	≥ 15%	≥ 6 inches	≥ 7 inches
Forbs	≥ 10%	≥ 6 inches	≥ 7 inches
Greater Sage Grouse Winter Habitat			
Sagebrush	10-30%[2]	10-14 inches[2]	10-14 inches[2]
Grasses	N/A	N/A	N/A
Forbs	N/A	N/A	N/A

Graze-9 ***Guideline:*** Implement intensive grazing management that provides periodic rest designed to achieve and maintain desired vegetation community composition and structure.

S&W-1 ***Standard*:** Maintain or improve long-term soil productivity and hydrologic function of the soil by limiting activities that would cause detrimental soil disturbance.

Detrimental soil disturbance consists of severely burned soils, loss of ground cover, or detrimental soil displacement, erosion, puddling, or compaction, as defined in Forest Service Handbook (FSH) 2509.18 and applicable Intermountain Region supplements.

S&W-2 ***Guideline*:** Avoid land use practices that reduce soil moisture effectiveness, increase average erosion, cause invasion of exotic plants, and reduce abundance and diversity of forbs in the long-term (some short-term practices that would seem to contradict this direction may be beneficial in the long-term).

S&W-3 ***Guideline*:** Maintain at least 70 percent of potential effective ground cover to provide nutrient cycling and protect the soil from erosion in excess of soil loss tolerance limits.

WL&F-2 ***Standard:*** Provide wildlife escape ramps in all developed water sources.

WL&F-3 ***Guideline:*** Provide for wildlife movement through and/or around structures or project sites such as fences, spring developments, guzzlers, roads, and ditches.

Graze-3 ***Standard:*** Limit grazing to meet the following utilization levels within Riparian Habitat Conservation Areas (RHCAs) based on the average current year's growth.

Utilization Standards by RHCA Class

RHCA Class	Minimum Percent of Stream Length	Utilization Standard by Season of Use			
		Very Early – Early		Mid – Late Seral	
		Early	Late	Early	Late
Minimum Greenline Stubble Height[1]					
Class I	90%	5"	6"	4"	5"
Class II	80%	4"	5"	3"	4"
Class III	70%	3"	4"	2"	3"
Forage Utilization Limits[2]					
Class I	90%	45%	35%	55%	45%
Class II	80%	50%	40%	60%	50%
Class III	70%	60%	50%	65%	55%
Willow Utilization[2]					
Class I	90%	N/A	35%	N/A	50%
Class II	80%	N/A	35%	N/A	50%
Class III	70%	N/A	35%	N/A	50%

Note: There are no willow utilization standards for early season use.
[1] Height of key species (palatable, hydrophytic species indicative of mid to late seral riparian plant communities, or as indicated in the site-specific Allotment Management Plan). If acceptable "key species" are absent from a site, only utilization standards shall be used.
[2] Percent of total average annual growth.

Riparian Habitat Conservation Areas

Portions of watersheds where riparian-dependent resources receive primary emphasis are subject to specific standards and guidelines. Riparian Habitat Conservation Areas (RHCAs) include traditional riparian corridors, wetlands, perennial and intermittent streams, and other areas that help maintain the integrity of aquatic ecosystems. There are three RHCA classes of varying widths offering varying levels of protection: class I with widths extending 300 feet from each edge of the waterbody (600 feet total); class II with widths extending 200 feet from each edge of the waterbody (400 feet total); and class III with widths extending 100 feet from each edge of the waterbody (200 feet total).

S&W-4 ***Guideline:*** Maintain adequate ground cover to filter runoff and prevent detrimental erosion in Riparian Habitat Conservation Areas (RHCAs).

Riparian Habitat Conservation Area (RHCA) Ground Cover Requirements

RHCA	Minimum Ground Cover Requirement	Minimum Percent of RHCA to Meet Requirement
Class I	90% of Potential	90%
Class II	80% of Potential	80%
Class III	80% of Potential	70%

Graze-5 ***Standard:*** Locate new livestock troughs, tanks, and holding facilities out of Riparian Habitat Conservation Areas (RHCAs). For existing livestock handling facilities inside RHCAs, assure that facilities do not prevent attainment of aquatic Forest Plan management direction. Modify, relocate, or close existing facilities where aquatic Forest Plan management direction cannot be met.

Graze-6 ***Standard:*** Locate livestock salt grounds outside of Riparian Habitat Conservation Areas (RHCAs).

Graze-8 ***Guideline:*** Minimize trailing livestock through Riparian Habitat Conservation Areas (RHCAs). Close or relocate livestock driveways to minimize impacts to RHCAs.

As part of the selected alternative the range improvements/design features and mitigation will be implemented. The completion dates listed below will be pending the availability of funding and other resources.

- Extend the Dunbar/Sharpes Valley Pasture boundary fence approximately one-half mile. The fence would be a four wire barbed wire fence. The top wire is no higher than 42 inches and the bottom wire is no lower than 16 inches. This project is proposed for completion in the summer of 2009.

- Construct approximately two and one-third miles of fence to exclude Vernon Creek from cattle use. The fence would be a four wire barbed wire fence. The top wire is no higher than 42 inches and the bottom wire is no lower than 16 inches. This project is proposed for completion in the summer of 2010.

- Reroute approximately one and one-quarter miles of the Little Valley pipeline to restore the water source to one trough in the East Reservoir Pasture and two troughs in the Sage Valley Pasture. This project is proposed for completion in the summer of 2009.

- Extend Little Valley Pipeline approximately two and one-half miles and install one trough in the Sage Valley Pasture, one trough in Hanson Hollow Pasture and one trough in the Sharpes Valley Pasture. This project is proposed for completion in the summer of 2011.

- Construct a pipeline from the Windmill spring approximately four miles and install three troughs in the Sharpes Valley Pasture and two troughs in the Dunbar Pasture. This project is proposed for completion in the summer of 2011.

Mitigation

There is a historic homesteading site with a semi-subterranean structure on the edge of an area where cattle routinely congregate. Cattle trampling could eventually damage part or all of this structure. This potential adverse effect will be eliminated through construction of a short (30 foot long) fence.

RATIONALE FOR DECISION

I selected Alternative 3 because it provides the best balance in meeting the purpose and need, achieving the objectives, and addressing the major issues. My rationale is based on the following:

- Rangeland conditions will continue to improve based upon adherence to management requirements and mitigation measures.

- I see no reason to discontinue grazing when monitoring indicates the majority soils upland conditions (8 out of 9 sample sites) are meeting desired conditions. All range trend studies reflect stable and upward trends. With lowered upland utilization standards (reduced from 60% to 40 %) in those areas not currently meeting S&W-3 guideline and livestock exclusion from Vernon Creek in the Middle and Bend Pastures, these areas will move toward meeting desired future conditions and Forest Plan standards and guidelines. Areas not meeting S&W-3 Guideline would be monitored and if within 10 years, ground cover does not start to increase, upland utilization would be lowered to 30 percent.

- The selected alternative will have no effect on threatened or endangered species.

- The selected alternative will have no impact on the sensitive species spotted frog, dainty moonwort, slender moonwort, Barneby woody aster, Garrett bladderpod, Rockcress draba or Wasatch jamesia. Grazing may impact a small amount of sage-grouse habitat, but it will not contribute to a trend towards federal listing or cause a loss of viability to the population or species (biological evaluation, project record).

I based my decision on my review of the environmental effects in the Bennion-Dunbar Allotments Grazing Authorization EA and on the project record. Other documents I considered while making my decision include: Uinta National Forest 2003 Land and Resource Management Plan, 2006 Vernon Reservoir Vegetation/Sage Grouse Habitat Restoration Project and the 2008 Diagonal/Electric Sagebrush Improvement Project.

OTHER ALTERNATIVES CONSIDERED

Three other alternatives were considered in the Bennion-Dunbar Allotments Grazing Authorization EA. Two were analyzed in detail and one was considered, but eliminated from detailed study.

Under Alternative 1, the no action alternative, grazing would not be authorized after a two-year notification to the permittee from the date the decision is made. I did not select this alternative because I see no reason to discontinue grazing when monitoring indicates the majority of upland range conditions are meeting desired conditions. With lowered upland utilization standards (reduced from 60% to 40 %) in those areas not currently meeting S&W-3 guideline, and excluding livestock from Vernon Creek in the Middle and Bend Pastures, these areas will move toward meeting desired future conditions and Forest Plan standards and guidelines.

Under alternative 2, current management, no changes would be made to the current grazing management on the Bennion-Dunbar Allotments. The allotments would continue to be managed with a rest-rotation grazing system and under the direction of the Forest Plan. I did not select this alternative because it offered no options to improve riparian conditions on Vernon Creek without severely impacting upland grazing within the Bend and Middle Pastures. Without construction of fences, the integrity of the rest rotation grazing system would be compromised. Without the construction of pipelines and water troughs, the lack of proper livestock distribution would reduce the amount of time the cattle can spend on the allotment (often less than the permitted time). This alternative also did not offer the option to mitigate grazing impacts to heritage resources.

One alternative was considered, but not given detailed study. Under this alternative, vegetation improvements to re-establish native bunch grasses, forbs and sage brush would be implemented. I did not consider this alternative in detail because based on the purpose and need, the decision to be made based on this environmental analysis is whether or not to authorize livestock grazing on the Bennion-Dunbar Allotments and if so, under what conditions. Therefore, the vegetative treatments are outside the scope of this analysis and this alternative was not analyzed further.

PUBLIC, TRIBAL, AND AGENCY INVOLVEMENT

On June 3, 2008, scoping letters were sent to individuals, tribal groups and organizations that expressed interest or could be affected by the proposed action. Federal, state and local government agencies were also included in this process. The scoping letter contained preliminary issues developed by the Interdisciplinary Team. The notice and comment period required by 36 CFR 215 was held concurrently with scoping. A legal notice initiating the comment period was published in the *Provo Daily Herald* on June 6, 2008. Comments were invited about the project, either in writing or through conversations with the IDT leader. The project has been included in the *Winter 2007* (1/2008), *Spring 2008* (4/2008), *Summer 2008* (8/2008), *and Fall 2008* (10/2008) *Editions of the Quarterly Schedule of Proposed Actions, Uinta National Forest,* which were posted on the Forest website and mailed to interested parties.

A total of five written responses were received as a result of scoping. A summary of these comments and how they were addressed is contained in the project record available at the Spanish Fork Ranger District.

ISSUES CONSIDERED IN THE EA

The interdisciplinary team (IDT) identified three major issues for the Bennion-Dunbar Allotments Grazing Authorization EA based upon internal and external scoping. Major issues were used to develop alternatives, mitigation measures or design features. The major issues are as follows:

Issue 1: Grazing could affect soil resources by causing an unacceptable loss of soil productivity. The selected alternative and mitigation measures/design features were developed to address this issue.

Issue 2: Livestock grazing could impact riparian resources. The selected alternative and mitigation measures/design features were developed to address this issue.

Issue 3: Livestock grazing could impact sage grouse populations and habitat. Alternatives 2 and 3 were developed to address this issue.

FINDING OF NO SIGNIFICANT IMPACT

This Finding of No Significant Impact incorporates by reference the Bennion-Dunbar Allotments Grazing Authorization EA, the project record including specialists' reports, Biological Evaluations, and Biological Assessments, and monitoring reports on file at the Spanish Fork District Office. After consideration of 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 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:

(A) Context

The context of the selected alternative is limited to the Bennion-Dunbar Allotments. [40 CFR 1508.27(a)].

Activities and environmental effects associated with my decision will be confined to the 6,646 acres described in the EA. Actions will be limited to those actions disclosed in this document and it appendices. Further, my decision is consistent with the management area direction, desired future conditions, and Forest Plan standards specified for the area (Appendix 1; Uinta National Forest 2003 Land and Resource Management Plan Direction, p.1-12).

(B) Intensity Factors

(1) My decision will not result in any significant beneficial or adverse effects [40 CFR 150827(b)(1)].

The analysis documented in Chapter III of the EA did not identify any individually or cumulatively significant adverse short or long-term impacts resulting from implementation of the selected alternative. The application of management requirements and mitigation measures/design features will insure that any adverse effects are minimal (EA, p.12-16).

(2) There will be no significant effects on public health and safety [40 CFR 1508.27(b)(2)].

The selected alternative will not adversely affect public health and safety. Proposed activities will meet water quality standards set by the Clean Water Act (EA, p. 7).

(3) My decision will not result in any significant effects on any unique characteristics of the geographic area, historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas [40 CFR 1508.27(b)(3)].

The analysis documented in the EA and the project record discloses that the selected alternative will not result in any major effects on Inventoried Roadless Areas (EA, p.4), cultural or historic resources (EA, p. 8-9), wetlands (EA, p.7) or wild and scenic rivers (EA, p.4).

(4) The Selected Alternative will not result in any effects that are likely to be highly controversial [40 CFR 1508.27(b)(4)].

Controversy in this context refers to scientific dispute over the effects of the Federal action, not opposition to its implementation. The scientific basis for the analysis is contained in the project record and summarized in the EA. Standard analysis techniques and models were used. The effects of the selected alternative are minor (EA, p. 31-32, 40, 43-44) and are supported by scientific research as referenced in the EA.

(5) The Selected Alternative will not result in any highly uncertain, unique, or unknown risks [40 CFR 1508.27(b)(5)].

The environmental analysis (which includes the EA, resource technical reports, monitoring reports on file at the Spanish Fork District Office, Biological Assessments, and Biological Evaluations) determined that the selected alternative will not involve any highly uncertain or unknown risks. The management activities associated with my decision are typical of those successfully implemented in the past on the Uinta-Wasatch-Cache National Forest.

(6) My decision does not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration [40 CFR 1508.27(b)(6)].
The selected alternative will not set a precedent for future actions with significant effects. The selected alternative applies only to grazing on the Bennion-Dunbar Allotments discussed in the EA and construction of range improvements. Future proposed projects will be subject to site-specific analysis and implementation will hinge on that analysis.

(7) The analysis documented in the EA discloses that my decision will not result in any significant cumulative effects [40 CFR 1508.27(b)(7)].

Chapter 3 of the EA discloses that the selected alternative will not result in any significant cumulative effects (EA, p. 32, 40, 44).

(8) My decision will not adversely affect sites or objects listed or eligible for listing in the National Register of Historic Places, nor will it cause the loss or destruction of significant scientific, cultural, or historical resources [40 CFR 1508.27(b)(8)].

Existing survey data from within the Bennion-Dunbar Allotments was sufficient to assess whether or not continued grazing will adversely affect cultural resource sites. No adverse effects to known sites within the allotment were identified. A particular and localized potential adverse effect to archaeological deposits has been identified at one site as part of routine site monitoring. This is a historic homesteading site with a semi-subterranean structure on the edge of an area where cattle routinely congregate. Cattle trampling could eventually damage part or all of this structure. This potential adverse effect will be eliminated through construction of a short (30 foot long) piece of fence to protect the feature.

A complete cultural resource survey of proposed new pipelines, troughs and fences was done for this assessment. No sites of any kind were found that might be affected by their construction. The State Historic Preservation Officer concurs with this determination (cultural resources project record).

(9) My decision will not adversely affect threatened or endangered species or their habitats [40 CFR 1508.27 (b) (9)].

My decision will not have an adverse direct, indirect or cumulative effect on any threatened or endangered (T&E) species within or outside the project area. There are no T&E species in the Vernon Management Area (biological assessments project record).

(10) My decision will not violate Federal, State, or local laws or requirements for the protection of the environment [40 CFR 1508.27 (b) (10)].

Applicable laws and regulations were considered in the. The action is consistent with the Uinta National Forest Land and Resource Management Plan.

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.*

Waters in Utah that do not meet the water quality standards for their assigned beneficial uses are the focus of the Clean Water Act's Section 303 (d), which requires states to identify, then develop and implement plans to improve remaining impaired waters. The total daily maximum load (TMDL) process, which identifies pollution sources and allocates maximum pollution loadings where water quality goals are not being met, is the required methodology for addressing these listed waters. None of the waters within the project area are included on the current Utah 303 (d) List of Impaired Waters or are subject to TMDL reductions. No TMDLs or impaired waters are located within the project area (Utah, State of. 2006b) (water resources project record).

The Safe Drinking Water Act 1974 as amended: *This act empowers the Environmental Protection Agency (EPA) to adopt and enforce rules which must be met by each public water system in the nation. The law was amended in 1986 and 1996 and requires many actions to protect drinking water and its sources: rivers, lakes, reservoirs, springs, and ground water wells.*

The State of Utah has designated the streams draining the Tooele-Rush Valley watersheds above the National Forest boundary as antidegradation segments. These High Quality Waters - Category 2 are designated surface water segments which are treated as High Quality Waters - Category 1 except that a point source discharge may be permitted provided that the discharge does not degrade existing water quality. This indicates that the existing water quality is better than the established standards for the designated beneficial uses (water resources report, project record).

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 of 1918, as amended: *This 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: *This order was issued in January of 2001 for the responsibilities of federal agencies 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.*

Migratory bird surveys have been conducted since 1994 in the Vernon Managemnt Area. Reports are focused on the USDI Fish and Wildlife birds of conservation concern and the Utah Partners in Flight (PIF) priority species. Four priority species/birds of conservation concern have been found on two migratory bird survey routes with similar habitat as this project area. They are the northern harrier (*Circus cyaneus*), pinyon jay (*Gymnorhinus cyanocephalus*), black-throated gray warbler (*Dendroica nigrescens*), and Brewer's sparrow (*Spezella breweri)*. These birds were found in areas where grazing occurs, with little to no variation in number of individuals found from 1994 to present (migratory bird report project file).

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.*

All surveyed and inventoried cultural resource sites in the project area will be protected from entry and excluded from resource management activities.

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.

Executive Order 11593: *Executive Order 11593 requires Federal Agencies to provide leadership in preserving, restoring, and maintaining the historic and cultural environment of the Nation. Federal agencies are required to administer cultural properties under their control in a spirit of stewardship and trusteeship for future generations, and to initiate measures necessary to direct their policies, plans, and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archaeological significance are preserved, restored and maintained.*

The analysis has determined there is a historic homesteading site with a semi-subterranean structure on the edge of an area where cattle routinely congregate. Cattle trampling could eventually damage part or all of this structure (heritage resource report, project record). This potential adverse effect will be eliminated through construction of a short (30 foot long) fence. Fencing around the subterranean feature will be used under the selected alternative to remove the potential for congregating cattle to adversely affect that feature.

Federal Noxious Weed Act of 1974, as amended: *This act provides for the control and management of non-indigenous weeds that injure or have the potential to injure the interests of agriculture and commerce, wildlife resources, or the public health.*

There are few noxious weeds in the area; however whitetop (*Cardaria draba*) and squarrouse knapweed (*Centaurea virgata squarrosa*) have begun to invade the area, particularly around Vernon Reservoir. These weeds have been chemically controlled over the last several years (vegetation report, project record).

Executive Order 13112: *Executive Order 13112 requires Federal Agencies, whose actions may affect the status of invasive species, to identify such actions, prevent the introduction of invasive species, detect and respond rapidly to and control populations of such species, provide for restoration of native species and habitat conditions; and promote public education on invasive species. Additionally, Federal Agencies are directed to not carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species.*

There are few noxious weeds in the area; however whitetop Cardaria draba and squarrouse knapweed Centaurea virgata squarrosa have begun to invade the area, particularly around Vernon Reservoir. These weeds have been chemically controlled over the last several years (vegetation project record).

Executive Order 12898: *Executive Order 12898 directs each Federal agency to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The President also signed a memorandum on the same day, emphasizing the need to consider these types of effects during National Environmental Policy Act (NEPA) analysis. On March 24, 1995, the U.S. Department of Agriculture completed an implementation strategy for the executive order. Where Forest Service proposals have the potential to disproportionately adversely affect minority or low-income populations, these effects must be considered and disclosed (and mitigated to the degree possible) through NEPA analysis and documentation.*

The actions under the alternatives will not adversely affect any disadvantaged or minority groups because of the project area's distance from large population centers and the diffuse level of adverse impacts on any social group. A project such as this will not produce hazardous waste or conditions that might affect human populations.

The selected alternative follows Uinta National Forest 2003 Land and Resource Management Plan direction. The project area lies within the Vernon Management Area which is designated for livestock grazing. The decision meets Forest Plan standards and guidelines (EA, p. 32, 40, 44).

ADMINISTRATIVE APPEAL AND IMPLEMENTATION

This decision is subject to appeal pursuant to 36 Code of Federal Regulations (CFR) Part 215. Individuals or organizations who submitted substantive comments during the comment period are eligible to appeal under 36 CFR Part 215. This decision is also subject to appeal under 36 CFR Part 251 Subpart C by term grazing permit holders or applicants (§251.86). However, term grazing permit holders or applicants must choose to appeal under either 36 CFR 251 or 215, but not both (§251.85). Notices of Appeal that do not meet the content requirements of 36 CFR 215.14 or 36 C.F.R. 251.90 as appropriate will be dismissed.

Appeals filed under 36 CFR Part 215

Appeals filed under 36 CFR, Part 215, must be submitted (by regular mail) to: USDA Forest Service Region 4, Appeals Deciding Officer, 324 25th Street, Ogden, Utah 84401; or fax to 801-625-5277; or by email to: appeals-intermtn-regional-office@fs.fed.us. The office business hours for those submitting hand-delivered appeals are 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays. Electronic appeals must be submitted in .pdf, rich text format (.rtf), or Word (.doc) and must include the name of the project being appealed in the subject line. Appellants should normally receive an automated electronic acknowledgement as confirmation of agency receipt of electronic appeals. If the appellant does not receive an automated acknowledgement of receipt, it is the appellant's responsibility to ensure timely receipt by other means. 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 notice of this decision 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.

Appeals filed under 36 CFR Part 251

Appeals filed under 36 CFR, Part 251, must be submitted (by regular mail) to: USDA Forest Service, Uinta-Wasatch-Cache National Forest, Attn: Brian Ferebee, 88 West 100 North, Provo, UT 84601, or (by fax) to 801-342-5145. The office business hours for those submitting hand-delivered appeals are 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays.

Appeals must be filed within 45 days of the date on the Decision Notice (§251.88). Attachments received after the 45 day appeal period will not be considered. Appeals filed under 36 CFR 251 Subpart C must have a copy of the appeal simultaneously sent to the Deciding Officer (§251.88)

at: Deciding Officer, Spanish Fork Ranger District, Uinta-Wasatch-Cache National Forest; Attention: Douglas Jones, District Ranger, 44 West 400 North, Spanish Fork, UT 84660, Phone: (801) 342-5260 or Fax: (801) 342-5272.

It is an appellant's responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Deciding Officer's decision should be reversed (§251.90). The Deciding Officer is willing to meet with applicants and holders to hear and discuss any concerns or issues related to the decision (§251.93). An appellant may also include in the notice of appeal a request for oral presentation (§251.97) or a request for stay of implementation of the decision pending decision on the appeal (§251.91).

IMPLEMENTATION

If no appeal is filed, implementation of this project may begin no sooner than 5 days following the close of the appeal filing period (36 CFR 215.9). If an appeal is filed, implementation may begin 15 days following the disposition of all appeals.

In order to implement the proposed action the Forest Service is required by Utah State Law to send a Change Application to the State Engineer, requesting changes to the existing Places of Use (POU) of water within the Bennion-Dunbar Allotments. The proposed Little Valley Pipeline extension and installation of troughs will require a Change of Point of Use for water right number 15-65 (Source: Little Valley Creek). The proposed Windmill Pipeline extension and installation of troughs will require Change of Point of Use for water right number 15-1776 (Well). To clarify, these Change Applications are applicable only to changes to the current POU within the Allotment; the Forest Service has no intention to increase the amount of water or the number of livestock in this request.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Renae Bragonje, Range staff, Spanish Fork Ranger District, 44 West 400 North, Spanish Fork, Utah 84660, 801-342-5267.

Douglas H. Jones

DOUGLAS H. JONES
District Ranger

2/12/09
Date