

# DECISION MEMO

## Badger Hollow Sage-Grouse Habitat Improvement Project

Uinta-Wasatch-Cache National Forest  
Heber-Kamas Ranger District  
T3S, R11W Sections 23, 25, 26, 30, 31 and 36  
T4S, R11W Sections 1, 11 and 12  
Wasatch County, Utah

### INTRODUCTION

The greater sage-grouse, a Forest Service Sensitive species, and a Utah Species of Concern, historically occurred in the Strawberry Valley at much greater densities (estimated at 30,000 birds in the 1930's) compared to today's Strawberry Valley population of approximately 500 birds. The Utah Division of Wildlife Resources and the Uinta-Wasatch-Cache National Forest have cooperatively developed this project with the support of the Strawberry Valley Adaptive Resource Management greater sage-grouse local working group to provide additional brood-rearing habitat for this species, consistent with the recommendations of the Utah sage-grouse conservation plan.

### DECISION

It is my decision to implement the Badger Hollow Sage-Grouse Habitat Improvement Project. Approximately 1200 acres of sagebrush will be treated with a Dixie harrow. Within the project area approximately 300 additional acres will be mowed with a brush-hog, and 1600 acres will be left untreated. Sagebrush will be thinned in a mosaic pattern to increase vegetative diversity. Noxious weeds will be treated by grubbing to reduce their potential for spread.

The purpose and need for the project is to provide sage-grouse with more suitable breeding and brood-rearing habitat through the reduction of sagebrush canopy cover.

The project site is located immediately adjacent to the southeast portion of Strawberry Reservoir, in Sections 23, 25, 26, 30, 31, and 36, T3S, R11W, USM, and Sections 1, 11, and 12, T4S, R11W, USM, Wasatch County, Utah.

#### Design Features

- A 50 foot Riparian Habitat Conservation Area (RHCA) buffer of no treatment should be maintained on Strawberry Reservoir and tributaries. A 300 foot RHCA buffer will be maintained to minimize soil disturbance and for adherence to Forest Plan standards for the high shoreline of Strawberry Reservoir and for the Road Hollow drainage. Within the 300 foot RHCA buffer, the first 50 feet will be a no-treatment buffer zone on Strawberry Reservoir and tributaries, and then the next 250 feet will be protected by using only a Brush Hog mower to minimize surface soil disturbance. All of the other tributary drainages to

Strawberry Reservoir in Chicken Springs and Sage Creek Bay treatment units will also have a 50 foot RHCA buffer of no treatment. This restriction is expected to be wide enough to include all of the riparian area adjacent to these streams, however, where necessary, the buffer will be increased to be inclusive where not adequate to include the entire extent of riparian vegetation.

- Equipment will not be permitted during the wet season (April 1 – July 15) in seasonally wet drainage bottoms and Riparian Habitat Conservation Areas.
- Harrowing will be accomplished between July 15 – Aug. 15 each season to minimize spread of rabbitbrush.
- To minimize impacts to nesting birds, including Brewer's sparrows, treatment will occur outside of the primary nesting season (April 15 – July 15).
- Vegetation treatment will occur at least 50 feet from a designated road or trail to discourage additional impacts from illegal vehicle activity.
- Noxious weeds will be treated within and adjacent to the treatment area, by grubbing, to prevent additional spread. To further reduce noxious weed spread, including musk thistle, no treatment will occur within 600 feet of active musk thistle infestations.

## **RATIONALE FOR DECISION**

This project will open up the sagebrush canopy and create a mixed age-class of sagebrush which will improve sage-grouse habitat. The treatment will also allow the understory grasses and forbs currently suppressed by the thick sagebrush canopy to be released.

This area is one of the Utah Division of Wildlife Resources sagebrush improvement focus areas. The UDWR is also a contributing partner in this project.

## **CATEGORY**

Pursuant to 36 CFR 220.6, a proposed action may be categorically excluded from further analysis and documentation in an EIS or EA if there are no extraordinary circumstances related to the proposed action and if:

- (1) The proposed action is within one of the categories established by the Secretary (of Agriculture) at 7 CFR part 1b.3; or
- (2) The proposed action is within a category listed in 220.6(d) and (e).

The project is within category 6 at 220.6(e) "Timber stand and/or wildlife habitat improvement activities which do not include the use of herbicides or do not require more than one mile of low standard road construction."

## Finding of No Extraordinary Circumstances

The following resource conditions that should be considered in determining whether extraordinary circumstances exist that warrant further analysis are listed at 36 CFR 220.6(b).

### 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 Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered or result in adverse modification to such species' designated critical habitat. As required by this Act, potential effects of this decision on listed species have been analyzed and documented in a Biological Assessment (Project File Records).

Forest Service biologists and vegetation specialists have surveyed the project area. The Forest Service has determined that this project will have no effect on federally protected species or critical habitat. It was also concluded that the proposed project will have no impact to population trend or population viability of TES species evaluated with the exception of sage-grouse. This project will improve sage-grouse habitat (Project File Records).

### Floodplains, wetlands, or municipal watersheds

Executive Order 11990 requires federal agencies to avoid adverse impacts associated with destruction or modification of wetlands. Executive Order 11988 requires federal agencies to avoid adverse impacts associated with the occupancy and modification of floodplains. The project is located within Surface Water Protection Zones 2, 3, and 4. The nearest point of diversion below the project is located at Starvation Reservoir, approximately 50 miles down stream. There will be very little soil disturbance caused by the project and the end result will be an increase in ground cover. This project will not adversely affect municipal watersheds. This project is not located in and will not have any direct, indirect or cumulative impacts to floodplains, wetlands or municipal watersheds (Project File Records).

### Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas

The project area does not reside in, and the project will not have any direct, indirect or cumulative impacts on any Congressionally designated areas.

### Inventoried roadless areas

The project area is not within a roadless area.

### Research natural areas

The project area does not reside in, and the project will not have any direct, indirect or cumulative impacts on any research natural areas.

### American Indians and Alaska Native religious or cultural sites

Based on site investigations and scoping, the project area is not known to include, and the project will not have any direct, indirect or cumulative impacts on any American Indian religious or

cultural sites. There are no archaeological sites eligible for the national register of historic places within a treatment area (Project File Record). The decision is consistent with the American Indian Religious Freedom Act, and the Native American Graves Protection and Repatriation Act.

#### Archeological sites, or historic properties or areas

Based on site investigations, the project area does not reside in, and the project will not have any direct, indirect, or cumulative impacts on any archeological sites that are eligible for the national register of historic places or areas. The decision is consistent with the National Historic Preservation Act (Project File Records).

The proposed action will be of limited context and intensity and capable of producing little or no significant environmental effects (40 CFR 1508.4) individually or cumulatively on the quality of the human environment; is within a category listed in 36 CFR 220.6(e); and there are no extraordinary circumstances related to the proposed action.

### **Public Involvement**

This project has been listed in the Uinta National Forest's "Schedule of Proposed Actions" (i.e. "NEPA Quarterly") since the spring of 2008. A request for comments was published in the *Provo Daily Herald* on May 9, 2008. In response to these efforts, I received three letters regarding this project. Issues identified during development of the proposed action and from public response to scoping are addressed in the following section:

### **Issues**

Issue: Cumulative effects in regards to the other proposed sage brush/sage grouse treatment projects in the Strawberry Reservoir area.

*The Strawberry Lek Sage-Grouse Treatment was completed in 2005. The treatment was located approximately 0.5 miles southwest and only comprised four acres of mechanical treatment. The purpose of this project was to reduce cover from predators in the areas immediately surrounding lek sites. The Trout Creek sage-grouse habitat improvement project was implemented in 2007, located approximately four miles northwest of the proposed Badger Hollow project, and involved 180 acres of Dixie harrow and brushhog treatment, along with seeding of native forbs. The large majority of sagebrush habitat around Strawberry Reservoir will remain untreated. Since this is a categorical exclusion, it does not require a cumulative effects analysis.*

Issue: Direct, Indirect, and cumulative impacts to T/E/P/S

*The project will have no effect on T& E species (Project Record). The purpose of this project is to enhance sage-grouse habitat, a State Sensitive Species.*

Issue: Use of prescribed fire instead of mechanical treatments.

*The purpose of the proposal is to leave the desired amount of sagebrush canopy (between 15-30%), which will be more successfully achieved with mechanical treatments.*

Issue: Protection of migratory birds

*This issue has been addressed. Design features for the project include a limiting operating period. Treatment will occur outside of the primary nesting season.*

Issue: Monitoring and maintaining viable populations

*This project would not adversely affect the viability of species. The project will improve sage-grouse habitat. Forb habitat is expected to improve following Dixie harrow and brushhog activities.*

Issue: Concern with Forest rushing ahead rather than trying to develop self-maintaining, resilient ecosystems

*The UDWR proposed this project. Extensive coordination between the State and the Forest occurred in developing this project. The Forest believes it would lead to more diverse and functional sagebrush habitat. This belief is supported by research conducted by Brigham Young University and the Utah Division of Wildlife Resources which indicates sage-grouse need a diverse mosaic of sagebrush habitats, including sagebrush habitat with more open conditions than that which currently exists at Badger Hollow. These conditions can best be achieved by the proposed mechanical treatment.*

Issue: Temporary roads should be signed and/or gated, and closed or obliterated following project activities.

*No temporary roads will be constructed in this project. If there is a need for temporary roads, they will be signed or gated, and closed or obliterated following project activities.*

Issue: Mechanical treatments will result in the elimination of the Badger Hollow area qualifying as Roadless.

*The Badger Hollow area has not been considered for Roadless status.*

## **Findings Required by Other Laws**

This project lies within the Strawberry Reservoir Management Area as identified in the Uinta National Forest 2003 Land and Resource Management Plan. (Forest Plan, pages 5-121 to 134). The management prescription for this area is 3.1-Aquatic, Terrestrial, and Hydrologic Resources. This action is in compliance with Forest Plan.

No adverse impacts on birds are anticipated, and this decision is consistent with the Migratory Bird Treaty Act. Sagebrush treatments will be in the late summer/fall, outside the primary nesting period.

The proposed action will not impact water quality and is consistent with the Clean Water Act. The project is in compliance with the Clean Air Act.

There will be minimal and only shallow sub-surface activity to harrow sagebrush and bury posts. Therefore, there are no implications on mineral resources. In accordance with Executive Order 12898 this action will not result in any disproportionate impact to minority or low-income populations.

Implementation of this proposal is consistent with other Federal, State, and local laws for the protection of the environment.

My conclusion is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

## **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 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](mailto: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 the legal 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.

## **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.

## **Contact Person**

For further information please contact Michael Bornstein at the Heber Ranger District - Uinta National Forest, 2460 South Highway 40, Heber City, UT 84032, or by phone at (435) 654-5227.

12/10 

JOHN CAMPBELL  
Acting District Ranger  
Heber-Kamas Ranger District  
Uinta-Wasatch-Cache National Forest

12/10/2008  
Date