

**DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT**

**Winter Motorized Use Forest Plan Amendment
and Travel Management**



**USDA Forest Service
Uinta National Forest**

DECISION AND REASONS FOR THE DECISION

Based upon my review of all alternatives, I have decided to implement the Proposed Action, as described in Chapter 2 of the Environmental Assessment (EA). The decision was based on my review of the environmental effects disclosed in the EA, consideration of comments received, and the project record. I decided to approve the Proposed Action because this alternative meets the purpose and need.

The purpose of the amendment is to change the definition for “snowmobile” to refer to “over snow vehicle” which now is defined as “a motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis while in use over snow”. Correction of the definition of “over snow vehicle” and direction relative to winter motorized vehicle use will make the 2003 Uinta National Forest Land and Resource Management Plan (Forest Plan) consistent with definitions and direction in the November 9, 2005, Travel Management Rule (TMR). Correction of the definition of “over snow vehicle” in the 2003 Forest Plan will change criteria for use of motorized vehicles steered and supported in whole or part by low pressure tires. The amendment also addresses winter recreation issues raised regarding motorized vehicle user conflicts on groomed snowmobile routes, and protection of sage grouse habitat.

My decision is to amend the 2003 Land and Resource Management Plan (Forest Plan) to change the definition of “over snow vehicle” to “A motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis.” Vehicles operating on low pressure tires and not retrofitted with tracks or skis will no longer be allowed to travel over the snow cross-country. This amendment will bring our management direction into alignment with the TMR.

My decision will not preclude continued cross-country travel of “*over-snow vehicles*” (as defined in the TMR) where provided for in the Forest Plan (see Forest Plan Appendix E for a general map of these areas). An exception is the Chicken Springs area at Strawberry Reservoir will be closed to all winter motorized vehicle use to protect sage grouse using this area. The TMR provides specific direction to consider harassment of wildlife and significant disruption of wildlife habitats.

This decision will generally discontinue allowing cross-country over-snow travel by motorized vehicles other than “*over-snow vehicles*”. This would eliminate cross-country over-snow travel by any motor vehicle not designed for travel on snow or ice and steered and supported in whole or in part by tires and low pressure tires. An exception would be within designated areas encompassing Currant Creek Reservoir, Vernon Reservoir, and most of Strawberry Reservoir (excluding the Chicken Springs area) would remain open to vehicles operating on low pressure tires from December 1st to March 31st. To facilitate access to Currant Creek Reservoir, I am designating FSR70471 from the confluence of FSR70080 to FSR70736, and FSR70736 as open to ATV travel. Use of motorized vehicles, other than “*over-snow vehicles*”, on these roads and in designated areas would be restricted to motorized vehicles less than 50 inches in width from December 1st to March 31st.

The TMR also contains direction to consider conflicts among different classes of motor vehicle use when designating routes and areas open for motorized vehicle use. I am seasonally closing (December 1st to March 31st) the following designated routes to vehicles other than “*over-snow vehicles*” to avoid winter motorized vehicle user conflicts and maintain the investment expended on grooming snowmobile trails:

Heber District

- 6.3 miles of FSR70046 north of Daniels Pass,
- 3.5 miles of FSR70134 west of Strawberry Reservoir, and
- 4.5 miles of FSR70150 west of Strawberry Reservoir.

Pleasant Grove District

- 13.8 miles of FSR70085,
- 0.7 mile of FSR70010,
- 3.1 miles of FSR70008, and
- 0.5 mile of FSR70317 in American Fork Canyon.

Spanish Fork District

- 4.6 miles of FSR70042 west of Little Baldy Mountain, and
- 2.1 miles of FSR70131 north of Soldier Summit.

OTHER ALTERNATIVES CONSIDERED

Alternative 3: This alternative would change the definition in the Forest Plan to be consistent with the definition in the TMR. This alternative would not affect over-snow vehicle use on the Forest, would not address user conflicts on groomed snowmobile

trails, and would not close the Chicken Springs area at Strawberry Reservoir to protect sage grouse. This alternative would not designate any areas on the Uinta National Forest for over-snow travel by motorized vehicles other than “*over-snow vehicles*” as defined in the TMR.

No Action Alternative: This alternative would not change use on the ground from that currently approved. The Forest Plan and direction in it would be corrected to be consistent with definitions in the TMR, but these corrections would not change application of the Forest Plan.

PUBLIC INVOLVEMENT

The proposal was listed in the *2007 Summer Edition of the Schedule of Proposed Actions*. The proposal was provided to the public and other agencies for comment. A legal notice was published in the *Daily Herald* on May 18, 2007, and a letter requesting comment on the proposed action was sent on May 16, 2007, to 66 individuals. In addition, as part of the public involvement process, the agency contacted the local motorized user groups, counties, and potentially affected/interested State agencies (TMR, 36 CFR 212.52 and 212.53). Wasatch County verbally requested and was given cooperating agency status; the County did not provide comments during the comment period. A representative of Wasatch County later provided comments stating that they are concerned with restrictions on vehicle use, including ATVs, on system roads and that the TMR did not comply with the Forest Plan and the County’s Plan, so the TMR and proposed changes should not be applied. National Forests are required to comply with the TMR; this issue was not carried forward in this document. One individual and one group provided comments during the comment period. One comment was in favor of the proposal; one comment was against the proposal; no additional issues or alternatives were identified.

FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in Chapter 3 of 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:

(A) Context

- (1) The context of the Selected Alternative is limited to motorized over-snow activities as described in the EA. Actions will be limited to those actions disclosed in the EA. Further, my decision will provide consistency between the TMR and the 2003 UNF Land and Resource Management Plan.

(B) Intensity Factors

- (1) My decision will not result in any significant adverse effects [40 CFR 1508.27 (b) (1)]. The analysis documented in Chapter 3 of the EA did not identify any

direct, indirect, or cumulatively significant adverse short or long-term impacts resulting from implementation of the selected alternative.

- (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. A component of the purpose and need for the proposal was user conflicts between motorized users.
- (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)]. Over the snow travel is restricted to when there is over 12" of snow on the ground. No unique characteristics would be impacted by this decision.
- (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 and not opposition to its implementation. There is no controversy associated with the proposed action, either in regards to human impacts or science. The scientific basis for the analysis is contained in the project record and EA. The effects of the Selected Alternative are very minor (EA, Chapter 3) and are supported by science and information 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 Proposed Action would bring our Forest Plan into consistency with a National Rule that affects all National Forests. The Proposed Action would also reduce winter recreation user-conflicts. Therefore, this decision will not result in any highly uncertain, unique, or unknown risks.
- (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.)]. This decision will not establish a precedent for future actions with significant effects. Any 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.
- (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 historic resources [40 CFR

1508.27 (b) (8)]. Over the snow activities are limited to when there is at least 12” of snow. Therefore, there would be little to no impacts to cultural and historic resources. (EA- Chapter 3)

- (9) My decision will not adversely affect threatened or endangered species or their habitats [40 CFR 1508.27 (b) (9)]. The amendment will have no adverse effect on any species listed under the Endangered Species Act or any designated critical habitat (EA-Chapter 3 Biological Resources; Biological Assessments). Biological Assessments (BAs) were prepared, and these concluded that the proposed action will have no effect on federally-listed species or their critical habitats.
- (10) My decision is consistent with federal, state, and local laws and requirements imposed for the protection of the environment [40 CFR 1408.27 (b) (10)]. The amendment is necessary to ensure consistency between the 2003 Forest Plan and the TMR. The Amendment is consistent with the National Forest Management Act, and does not involve a violation of any applicable federal, state or local law or requirements imposed for the protection of the environment.

FINDING REQUIRED BY OTHER LAWS AND REGULATIONS

My decision will comply with all applicable laws and regulations. I have summarized pertinent ones below.

This decision ensures consistency between the language in the 2005 TMR and 2003 Forest Plan. My decision will amend the 2003 Forest Plan definition of “*snowmobile*” to reference the definition of “*over-snow vehicle*” which was taken from the 2005 TMR: “*A motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis.*” In addition, my decision will limit cross-country wheeled vehicle use to designated areas of the Forest while protecting wildlife and critical wildlife habitat. This too is consistent with the direction and intent of the TMR. The TMR includes direction to involve the public (36 CFR 212.52) and coordinate with other federal, State and local governments (36 CFR 212.53) when making travel management decisions. As noted in the Public Involvement section of this document, I coordinated with other government entities and involved the public in this effort. This decision is consistent with the TMR.

My decision is consistent with the National Forest Management Act (NFMA). NFMA provides for employing the National Environmental Policy Act process to amend Forest Plan to address needed changes. This is a non-significant Forest Plan amendment; it does not significantly alter the mix of goods and services provided under the Forest Plan. The environmental analysis and my decision to approve this non-significant amendment to the 2003 Forest Plan are consistent with NFMA.

The purpose of the Clean Water Act is to restore and maintain the integrity of waters.

Section 313 of the Clean Water Act requires Federal Agencies to comply with all Federal, State, interstate and local requirements, administrative authority and process and sanctions with respect to the control and abatement of water pollution. Executive Order 12088 also requires the Forest Service to meet the requirements of the Act. The proposed action will comply with the Clean Water Act. There will be no net loss to or impacts to wetlands.

This decision will have no detrimental effects on prime farmland, rangeland, or forestland (Secretary of Agriculture's Memorandum #1827).

My decision will not result in impacts to potential habitat for migrating neo-tropical birds. Over-snow activities are limited to times when there is 12" of snow. This decision will eliminate cross-cross travel by tired vehicles except on Vernon, Currant Creek, and a portion (all except the Chicken Springs area) of Strawberry Reservoirs.

This decision complies with the Endangered Species Act and will not affect any endangered species or their habitat. (EA Chapter 3; Biological Assessments)

The Clean Air Act defines the National Ambient Air Quality Standards for various sources of pollutants that must be met to protect human health and welfare, including visibility. The entire Uinta National Forest lies within a Class II area of air quality. Utah County is a non-attainment area for particulate matter. The generalized effects of recreation on air quality are detailed in the FEIS for the 2003 Forest Plan. The effects will be minimal and not measurable; therefore, there will be no impacts to air quality from the proposed action. This decision is in compliance with the Clean Air Act.

Environmental Justice (Executive Order 12898) requires consideration of whether projects will disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, and I considered the results in making my decision. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

This proposed action is in compliance with the Roadless Area Conservation Rule.

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 (Project Record). The best available science was used in reaching my decision. (Project Record)

APPEAL PROCESS

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. Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of this notice in *The Daily Herald*. The Appeal Deciding Officer is Jack Troyer, Regional Forester. 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.). 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.

IMPLEMENTATION DATE

Pursuant to 36 *CFR* 215.10 (a) and (b), implementation of this decision may begin 5 days after the close of the appeal filing period, if no appeal is filed. If an appeal is filed, implementation may not occur for 15 days following the date of appeal disposition.

CONTACT PERSON

For further information about this decision or project, please contact Reese Pope, Ecosystem Group Leader/Forest Planner, at the Uinta National Forest Supervisor's Office, 88 West 100 North, Provo, UT 84601, or by phone at (801) 342-5100.

/s/ Brian Ferebee

BRIAN FEREBEE

Forest Supervisor

Uinta National Forest

8/10/07

Date

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