

# Decision Notice And Finding of No Significant Impact

## Lower Bowns Recreation Complex

**Garfield County, Utah  
Loa/Teasdale Ranger District  
Dixie National Forest  
USDA Forest Service**

### **Introduction**

The Loa/Teasdale Ranger District, Dixie National Forest has completed an Environmental Assessment (EA) for the Lower Bowns Recreation Complex. Lower Bowns Reservoir is a destination point for travelers along Scenic Highway 12. In the past, most of the recreational use was due to fishing and primitive camping. More recently, users of All Terrain Vehicles (ATVs) have used the area for trail riding and camping.

The project area encompasses approximately 614 acres and is located on an east-facing slope at elevations ranging from 7,400 feet to 8,600 feet above sea level. Vegetation ranges from pinyon pine/juniper and sagebrush/grass at the lower elevation to ponderosa pine and blue spruce at the higher elevations. Beginning at the junction of Scenic Highway 12 and the Tantalus Flat Road (Forest Road (FR) 30168) the project area continues east along Tantalus Flat Road to the Lower Bowns Road (FR 30181) to the southwest shore of Lower Bowns Reservoir. The project area also includes a narrow strip of land along Highway 12 from Pleasant Creek Campground to the junction of Tantalus Flat Road and from an existing spring in Section 22 along FR 30567 to the junction of Tantalus Flat Road. In addition to the existing spring, a second spring was identified as a possible alternative water source and is located in Section 23 about a mile east of Highway 12. Two borrow source pits, Wildcat and Sunflower, are included as part of the project area. A portion of the Wildcat pit is located in an inventoried roadless area (IRA).

The EA for the Lower Bowns Recreation Complex is a site-specific analysis that discloses the direct, indirect, and cumulative effects of implementing the Proposed Action, the No Action alternative, or one of two action alternatives. An interdisciplinary team analyzed the impacts and determined the environmental effects. The analysis is documented in the EA, entitled *Lower Bowns Recreation Complex*, supported by the Project File, and is located in the Dixie National Forest Supervisors Office, 1789 N. Wedgewood Land, Cedar City, Utah 84720 (435) 865-3700.

## **Decision**

Based on the results of the analysis documented in the EA, it is my decision to implement the Proposed Action as described in the EA, with the exception of the Group Overnight ATV Campground. The location and size of the Group Overnight ATV Campground and the proposed Forest Plan amendment will be as described in Alternative 3 (No Dispersed Camping). In addition to the management area changes proposed, this decision will also change approximately 20 acres of MA 2B to MA 1A to accommodate the ATV campground. This would reduce the MA 7A designation by 70 acres, reduce the MA 2B designation by 34 acres and add 104 acres to MA 1A.

## **Decision Rationale**

The detailed analysis in the Environmental Consequences section of the EA describes how the alternatives affect various resources within the area. Based on my review of these effects, I have selected the Proposed Action, with the exception of the location and size of the Group Overnight ATV Campground. The Proposed Action effectively addresses the resource problems identified in the area and the exception addresses public comments and facilitates user access to existing trail systems.

The decision best meets the purpose and need for the project, responds to public issues, and helps minimize overall disturbance to resources. The project will be implemented in phases depending on availability of funding. Initial implementation will address resource issues such as user conflicts, sedimentation and loss of riparian vegetation.

I have read the public comments and have noted that some of the comments preferred that this project not be implemented (the No Action Alternative). I have considered the No Action alternative, but have not selected it because it would not meet the Purpose and Need of the project. The Purpose and Need discussion on pages 4 and 5 clearly shows that in order to achieve the desired conditions, action is needed. I believe the best way to accomplish this is by implementing the Proposed Action with the exception noted above.

The need for soil material suitable for fill requires the use of an existing pit called the Wildcat Borrow Pit. A portion of this pit is located in an inventoried roadless area. An evaluation of the wilderness potential and roadless character of the pit area indicates this pit should not have been included within the IRA (Wildcat Borrow Area – Roadless Evaluation, Molyneux August 2004). Further evaluation suggests that use of the pit would not affect the wilderness potential or roadless character of the area due to the past and present uses occurring in and around the pit.

## **Public Involvement**

This proposal was first listed in the Dixie National Forest Schedule of Proposed Actions in July 2000. A scoping letter dated June 27, 2001 was sent to approximately 150

interested public and other agencies. Three of these letters were sent certified and one was returned as not deliverable. The letter requested comments on the proposed action, preliminary issues, and preliminary alternatives be made between June 27 and July 31, 2001. Sixteen written or verbal comment letters were received.

In addition, the agency conducted the following public involvement efforts as part of the scoping process:

- Legal notice published in the following papers: Wayne County Insider on July 19, 2001, and the Richfield Reaper on July 18, 2001;
- Eight bulletin board displays were posted at Single Tree CG (campground), Pleasant Creek CG, Oak Creek CG, Lower Bowns west dam bulletin board, Wildcat Visitor Center and two overlooks (Larb Hollow and Homestead Overlooks);
- Scoping letters were passed out to campers in the Lower Bowns area during the July 4<sup>th</sup> (Independence Day) holiday and the July 24<sup>th</sup> (Pioneer Day) holiday; and
- Project status letter was sent out on September 26, 2001 to the project mailing list to provide information on the changes and modifications made to the proposed action and the development of alternatives to the proposed action based on scoping comments received from the public.
- On January 22, 2004, Notice and Opportunity to Comment documents were mailed to individuals and groups that had participated during the scoping and planning process.
- Legal notices for the Notice and Opportunity to Comment were published in the *Spectrum* and the *Richfield Reaper* on January 24, 2004 and January 28, 2004, respectively.

### **Alternatives Considered in Detail**

Four Alternatives – the Proposed Action, No Action, Reservoir Camping, and No Dispersed Camping – were evaluated. See EA, pages 5 – 24, for a detailed description of all four alternatives.

See EA, page 27 for a table comparing the main elements of each alternative. The analysis describing the impacts to resources is found in the project record, as well as the EA, Environmental Consequences section.

### **Proposed Action Alternative**

The action proposed by the Dixie National Forest to meet the purpose and need includes constructing different types of developed facilities to accommodate the various recreation groups. These facilities would include the following developments at the Lower Bowns Reservoir: a day use facility which would accommodate 75 PAOT (persons at one time), a boat ramp, 1 designated dispersed group camping area for 50 PAOT, and 4 individual designated dispersed campsites for 20 PAOT. Vault toilets, parking, picnic tables, and fire rings would be provided for some of these facilities. Existing facilities currently present at the reservoir would be removed.

Additional developed recreation facilities would be constructed approximately 1 mile east of Scenic Highway 12 on the south side of the Tantalus Flat Road. These facilities would include an individual family campground (125 PAOT); a group campground (50 PAOT); a group ATV campground (25 PAOT); and an ATV access trail from the group ATV camping area to the Rosebud ATV Trail. These facilities would include flush toilets, fire rings, picnic tables, defined parking areas, and tent pads. Water for these facilities would be piped from the existing spring located in Section 22.

The Tantalus Flat Road would be improved from Scenic Highway 12 approximately one mile east to the proposed new individual/group/ATV campground area. The proposed improvements would widen the road to accommodate Recreational Vehicles (RV's) and cars with trailers. The remainder of the Tantalus Flat and Lower Bowns Roads would continue to be maintained in their current conditions.

Dispersed camping along Tantalus Flat/Lower Bowns Roads would be prohibited. Riparian areas that lack adequate vegetative cover would be rehabilitated using a mixture of native and naturalized plant species. In addition, there would be fencing installed around the perimeter of all developed and dispersed recreation facilities to keep cattle out and to prevent user-built ATV trails from being developed for ingress and egress to camping.

The Proposed Action Alternative proposes to amend the Forest Plan by changing the management designation on approximately 70 acres from MA 7A – Wood Production and Utilization to MA 1A – Developed Recreation and change MA 2B – Roaded Natural Recreation to MA 1A on approximately 14 acres. A total of 84 acres would be added to MA 1A.

#### **Alternative 1 - No Action Alternative**

Under the No Action alternative, current management plans would continue to guide management of the project area. This alternative would not meet the objectives stated in the purpose and need for action or move this area closer to the desired condition as outlined in the Forest Plan. The No Action alternative is required by law to be analyzed and used as a base line for the action alternatives.

#### **Alternative 2 - Reservoir Camping Alternative**

Alternative 2 was developed to accommodate existing overnight use at the reservoir by providing the number of developed camping sites that more closely meets the level of current recreation use, while providing resource protection. This alternative would include developed recreation facilities to accommodate 140 PAOT and designated-dispersed facilities to accommodate 65 PAOT. These recreation facilities would affect approximately 16 acres throughout the project area. This alternative would meet the purpose and need for action and would move this area closer to the desired condition as outlined in the Forest Plan.

### **Alternative 3 - No Dispersed Camping Alternative**

Alternative 3 was developed to address issues 1, 2 and 3 as discussed in the EA, by removing all overnight camping from the reservoir area. This alternative includes developed recreation facilities to accommodate 215 PAOT and designated-dispersed facilities to accommodate 95 PAOT. These recreation facilities would affect approximately 34 acres throughout the project area. This alternative would meet the purpose and need for action and would move this area closer to the desired condition as outlined in the Forest Plan.

Also included is a group ATV campground that would accommodate up to 40 PAOT. The ATV campground would be constructed away from the individual and group campground on the north side of the Tantalus Flat road near the diversion stream. This would reduce the amount of ATV noise from impacting the other two campgrounds. In addition, this campground would be adjacent to the Rosebud Trail eliminating the need to construct any additional trails. Within the campground area, there would be no other opportunities for ATV riding other than the Rosebud Trail. The ATV campground perimeter would be fenced to control ingress and egress. However, once the ATV users have left the developed site, this area of the Dixie National Forest is considered open for motorized use and ATV riders could travel cross-country.

Change the management area (MA) designation in the area of the new individual/group campground from MA 7A (Wood Production and Utilization) and MA 2B (Roaded Natural Recreation) to MA 1A (Developed Recreation). In addition, the management area designation for the ATV campground is MA 2B. This MA would also need to be changed to MA 1A. This would reduce the MA 7A designation by 70 acres, reduce the MA 2B designation by 34 acres and add 104 acres to MA 1A. This would necessitate a Forest Plan Amendment.

### **Alternatives Considered but Eliminated from Further Analysis**

During the scoping process the Forest Service received comment letters that made suggestions of additional alternatives to the proposed action. Some of these suggestions were incorporated into the action alternatives and were analyzed in the EA. Following are those suggested alternatives that are not being considered further and the reasons for not considering them.

- ***Provide facilities for Day Use Only in the Lower Bowns Recreation Complex.*** This alternative does not meet the purpose and need for action (EA p. 4-6) and would not follow Forest Plan direction to emphasize development of new campgrounds and picnic areas (Forest Plan p. II-5) and provide a broad range of outdoor recreation opportunities for all segments of the public (Forest Plan p. IV-1-2).
- ***Construct a one-way loop road around Lower Bowns Reservoir that would accommodate large RVs and provide a scenic drive.*** This alternative is not being considered further because constructing a one-way loop road to provide scenic

Proposed Action have incorporated improvements to the Tantalus Flat and/or Lower Bowns roads, which would accommodate RVs and vehicles with trailers.

### **Compliance with the LRMP, other Laws and Regulations**

The EA was developed in compliance with the Dixie National Forest LRMP, the National Forest Management Act (NFMA) of 1976 and its implementing regulations (Title 36 CFR 219), the Council on Environmental Quality (CEQ) regulations for implementing the National Environmental Policy Act (NEPA) (Title 40 CFR 1500 – 1508), the Clean Water Act, Clean Air Act, and the Endangered Species Act (ESA). In addition, the actions described are in accordance with Executive Orders EO11988 (floodplains), EO 11990 (wetlands), EO 12898 (Environmental Justice), EO 13186 (Migratory Bird Treaty Act), and Invasive Species EO 13112.

### **Findings of No Significant Impact**

The Council on Environmental Quality (CEQ) regulations note that when an environmental assessment has been prepared, the responsible official shall review that document and determine whether the proposed action (selected alternative) may have a significant effect on the quality of the human environment and if an environmental impact statement should be prepared (40CFR 1508.13). Implementing regulations for NEPA (40 CFR 1508.27) provide criteria for determining the significance of effects. Significant, as used in NEPA required consideration of both context and intensity.

I have reviewed the direct, indirect and cumulative effects of the proposed activities documented in the Environmental Assessment (EA) for the Lower Bowns Recreation Complex. I have also reviewed the project record for this analysis and the effects of the proposed action and alternatives as disclosed in the EA.

After reviewing the Lower Bowns Recreation Complex EA and my review of public input, I have determined that the selected action is not a major federal action, individually or cumulatively, and will not significantly affect the quality of the human environment. Therefore, an environmental impact statement will not be prepared. This determination is based on the following factors:

(a). **Context.** This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance will usually depend upon the effects in the locale rather than in the world as a whole. Both short-and long-term effects are relevant (40 CFR 1580.27):

#### **Context of the Project**

The project will occur on a local level. For the resource evaluations involved in this project, effects are local in nature and are not likely to significantly affect regional or national resources. Context is limited to the effects to the local jurisdiction of the Dixie

### Context of the Project

The project will occur on a local level. For the resource evaluations involved in this project, effects are local in nature and are not likely to significantly affect regional or national resources. Context is limited to the effects to the local jurisdiction of the Dixie NF. No significant effects are expected to occur within this project area (EA – Environmental Consequences).

**(b). Intensity.** This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action.

### Intensity of the Project

Intensity refers to the severity of the impact of an action. In accordance with 40 CFR 1508.27(b), the following factors have been considered in the evaluation of intensity:

1. **Beneficial and Adverse Impacts** – As detailed in the Environmental Consequences section of the EA, the beneficial and adverse impacts of this proposed action are not significant.
2. **Public Health and Safety** – Public scoping and agency analysis of the proposed action revealed that public health or safety concerns were being addressed with the action alternatives.
3. **Unique Geographic Characteristics** – No unique geographic characteristics will be substantially impacted by the proposed action. Existing wilderness potential and roadless area characteristics to the *Boulder Mtn/Boulder Top/Deer Lake* inventoried roadless area would not be affected by use of the Wildcat Borrow Pit. The pit area, while within the current inventory boundary, does not exhibit or contain wilderness attributes or roadless characteristics. This area will likely be removed from the inventoried roadless area boundary during the next roadless inventory being conducted as part of forest plan revision. Approximately three and one half acres would be affected by this change. In addition, no cultural resources will be adversely affected (EA, Environmental Consequences section, page 123).
4. **Controversy Regarding Effects** – There appears to be no uncertainty or controversy regarding the projected effects to the quality of the human environment.
5. **Unique or Unknown Risks** – There appears to be no unique, highly uncertain, or unknown environmental risks associated with the proposed action. (All known effects are disclosed in the Environmental Consequences section of the EA, pages 28 – 127).
6. **Precedent for Future Actions** – The proposed action does not set a precedent for future actions that may be implemented to meet the goals and objectives of the LRMP. The selected alternative specifically addresses and takes measures to correct site-specific problems within the analysis area. (EA, pages 9 - 27).
7. **Cumulative Impacts** – This action, when related to other actions, will not cumulatively produce any significant impacts (EA, Environmental Consequences section, pages 28 - 127).

8. Cultural/Historic Resources – There will be no adverse effects to cultural or historic resources as a result of the proposed action. (EA, page 123).
9. Threatened and Endangered Species – There will be no adverse effects to threatened or endangered species or critical habitat as a result of the proposed action (EA, Environmental Consequences, pages 80 -107.
10. Violation of Environmental Laws – As discussed above, the proposed action is in compliance with all Federal, State, and local laws and regulations as well as the Dixie National Forest Land Management Plan.

### **Implementation and Administration Review**

This decision is subject to appeal pursuant to Federal Regulation 36 CFR 215. Appeals must meet the content requirements of 36 CFR 215.14. Appeals must be filed within 45 days following the date the legal notice of this decision is published in the *Spectrum*, St. George, Utah.

Any appeal must be postmarked or received by the Appeal Deciding Officer by the end of the appeal filing period. Appeals may be filed electronically at [appeals-intermntn-regional-office@fs.fed.us](mailto:appeals-intermntn-regional-office@fs.fed.us). Electronically mailed appeals must be submitted in MS Word (\*.doc) or rich text format (\*.rtf). Appeals may also be hand delivered between 8 am and 5 pm, mountain time, Monday through Friday (excluding holidays), or mailed to: Appeals Deciding Officer, Intermountain Regional Office, USDA Forest Service, 324 25<sup>th</sup> Street, Ogden, Utah 84401. Appeals may be faxed to 801-625-5277. Individuals or organization that submitted timely comments during the 30-day Notice and Opportunity to Comment period have standing to appeal this decision. It is the responsibility of the appellant to ensure that their appeal is received in a timely manner.

If no appeals are received, this decision may be implemented no sooner than five days following the close of the appeal period. If an appeal is received, implementation may begin 15 days following the disposition of all appeals.

### **Contacts**

For additional information concerning this decision, contact the Loa/Teasdale Ranger District, Dixie National Forest, PO Box 90, Teasdale, Utah 84773 (435) 425-9500, or Keith Harris, Forest Environmental Coordinator, 1789 N Wedgewood Lane, Cedar City, Utah, 84720 (435) 865-3729.



ROBERT A. RUSSELL  
Forest Supervisor  
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8/20/04  
Date