

RECORD OF DECISION
for the

Trout Slope West Timber Project

USDA Forest Service
Intermountain Region



Vernal Ranger District
Ashley National Forest
Uintah County, Utah

I. Introduction

The Ashley National Forest (the Forest) issued an original Record of Decision (ROD) for the Trout Slope West Timber Project on July 1, 2004. In April 2007, the U.S. 10th Circuit Court of Appeals (the 10th Circuit) remanded the case, allowing the Forest to have a chance to consider best available science in relation to the decision (10th Circuit Decision, D.C. No. 05-CV-72-TC, April 30, 2007).

Accordingly, Forest resource specialists have reviewed and updated their effects analyses for this project, focusing on a consideration of best available science regarding water quality and Colorado River cutthroat trout (CRCT), and I am now re-issuing a new decision for the Trout Slope West Timber Project.

This document contains my decision to select Alternative 3 from the Trout Slope West Timber Project Final Environmental Impact Statement (FEIS). My decision involves the approval to harvest approximately 18,400 CCF (hundred cubic feet) of timber from the Trout Slope West area of the Vernal Ranger District, Ashley National Forest. Approximately 2,066 acres would be treated. The originally proposed action was developed to meet the stated purpose and need while addressing fisheries and wildlife habitat, timber stand structure and pattern, watershed condition, and soil productivity. Three alternatives were developed in response to public concerns (see FEIS, Chapters 1 and 2; and this ROD, Sections III and V).

The project area is approximately 18,500 acres and extends from Oaks Park Reservoir west to Long Park Reservoir and north of Forest Road 10043 to the Vernal Ranger District boundary (see FEIS, Map 1, page 15). A portion of the analysis area is south of Forest Roads 10043 and 10018. The project area occurs in portions of T1N R19E Sections 20-24, 25-28, 33-36; T1N R20E Sections 19-22, 28-30, 27, 31-35; T1S R19E Sections 1, 2, 3, 11; and T1S R20E Sections 1-5, 9, and 13.

II. Purpose and Need

A mountain pine beetle infestation caused extensive timber mortality in the Trout Slope West area of the Vernal Ranger District, on the Ashley National Forest. This infestation peaked in 1982 and 1983. There is a need for the harvest of dead and live trees to recover the economic value of the wood product, to prevent a likely future forest condition of blow down and jack-strawed timber, and to protect existing tree regeneration (FEIS, Section 1.1, page 20).

III. Decision and Rationale

My decision contains two parts. First, I have decided to select Alternative 3 in its entirety for implementation. This decision includes a) treating Areas 1, 2, and 3 as described below, and b) closing out approximately 10 miles of temporary roads used within the project area after harvest activities have ended¹. Second, I have decided to amend the Forest Plan (see

¹ One segment of road, slated to be closed to all use under this decision, is currently gated and closed to public use and crosses Area 1 through the eastern portion of the Lost Sale (see FEIS, Map 3, page 17). This segment of road winds from Forest Road 038 approximately 1.6 miles northeast to Forest Road 037. Under this Trout Slope West decision, this route, along with the other 8.4 miles of temporary road in the project area, will be closed. However, this 1.6-mile segment is under

attached Forest Plan Amendment #20) in Area 1 to allow openings greater than 40 acres to facilitate the removal of mature trees infected with dwarf mistletoe adjacent to immature forest stands (estimated 100-acre opening).

The specific elements of my decision include:

TREATMENT AREA 1

Beetle-killed timber will be salvaged in Treatment Area 1. Mortality in this area varies from approximately 20% to 70% of forested stands. The amount of dead tree removal will vary with stand conditions. To a lesser extent, live trees, identified as “damaged” (FEIS, Section 1.4A, page 22), will also be harvested. The “damaged” tree removals will represent approximately 5% to 15% of the live basal area (a measure of stocking in forested stands representing the cross-sectional area in square feet of a tree trunk or a stand of trees measured at 4.5 feet from the ground).

The removal of mature, live trees (overstory removal) infected with dwarf mistletoe will be concentrated in leave strips and areas adjacent to 24 to 26 year old regeneration clearcuts. These clearcuts have not grown to a height tall enough to be considered hiding or thermal cover for ungulates therefore this action will create a 100-acre (estimated) opening.

FOREST PLAN AMENDMENT

A decision to harvest within Treatment Area 1 requires a site-specific Forest Plan amendment to allow an opening greater than 40 acres in size. For a detailed description of the amendment, see FEIS, Section 2.1A, page 33. The amendment itself can be found as an attachment to this decision document.

The current Forest Plan’s acreage limitations for clearings are based on the 1982 National Forest Management Act (NFMA) planning regulations, which establish a 40-acre limit for cut openings in “all other forest types”. Established maximum size openings may be exceeded when carrying out projects and activities after appropriate public notice and opportunity to comment and after review by the officer one level above the Responsible Official (NFMA), in this case for the purpose of treating a forest pest infestation that is a hazard to regeneration. The Regional Forester has approved this exception (see Project Record, Letter 1950/2430).

This is a non-significant, site-specific Forest Plan amendment and is in adherence with agency directives (Forest Service Handbook 1909.12, Ch. 20, Section 25.4 – Amendment Through Project Decisions) allowing the amendment of a plan contemporaneously with a project decision subject to 36 CFR 219.6(a)(2), 219.8(e)(3), and 219.13(a)(1).

TREATMENT AREA 2

Commercial thinning in Area 2 will reduce stand densities and promote growth on the residual trees. Treatment will reduce trees per acre and basal area by approximately 40%. Small

analysis and is being considered as a proposed designated four-wheel drive and all-terrain vehicle (ATV) route under the current Ashley National Forest travel management planning process. The travel management decision is expected in the spring of 2009.

pockets of dead timber, approximately 1 to 2 acres, will also be removed. These sites represent 5% or less of the total treatment area.

TREATMENT AREA 3

Harvesting in Treatment Area 3 will remove dead and live trees. However, total removal will not exceed 30 to 35% of the stand basal area for all trees. The removal of dead trees will be assigned a higher priority than the removal of live trees. On many sites within this area, the removal of dead only will reach the 30 to 35% threshold and no live trees will be removed. In other areas, "damaged" live trees will be harvested in addition to dead trees.

ROADS AND CULVERTS

Temporary roads will be permanently closed at the termination of timber sale contracts for each proposed harvest area. These roads will not be open for any motorized use including administrative use. Features such as rocks or dirt berms may be installed to close some of these roads; however, most of the roads, including all those in Area 3, will be closed through the use of vertical mulch². Temporary road structures that may contribute to sediment delivery without further maintenance will be removed. Areas of excessive soil disturbance will be stabilized. Slash and woody debris will be scattered over the roadbed near closed access points in similar fashion as on skid trails to create a more natural appearance and discourage illegal motorized use. Closed roads will re-vegetate naturally.

This decision also includes the installation of a large culvert to cross the North Fork Ashley Creek at a location east of Long Park Reservoir that is referred to in the FEIS and in this document as the bridge site (see FEIS, Map 3, page 17). This culvert will be designed (flat-bottomed) to allow the passage of fish and minimize the potential of obstruction by large woody debris. This structure will be temporary. No concrete foundations will be installed and the culvert pipe will be removed following the termination of timber sale contracts and the crossing stabilized.

DECISION RATIONALE

My objective in reaching this decision is to select an environmentally sound, socially acceptable alternative that achieves the purpose and need of the project. My decision is based on the analysis of the proposed action and alternatives, current law and regulation, as well as public comments we received throughout the process.

The decision authorizes the harvest of a product in an environmentally sound manner considering vegetation, soil, water, old growth, fisheries and aquatic habitat, wildlife, recreation, visuals, and cultural resources (FEIS, Chapter 3).

² The use of vertical mulch involves transplanting single trees, or other surrounding vegetation, along those portions of closed routes that tie into and are visible from open routes. This practice disguises the presence of the closed routes and has been found to be more effective at deterring motorized use (see the 2/7/08 recreation report update for the project).

This decision does not affect any inventoried roadless areas or unroaded areas nor does it affect any areas with roadless characteristics adjacent to inventoried roadless areas (FEIS, Section 1.3B, page 22; FEIS, Map 3, page 17; and Roadless Inventory Map in project file).

The primary environmental considerations that informed my decision are listed below:

- *Watershed Health.* Watershed health is the primary consideration. Lands within the project area provide municipal water for the communities of Vernal, Utah and Green River, Wyoming. Water quality and channel stability effects are minimal for all treatment areas with buffers implemented as described in the mitigation measures. Alternative 3 will reduce long-term effects from road impacts, but will have higher short-term sedimentation risk with the installation of a temporary culvert rather than a permanent multiplate culvert (FEIS, Chapter 3, Water Resources, pages 84-102).
- *Soil Impacts.* Soil impacts are well within standards for harvest activities. The estimated area for skid trails and landings is expected to be less than 5% of the treated acreage. Detrimental soil disturbance is expected to be within Region 4 Soil Quality Standards. There will be some road closure related erosion while stream crossings are being stabilized and until vegetative ground cover becomes re-established (FEIS, Chapter 3, Soils, pages 103-107).
- *Fisheries and Aquatics.* Fisheries and aquatics will be minimally affected as long as the recommended buffer widths are implemented for CRCT, amphibians, and any other riparian dependent organisms (FEIS, Chapter 3, Fisheries and Aquatic Habitat, pages 107-113).
- *Old Growth.* Old growth retention is consistent with Forest Plan Standards and the decision will have very little impact to old growth. There will be no net loss of 160-acre or greater contiguous old growth blocks (FEIS, Chapter 3, Forest Vegetation - Overstory, pages 65-77).
- *Wildlife.* With the identified mitigation measures there are no unacceptable effects to wildlife (FEIS, Chapter 3, Wildlife, pages 113-131). This decision is consistent with the Canada Lynx Conservation Assessment and Strategy (FEIS, Chapter 3, Wildlife, pages 113-131 and Section 2.2C, page 37). Individuals of some species (such as three-toed woodpeckers) may be displaced due to harvest activities. However, the mitigation measures that provide for the retention of snags and other old growth characteristics as well as restrictions on the operating season will minimize these impacts. For three-toed woodpeckers, the timing restrictions are described in the above-referenced analysis section. Surveys were conducted in 2003 and will be conducted again prior to harvest activities. If nests are found, a 528-acre buffer will be implemented until September 1st or until surveys show that the young have fledged. No downward trend at the population level is expected for any species.

In making this decision I looked at each treatment area individually and collectively. I focused my highest level of examination on Treatment Area 3 because it was mentioned several times in letters we received during the public comment period (see FEIS, Appendix C, pages 161-238). Treating Area 3 clearly meets the purpose and need, and the mitigation measures

address the identified wildlife and resource concerns (see FEIS, pages 36-42). There simply are no compelling environmental reasons not to treat this area.

There were several social and economic considerations I considered in making this decision. This decision is a below cost sale (the cost of sale preparation including EIS preparation, sale administration, monitoring, noxious weed control, etc., will exceed the revenue generated by any proposed activity). Even though this is a below cost timber sale, there are some social benefits. The social benefits will be to offer a product to the existing forestry and logging businesses, to continue to produce forest products, and to provide employment for existing employees in the industry (see FEIS, Chapter 3, Socio/Economic Analysis, pages 137-140). Also, commercial timber projects such as this will help to sustain the small wood products industry and maintain a management tool that will be required for future activities such as fuels reduction projects that require mechanical treatment. Therefore this project provides indirect benefits to the public beyond the benefits to the small wood products industry (see FEIS, p. 211, response to comment #18 for addition information).

Public input is key in reaching any decision. Specifically, Appendix C (page 161) of the FEIS displays the public comments and the Forest Service responses. These comments, along with those received during scoping, were critical in my decision-making process.

The public comments were very diverse. Several people encouraged harvest of timber and keeping roads open. Others did not want any more harvest and wanted the roads closed. I considered all comments and this decision is an attempt to find a balance based on public comment and the analysis that was completed.

One of the most controversial aspects of the proposed action was how the temporary roads would be managed after harvest. Most of these roads were constructed for previous timber sales during the late 1970s and were supposed to be closed after harvest by scarifying, cross-ditching, and seeding (see Project Record). I feel strongly that it is time these roads are permanently closed.

The Forest Service's current transportation and roads policies (see the *Forest Transportation System – Notice of Final Administrative Policy* Federal Register Notice [Forest Service 2001]), emphasize the agency's commitment to maintain only "... the minimum transportation facilities needed for public and agency access to achieve forest land and resource management goals and to safeguard ecosystem health within the context of current and likely funding levels" (Forest Service Manual 7700). The Ashley National Forest has a large system of roads, both maintained, system roads and unmaintained, non-system roads. My decision to close these roads reflects the agency's commitment to maintaining a minimal transportation system and fulfills the intent behind prior decisions to close these roads once harvest activities had ended.

I also considered the fact that there has been substantial timber harvest activity in this and in adjacent areas over the past few decades; I do not anticipate a need to re-enter this area for timber harvest in the reasonably foreseeable future.

Several respondents urged us to obliterate and rehabilitate the roads. The Interdisciplinary Team considered obliterating (ripping) and rehabilitating (seeding/planting) the roads (see

FEIS, Alternative 6 – Temporary Roads Obliterated and Rehabilitated, pages 43-44). However, after discussion it was determined that this would result in more resource damage to the local soils and water resources than just closing the roads; therefore, this alternative was discarded.

Obliteration activities such as ripping would create an unacceptable level of erosion and sediment delivery to the streams in the project area. The majority of the temporary roads related to the proposed action and Alternatives 2 and 3 occur on a Trout Slope 2 Land Type. This land type is characterized by coarse rock fragments in the surface and subsurface layers. Any activities that would dig up rock at the soil surface level and below, such as “ripping” were identified as detrimental practices by Forest engineers and the Vernal District Soil Scientist (FEIS, page 43).

Some comments expressed concern over the scope of the purpose and need for this project and the way it may have inappropriately narrowed the range of alternatives. I agree that the scope of the purpose and need is tightly focused, and purposefully so. It would have been disingenuous to describe a need for treatment that was anything beyond what is stated in the FEIS. Considering the nature of the purpose and need for this project, I believe the range of alternatives that were analyzed and disclosed provided me many options from which to choose. Not only were there three distinct treatment areas described within each alternative, the options for road crossings and road management post-harvest further expanded my range of options. In my deliberations, I consider all parts of each alternative and attempt to make a decision that balances the desirable and undesirable effects of each part.

I carefully considered the Uintah County General Plan. Alternative 3 is not consistent with the Uintah County General Plan because it will close motorized public access that is currently open. For the reasons described earlier, I think my actions are warranted as these are non-system, unmaintained roads that were either user-created or were originally built only for timber harvest purposes and were to be closed many years ago (see FEIS, Ch. 1, Section 1.3A Transportation System, pages 21-22). Closing these roads will result in better protection of natural resources in the area (see FEIS, Ch. 3, pages 63-141). As the decisionmaker, I have weighed the significance of the conflict with the Uintah County General Plan, among all the other environmental and non-environmental factors that must be considered in reaching a rational and balanced decision, and have decided to go forward with the selection of Alternative 3. See 40 CFR 1502.16(c), 40 CFR 1506.2(d), and 46 Fed. Reg. 18026 (1981) for information on federal agencies' decisions and consistency with local land use plans.

Additional factors considered in making this decision:

- The selected alternative is consistent with recommendations (Best Management Practices) in the State of Utah Nonpoint Source Management Plans - Silvicultural Activities (1998) and Hydrologic Modification (1995), Forest Service Handbook 2509.22 - Soil and Water Conservation Practices Handbook, and Inland Native Fish Strategy (INFISH 1995); the environmental effects are acceptable.

- The environmental effects on the biological and physical environment displayed in Chapter 3 of the FEIS are acceptable and indicate that the project will not disrupt ecological restoration processes while providing a product. The selected alternative would not result in any irreversible commitments. The only irretrievable commitment, documented on page 73 of the FEIS, is the loss of any tree seedlings or saplings during road reconstruction work. This commitment would be short-term, as the temporary roads will be closed and will revegetate following project completion. Any expected negative effects are relatively minor, short-term, and localized or are alleviated through the project design elements and mitigation measures listed below in Sections VI and VII. There are no *may affect likely to adversely affect* determinations for any threatened, endangered, or candidate species and there are no *likely to result in a trend toward Federal listing or loss of viability* determinations for any Forest Service sensitive species.

I am approving a Forest Plan amendment that allows for an opening greater than 40 acres in Treatment Area 1. My reason for this is that the Forest Plan standard that limits the Forest to 40-acre openings does so for the purpose of assuring an adequate supply of hiding and thermal cover. Based on my review of the analysis as well as field observation, the leave strips to be treated do not provide adequate hiding and thermal cover (FEIS, Chapter 3, page 126). Increasing the size of the 'opening' in this area would not change its value as hiding or thermal cover for wildlife.

IV. Public Involvement

Public scoping on this proposed action originally began in 1998. Comments received from the public were carefully reviewed and considered and a preliminary list of concerns was developed. In 1998, an Environmental Impact Statement (EIS) was issued for public comment for the Trout Slope East area (adjacent to Trout Slope West). At this time, several national Forest Service agency initiatives (e.g., the road policy, roadless area initiative, and the proposed listing of the Canada lynx as a threatened species) were also emerging. Subsequently, the Trout Slope West EIS was postponed until the Trout Slope East EIS was completed in August 2000 (Forest Service 2000).

In spring 2001, a proposal was mailed to the public and listed in the Quarterly Schedule of Proposed Actions on the Forest website. In the summer of 2001, the project proposal was updated and listed in the Quarterly Schedule of Proposed Actions. This included expanding the analysis area and proposed actions. In July 2002, a Notice of Intent to prepare an EIS was published in the Federal Register. A new public scoping phase was initiated in July 2002 when a scoping letter describing the proposal was mailed to potentially interested or affected individuals and organizations. At this time, a news release was simultaneously published in the local newspaper soliciting comments (see Project Record).

In February of 2004, the Draft EIS was published and distributed. Comments on the Draft EIS were submitted, and are located in the Appendix C of the FEIS, page 161.

V. Alternatives Considered

The Interdisciplinary Team analyzed the Proposed Action and three alternatives in accordance with the laws, regulations, and policies associated with the National Environmental Policy Act. Those alternatives are summarized below. The vegetative treatments in all action alternatives are the same; therefore, the following descriptions will focus on the differences between each alternative. For a complete description of the alternatives refer to the FEIS, Section 1.4, page 22 and Section 2.1, page 32.

PROPOSED ACTION

Treatment Area 3

Under the proposed action, a large, permanent multiplate culvert would be constructed over the stream at the bridge site (see FEIS, Map 3, page 17). A multiplate culvert is an open bottomed galvanized steel structure with a concrete foundation.

Roads – All Treatment Areas

Temporary roads (see FEIS, Section 1.3A, page 21) would be closed to the public during and after the termination of harvesting operations. Under the proposed action, these roads would be added to the Forest Road system and retained for future management activity. These roads would be reconstructed / improved to conditions suitable for a Level 3 Maintenance classification. Roads in this maintenance category are typically low speed, single lane with turnouts and spot surfacing. Such roadwork would be performed at a level necessary to facilitate use by logging trucks. No additional safety features would be installed to allow for public access. Road design would incorporate features to prevent or minimize soil movement and sedimentation as well as undue disruption of water flow.

The roads would be reclassified as a Level 1 following the termination of logging activity. Maintenance Level 1 roads are designated as intermittent service roads during the time they are closed to public traffic. Basic custodial maintenance is performed with emphasis given to maintaining drainage facilities and runoff patterns. Road deterioration may occur at this level.

At the conclusion of treatment activities, road access points that would be retained for administrative use would be closed by the installation of road closure gates. Access points that would not be retained for administrative use, such as that entry point to Treatment Area 3, south of the North Fork Ashley Creek, via the Long Park Reservoir Dam, would be closed through the placement of large rocks, dirt berms, or vertical mulch.

ALTERNATIVE 1 – NO ACTION

Alternative 1 provides a baseline for comparison with the action alternatives. Under this alternative, no timber harvest or road reconstruction would occur. Fire suppression, road maintenance, recreation, and firewood gathering would continue.

Existing temporary road use would continue. A description of these road conditions is presented in the FEIS, Section 1.3A, page 21. Although vehicular or all terrain vehicle (ATV) use of the temporary roads is not heavy, an estimated 7 of 10 miles are passable to large vehicles and four-wheel drive vehicles during dry weather conditions and all 10 miles are accessible to ATVs (Ford site 1 [see FEIS, Map 3, page 17] would restrict ATV use to the eastern temporary road network in Area 3 south of the North Fork Ashley Creek during high stream flow).

ALTERNATIVE 2 – OPEN PUBLIC ACCESS

Alternative 2 was developed to present the Responsible Official with an action alternative that analyzed potential impacts to resources in the project area due to increased public travel. Many of these areas are currently inaccessible by standard passenger vehicles. Analysis of this alternative would give the Responsible Official the flexibility to keep improved roads open to the public after completion of proposed work, should this be a desired management action.

Alternative 2 is identical to the proposed action except for the long-term management of the improved temporary roads. Temporary roads would be constructed to a level suitable for a Level 3 Maintenance classification and public access. This roadwork would require the installation of more safety features, such as turnouts, than the roadwork in the proposed action.

Under Alternative 2, the improved temporary roads (approximately 10 miles) would remain open to public access following the termination of logging operations in each proposed treatment area. The improved temporary roads would then be commissioned as Forest system roads.

ALTERNATIVE 3 – TEMPORARY ROADS PERMANENTLY CLOSED

Alternative 3 is the selected alternative and is described in the Decision portion (Section III) of this document.

ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

The Interdisciplinary Team considered three other alternatives that were eliminated from detailed study. Those alternatives include: Alternative 4 – New Road Construction, Alternative 5 – Prescribed Fire, and Alternative 6 – Temporary Roads Obliterated and Rehabilitated. Those alternatives and the reasons why they were eliminated from detailed study are discussed in the FEIS, Section 2.3, pages 42-44 and the Project Record.

VI. Project Design Elements

Project design elements and mitigation measures will be applied; specific means to achieve the intended protection may be modified if approved by the appropriate specialist(s) and the rationale is documented in writing.

The design elements for this project include:

GENERAL OPERATIONS

- Rubber tired skidders will be used to deliver material to centralized locations. Landings will be located adjacent to existing roads. Sale administration personnel will designate skid trails and landings and consult appropriate specialists when necessary to determine suitable locations. Total acreage for skid trails and landings is estimated to comprise approximately 5% of the proposed treatment area.
- Access to harvest areas will be consistent with the current travel plan (May 16 through December 19). There will be no net increase in plowed routes above current travel plan allowances in accordance with the Canada Lynx Conservation Assessment and Strategy (Ruediger et al. 2000).
- To minimize erosion, road reconstruction work will occur during minimal runoff periods of the normal operating season, June 15 through September 30.
- Harvesting activity will be scheduled so that a maximum of approximately one-third of the proposed treatment area is harvested per year. Timber offered for sale the same year will not be dispersed throughout the project area. Instead, annual sales will be concentrated around focal points to reduce disturbance impacts to wildlife. However, sale contract duration is generally three to five years long. Therefore, active sales may be dispersed throughout the project area following the third year that timber is offered for sale.
- For long-term soil productivity, suggested guidelines have been developed. Some of these soil functions are retention of soil nitrogen capital and organic matter; cation exchange capacity (CEC); habitat for soil mycorrhiza; and moisture retention. Coarse woody debris (≥ 3 inches) will be retained as follows: a) for the lodgepole pine type the minimum amount is 10 tons per acre; and b) for the Englemann spruce type the minimum amount is 15 tons per acre (Monte 1994; Graham et al. 1991).
- If there is a need to burn excess slash it will be done on already disturbed areas such as log landings.

DESIGNATION OF RIPARIAN BUFFERS

Wet areas where rutting and/or resource damage may occur (as defined by Inland Native Fish Strategy [INFISH], Forest Service 1995), will be avoided. This strategy will be used as a starting point to define appropriate riparian buffer width. The Forest is not required to apply INFISH guidelines, however we find them useful in guiding our application of buffers to protect riparian habitat. Riparian buffers will be avoided by logging equipment except for designated crossing sites. Riparian buffers will be designated by sale unit boundary marking. Buffers designated within sale units will be marked and avoided. The following buffer zones are based on the type of riparian area:

- *On fish-bearing streams:* from the edge of the active stream channel extending 300 feet or to the outer edge of riparian vegetation, whichever is greater.
- *Permanently flowing non-fish-bearing streams:* the stream and area on either side of the stream from the edges of the active stream channel to the outer edges of readily-apparent riparian vegetation or to 150 feet slope distance (each side), whichever is greater.
- *Ponds, lakes, reservoirs, and wetlands greater than 1 acre:* the body of water or wetland and the area to the outer edges of the readily-apparent riparian vegetation, or to the extent of moderately and highly unstable areas, or 150 feet slope distance from the edge of a high-water mark (or water level if no high water mark), whichever is greatest.
- *Seasonally-flowing or intermittent streams (having generally continuous bed and banks) and wetlands less than 1 acre:* the body of water, its channel or high-water level, and an area 50 feet slope distance from a channel or high-water margin.
- *Isolated wet spots on the landscape, dry water features with a high-water mark, and generally-dry headwater collection draws and drainages without continuous bed or banks:* no skidding or driving downslope or along the feature and avoid rutting or damage through sale area administration.

SEASONALLY WET SOILS

Seasonal precipitation can cause soils with restrictive layers to have perched water tables. This causes the soils to become saturated or have water close to the surface for varying periods of time. Many of these areas could change from workable to unworkable (saturated conditions) within a short period of time depending on precipitation. To keep detrimental rutting and compaction to within the Region 4 Soil Quality Standards of less than 15% tolerances, the following measures will be taken. Skid trails and landings in harvest units (activity areas) will be designated so as not to exceed 15% of the area and harvest equipment making repeated trips will stay on these trails. Where possible slash will be put on skid trails to cushion soils from compaction from repeated equipment trips. These guidelines do not apply to Total Soils Resource Commitment (TSRC) areas. TSRC areas include campgrounds, permanent roads, trails, administrative sites, etc. These are areas that are considered non-productive for a period of 50 years or more.

YEAR-ROUND WET FOREST SOILS

Forested areas with an understory of riparian vegetation that indicates soil wetness for long periods of time (Padgett et al. 1989) will be completely avoided. Those areas that are large enough to be mapped will be delineated and dropped from harvest consideration during the planning stage. Smaller areas will be delineated and dropped during sale preparation.

VII. Mitigation and Monitoring

I have directed the Interdisciplinary Team to meet together on the project area early in the layout and preparation of sales to ensure that mitigation is being properly implemented. This will occur at least once prior to offering the first sale area. Individual specialists are encouraged to perform such checks individually, in addition to involvement specifically prescribed in this Record of Decision. All of the monitoring and mitigation measures listed below are consistent with requirements outlined in the Forest Plan.

COLORADO RIVER CUTTHROAT TROUT CONSERVATION STRATEGY

The Ashley National Forest is addressing the needs of Colorado River cutthroat trout (CRCT) by following the multi-agency CRCT Conservation Agreement (UDWR 1997). The INFISH buffers stated in the project design elements will be used to protect riparian and wetland areas where cutting occurs (see FEIS, Section 1.4C, page 24).

GOSHAWKS

Known goshawk post-fledging areas (PFAs) will be monitored for activity annually. If active in the year(s) harvest is scheduled to occur, logging activity will be delayed until September 30th or until young are no longer closely associated with the nest site.

Surveys were conducted in 2003 and will be conducted again prior to scheduled harvest to determine if nesting birds are present. Harvest activities will not proceed until surveys are complete. If active nests are located, a 30-acre buffer will be established around the nest site in which no timber harvest will occur. Impacts to foraging and post fledging habitat will be mitigated by the establishment of a 420-acre buffer as recommended in "Management Recommendations for the Northern Goshawk in the Southwestern United States" (Reynolds et al. 1992). This buffer will preclude harvesting activities until September 30th or until young are no longer closely associated with the nest site.

THREE-TOED WOODPECKERS

Surveys were conducted in 2003 and will be conducted again prior to scheduled harvest to determine if nesting birds are present. If nesting birds are found, no harvest activity will occur within a 528-acre buffer around the nest until September 1st or until surveys show that young have fledged.

The U.S. Fish and Wildlife Service (USFWS) recommended in its comments that no harvest occur within this 528-acre buffer (FEIS, page 194). This recommendation was based on information in the Utah Partners In Flight (UPIF) Avian Conservation Strategy. While we are only applying this buffer in conjunction with a seasonal restriction, we are also implementing mitigation measures such as snag retention and maintenance of other old growth characteristics. I am confident that these mitigation measures will enable the project area to provide functional woodpecker habitat following harvest. The selected alternative therefore meets the intent of the USFWS and UPIF recommendations with respect to retention of habitat values as well as protection of active nest sites.

CANADA LYNX CONSERVATION ASSESSMENT AND STRATEGY (RUEDIGER ET AL. 2000)

Large woody debris suitable for lynx denning cover will be retained in Treatment Area 3 in groups identified by the Wildlife Biologist working in conjunction with the Sale Preparation Forester. Such groups will be consistent with the likely availability of such material under natural disturbance regimes.

PROTECTION OF CULTURAL RESOURCES

There is one prehistoric cultural resource site nearby, but it is outside the immediate project boundary. The site will be marked and no activity will take place within the delineated protection area. Cultural resource specialists will monitor the adequacy of site protection during project implementation.

The Carter Military Trail is adjacent to or under Forest Road 10043 through the proposed Center Sale (Area 2). The trail will be crossed in designated locations where the road overlaps the trail. A 50-foot buffer will be retained adjacent to the trail to ensure its protection.

RETENTION OF OLD GROWTH CHARACTERISTICS

The old growth characteristics of spruce-fir in Area 3 south of the North Fork Ashley Creek will be retained. Regionally clarified standards (Hamilton 1993), which comply with the Forest Plan, provide criteria for classification of old growth:

Live Trees

1. ≥ 15 trees per acre (diameter ≥ 15 inches)
2. Retention of two or more age classes (6 inches) and two or more tree canopy layers.
3. Two or more damaged trees per acre (diameter ≥ 14 inches). See FEIS, Chapter 1, Section 1.4A, page 23, Proposal Objectives, for a definition of damaged trees.

Dead Trees

4. Two to four standing dead trees per acre (≥ 10 inches diameter, 15 feet tall). An average of six snags ≥ 12 inches in diameter will be retained per acre as part of this decision (see FEIS, 2.2H Snag Habitat, page 38).
5. ≥ 16 down dead logs per acre (≥ 8 inches diameter and ≥ 8 feet in length).

See the 3/31/08 old growth update for more information regarding compliance with relevant Forest Plan standards and an updated analysis regarding this resource.

RESIDUAL STAND / REGENERATION

Staged felling and skidding will be required in Treatment Area 3 south of the North Fork Ashley Creek. No more than one-half of the designated material will be felled and skidded to landing areas for hauling at one time.

The presence of large surface rock increases the difficulty of protecting the residual stand during mechanized harvesting. These areas will be avoided during harvesting operations.

SENSITIVE PLANT SPECIES

Three isolated populations of clustered lady's slipper, a Forest Service Sensitive plant species, are present in Treatment Area 2. Two of these populations consist of a single plant or cluster of a few plants and the other consists of six small plants within a two-foot radius. To protect this species, the Forest Ecologist will work in conjunction with the Sale Preparation Forester to identify and avoid these populations. A 200-foot buffer will be marked around each of these sites and no activities will occur within the buffer areas.

SNAG HABITAT

An average of 6 snags ≥ 12 inches in diameter will be retained per acre (Romin, personal communication 1999). Snags will be clumped where conditions allow. This will allow continued use of the area by three-toed woodpeckers after harvest is complete.

One-tenth acre buffers surrounding trees with red squirrel nests will be applied to partially mitigate impacts on red squirrel habitat.

SOIL PRODUCTIVITY

Skidding will be restricted to designated trails. Lopping and scattering limbs and branches on landings and skid trails will be required where practicable to help mitigate soil compaction.

Harvesting activities will be curtailed in all areas during extremely wet periods when there is potential for resource damage (such as rutting). Cutting in small wet inclusions that might be found in drier units will be delayed until wet portions have dried sufficiently to avoid rutting.

For mixed conifer ecosystems in proposed Treatment Area 3, a minimum of ten tons per acre of large woody debris (≥ 3 inches diameter) will remain scattered throughout the harvest unit to prevent erosion and provide micro-sites for new growth as well as short- and long-term nutrient cycling (Monte 1994).

WATER YIELD / WATER QUALITY CONSIDERATIONS

A summary of the practices described in these sources and how these practices will be addressed is provided in the Project Record. Mitigations that were not addressed by other sections of this EIS, standard contract provisions, or standard timber management practices are listed below:

Logging Operations

1. **Skid Trails:** Skid trails will be designated by the Forest Service to minimize soil disturbance. Skid trails will be restricted to slopes $\leq 30\%$. Skid trail drainage structures on slopes $> 25\%$ will be established with a maximum interval of 300 feet and may be more closely spaced to meet erosion control needs. Skid trail

locations will not be located in riparian buffers except at designated crossings, nor follow draws or channels in a manner that creates excessive erosion. The Forest Hydrologist and District Soil Scientist will be consulted when necessary for designation of skid trails.

2. Landings: Landing will be designated on slopes < 10%.
3. Soil Moisture Limitations for Tractor Operation and Erosion Prevention and Control Measures During Timber Sale Operation: The project supervisor and/or Contracting Officer are responsible for determining when the soil surface is unstable and susceptible to damage and then responsible for suspending or terminating operations. Equipment will not be operated when ground conditions are such that excessive impacts will result. The kinds and intensity of control work done by the purchaser will be adjusted to ground and weather conditions and the need for controlling runoff. The certified Sale Administrator is responsible for ensuring that the Purchaser conducts operations according to the Timber Sale contract. The Forest Hydrologist and District Soil Scientist will be consulted when necessary.
4. Meadow Protection: Reasonable care will be taken to avoid damage to the cover, soil, and water in meadows shown on the Sale Area Map. Vehicular or skidding equipment will not be used on meadows, except where roads, landings, and tractor roads are approved.
5. Erosion Control Structure Maintenance: During the period of the Timber Sale Contract, the Purchaser will provide maintenance of soil erosion control structures.
6. Logging Camps: Campsites will not be located in riparian buffers unless no practicable alternative exists. The Sale Administrator will designate campsites.
7. Chemicals: All chemicals will be transported and stored in leak-proof labeled containers.
8. Traffic: Roads that must be used during wet periods will have stable surfaces and sufficient drainage to allow such use with a minimum of resource impact.
9. Maintenance Areas: The Sale Administrator will designate machinery maintenance areas. These areas will be limited in number and located to prevent contamination of streams and wetlands by petroleum products and other chemicals. If equipment breaks down outside designated areas, the Purchaser will minimize impacts and return to maintenance area as soon as practicable.
10. Snow Plowing: Plowing will be conducted in a manner to provide breaks in snow berms to allow road drainage particularly as the spring thaw occurs.
11. Marking Riparian Buffers: The Fisheries Biologist, Soil Scientist, and/or Hydrologist will be consulted for the marking of riparian buffers in the following areas to allow for site-specific needs: (a) between Trout Creek and Center Creek; (b) around Long Park Reservoir; (c) scattered wet or seasonally-wet areas where there is a question of buffer size.
12. Operating Season: Normal operating season is between June 15 and October 31, as allowed by other resource constraints.

Roads

13. Control of Construction in Riparian Areas / Controlling In-Channel Excavation: Roadwork will be designed to include site-specific recommendations for the prevention of sedimentation and other stream damage from road activities. Fill material will be avoided in riparian streams except as needed for culvert crossing

construction. Excavated material removed from stream courses as a result of necessary construction will be moved to an upland area and stabilized where it will not be washed back to the stream during runoff. Staging and service areas will be located outside riparian buffers.

14. Bridge and Culvert Installation: Crossing sites are designated by the Forest Service. Road reconstruction activity will be conducted during low flow periods. Culvert bottoms will be placed below the natural stream channel as practicable to avoid erosion at intake or outlet and a culvert bed grade similar to natural channel grade will be provided for. Fish passage will be provided. As practicable, alteration of the channel upstream of culvert will be avoided. Culverts less than 36 inches diameter will be covered with at least 1 foot of compacted fill. Culverts more than 36 inches diameter will be covered with 1/3 culvert diameter of compacted fill. The Forest Hydrologist and District Fisheries Biologist will be consulted as needed for the installation of culverts and stream crossing structures.
15. Water Drainage: Dips and water bars will be constructed with a 2 to 3% cross grade at an estimated 30 to 45 degree angle to the road centerline to facilitate proper road drainage. Runoff from roads, trails, and landings will be diverted where possible to upland areas above wetlands to reduce silting of wetland areas.
16. Temporary Stream Crossings: As soon as practical upon completion of use, temporary stream crossings will be removed, excess fill material excavated and deposited in a stable area, the bed of the stream will be restored to its original grade, and re-vegetated if needed for stabilization.
17. Flood Flows: The road or fill will be culverted to prevent the restriction of expected flood flows. (Size permanent structures for at least the 50-year/24-hour peak flow event and temporary structures for at least the 25-year/24-hour peak flow event as estimated from available data or models).
18. Fill: Discharges of dredged or fill material into waters of the United States will be made in a manner that minimizes the encroachment of trucks, tractors, bulldozers, or other heavy equipment within the waters of the United States (including wetlands). Fill will be stabilized and maintained during and following construction to prevent erosion. All temporary fills will be removed in their entirety and the area restored to resemble its original condition.
19. Sediment Control: Sediment control structures installed prior to construction in riparian buffers will be cleaned by construction completion and removed; sediment to be deposited outside of riparian buffers.

All Operations

20. Fill Material: No fill material will be deposited in riparian buffers or streams except as authorized for crossings.
21. Sanitation: Standard contract provisions will control sanitation; portable self-contained units will be used as practicable.
22. Riparian Buffers: Damage to stream channels or vegetation will be minimized within riparian buffers. Protect existing vegetation except where removal is essential for work completion.
23. Borrow sites: Borrow material will be obtained from existing upland borrow sites.

WINTER HARVEST RESTRICTIONS

Plowing snow for the purpose of extending logging activities beyond the normal season of road use (May 16 through December 19) as defined in the Vernal Ranger District travel management plan will not be allowed. The purpose of this restriction is to prevent creation of over-snow travel lanes for predators that might compete with Canada lynx during the winter season (Ruediger et al. 2000; Romin, personal communication 1999).

RECREATION TRAIL MAINTENANCE AND ROAD/TRAIL SAFETY SIGNING

Approximately one mile of trails (not including the Carter Military Trail) intersect three sale areas, the Young's Peak Sale, the western portion of the Lost Sale, and the Center Sale (see FEIS, Map 3, page 17). Slash pullback will be required of the purchaser for approximately 50 feet on either side of any trail.

Given that the project area is bisected by popular roads and trails utilized by recreationists, warning signs will be posted along roads and trails at the entrance to active logging areas.

VIII. Findings Required by Other Laws

FOREST PLAN & NATIONAL FOREST MANAGEMENT ACT CONSISTENCY

My decision to select Alternative 3, and to amend the Forest Plan as described, is consistent with the National Forest Management Act (NFMA) and with the Forest Plan. The Forest Service is currently operating under the 2000 NFMA planning regulations, as clarified in the 2004 Interpretative Rule, which provide that projects must be consistent with the provisions of individual Forest Plans, until the plans are amended or revised. Our current Forest Plan is based on the 1982 NFMA planning regulations. Although the 1982 regulations themselves are no longer in effect, our current Forest Plan is in effect and will remain so until amended or revised. The analysis completed for this project is consistent with the requirements to consider best available science as outlined in the 2000 NFMA planning regulations (see *Best Available Science* section below on page 19).

Forest Plan Management Area Prescriptions and Standards/Guidelines

The Forest Plan provides broad management direction through the establishment of Forest multiple use goals and objectives, standards, and management area prescriptions.

The project area contains Forest Plan Management Areas 'f' and 'n'. A majority of the project area, 93%, is designated as Management Area 'n'. The proposed treatment area contains similar proportions, with 91% of the proposed area designated as 'n' and 9% designated as 'f'.

In Management Area 'n', the Forest Plan prescribes management for a range of resource uses and outputs. Commodity production is modified for amenity production. Timber harvest is coordinated with wildlife and recreation. Harvest is designed to retain some old growth (Forest Plan, page IV-10).

In Management Area 'f', the Forest Plan prescribes management for a variety of uses in a variety of landforms and vegetation types located throughout the forest in a roaded environment. Harvest should be designed to enhance recreation, wildlife, and visual opportunities. Transitory range is allocated to wildlife (Forest Plan, page IV-7).

I believe that this decision is fully consistent with the Forest Plan's management area prescriptions as they are described, as well as the relevant standards and guidelines (see FEIS, Section 1.5, pages 26-28).

Management Indicator Species

This decision will follow Forest Plan policy to ensure habitat diversity for Management Indicator Species (MIS). MIS were studied along with their relevant population data. Those species that inhabit the project area or could inhabit the project area were examined for effects. All available information, including population data and population trend information, was examined (FEIS, Chapter 3, Sections 3.6 and 3.7, and Project Record). Additional MIS information in *Life Histories and Population Analysis of Management Indicator Species of the Ashley National Forest* (Forest Service 2006) is also contained in the project record for this decision.

Vegetation Management Requirements

This decision is consistent with the vegetation management requirements from NFMA, including the following.

1. Soil, slope, or other watershed will not be irreversibly damaged. See applicable project design elements and mitigation measures (pages 9-16) and the FEIS, Sections 3.4 and 3.5.
2. There is assurance that the lands can be adequately restocked within five years after final regeneration harvest. See the FEIS, Section 3.1.
3. Streams, streambanks, shorelines, lakes, wetlands, and other bodies of water are protected from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment where harvests are likely to seriously and adversely affect water conditions or fish habitat. See applicable project design elements and mitigation measures (pages 9-16) and the FEIS, Sections 3.4 and 3.6.
4. The harvesting system to be used is not selected primarily because it will give the greatest dollar return or the greatest output of timber. See decision details on pages 3-7.

For the creation of the opening in Treatment Area #1:

1. Even-aged vegetation management is determined to be appropriate to meeting the objectives and requirements of the relevant plan. Even-aged management is permitted in management areas f and n, where the opening is planned (see Forest Plan, page IV-34).
2. The interdisciplinary review has been completed and the potential environmental, biological, aesthetic, engineering, and economic impacts have been assessed on

- each advertised sale area and the cutting methods are consistent with the multiple use of the general area. See FEIS, Chapter 3.
3. Cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain. See FEIS, overstory removal map on page 18.
 4. Cuts are carried out according to the maximum size limit requirements for areas to be cut during one harvest operation. See *Treatment Area 1* and *Forest Plan Amendment* sections on page 3 above.
 5. Timber cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, aesthetic resources, cultural and historic resources, and the regeneration of timber resources. See FEIS, Chapter 3.
 6. Stands of trees are harvested according to requirements for culmination of mean annual increment (CMAI) of growth. CMAI is not applicable to this project because the proposed treatment is not a seed cut intended to regenerate the treated stands. Sufficient regeneration became established following the mountain pine beetle mortality event that peaked in 1982 and 1983. The mountain pine beetle mortality served as the seed cut in a shelterwood method. The proposed treatment is a removal cut with a sanitation objective. The treatment is intended to protect the established regeneration from dwarf mistletoe infection and to promote the development of established regeneration.

Monitoring

See Appendix D to the FEIS, pages 239-246, for a detailed project monitoring/implementation plan. The monitoring methods and frequencies are consistent with and will contribute to the monitoring requirements outlined in the Forest Plan.

Best Available Science

This decision is based upon the FEIS and the project record, which show a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk, providing a basis for a decision that considers "best available science," as required by the 2000 NFMA planning rule. See specialist reports and the *Consideration of Best Available Science* document in project record.

CULTURAL RESOURCE PROTECTION LAWS

The National Historic Preservation Act (NHPA) and its implementing regulations require that federal agencies consider the effects of their undertakings on historic properties.

Findings pertaining to heritage resources are included in Chapter 3 of the FEIS (page 137) and in the Project Record. In summary, no historic properties are expected to be affected. All sites of historical significance, if identified, will be protected.

ENDANGERED SPECIES ACT & FOREST SERVICE SENSITIVE SPECIES

A Biological Assessment for potentially affected Threatened and Endangered species and a Biological Evaluation for potentially impacted sensitive species (see FEIS, Chapter 3) were

conducted for this project. These analyses determined that no adverse effects or impacts to these species are likely to occur as a result of project implementation. In addition, concurrence from USDI Fish and Wildlife Service was obtained.

THE CLEAN WATER ACT

Provisions of the Clean Water Act, including Section 404, will be met with this decision. Under Sections 305(b) and 303(d) of the Clean Water Act, as amended, each state is required to identify those water bodies that do not meet Water Quality Standards, and work towards identifying and correcting pollution problems. All of the streams and water bodies within and downstream of the project area on National Forest System lands have been classified as fully supporting beneficial uses, and are not listed on the current 303(d) list (Utah DWQ 2006).

CLEAN AIR ACT OF 1977 (AS AMENDED)

Emissions anticipated from the implementation of this decision will be of short duration and designed to comply with the State of Utah ambient air quality standards.

EXECUTIVE ORDER 11988 (FLOODPLAINS)

The requirements of considering floodplains and developing alternatives, minimizing potential harm, allowing early public notification and review opportunities have been met through project design (e.g., riparian buffers) and use of NEPA for public involvement. Forest Plan standards and guidelines for riparian areas address commercial harvesting in floodplains. Temporary roads may be located in or through floodplains subject to the design requirements of the Best Management Practices. Effects on floodplains from project activities will be avoided or minimized through project design and mitigation measures / Best Management Practices.

EXECUTIVE ORDER 11990 (WETLANDS)

The requirements of avoiding new construction in wetlands unless there is no practicable alternative, providing early public review including development of procedures, and consideration of wetland health have been met through project design (e.g., riparian buffers), use of NEPA for public involvement, and consideration of effects of crossings alternatives. Streamside wetlands are provided for as in Executive Order 11988 (floodplains). Other wetlands are addressed through avoidance and Best Management Practices.

EXECUTIVE ORDER 12898 (ENVIRONMENTAL JUSTICE)

Implementation of any project alternative is not anticipated to cause disproportionate adverse human health or environmental effects to minority or low-income populations (FEIS, Section 3.12, page 140).

EXECUTIVE ORDER 13112 (INVASIVE SPECIES)

Implementation of any alternative considered in detail will use existing Best Management Practices and integrated pest management strategies to minimize the risk of introduction of invasive species, such as noxious weeds, and not authorize or carry out actions that are likely to cause the introduction or spread of invasive species.

IX. Environmentally Preferred Alternative

The Council on Environmental Quality (CEQ) regulations direct the decision-maker to identify the environmentally preferable alternative, which is defined as the alternative which best meets the goals of Section 101 of the National Environmental Policy Act. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment and which best protects, preserves, and enhances historic, cultural, and natural resources.

Alternative 1, the No Action Alternative, is the environmentally preferred alternative, as it poses no possibility for negative environmental effects resulting from harvest activities. However, continued use of the existing temporary roads in the project area, could, over time result in cumulative resource damage, especially if these roads lead to the proliferation of illegal off-road travel in the more sensitive reaches of the project area. On balance however, the No Action Alternative has the least environmental impact, particularly in the short term. That said, I believe that the road closures and the limited harvest allowed under the selected alternative can occur without unacceptable effects to the biological and physical environment and can provide some public benefit as well.

X. Public Notification and Appeal Process

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

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. Only individuals or organizations who submitted comments or otherwise expressed interest in the project during the comment period may appeal. Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of this notice in the *Vernal Express*. This date is the exclusive means for calculating the time to file an appeal. Timeframe information from other sources should not be relied on. The Appeal Deciding Officer is the Regional Forester. Appeals must be sent to: Appeal Deciding Officer, Intermountain Region USFS, 324 25th Street, Ogden, UT 84401; or by fax to 801-625-5277; or by email to appeals-intermtn-regional-office@fs.fed.us. Emailed appeals must be sent in Word (*.doc), Portable Document Format (*.pdf), or Rich Text Format (*.rtf) and must include the project name in the subject line. Appeals may also be hand delivered to the above address, during the regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

IMPLEMENTATION DATE

If no appeal is filed, implementation of this decision may take place on, but not before, the fifth business day following the close of the appeal filing period. If an appeal is filed, implementation may not occur for 15 business days following the date of appeal disposition. In the event of multiple appeals of the same decision, the implementation date is controlled by the date of the last appeal disposition.

XI. Additional Contacts

For more information, contact Jim McRae at (435) 781-5123 (jimmcrae@fs.fed.us), Lesley Tullis at (435) 781-5137 (ltullis@fs.fed.us), or Nicholas Schmelter at (435) 781-5154 (nschmelter@fs.fed.us).

/s/ Kevin B. Elliott

KEVIN B. ELLIOTT
Forest Supervisor
Ashley National Forest

4/7/2008

DATE

References

- Forest Service, U.S. Department of Agriculture. 2008. *Project record for the Trout Slope West timber project*. Unpublished data, analyses, and documentation for the Trout Slope West Timber Project. Ashley National Forest, Vernal Ranger District, Vernal, UT.
- Forest Service, U.S. Department of Agriculture. 2006. *Life histories and population analysis for management indicator species of the Ashley National Forest*. Version 1.0. Ashley National Forest, Vernal, UT. March.
- Forest Service, U.S. Department of Agriculture. 2004. *Trout Slope West timber project final environmental impact statement*. Ashley National Forest, Vernal Ranger District, Vernal, UT. June.
- Forest Service, U.S. Department of Agriculture. 2001. *Forest transportation system; notice of final administrative policy*. Federal Register Vol. 66, No. 9, Amendments to Forest Service Manual Chapters 1920 – Land and Resource Management Planning and 7700 – Forest Transportation System.
- Forest Service, U.S. Department of Agriculture. 2000. *Trout Slope East timber project final environmental impact statement*. Ashley National Forest, Vernal Ranger District, Vernal, UT. August.
- Forest Service, U.S. Department of Agriculture. 1995. *Inland Native Fish Strategy (INFISH), environmental assessment, decision notice and finding of no significant impact: interim strategies for managing fish-producing watersheds in eastern Oregon and Washington, Idaho, western Montana, and portions of Nevada*. Intermountain, Northern, and Pacific Northwest Regions.
- Forest Service, U.S. Department of Agriculture. 1986. *Ashley National Forest land and resource management plan*. Ashley National Forest, Vernal, UT.
- Graham, R.; Harvey, A.; Jurgensen, M.; and others. 1991. *Sustaining soil productivity of forest soils in the Inland Northwest*.
- Hamilton, R. 1993. *Characteristics of old-growth forests in the Intermountain Region*. U.S. Department of Agriculture, Forest Service, Intermountain Region, Ogden, UT.
- Monte, D. 1994. *Woody debris requirements*. Memo. U.S. Department of Agriculture, Forest Service, Targhee National Forest.
- Padgett, W.; Youngblood, A.; and Winward, A. 1989. *Riparian community type classification of Utah and southeastern Idaho*. U.S. Department of Agriculture, Forest Service, Intermountain Region. Forest Service Publication #R4-Ecol-89-01. December.
- Romin, L. 1999. *Personal communication with Laura Romin, U.S. Department of Interior, Fish and Wildlife Service*. USFWS recommendations regarding snag retention, restriction of snow plowing, and more for the Trout Slope area of the Ashley National Forest. Documented by Kathy Paulin, Wildlife Biologist, Ashley National Forest. September 23.
- Ruediger, B.; Claar, J.; Mighton, S.; and others. 2000. *Canada lynx conservation assessment and strategy*. U.S. Department of Agriculture, Forest Service; U.S. Department of Interior (USDI), Fish and Wildlife Service; USDI, Bureau of Land Management, and USDI, National Park Service. Forest

Service Publication #RR1-00-53. Missoula, MT. Available online at:
<http://www.fs.fed.us/r1/wildlife/carnivore/Lynx/lcas.pdf>.

U.S. Court of Appeals, Tenth Circuit. 2007. *Decision regarding appeal D.C. No. 05-CV-72-TC from the U.S. District Court for the district of Utah*. Case No. 06-4059: Utah Environmental Congress; High Uintas Preservation Council v. Eileen Richmond, Acting Forest Supervisor of the Ashley National Forest; Dale Bosworth, Chief of the Forest Service; U.S. Forest Service. April 30.

Utah Department of Environmental Quality; Utah Department of Agriculture; and others. 1995. *Utah NPS task force nonpoint source management plan – hydrological modifications*. March. Available online at: <http://www.waterquality.utah.gov/documents/hydromod.pdf>.

Utah Division of Water Quality. 2006. *Utah 2006 integrated report volume I: 305(b) assessment*. Division of Water Quality, Salt Lake City, UT. Available online at:
http://www.waterquality.utah.gov/documents/Utah305b_2006Vol1_6-30-06.pdf

Utah Division of Water Quality; Division of Forestry, Fire and State Lands; and others. 1998. *Utah NPS Task Force Nonpoint Source Management Plan - Silviculture Activities*. July. Available online at:
<http://www.waterquality.utah.gov/documents/SILVPLAN.PDF>.

Utah Division of Wildlife Resources. 1997. *Conservation agreement and strategy for Colorado River cutthroat trout (Oncorhynchus clarki pleuriticus) in the State of Utah*. Salt Lake City, UT: Utah Division of Wildlife Resources.

Forest Plan Amendment # 20

Exceptions to the Standards and Guidelines Vernal Ranger District

Allowing openings greater than 40 acres in size in analysis areas 127, 130, and 131

Change made to Forest Plan, Ch. IV, Section F, #2, Part C, page IV-73.

The following paragraph is added:

Management areas n and f (ME11-MI2 and ME5-MI3, respectively) – an exception occurs in these management areas on the Vernal Ranger District in portions of analysis areas 127, 130, and 131 (see Elk Park quadrangle map in Section F of the Forest Plan). In the area immediately surrounding 24- to 26-year old regeneration clearcuts (as delineated in the Trout Slope West Timber Project Final Environmental Impact Statement [FEIS], Map 3, page 17, Lost Sale), openings greater than 40 acres in size will be permitted to facilitate the removal of mature trees infected with dwarf mistletoe adjacent to immature forest stands that have not yet reached an average height sufficient to provide hiding cover for the management indicator species using the area. This will require the removal of mature trees from “leave areas” of uncut timber between the old clearcuts.

The decision to implement this amendment (as amendment #18) was originally made as part of Ashley National Forest Supervisor George Weldon’s decision to select Alternative 3 of the Trout Slope West Timber Project FEIS. Weldon’s decision is documented in the original Record of Decision (ROD) dated July 1, 2004. Weldon’s decision was later withdrawn following a ruling from the U.S. 10th Circuit Court of Appeals. Upon additional review and analyses, Ashley National Forest Supervisor Kevin B. Elliott made a new decision to implement this amendment (now numbered as amendment #20), as part of the selection of Alternative 3 of the FEIS, which is documented in the revised ROD dated April 7, 2008.