United States Department of Agriculture
Forest Service

Decision Notice & Finding of No Significant Impact

Willow Basin Communication Project

Moab/Monticello Ranger District, Manti-La Sal National Forest
Grand and San Juan Counties, Utah

For Information Contact:

Joel Nowak
USDA Forest Service
Moab/Monticello Ranger District
62 East 100 North
PO Box 386
Moab, Utah 84532
(435) 259-7155

Decision and Reasons for the Decision

Introduction

The Forest Service (USFS) has conducted an environmental analysis (EA) for the proposed Willow Basin Communication Project in Willow Basin, near Bull Canyon, in Grand County, Utah. This project would include the construction of a new communications tower and support building. The new tower would be approximately 100 feet tall and would occur on land administered by the Manti-La Sal National Forest. Construction activities would occur over an approximate one-month period beginning immediately.

Decision

Based upon my review of all alternatives, I have decided to implement Alternative C with modifications. My decision will amend the Forest Plan for the creation of the Willow Basin communications site and allow issuance of a Special Use Permit (SUP) for the implementation of this decision. This decision is consistent with the 2005 planning rule.

I am amending the Forest Plan to create the Willow Basin Communication Site. The modification to Alternative C is the authorization of two lots, occupying 0.56 acres instead of the three lots evaluated. I decided to make this change after consideration of the visual quality objective of the area, public input, and the fact that commercial interest in the site is low at the present time. If commercial interest in the site is generated in the future, the tower and building on lot one will be fully utilized, before the second lot is developed.

Alternative C as modified authorizes:

- the construction and installation of a communication tower footprint consisting of a cement pad measuring approximately 20 x 20 feet;
- a communications building for housing communications equipment, measuring approximately 12 feet by 30 feet (0.01 acres);
- an emergency generator shelter, to house an emergency generator, that would be constructed on an 8 x 6 feet (>0.01 acres) cement pad;
- a propane fuel tank to fuel the emergency generator;
- a 12 x 30 feet (>0.01 acres) parking area for maintenance vehicles, and
- two 40-foot power poles.

All new disturbance associated with the Project, with the exception of improving the access road, would occur in a 110 x 110 feet (0.28-acre) area.

Uses of the tower would be restricted to a maximum transmitter output of 100 watts for frequencies < 1 GHz and 10 watts for frequencies ≥ 1 GHz (Effective radiated power (ERP)). Alternative C would permit usage by both government entities and commercial interests.

When compared to the No Action alternative and Alternative B, Alternative C would best meet the purpose and needs of the project as discussed in the EA (pg 4). Specifically, this alternative would meet the need to:

1) Improve communications among law enforcement personnel, emergency medica personnel, fire personnel and other first responders by increasing coverage area in the southeastern corner of Grand County by approximately 350%;
2) Reduce response times for first responders by increasing the efficiency of communication;
3) Meet both Grand County's and the State's goal to increase communications operability with their Homeland Security funding;
4) Improve public health and safety by improving communication among emergency first responders; and
5) Allow for limited future government and commercial use if compatible with existing communication facilities.

Potential impacts to visual, wildlife, social/economic, transportation, and recreation resources under Alternative C are discussed below. Note that most impacts would be avoided or minimized through the implementation of Environmental Protection Measures (see EA pages 11-13).

Other Alternatives Considered

In addition to the selected alternative, I considered two other alternatives, the No Action alternative and Alternative B.

Under the No Action alternative, there would be no new ground disturbance or construction of a communications tower. The Willow Basin Communication Site would not be designated and the Forest Plan would not be amended. The existing 2-track would not be improved and unauthorized use would continue. Areas of Grand County would remain without two-way radio communication abilities; existing coverage for the southeast corner of Grand County would remain at 25 percent.

Alternative B is similar to the selected alternative with the exception that commercial ventures would not be authorized. Alternative C was preferred because there has been some limited interest expressed in utilizing the Willow Basin Communications Site for commercial use. It is a logical location for the geographic area, has power and road access. It is better to allow commercial uses in this location than have to develop another site in the future.

Public Involvement

The need for this action arose in early 2005. The proposal was provided to the public and other agencies for comment during scoping from June 28 – July 28, 2005. The Request for Comments (RFC) was mailed to 85 individuals or groups including Native American Representatives. The RFC was also published in the *Sun Advocate* (Price, Utah) on June 28, 2005, and the *Times-Independent* (Moab, Utah) on June 28, 2005. The publication in the *Sun Advocate* serves as the official Legal Notice for the Project.

Using the comments from the public and from other agencies, the interdisciplinary team identified several issues regarding the effects of Alternative C. Main issues of concern included visual resources (visual quality in the Project Area is high and could be reduced; see EA page 5), wildlife resources (several species use habitat in the Project Area and could be displaced; see EA page 5), social and economic conditions (the site would increase communication capabilities within southern Grand County; see EA page 6), transportation (the proposed access road would be designated as part of the MLSNF; see EA page 6), and recreation (designating the access road as a Forest System Road could increase visitor use of the area; see EA page 6). To address these concerns, the Forest Service created the alternatives described above.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. This finding is based on the context and intensity of the Project as described:

Context: The Project is a site-specific action with no regional impacts, which directly involves 0.56 permanent acres of USFS-administered land that does not have international, national, regional, or state-wide importance. These disturbances would take place in the context of past and present disturbances totaling thousands of acres within the five surrounding HUC6 watersheds (approximately 89,962 acres).

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27. The following have been considered in my evaluation of intensity for this proposal:

1. **Impacts may be both beneficial and adverse.** The Project would impact resources as described in the EA. My finding of no significant environmental effects is not biased by the beneficial effects of the action (see EA page 23-25).

2. **The degree to which the selected alternative will affect public health or safety**. There will be a beneficial effect on public health and safety from the construction of the communication site. The EA identifies the only health and safety issue as a need for improved communications among first responders when responding to emergencies (see EA page 25).

3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas**. There will be no significant effects on unique or ecologically critical areas because the Project Area is not in proximity to any park lands, prime farmlands, wetlands, or wild and scenic rivers (see EA page 6). This assertion is based on field surveys of the Project Area and information contained in the Project file and in the EA. Cultural resource surveys have been conducted in the Project Area and no sites considered eligible for the National Register of Historic Places were discovered (see EA page 8).

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial**. The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the Project (see EA Chapter 3, pages 17-21).

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks**. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (see EA Chapter 4, pages 22-27). The selected alternative is well defined and located over a limited area.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** Amendments to a Forest Plan to facilitate the introduction of new communications sites has been on going for many years throughout the public lands administered by the Forest Service. Hence there is no possibility of setting a precedent that will lead to significant effects.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.** The cumulative impacts are not significant (see EA page 27).

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources, because no direct impacts occur (see EA page 25, cultural survey report and the State Historical Preservation Office's "No Historic Properties Affected" concurrence letter dated October 3, 2005 are included in the Project Record).

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect a proposed to be listed, endangered, or threatened species or its habitat**. The action will not adversely affect any threatened or endangered (TE) species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because it was determined that the Project would have "No Effect" on any TE species. (see EA pages 7, 15; and 17-19; Biological Assessment included in Project Record).

10. **Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA pages 11-12). The action would require an amendment to the "Manti-La Sal National Forest Land and Resource Management Plan" designating the Willow Basin Communications site.

Findings Required by Other Laws and Regulations

This decision to construct a new communications tower and support building is consistent with the intent of the forest plan's long term goals and objectives (Manti-La Sal Land and Resource Management Plan (LRMP), pages III: 2-5). The Project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for cultural resource management, visual resource management, wildlife and fish resource management, and wildlife habitat improvement and maintenance.

The LRMP allows for the development of communication sites (LRMP, page III-92) that are consistent with other management activities in the area of consideration. This project meets the visual resource (EA page13), cultural (EA page 12), wildlife habitat (EA page 12), and other management objectives (EA page 11-13).

NATIONAL FOREST MANAGEMENT ACT

National Forest management must be consistent with Forest Plans prepared under authority of the National Forest Management Act (NFMA), 16 U.S.C. 1604 and 36 CFG 219.10(f). The Act requires the Secretary of Agriculture to assess forest lands, develop a management program based on multiple-use, sustained-yield principles, and implement a resource management plan for each unit of the National Forest System. Through project analysis with management area specialists and public involvement this project is consistent with the Manti-La Sal LRMP and therefore conforms to NFMA.

ENDANGERED SPECIES ACT

The Endangered Species Act of 1973, as amended, provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The US Fish and Wildlife Service (USFWS) currently maintains a list of 1,264 TE species. A Biological Assessment/Biological Evaluation has been prepared for this project. Through seasonal and spatial buffers along with appropriate design features, this project conforms to the Endangered Species Act (see BA/BE page 4).

NATIONAL HISTORIC PRESERVATION ACT

The National Historic Preservation Act created the Advisory Council on Historic Preservation (ACHP) to advise on matters involving historic preservation. The ACHP is authorized to review and comment on all actions licensed by the Federal government which will have an effect on properties listed in the National Register of Historic Places (NHRP), or which are eligible for such listing. A cultural Resources Project Report (see

project record) has been completed for this project and the State Historic Preservation Office concurred with the finding of "No Historic Properties Affected."

CLEAN WATER ACT, FLOODPLAIN MANAGEMENT (EXECUTIVE ORDER 11988), AND PROTECTION OF WETLANDS (EXECUTIVE ORDER 11990)

The Clean Water Act employs a variety of regulatory and nonregulatory tools to sharply reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. These tools are employed to achieve the broader goal of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters so that they can support "the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water." Executive Orders 11988 and 11990 require that executive agencies take special care when undertaking actions that may affect wetlands or floodplains, directly or indirectly, by avoiding the disruption of these areas wherever there is a practicable alternative and by minimizing any environmental harm that might be caused by federal actions. This project is consistent with the Clean Water Act through the use of Best Management Practices, project design features, and inspections (see EA pages 11-13).

MIGRATORY BIRD TREATY ACT

The Migratory Bird Treaty Act implements various bilateral treaties and conventions between the US and four other countries for the protection of migratory birds. Under the Act, taking, killing or possessing migratory birds is unlawful. This project is consistent with the Migratory Bird Treaty Act through preconstruction surveys and, if necessary, seasonal and spatial buffers (see BA/BE, page 4).

ENVIRONMENTAL JUSTICE (EXECUTIVE ORDER 12898)

Executive Order 12898 requires all federal agencies to take actions, to the extent practical and permitted by law, to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human effects of its programs policies and activities on minority populations and low income populations in the United States and its possessions.

Implementation Date

If no appeal is received within the 45-day time period, implementation of this decision may begin on, but not before, the 5th business day following the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR part 215.11(a). Individuals or organizations that submitted comments or expressed interest during the comment period may appeal this decision. Appeals must meet the content requirements of 36 CFR 215.14, as published in the Federal Register on June 4, 2003.

Appeals should be sent to: Regional Forester, Appeal Deciding Officer, 324 25th Street, Ogden, UT 84401; phone: (435) 283-4151, fax: (801) 625-5277; e-mail: appeals-intermtn-regional-office@fs.fed.us. E-mailed appeals must be submitted in MS Word (*.doc) or rich text format (*.rtf). Appeals may also be delivered to the above address, during regular business hours of 8:00 a.m. to 4:30 p.m., Monday-Friday, excluding federal holidays. The appeal, including any attachments, must be filed with the Appeal Deciding Officer within 45 calendar days following the date of publication of this legal notice in the Sun Advocate. The date of publication of this legal notice in the Sun Advocate is the exclusive means for calculating the time to file an appeal. Those wishing to file an appeal should not rely upon dates or timeframe information provided by any other source.

This decision is subject to appeal pursuant to 36 CFR 251.82 for the Special Use Applicant only. Appeals must meet the content requirements of 36 CFR 251.90. The appeal must be postmarked or received by the Appeal Reviewing Officer within 45 days of the date of this decision. A notice of appeal, including the reasons for appeal, must be filed with: Regional Forester, 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), Word (doc) or portable document format (pdf) and must include the project name in the subject line. Appeals may also be hand delivered to the above address, during regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday. A copy of the notice of appeal must be filed simultaneously with Alice B. Carlton, Forest Supervisor, Manti – La Sal National Forest, 599 West Price River Drive, Price, Utah 84501.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Joel Nowak, Moab/Monticello Ranger District, 62 East 100 North, P. O. Box 386, Moab, UT 84532, (435) 636-3364.

Alice B. Carlton

Alice Carlton
Forest Supervisor
Manti-La Sal National Forest

5/30/06
Date

ATTACHMENT 1

WILLOW BASIN COMMUNICATION PROJECT
Project Design Features

The following Project design features and construction protocols would be in effect during implementation of the Project.

- *General* – If at all possible, no large ponderosa pine trees will be removed during the construction of the tower and building. If one is identified as necessary for removal, the Forest Service will be contacted before any action is taken. The Forest Service will then determine if an alternate route is available. Only minimal access road improvement will be authorized for the construction and maintenance of the facility. Temporary fencing would be used, as needed, to precisely define work zones and equipment turning or access routes. Such fencing would be installed prior to the start of construction activities and would help to ensure that disturbance is minimized.

- *Hazardous Materials* – Prior to construction, a Spill Prevention and Control plan would be submitted to the USFS. No toxic material, including fuel, or equipment servicing areas, including refueling stations, would be situated within 300 feet of any streams during construction activities. If a fuel/oil or other hazardous material spill occurs, the MLSNF would immediately be contacted and actions would be taken to prevent the spill material from entering live waters. Such measures may include straw bale plugs, earthen berms, or use of other absorbent materials. Additionally, soil remediation would be conducted including the removal of contaminated soils to an approved bioremediation facility. Soil sample(s) would be taken to verify the success of the site remediation. The construction contractor would be required to follow any other local, state, or federal regulations related to the use, handling, storing, transporting, and disposing of hazardous materials.

- *Soils and Sedimentation* - Following construction, all temporarily disturbed areas would be revegetated by seeding with an MLSNF approved seed mix. Where necessary, disturbed areas would be decompacted prior to seeding. No ground disturbance would occur during or immediately following rain events or under any wetted conditions that would create ruts 2 inches or greater.

- *Noxious Weeds* - All Project vehicles and equipment would be cleaned of soils, seeds, vegetative matter, or other debris or matter that could contain or hold noxious weed seeds both prior to entering and before leaving the Project Area. All ground disturbances would be revegetated by cleaning impacted areas, re-

contouring, and reseeding disturbed soil. A certified noxious weed free mix would be used for reseeding disturbed areas to establish vegetation for erosion control. The seed mix would be 90% pure live seed (minimum), with germination meeting or exceeding 85%, and applied at 15 pounds per acre (minimum). Grand County would monitor reseeded areas for noxious weeds, and apply appropriate control measures to prevent the establishment or spread of any noxious weed species until vegetation established on the disturbed area is equal to 90% of the surrounding area.

- *Cultural Resources* – If during any Project activities, cultural, historical, or prehistoric resources were inadvertently discovered, the USFS Authorized Officer would be notified, and all work in the area would cease. An inspection by a professionally trained archeologist would be conducted and a mitigation plan developed, if necessary, in consultation with the Utah State Historic Preservation Office (SHPO) and affiliated tribes. Special Use Clause X17 (Archaeological-Paleontological Discoveries) or an equivalent would be included in all authorizations that require construction activity of any kind.

- *Wetlands* – No wetlands, streams, or other riparian areas occur within the Project Area.

- *Wildlife* - Efforts would be made to avoid shrubs and no trees would be felled. Stick raptor nests would be avoided during construction activities. Songbird- and raptor-nesting surveys would be conducted by a qualified and MLSNF-approved biologist(s) during the nesting/breeding season prior to any disturbance during the nesting/breeding season to ensure compliance with the Migratory Bird Treaty Act and other regulations. If an active nest(s) were discovered, MLSNF would be notified to determine the feasibility of relocating or rescheduling the activity. In order to avoid or reduce impacts on nesting success of raptors, activities would not occur within recommended spatial and seasonal buffers (following Romin and Muck 2002) or if existing topography limits actual line-of-sight of an active (i.e., has eggs or young) nest.

- *Fire* - All construction personnel would have fire tools and extinguishers available at all times for use if the occasion arises. Construction personnel would be trained in basic fire control procedures. For any cleared vegetation intended for piling and burning, a burn permit would be obtained from the MLNF. Agency smoke management guidelines would be followed.

- *Grazing* - During construction, grazing activities would be coordinated with the MLNF or landowner to avoid conflicts with construction activities.

- *Monitoring* - The MLSNF would inspect the Project both during and after construction and reclamation to ensure compliance with Best Management Practices, Environmental Protection Measures, the Willow Basin Communication Site Plan, SUP, and other requirements. In addition, user self-inspection

requirements would ensure the accuracy of certified inventory statements tha facility owners and facility managers provide annually to the authorized officer.

- *Visual* – To minimize the signature on the landscape, several measures would be used to reduce visual impact of the communication site buildings. Only one building would be constructed on the lot and it would be designed to occupy multiple users. Earth-tone colors and rough masonry textures would soften the presence of the building in views where their presence is unavoidable, o vegetation would be planted strategically for screening. To prevent disturbance to significant background views of the La Sal Mountains, especially in low ligh conditions, no beacons or tower lights would be permitted. To minimize night lighting impacts, the lot would be a "dark lot" with shielded lights that would only be on when needed for work and emergencies.