



United States
Department of
Agriculture

Forest Service

November 2009



Decision Notice and Finding of No Significant Impact

Pole Mountain Post-Fire Timber Salvage Project

Roosevelt-Duchesne Ranger District, Ashley National Forest
Duchesne County, Utah

Township 3 North Range 1 West, Sections 29, 30, and 31
and Township 3 North Range 2 West, Section 25; Uintah Meridian

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Decision and Reasons for the Decision

Background

The Neola North Fire, which burned approximately 20,377 acres on the Ashley National Forest in June and July of 2007, generally burned at low to moderate intensities; however, a number of areas experienced high fire intensity and resulted in areas with concentrations of fire-caused tree mortality. One of these areas is Pole Mountain, located on the eastern edge of the Roosevelt Ranger District. The Forest identified a need to recover the economic value of fire-killed and dying trees in this area.

Decision

I have decided to implement Alternative 2, as analyzed in the Pole Mountain Post-Fire Timber Salvage Project Environmental Assessment (EA), to meet the above-identified purpose of and need for the project. The action will involve the harvest of those fire-killed and dying trees that are not needed to maintain or improve post-fire ecological functions within 203 acres of cutting units in the project area. Removal will be accomplished through a small timber sale and will most likely occur in 2010 or 2011. An estimated 3,000 CCF (hundred cubic feet) of timber will be available for harvest. The project site is on fairly flat terrain. An estimated one-half mile of temporary road will need to be constructed to facilitate the removal of timber from the area (see Appendix A to the EA, map 2). Following harvest, the one-half mile of constructed temporary road as well as approximately one and one-half miles of existing non-system roads in the project area will be closed and rehabilitated. The project design criteria and mitigation measures listed on pages 7 to 9 of the EA will be implemented as part of this decision.

Tree mortality caused by the fire and ongoing and anticipated mortality due to follow-up mountain pine beetle attacks has created and will continue to create large areas with no live trees. Our Forest Plan limits opening sizes in management areas f and n (the management areas in which the project occurs) to 40 acres. I have decided to implement an accompanying site-specific Forest Plan amendment (see Appendix A) to authorize the creation of openings larger than 40 acres in size and to authorize cutting next to immature regeneration that has not yet reached an adequate height to provide cover for the MIS and other wildlife in the area. This amendment is needed because the expected low residual live basal area combined with the removal of dead and dying trees will create areas that may be open enough to be considered clearings (see Appendix A to the EA, map 2 – openings will be approximately 125 and 51 acres under the proposed action). Some of these areas will be adjacent to immature regeneration, creating an effective opening size of approximately 237 acres (see Appendix A to the EA, map 4).

This amendment will be made using the planning regulation in effect before November 9, 2000 as described in the transition provisions of 36 CFR 219.35(b)(2000, as amended in 2002 and 2003 and as clarified by interpretative rules in 2001 and 2004). Those regulations state that Regional Forester approval is required if the maximum size of areas cut in one harvest operation exceeds 40 acres (36 CFR 219.27[d][2][ii][1999]). However, the regulations also state that the established size limit shall not apply to the size of areas harvested as a result of natural catastrophic condition such as fire, insect and disease attack, or windstorm (36 CFR 219.27[d][2][iii][1999]). Since this amendment involves salvage of trees killed or damaged by fire and subsequent bark beetle attack, the size limits do not apply, and therefore no Regional Forester approval is required. An amendment is still required, however, because these exceptions to opening size limits are not stated in our current Forest Plan.

In addition to the primary purpose, which is to recover the economic value of fire-killed and dying trees, this project will also:

- 1) Maintain or promote properly functioning ecosystem conditions in the project area. Species composition, stand structure, disturbance cycles, and spatial patterns will be maintained within their historic ranges.
- 2) Initiate a management sequence in the project area that will promote desirable long term stand and tree growth, tree form, and tree vigor.
- 3) Reduce future impacts from forest insects and diseases in the project area.

Other Alternatives Considered

In addition to the selected alternative (Alternative 2 – the proposed action), the Forest Service also evaluated the following alternatives:

No Action (Alternative 1). The no action alternative provided a baseline from which to examine potential effects. Under this alternative, the project would not have occurred. Current uses of the area would have continued.

Alternative Action (Alternative 3). The alternative action would have been the same as the proposed action except the harvest area would have been reduced to approximately 142 acres and would have excluded all overlap with the citizen-proposed Pole Creek Cave wilderness area. The volume available for harvest would have been reduced to approximately 1,800 CCF. Also, there would have been a need for only one-quarter mile of temporary road; the constructed road as well as the one and one-half miles of existing non-system roads would have been closed and rehabilitated following harvest. A site-specific Forest Plan amendment would also have been required to authorize the creation of an estimated 51-acre opening (see Appendix A to the EA, map 3). When taking into account adjacent older clearings which still have immature regeneration, the total effective opening size would have been 176 acres under this alternative (see Appendix A to the EA, map 5).

The no action alternative, while aiding the analysis, would not have helped to achieve the purpose of and need for the project.

Alternative 3 would have achieved the purpose of and need for the project, but to a lesser extent than the selected alternative. Expected environmental effects would have been less under Alternative 3 than under the selected alternative; however, environmental effects under the selected alternative are not expected to be significant.

Public Involvement

The proposal has been listed in the Forest's Quarterly Schedule of Proposed Actions (SOPA) since the first quarter of 2008. The proposal was provided to the public and other agencies for comment during two separate 30-day scoping periods, beginning in October 2007 and February 2009. The second scoping letter was sent out to apprise interested parties of project updates and of the anticipated need for a Forest Plan amendment under both the proposed action and alternative action. We received a total of eight comment letters in response to these scoping efforts. Appendix B to the EA contains our responses to these comments. The input provided

by interested publics and agencies who commented during scoping was integral to the interdisciplinary team's development of issues and alternatives in this analysis.

We also provided a 30-day comment period on the EA, beginning in August 2009. Four entities/individuals submitted written comments. Appendix B to this DN/FONSI contains our responses to comments submitted on the EA.

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 both the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

Context

The setting of this project is localized with implications to the immediate area only. Short-term adverse effects will be mitigated through implementation of the design criteria and mitigation measures developed for the project. These include such measures as instituting 50-foot buffers around interior seeps/springs; noxious weed mitigation measures; ensuring adequate retention of snags and coarse woody debris to maintain post-fire ecological function; and closing and rehabilitating non-system roads in the area (see pp. 7 to 9 of the EA for a complete list). Long-term adverse effects are not expected.

Intensity

1. Impacts that may be both beneficial and adverse: A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial.

Both beneficial and adverse effects have been taken into consideration when making a determination of significance. There will be neither significant beneficial nor significant adverse effects.

2. The degree to which the proposed action affects public health or safety.

This project may improve the safety of the area for hikers and hunters, as there will be less risk of getting hit by a falling snag (EA, p. 22). However, this positive impact is localized and, given the small treatment area, is not significant.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The project area does not contain any unique characteristics that will be significantly impacted by the project. Groundwater feed seeps remaining interior to the cutting units will receive 50-foot buffers to avoid surface impacts to these small wetland sites (EA, p. 8). None of the project lies within inventoried roadless or potential wilderness areas, although a portion of the selected alternative overlaps a citizen-proposed wilderness area. There will be no significant effects to the wilderness or roadless characteristics of the citizen-proposed area (EA, pp. 23-24).

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Based on the limited context of the project and on my review of public comments and the project's analysis, I do not find the effects of this project to be highly controversial. There is no substantial scientific controversy over the effects of the proposal.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The risks associated with this project are recognized, familiar, and acceptable (EA, *Environmental Consequences* section, pp. 10-44). The analysis is based on the best available data and science regarding the effects of timber harvest and on our extensive experience with this type of project.

6. The degree to which the action may establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.

This project is not likely to establish a precedent for future actions with significant effects because the action is routine in nature and is neither precedent-setting nor are significant effects expected from similar actions (see EA, *Environmental Consequences* section, pp. 10-44). Any proposed future project must be evaluated on its own merits and effects. The activities were analyzed in consideration of the best available science on the effects of timber management on other resources.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

There will be no cumulatively significant impacts (see EA, *Environmental Consequences* section, pp. 10-44).

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) or may cause loss or destruction of significant scientific, cultural, or historical resources.

No historic properties will be affected by this action (EA, p. 20).

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.

The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, as described in the EA. A “no effect” determination was reached for all listed species, with the exception of the Canada lynx, for which a “may affect, not likely to adversely affect” determination was reached (EA, pp. 31-34). The U.S. Fish and Wildlife Service concurred with this determination.

10. Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

The action will not violate federal, state, or local laws or requirements for the protection of the environment and meets the disclosure requirements of the National Environmental Policy Act. The action, along with the accompanying site-specific plan amendment, is consistent with the

November 9, 2009

Ashley National Forest Land and Resource Management Plan (Forest Plan) as summarized in the EA (pp. 2-5, B-7 to B-8, and C-1).

Findings Required by Other Laws and Regulations

This decision to salvage dead and dying timber in the Pole Mountain project area is consistent with the intent of the Forest Plan's long term goals and objectives. The proposed action is allowable in the management prescriptions in which the project area occurs (f and n). The site-specific plan amendment will allow variation from Forest Plan standards and guidelines regarding opening sizes and harvesting adjacent to openings that have not yet reached an adequate height to provide wildlife hiding cover. This plan amendment is required because the exceptions to the 40-acre size limit for "all other forest types" that are found in NFMA and in the Forest Service Manual (FSM 1920.12e), and that are codified in 36 CFR 219.12(b)(2), were not specified in our Forest Plan.

To the best of my knowledge, this decision is in compliance with all applicable laws, regulations, and policies. Some of the principal laws and regulations considered include the National Forest Management Act (NFMA), National Environmental Policy Act, Endangered Species Act, Clean Water Act, Clean Air Act, National Historic Preservation Act, and Executive Orders on Wetlands, Floodplains, and Environmental Justice.

Specifically in relation to NFMA, this project meets the following requirements (as specified under 16 U.S.C. 1604 (g)(3)(E); see also FSM 1921.12a).

1. Soil, slope, or other watershed conditions will not be irreversibly damaged (EA, pp. 25-31).
2. There is assurance that the lands can be adequately restocked within five years after final regeneration harvest (see Forested Vegetation specialist report).
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 (EA, pp. 11-12 and pp. 25-31).
4. The harvesting system to be used is not selected primarily because it will give the greatest dollar return or the greatest unit output of timber.

Although this is not a clearcut, seed tree cut, or other cut designed to regenerate an even-aged stand of timber (as only dead and dying material will be removed and the fire, not the harvest, is the cause of the expected even-aged regeneration):

1. The type of cut prescribed is the optimum method and is appropriate to meeting the objectives and requirements of the relevant plan (16 U.S.C. 1604(g)(3)(F)(i)).
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 (16 U.S.C. 1604(g)(3)(F)(ii)).
3. Cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain (16 U.S.C. 1604(g)(3)(F)(iii)). Sale areas are shaped to the edge of the fire, to the inventoried roadless area boundary, and to natural terrain (see maps in Appendix A to the EA).
4. Cuts are carried out according to the maximum size limit requirements for areas to be

November 9, 2009

cut during one harvest operation (FSM 1921.12e). There is no NFMA or FSM limit for openings sizes of areas harvested because of catastrophes such as fire, insect and disease attack, or windstorm. However, a Forest Plan amendment is still required as these exceptions are not stated in our current Forest Plan.

5. Timber cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, aesthetic resources, cultural and historical resources, and the regeneration of timber resources (see EA, *Mitigation Common to All Action Alternatives* section, pp. 7-9 and *Environmental Consequences* section, pp. 10-44).
6. Harvesting stands according to requirements for culmination of mean annual increment (CMAI) of growth is not applicable to this project, as only dead and dying trees will be removed (16 U.S.C. 1604(m); FSM 1921.12f; FHS 1909.12, Ch. 60).

Implementation Date

If no appeals are filed within the 45-day appeal period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. If appeals are filed, implementation may not occur for 15 business days following the date of the last appeal disposition.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (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 periods may appeal. Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of the notice of this decision in the *Vernal Express* (expected publication date is November 18, 2009). The actual publish 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 Harv Forsgren, Regional Forester for the USFS Intermountain Region. Appeals may be sent to Mr. Forsgren at: Appeal Deciding Officer, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: appeals-intermtn-regional-office@fs.fed.us. Emailed appeals must be submitted in Microsoft Word (.doc), Rich Text Format (.rtf), 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 the regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

Contact

For additional information concerning this decision or the Forest Service appeal process, you may contact Jim McRae, Timber Management Officer, located at the Ashley National Forest Supervisor's Office, 355 N. Vernal Ave., Vernal, UT 84078. He can be reached by phone at 435-781-5123 or by email at jmmcrae@fs.fed.us.

KEVIN B. ELLIOTT
Forest Supervisor
Ashley National Forest

Date

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APPENDIX A

Forest Plan Amendment # 22

Site-Specific Exceptions to the Standards and Guidelines Roosevelt Ranger District

Allowing openings greater than 40 acres in size and allowing openings next to areas that have not yet reached an average height sufficient to provide hiding cover for the Management Indicator Species (MIS) using the area (involves analysis areas 127, 128, 129, and 132 within the delineated project area – see Appendix A to the EA, maps A-2 through A-5)

Change will be made to Forest Plan, Ch. IV, Section F, #3, Part C, page IV-80.

The following paragraph will be added:

Management areas n and f (ME11-MI2 and ME5-MI3, respectively) – an exception occurs in these management areas on the Roosevelt Ranger District in portions of analysis areas 127, 128, 129, and 132 (see Rasmussen Lake and Pole Creek Cave quadrangle maps in Section F of the Forest Plan). In the Pole Mountain Post-Fire Timber Salvage Project Area (as delineated in Appendix A to the project Environmental Assessment), openings greater than 40 acres in size are permitted and the creation of openings is permitted next to older openings that have not yet regenerated enough to provide hiding cover for the MIS using the area. These exceptions are to facilitate the removal of fire-killed and dying trees that were burned in the Neola North Wildland Fire of 2007. This is consistent with the National Forest Management Act (NFMA) and subsequent planning rule provisions that maximum size limits should not be applied to areas harvested as a result of natural catastrophic conditions such as fire or insect and disease attack (NFMA Sec. 6(g)(3)(F)(iv); see also 36 CFR 219.12(b)(2) and FSM 1921.12(e)).

This amendment is implemented as part of Ashley National Forest Supervisor Kevin Elliott's decision to select Alternative 2 from the Pole Mountain Post-Fire Timber Salvage Project Environmental Assessment (EA). The EA and supporting resource specialist reports contain analyses of the potential effects of this amendment and take into account best available science as part of the resource-specific effects analyses and mitigation measure recommendations.

This amendment is made using the provisions of the planning regulation in effect before November 9, 2000 as described in the transition provisions of 36 CFR 219.35(b) (2000, as amended in 2002 and 2003 and as clarified by interpretative rules in 2001 and 2004). Those regulations state that Regional Forester approval is required if the maximum size of areas cut in one harvest operation exceeds 40 acres (36 CFR 219.27[d][2][ii][1999]). However, the regulations also state that the established size limit shall not apply to the size of areas harvested as a result of natural catastrophic condition such as fire, insect and disease attack, or windstorm (36 CFR 219.27[d][2][iii][1999]). Since this amendment involves salvage of trees killed or damaged by fire and subsequent bark beetle attacks, the size limits do not apply, and therefore no Regional Forester approval is required. An amendment is still required, however, because these exceptions to opening size limits are not stated in our current Forest Plan.

APPENDIX B
Responses to Comments on Environmental Assessment
Pole Mountain Post-Fire Timber Salvage Project

Ashley National Forest
Roosevelt-Duchesne Ranger District

<i>Comments received on the EA (30-day comment period ended 9/18/09)</i>	
1 – Duchesne County Commission (8/24/09):	
Comment	Response
<p>1-1. Support of proposed action and opposition to Alternative 3. “The EA contains an alternative 3 that would reduce the scope of the project to 142 acres and reduce the potential yield of timber from 3,000 CCF to 1,800 CCF. This alternative, which is based on a citizen-proposed wilderness area proposed by the Utah Environmental Congress, is totally unacceptable to the County. . . . Based on these county policies [below] and the fact that the county does not recognize citizen-proposed wilderness areas, we urge the Ashley National Forest to move forward in a timely manner with the preferred alternative #2 and prepare a timber sale that can be implemented in the summer of 2010. We concur that alternative #2 has no significant impact on the environment.”</p>	<p>ALTER 23000/710¹ Thank you for your comment. We duly note that Duchesne County supports the proposed action.</p>

¹ Comments are coded according to the action and rationale code lists in the project record.

<p>1-2. Opposition to wilderness. “Regarding wilderness, our general plan states:</p> <p>Wilderness Designations <i>Duchesne County is host to approximately 250,000 acres of federally designated wilderness, which comprises twelve percent of the county’s land area. Land features include vistas of high barren peaks, dense lodge pole [sic] forests, rugged canyon lands, lakes and streams, and significant watershed areas. The County has previously made a disproportionate contribution to the nation’s wilderness system.</i></p> <p><i>Although Duchesne County acknowledges the values of the High Uintah [sic] Wilderness Area, use is highly restricted and does not provide the desired wilderness experience for the vast majority of citizens. Wilderness designation is inconsistent with the philosophy of multiple use and sustained yield and adversely affects the County’s economy in terms of the grazing, tourism, and timber industries and water resources.</i></p> <p><i>It is the position of Duchesne County that:</i></p> <ul style="list-style-type: none"> <i>a. Wilderness designation is inconsistent with the multiple use mandate.</i> <i>b. Additional wilderness designation shall be opposed.</i> <i>c. Such designations shall provide access for reservoirs, maintenance of irrigation facilities, fire, weed and pest control.</i> <i>d. Valid existing rights are to be protected in wilderness areas.</i> <i>e. Proper monitoring of the affect [sic] of a wilderness area on the community and economic stability of the county shall be required.”</i> 	<p>PRCSS 11100/002</p> <p>Duchesne County’s general plan states that “Wilderness designation is inconsistent with the philosophy of multiple use and sustained yield”. Actually, wilderness is consistent with the multiple use and sustained yield mandate of National Forest System land. Refer to the Multiple Use – Sustained Yield Act of 1960, Section 2: “In the administration of the national forests due consideration shall be given to the relative values of the various resources in particular areas. The establishment and maintenance of areas of wilderness are consistent with the purposes and provisions of [this Act]” (16 U.S.C. 529).</p> <p>Neither the proposed action nor the action alternative overlay any designated or agency-proposed wilderness. The proposed action does, however, include 61 acres of citizen-proposed wilderness. This is an issue analyzed in the EA.</p>
<p>2 – High Uintas Preservation Council (9/14/09):</p>	
<p>Comment</p>	<p>Response</p>
<p>2-1. No need for project. “There is no reason whatsoever for this proposal. It will do nothing to control pine beetles.</p> <p>It is not the least bit necessary to assure re-growth of the forest community impacted by the 2007 Neola North Fire</p> <p>Nothing needs to be done in this area. This would be a wonderful opportunity to mitigate any notable soil erosion, if it occurs and is outside of historical range, and forgo the salvage sale as it accomplishes nothing and is not important to reestablishing the site.”</p>	<p>ALTER 20000/002</p> <p>Refer to the <i>Background and Purpose and Need for Action</i> section in the EA (p. 4). The purpose of this project is to recover the economic value of fire-killed and dying trees in the project area. In addition to this primary purpose, this project also has the following secondary purposes:</p> <ul style="list-style-type: none"> 1) To maintain or promote properly functioning ecosystem conditions in the project area. Species composition, stand structure, disturbance cycles, and spatial patterns will be maintained within their historic ranges. 2) To initiate a management sequence in the project area that will promote desirable long term stand and tree growth, tree form, and tree vigor. 3) To reduce future impacts from forest insects and diseases.

<p>2-2. Concern that re-burn potential is overstated in EA. “The EA notes that without the removal of the dead and dying severely burned trees they will fall and likely result in a higher risk of a secondary burn some two to three decades out. This may or may not be true but is actually quite misleading. The EA should note that whatever risk exists in the next few decades will be more a function of weather and climate, not vegetation. The trees that will fall will be large boles with minimal fine material. These boles are sparse, scattered, and already burned, unlikely to carry or hold an ignition of any intensity. It is likely an intense re-burn in this area is limited and not really a function of this particular management action. . . . Under the no action alternative the EA notes the stand structure, composition, disturbance patterns and cycles would be maintained within their historic ranges but then suggests, as noted above, that a re-burn would be greatly minimized with the proposed salvage sale. If the area will reestablish within historical ranges it is not likely a re-burn potential will be so meaningful or notable as to engage in such an overstatement. Any re-burn would certainly be within historical limits.”</p>	<p>PRCSS 13000/370</p> <p>We agree that any re-burn would be within historical limits and that weather and climate are major factors in fire risk. The EA merely notes, in the <i>Forested Vegetation, Environmental Effects</i> section, that surface fuel loading would be greater under no action than under either of the action alternatives. Regeneration would be expected to be the main carrier of a re-burn, not the down and dead trees; the more down and dead fuel, however, the higher the risk of increased fire severity (e.g., increased residency time and increased consumption of organic matter in the soil). Higher fuel loadings could also contribute to an increased risk of regeneration failure after a secondary fire, due to a lack of seed producing and storing capacity at the stage of stand development when fuel loadings are expected to spike (20-30 years out).</p>
<p>2-3. Concern that effects analysis for wildlife is inadequate. “The EA notes the proposal confers no positive, only negative, actions on wildlife. Typical of Forest Service analyses there is a deep inconsistency here. On the one hand the EA notes impacts to many species will occur if the proposal goes forward, <u>but not to worry, we are assured, because there is an unlimited amount of adequate and diverse habitat for whatever species may be under consideration outside, near or adjacent to the proposal.</u>’ No evidence is (ever) offered, just asserted as a matter of fact. Yet there is no analysis off site and we are told plainly in the EA that issues not specific to the exact proposal are not considered for analysis. The conundrum in obvious!”</p>	<p>PRCSS 13100/450</p> <p>The project’s expected effects on wildlife are detailed in the terrestrial wildlife specialist report and summarized in the <i>Wildlife</i> section of the EA (pp. 31-44); none of these effects are considered significant.</p> <p>Specialist analysis actually does occur off-site as well. When considering the potential impacts to Canada lynx, for example, the entire Lynx Analysis Unit of 38,468 acres is considered. Areas outside of, but adjacent to, the project area are also considered for all other wildlife species.</p>
<p>2-4. Concern regarding project’s effects on soils. “Clearly, negative impacts to soils would be enhanced by the action alternatives compared to the no action alternative. Whatever soil management techniques proposed to mitigate these impacts for the action alternatives could be applied to the no action alternative in order to stabilize any notable soil erosion concerns. The proposed action is not necessary to manage soil erosion issues.”</p>	<p>ALTER 23510/330</p> <p>See EA, <i>Soils</i> section, pp. 25-27. Effects on the soils resource would be the greatest under the proposed action, the next greatest under the alternative action, and the least under no action. Effects under any alternative, however, are not considered significant. Immediately necessary soils stabilization occurred across the area of the fire as part of the Burned Area Emergency Rehabilitation (BAER) work following the fire in 2007.</p>

<p>2-5. Concern that project violates management area prescriptions. “Furthermore, the obsession with controlling stand density, tree form and growth seems a bit silly since the area falls within management prescriptions f and n which do not emphasize the kind of intensive management that is necessary following this salvage proposal to control tree form, growth and density. That requires additional entries which are plainly and clearly not contemplated by either management prescription. Furthermore, timber salvage seems to be the dominant context when clearly and plainly the two management prescriptions note timber harvest is modified for other resource concerns. And finally, not only does such an intense timber management scenario violate the context of the two management prescriptions, it also casts serious doubt on the EA's contention within the two action alternatives that [harvesting] stands following the fire will fall within historic ranges.”</p>	<p>NRMGT 30300/133 You are correct that timber management is not the primary direction for management areas f and n, in which the project lies. In these two management areas, harvest is secondary to and coordinated with other uses (see Appendix B to EA, Responses to Comments from Scoping, p. B-7, response to #16).</p>
<p>2-6. Encouragement of monitoring. “Forest managers could actually prepare a research site to determine how this area reestablishes itself and whether or not the fear of a re-burn is real!”</p>	<p>NRMGT 30100/461 Fuels management personnel do collect fuel loading data across the Forest and use modeling programs to project future vegetation and fuel loading to estimate potential fire behavior. See fuels and forested vegetation specialist reports in project record.</p>
<p>3 – Utah Environmental Congress (9/18/09):</p>	
<p>Comment</p>	<p>Response</p>
<p>3-1. Support of incorporation of public input and additional analysis. “It looks like many of the comments we raised in March of this year are being discussed or addressed in the EA, which is good to see. The project area boundary looks to have been adjusted, for example. Additionally, we are very glad to see that an alternative 3 has been developed in light of our earlier comments and we are very supportive of selecting alternative 3 over the proposed action. Simply put, it would achieve objectives set forth for the project while working to entirely avoid the otherwise irreversible and/or irretrievable losses of the potential wilderness area/roadless area.”</p>	<p>ALTER 23430/710 Thank you for your comment (and for your previous comments which helped shape the analysis). We duly note that UEC prefers Alternative 3 over the proposed action. Refer to the EA and to the roadless report in the project record for the analysis of effects on the current inventoried roadless area and on the citizen-proposed wilderness area.</p>

<p>3-2. Concern that all action alternatives require a Forest Plan amendment to allow for openings greater than 40 acres in size. “However, one primary substantive concerns [sic] and an objection to the range of alternatives developed remains, and it involves a conflict song [sic] alternative uses of available resources that still goes unaddressed in the range of alternatives. In light of this and related concerns, and in the interest of brevity, we incorporate our March 12, 2009 comments into these comments by reference. Specifically, we object to the condition where the project design criteria for both action alternatives still result in violation of the LRMP/NFMA created opening size limit standards. It is not acceptable to have not a single action alternative that does not exceed the 40 acre NFMA even aged regeneration unit size limit. That there is no action alternative that complies with the LRMP means that the Forest is not even giving lip service to consideration of harvesting within already established cutting size limits under NFMA. The EA and its impacts analysis will remain insufficient without detailed study of an action alternative the [sic] sets out to comply with the LRMP cutting unit size limit standards (which are good) while harvesting some trees. They are not mutually exclusive yet the EA inaccurately frames it as such.”</p>	<p>ALTER 23000/133 Refer to Appendix B to the EA, Responses to Comments from Scoping, pp. B-15 to B-16, for responses to your March 12, 2009 comments.</p> <p>NFMA specifies exceptions to established maximum opening sizes. The reason why a Forest Plan amendment is required is because these exceptions from NFMA are not specifically stated in our current Forest Plan. The exceptions are codified in 36 CFR 219.12(b)(2), in which it is stated: “The plan maximum size openings must not apply to the size of areas harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm.”</p>
<p>3-3. Statement that 1982 NFMA regulations should be used. “In light of the WO memo issued on about July 15th of this year in the wake of the 2008 NFMA regs being thrown out by federal court, this Forest now appears to be faced with a choice of NFMA regs for this project. Specifically, should the Forest use the 1982 or the 2000 NFMA regulations? The short answer to that is that the 1982 NFMA regulations should or need to be applied to the planning and approval of this project. There are many reasons for this. [See comment letter for expounded reasons.]”</p>	<p>PRCSS 10400/140 The U.S. District Court for the Northern District of California, as part of its June 30, 2009 decision to enjoin the 2008 planning rule in the Citizens for Better Forestry v. U.S. Department of Agriculture, No. C 08-1927 CW case, ruled that the Agency may choose whether to reinstate the 2000 planning rule or the 1982 planning rule. The July 15, 2009 Washington Office memo you refer to states: “The Department has determined that the 2000 planning rule is now in effect, including its transition provision as amended in 2002 and 2003 and as clarified by interpretative rules issued in 2001 and 2004, which allows you to use the procedures of the 1982 planning rule to amend or revise plans.” Our current Forest Plan (1986) was prepared under the 1982 planning regulations and is still in effect until revised. This project, including the proposed Forest Plan amendment, was analyzed in light of both our current Forest Plan and our current NFMA regulations (2000, with available transition provisions).</p>

<p>3-4. Statement that 90-day comment period and Regional Forester approval requirements should apply. “To this effect and in the interest of consistency with the 1982 36 CFR 219.27, we believe that the 176 acre ‘created opening’ analyzed in alternatives 2 and 3 of the EA will necessitate the corresponding Regional Forester Noticing, such as for a 90 day comment period for such large even-aged silviculturally created logging openings. The logging contemplated is not needed as a response to the fire or beetle events, nor is it requisite to move the area into consistency with the natural or historic range of variability. For these reasons and others the RO notice and comment period applies.”</p>	<p>PRCSS 10400/133 Refer to Appendix B to the EA, pp. B-15 to B-16, responses 45 and 46.</p> <p>Public review timeframes on this project include two 30-day scoping periods, a 30-day comment period following the release of the EA, and a 45-day appeal period following release of the Decision Notice.</p> <p>Regional Forester approval is not required for this project, as it will involve the salvage of trees killed or damaged by fire and subsequent bark beetle attacks, therefore the maximum size limits do not apply (NFMA, FSM, and 36 CFR 219.12[b][2]). A Forest Plan amendment is still required, however, because the maximum size limit exceptions are not stated in our current Forest Plan.</p>
<p>3-5. Concern that proposed openings would have significant effects. “Similarly, the environmental study in the body of the EA of the 4-pronged test for the NFMA significance of de-facto clear cut size limits in excess of 175 acres are not adequate to support findings of non-significance in the NFMA or NEPA contexts.”</p>	<p>PRCSS 13100/133 Refer to the EA, DN/FONSI, and supporting specialist reports. Considering both context and intensity, the action is not expected to have any significant effects.</p>
<p>3-6. Concern that wildlife analysis is inadequate in its assessment of effects of opening sizes and disagreement with determination of non-significance. “NFMA and the best available science on created logging openings in regards to MIS and wildlife habitat maintenance or improvement directly contradict the aspects of the proposed action that would seek to establish logging (including salvage) created openings in excess of 5 acres. The environmental analysis in the EA doesn’t disclose this or use it for its hard look at the impacts of the action alternatives on MIS as well as other wildlife populations and habitats. Similarly, there is a failure in the environmental analysis to take a hard look at the real and potential detrimental effects to MIS as well as Sensitive wildlife due to increased edge effect, increased lengths and acreages of edge habitat that would result from either of the action alternatives. Similarly, the decrease in secure habitat as well as hiding cover habitat for game species is not adequately examined. Finally, decreases in habitat effectiveness for Sensitive species as well as species generally sensitive to decreased remoteness and degradation of secure habitats not prone to human and other edge species competitions and</p>	<p>PRCSS 13100/450 Refer to the <i>Wildlife</i> section of the EA (pp. 31-44) and the terrestrial wildlife specialist report in the project record. These issues are evaluated and recent literature is considered and cited. Openings will only be created in habitat that has already been burned (at high mortality rates) by the fire and only dead or dying trees will be harvested. In essence, the edge habitat has already been created by the Neola North Fire. The project will occur in those areas where edge habitat has already been created. The EA and the terrestrial wildlife specialist report also require snag and down woody debris retention in the project area that complies with Forest Plan standards (including the Forest Plan amendment for the Utah Northern Goshawk Project), the Conservation Strategy and Agreement for the Management of Northern Goshawk Habitat in Utah (Forest Service et al. 1998), and requirements for sensitive species cavity nesters. The wildlife specialist report also evaluates hiding cover for big game species in detail. Also, any road construction (½ mile under Alternative 2) is temporary and will be rehabilitated following project completion, along with an additional 1 ½</p>

<p>invasions that would result from construction and re-construction of existing and temporary roads and skid trails is not adequately considered in the EA. A FONSI at this point would be inadequate due to the inadequate examination of increased competition and presence of more aggressive edge-species (including humans), which would be incurred due to the road management activities, skid trails, and log loading areas that would be necessary to implement the proposed action. The same is the case for alternative 3, but proportionately less so due to the exclusion of logging, roading or skidding activities in the proposed wilderness area acreage. However that is a minor fraction of the acreage proposed for entry in the proposed action."</p>	<p>miles of existing, non-system road that will also be closed and rehabilitated. We concur that effects under Alternative 3 are less than those under Alternative 2; however, effects under either action alternative are not expected to adversely affect threatened, endangered, proposed, candidate, or sensitive (TEPCS) species or management indicator species (MIS). We maintain that the evaluation of the potential effects of the project on wildlife is adequately analyzed in the wildlife specialist report, summarized in the EA, and is based on the best available science.</p>
<p>3-7. Support of a modified alternative 3 in which no openings would be larger than 5 acres. "In light of the above, management recommendations in Reynolds et. All [sic], and other newer best available science we recommend modifying at least one action alternative such that there would be no created openings in excess of 5 acres each. While this may at first seem like a radical departure from the 2 action alternatives, we believe detailed analysis or consideration of this change is important, if not necessary, for a number of reasons. Before mentioning some reasons as examples, it is worth noting that the objective to supply salvage timber to satisfy un-met timber industry demands would and could be met with these or similar changes to limit openings to no more than 5 acres. Commercial size wood products would still be extracted. Additionally, habitat needs for mature and late successional forest dwelling MIS, sensitive, and other species would be satisfied to a significantly increased degree with this change. This is also much more consistent with management recommendations for sensitive mature and late successional forest-dwelling species, particularly for those that appear to be more secretive or more susceptible to edge effects, and associated increased presence of edge habitat-favoring species. Assuming corresponding project design criteria are shown to be effective, UEC would like to take this opportunity to write now in support and endorsement of such a modified alternative 3. This would work to avoid, address, or reduce above-mentioned NFMA concerns, as well as the concerns we will comment on below."</p>	<p><u>ALTER 23400/002</u> The Neola North Fire has, in essence, already created large openings. The project will only occur within this already burned perimeter. We believe that an additional alternative limiting salvage harvest to five acre patches in fire created openings is not necessary. Furthermore, in the areas of high mortality, habitat has been burned and hiding cover has become poor. The "openings" to be created will involve the removal of dead and dying trees only within the burn perimeter (fire created openings), and will involve the retention of wildlife snags (see EA, p. 8, measure #7). The wildlife specialist report reviews the recent literature that contains the best available science for maintenance of goshawk and cavity nester habitat, as well as other TEPCS and MIS habitat, including several papers by Reynolds. In addition, a further review of Reynolds et al. 2008, found that the project is consistent with the findings in that paper. In reviewing this literature, we maintain that the project size, edge habitat, and requirements for snag retention and down woody debris for the project outlined in the EA are sufficient to maintain habitat for these species. We also maintain that the evaluation of potential effects of the project on TEPCS and MIS species is adequately analyzed in the wildlife specialist report, summarized in the EA, and is based on the best available science. Also, the project area occurs around an arterial travel route that is used frequently by recreationists. Therefore, more secretive species are unlikely to be using the area within or near the project and are unlikely to be affected by the project. For a detailed analysis, refer to the wildlife specialist report and the summarized version of the report in the EA (pp. 31-44).</p>

<p>3-8. Concern regarding short term effects on dead down woody debris and encouragement to not harvest stands with fir and spruce. “We have ongoing concerns with the current status of, and associated trajectory that result [sic] from either logging alternative, to dead down woody debris in the short term. The concern is reduced in the long term due to predicted decay of snag leave trees. This is a larger concern for MIS and Sensitive Wildlife species and their prey, as well as for water infiltration rates and associated water and aquatics issues. Depending on the location, for example, it looks like some stands have spruce, fir, and/or aspen species representation. That would seem to class those areas as mixed conifer, because they are not pure lodgepole, or lodgepole and aspen. In those areas the direction is to have a larger amount of larger diameter coarse dead woody debris per acre. In light of this we think stands that have species such as fir and spruce should not be harvested, in the interest of not working to move away from coarse dead wood requirements.”</p>	<p>NRMGT 30300/002 See the wildlife and soils specialist reports and the EA for discussions of dead down woody debris. As stated in the wildlife report, the cover type within the project area is a dominant stand of lodgepole pine (93%). There are a few spruce trees and even fewer fir trees (comprising a combined total of approximately 7% or less of the stand) in a spotty distribution within the project area. Since the project area occurs within a cover type of nearly all lodgepole pine and since there are a low number of spruce/fir trees in a dispersed distribution within the project area, the applicable portion of guideline i (down log and coarse woody debris retention direction from the Forest Plan amendment for the Utah Northern Goshawk Project) is that for the lodgepole pine cover type – 50 tons of coarse woody debris (inclusive of down logs) per 10 acres. However, because soils and water specialists recommended higher rates of retention, 80 to 240 tons per 10 acres, coarse woody debris will be retained at these higher rates (EA, p. 7, measure #3).</p>
<p>3-9. Concern regarding soils analysis and reiteration of preference for Alternative 3. “The analysis of detrimental soils impacts by activity area, as well as by effects . . . or watershed, don’t seem to be adequately backed up or summarized in the EA. For example it seems that the potential for meeting or exceeding the 15% detrimental soil impacts cap would be achieved when accounting for those negative impacts of the past clear cutting and road construction, combined with those of the wildfire as well as that of the proposed action. This is particularly so if you add on additional potential cumulatively negative soils impacts from future legal and illegal road use as well as foreseeable future silvicultural entries or fires. In all cases however it looks like the cumulative degree of these effects would be less with action alternative 3, and that is a part of why we would encourage selection of it over alternative 2.”</p>	<p>NRMGT 30300/330 The 15% soil impacts cap you refer to is a regional guideline regarding detrimental soil disturbance. It is meant to be used where appropriate and is for use on a site specific project, not for landscape analysis or cumulative effects at a watershed or landscape scale. This guideline was not used in the environmental analysis for this project. For the area in which this project will be implemented, issues involving soil and detrimental soil disturbance were analyzed with a focus mainly on high water table. Watershed and timber staff spent time on the ground to map and remove all those areas from the project in which detrimental soil disturbance could be anticipated to occur. Because these areas were removed from the project, only limited remaining areas of detrimental disturbance will occur; these will mainly be from temporary roads and skid trails that will be closed following the sale. The fire could also result in soil disturbance; however, fire is a process that is part of this ecological type. When considering areas of high burn severity, skid trails, and other items that would add to the 15% regional guideline, the soils scientist for the project determined that areas of high water table were more significant in the analysis and, once removed from the project, did not see a need to use the regional guideline.</p>

<p>3-10. Appreciation of IDT's efforts. "Thank you very much for you and your IDT's time, energy, and dedication to managing and protecting this part of the Ashley N.F. as best as possible. The IDT's efforts do show to us and others in the public and this reflects very positively on the management of this Forest. While we will not always agree with direction or analysis for all projects, the District and Forest's efforts here to honor, or at least read and study, public comments and issues are clear."</p>	<p>PRCSS 12000/002 Thank you for your comment. We appreciate UEC's interest and involvement in this project.</p>
<p>4 – State of Utah Public Lands Policy Coordination Resource Development Coordinating Committee (RDCC) (9/24/09):</p>	
<p>Comment</p>	<p>Response</p>
<p>4-1. Fugitive dust rules. "The Division of Air Quality provides the following comments: The proposed project in Duchesne County maybe [sic] subject to R307-205-5: Fugitive Dust, of the Air Quality Rules, due to the fugitive dust that is generated during the excavating phases of the temporary road project. These rules apply to construction activities that disturb an area greater than ¼ acre in size. A permit, known as an Approval Order, is not required from the Executive Secretary of the Air Quality Board, but steps need to be taken to minimize fugitive dust, such as watering and/or chemical stabilization, providing vegetative or synthetic cover or windbreaks. A copy of the rules may be found at www.rules.utah.gov/publicat/code/r307/r307.htm."</p>	<p>NRMGT 31000/350 Thank you for increasing our awareness of air quality rules. We will ensure that appropriate action is taken to minimize fugitive dust during temporary road construction.</p>

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