

Decision Notice & Finding of No Significant Impact Mount Olympus Administrative Site Conveyance

USDA Forest Service
Salt Lake Ranger District
Uinta-Wasatch-Cache National Forest
Salt Lake County, Utah

Decision and Reasons for the Decision

Background

This document outlines the Forest Service's decision regarding a proposed land sale of 5.75 acres of National Forest System (NFS) land. The property (Mt. Olympus Administrative Site) is situated along the Uinta-Wasatch-Cache National Forest (UWCNF) boundary, within a residential area known as Olympus Cove, in unincorporated Salt Lake County. The site location is at about 4900 South Mile High Drive (approx. 3375 East) and is configured as a triangle. The north side of the triangle is bordered by a residential area and the west side by undeveloped private property. Several other homes are located about 500 feet further to the west. The third side of the parcel adjoins undeveloped NFS land and roughly parallels Mile High Drive, which currently provides access under special use permit to two homes at the end of this paved street.

Decision

Based upon a careful review of the analysis and alternatives contained in the EA, I have decided to implement Alternative B, the Proposed Action, which involves a competitive sale of approximately 5.75 acres of NFS land managed by the UWCNF, at not less than the market value. The property will be conveyed under authority of the Forest Service Facilities Realignment & Enhancement Act (FSFREA P.L. 109-54). The sale will be subject to valid existing rights and encumbrances of record and specific terms of the sale will be provided in an Invitation to Bid. As part of the sale, an easement will be granted by the purchaser providing public access and limited trailhead parking on the existing road that lies along the eastern border of the 5.75 acre parcel. This easement would encumber approximately 1.5 acres of land and would overlay the existing paved access road which crosses the parcel. It would provide a short spur trail that would access the BST. It would also provide legal access to the private residences to the south.

The Salt Lake Ranger District released a final EA in March 2010 that analyzed the potential impacts of the proposed BST alignment plan in Salt Lake County. A Decision Notice (DN) was released on March 29, 2010. The DN authorized the construction of a segment of trail that would traverse above (to the east) of the sale parcel on NFS lands. The DN also authorized a small roadside trailhead/access point at the eastern boundary of the parcel. No trail construction was authorized that would cross the parcel.

Rationale

When compared to the other alternatives, Alternative B best meets the purpose and need for action, and the goals and objectives identified in Wasatch-Cache National Forest 2003 Forest Plan. The sale of the Mt. Olympus Administrative Site will provide a portion of funding toward a new government-owned facility, for the Salt Lake Ranger District. A new government-owned facility will provide improved shop

and warehouse space, storage for fire engines and related equipment, and parking for employees and visitors. In addition, the new facility will substantially reduce administrative costs over the long term.

I recognize that converting the use of the land from open space to potential residential development is of concern to a number of local residents. However, this decision will enable the FS to be more efficient and effective in meeting our administrative needs, in addition to being more efficient and cost effective over the long term. The efficiencies gained from this sale will enable the FS to better meet our short and long term priorities for caring for the land and serving people on the Salt Lake Ranger District and on the UWCNF.

I also believe that this sale will provide a forest boundary that better delineates natural open space forest lands and the developed urban environment. A trailhead/access point has been authorized in the BST EA DN and the WCNF has entered a Memorandum of Understanding with the Bonneville Shoreline Coalition supporting the BST concept. In addition, there is direction supporting the BST concept in the 2003 WCNF Revised Forest Plan. The inclusion of an easement for a trailhead in the sale of the Mount Olympus Administrative Site will secure national forest access in this area and meets the direction of the 2003 WCNF Revised Forest Plan.

The decision to provide for a short section of the BST trail and trailhead, has been one of the most difficult and controversial aspects of this project. We have heard very clearly from a number of community residents about their concerns of granting easements for the potential construction of a short section of the BST trail and trailhead. We have also heard public support for the easements and the value that the easements could provide in securing public access to NFS land and potentially to the BST. Maintaining public access to NFS lands is an important aspect of my decision. Much of the access to NFS lands along the foothills in Salt Lake County has been lost to private residential development. My decision to protect public access to NFS land by providing for trailhead parking is consistent with the direction that was established with my decision to authorize construction of the BST in the Mile High area. I believe that providing an easement for a developed roadside trailhead/access point and access trail to the BST will reduce potential conflicts, address the issues identified by local residents, and will ensure managed, long-term public access to public land

Other Alternatives Considered

In addition to the selected alternative, I considered one other alternative, Alternative A – No Action. I did not select Alternative A – No Action because it does not address the purpose and need.

Public Involvement

The proposal was provided to the public and other agencies for comment during two separate 30-day scoping periods:

The first scoping period ran from February 9 to March 9, 2009 and stated the sale of the Mount Olympus Administrative Site would be a direct sale to Salt Lake County, in order to retain the entire property as an open space acquisition for the Bonneville Shoreline Trail and trailhead parking lot. However, on February 24, 2009, Salt Lake County withdrew consideration of this parcel due to other priority open space acquisitions.

The second scoping ran from August 13 to September 12, 2009 to inform the public of the sale of the Mount Olympus Administrative site as a competitive sale. It was held concurrently with a 30 day formal notice and comment period. The public was informed that although all comments from both scoping periods would be considered; only those commenting during the formal notice and comment period would be eligible to appeal.

A total of 35 comment letters were received during scoping; 19 from residents of Olympus Cove, 10 from concerned citizens, 3 from environmental committees, 1 each from three local government agencies. Based on the comments, the Forest Service interdisciplinary team developed a list of issues to address. All issues raised are considered in terms of potential effects relative to the No-Action and Action Alternatives. The list of issues was refined and either retained for in-depth analysis across the range of alternatives or dismissed from analysis because they were outside the scope of this project or currently under review in the BST 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 the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my decision on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. The proposed action will not adversely effect public health and safety in the Olympus Cove area. If development occurs on the parcel, it will most likely be similar to other homes in the area and such construction will have no discernible effects on public health and safety. The easement could provide future recreation opportunity, which may improve public health and would have minimal effect on safety. Since the decision whether or not to build the trailhead is not part of this decision, effects on health and safety as they relate to the BST trailhead, are studied in detail in the BST EA.
3. There will be no significant effects on unique characteristics of the area (see EA, Chapter 3, pages 10-24);
 - a. There is no habitat for TES plant or animal species on the parcel. Therefore, there would be “no effect” or “no impact” on these species from this project.
 - b. There are no cultural or archeological resources present on the parcel.
 - c. There would be no long-term adverse effects on water quality and soils from this proposal.
 - d. The visual quality and aesthetics have both adverse and beneficial effects. All the effects were taken into consideration when making my determination of significance. Based on my review of the analysis, I have determined that there will be no significant effects associated with implementing this decision.
 - e. There would be minimal effects on recreation and open space. There will be a loss of recreation and open space as a result of the property sale, but the overall loss is minimal. The sale will require the purchaser grant an easement to Salt Lake County on a portion of the parcel that could accommodate the Bonneville Shoreline Trail (BST) trailhead, and will maintain access to NFS lands as well as legal access to the private land to the south of the parcel. The decision to build the trailhead was made separately as part of the overall BST Alignment plan EA decision (March 2010). Therefore, recreation opportunities associated with the BST alignment will not be affected by this decision.
4. The effects on the quality of the human environment are not likely to be highly controversial. The sale will require the purchaser grant an easement to Salt Lake County on a portion of the parcel that could accommodate the Bonneville Shoreline Trail (BST) trailhead, and provide access to adjacent NFS land as well as legal access to the private land to the south of the parcel. This would secure access to National Forest land and provide opportunities to recreate in the area, thus assuring the quality of the human environment.
5. 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.
6. The action is not likely to establish a precedent for future actions with significant effects.
7. The cumulative impacts are not significant (see EA, Chapter 3, pages 10-24)

8. No cultural or archeological resources are present on the parcel. In addition, there are no buildings remaining on the property. All that remains of the existing structures on the site are remnants of the foundations of several buildings (see EA, Chapter 3, pages 10-24).
9. The action will not adversely affect any endangered or threatened species or habitat that has been determined to be critical under the Endangered Species act of 1973. The Forest wildlife biologist, fisheries biologist, and botanist determined there will be no effect/no impact to threatened, endangered, or Forest Service sensitive species in implementing this action (see EA, Chapter 3, pages 10-24).
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment.

Findings Required by Other Laws and Regulations

This decision to sell the Mount Olympus Administrative Site with a requirement that the purchaser grant an easement providing access is consistent with the intent of the forest plan's long term goals and objectives. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines. (see EA, Relevant Documents, pages 1-3). A Civil Rights Impact Analysis has been completed and it revealed no issues or implications arising from established policies or procedures that would discourage or adversely impact the participation of Indian tribes, minorities, women, or persons with disabilities, socially or economically disadvantaged and/or limited resource landowners.

Findings related to other laws and regulations are summarized below:

Clean Water Act of December 27, 1977 – The Clean Water Act requires each state to implement its own water quality standards. The State of Utah’s Water Quality Anti-degradation Policy requires maintenance of water quality to protect existing in-stream Beneficial Uses on streams designated as Category 1 High Quality Water. All surface waters geographically located within the boundaries of the Wasatch-Cache National Forest, whether on public or private lands, are designated as Category 1 High Quality Water. My decision will not affect the existing high quality water flowing through the area.

Executive Order 11990 of May 24, 1977 – This order requires the Forest Service to take action to minimize destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. In compliance with this order, Forest Service direction requires that analysis be completed to determine whether adverse impacts would result. My decision will have no adverse effects to wetlands located within the project area and therefore is in compliance with E.O. 11990.

Executive Order 11988 of May 24, 1977 – This order requires the Forest Service to provide leadership and take action to: (1) minimize adverse impacts associated with occupancy and modification of floodplains and reduce risk to flood loss; (2) minimize impacts of floods on human safety, health and welfare; and (3) restore and preserve natural and beneficial values served by floodplains. My decision will have no adverse effects to floodplains.

Endangered Species Act of December 28, 1973 – This Act directs that all Federal departments and agencies shall seek to conserve endangered, and threatened (and proposed) species of fish, wildlife and plants. This obligation is further clarified in a National Interagency Memorandum of Agreement (dated August 30, 2000) that articulates a shared mission to “...enhance conservation of imperiled species while delivering appropriate goods and services provided by the lands and resources.” Based on the information disclosed in the biological assessment, it has been determined that this decision will have no adverse effects to populations of endangered, and threatened (and proposed) species of fish, wildlife and plants.

Executive Order 13186 of January 10, 2001 – This Executive Order relates to conservation of migratory bird species. My decision is in compliance with this Executive Order for the Conservation of Migratory Birds.

Executive Order 13112 of February 3, 1999 – This Executive Order directs that federal Agencies should not authorize any activities that would increase the spread of invasive plant and animal species. This decision will not increase the spread of invasive species.

American Antiquities Act of 1906 and the National Historic Preservation Act of 1966 – There would be no effects to any historic properties relative to this decision.

Prime Farmland, Rangeland and Forest Land (Secretary of Agriculture Memorandum 1827) – There is no prime farmland or grazing allotments within the project area.

Civil Rights Act of July 2, 1964 – Based on comments received during scoping and the comment period, there would be no adverse effects to groups or individuals protected under the federal Civil Rights Act.

Executive Order 12898 of February 16, 1994 “Federal Actions to Address Environmental Justice on Minority Populations and Low-income Populations” – This order requires federal agencies, to the extent practicable and permitted by law, to make achieving environmental justice part of its mission by identifying and addressing as appropriate disproportionately high and adverse human health effects, of its programs and policies and activities on minorities and low-income populations in the United States and territorial possessions. No minorities and low-income populations were identified during public involvement activities that would be affected by this decision.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer at *Appeal Deciding Officer Harv Forsgren, Regional Forester, 324 25th Street, Ogden, Utah 84401 fax 801-625-5277*. The office business hours for those submitting hand-delivered appeals are: 8:00 to 4:30, Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), and Word (.doc) to appeals-intermtn-regional-office@fs.fed.us. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification. Individuals or organizations who submitted comments during the comment period specified at 36 CFR 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Appeals, including attachments, must be filed within 45 days from the publication date of the legal notice in the Salt Lake Tribune, the newspaper of record. Attachments received after the 45-day appeal period will not be considered. The publication date in the Salt Lake Tribune, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Implementation Date

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

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Catherine Kahlow, District Ranger, at 6944 S 3000 E, Salt Lake City UT 84121, 801-733-2675, or ckahlow@fs.fed.us.

/s/ Cheryl F. Probert for

Brian Ferebee
Forest Supervisor
Uinta-Wasatch-Cache National Forest

9/24/10
Date

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