



United States  
Department of  
Agriculture

Forest Service

July 2014



# **DRAFT Decision Notice and Finding of No Significant Impact**

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## **Cart Creek Watershed Roads Improvement Project**

Vernal Ranger District, Ashley National Forest  
Daggett County, Utah

Salt Lake Meridian; Township 1 North, Range 22 East; portions of sections 2, 10, 11,  
12, 15, 16, 21, 22, 23, 24, 27, 28.

Salt Lake Meridian; Township 1 North, Range 23 East; portions of section 7.



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July 11, 2014

## Decision and Reasons for the Decision

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### Background

The Cart Creek Watershed on the Ashley National Forest (the Forest) is part of the vast public backyard area of the Eastern Uinta Mountains, with dispersed camping, off-highway vehicle and snowmobile use, and big game hunting from the local communities and area visitors. Motorized vehicle use on undesignated routes as well as on designated roads and trails through sensitive resource areas has had a negative impact on riparian and meadow habitat. This is causing soil erosion and contributes to an increased sediment delivery to the streams within the watershed. In 2009, the Forest signed the record of decision and the final environmental impact statement for the motorized travel plan; implementation of this plan has been ongoing with the goal to improve the management of public summer motorized use. Travel management implementation is achieved by designating roads and motorized trails that are open for public motor vehicle use while reducing impacts to forest resources. This project involves two road improvement areas within the Cart Creek Watershed. One area is located in Greens Draw on Forest Road (FR) 049 and Forest Trail (FT) 004 and the other area is located in Bowden Draw on FR 177 and FT 008. Relocating portions of these motorized routes and implementing seasonal closures will help mitigate resource damage occurring in these areas of the watershed.

### Purpose of and Need for Action

The purpose of this project is to protect and improve soil and water resources through mitigating watershed damage occurring from poor road conditions and locations. To achieve the purpose of this project, we are planning road relocations and seasonal closures. On the roads planned for relocation, the current routes are traversing wet meadows where users are developing unauthorized routes to find a way around the wet sections. Rutting and braiding are occurring, as well as unnecessary sediment delivery to the streams. To address these issues, we need to construct reroutes that move the roads out of the bottom of the wet meadows to dry locations in the trees. This project will also provide safe passage to Forest users traveling on the motorized routes within the project area. These proposed reroutes will also address two outstanding priority travel management projects listed with specific outcomes in the 2009 final environmental impact statement for the motorized travel plan. Overall, this project will help realize the goal of improving meadow and riparian health, addressing soil erosion, and decreasing sediment delivery to streams in the Forest's priority watershed. Also, by utilizing seasonal closures, further resource damage will be avoided during spring thaw and will improve the areas for wildlife benefit.

### Decision

I have decided to implement the proposed action, as analyzed in the June 6, 2014 Cart Creek Watershed Roads Improvement Project environmental assessment (EA), to meet the above-identified purpose of and need for the project. The action is described below. See maps in the EA for a spatial depiction of planned activities. ***The project design criteria and mitigation measures listed on pages 16-22 of the EA will be implemented as part of this decision.*** They are not repeated here; however, they are required and are part of this decision.

### Reroutes

We will construct two road reroutes as part of this project: FR 049 in Greens Draw and FR 177 in Bowden Draw.

July 11, 2014

In Greens Draw, we are planning to reroute 1.3 miles of FR 049, starting at mile marker 1.6 to the end of the road. A restrictive barrier will be located where FR 049 ends and FT 004 begins, allowing only vehicles less than 50 inches in width to continue on FT 004. The proposed reroute will break off from the current road at mile marker 1.6 and travel on higher elevation benches through the woods on the southeast/east side of the draw. This will bring the road out of the bottom of the draw, where resource damage is occurring through rutting and braiding and where user created routes are proliferating across the meadow. (See map 2 in Appendix A to the EA.)

In Bowden Draw, we are planning to reroute FR 177 for 1.2 miles. This reroute will separate from FR 177 at mile marker 2.0, follow the footprint of an unauthorized route to the trees, and then continue to traverse on benches through the trees to the southeast/east side of the meadow to the end of the road. A restrictive barrier will be located where FR 177 ends and FT 008 begins, allowing only vehicles less than 50 inches in width to continue on the trail. (See map 3 in Appendix A to the EA.)

Both FR 049 and FR 177 are currently single lane Forest Service maintenance level two roads with natural surface and spot aggregate surfacing which receives maintenance every five years. The reroute sections will maintain the same level of maintenance and surfacing. The new road segments will be single lane and 14 to 16 feet in width with a 33 foot clearing limit. Inter-visible turnouts will also be constructed to allow for passing vehicles. Both reroutes will cross several ephemeral channels; in these locations appropriate culverts, drainage structures, and surfacing will be used as dictated by the crossing. The material for the spot aggregate surfacing during new construction will be developed from the borrow pit (discussed below) as well as from existing sources located close to the project area. During construction, it is expected that there will be four pieces of heavy equipment on site including a trackhoe, backhoe, and two dump trucks. Fuel trucks, maintenance vehicles, and personal vehicles will also frequent the site during working hours. Access to the project areas will be via Highway 191, FR 177, and FR 049. We expect that each reroute segment will take 20 working days to complete.

### **Timber Removal**

The volume of timber located on the road footprint will be assessed for both reroutes. This will include a total of approximately 2.5 miles in both locations at a 33 foot clearing limit, giving a total clearing of approximately 10 acres. The planned reroutes are located in Forest Plan management area n, an area suitable for the production of timber. This timber may be harvested through a commercial timber sale contract prior to the construction of the road. We expect that both skidders and logging trucks will be used to access and clear the proposed reroutes of timber prior to or during road construction.

Hazard trees (such as dead, dying, and structurally unsound trees) exist in the project area. Hazard trees will be cleared two tree lengths from the edge of the planned reroutes. These trees could also be included in the proposed timber sale.

### **Borrow Pit**

The borrow pit is located on higher ground to the west of Greens Draw. There is an unauthorized route, leaving FR 049 at approximately mile marker 1.6, that leads to the base of the borrow pit. This unauthorized route is approximately 0.3 miles in length and will require spot aggregate surfacing. The borrow pit will be developed at the start of the proposed project so that rocks can be used for the reroutes and to block unauthorized motorized routes located in the watershed. The approximate size of the borrow pit will be 0.7 acres. The borrow pit will

July 11, 2014

remain open as a local rock resource in the area after the proposed reroutes are completed. The access road to the borrow pit will be for authorized use only.

### **Seasonal Closures**

In both Bowden Draw and Greens Draw, the decision also includes seasonal closures. Beginning September 30<sup>th</sup>, the routes will be closed to motorized use to help increase elk distribution and hunter yield in both areas. The closures will last until June 1<sup>st</sup> through the elk calving period and to help prevent further resource damage during the spring thaw. The closure in Greens Draw will be located at the gate between the Cart Creek Pasture (McKee Draw Allotment) and the Greens Draw Pasture (Bowden Draw Allotment) on FR 049. There will also be a seasonal closure on FT 004 and FT 003. Forest Trail 003 (Pipe Creek Trail) exits the Forest boundary to the east and a closure point will be located there as well. The closure in Bowden Draw will be located at the gate between the East McKee Pasture and the Bowden Draw Pasture in the Bowden Draw Allotment on FR 177. There will be a seasonal closure on FT 008 (Kettle Creek Trail). A gate will be needed where this trail exits the Forest.

### **Waterfall Trail**

One of the main attractions off FR 049 is the Greens Draw waterfall. Currently, users are traveling on very well established unauthorized routes across the draw, including riding over parts of the stream entering the waterfall. The decision will eliminate these unauthorized motorized routes and instead establish a hiking trail approximately 0.3 miles in length to the waterfall. A small, 2-3 vehicle parking area will be created and a hiking trail will leave from the parking area leading down to the meadow and the falls.

### **Decommissioning**

After both relocated roads are open for public use, the segments of the original routes will undergo rehabilitation. Restrictive access and signs may be put in place to keep motorized traffic off the closed portions. As deemed necessary in the field, areas may be ripped, seeded, or topped off with slash or mulch. In areas where there is evidence of gullying, soil and vegetation plugs from the surrounding meadow or other methods may be used to help slow down erosion.

## **Other Alternatives Considered**

No unresolved conflicts concerning alternative uses of available resources were identified, therefore no additional alternatives are analyzed in this document (36 CFR 220.7[b][2][i]). Also, the no action alternative, although it aided the analysis, would not help to achieve the purpose of and need for the project.

## **Public Involvement**

The proposal has been listed in the Forest's quarterly schedule of proposed actions (SOPA) since the second quarter of 2013. We provided the proposal to the public and other agencies for comment during a 30-day scoping period ending April 12<sup>th</sup>, 2013, and during a 30-day comment period on the EA ending July 10<sup>th</sup>, 2014. We received a total of three letters in response to scoping (see Appendix B to the EA for our responses to these comments) and no letters during the comment period on the EA. We gave all comments careful consideration. There were a wide range of comment topics and many of these comments helped to shape the proposed action as well as project design criteria.

July 11, 2014

## Finding of No Significant Impact

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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 (during and for the first few years following project implementation) adverse effects will be mitigated through implementation of the design criteria developed for the project. These include such measures as adhering to water quality best management practices; implementing construction activities outside of the March 1<sup>st</sup> to September 30<sup>th</sup> annual nesting period in areas of active northern goshawk nest territories and post-fledging areas; and treating slash to prevent pine engraver beetle population increases (see pages 16-22 of the EA for a complete list of required project design criteria).

### 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.**

We expect this project will improve public safety by constructing properly designed reroutes and by eliminating illegal use of full size motorized vehicles on trails designated for motorized vehicles that are 50 inches or less. 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. The one previously recorded heritage site in the area is an ineligible surface scatter of stone tools and chipped stone debris and is nearly 1,500 feet away from the planned Bowden Draw reroute. One additional isolated find is located in the planned Greens Draw section, but no historical dates were associated and no historic properties will be affected. The reroutes will move the current routes out of wet meadows to higher elevations on the forested hillside and will move the Bowden Draw road away from the intermittent channel in Bowden Draw, only crossing the channel in one location. Also, we expect the project to offer some improvement to the existing situation where certain of the inventoried roadless area characteristics are being degraded from resource damage, ongoing sedimentation, and unauthorized motorized vehicle use.

July 11, 2014

**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 environmental 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 (see EA, *Affected Environment and Environmental Consequences* section, pages 25-83). The analysis is based on the best available data and science regarding the effects of 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, *Affected Environment and Environmental Consequences* section, pages 25-83). Any proposed future project must be evaluated on its own merits and effects. The interdisciplinary team analyzed the project in consideration of the best available science on the effects of the proposed action 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, *Affected Environment and Environmental Consequences* section, pages 25-83).

**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, pages 58-59). Also see relevant portion of #3 above.

**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.**

As described in the EA, this 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. We reached a “no effect” determination for all federally listed species, with the exception of the Canada lynx, for which we reached a “may affect, not likely to adversely affect” determination (see EA, pages 59-63). The U.S. Fish and Wildlife Service concurred with these determinations.

**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

July 11, 2014

(NEPA). The action is consistent with the Ashley National Forest Land and Resource Management Plan (Forest Plan) as summarized in the EA (pages 10-12).

## Findings Required by Other Laws and Regulations

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This decision to implement a road improvement project in the Cart Creek Watershed 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 (n and f).

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 I considered include the National Forest Management Act (NFMA); National Environmental Policy Act; the Endangered Species Act; Sensitive Species (Forest Service Manual 2670); Clean Air Act; Clean Water Act; Wetlands (Executive Order 11990); Floodplains (Executive Order 11988); Migratory Birds (Executive Order 13186); Environmental Justice (Executive Order 12898); National Historic Preservation Act; Archaeological Resources Protection Act; and Native American Graves Protection and Repatriation Act.

Specifically in relation to NFMA, the timber removal portion of 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. We expect the project to improve watershed conditions (see EA, pages 29-42).
2. Although normally we want assurance that the lands can be adequately restocked within 5 years, this does not apply to this project since the timber harvest will be done to create the road reroutes. See FSM 1921.12g for examples of instances when it is adequate not to restock. Also, tree spacing of 33 feet (the clearing width) will still maintain forest cover at the stand scale (see EA, pages 42-46, and forested vegetation specialist report in the project record).
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. We expect the project to remediate existing damage in the watershed. Project activities will not affect any federally listed or sensitive aquatic species. See EA, pages 29-37 and 79-83.
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. The timber harvest is incidental to the construction of the road reroutes (see EA, pages 14-15).

## Administrative Review (Objection) Opportunity

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This project is subject to a pre-decisional administrative review process, also known as an objection process (36 CFR 218, Subparts A and B). Only individuals or entities (as defined by 36 CFR 218.2) who submitted timely and specific written comments (as defined by 36 CFR 218.2) regarding this proposed project during a designated opportunity for public comment established by the responsible official are eligible to file an objection to this draft decision. Issues raised in objections must be based on previously submitted comments unless based on new information that arose after the designated opportunities to comment.

July 11, 2014

Individual members of organizations must have submitted their own comments to meet the requirements of eligibility as an individual; objections received on behalf of an organization are considered those of the organization only. If an objection is submitted on behalf of a number of individuals or organizations, each individual or organization listed must meet the eligibility requirement of having previously submitted comments on the project (§218.7). Names and addresses of objectors will become part of the public record.

Incorporation of documents by reference in the objection is permitted only as provided for at §218.8(b). Minimum content requirements of an objection, identified in §218.8(d), include:

- Objector's name and address, telephone number if available, and signature or other verification of authorship upon request.
- Identification of the lead objector when multiple names are listed, along with verification upon request.
- Name of project, name and title of the responsible official, national forest/ranger district of project.
- Sufficient narrative description of those aspects of the proposed project objected to, specific issues related to the project, how environmental law, regulation, or policy would be violated, and suggested remedies which would resolve the objection.
- Statement demonstrating the connection between prior specific written comments on this project and the content of the objection, unless the objection issue arose after the designated opportunities for comment.

Written objections (mail, fax, email, hand-delivery) on this draft decision must be filed within 45 days of the publication date of the legal notice of opportunity to object in the *Vernal Express* (anticipated for July 15<sup>th</sup>, 2014; however, the actual publication date is the exclusive means to calculate the timeframe). The reviewing officer is John Erickson, Ashley National Forest Supervisor. Although Mr. Erickson is stationed in Vernal, send objections to: Objection Reviewing Officer, Intermountain Region USFS, 324 25<sup>th</sup> Street, Ogden, UT 84401; or fax to 801-625-5277; or email to: [objections-intermtn-regional-office@fs.fed.us](mailto:objections-intermtn-regional-office@fs.fed.us). Electronic objections may be submitted in an email message or in a .doc, .docx, .pdf, .txt, .rtf, or .html attachment. Please include the project name in the subject line. It is the responsibility of objectors to ensure their objection is received in a timely manner (§218.9).

## Implementation Date

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If no objections are filed, project implementation will be approved in a final decision notice, issued on or after the fifth business day following the end of the objection filing period.

If one or more objections are filed, a final decision notice may not be signed until the reviewing officer has responded in writing to all pending objections and until all concerns and instructions identified by the reviewing officer in the objection response have been addressed.



July 11, 2014

## Contact

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For additional information concerning this decision, you may contact Chris Plunkett, Forest Hydrologist, or Lesley Tullis, Environmental Coordinator, both located at the Ashley National Forest Supervisor's Office, 355 North Vernal Avenue, Vernal, UT 84078. Their contact information can be found on the title page of this document.

*Unsigned draft*

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**DAVID OLSEN**  
**Acting District Ranger**  
**Vernal Ranger District**  
**Ashley National Forest**

*Draft date - 7/11/2014*

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**Date**

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