

United States
Department of
Agriculture

Forest
Service

Intermountain
Region



September, 2015

Decision Notice and Finding of No Significant Impact

For The

Revised Cart Creek Watershed Roads Improvement Project

Ashley National Forest

Vernal Ranger District, Daggett County, Utah

*Rowdy Muir, Responsible Official and Flaming
Gorge and Vernal District Ranger*



DECISION

I have decided to implement Alternative 2, which is the Proposed Action of the Revised Cart Creek Watershed Roads Project Environmental Assessment (EA), with the exception of one modification. I have decided to remove the proposed borrow pit and 0.2 mile administrative road to access the borrow pit. After further review and discussion, I believed that this change will better preserve the Roadless characteristics in the project area. This change will also lessen the impacts to environmental resources.

My review of the EA and the supporting project record has provided me with the information that Alternative 2 is the best course of action, and overall, will have minimal impacts to the project area and surrounding areas. The Proposed Action involves relocating Forest Roads (FR) 049 - Greens Draw Road and 177 - Bowden Draw Road out of wet meadows that are not suited to sustain vehicle traffic. Additional actions associated with Alternative 2 include implementing seasonal use restrictions from September 30th to June 1st.

The project area is approximately 28 miles north of Vernal, Utah and can be reached by traveling on Highway 191 north from Vernal. The project area is on the east side of Highway 191, just north of Lena Peak. The project is located in Salt Lake Meridian, Township 1 North, Range 22 East; portions of sections 2, 10, 11, 12, 15, 16, 21, 22, 23, 24, 27, 28; and Salt Lake Meridian, Township 1 North, Range 23 East; portions of section 7 (Appendix B, Map 1 of this document).

The proposed action is described below.

REROUTES

There are two proposed reroutes as part of this project: FR 049 in Greens Draw and FR 177 in Bowden Draw. These reroutes will address resource damage related to the current road alignments. Segments of both roads cross meadows which remain wet for all (or the majority) of the growing season. Rutting and braiding of the roadbed has occurred at these locations, which encourages creation of new routes adjacent to impacted sections, prompting further rutting, compaction, and soil loss in these wet meadow habitats.

The Forest Service proposes to reroute FR 049. This reroute will begin approximately 1.6 miles from where the road intersects Highway 191 and will be about 1.6 miles in length. This reroute will replace approximately the last 1.4 miles of FR 049 (Greens Draw Road) before it turns into Forest Trail (FT) 004 and shorten FR 004 by approximately 0.2 miles. This section of road currently crosses the wet meadow of Greens Draw with deep ruts and multiple road braids occurring at tributary channels and spring/seep areas. To bypass these areas, 1.6 miles of FR 049 will be constructed on drier forested terrain to the south of the meadow (Appendix B, Map 2). The action will also close two unauthorized spur routes that cross the wet meadow to access a waterfall on the northern boundary of Greens Draw. To provide Forest users access to the waterfall, a small parking area will be created with a non-motorized trail leading 0.3 miles across the meadow to the waterfall. In order to better delineate the currently

motorized use designation on FT 004, construction of a pinch gate is proposed at the junction of FR 049 and FT 004. The pinch gate will allow passage for motorcycles and ATVs (motorized vehicles less than 50" width).

The Forest Service also proposes to reroute FR 177. This reroute will begin approximately 2 miles from the junction of Highway 191 and will be approximately 1.4 miles in length. This reroute will replace about the last 1.2 miles FR 177 (Bowden Draw Road) before it turns into FT 008 (Kettle Creek Trail). The current alignment of the road is adjacent to areas of wet meadow within Bowden Draw and crosses several tributary channels and seep areas, which remain wet throughout the growing season. To bypass these areas the proposed reroute will incorporate a portion of existing unauthorized route that spurs from FR 177 to the forested upland south of Bowden Draw; from there the reroute will contour along the hillside to the eastern end of Bowden Draw where FR 177 ends and FT 008 begins (Appendix B, Map 3). As in Greens Draw, construction of a pinch gate at the terminus of FR 177 is proposed. The gate will allow passage for motorcycles and ATVs (vehicles under 50" width) onto FT 008. Such a gate will better delineate the current motorized use for the trail.

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 are proposed to be single lane and 14 to 16 feet in width with a 33 foot clearing corridor. Inter-visible turnouts will also be constructed to allow for passing vehicles. Both reroutes will cross one perennial and 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 brought in 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. Each reroute segment will take about 20 working days to complete.

After both relocated roads are open for public use, bypassed segments of the original route will be closed and rehabilitated. Rehabilitation actions for the old roadbed may include: ripping, seeding, or placement of slash, mulch, large woody debris, or rock features. Barrier rock and signs may also be placed in key locations along approved Forest system routes to prevent continued motorized use in the meadows.

TIMBER REMOVAL

Along both of the proposed reroutes, the volume of timber within the footprint of the roadbeds will be assessed and considered for a possible timber sale. The sale could include live trees within the 33-foot wide corridor cleared for the roadway (estimated at about 11 acres for both roads). It could also include selected hazard trees (i.e. standing dead, dying, or defective) within one tree-length (50 feet) of the roadway. Based on air photo interpretation, this could result in removal of individual hazard trees from up to 32

acres of adjacent timberland. If volume is sufficient for a sale, live trees and hazard trees removed for road construction will be felled and placed adjacent to the roadway. Hauling will be delayed until after the new roads are completed. This will avoid disturbance associated with skidding timber across wet meadow habitat to the current system roads in Bowden and Greens Draws. Due to the small volume of trees to be removed and their proximity to the new road, skid distances will not extend beyond 50 feet from the road edge. However, skidding at times could be done on an angle within that 50 foot space and be up to about 150 feet in distance. Some landings will be necessary, and will take up approximately 2.8 acres of the project area. Woody debris along the roadway in excess of soil and wildlife retention goals (5-15 tons/acre) will be lopped and scattered, piled and burned, or incorporated into rehab efforts in the meadows.

SEASONAL CLOSURES

The project proposes to implement seasonal closure to motorized use for sections of FRs 049, 177 and FTs 004,003 and 008. Seasonal closure gates on FR 049 and 177 will be operated at existing pasture fence lines in Greens and Bowden Draw on the west end. On the east end seasonal gates will be installed on FT 003 and 008 along the Forest boundary (Appendix B, Map 1). Motorized restriction on these travel routes will last from September 30th to June 1st. This seasonal restriction will make about 9 miles of trails and 3.5 miles of roads unavailable for motorized access during those months.

Seasonal restrictions along these routes will help maintain their integrity during the wetter time of the year, reducing the risk of rutting, soil loss and sediment delivery to area streams.

Seasonal closures will not apply to winter use of the area by non-wheeled over-snow vehicles (i.e. snowmobiles and snowcats). The area will remain open to travel by motorized over-snow vehicles during the season when snow cover is 12" and greater, which is the current designation shown in the most recent (2005) winter travel map.

WATERFALL TRAIL

One of the main attractions in the vicinity of FR 049 is the Greens Draw waterfall. Currently, users are traveling on established unauthorized routes across the draw, and some users ford and impact the stream entering the waterfall. The proposed action will eliminate these unauthorized routes and instead establish a hiking trail that is approximately 2 feet wide and about 0.3 miles in length to the waterfall. The road will be widened slightly before the start of the hiking trail to accommodate vehicle parking on the shoulders, and the hiking trail will leave from the parking area 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. Barrier rock, coarse woody debris, and signs may be put in place to keep motorized traffic off of closed roads, once the reroutes have been established. Portions of closed roads, damaged meadow areas, and channels will have reclamation work that will include scarification and ripping, incorporation of bark mulch, transplanting sod plugs from the surrounding meadow, and seeding. Other methods may also be used to help reduce erosion.

DESIGN FEATURES

In addition to the proposed action, described above, a set of detailed design features have been developed that are also an important element of the proposed action. These design features reduce or eliminate undesired adverse and negative effects. Without the incorporation of the design features the expected effects would be different. As such, the design features are a required part of the proposed action. The design features can be found on pages 15-22 of the EA, and Appendix A of this document.

OTHER ALTERNATIVES CONSIDERED

Two other alternatives were evaluated in the EA. The first alternative was considered the “No-Action” alternative, and was evaluated as a comparison of effects. I did not choose this alternative because it did not meet the purpose and need of the project and had no means of improving water quality in the Cart Creek watershed.

The third alternative that was evaluated in the EA was essentially the same as the proposed action, except that there were no seasonal road closures proposed. While I considered this alternative, I did not believe this alternative would be as compatible for improving water quality and watershed characteristics as the proposed action.

A fourth alternative was analyzed in detail also, but I chose not bring it forward in the EA (see specialist resource reports in the project record). This alternative would have closed off access to portions of FRs 049 and 177 to motorized traffic, and thus Forest Trails 003, 004, and 008. While this alternative would have been fully compatible with improving the watershed, this alternative would not have been compatible with the motorized recreational use in this area, and would not have been compatible with the 2009 Motorized Travel Plan, which recognizes these routes as a necessary part of the Forest Road system.

PUBLIC INVOLVEMENT

This action was originally listed in March 2013 as a proposal on the Ashley National Forest Schedule of Proposed Actions (SOPA) and has been updated periodically during the analysis. The SOPA is sent out quarterly to 90 individuals, and is also posted on the US Forest Service website at <http://www.fs.usda.gov/project/?project=41469>. People were invited to review and comment on the proposal through scoping and during the

official EA comment period and the revised EA comment period. A scoping letter was sent out for comment on March 13, 2013 to 58 interested and affected parties. The original EA was sent to 67 interested parties and a legal notice announcing the start of the official comment was published in the *Vernal Express* on June 10th, 2014.

A draft decision notice and finding of no significant impact (DN/FONSI) for the original EA was made available to the public and copies were sent to those who expressed interest in the project. The draft DN/FONSI was sent to 65 individuals. A legal notice announcing the availability of the draft DN/FONSI and the opportunity to object to the original EA was published in the *Vernal Express* on July 15th, 2014. This initiated a 45-day objection period which ended on August 29th, 2014. One objection to the DN/FONSI was received from Uintah County opposing the seasonal closures for the rerouted roads.

At this time, it was discovered that nearby and adjacent landowners had been inadvertently left off the scoping list. A second scoping letter was then sent to 27 neighboring and nearby landowners on September 29, 2014. Based upon comments received from that scoping effort and the objection, it was decided to revise the EA and include additional alternatives.

During the first scoping period, three comments were received, two of which were in support and one comment expressed that no seasonal road closures be included as a part of the proposed action. During the second scoping period, comments were received from one individual in support of seasonal road closures, but not in support of making any road improvements. Comments were also received from neighboring and nearby landowners expressing a desire for permanent closure of FRs 049 and 177 to motorized use. During the official comment period for the original EA, there were no comments received. However, one comment came in after the official comment period had ended opposing the seasonal road and trail closures.

The EA was revised during the winter and spring of 2015, and was sent to 122 interested individuals and organizations. The legal notice announcing the start of the official comment period for the revised EA was published on June 9th, 2015 in the *Vernal Express*. The official comment period for the revised EA was 30 days starting on June 10th, 2015 and ending on July 10th, 2015. The EA lists the agencies and people consulted during the analysis on pages 84-85.

One comment was received which expressed support for relocating the roads to a more suitable location, but would like to see the trails closed to motorized use at the pinch points at the ends of FRs 049 and FR 177.

The draft DN/FONSI for the revised EA was sent out in mid-July of 2015 to 86 interested individuals and organizations and 5 tribal members. The legal notice for the draft DN/FONSI for the revised EA was published on July 21st, 2015 in the *Vernal Express*. The objection period began on July 22nd, 2015 and was 45 days in length, ending on September 4th, 2015. No objections were received during this time period.

DECISION RATIONALE

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 this purpose, I believe that the road relocations out of Greens Draw and Bowden Draw are necessary. To further achieve this purpose, I have decided to implement the seasonal road closures as well. This action will compliment relocating these two roads by eliminating travel on the roadbed during the year when weather and conditions are not conducive to motorized travel, thus reducing erosion and sedimentation to water resources. The EA and hydrology specialist report specifically modeled 500 foot long segments of the roads and trails in the project to determine the effectiveness of seasonal road closures on erosion and sedimentation (pg. 29 of the EA and Appendix C of the Hydrology specialist report (pgs. 29-31) in the project record. The model indicated a substantial reduction in sediment using seasonal road closures compared to not having those closures.

Overall, I believe 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. The Cart Creek Watershed is the Ashley National Forest's primary focus watershed to bring up to a higher condition class.

As the Responsible Official, one of my duties is to help ensure that other projects are also implemented. These 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.

Safety is one of the major factors, I must consider when making a decision on a project. I believe as a result of removing these poorly located and badly rutted roads to higher, more suitable ground, and by providing a stable roadbed, Forest users will have a safer environment for their motorized recreational use.

I realize that my decision may not be popular to all. During the course of receiving public comments during scoping, and both the original and revised EA official comment periods, some individuals expressed a desire to close off access to these roads entirely for motorized use because of concern with trespass onto private property and grazing allotments would be easier to manage. I appreciate this concern, and while I understand the challenges and difficulties associated with trespass, I am also committed to carrying out the National Forest's Multiple Use policy and also to effectively implement the 2009 Motorized Travel Plan. Uintah County and one other individual also expressed concern with seasonally closing these routes. As I have stated above, the primary purpose of this project is to improve water quality by reducing erosion and sedimentation. I believe that seasonal closure of these roads will best meet that purpose.

The Revised Cart Creek Watershed Roads Improvement Project EA documents the environmental analysis and conclusions upon which this decision is based.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

As the Responsible Official, I, Rowdy Muir, am responsible for evaluating the effects of the project relative to the definition of significance established by the Council of Environmental Quality (CEQ) Regulations (40 CFR 1508.13). I have reviewed and considered the EA and documentation included in the project record, and I have determined that Alternative 2 (the Proposed Action) will not have a significant effect on the quality of the human environment.

As a result, no environmental impact statement will be prepared. My rationale for this finding is as follows, organized by sub-section of the CEQ definition of significance as follows.

CONTEXT

The setting of this project is localized with effects largely confined to the project area. "In the case of site specific actions, significance will usually depend on the effects in the locale rather than in the world as a whole. Both short and long-term effects are relevant" (FSH 1909.15, 65.1, Part 02). This project is a site-specific action that by itself does not have international, national, region-wide, or statewide importance. The resource effects analysis disclosed in the EA reveal that most of the environmental effects of project implementation are confined to the project area.

I realize that while this project is underway there will be impacts to the project area. The project area comprises approximately 25 acres (inclusive of the road construction, other ground disturbance such as pullouts, landings, and turnaround areas, pgs. 12, and 35 of the EA) which is equivalent to about 0.1 percent of the Cart Creek Watershed. In terms of context, this project area and its effects are confined to a very small area.

I considered both the short and long-term effects of this project as described on pages 24-83 of the EA. In the short term (about 20 days for road construction), there will be the sights and sounds of road construction equipment. However, once the project is complete, those activities will and effects to recreation will return to pre-project levels. While the roads are being constructed, the existing roads will still remain open, so the impacts to motorized recreation will be kept to a minimum. In addition, the long term effects will improve the watershed condition by reducing the erosion and sedimentation, and reducing compacting and rutting. It is my determination that the effects of implementing Alternative 2 will not be significant locally, regionally or nationally.

INTENSITY

Intensity refers to the severity of the impact. This section is organized around the ten significance criteria described in the National Environmental Policy Act (NEPA) regulations (40 CFR 1508.27).

The intensity of effects was considered in terms of the following:

1. **Impacts 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.** Consideration of the intensity of environmental effects is not biased by beneficial effects of the action. This project has both beneficial and negative impacts.

The beneficial effects include improving the Cart Creek Watershed. By relocating FRs 049 and 177 to more suitable ground, compaction, rutting, erosion and sedimentation will be reduced (pgs. 34-39 of the EA). Furthermore, by the use of seasonal road and trail closures, erosion rates are expected to be substantially reduced (pg. 29 of the EA), and the Hydrologist specialist report, Appendix C (pgs. 29-31, project record).

There are some negative impacts associated with this project. I realize by implementing seasonal road closures that some recreationists may be negatively impacted. I also realize that by not closing the roads and trails to motorized use, that some individuals may be negatively impacted by the potential of certain individuals trespassing onto adjacent non-Forest Service lands. I have also considered the potential for adverse effects to sensitive plant and animal species; however, this project will “not likely contribute to a trend towards Federal listing or a cause of loss of viability” for any Threatened, Endangered, Proposed, or Candidate species or Regional Forester’s Sensitive Species (see Wildlife Specialist Report, the Fisheries Specialist Report, the Biological Assessments, and the Biological Evaluations in the project record, and pgs. 55-83 of the EA).

The Forest routinely engages in road building and timber harvest activities. As such, the effects of the Revised Cart Creek Watershed Roads Improvement Project are largely known and understood.

In consideration of the effects disclosed in this EA as well as the project record, I have evaluated both the beneficial and negative impacts of the project. I have determined that these impacts are not significant.

2. **The degree to which the proposed action affects public health or safety.** I have determined that this project will improve overall public safety. After completion of the project, the new roadbeds will provide a more stable road base, and a safer environment for motorized travel. Additionally, by implementing design features developed for the safety of the public and to protect the watershed (see Appendix A, pgs. 20 and 22 of the EA, and Appendix A, pgs. 21 and 23 of this document), I am confident that this project can be completed without adverse effects to public health or safety.
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.** There are no park lands, prime farmlands, ecologically critical areas, or wild and scenic rivers in the project area.

There are wetlands and riparian areas in both Bowden and Greens Draw. By relocating FRs 049 and 177 to drier more suitable ground, about 2 miles of roads

that currently go through wet meadows will be closed, and impacts to these wetlands will be largely negated if not eliminated entirely (pg. 32 of the EA).

Executive Order 11990-Protection of Wetlands and Executive Order 11988-Floodplain Management provide specific language for the protection of wetlands and floodplains, respectively. In addition, design criteria for soil, riparian and water resources have been developed to negate or minimize impacts to wetlands and floodplains (see Appendix A of this document and pgs. 15-19 of the EA).

There is one previously recorded heritage site in the area that 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 (see the State Historic Preservation Office (SHPO) Concurrence Letter and the Cultural Resources Report, located in the project record).

Therefore, due to the design criteria that will be in place and the nature of the project itself, the impacts to unique features within the project area will not be significantly affected (pg. 32 of the EA).

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The proposed action and its effects are similar to previous Forest Service projects. Road construction and timber harvest have routinely occurred on the Ashley National Forest and the resulting impacts from this project are not expected to be different or outside the effects from previous and similar projects.

I interpret controversy criteria in a FONSI to be the degree to which there is scientific controversy relative to the results of the effects analysis. Based upon previous implementation of similar projects, the effects of the proposed alternative actions on the quality of the human environment are not considered as highly controversial. While there are many different views about some of these specific management actions, the activities proposed are consistent with Forest Plan direction and best available science.

There is no known credible scientific controversy over the impacts of the proposed action and as such, I have determined that the effects of Alternative 2 will not be highly controversial.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The human environment is the natural and physical environment, and the relationship of people with that environment (40 CFR 1508.14). This Proposed Action is similar to past actions completed by the Forest Service. The effects upon the human environment are reasonably expected to be similar to other road construction and timber harvest projects. The project record demonstrates a thorough review of the best available and relevant scientific information and risks associated with the project. We have experience with the types of activities being implemented.

Based upon my knowledge of past actions and the professional and technical knowledge and experience, I am confident that we understand the effects of these activities on the human environment. There are no unique or unusual characteristics about the area or that Alternative 2 will lead to an unknown risk to the human environment. The EA thoroughly documents the anticipated effects from this project on pages 24-83.

6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** As previously stated, the Proposed Action includes activities that are similar to past actions. Therefore, the effects are expected to be similar. The effects analysis is site-specific to the Revised Cart Creek Watershed Roads Improvement Project area and is consistent with the Forest Plan direction. Therefore, no precedent-setting actions are proposed.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative effects of past and present actions, combined with the current proposal, and reasonably foreseeable future actions for each resource are discussed on pgs. 29-33, 38-39, 43, 45-46, 50-51, 54, 57-58, 65-66, 70-71, 75-76, and 81-82 of the EA. The analysis conducted in the EA revealed that there will be no significant cumulative effects for water resources, soils, recreation, fisheries and aquatic organisms, noxious weeds, and silviculture. In addition to being thoroughly reviewed in the EA, cumulative effects analysis for the project area, by resource, were also presented in detail in the associated specialists resource analyses (see project record, Specialists Reports). These analyses were reviewed and determinations were made in accordance with 40 CFR 1508.7 which defines cumulative impacts. Therefore, the effects of the action alternative, when considered in conjunction with other past, ongoing and reasonably foreseeable activities are not expected to lead to significant cumulative effects due to timeframes of implementation, protective measures developed in the selected design features, and application of Forest-wide Standards and Guidelines. Therefore, I have determined that the cumulative impacts are not significant.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** No historic properties will be affected by this project (see the Cultural Resources specialist report and SHPO letter of concurrence in the project record).
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

Terrestrial Species: As required by the Endangered Species Act (ESA), a Biological Assessment was prepared addressing the potential effects to endangered, threatened, proposed, or candidate species (see project record,

Biological Assessment). There are a total of 6 species that are considered listed either in Daggett, or Uintah Counties or on the Ashley National Forest. While habitat exists on the Ashley National Forest for the Mexican spotted owl, black-footed ferret, North American wolverine, western yellow-billed cuckoo, and the greater sage grouse, there is no suitable habitat present for these species in the project area, and as such, they were not further evaluated in the EA for effects from the proposed action (see pg. 55 of the EA, and the Biological Assessment in the project record). There is however suitable habitat for the Canada lynx. Findings were made of “*may affect, but is not likely to adversely affect*” the Canada lynx (threatened), and “*No effect*” for the 5 species listed above as a result of Alternative 2 (see pg. 58 of the EA).

Fish and Aquatic Species: A Biological Assessment was prepared for fish and aquatic species and is contained within the Biological Evaluation (see project record). There are 4 fish species that have been identified that could be potentially be affected by the proposed action that are considered endangered. Those species are the bonytail, Colorado pikeminnow, humpback chub, and razorback sucker. However, there is no suitable habitat for these fish in the project area and they do not occur within the Ashley National Forest. As a result, a finding was made of “*No effect*” for any of the above mentioned species (pgs. 76-77 of the EA).

Botanical species: There is one threatened plant species on the Ashley National Forest, which is commonly known as the Ute ladies-tress. This plant is found in the extreme northeastern portion of the Forest along the Green River from Little Hole to the Forest boundary. There is no habitat for this plant in the project area, and as such there will be no effect from the proposed action (see the Botany specialist report and Biological Assessment in the project record).

Based upon the information contained within the EA, and the Biological Assessments for both terrestrial and aquatic organisms, I have determined that there will be no adverse impacts from Alternative 2 on any endangered, threatened, proposed, or candidate species.

- 10. Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** Alternative 2 is consistent with the Ashley Land and Resource Management Plan (see pgs. 6-8 of the EA). Actions proposed will not threaten a violation of federal, state, or local environmental protection laws (see individual specialist reports in the project record). Project design features listed in Appendix A will assure compliance with these laws. Documentation associated with the Revised Cart Creek Watershed Roads Improvement Project meets the requirements of the National Environmental Policy Act. As a result, I have determined Alternative 2 does not violate Federal, State, or local laws involved in the protection of the environment.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the

human environment. Therefore, an environmental impact statement will not be prepared.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

National Forest Management Act (NFMA) (16 USC 1600 ET SEQ.)

The National Forest Management Act and accompanying regulations require that specific findings be documented at the project level. Those findings applicable to this project include:

1. ***Timber Harvesting Requirements (16 USC 1604[g][3][E])***: The Revised Cart Creek Watershed Roads Improvement Project is consistent with the NFMA requirement for timber harvest. Also see Forest Service Manual (FSM) 1921.12a. Specifically, the following items in NFMA are satisfied:
 - Soil, slope, or other watershed conditions will not be irreversibly damaged. I expect the project to improve watershed conditions (see EA, pages 24-40).
 - Although normally the Forest wants assurance that the lands can be adequately restocked within five 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 40-43, and the Silviculture specialist report in the project record).
 - 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. I expect the project to remediate existing damage in the watershed. Project activities will not affect any federally listed or sensitive aquatic species (pgs. 76-78 of the EA and the Aquatics specialist report in the project record).
 - 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 (pgs. 11-12 of the EA).

2. ***Consistency with the Forest Plan (16 USC 1604[i])***: The Revised Cart Creek Watershed Roads Improvement Project is consistent with the Ashley's Forest Plan. The project area is located in management areas (MA) "n" – Range of Resource Uses and Outputs, and MA "f" – Dispersed Recreation Routed. Table 1 on page 7-8 of the EA documents the applicable objectives, standards, and guidelines for both of these management areas.

The effects analysis and project record demonstrates the project is consistent with Forest Plan standards and guidelines. I have determined the actions are appropriate

and required to remain consistent with the Forest Plan. As required by NFMA Section 1604(i), I find this project to be consistent with the Forest Plan.

3. ***Federal law and direction applicable to Regional Forester's Sensitive Species (RFSS) include the National Forest Management Act and the Forest Service Manual 2670:*** This section provides a summary of the Biological Evaluation (BE) findings for the RFSS. "Sensitive" species include "those plant and animal species identified by a Regional Forester for which population viability is of a concern (Forest Service Manual [FSM] 2670.5). Biological Evaluations must arrive at one of the four possible determinations: 1) "no impacts" (NI; where no effect is expected); 2) "beneficial effects" (BEN; where effects are expected to be beneficial); 3) "may impact individuals but is not likely to cause a trend to federal listing or loss of viability" (MII; where effects are expected to be insignificant [e.g. unmeasurable], or discountable [e.g., extremely unlikely]); 4) "likely to result in a trend to federal listing or loss of viability", (LRT; where effects are expected to be detrimental and substantial).

The following is a summary of the findings; the BEs for terrestrial, aquatic, and plant species are located in the project record. Regional Forester Sensitive Species that are not listed below were determined to have a NI; there were no determinations found that impacted RFSS species more than a MII determination.

- ***RFSS Wildlife BE Determination:***
 - Alternative 2 – MII for the following RFSS terrestrial wildlife species: boreal owl, great gray owl, flammulated owl, three-toed woodpecker, and northern goshawk (pgs. 59-66 of the EA).
 - Cumulative Effects – When combined, the effects of past, present and reasonably foreseeable actions with the proposed action will not result cumulative effects for RFSS wildlife species (pgs. 65-66 of the EA).

I have reviewed the analysis and projected effects on all RFSS plant and animal species listed as occurring or possibly occurring on the Ashley. There is no indication that implementing Alternative 2 will cause effects different than those disclosed in the Biological Evaluation (BE). I concur with the findings and determinations summarized above.

4. ***Management Indicator Species (MIS):*** The National Forest Management Act requires that the Forest Service provide for the diversity of plant and animal communities based on the suitability and capability of the specific land area to meet overall multiple-use objectives. To help meet this statutory goal of diversity, the Forest Service published planning regulations in 1982 which provide that fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. Management Indicator Species are a representation of those species that we wish to maintain. The Ashley Forest Plan requires that habitat is maintained for MIS (p. IV-28 of the Forest Plan). As such, MIS were analyzed with respect to the impacts of both

alternatives in the EA.

The following is a summary of the findings for both MIS species and migratory birds considered under the Migratory Bird Treaty Act. The specialist reports discussing MIS for both terrestrial and aquatic species are located in the project record and presented in the EA on pgs. 66-71, and 78-83. The table below presents the findings from the proposed action on MIS and migratory birds. Species that have a finding of “No effect” are not included.

Species	Classification	Finding
Red-naped sapsucker	MIS	May impact individuals, but will not affect the trend in population.
Warbling vireo	MIS	May impact individuals, but will not affect the trend in population.
Northern goshawk	MIS	May impact individuals, but will not affect the trend in population.
Lincoln’s sparrow	MIS	May impact individuals, but will not affect the trend in population.
Song sparrow	MIS	May impact individuals, but will not affect the trend in population.
Rocky Mountain elk	Species of Economic Importance	May impact individuals, but will not affect the trend in population.
Mule deer	Species of Economic Importance	May impact individuals, but will not affect the trend in population.
Broad-tailed hummingbird	US Fish and Wildlife Service Birds of Conservation Concern (Migratory Birds) or Utah Partners in Flight Priority Species	May temporarily impact individuals, but will not affect the ability of the Forest to provide habitat for this species and is unlikely to affect their population.
Cassin’s finch	US Fish and Wildlife Service Birds of Conservation Concern (Migratory Birds) or Utah Partners in Flight Priority Species	May temporarily impact individuals, but will not affect the ability of the Forest to provide habitat for this species and is unlikely to affect their population.
Brewer’s sparrow	US Fish and Wildlife Service Birds of Conservation Concern (Migratory Birds) or Utah Partners in Flight Priority Species	May temporarily impact individuals, but will not affect the ability of the Forest to provide habitat for this species and is unlikely to affect their population.
Lewis’s woodpecker	US Fish and Wildlife Service Birds of Conservation Concern (Migratory Birds) or Utah Partners in Flight Priority Species	May temporarily impact individuals, but will not affect the ability of the Forest to provide habitat for this species and is unlikely to affect their population.

Species	Classification	Finding
Three-toed woodpecker	US Fish and Wildlife Service Birds of Conservation Concern (Migratory Birds) or Utah Partners in Flight Priority Species	May temporarily impact individuals, but will not affect the ability of the Forest to provide habitat for this species and is unlikely to affect their population.
Flammulated owl	US Fish and Wildlife Service Birds of Conservation Concern (Migratory Birds) or Utah Partners in Flight Priority Species	May temporarily impact individuals, but will not affect the ability of the Forest to provide habitat for this species and is unlikely to affect their population.

With respect to cumulative effects, when combined, the effects of past, present and reasonably foreseeable actions with the proposed action will not result in significant cumulative effects for MIS species or migratory birds (pgs. 71, and 76 of the EA).

I have reviewed the analysis and projected effects on all MIS animal species listed as occurring or possibly occurring on the Ashley, as well as migratory birds. There is no indication that implementing Alternative 2 will cause effects different than those disclosed in the Wildlife and Fisheries and Aquatic Species specialist reports. I concur with the findings and determinations summarized above.

The National Historic Preservation Act (NHPA)

The NHPA gives the direction on protecting and preserving our heritage and archeological sites that are a reflection of our nation’s history. No historical sites will be impacted by implementing Alternative 2 (See SHPO Concurrence letter and Cultural Resources report in the project record). Therefore, I have determined that this project will not significantly impact important cultural resources, and is consistent with the NHPA.

The Clean Water Act

The Clean Water Act provides direction for protection of water quality. Implementing Alternative 2 will improve water quality and watershed conditions within the Cart Creek Watershed. By moving the roads out of wet meadows to higher ground, more suited to motorized traffic, impacts created from erosion, sedimentation, compaction, and rutting will be substantially reduced (pgs. 24-40 of the EA).

Design features, including riparian area protection, have been developed to protect water quality based on site specific conditions, further reducing any effects that could result from the proposed action. Therefore, the integrity of the project area’s water and riparian features will be improved as a result of rerouting FRs 049 and 177 to higher, more suitable ground, and implementing seasonal closures. Alternative 2 will not have any effects on fisheries or aquatic organisms with the implementation of design features. Therefore, I have determined that the Clean Water Act requirements will be met.

Environmental Justice – Executive Order 12898

Public involvement occurred for this project, and the results did not identify any adversely impacted local minority or low-income populations. I have considered the effects of this project on low income and minority populations and concluded that this project is consistent with the intent of this Executive Order. The local community was notified of this project through the public participation process (see project record, Scoping Documentation and EA communications).

IMPLEMENTATION DATE

As per 36 CFR 218.12, if no objection is received within the legal objection period, this decision may be signed and implemented on, but not before, the fifth business day following the close of the objection-filing period. The project is expected to be implemented in late September and October of 2015.

CONTACT

For additional information concerning this decision, contact: Chris Plunkett, Forest Hydrologist. He can be reached by phone at (435) 781 – 5140, or email at cplunkett@fs.fed.us. Alternatively, LeAnn S. Colburn, Forest Environmental Coordinator can also help to answer questions. She can be reached by phone at (435) 781-5163 or email at lscolburn@fs.fed.us



Rowdy Muir
Flaming Gorge and Vernal District Ranger



Date

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APPENDIX A

PROJECT DESIGN FEATURES

Design criteria are integral to reducing impacts of the project on the resources. As such design criteria are a part of the proposed action. Without the design criteria in place, the environmental consequences identified in Chapter 3 of the EA will have different results. The design criteria are organized according to resource areas.

Water and Soil Resources

Designation of Aquatic Management Zones

To minimize potential effects to soil, water quality, floodplain function and riparian resources, distances for the aquatic management zones will be established. Treatment within these zones will be subject to increased mitigation measures. Distances designating project area aquatic management zones are summarized as follows:

- 150 feet from perennial waterbodies, springs, and wetlands greater than one acre.
- 50 feet from intermittent/ephemeral waterbodies and wetlands less than one acre.

Road Building and Decommissioning

During the implementation of proposed reroutes, the following best management practices from the *National Best Management Practices for Water Quality Management on National Forest System Lands* (USDA Forest Service 2012b) would be followed.

Road-2: Locate and design roads to avoid, minimize, or mitigate adverse effects to soil, water quality, and riparian resources.

- Locate roads to fit the terrain, follow natural contours, and limit the need for excavation.
 - Avoid locations that require extended steep grades, sharp curves, or switchbacks.
- Locate roads on stable geology with well-drained soils and rock formations that dip into the slope.
 - Avoid hydric soils, inner gorges, overly steep slopes, and unstable landforms to the extent practicable.
- Locate roads as far from waterbodies as is practicable to achieve access objectives, with a minimum number of crossings and connections between the road and the waterbody.
 - Avoid sensitive areas such as riparian areas, wetlands, meadows, bogs, and fens, to the extent practicable. Where necessary, roads will cross

streams and aquatic management zones at or near perpendicular to the channel alignment to minimize disturbance to sensitive areas.

- Relocate existing routes or segments that are causing, or have the potential to cause, adverse effects to soil, water quality, and riparian resources, to the extent practicable.
 - Design the road for minimal disruption of natural drainage patterns and to minimize the hydrologic connection of the road segment or network with nearby waterbodies.
 - Use suitable measures, such as culverts and flare ditches, to avoid, to the extent practicable, or minimize direct discharges from road drainage structures to nearby waterbodies.
 - Provide sufficient buffer distance at the outfalls of road surface drainage structures for water to infiltrate before reaching the waterbody.

Road-3: Construct roads to avoid or minimize adverse effects to soil, water quality, and riparian resources from erosion, sediment, and other pollutant delivery.

- Use construction techniques to create stable fills.
 - Use full bench construction techniques or retaining walls where stable fill construction is not possible.
 - Avoid incorporating woody debris in the fill portion of the road prism.
 - Leave existing rooted trees or shrubs at the toe of the fill slope to stabilize the fill.
 - Avoid side-cast of soil, road-fill, woody debris/slash into channels and culvert openings adjacent to the road prism.

Road-4: Avoid, minimize, or mitigate adverse effects to soil, water quality, and riparian resources by controlling road use and operations and providing adequate and appropriate maintenance to minimize sediment production and other pollutants during the useful life of the road.

- Designate season of use to avoid or restrict road use during periods when use would likely damage the roadway surface or road drainage features.
- Designate class of vehicle and type of uses suitable for the road width, location, waterbody crossings, and road surfaces to avoid or minimize adverse effects to soil, water quality, or riparian resources to the extent practicable.
- Use measures to communicate and enforce road use restrictions, such as barrier rocks and motor vehicle use signs.

Road-6: When decommissioning the rerouted sections of road, avoid, minimize, or mitigate adverse effects to soil, water quality, and riparian resources by decommissioning unneeded roads in a hydrologically stable manner to eliminate hydrologic connectivity, restore natural flow patterns, and minimize soil erosion.

- Implement measures to close and physically block the road entrance so that unauthorized motorized vehicles cannot access the road. This can be achieved with barrier rocks.
 - Remove the road from the Motor Vehicle Use Map (MVUM) to include the change in the annual forest wide order associated with the MVUM.
- Establish effective ground cover on disturbed sites to avoid or minimize accelerated erosion and soil loss.
 - Use Forest botanist approved seeding mix, listed in the project record.
 - Where available, incorporate slash, coarse woody debris, stumps, needlecast or other organic material onto disturbed sites such as landings, skid trails and road segments to decommission. If necessary obtain chipped wood or straw for additional cover.
- Areas of the road will be ripped or scarified, as deemed appropriate by the soil scientist, to promote infiltration of runoff and intercepted flow and desired vegetation growth on the road prism and other compacted areas.

Road-7: The reroutes cross several ephemeral and intermittent stream channels. Avoid, minimize, or mitigate adverse effects to soil, water quality, and riparian resources when constructing or maintaining permanent waterbody crossings.

- Use crossing structures suitable for the site conditions. These may include culverts and low water crossings.
- Locate stream crossings where the channel is narrow, straight, and uniform, and has stable soils and relatively flat terrain to the extent practicable.
- Culverts:
 - Align the culvert with the natural stream channel;
 - Cover culvert with sufficient road base to avoid or minimize damage by traffic;
 - Design culverts with sufficient volume to pass 10-year flow events and not overtop the road prism under 100-year flow events;
 - Construct at or near natural elevation of the streambed to avoid or minimize potential flooding upstream of the crossing and erosion below the outlet;
 - Install culverts long enough to extend beyond the toe of the fill slopes to minimize erosion;
 - Use suitable measures to avoid water from seeping around the culvert;
 - Use suitable measures to avoid or minimize culvert plugging from transported bedload and debris; and
 - Regularly inspect culverts and clean as necessary.

- Low-water crossings:
 - Locate unimproved fords in stable reaches with a firm rock or gravel base that has sufficient load-bearing strength for the expected vehicle traffic;
 - Construct the low-water crossing to conform to the site, channel shape, and original streambed elevation and to minimize flow restriction, site disturbance, and channel blockage to the extent practicable; and
 - Use aggregate to stabilize or harden the streambed and approaches, including the entire bankfull width and sufficient freeboard, where necessary to support the design vehicle traffic.

Timber Harvest

In a 2009 Memorandum of Understanding between the State of Utah and the Utah National Forests, an agreement was made to use forest plan standards and guidelines and the Forest Service Handbook (FSH) 2509.22 soil and water conservation practices (SWCPs) to meet water quality protection elements of the Utah Non-Point Source Management Plan for silvicultural activities. The SWCPs are applicable to the project, and were developed following the handbook. The SWCPs contain all the information necessary for the protection of soil and water resources. SWCPs for this project are discussed in terms of their objectives, and how they would be implemented in general.

14.16 Meadow Protection During Timber Harvesting & 5.3 Roads, Skid Trails, Landings and Stream Crossings.

- Vehicle and skidding equipment will not be used except where roads, landings, and tractor routes have been approved.
- Wet meadows will have no equipment use and can be identified by their proximity to the channel, surface wetness, and their soil and vegetation community type.
- Unless otherwise agreed, trees felled into meadows will be removed by end-lining.
- Effort shall be made to do timber removal when soils are frozen and/or have a protective snow cover, or when soils are dry. Limit operations if soils are wet to avoid compaction and displacement.
- Other than entry for the clearing and construction of the two system road corridors, ground based machinery will not be used within the Aquatic Management Zone (AMZ). Landings and skid trails would be located outside the AMZ. Where necessary for public safety, hazard trees present within AMZ's will be felled and lined to the roadbed.

15.03 Road and Trail Erosion Control Plan & 5.3 Roads, Skid Trails, Landings and Stream Crossings.

- Measures shall be taken to prevent soil erosion from disturbed soil areas, exposed soil areas, and fill slopes. These may include laying course woody debris, slash and litter to reduce surface runoff, and if needed adding mulches such as weed-free hay or chipped material to the appropriate depth.

- Wherever possible, maintain live trees and shrubs at the base of fill slopes to serve as sediment filters.
- Measures shall be taken to control the concentration and flow of surface and subsurface water, including: appropriate ditches and berms along roads, needed flare ditches or water bars, trenches and culverts. Locate placement of dips, water bars and changes of road alignment to direct water off the road surface.
- Protect culvert inlet and outlet against erosion by providing rock armor, logs, grass seeding or other suitable material.

15.11 Servicing and Refueling of Equipment, and 5.6 Chemical Management.

- The Sale Administrator or Engineer Representative will designate a location for servicing and refueling of equipment.
- No fluids shall be drained onto the ground or buried.
- Fuel and service equipment shall not be stored within the Aquatic Management Zone.
- Operators must be aware of necessary steps to take in the event of a hazardous spill.
- A spill kit shall be kept onsite while equipment is operating within the aquatic management zone (during the road construction phase of the project.)

Engineering

Follow the guidelines of the Utah Administrative Code for Fugitive Dust and Roads:

R307-205-5: Fugitive Dust

- Storage and Handling of Materials. Any person owning, operating or maintaining a new or existing material storage, handling or hauling operation shall minimize fugitive dust from such an operation. Such control may include the use of enclosures, covers, stabilization or other equivalent methods or techniques as approved by the director.
- Construction and Demolition Activities:
 - Any person engaging in clearing or leveling of land greater than one-quarter acre in size, earthmoving, excavation, or movement of trucks or construction equipment over cleared land greater than one-quarter acre in size or access haul roads shall take steps to minimize fugitive dust from such activities. Such control may include watering and chemical stabilization of potential fugitive dust sources or other equivalent methods or techniques approved by the director.

R307-205-6: Roads

- Any person who deposits materials that may create fugitive dust on a public or private paved road shall clean the road promptly.

Noxious Weeds

The following measures will be taken and comply with the 1999 Executive Order on Invasive Species, the USDA Forest Service Guide to Noxious Weed Prevention Practices (USDA Forest Service 2001) and the Ashley National Forest Environmental Assessment for Noxious Weed Management (USDA Forest Service 1994).

- Ground disturbing heavy equipment used for road construction or decommissioning will be thoroughly cleaned at an off-forest location prior to being transported to the project area.
- Micro-mill sites, log landings, skid trails, and/or burn piles would be seeded as necessary to take advantage of the seedbed and prevent the establishment of noxious weeds. Seed mixes will include species that germinate rapidly to provide a quick cover of vegetation. Seed mixes used for rehabilitation purposes will be noxious weed free certified.
- If used for rehabilitation purposes, only certified noxious weed free hay, straw, and mulch will be used within the project area.
- Noxious weeds, should they become established, will be controlled on all disturbed areas.

Wildlife

- Project work will cease immediately if a Canada lynx were detected on the Forest. Work will be discontinued until further effects analyses on the project area are completed.
- Within the project area, if the known goshawk nest sites are found to be active during the year of implementation, construction activities in the areas immediately adjacent to the active nest territories and/or the nest post fledging areas (PFAs) will be outside of the March 1st to September 30th annual nesting period.
- Along relocated road segments, utilize design features such as large rock placement, large downed timber, and terrain features to manage dispersed camping away from goshawk nesting territories and PFAs. A natural appearing landscape (either already present or strategically designed) that prevents development of new dispersed camp sites near nesting territories shall be the objective. This provides for the needed road and trail alignments and allows for additional managed dispersed camping, while protecting goshawk nest sites into the future.

Heritage

- If previously unknown archaeological artifacts or remains are discovered at any time during the project, all ground disturbing activities within 300 of the discovery will cease immediately and the project supervisor would immediately contact the Forest heritage specialist regarding the discovery.

Range

- Current range improvements (such as fences, water developments, pipelines, corrals, cattle guards, etc.) will be identified and protected from any damage associated with project activities.
 - If damage were to occur, structures will be replaced.

Recreation

- Where feasible, plan operations (road construction, timber harvest/hazard tree removal) to avoid high recreational use times such as hunting season and summer holidays.
- Ensure adequate turn around area (large passenger trucks and trailers) at the end of both roads (FR 177 and FR 049) where they transition to trails and at seasonal/closure gates.
- Properly sign the areas where operations are taking place in high recreation areas in order to prevent and avoid an accident involving a member of the public.
- Post seasonal closure information for the first few years at each entry point where the roads and trails will be seasonally closed.
- Close and revegetate old timber roads and spur routes within the proposed reroute segments of road to prevent future unauthorized use of these areas.

Vegetation

The proposal includes the clearing of timber where the creation of non-merchantable slash would be inevitable. A damaging insect associated with green pine slash creation is the pine engraver beetle (*Ips pini*). Slash mitigation measures include the following:

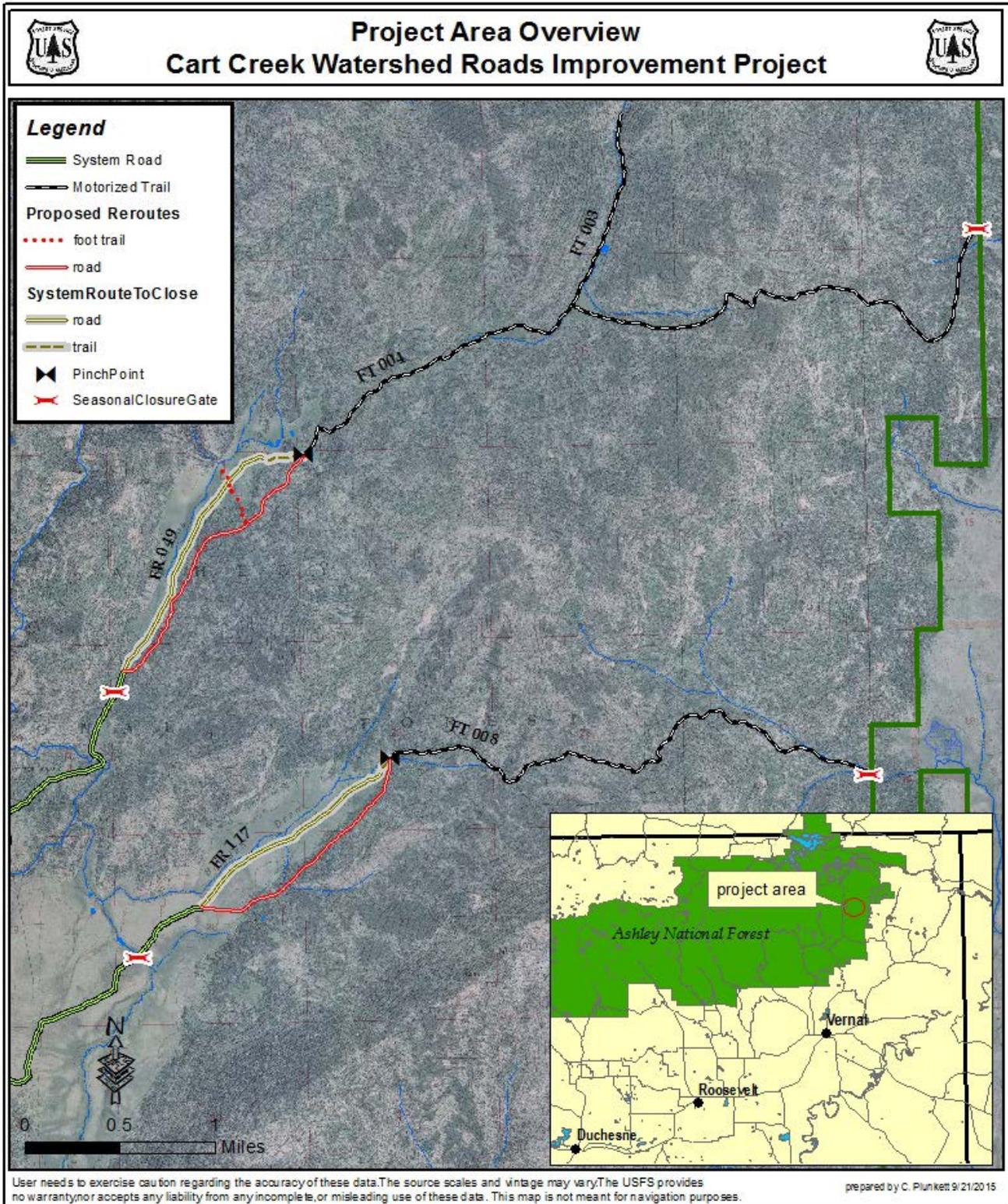
- If slash is treated with fire, burning will occur during fall or winter.
- To mitigate an increase in pine engraver populations, any log decks left for an extended period of time will be created after August 1st and removed before the following spring. Slash production will be avoided from January through June.
- Regardless of when the operation occurs, all slash material greater than 4 inches in diameter will be lopped and scattered, masticated, or piled and burned.
- If slash cannot be treated right away, all lopped slash greater than 4 inches in diameter will be cut to 1 to 2 foot lengths and scattered in areas of maximum sunlight to promote drying.
- When hand piles of slash are created, all smaller diameter material will be placed in the center with the larger logs piled on top. Slash piles will not be placed against residual standing trees. Slash piles will be distributed throughout the treatment area, preferably on existing disturbed sites such as landings, skid trails, and the new road, and burned if possible before the following spring. Slash management is critical, particularly in sites with poor site quality or stress prone areas. Slash treatment will

occur within the first 30 days after slash creation to reduce pine engraver beetle production (Munson 2010).

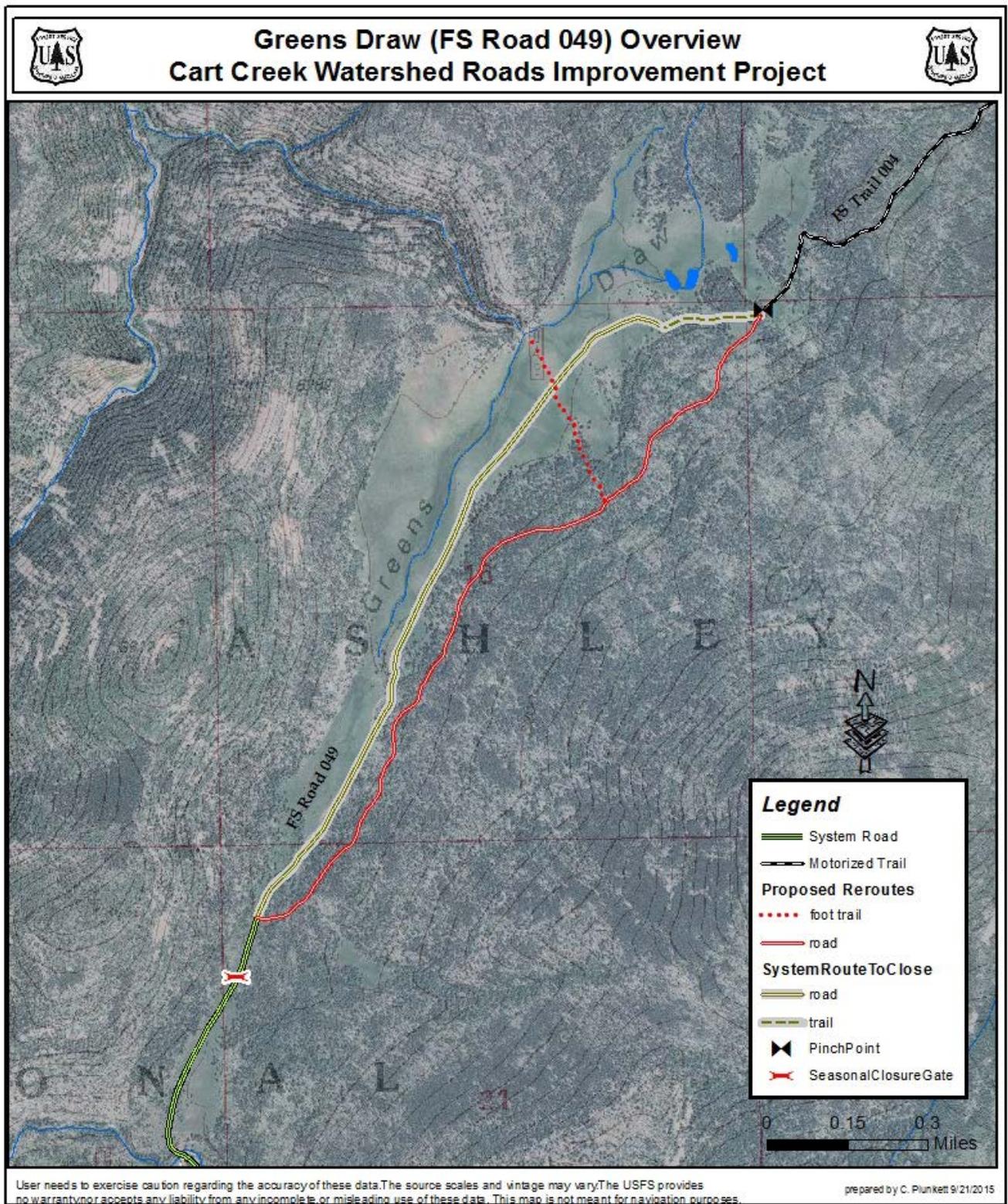
- Piling and burning of slash will be avoided within 50' of intermittent/ephemeral channels and 100' of perennial channels.

APPENDIX B - MAPS

Map 1



Map 2



Map 3

