

DECISION MEMO
for
**Snowbird Accessible Playground Pavilion and
Fish Pond/Channel Dredging
Snowbird Ski and Summer Resort**

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

BACKGROUND

This decision authorizes two small projects on National Forest System lands at Snowbird Ski and Summer Resort (Snowbird). The first is a recreational pavilion at a recently completed accessible playground, and the second is removal of accumulated sediment from a small, manmade fish pond and the canal that feeds it. These projects are in close proximity at Snowbird's base area. Background on each follows.

In July 2006, the Forest Service authorized Snowbird Ski and Summer Resort (Snowbird), Wasatch Adaptive Sports, and the Steve Young Foundation to construct and operate a 10,000-square-foot playground at Snowbird's base area, on National Forest System land within the ski area special use permit boundary. The playground was completed in fall of 2006. It is a multi-use facility with a strong focus on accessibility for children with all levels of disabilities. An Americans with Disabilities Act (ADA) compliant path (less than 5 percent grade) accesses the playground from the Snowbird Center. The playground includes doublewide ramps and switchbacks that allow wheelchairs to easily pass each other, eliminating traffic conflicts. The playground includes fun, challenging, and sensory-rich activities that offer developmental advantages for everyone.

The popularity of the playground has consistently grown since its installation. In 2007, playground users ranged from young families, sometimes including grandparents, to larger groups sponsored by Wasatch Adaptive Sports programs. Picnicking was observed to be a popular activity, though there are no tables or other facilities for this use. Group activities were also limited to some degree by the lack of tables and a sheltered area.

Responding to these observed needs, the Steve Young Foundation approached Wasatch Adaptive Sports in late fall of 2007 with a proposal to add a pavilion/picnic area to the playground. A site at the southern edge of the playground (mostly within the approved playground site), was located where the facility could be built with minimal impact and be close enough to the existing playground facilities to allow for supervision of children and special needs groups.

The fishing pond and inlet channel were constructed adjacent to the valet parking lot west of Snowbird Center in the 1980s. The rationale for sediment removal is to preserve the functions of these features, including providing a recreational fishery for visiting children, establishing the visual amenity value of these aquatic habitats, channeling drainage water away from resort facilities, and increasing the quality of such water before it discharges to Little Cottonwood Creek.

In the case of the pond, accumulated sediment from the pond bottom must be periodically removed so that it does not decrease the depth and surface area of the pond, allowing natural succession to convert it over

time to a shallow, eutrophic pond (not supporting the trout stocked in it), then a marsh area, then a shrinking wetland as areas adjacent to any remaining flowing or standing water dry. Groundwater recharge would also be reduced, as would settling and filtration of sediments in drainage water.

For the inlet channel, accumulated sediment must be removed regularly to maintain the channel profile. Otherwise, it will lose definition and capacity, convey less water and spread more into surrounding, low lying areas, and gradually convert to a wetland rather than a flowing stream. Resort facilities, including a major electrical junction box and a footpath, lie within a potentially affected area.

DECISION AND RATIONALE

I have reviewed Snowbird's proposals and the associated environmental review documentation and have decided to approve the following elements that involve National Forest System land. These elements constitute the proposed action addressed in this Decision Memo:

1. Construction of a 20-by-28-foot pavilion at the identified accessible playground site.
2. Removal of accumulated sediments from the base-area fish pond and inlet channel.

Construction of the pavilion. The structure will be supported by four corner pylons, so surface disturbance will be minor and the disturbance area will extend only a couple of feet beyond the footprint. A few stunted aspen trees will be removed, but the rock outcrops adjacent to the site will not be affected. The pavilion includes design criteria to mitigate resource concerns including an architectural style consistent with other base-area structures and the use of naturally appearing colors and landscaping. No access roads will be required, and less than 1,000 square feet will be temporarily disturbed.

Sediment removal. The pond will be drained the last week in August and left to dry out for the month of September. The sediment on the bottom of the pond will be continually stirred to help the drying process. During the first week in October an excavator with a 60-foot reach will be used to remove the dried sediment, staging off the existing asphalt path. Sediment from the inlet channel will be removed by hand, using shovels and wheelbarrows. The removed sediment will be stored for the winter in a retention basin in the area above the highway (SR 210) across from the employee housing building. The sediment will be mixed with the topsoil that is stored in the same area and used in Snowbird's revegetation programs. Less than 0.1 acre of disturbance will occur.

Environmental effects of these projects will be minimal. The site was reviewed during the 2006 playground permitting process and no significant environmental effects were noted. A biological survey was completed at that time, and no issues were identified other than the wetland spanned by the boardwalk now in place. The pavilion site is away from the wetland. Wetland conditions associated with the fish pond and inlet channel result from Snowbird's construction of these features, so I believe Section 404 of the Clean Water Act is not applicable. Additional review and permitting of the fish pond/inlet channel project under Utah's General Permit 40 will assure input from other pertinent land management and regulatory agencies. The mitigation requirements listed below address any potential adverse environmental effects identified through scoping and internal, interdisciplinary review of these projects.

I believe that construction of this playground pavilion and removal of sediment from the fish pond and inlet channel will improve the recreational experience provided by Snowbird on National Forest System land. These projects will maintain and improve opportunities for children, especially those with disabilities. The projects have been designed in a manner that will minimize potential impacts on National Forest System land and resources. Overall, I am confident that approval of the proposed action is in the best interest of the public.

MITIGATION MEASURES

As part of my decision, implementation of the mitigation measures listed below will be required on National Forest System land.

Soil Erosion, Sedimentation, and Water Quality

- Prepare and implement erosion control plan including measures such as sediment barriers and erosion-control fabric, as called for in Appendix C of the 1999 master plan environmental impact statement.
- Divert or otherwise manage flow from the water source to avoid transport of sediments from work areas in the pond and channel into Little Cottonwood Creek.
- Test the removed sediment to determine if it contains any contaminants requiring special handling and disposal procedures, and adhere to any such requirements.
- Undertake the proposed on-site processing and use of removed sediments with the retention basin surrounded with straw bats to ensure the material is not transported out of the basin by runoff.
- Comply with all terms called for under Utah General Permit 40.

REASON FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION

I have determined that the proposed project, as described above, is consistent with the types of actions described under 36 CFR 220.6 (e)(3) - Approval, modification, or continuation of minor special uses of National Forest System lands that require less than 5 contiguous acres of land. As noted above, the entire project will affect less than 0.1 acre. The potential direct, indirect, and cumulative effects of the entire project were reviewed and considered in my decision.

The federal regulations at 36 CFR 220.6 (b) list the resource conditions that should be considered in determining whether extraordinary circumstances related to a proposed action warrant further analysis and documentation in an EA or EIS. Forest Service and contractor resource specialists visited the project area, reviewed relevant studies and other published information, completed additional surveys for specific plant and wildlife species and wetlands, and documented their findings regarding these in the project file. Their findings are summarized below.

- A. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.** A biological assessment (BA) was prepared for these projects. The determination reached was that no federally listed or candidate plant or animal species will be affected. A biological evaluation (BE) was also prepared, concluding that the project will impact no Forest Service sensitive plant or animal species. Based on these considerations, special status species and their habitats do not constitute an extraordinary circumstance for this proposed action.
- B. Flood plains, wetlands, or municipal watersheds.** The fish pond and inlet channel playground support wetland conditions resulting from Snowbird's construction of these features. As a result, any impacts on these resources will not be regulated under Section 404 of the Clean Water Act. Nevertheless, Snowbird will have to secure appropriate permitting from the State Engineer, likely in the form of a General Permit 40, which will ensure review and input from other pertinent land management and regulatory agencies. The project area also lies within the Salt Lake City municipal watershed. With the mitigation requirements listed above in place, no adverse water

quality effects are anticipated. As a result, while these resources exist in the project area, they do not constitute an extraordinary circumstance for this proposed action.

- C. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.** The project area does not include any designated wilderness, wilderness study area, or National Recreation Area, so such areas do not constitute an extraordinary circumstance for this proposed action.
- D. Inventoried roadless areas.** The project area does not include any inventoried roadless areas, so such areas do not constitute an extraordinary circumstance for this proposed action.
- E. Research Natural Areas.** The project area does not include any Research Natural Areas, so such areas do not constitute an extraordinary circumstance for this proposed action.
- F. American Indian and Alaska Native religious or cultural sites.** The Forest Heritage Program Manager determined that the construction of the pavilion and removal of sediment from the pond and channel will have no effect on American Indian religious or cultural sites, so such areas do not constitute an extraordinary circumstance for this proposed action.
- G. Archaeological sites, or historic properties or areas.** The project area does not include any archaeological sites, or historic properties or areas, so such areas do not constitute an extraordinary circumstance for this proposed action.

Based on the findings summarized above, this decision is categorically excluded from documentation in an Environmental Assessment or Environmental Impact Statement. Based on experience with management activities similar to this, and in consideration of the environmental analysis conducted for this project, the effects of implementing this action will be limited in context and intensity. Direct, indirect, and cumulative effects have been appropriately addressed, an appropriate category for exclusion has been established by law and documented in the federal regulations, and our review indicates no extraordinary circumstances to preclude its application.

SCOPING AND PUBLIC INVOLVEMENT

On May 9, 2008, the WCNF circulated a scoping notice summarizing these proposals and soliciting input on associated environmental issues and concerns during a 30-day scoping period. It was sent directly to organizations, Native American tribes and individuals. It was available on the Wasatch Cache National Forest (WCNF) website at www.fs.fed.us/r4/wcnf/projects/proposed. Additionally, it was available for review at the Salt Lake District Office. A few comment letters addressing these projects were received. I believe the project design, mitigation, and permitting factors outlined above address all substantive concerns. Documentation of public scoping is in the project file and available for review through the Salt Lake Ranger District.

FINDINGS REQUIRED BY OTHER LAWS

The only finding required by other laws not addressed directly or indirectly above is Forest Plan compliance in accordance with the National Forest Management Act. The proposed action has been evaluated for consistency with the goals, objectives, standards, and guidelines of the 2003 Revised WCNF Forest Plan. The project area is located within a 4.5 Management Area, which emphasizes providing developed recreation opportunities, often under the terms of a special use permit. Thus, the proposed action is consistent with the management area prescription. In terms of more specific Forest Plan direction, my review indicates that the proposed action, with required mitigation measures in place, is consistent with all applicable standards and guidelines.

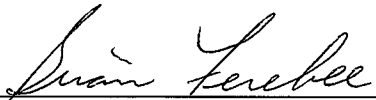
IMPLEMENTATION DATE

Pursuant to 36 CFR 215.12(f), this decision is not subject to appeal. The proposal is not one of the activities subject to appeal under the 215 rules as clarified on October 19, 2005 by the Federal District Court for the Eastern District of California in Earth Island Institute v. Ruthenbeck. This decision is not an authorization to proceed. Once all conditions and mitigation measures have been met, a written authorization to begin work will be issued.

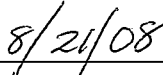
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Date

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