DECISION MEMO

Mill Hollow Timber Sale

USDA Forest Service
Heber-Kamas Ranger District, Uinta-Wasatch-Cache National Forest
Wasatch County, Utah

BACKGROUND

The Mill Hollow Timber Sale project area lies within the Mill Hollow-South Fork Provo River 6th Order Hydrologic Unit Code (HUC). Mill Hollow Creek is a tributary to South Fork Provo River. The project area is located in T4S, R7E, Sections 1, 11, and 12; and T4S, R8E, Sections 6 and 7. Forest vegetation consists of spruce-fir and lodgepole pine-aspen cover types. The project area is located near the junction of Forest Roads 70054 and 70283, approximately 14 miles southeast of Woodland, Utah and 1.7 miles southwest from Highway 35.

Active beetle-infestation pockets affecting both Douglas-fir (*Pseudotsuga mensiezii* var. *glauca*) and lodgepole pine (*Pinus contorta*) trees exist within the proposed project area (see attached map). Additionally, five Engelmann spruce (*Picea engelmannii*) that were windthrown in spring 2007, and subsequently became infested by the spruce beetle (*Dendroctonus rufipennis*) were discovered scattered along the Mill Hollow hiking trail which loops south and east of Mill Hollow Campground. The three toppled trees located closest to the campground were debarked before spruce beetle flight in spring 2008; however, risk of further tree mortality remains high. Many spruce trees in the campground are mature, have dead tops, disease or severe camper damage and are at high risk to spruce beetle attack. Mill Hollow Campground will be closed to the public through 2008 for dam maintenance, providing a unique window to implement vegetation management without disrupting recreational opportunities.

PURPOSE AND NEED

The purpose and need of this project is to:

- Salvage disease and insect infested timber, to control spread of insects and thin low vigor, suppressed and severely damaged trees to create healthier forest conditions.
- Suppress existing bark beetle populations.
- Remove hazardous trees in and around Mill Hollow Campground and improve vigor of residual trees and reduce hazardous fuels accumulations.
- Recover merchantable value of timber and contribute to the supply of timber to local mills.

DECISION

I have decided to implement the proposed action of using a combination of sanitation-salvage methods to harvest dead and beetle-infested timber and thin high risk, low vigor, suppressed, and severely damaged trees within approximately 242 acres of mature lodgepole pine and spruce-fir stands. The enclosed project map shows the location of the harvest areas and roads.

The project will involve using a commercial timber harvest to sanitize approximately 242 timbered acres of insect and disease infested, hazardous, and high risk trees. Harvest of high risk trees in the stands surrounding the campground will reduce spruce beetle susceptibility and create healthier forest conditions. In addition to the harvest, a precommercial thinning (PCT) in the smaller size classes would be implemented within the campground to reduce competition and improve vigor of residual trees. Logging slash in the campground would be piled and burned, chipped and left on site, or removed from the campground. Logging slash in the other treated stands will be lopped and scattered. Up to one-half mile of old, existing logging roads that are not designated open on the Uinta Travel Map will require light reconstruction or maintenance. Following the timber harvest, these temporary roads will be permanently closed. Small openings may be created, up to two acres in size, where groups of dead and infested trees existed.

Within Mill Hollow Campground only severely damaged, suppressed, high risk, and dead and dying trees will be targeted for harvest. Residual basal area in the campground after treatment will be approximately 200 ft^2 of basal area per acre. The higher basal area in the campground will help to maintain the large tree and visual characteristics.

Outside the campground, residual stocking in the lodgepole pine dominated area will be approximately 80 ft^2 of basal area per acre and the spruce-fir types will range from approximately 110–130 ft^2 per acre.

In addition to providing the needed treatment to move toward desired future conditions for this area, this decision will capture the economic value of merchantable timber harvested from the project which could be lost in the absence of this action.

Design Features and Mitigation Measures

In response to public comments and specialists concerns, the following design features and mitigation measures will be implemented to alleviate impacts of the action:

1. During harvest operations existing natural regeneration will be protected to the fullest extent practical. This will be accomplished by strategically locating skid trails to avoid areas of natural regeneration. Within the treated spruce-fir stands, areas determined to be understocked (if any) five years after harvest will be planted with Engelmann spruce.

2. Excluding stands within the campground, a minimum of 300 snags per 100 acres will be retained within the treatment area (2003 Uinta National Forest Land and Resource Management Plan [LRMP], 3-21).
3. No treatments would occur in RHCAs within the Mill Hollow Timber Sale project watershed in order to protect the Class 1 fish bearing streams and address concerns about water quality in Mill Hollow Reservoir. (Water Resources Technical Report – Project Record).
4. Use historic skid trails and haul routes to minimize new soil disturbance and soil compaction. (Soils Field Report – Project Record).
5. Avoid potential soil erosion effects by limiting ground based mechanical treatment to slopes less than 40%. To mitigate the potential for detrimental compaction when soils are moist or wet, ground based mechanical equipment use in all treatment areas should be restricted to occur during the normal dry operating season, or over snow. (Soils Field Report – Project Record).
6. Upon completion of use, re-contour landings and other areas that have been excavated such as skid trails, staging areas, or temporary roads to the extent practical. Areas that are overly compacted that have not been excavated shall be ripped, tilled or roughened to a depth that will relieve subsurface compaction. Re-seed with native forbs, grasses and shrub species that are locally adapted in areas where natural vegetation has been removed and is no longer adequate (Water Resources and Scenic Resources Technical Reports, and Soils Field Report).
7. Harvest activities within the campground will occur when the campground is closed for dam maintenance, or after Labor Day Weekend when the campground is closed for the season, and be coordinated with the campground concessionaire. Logging activity will be minimized or halted during opening weekends of the general deer and elk hunts and holiday weekends (Recreation Specialist Report – Project Record).
8. Obliterate temporary roads and skid trails (see #6 above) and, as necessary, install signs and physical barriers (e.g., rock barricades or gates) to ensure that temporary roads are closed until the site revegetates in order to deter illegal vehicle and ATV activity (Recreation Specialist Report– Project Record).
9. Ensure proper cleanup of slash and all related debris in the campground (Recreation Specialist Report). All logging/thinning slash within 300 feet of sensitivity level 1 travel ways (Mill Hollow Campground and Trail) and developed campsites will be treated by piling and burning, chipping, or be made available for use by campers in order to retain a natural appearance in the landscape. Logging slash in the other treated stands will be lopped and scattered. (Scenic Resources Technical Report– Project Record).
10. If available, Knudtsen/Vandenberg (KV) funds may be collected from timber sale receipts to flush cut stumps within three feet of foot trails within the campground. Stumps should be cut to less than 4 inches and covered with soil inside Mill Hollow Campground.

11. In addition to these mitigation measures nationally and regionally approved timber sale contract provisions will be used as appropriate to assure resource impacts are minimized (appropriate contract provisions are included in the Project Record).
12. Mill Hollow campground will be managed to the extent practicable to retain a minimum of 25 trees greater than 20 inches in diameter, (Mill Hollow Vegetation Management Plan – Project Record).
13. Project impacts on migratory birds will be mitigated by: 1) no activities will occur during the primary nesting season of April 1 – June 30; and 2) if any sensitive species nests are detected, they will be buffered by distances described in the LRMP (Wildlife Specialist Report).

RATIONALE FOR DECISION

This project will help provide for public safety by removing potentially hazardous trees in and around Mill Hollow Campground and along portions of the Mill Hollow Trail. Harvest of dead, beetle infested, low vigor, high risk and/or severely damaged trees in the campground will help control the spread of insects by removing trees highly susceptible to insect attack, and by reducing competition and thereby improving the vigor of the remaining trees. Precommercial thinning in the campground will reduce competition, improve the health of the residual trees, and allow these to better grow, develop and survive to provide screening and future forest cover in and around the campground.

Sanitation-salvage harvesting of the nearby spruce-fir stands will help control the spread of insects but will not completely eradicate spruce beetle from the stands. This harvesting will reduce potential tree mortality by removing high risk spruce trees and improve the vigor of the remaining trees by reducing competitive stress. Reducing spruce beetle risk in the stands surrounding Mill Hollow Campground should provide a more insect-resistant buffer around the campground, which is being managed to maintain large old tree characteristics.

These treatments will improve the health of the forest and move toward desired future conditions (see the following section). In addition, these treatments will recover the value of some merchantable timber that would otherwise be lost, and contribute to the supply of timber to local mills.

DESIRED CONDITION

The LRMP's (pg. V-148) description of desired future condition for vegetation within Upper Provo Management Area states, **"***Vegetation management activities are initiated primarily to maintain or improve habitat conditions for Canada lynx and other wildlife species associated with late-seral conifer forests. Vegetation management also focuses on maintaining forest health, such as reducing risk of bark beetle epidemics"*.

COMPLIANCE WITH THE FOREST PLAN

My decision is consistent with the 2003 Uinta National Forest Land and Resource Management Plan (LRMP). This project is within the Upper Provo Management Area and the Management Prescriptions for the project area are:

Rx 3.3 – Aquatic and Terrestrial Habitat: Applies to all of the proposed treatment area below approximately 9,000' and within 1,000 of Mill Hollow Creek (about 60% of area). Page 4-5 of the LRMP states: '*These areas are managed for quality habitat to contribute toward maintenance and/or recovery of plant and animal species. Resources are maintained or improved to achieve desired conditions for habitats of threatened, endangered, sensitive, and Management Indicator Species (MIS). Vegetation management, including timber harvest, may be used to address vegetation needs for wildlife habitat, watershed improvement, and/or forest health need*'.

- **MP-3.3-2 - Guideline:** Vegetation management activities may be allowed if they maintain or enhance biophysical resources.
- **MP-3.3-5 - Standard:** Road density and design will be compatible with watershed and habitat objectives.
- **MP-3.3-6 - Guideline:** For streams identified as conservation and persistence streams for Bonneville and Colorado River cutthroat trout, total soil resource commitment should be limited to no more than 4 percent of the riparian area acreage within this prescription within the watershed. (Mill Hollow Creek is a tributary of Upper South Fork Provo River which is tentatively identified as a persistence population. LRMP sub-goal G-2-20, pg.2-8)

Rx 4.4 – Dispersed Recreation: Applies to the rest of the proposed treatment area outside of Mill Hollow Campground and not allocated to a 3.3 Management Prescription. Page 4-5 of the LRMP states: *'The emphasis in this prescription is on providing opportunities for and/or facilitating dispersed recreation. This management prescription includes areas of existing or anticipated concentrations of recreational use. Intensive vegetation management may be required to maintain desired conditions'.*

Rx 4.5 – Developed Recreation: Includes the 27 acre footprint of the Mill Hollow Campground. Page 4-3 of the LRMP states: *'Because of the large capital investments in these areas, site protection will be paramount. Wildland fire use is not allowed. Intensive vegetation management may be required to maintain desired conditions'.*

- **MP 4.5-3 – Guideline:** Vegetation management is limited to activities or treatments that provide scenic quality and healthy vegetation while providing for fire prevention and public safety.

FW-Goal-2: Biologically diverse, sustainable ecosystems maintain or enhance habitats for native flora and fauna, forest and rangeland health, watershed health, and water quality.

- **Sub-goal 2-6:** Ecosystems on the Forest provide and maintain viable and well-distributed populations of flora and fauna. New listings of threatened, endangered, and sensitive species as a result of Forest Service management activities are avoided.
- **Sub-goal 2-8:** Ecosystem resilience is maintained by providing for a full range of seral stages and age classes (by cover type) that achieve a mosaic of habitat conditions and diversity to meet a variety of desired resource management objectives. Recruitment and sustainability of some early seral species and vegetation communities in the landscape are necessary to maintain ecosystem resilience to perturbations.
- **Sub-goal 2-9**: Maintain adequate distribution of old growth in forested community types. Maintain at least 10 percent of each forest vegetation type in an old growth condition as defined in the Forest Service publication, *Characteristics of Old Growth Forests in the Intermountain Region* (USDA 1993), or subsequently modified Regional Forester-approved definition. Ensure the presence through time by providing for suitable and potential replacement areas.
- **Sub-goal 2-10:** Management actions maintain ecosystem health and encourage conditions that are within the historic range of variation. Management actions remain within the variability of size, intensity, and frequency of native disturbance regimes characteristic of the subject landscape and ecological processes.
- **Sub-goal 2-11:** Key shrubs and/or trees are maintained to a level that allows adequate recruitment to maintain or recover the woody component. Specifically, the Forest is managed for more plants in the combined sprout and young categories than in the combined mature and dead categories.

FW-Goal-3: Suitable commodity uses are provided in an environmentally sustainable and acceptable manner to contribute to the social and economic sustainability and diversity of local communities.

- **Sub-goal 3-3:** Silvicultural treatments are utilized to manage forested vegetation to provide for an ecologically sustainable (i.e., within a range of natural variability) mix of wildlife habitats, old growth and other late successional stages, recreational opportunities, and wood products for both commercial and personal use.
- **Sub-goal 3-4:** An annual and sustainable program of commercial timber sales is offered. The Forest contributes to the sustaining of local lifestyles and economies.

PUBLIC INVOLVEMENT

A notice inviting public comment and describing the proposed action was published in *The Provo Daily Herald* on August 26, 2007. It initiated the notice and comment period for 36 CFR 215. Concurrently, letters inviting public comment on the proposed action were mailed to individuals, organizations and agencies on August 24, 2007. The proposal has been listed in the Forest's Quarterly Schedule of Proposed Actions (SOPA) since the October of 2007. The SOPA is posted on the Uinta National Forest web page and mailed out quarterly to interested individuals, organizations and agencies.

Two comments were received during initial public comment period. Wasatch County responded favorably to the project, recommending that the temporary road be signed or gated to restrict public access, and closed or obliterated after project completion. The other commenter, Utah Environmental Congress, supported the removal of hazardous trees within 200 feet of developments inside the campground, but was not in favor of any other proposed harvesting. Issues identified during development of the proposed action and from public response are addressed in the following section:

ISSUES

Issue 1: "All other logging be dropped [outside of the campground] as it serves no public interest value, conflicts with management direction, will degrade the camping area and wildlife habitat values. The creek and water bodies adjacent to the proposed harvest is very important habitat for aquatic and riparian species, as well as forest dependent TES (*Threatened and Endangered Species*) such as Northern goshawk and flammulated owls, who have nests in this management area"

> *This project does provide public interest value. It will remove hazardous trees from the campground and associated hiking trail(s) to maintain public safety. The public will benefit from the light harvest treatment in and around the campground through a healthier, more insect-resilient forest that retains large old tree character over time. In addition, the project will contribute to the supply of timber to local mills, helping the local economy.*
>
> *This project does not conflict with management direction. As summarized in the paragraphs below and elsewhere in this document, this project is responsive to applicable Forest Plan goals and objectives (including the desired future conditions described in the Forest Plan for this management area), and is consistent with all applicable standards and guidelines. The "Mill Hollow Campground Vegetation Management Plan" (Martin 2008) was prepared to provide guidance for vegetative treatments within the campground over the next 5-10. This document (pages 4-5) also describes the applicable Forest Plan direction and consistency with that direction.*
>
> *The project does not degrade the camping area. As noted previously, it provides for safety of the campers, incorporates mitigation to avoid disturbance to campers,*

protect scenic quality and campsite screening, and is designed to maintain short and long-term desirable large trees in and around the campground.

The project will have no significant effect on wildlife values. In regards to northern goshawk, the Heber-Kamas Ranger District wildlife biologist and silviculturist met on November 16, 2007, and identified a total of 600 acres of existing suitable goshawk habitat in the vicinity of the Mill Hollow territory, including six 30-acre nest sites, and an additional 420 acres of post-fledgling area and these areas will not have timber harvest (Wildlife Biologist Report: Biological Assessment and Biological Evaluation – Project Record). Though this project will remove some of the over-mature and mature conifers in the project area, it is expected this project ***may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species****.*

Flammulated owl nest sites that have been found on the Forest have primarily occurred in cavities of aspen trees. The proposed action may remove a small number of potential flammulated owl nest trees. The total abundance of flying insects may be indirectly affected to some degree as a result of the timber sale, but from a Forest or watershed perspective the anticipated effects would be negligible. Because the proposed action will potentially affect a small amount of flammulated owl nesting habitat, this project ***may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species****.*

In response to concerns about potential impacts on fisheries and water quality, no harvest will occur in the Class I RHCAs (see mitigation measure #3). In addition, no harvest will occur during migratory bird breeding seasons (see mitigation measure #13). These measures mitigate impacts to aquatic andnon-aquatic species using these habitats. The Forest Fisheries Biologist determined that there will be ***no negative long-term impacts, direct, indirect, or cumulative effects*** *to aquatic species or their habitat resulting from implementation of the proposed project (Biological Assessment and Evaluation for Fisheries and Aquatic Resources - Project Record) .*

Issue 2: "The other proposed logging will not work to shut down the MPB (*mountain pine beetle*) in the lodgepole pine, nor will it shut down the spruce beetle population in the cutting unit located a mile and a half away from the campground developments."

The purpose is not to "shut down" bark beetle populations in all of the cutting units, it is to "suppress" which means to hold back or curb the existing populations in an effort to create healthier forest conditions that are less suitable to forest pathogens. The number of infested and dead lodgepole pine is increasing within the western portion of stand 48-02, which is dominated by lodgepole pine, but only accounts for approximately 10 acres. Amman et al. (1988) studied the effects of spacing and diameter distributions and concluded that tree mortality was reduced as basal area was lowered (and spacing between trees increased). However, it is

recognized that spacing and density may have little effect if a stand lies in the path of an ongoing mountain pine beetle epidemic.

The remaining stands are comprised of Engelmann spruce-subalpine fir forest types. While spruce beetle activity has been noted in several blown down spruce trees, debarking of infested trees was performed prior to beetle flight in 2008. No fresh infestations were noted around debarked trees, indicating that spruce beetle populations remain at endemic levels. Fettig et al (2007) cites Massey and Wygant (1954) that the creation of gaps within uneven aged spruce stands promotes spatial heterogeneity and species and age class diversities. Dymerski et al. (2001) states the gaps provided (via sanitation harvest of high risk trees) *provide growing space for new age cohorts of younger trees which are much less susceptible to attack.*

The most commonly used hazard rating system in spruce forests is that of Schmid and Frye (1976). The system uses the following variables: physiographic location, mean diameter of live spruce > 10" dbh, basal area, and proportion of spruce in the canopy. By reducing these hazard variables, as outlined in the preferred alternative, all of the spruce stands (excluding the campground) will be reduced at least one hazard rating. Although the ratings are not predicted to change substantially, the stands outside the campground will be under less competitive stress and better able to defend themselves against beetle attack (Silvicultural Prescription for the Mill Hollow Timber Sale, 2008).

Issue 3: "…more substantial partial cuts generally are not advisable (due to windthrow problems)..."

The spruce-fir and lodgepole pine stands to be treated will have no more than 30-35% of the overstory removed, a widely accepted range for partial cutting to reduce risk of windthrow.

Issue 4: "Severely infested stands WILL regenerate naturally – without the proposed plantation planting."

Neither plantation planting nor fill-in planting is expected to be needed after completion of this project. Natural regeneration and release of established seedlings and saplings through overstory reduction are expected to provide stands with acceptable stocking levels and species composition. However, regeneration/stocking surveys will be performed, and if necessary seedlings planted, to assure that the stands are adequately stocked with appropriate forest cover (285 trees per acre – spruce-fir type).

Issue 5: "There is absolutely NO need to engage in road construction as proposed…"

Skidding timber long distances and across large areas to one central landing/processing area along the main road would actually create more detrimental soil disturbance and compaction than building, utilizing, and rehabilitating the temporary road. The proposed temporary road for this project is

an old, existing logging road that is not on the Forest's travel plan. After timber harvest is completed, these temporary roads will be closed to vehicle use, obliterated, and revegetated with native species. (See Mitigation Measures # 6 and 8.)

Issue 6: "Cumulative impacts of ever-increasing levels of summer OHV recreation as well as over the snow motorized vehicles in the winter in this area must be included in the assessment of the extraordinary circumstances."

Off highway vehicle (OHV) and over-the-snow motorized vehicle use will continue whether this project is implemented or not, and regulation of these vehicles is outside the scope of this project. My decision will not authorize any changes in OHV or over-the-snow recreation use, and incorporates direction to prevent an increase in illegal OHV use on temporary roads used in this project (see Mitigation Measure #8). Analysis of the proposed action determined that with implementation of the LRMP standards and guidelines and mitigation incorporated in this decision (see Mitigation Measures #4-6 and 8), no detrimental direct or indirect adverse effects on soils, including soil erosion and sedimentation, are expected. Because no direct or indirect effects are anticipated, there will be no cumulative effects to soil resources within the analysis area (Soils Specialist Report – Project record).

Additionally, with the measures summarized above coupled with protection of the RHCA (see Mitigation Measure #3) very little effect to water quality is expected since there would be very little added impact to streams or springs from sedimentation. (Water Resources Technical Report – Project record).

My decision should not affect the amount or distribution of over-the-snow motorized vehicle use. The sanitation-salvage treatments involved retain substantial large forest cover, and by re-using historic skid trails/haul routes (see Mitigation Measure #4) few new road openings will be created.

Issue 7: "The Forest Plan includes direction to monitor and maintain a certain percentage of old growth, and that needs to be done in preparation for this project because it appears that the Forest has yet to do any surveys for the lodgepole pine forest type."

The Uinta Forest Plan provides direction to maintain at least 40% of coniferous stands in a mature or old condition (Guideline Veg-11). The Forest Plan also contains a goal (Sub-goal 2-9) to maintain adequate distribution of old growth, and to maintain at least 10 percent of each forest vegetation type in an old growth condition. The North Heber Landscape Assessment shows that 90% of the spruce-fir type is in a mature or old condition. While it only comprises 2% of the coniferous types, the Douglas-fir and other (which includes the lodgepole pine) is approximately 80% mature and old. Objective 2-13 suggests that by 2013, the Forest should provide 10% of each watershed in old growth condition and ensure its presence through time by providing for suitable and potential replacement areas.

The North Heber Ranger District Landscape Assessment (Project Record), which the project area was included in, stated, "Lodgepole pine is present in the area; however due to the small size of the patches (or in some cases improper photo typing) do not show on the vegetation map. These stands are primarily in the Dry Hollow/ Silver Meadows, Little Pond, and lower elevations of the West Fork of the Duchesne near Hoy Hollow. Stands are primarily large pole or small sawtimber in size. One stand in Lambert Hollow is the result of tree planting following a fire and is in the small sapling class. Incidence of mountain pine beetle is low." In the landscape assessment lodgepole pine was included with the 2,082 acres of 'Douglas-fir and other' type as an incidental species. Together they comprise only 2% of the total analysis area acreage. Lodgepole pine makes up only 201 of the 2,082 acres or approximately .02 percent of the analysis area. Lodgepole pine makes up only a portion of one stand in the timber sale, accounts for approximately 10 acres, or about 4% of the treatment area. The remaining 191 acres (96% of the lodgepole within the project area) will continue to provide existing and/or replacement old growth.

The stands outside of the campground currently do not contribute to the old growth percentage, nor will they following treatment. A vegetation management plan was developed for Mill Hollow Campground, in which managing for large old trees was the selected management direction.

Issue 8: "The proposed logging of the new snags will move the forest farther from requirements and needs for increasing the representation of snag habitat…"

The Forest Plan requires that 300 snags per 100 acres be retained. With the exception of Mill Hollow Campground, stands will be marked to meet Forest Plan snag requirements where standing dead timber is present. (see Mitigation Measure #12.)

Issue 9: "The scoping letter does not mention a thing of the relatively recent past logging inside this area. The past logging didn't meet current objectives, so why would you think that doing more of the same harvest will accomplish objectives?"

The following tables lists past timber sale activity in the project area:

Comp-Stand	Acres	Sale Name	Harvest Year
048-0001	131	Mill Hollow Bug	1982
048-0002	58	Mill Hollow Bug	1982
048-0005	26	Mill Hollow Blowdown	1978
048-0005 (CG)	27	Mill Hollow Blowdown	1978
	242		

Both entries occurred more than 25 years ago and were a response to the spruce beetle. The very fact that these stands remain as intact as they are, and still

maintain an average of over 50% spruce composition is a testament to the fact that past logging met both past and current objectives.

CATEGORY OF EXCLUSION

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or 36 CFR 220.6 (e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

The proposed timber harvest falls within category 36 CFR 220.6 (e) (13), Salvage of dead and/or dying trees not to exceed 250 acres, requiring no more than ½ mile of temporary road construction, and 36 CFR 220.6 (e) (14), Commercial and non-commercial sanitation harvest of trees to control insects or disease not to exceed 250 acres, requiring no more than ½ mile of temporary road construction, including removal of infested/infected trees and adjacent live uninfested/uninfected trees as determined necessary to control the spread of insects or disease.

The proposed pre-commercial thinning within the campground portion of the project area falls within category 36 CFR 220.6 (e) (6), Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicide or do not require more than 1 mile of low standard road construction.

Categorical exclusion is appropriate in this situation because the project is consistent with the criteria in the categories (i.e., less than 250 acres being harvested, less than one-half mile of temporary road construction), and there are no extraordinary circumstances related to the proposed action. Extraordinary circumstances are those instances that could result in significant environmental effect to one or more of the following resource conditions, as described in 36 CFR 220.6(b).

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.

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. As required by this Act, potential effects of this decision on federally-listed or proposed species or their critical habitats have been analyzed and documented in a Biological Assessment, and effects on Forest Service Sensitive species have been documented in a Biological Evaluation (Project Record).

This decision will have 'no effect' on the following federally-listed or proposed species or their critical habitats (Biological Assessments, Project Record):

- Canada lynx
- western yellow-billed cuckoo

This decision will have 'no impact' on the following Forest Service Sensitive species (Biological Evaluations, Project Record):

- Columbia spotted frog
- peregrine falcon
- greater sage-grouse
- fisher
- spotted bat
- Bald eagle
- American beaver
- Boreal Toad
- Garret bladderpod
- Rockcress draba
- Wasatch jamesia
- Barneby wood aster
- Dainty Moonwort

This decision 'may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species' for (Biological Evaluations, Project Record):

- American three-toed woodpecker
- northern goshawk
- flammulated owl
- Townsend's big-eared bat
- Slender Moonwort

The Biological Assessment and Evaluation of Fisheries and Aquatic Resources for the Lodgepole Campground Timber Sale (Project Record) determined that there will be **no negative long-term impacts, direct, indirect, or cumulative effects** to aquatic species or their habitat resulting from implementation of the proposed project.

b. **Floodplains, wetlands, or municipal watersheds**

Executive Order 11988 provides for avoidance of adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, ". . . the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent (100-year recurrence) or greater chance of flooding in any one year."

Executive Order 11990 provides for avoidance of adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, ". . . areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar

areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds."

- The direct and indirect effects of the proposed action is no sedimentation of streams or springs because the buffer zones in the RHCAs will catch any sediment that would move from the treatment units (Water resources Technical Report).
- No adverse effects are expected to wetlands (the only known wetland in the treatment units is Stove Spring) because they would be excluded from the treatment areas by the RHCA buffer (Water resources Technical Report).

Design criteria as described in the Soils and Water Resources Reports will be implemented to assure there are no adverse impacts to floodplains, wetlands, or municipal watersheds.

c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.

There are no Wildernesses, Wilderness Study Areas, or National Recreation Areas on the Forest. This decision will not affect these areas.

d. Inventoried Roadless Areas

The project is located near the Little South Fork Inventoried Roadless Area, but is outside of the Roadless Area. Based on the analysis for this project, implementation of project activities will not affect unique characteristics of the IRA and is consistent with current agency policy relative to roadless area management.

e. Research natural areas

There are no Research Natural Areas in the project area. This decision will not affect Research Natural Areas.

f. American Indians and Alaska Native religious or cultural sites.

There are no Alaska Native religious or cultural sites on the Forest. This decision does not affect Alaska Native religious or cultural sites.

g. Archaeological sites, or historic properties or areas

Section 106 of the **National Historic Preservation Act** requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The **Archaeological Resources Protection Act** covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The **Native American Graves Protection and Repatriation Act** covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites

that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items.

Heritage resource surveys were completed for the project area. No sites, prehistoric or historic, were found (Heritage Specialist Report, Project record). No tribal concerns were identified for this project. This decision complies with the Acts cited above.

FINDINGS REQUIRED BY OTHER LAWS

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below:

National Forest Management Act (NFMA) – This Act requires the development of long-range land and resource management plans. The 2003 Uinta National Forest Land and Resource Management Plan was approved as required by this Act. The plan provides for guidance for all natural resource management activities. The Act requires all projects and activities are consistent with the plan. The plan has been reviewed in consideration of this project. As described previously in this document, this decision is responsive to guiding direction contained in the Plan, and is consistent with the standards and guidelines contained in the Plan.

The minimum specific management requirements for projects and activities that must be met in carrying out projects and activities for the National Forest System (NFS) are set forth in FSM 1921.12a. Under 16 U.S.C. 1604 (g)(3)(E), a Responsible Official may authorize site-specific projects and activities to harvest timber on NFS lands only where these conditions are met. This decision verifies that these are in fact met and that the record of that is in the project record.

National Environmental Policy Act (NEPA) - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

Clean Water Act (CWA) - This act requires each state to implement its own water quality standards. The State of Utah’s Water Quality antidegradation policy requires maintenance of water quality to protect existing beneficial uses on streams designated as Category 1 High Quality Waters. The State of Utah and the Forest Service have agreed through a 1993 Memorandum of Understanding to use Forest Plan Standards and Guidelines and the Forest Service Handbook (FSH) 2509.22 Soil and Water Conservation Practices (SWCPs) as Best Management Practices (BMPs). The use of SWCPs as BMPs meets the water quality protection elements of the Utah Nonpoint Source Management Plan.

Endangered Species Act (ESA) – See page 10, Item ‘a.’ of this document.

Sensitive Species (Forest Service Manual 2670) - This Manual direction requires analysis of potential impacts to sensitive species, those species for which the Regional

Forester has identified population viability is a concern. The USFS Region 4 Sensitive species list published in 2004 was used to determine the potential effects of the proposed action on sensitive terrestrial wildlife species. Potential effects of the proposed action on sensitive species are documented in biological evaluations which are part of the project record. See page 10, Item 'a.' of this document.

Migratory Bird Treaty Act (MBTA) – The Migratory Bird Treaty Act of 1918 as amended was established to protect migratory birds. This act makes it illegal to pursue, hunt, take, capture, kill, or possess migratory birds or any part nest, or egg of any such bird (16 U.S.C. 703-7012). In January of 2001 an Executive Order 13186 was issued on the Responsibilities of Federal Agencies to Protect Migratory Birds. It specifies the need to avoid or minimize any adverse impacts on migratory birds. The order addressed the need to restore and enhance the habitat of migratory birds. This project and decision are consistent with the MBTA (Wildlife Biologist Report – Project Record).

Roadless Area Conservation Rule of January 12, 2001 (RACR) – The intent of this rule is to provide lasting protection for inventoried roadless areas within the National Forest System in the context of multiple-use management. The 2001 RACR prohibits road construction and reconstruction and timber harvest within inventoried roadless areas on National Forest System lands. On August 12, 2008, Judge Brimmer from the Wyoming District court permanently enjoined the Forest Service from implementing this rule. Shortly thereafter, the Wilderness Society issued a notice to the press that they intended on appealing Judge Brimmer's ruling. Irregardless, the project is outside any inventoried roadless area and therefore, is not subject to RACR or affected by this ruling.

Implementation of this project is consistent with other Federal, State, and local laws for the protection of the environment.

IMPLEMENTATION DATE

Implementation of this project may occur on, but not before 5 days after the close of the appeal filing period, if no appeal is filed. When appeals are filed, implementation may occur on, but not before the 15th business day following the date of appeal disposition.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is subject to appeal under Forest Service regulations 36 CFR 215. Appeals must meet the content requirements of 36 CFR 215.14. Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of the legal notice in *The Provo Daily Herald*. This date is the exclusive means for calculating the time to file an appeal. Timeframe information from other sources should not be relied on. The Appeal Deciding Officer is Brian Ferebee, Forest Supervisor. Appeals must be sent to: Appeal Deciding Officer, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: appeals-intermtn-regional-office@fs.fed.us. Emailed appeals must be submitted in rich text (rtf.) or Word (doc.) format and must include the project name in the subject line. Documents in other formats (tiff, jpg etc) should be mailed in hardcopy. Appeals may also be hand delivered to the above address, during regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

CONTACT PERSON

For additional information, contact Steve Penny, Forester, at the Heber-Kamas Ranger District Office, 2460 South Highway 40, Heber City, UT 84032, or by phone at 435-654-0470.

SIGNATURE AND DATE

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment, as it is within one of the categories identified by the Chief of the Forest Service in Forest Service Handbook 1909.15 section 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. My conclusion is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. The best available science was utilized in rendering this decision (Project Record).

/s/ Julie K. King 09/02/2008

Julie K. King Date

District Ranger, Heber-Kamas Ranger District

Uinta-Wasatch-Cache National Forest

Enclosure(s): Project Map