

## **Decision Memo**

### **Bryant's Fork Recreation Residence Tract Special Use Permit Issuance**

USDA Forest Service  
Heber-Kamas Ranger District, Uinta-Wasatch-Cache National Forest  
Wasatch County, Utah  
T.3S., R.12W., Section 2 Uintah Special Meridian

#### **Background**

The recreation residence program was started by the Forest Service in the early 1900s as a way to encourage public use of the National Forests. Currently there are 14,285 recreation residences operated under special use permits, located in 53 National Forests in the Western United States. Recreation residences are homes and associated facilities that are owned and maintained by private individuals, but located on National Forest System land and authorized by a special use permit.

The Bryant's Fork recreation residence tract is located on the Heber-Kamas Ranger District of the Uinta-Wasatch-Cache National Forest in Wasatch County, Utah. The tract includes 38 lots that are authorized under current term permits expiring on December 31, 2008. The tract is accessed using US Highway 40 and the Strawberry West-side Road (FDR 131). The tract was established in the late 1950's. Since that time, the tract has become a popular recreation destination for many families. The tract has a wide variety of cabin styles and sizes. There is one in-lieu lot and three vacant lots that will not be developed. The area authorized under the current recreation residence special use permits totals approximately 30 acres for the lots. The tract is located around 8,000 feet in elevation in aspen/mixed conifer vegetation. Most of the use in the tract occurs from June to October.

#### **Decision – Continuation Determination**

I have decided to continue use for the Bryant's Fork recreation residence tract on the Uinta-Wasatch-Cache National Forest, Heber-Kamas Ranger District. Individual lot continuation is also dependant on individual permit compliance. Lots in compliance will be issued a new 20-year special use authorization expiring December 31, 2028. In cases where the lot is not in compliance with permit requirements by 12/31/2008, a letter of non-compliance will be sent to the permit holder and a one-year temporary permit will be issued to allow the permit holder up to one year to bring the site into compliance. All 38 lots are in compliance with the terms and conditions of their special use permit.

Recreation residences are a valid use of National Forest System lands, and are an important component of the overall National Forest recreation program. It is Forest Service policy to continue recreation residence use and to work in partnership with

holders of these permits to maximize the recreational benefits of these residences (FSM 2347.1).

Resource protection measures have been incorporated into the recreation residence special use permit. Any additional protection measures are written and listed in the permits Operation and Maintenance Plan which is attached to and made part of the permit. Compliance would be monitored to ensure protection of natural resources. The Uinta National Forest Recreation Residence Administrative Guidelines provide direction to the cabin owners and administrators for all aspects of the cabin and lot management.

Existing off-lot improvements associated with recreation residences are currently under special use permit. Improvements for the tracts having an expired or no expiration date will be reissued. New expiration dates for these improvements will coincide with the re-issuance dates on the recreation residence permits.

### **Categorical Exclusions (CE)**

This decision may be categorically excluded (CE) from the requirement to prepare in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) as provided by the National Environmental Policy Act (NEPA) (40 Code of Federal Regulation (CFR) 1508.4).

The proposed action fits the category of action identified in Forest Service Environmental Policy and Procedures Handbook 1909.15, Section 31.2 (15),

*“Issuance of a new special use authorization for a new term to replace an existing or expired authorization when the only changes are administrative, there are no changes to the authorized facilities or increases in the scope or intensity of authorized facilities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization.”*

Based on scoping, interdisciplinary team review, consideration of threatened, endangered, and sensitive species, cultural resources and past experience, I have determined the effects of implementing this action will be of limited context and intensity and will result in little or no environmental effect to either the physical or biological components of the environment. This determination was also based on consideration that no extraordinary circumstances exist with respect to the following resource conditions (Forest Service Handbook (FSH) 1909.15, section 30.3):

**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 and Evaluation was completed for this tract. The conclusion was there will be no adverse significant effects to these species from implementation of this project. The proposal is for permit re-issuance and does not include any new ground disturbing activities. Any future ground disturbing activities will be analyzed on a case by case basis when proposed by individual permittees. This tract will still be available for use by all

wildlife species although habitat effectiveness may be reduced for some species.

- b. **Flood plains, wetlands, or municipal watersheds.** No flood plains, wetlands are present within the tract and this area is not within a municipal watershed.
- c. **Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.** This project is not in a congressionally designated area.
- d. **Inventoried roadless areas.** This project is not in an inventoried roadless area.
- e. **Research natural areas.** This project is not in a Research Natural Area.
- f. **American Indians and Alaska Native religious or cultural sites.** No such religious or cultural sites will be affected. The proposal is for permit re-issuance and does not include any new ground disturbing activities and that any future ground disturbing activities will be analyzed on a case by case basis when proposed by individual permittees.
- g. **Archaeological sites, or historic properties or areas.** Heritage surveys are not required for recreation residence permit re-issuance. No archaeological sites or areas will be affected by this project. The proposal is for permit re-issuance and does not include any new ground disturbing activities and that any future ground disturbing activities will be analyzed on a case by case basis when proposed by individual permittees.

## **Public Involvement**

A proposal to issue a new special use authorization was listed in the Winter 2007 Schedule of Proposed Actions. The proposal was provided to the public and other agencies for comment during scoping from March 28<sup>th</sup>, 2008 to May 1<sup>st</sup>, 2008. Additionally, the agency placed a legal notice in the Provo Daily Herald on April 22<sup>nd</sup>, 2008.

Five comments were received in support of the proposed action.

One additional comment raised the following:

### 1. Discontinue Recreation Residence Program

Recreation residences are a valid use of National Forest System lands, and are an important component of the overall National Forest recreation program. It is Forest Service policy to continue recreation residence use and to work in partnership with holders of these permits to maximize the recreational benefits of these residences (FSM 2347.1).

Special Uses Management (SU-2) – Standard: Manage existing recreation residences at the Tibble Fork, Silver Lake Flat, and Bryant’s Fork areas as recreation residence tracts. (LRMP 2003)

## 2. Economics and Cabin Fees

This is outside the scope of the project. The fees are determined through a separate program, the Cabin User Fee Fairness Act (CUFFA) and according to agency policy at FSH 2709.11, Ch. 33.

## 3. Wildland Urban Interface (WUI) issues and related topics

The Bryant’s Fork Cabin Association has a Community Fire Plan. All cabin owners are regularly reminded about Fire Wise vegetation management and related way to protect their cabin in the event of a wildfire. Any deficiencies are documented in annual inspections.

The analysis and field work upon which this decision is based complies with applicable agency requirements with respect to recreation residences, NEPA, and migratory birds. Mitigation measures are included in the Administrative Guidelines and are made part of the special use permit which addresses concerns about invasive species and wildfire fuel reduction within the tract.

## **Findings Required by Other Laws**

### 1. National Forest Management Act (NFMA):

This decision is consistent with the 2003 Uinta National Forest Land and Resource Management Plan (LRMP 2003) as required by the National Forest Management Act. The proposal is in conformance with forest plan standards and incorporates appropriate Forest Plan guidelines for the Strawberry Reservoir Management Area (Forest Plan, pages 5-121 to 5-141). The two primary management prescriptions for this area are 3.2 – Watershed Emphasis and 5.2 Forested Ecosystems – Vegetation Management – (Forest Plan, page 5-121). The Desired Future Condition states: The Bryant’s Fork recreation residence tract is managed as a recreation special use development area. The proposed action is consistent with the 2003 Forest Plan.

- Forest Wide Goal (FW-Goal-6) – Diverse and suitable recreation opportunities are provided responsive to public demand while maintaining ecosystem health and contributing to social and economic sustainability.
- Special Uses Management Guideline 2 (SU-2) – Manage existing recreation residences at Tibble Fork, Silver Lake Flat, and Bryant’s Fork as recreation residence tracts. (LRMP 2003)

### 2. Endangered Species Act (ESA):

I have determined that the Bryant's Fork recreation residence tract on the Heber-Kamas Ranger District of the Uinta-Wasatch-Cache National Forest has no adverse effects on TES species related to the authorization of the continued use of the recreation residence tracts.

### 3. National Historic Preservation Act (NHPA) Section 106 Compliance Reviews:

The Uinta-Wasatch-Cache National Forest has not completed the Section 106 Compliance Review for this tract. It is not required for existing recreation residence permit re-issuance. The Forest Service will ensure that undertakings on USFS system lands will comply with section 106 of the National Historic Preservation Act. This includes consultation with the Utah State Historic Preservation Officer (SHPO) and local Indian tribes to identify and address Tribal concerns.

### 4. Clean Water Act

The Clean Water Act compliance will be achieved through the administration of the recreation residence special use permits within the established tracts in conjunction with the federal, state, county and local laws, regulations, policy, ordinances, etc.

Floodplain, wetlands, prime lands, threatened and endangered species, minerals and cultural resource management implications have been considered and these resources will not be adversely affected.

### 5. Executive Order 13186 of January 10, 2001

Based on the discussion in the wildlife specialist report and the resource protection measures below, neotropical migrants will not be adversely affected. My decision is in compliance with this Executive Order for the Conservation of Migratory Birds.

### **Implementation of the Decision**

In order to implement this decision, the Uinta-Wasatch-Cache National Forest will authorize new Recreation Residence Term Special Use Permits for the 38 lots within the Bryant's Fork Recreation Residence tract. Current permits expire on December 31, 2008. New permits will be authorized and issued to permit holders by January 1, 2009 with an expiration date of December 31, 2028.

### **Administrative Review or Appeal Opportunities**

Pursuant to 36 CFR 215.12 (f) this decision is not subject to administrative appeal.

### **Contact Person**

For additional information concerning this decision, contact:  
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/s/ John Campbell

12/08/2008

John W. Campbell  
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Heber-Kamas Ranger District  
Uinta-Wasatch-Cache National Forest

Date

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