



United States
Department of
Agriculture

Forest
Service

Ashley National Forest

Flaming Gorge Ranger District
PO Box 279
Manila, UT 84046

File Code: 1950/2630

Date: August 8, 2003

Dear Friend of the Ashley,

We appreciate your willingness to participate in the Flaming Gorge Ranger District Planning process for the Greendale East Fuels Reduction Project. Enclosed for your information is my decision for the project.

If you have any further question regarding this project please contact Oscar Martinez at (435) 781-5280. Thank you for your continuing interest and participation in the management of the Ashley National Forest.

Sincerely,

Brent Spencer

Acting District Ranger

Attachments: Decision Memo



Caring for the Land and Serving People

Printed on Recycled Paper



DECISION MEMO
USDA - Forest Service

Greendale East Fuels Reduction Project

Flaming Gorge Ranger District
Ashley National Forest
Daggett County, Utah

(Section 5, T.1N. R.22E. (SLM) and Sections 20,21,28,29,31,32, T.2N. R.22E. (SLM))

I. DECISION TO BE IMPLEMENTED

A. Description of Decision

I have decided to implement fuel reduction activities within approximately 1,000 acres of the Greendale East Fuels Reduction Project area (refer to attached map). The buildup of fuels and conifer encroachment into shrub and browse areas within the project area combined with the close proximity of several businesses, the Firefighter's Memorial Campground, power lines and 30+ private dwellings to the project area makes implementation of the planned work desirable and necessary. These activities will be similar to those implemented in recent years in the area surrounding the Flaming Gorge Pines/Flaming Gorge Acres housing subdivisions, Flaming Gorge Lodge, and CamperWorld.

My decision includes the following treatments (refer to attached map for specific treatment locations... parentheses denote treatment title on map legend):

- Use chainsaws and other hand tools to prune low limbs, remove small or dense pockets of conifers where they would contribute to crown fires, or are encroaching upon aspen, sagebrush or other browse areas. Stumps will be flush to the ground within 300 feet of roadways or campground. Fuels created will either be lopped and scattered or piled and burned. The total of this treatment is ~436 acres ("Chainsaw Chop and Scatter With Limited Hand Piling", and "Chainsaw Work Only").
- Use a low intensity "underburn with minor chainsaw" treatment on ~187 acres. Chainsaw work would be similar to treatment listed above.
- Use a low intensity "underburn" to reduce understory fuels where ladder fuels are not present to contribute to crown fire and unintended mortality. A total of ~62 acres will be treated in this way.
- Use mechanical equipment, either a track mounted "masticator" or a "feller-buncher" to reduce Pinyon/Juniper (P/J) encroachment. A masticator works by chipping the entire tree on site, with chips being shot out away from the tree. A feller-buncher works by snipping the tree off at its base, then piling trees for later burning. No root wads or significant ground disturbances are created either way. These treatments will be used on approximately 44 acres near the Firefighter's Memorial Campground.
- Cooperate with utility companies to remove hazard trees within and adjacent to the existing power line corridors. "Feather" some of the corridor edges on the north and south ends to reduce any negative visual effects and reduce the possibility of fire damaged lines and poles. Use all treatment described above, except mechanical equipment, to reduce understory fuels. A total of ~131 acres will be treated in this way.
- Any piles created within close proximity of Highway 191 or Firefighters Memorial Campground may result in a negative short-term visual effect until the piles are burned. Burning will generally occur one year after piling to allow the piles to dry sufficiently for them to be fully consumed during burning. To reduce any negative visual effect piles will be sized and located where they are not a prominent feature of the viewshed. Experience has also shown that piles created through hand or feller buncher piling are not expected to have any substantial effects on soil resources.

B. Purpose of Decision

The project area contains primarily ponderosa pine, sagebrush and pinyon/juniper (P/J) vegetation types

falling entirely within the Flaming Gorge National Recreation Area, administered by the Flaming Gorge Ranger District of the Ashley National Forest.

Current conditions contribute to an increased risk of intense or rapid fire spread near public and private developments such as Firefighters Memorial Campground, Flaming Gorge Lodge, Flaming Gorge Pines, Flaming Gorge Acres, and power lines. This increased risk is characterized by mature stands of ponderosa pine and minor amounts of other conifers having understory fuels (young conifers, P/J, low limbs, small diameter slash and large shrubs) that would allow fire to reach the crowns of the larger trees. Because crown fires spread rapidly and are difficult to control, a crown fire in this area would threaten public and private developments within the area and cause mature tree mortality.

Current conditions also include encroachment of conifer species into aspen stands and sagebrush openings. This encroachment is also undesirable since it will gradually displace aspen and sagebrush plant communities.

This decision is intended to:

- Reduce and maintain forest fuels at levels that do not contribute to intense or rapid wildfire spread near public and private developments such as Firefighters Memorial Campground and Flaming Gorge Lodge.
- Improve visual appearances of Ponderosa pine forests along US Highway 191, and near other developments.
- Maintain and improve wildlife habitat through management of stand composition and the removal of conifer encroachment into sagebrush areas and aspen stands.

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

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. These categories can be found in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, or within a category established on June 5, 2003. To fit into a categorical exclusion there must not be extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within a category of exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. My conclusion is based on information presented in this document and the entirety of the Record.

A. Category of Exclusion

This decision is within a category of exclusion published in the Federal Register on June 5, 2003. The category is found in the Forest Service Handbook (FSH) in 1909.15, Environmental Policy and Procedures, ID 1909.15-2003-1. "*Hazardous fuels reduction activities using prescribed fire not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching and mowing not to exceed 1,000 acres. Such activities:*

- *Shall be limited to areas (1) in wildland-urban interface and (2) Condition Classes 2 or 3 if Fire Regime groups I, II, or III, outside wildland urban interface;*
- *Shall be identified through a collaborative framework as described in "A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-year Comprehensive Strategy Implementation Plan;"*
- *Shall be conducted consistent with agency and Department procedures and applicable land resource management plans;*
- *Shall not be conducted in wilderness areas or impair the suitability of wilderness study areas for preservation as wilderness;*

- Shall not include the use of herbicides or pesticides or the construction of new permanent infrastructure; and may include the sale of vegetative material if the primary purpose of the activity is hazardous fuels reduction.

B. Relationship to Extraordinary Circumstances

1. Steep Slopes or Highly Erosive Soils -

The affected area includes localized inclusions of steep slopes ranging from 40% to 50%. This decision excludes ground-based heavy equipment and burning on slopes greater than 35%. To further ensure that soil-related impacts are minimized, Best Management Practices are incorporated.

2. Threatened and Endangered Species or Their Critical Habitat -

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. In accordance with this Act, potential effects of this decision on listed species have been analyzed and documented in the Biological Assessment/Evaluation for the project.

It was determined that this decision will have 'no effect' on listed species or their critical habitats.

3. Floodplains, Wetlands, or Municipal Watersheds -

Floodplains: Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, "... the lowland and relative 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."

The project is not located in or near floodplains.

Wetlands: Executive Order 11990 is to avoid 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 project is not located in or near wetlands.

Municipal Watersheds: Municipal watersheds are managed under multiple use prescriptions in land and resource management plans.

This decision will not affect municipal watersheds.

4. Congressionally Designated Areas -

Wilderness:

This decision does not affect Wilderness. The project is located in Management Area n1 (Plan, p. IV-62).

Wilderness Study Areas:

This decision will not affect Wilderness Study Areas.

National Recreation Areas:

This decision includes activities within the Flaming Gorge National Recreation Area. These activities are

consistent with direction for management of the National Recreation Area. Direction contained in the Ashley National Forest Land and Resource Management Plan (Forest Plan 1985), Supplemental Direction for the Flaming Gorge National Recreation Area (NRA) lists by Ecological Component, specific actions that may be taken, and that are compatible with the purpose for which the NRA was established.

Applicable direction include:

- 1) Under Ecological Component 5; Vegetation (3) "Manipulate vegetative cover where appropriate to improve ground cover, preserve natural beauty, increase diversity, and reduce fire hazard."
- 2) Vegetation (5) "Direct efforts towards maintaining uneven-aged forest stands to enhance natural beauty and diversity."
- 3) Under Ecological Component 6; Wildlife and Fish (12) "Manage pinyon-juniper and other forested lands to provide for maximum wildlife habitat and esthetics."

5. Inventoried Roadless Areas -

Parts of the project area are within an inventoried roadless area. Per Interim Directive 1909.15-2000-2 (issued August 23, 2002), inventoried roadless areas are one of several resource conditions that may trigger additional analysis and documentation of decision in an Environmental Assessment or Environmental Impact Statement. However the Interim Directive also states that "(t)he mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determine whether extraordinary circumstances exist." This project would neither result in a change to existing road conditions nor would there be construction of additional roads. It would not affect the roadless status of these lands or alter the boundaries of the IRAs in anyway. Therefore no extraordinary circumstance exists and the project does not require additional analysis.

6. Research Natural Areas -

This decision does not affect Natural Research Areas.

7. Native American Religious or Cultural Sites, 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.

Appropriate cultural resource surveys have been completed indicating that there would be no negative effects to cultural resources where these activities are proposed. However, if at any time a cultural site is discovered during the implementation of the project, mitigations measures will be taken to limit effects. It is also generally accepted that a prescribed burn would not significantly affect any prehistoric (i.e. lithic scatters) that may occur within the project areas proposed for underburning.

Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. No tribal concerns were identified through our scoping process for this project.

8. Other Issues Raised During Scoping

No extraordinary circumstances related to the project were identified during the scoping process, (see response to comments).

III. PUBLIC INVOLVEMENT

Public Scoping was initiated on January 28, 2003. A scoping letter was sent to 121 potentially interested and concerned individuals, organizations, and affected stakeholders, Eight (8) responses were received. Two respondents had no comments other than to acknowledge receipt of the scoping letter and state that "they had no official comment at this time" (USDI, Fish and Wildlife Service, and Office of Federal Land Policy). A Predecisional Decision Memo was sent out for comment on May 27, 2003. We received two (2) additional responses on it. Responses to all comments can be found in Appendix A of this document.

IV. FINDINGS REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS

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

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long range land and resource management plans (Plans). The Ashley National Forest Land and Resource Management Plan was approved in 1986, as required by this Act. It has since been amended one time to include management guidelines for the northern goshawk. The amended plan provides for guidance for all natural resource management activities. The Act requires all projects and activities be consistent with the Plan. The Plan has been reviewed in consideration of this project. This decision is responsive to guiding direction contained in the Plan, as summarized in Section I of this document. This decision is consistent Supplemental Direction included in the Plan for the Flaming Gorge National Recreation Area.

Vegetation Manipulation (National Forest Management Act) - Proposed actions often carry out management prescriptions selected and scheduled during land and resource management plan development. This decision is consistent with the requirements for management prescriptions and regulations found at 36 CFR 219.27

Endangered Species Act - See Section II, Item B2 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. Potential effects of this decision on sensitive species have been analyzed and documented in a Biological Evaluation. Mitigations included to protect sensitive wildlife habitats in the project area include:

- avoiding burning within the Cart Creek Drainage,
- avoid burning large down woody debris in underburn units,
- protect all existing snags greater than 10 inches dbh, and
- operate large machinery during the periods between late summer and late winter.

Clean Water Act - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices. This decision incorporates Best Management Practices to ensure protection of soil and water resources. Additionally, the decision . . .

Wetlands (Executive Order 11990) - See Section II, Item B3 of this document.

Floodplains (Executive Order 11988) - See Section II, Item B3 of this document.

Clean Air Act - Under this Act areas of the country were designated as Class I, II, or III airsheds for Prevention of Significant Deterioration purposes. Prescribed burning in this decision will coordinate with the State and follow the SIP to protect air resources, including obtaining and following air quality permits.

Federal Cave Resources Protection Act - This Act is to secure, protect, preserve, and maintain significant caves, to the extent practical.

No known cave resources will be affected by this decision.

National Historic Preservation Act - See Section II, Item B7 of this document.

Archaeological Resources Protection Act - See Section II, Item B7 of this document.

Native American Graves Protection and Repatriation Act - See Section II, Item B7 of this document.

Wild and Scenic Rivers Act - See Section II, Item B4 of this document.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

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

V. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is not subject to appeal under Forest Service regulations at 36 CFR 215.8

VI. IMPLEMENTATION DATE

This project will be implemented beginning in August 2003 and continuing for up to 3 years.

VII. CONTACT PERSON

Further information about this decision can be obtained by contacting Mike Crawley, Team Leader, at (435) 636-3555, or Ross Catron, District Liaison, at (435) 781-5268 during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.); or by email at: mcrawley@fs.fed.us, or rcatron@fs.fed.us.

VIII. SIGNATURE AND DATE


Brent Spencer
Acting District Ranger

8/5/2003
Date

APPENDIX A

The following concerns were brought forward by respondents:

1. *The Utah Environmental Congress (UEC) expressed concern that past drought and extremely dry conditions could create situations where fire is more difficult to control, and advising their opinion on the proper timing of such burns. Response...* An objective of this project is to remove fuel from the forest floor and reduce the chance of a high intensity wildfire that could result in major or total tree mortality. This proposal includes mechanical removal of ladder fuels prior to any prescribed ignition to keep fire out

of tree crowns. Ignitions would follow approved burn plans with carefully prescribed weather conditions, proper timing to attain the desired effects, and required resources necessary to ensure control prior to any ignition.

2. *A second concern voiced by the UEC focused on the ability of native vegetation to recover following treatment. "Our second concern cannot be addressed wholly or partly simply by moving the prescribed fire implementation date to a cooler and possibly wetter time of year. Regardless of when the burn and thinning takes place, drought will significantly affect the ability of native vegetation to recover post-treatment. Even post treatment rest from grazing and native seed application will do little good if moisture is not available in the soil."* **Response...** Vegetation in the Greendale area can be expected to have experienced drought many times in the ecological history of the area. They can reasonably be expected to be drought tolerant. Drought periods are reasonably expected to have facilitated the spread of fire. It is highly unlikely that the proposed burning in the area represents a new element in relation to drought. Plants of the area are indicated to be highly adapted to fire in drought periods.

Numerous burns in the Greendale area and other parts of the ponderosa pine belt on the Flaming Gorge District have been followed by relatively rapid response of vegetation. These burns include wildfires of the 1960s, the Cart Creek Fire of 1977, the Green River Fire of 1988, and ponderosa pine underburns in 1992 and 1993. Monitoring in these fires indicates vegetation can be expected to recover after the proposed burn.

On March 16, 17, and 18, 2003, abundant moisture fell on the project area. As much as 18 inches of snow covered the site by March 18. Rain preceded the snow. This storm period might not have ended the drought. However, there has been enough precipitation to indicate that the fire and drought adapted species in the area of proposed burning would recover following the prescribed burning.

3. *A third concern from UEC. "The issue of native vegetation recovery is even more important in this case due to the presence or possible presence of significant numbers of TEPS plant species in the area (list provided)."* **Response...** Of the list provided Ute lady's tresses, Brownie ladyslipper, and stemless penstemon are on the current (1995) sensitive list for the Intermountain Region. The other species were removed from the sensitive list because they were found to be abundant, widespread, or well adapted to disturbance, or a combination of these features. The comment appears to be based on an outdated list of sensitive species. An updated list (1995) has been sent to the respondent.

A Biological Evaluation for sensitive plants and A Biological Assessment for Threatened and Endangered plants have been prepared for the proposed project. No Sensitive, Threatened, or Endangered plants are known from within the project area. Impacts to Sensitive, Threatened, or Endangered plants outside the project area were determined in the Biological Evaluation and Biological Assessment to have no impact or no effect.

4. *A fourth concern expressed by UEC states: "The area is also home to big game and non-game species which are struggling through the current drought. The reduction of vegetation resulting from the use of prescribed fire and subsequent slow recovery if the drought continues, could have significant consequences for wildlife."* **Response...** The wildlife specialists report identifies the project area as occurring within established mule deer and elk winter ranges. To reduce potential impacts for these and other big game species, the proposed action excludes burning in sagebrush and mahogany brush types that provide winter browse for these species. Mechanical thinning or removal of encroaching conifers would be allowed in these types to reduce competition from encroaching forest types. Only 44.1% of the project area is scheduled for some kind of burning treatment. Most of these areas (42.5%) are selected for combination treatments that allow the use of low intensity burning, small tree thinning, and pile burning depending on site variability. Therefore, the actual area that would be burned is much less than the 44.1% listed. Low intensity underburning in conifer-dominated sites is expected to reduce young tree densities while protecting mature trees. Stands selected for underburning also have limited understory production, so burning is expected to promote the establishment of graminoid and forb species favored by big game and non-game species alike. Mitigations included that protect existing snag and down wood are also expected to maintain habitat components important for many non-game species. Due to the types of treatments proposed, along with the inclusion of mitigations that protect wildlife habitat values, the proposed action is

not expected to have significant impacts on wildlife use in the area.

5. *The UEC questions the intent to leave piled slash (dried fuels) in the forest and states that "leaving slash scattered or piled on the floor of the forest is a prescription for disaster in our view." Response...* Not all of the project area would be burned. Where residual material from thinning is not deemed to be a fire hazard it would be lopped and scattered so as not to be unsightly and to reduce fuel bed depth. In those areas where residual material would create a fire hazard it would be either piled and burned or pulled back beyond the drip line of trees to prevent ignition of crowns during under burning. Piled material does not constitute an increased fire hazard, since fuel in piles is not available to contribute to fire spread. Piles would be ignited only under environmental conditions identified in the burn plan and with all necessary resources on site prior to ignition.
6. *UEC requested that the Forest Service table (or put on hold) this project proposal until the drought is over and vegetation and wildlife are recovering from its effects. They cite the potential for out-of-control wildfire being greater now than would normally be the case. Response...* The concern over the potential for large out-of-control fires is especially relevant during periods of drought and severe weather conditions. This is the reason why the Forest has proposed this project to reduce fuel accumulations in the area. High fuel loading and undergrowth make it necessary to reduce those fuels to protect stands from the effects of possible wildfire and extreme burning conditions. Three requirements needed for forest fires to occur. These include woody fuels, weather conditions that will support (or drive) potential fire, and unexpected ignitions (lightning or human causes). Of these, the Forest Service only has a direct influence on the fuels and fuel loading. And due to the close proximity of homes, businesses, campgrounds and other developments; it is prudent to try and manage these fuels so that an unexpected ignition during periods of extreme weather will not result in catastrophic damage to them or plant communities within the area. Delaying this project will allow fuel levels and size to increase creating additional future risks to woodland fire. Efforts were taken during project planning to identify and mitigate risks to vegetation, wildlife and human community resources in the area associated with project implementation.
7. *The UEC also feels strongly that an EA (Environmental Assessment) is needed to evaluate all of their concerns. Response...* Concerns raised by respondents do not automatically result in a decision to prepare an EA or EIS. The issue of extraordinary conditions potentially affecting the environment must exist. Where potential affects can be avoided in project design and mitigation the extraordinary condition does not exist. See 'Decision', above, for more on this subject.
8. *"All listed species [Threatened, Endangered and Sensitive Plant Species] grow within Daggett County and their rarity makes the proposed project a potential threat to their continued viability, especially when considered together with the record-breaking drought." Response...* Refer to #3 above. Ecologist and biologist specialist reports and Biological Assessment/Biological Evaluations completed for the project adequately disclose the risks anticipated for Threatened, Endangered and Sensitive Plant Species in the project area. "No impacts" to T&E species are expected and mitigation measures have been included to avoid risks to Sensitive wildlife habitats in the analysis area.
9. *"The UEC is also concerned with downward trends in raptor populations recently documented by Hawk Watch International. These trends are attributable, at least in part, to the ongoing drought. Nesting and foraging habitat could be lost as a result of the proposed action, and this eventuality needs to be evaluated within an EA or EIS prior to reaching a final decision." Response...* The district biologist is familiar with the research cited and agrees that drought conditions can have a negative impact on wildlife species. However, the circumstantial evidence provided in these studies seems to suggest that raptor mortalities occurred in habitat types differing from those in the project area. Field surveys also did not identify raptor nests within the proposed fire units. The wildlife report evaluated known goshawk PFA's within the vicinity of the project area and determined that the proposed activities would not impact these sites. Based on ground surveys of the area, the district biologist established mitigations that protect existing snag and down wood densities. Both snags and down wood are important components of habitats used by many raptor prey species. The use of low intensity burning is not expected to substantially increase the risk of mature tree mortality in the area.
10. *The UDWR commented on the need for an inventory of areas with a Ponderosa Pine overstory with*

interspersed sage "fields" and shrub understory. "The inventory should address the total distribution of the habitat type, the amount of this habitat type that has previously been treated, and the effects of these treatments on vegetative response and resultant wildlife value." The UDWR felt that this habitat is critical for wintering deer, is limited in quantity, and a significant portion of it has been similarly treated within the last two decades. Since the browse component of previously treated areas has not "fully" recovered, further treatments should be delayed. **Response...**A GIS inventory has been completed for this habitat type. Based upon the results of this inventory, fire will not be used in these habitat types. Vegetative manipulation to reduce conifer encroachment into these areas would be achieved using only mechanical treatments such as chainsaws and brush saws as noted above, or with track-mounted equipment surrounding Firefighters Memorial Campground.

11. *UDWR recommends that where fire is used sage fields be fire-lined for protection and encroaching conifers within sage fields should be mechanically removed. Spring burning is also recommended to reduce fire intensity and to provide a mosaic burn pattern.* **Response...**We agree that these vegetation communities should be protected. The methods discussed, along with the application of mitigation measures, would be used to achieve project objectives while reducing any fire effects to wildlife habitats. However, to limit activities to a single season may unnecessarily reduce options for fire managers to produce the overall desired effects given seasonal weather conditions and the need to maintain other resource values.
12. *The State of Utah, Governor's Office of Planning and Budget, Resource Development Coordinating Committee replied to our scoping request with a letter that reminds us of our obligations to meet State Smoke Management requirements prior to implementation.* **Response...**The reminder that the Flaming Gorge NRA is subject to Utah Air Conservation Rule (UACR) R307-204, Emission Standards, Smoke Management is duly noted. The items contained in the letter are steps that the Forest Service follows on a routine basis when planning and implementing projects of this nature.
13. *Mr. John Holderegger wrote that the comment period was only 15 days and would not allow time for potential comments to be received.* **Response...**There is no prescribed length of time that a proposal must be submitted for public comment. The direction is that scoping shall be conducted as an open process to adequately determine the range of issues pertaining to the proposal, and sufficient to provide a sample of public opinion relative to the proposal. In this case, 15 days was adequate to determine public concerns on the anticipated impacts of the proposed action. Late comments will be accepted until a Decision Memo is signed or a decision to prepare an Environmental Assessment is made, thus providing an extended period of time for interested publics to comment. For example, two comments received 8 and 35 days after our suggested ending date of February 19 were included in the analysis and responses included in this document. It is also expected that there will be an additional 30-day comment period for this proposal.
14. *Mr. Holderegger also questioned the "logic of any kind of controlled burn after 5 years of drought."* **Response...**Even in years of drought there often exist conditions in the spring or fall under which prescribed fire may be used to accomplish resource objectives such as those proposed in this project. Prescribed fire is only applied after a comprehensive burn plan is prepared, detailing specific fuel, weather and manpower conditions under which the fire may be ignited.
15. *Another concern stated in Mr. Holderegger's letter was the possibility of creating an eyesore next to Highway 191.* **Response...**The proposal contains several different treatments to achieve a variety of desired conditions, of which fire is one. Prescribed fire would be used in an underburn on about 62 acres near the middle of the project area, while minor chainsaw thinning followed by a low-intensity underburn would occur on an estimated 187 acres.

A specific set of project design features contributed by the Landscape Architect give direction for preserving visual integrity along the highway corridor. These design features specify the removal of blackened or fading trees within 100 feet of the roadway, removal of thickets of young trees adjacent to the roadway and other requirements to minimize the visual effects of treatments. Visual effects of treatments in the project area are expected to be minimal when prescribed mitigations are employed.

16. *Mr. Holderegger disagrees with any use of heavy equipment or fire because of the environmental damage*

that he perceives will result. **Response...** The heavy equipment mentioned in the scoping letter referred to a class of equipment specifically designed to literally "chew" trees and brush up into small pieces (sometimes referred to as "masticating equipment") and distribute the residual material uniformly on site. This equipment is generally, but not always, mounted on an excavator chassis (sometimes referred to as a track-hoe), and exhibits very low ground pressure. Similar equipment may be mounted on a rubber-tired, end-loader type vehicle, which has slightly higher ground pressure, but is articulated and is able to turn with limited soil disturbance.

Fire can be prescribed to take place in periods of seasonal moisture when the impacts are minimal to soils and other resources. As described in the responses to concerns # 1, #5, and #6 above, fire can be applied within specific constraints to accomplish resource objectives and is a tool used to reduce hazards that might otherwise lead to fires of a more catastrophic nature.

17. *Mr. Holderegger; "Finally, 1000 acres in one spot will create a similar eyesore to the treated area near the water treatment ponds near Cedar Springs."* **Response...** The reply in #15, above, should adequately respond to Mr. Holderegger's concern about 1,000 acres being treated in one area. However, it appears he believes the project would result in "pushover" areas with large piles of trees left surrounding the clearings as was the result of the treatments referred to near Cedar Springs.

The treatment at Cedar Springs was conducted for an entirely different purpose than the present proposal. Nowhere within the project area would heavy equipment be used to conduct a "pushover". This sort of treatment would not result in the stand conditions or structure desired from this project. See response to # 16 above. Visual impacts are discussed in # 15 above.

18. *The State of Wyoming, State Historic Preservation Office (SHPO) sent comments reminding us of our obligation to follow the requirements as stated in 36 CFR, Part 800, Section 106. They stated that, "Provided the USFS follows the procedures established in the regulations, we have no objections to the project."* **Response...** There is nothing known at this time that would preclude a CE for the project area, but cultural resource clearances are required before ground disturbing activities begin. Much of the project area has been surveyed for cultural resources during previous projects. However, two of the previous surveys were not intensive and sites may have been missed. For these reasons, additional surveys will be completed to evaluate impacts to both unsurveyed or low intensity survey areas. One previously recorded site in the project area will be evaluated for National Register eligibility. A cultural survey and clearance report will be prepared prior to project implementation. If significant sites are identified within the project area, heritage personnel will coordinate with the project leader to ensure measures are taken to mitigate or avoid impacts to cultural resources.
19. *Western Area Power Administration (WAPA), Department of Energy, responded with comments concerning safety in working near transmission lines, the relationship between fire, smoke and transmission lines, and their general support for maintaining an environment of reduced hazard from wildland fire.* **Response...** Maintenance personnel from WAPA recently met with district and forest representatives on-site to discuss fuels reduction activities near transmission lines, and the safety hazards associated with cutting and burning vegetation near transmission lines. Forest personnel will leave hazard tree felling within the power line rights-of-way to permittees (Utah Power and Light). Trees intended for removal adjacent to rights-of-way will be felled away from the rights-of-way corridor. Slash piles from thinning or tree removal activities will be located far enough away from the transmission corridor to minimize the possibility of smoke interfering with electrical transmission and safety concerns.
20. *Due to the presence of a roadless area, and because of the steep slopes extending from the boundary to Cart Creek, we request your exclude this portion of the project area from any of the proposed activities outlined in the Pre-Decision Memo(UEC Second Response Letter).* **Response...** The treatments proposed are not expected to alter the roadless character of the referenced areas. No soil disturbing activities are proposed on the steep slopes bordering the Cart Creek. The "chainsaw lop and scatter with limited and piling" treatments included in this portion of the analysis area include thinning from below to help maintain old growth curlyleaf mahogany and juniper stands located in this area. This objectives are consistent with maintaining the roadless character of the area.

21. *We see no evidence the Forest Service has considered potential impacts to fish or other aquatic resources within the creek (Cart Creek) should this project involve treatment on the slopes west of the creek (UEC Second Response Letter). Response...* See response to comment 20. Additionally, a Biological Assessment/Evaluation including impacts to fisheries resources was completed for this project and determined that mechanical disturbances of the type described would not negatively effect fisheries resources in Cart Creek.
22. *The use of this device (masticator) requires analysis given the potential for significant direct and indirect effects to neo-tropical migratory birds (UEC Second Response Letter). Response...* Potential impacts to wildlife species as a result of using heavy equipment were included as part of the wildlife specialist report completed for this project. Operation of mechanized equipment will be restricted to periods between late summer and late winter to mitigate conflicts with other resource values.
23. *EO 13186 specifically states agencies of the Federal Government shall "ensure that environmental analysis of Federal actions required by NEPA or other established environmental review processes evaluate the effects of actions and agency plans on migratory birds, with emphasis on species of concern." Has the Ashley National Forest or Region 4 developed and implemented such an MOU? If so, the UEC requests a copy of the MOU (UEC Second Response Letter). Response...* The Ashley National Forest proposed actions are consistent with the draft 12/09/02 Memorandum of Understanding between the USDA - Forest Service, USDI - Bureau of Land Management, and USDI - Fish and Wildlife Service. A copy of this document will be made available to UEC. Reference response to comment 22.
24. *We are extremely troubled by UDWR's comments regarding the failure of "critical" deer winter range to fully recover from similar treatments that have occurred over the past two decades (UEC Second Response Letter). Response...* A GIS analysis was completed as part of the wildlife specialist report and the results were used to identify areas where understory was not an appropriate treatment at this time. Mitigation measures were included in the development of alternatives that included protecting or avoiding sagebrush types in the project area. Also reference response to comment 4.
25. *US Fish and Wildlife Service second response letter stating that they have no comments on the project as proposed and reserving the right to comment later if the project is changed. Response...* The district will provide additional information if the project is changed.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or familial status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's target center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-w, Whitten Building, 1400 Independence Ave. SW, Washington, DC 20250-9410 or call 202-720-5964 (voice or TDD).

USDA is an equal opportunity provider and employer.