

Decision Memo

South Fork of the Ogden River Access for Flood Damage repair on Private Property

Ogden Ranger District
Uinta-Wasatch-Cache National Forest
Weber County, Utah

1. INTRODUCTION

This document details my decision regarding a proposal by the Weber County Engineering for repair to waterbodies (gabions) on adjacent private property damaged during the floods of 2011. This project is located on the Uinta-Wasatch-Cache National Forest (see maps attached).

2. BACKGROUND AND HISTORY

On February 24, 2014 Weber County submitted a proposal with basic design plans for repair to waterbodies (gabions) on adjacent private property damaged during the floods of 2011. The request is to access the section of the South Fork of the Ogden River by two points on National Forest.

The first access point is using an existing Forest road known as the Worthen Road, #20194. This road is a Maintenance level 2 road from the Camp Red Cliff road, #20191. The Worthen road has a special use permit to the Jones family for access to their private cabin site. The proposal is only for vehicle access on this road. The work planned by Weber County is for the river north of the Jones cabin.

The second access point is through the Willows Campground Road, #20075, at Campsite # 12 which is adjacent to the South Fork River. The equipment, probably a trackhoe, will use the Campground road to the access point. Then go around the picnic table living area to the river. This area does not have any shrubs or trees in the effected path. The equipment will then travel approximately 135 feet up the river channel on National Forest to private property.

The project was reviewed by the Forest Service interdisciplinary team members on March 5, 2014. The consensus of the team was that any approval needed to address restoration of any disturbances to the road, bridge, gate, camp site, and existing vegetation. The County was issued an Order of the State Engineer for stream alteration. The Order included mitigation measures following Best Management Practices. These measures address most of the issues identified by the Forest Service interdisciplinary team members and will be made a part of the decision and the approval.

3 DECISION

Based on my review of the Weber County proposal for access through National Forest to repair waterbodies (gabions) on adjacent private, I have decided to approve the two proposed access points with the following mitigation measures required. This project will be categorically excluded from documentation in an environmental impact statement or an environmental assessment as per 36 CFR 220.6(e)(7): **Modification or maintenance of stream or lake aquatic habitat improvement structures using native materials or normal practices.**

The following design features and mitigation measures are part of my decision:

3.1 Design Features

- Photos must be taken before and after project construction and submitted to this office.
- Ingress and egress access should be kept to a minimum.
- Machinery must be properly cleaned and fueled offsite prior to construction.
- Work must be accomplished during a period of low flow.

3.2 Mitigation Measures

Soil Erosion, Sedimentation, and Water Quality

1. Sediment introduced into stream flows during construction must be controlled to prevent increases in turbidity downstream.
2. Be cognizant of inadvertent consequences from bank hardening such as changes in sediment movement and deposition patterns in and near the activity area, impacts to fish, wildlife and plant species, and likely impact the work would have on upstream and downstream (and across stream) properties. Riprap should be installed along with woody vegetation in and around the area so root mass can hold soil.
3. Best Management Practices should be implemented and maintained during any streamside or instream work to minimize sedimentation, temporary erosion of stream banks, and needless damage or alteration to the streambed.
4. Use of heavy equipment to place large boulders and soil will be restricted to the area necessary to complete this specific project.
5. Prior to beginning the project, develop an erosion control plan prepared in accordance with the best management practices ("BMPs") typically agreed upon by the Forest Service for similar projects in the past. This plan must be approved by the Forest Service prior to construction on National Forest System land.

6. Use the best clean rock source possible. Washed rock would be best for gabion repairs and would not have weed in the materials.
7. Use a high pressure washing system on all construction equipment prior to entry on National Forest System lands. Use an approved facility as a washing system that will remove all pieces of soil that might trap noxious weed seeds, oil, lubricants, or other chemicals.

Vegetation

1. Disturbed areas on Forest Service land must be planted with a variety of appropriate vegetation (especially woody vegetation where feasible) to help hold the soil around riprap, prevent excessive erosion, and to help maintain other riverine functions. Successful revegetation efforts must be monitored and reported to this office.
2. Excavated material and construction debris may not be wasted in any stream channel or placed in flowing waters, this will include material such as grease, oil, joint coating, or any other possible pollutant. Construction materials, bedding materials, excavated material, etc. may not be stockpiled in riparian or channel areas.
3. The project must maintain existing stream shade on this stream. Destruction of any stream shade vegetation within the project area must be replaced at a 1:1 shade ration at mature life stage with native vegetation along the stream. Any large woody debris or large rock moved/removed to allow ingress and egress will be replaced.
4. Erosion control, revegetation, and noxious weed control must be implemented and monitored until revegetation becomes well established. Particular attention is required to assure that silt fencing is properly installed and left in place until after revegetation becomes established at which time the silt fences can then be carefully removed.
5. A Forest Service specified seed mix will be approved for this project.
6. Noxious weed prevention and control will be required.

Wildlife

1. The Migratory Bird Treaty Act prohibits take of migratory birds. In the Act, "take" is defined as to *pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect*. To avoid impacts to migratory birds, the operator should operate outside of the migratory bird breeding season, which is from April 15-August 15. In the event that the operator must operate during the migratory bird window, the operator should contact the district wildlife biologist and clearance surveys should be conducted to ensure that take of migratory birds does not occur.

Cultural Resources

2. Notify the Forest Service archaeologist immediately if and when any historic or prehistoric resources are exposed during construction activities.
3. Stop work if any cultural resource is discovered.

Other Issues

1. During construction activities, provide safety protection for all normal recreation activities that constantly occur in this area.
2. Approval of this project does not authorize trespass, easements, rights-of-way, or any other access and land use permits. It is the responsibility of the County to obtain any such authorizations as may be necessary for this proposal.

Other Permits

1. Provide photocopies of any other documentation related to this project to the Ogden Ranger District.

4. SCOPING AND PUBLIC INVOLVEMENT

Scoping on this project was informally conducted consisted of full review by the Forest Service interdisciplinary team specialists. Comments made by team members were incorporated into the analysis and decision. Weber County is the lead agency for the bulk of this proposal. They have obtained permissions from adjacent landowners and other related public agencies, such as the State of Utah Department of Natural Resources, and were involved in the project review. Their comments were also included in the mitigation for this project. Comments are documented in the project record prepared for the project.

5. REASON FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION

In reaching my decision, I considered issues identified by Forest Service interdisciplinary team members who reviewed the proposal and project site as well as the issues raised by interested individuals. This project was reviewed and discussed with the Forest Service specialists.

None of these issues fell under the headings of "extraordinary circumstances" and are discussed in detail below. The entire project will affect about 0.2 acre of National Forest System land. Any potential direct, indirect, and cumulative effects of the project were reviewed and considered in my decision.

In regard to potential extraordinary circumstances, the Forest Service Handbook lists several topics that must be considered (Forest Service Handbook 1909.15, Chapter 30, Section 31.2).

Forest Service resource specialists previously visited this exact site and reviewed relevant studies and other published information, and documented their findings regarding these resource conditions in the project file. Their findings are summarized below.

- A. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species. An endangered, threatened and sensitive species checklist was prepared for this project. This checklist will be considered as documentation for assessment of these species. The determination reached was that no federally listed or candidate plant or animal species or critical habitat will be affected by this proposal.
- B. Flood plains, wetlands, or municipal watersheds. The approved project may affect wetlands. A determination will be conducted and necessary permits will be obtained. Because the locations are not directly adjacent to streams, implementation of mitigation measures should limit effect to flood plains, wetlands, or municipal watersheds affected by this proposal.
- C. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas. The project area does not include any designated wilderness, wilderness study area, or National Recreation Area, so such areas do not constitute an extraordinary circumstance for this proposal.
- D. Inventoried roadless areas. The project area is not located within any inventoried roadless areas, so such areas do not constitute an extraordinary circumstance for this proposal.
- E. Research Natural Areas. The project area does not include any research natural areas, so such areas do not constitute an extraordinary circumstance for this proposal.
- F. American Indian and Alaska Native religious or cultural sites. Prior to European settlement the ski area was used by native peoples for both hunting and plant gathering in a lifeway that was otherwise tied to the more abundant resources of the adjacent Salt Lake Valley. These short-term uses leave little archaeological imprint, and few examples of Native American sites remain anywhere in the vicinity. No Native American sites have been found in or near the project area. Based on these considerations, American Indian and Alaska Native religious or cultural sites will not be affected by the proposal, and do not constitute an extraordinary circumstance.
- G. Archaeological sites, or historic properties or areas. The project would not have any direct, indirect, or cumulative impacts on any archeological sites or historic properties or areas and therefore do not constitute any extraordinary circumstance.

Based on the findings summarized above, I am categorically excluding this decision from documentation in an environmental assessment or environmental impact statement. Based on

experience with management activities similar to this, and upon the environmental analysis conducted for this project, the effects of implementing this action will be limited in context and intensity. Connected and cumulative actions have been appropriately addressed, an appropriate category for exclusion has been established by law and documented in the Forest Service Handbook, and our review indicates no extraordinary circumstances to preclude its application.

6. FINDINGS REQUIRED BY OTHER LAWS

Executive Order 11988, “Floodplain Management,” instructs federal agencies to avoid long- and short-term adverse impacts associated with occupancy and modification of floodplains, and to avoid direct or indirect support of floodplain development. This project involves no floodplain occupancy, modification, or development. My decision is consistent with this executive order.

Executive Order 11990, “Protection of Wetlands,” instructs federal agencies to avoid the long- and short-term adverse impacts associated with destruction or modification of wetlands, and to avoid direct or indirect support of new construction in wetlands. This project involves no destruction or modification of wetlands, or new construction in wetlands. My decision is consistent with this executive order.

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” instructs federal agencies to identify and address any disproportionately high and adverse human health or environmental effects on minority and low-income populations. My decision is consistent with this executive order.

Executive Order 13112, “Invasive Species,” instructs federal agencies to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause. My decision is consistent with this executive order.

Executive Order 13186, “Responsibilities of Federal Agencies to Protect Migratory Birds,” instructs federal agencies taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations to develop and implement a memorandum of understanding with the U.S. Fish and Wildlife Service. The project is expected to have no measurable negative effect on migratory bird populations. My decision is consistent with this executive order.


This decision is consistent with the Revised Forest Plan for the Wasatch-Cache National Forest as required by the National Forest Management Act. The project is in conformance with forest plan standards and incorporates appropriate Forest Plan guidelines. This project is within the North Wasatch Ogden Valley Management Area (Forest Plan, pp. 4-140 to 4-151).

7. IMPLEMENTATION DATE

My decision is not subject to appeal as per 36 CFR 215.12(f). This decision may be implemented immediately. Implementation is scheduled for April, 2014.

8. CONTACT PERSON

For further information, contact Robert Sanchez, District Ranger, at 507 25th St. Suite 103, Ogden UT, 84401 or telephone (801) 625-5112.



ROBERT SANCHEZ
District Ranger

March 11, 2014

DATE

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Appendix A: PROJECT MAPS

