

To: Green, Jennifer - FS[jennifergreen@fs.fed.us]
Cc: Fonger, Leslie -FS[lesliefonger@fs.fed.us]; Hancock, Paul -FS[phancock@fs.fed.us]; Matthew Betenson[mbetenso@blm.gov]; Cynthia Staszak[cstaszak@blm.gov]
From: Hughes, Amber
Sent: 2017-06-30T15:50:00-04:00
Importance: Normal
Subject: Re: Deer Springs DRAFT DN/FONSI
Received: 2017-06-30T15:56:09-04:00
20170607_DN_FONSI_DeerSpringsDRAFT.docx

Hello,

I was able to provide some feedback for the Draft DN/FONSI attached below. Cindy, our Monument Manager also reviewed the document and appreciated the second to the last paragraph.

When you think you have a more finalized Draft EA/DN/FONSI please share it with me as I'll start drafting our Decision Record so we can adopt the EA and I'll have Cindy review as well.

I hope you both have a great Fourth of July weekend.
Thanks,
Amber

Amber L Hughes

Planning and Environmental Coordinator
Grand Staircase Escalante National Monument
Bureau of Land Management

PO Box 225
Escalante, UT 84726

435 826 5602
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"Between stimulus and response there is a space. In that space is our power to choose our response. In our response lies our growth and freedom" Viktor E Frankl

On Fri, Jun 23, 2017 at 3:46 PM, Green, Jennifer - FS <jennifergreen@fs.fed.us> wrote:

Would a week be sufficient? We are still waiting on the final FWS concurrence, but it should be fine. Other than that, I think we are ready to go out for objections.

thanks

Jennifer Green
Environmental Coordinator/NEPA Planner

Forest Service

Dixie National Forest

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From: Hughes, Amber [mailto:ahughes@blm.gov]
Sent: Friday, June 23, 2017 2:47 PM
To: Fonger, Leslie -FS <leslifonger@fs.fed.us>
Cc: Green, Jennifer - FS <jennifergreen@fs.fed.us>; Hancock, Paul -FS <phancock@fs.fed.us>
Subject: Re: Deer Springs DRAFT DN/FONSI

When do you need feedback on this document by? I'll take a look at later today and share with my managers and request their feedback.

Amber

Amber L Hughes

Planning and Environmental Coordinator

Grand Staircase Escalante National Monument

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"Between stimulus and response there is a space. In that space is our power to choose our response. In our response lies our growth and freedom" Viktor E Frankl

On Thu, Jun 8, 2017 at 10:14 AM, Fonger, Leslie -FS <lesliefonger@fs.fed.us> wrote:

Thanks for picking up on that. I did do a find for lookout. What I have learned now is that find must not search headers/footers unless you are actively editing the header/footer. Always learning something new. Thanks.

Leslie

From: Green, Jennifer - FS
Sent: Thursday, June 08, 2017 7:16 AM

To: Fonger, Leslie -FS <lesliefonger@fs.fed.us>
Subject: RE: Deer Springs DRAFT DN/FONSI

Thanks for getting this out so quickly. I have found a few grammar type edits. (lookout still in header) always do a control f = find if you are using a template from another project. But looks pretty good. Lets see what Paul and Amber think.

Thank-you!!

From: Fonger, Leslie -FS
Sent: Wednesday, June 07, 2017 4:59 PM
To: Hancock, Paul -FS <phancock@fs.fed.us>; Hughes, Amber <ahughes@blm.gov>; Green, Jennifer - FS <jennifergreen@fs.fed.us>
Subject: Deer Springs DRAFT DN/FONSI

Hello All,

Attached is the DRAFT Deer Springs Decision Notice/Finding of No Significant Impact.
Please review and let me know your comments. Thanks!



Leslie Fonger
Recreation Specialist

Forest Service

Dixie National Forest, Powell Ranger District

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**Decision Notice and Finding of No Significant Impact
for the
Deer Springs Ranch Fuels Reduction Project**

USDA Forest Service
Powell Ranger District
Dixie National Forest
Kane County, Utah

Introduction

(b)(5) DPP [Redacted text block containing multiple paragraphs of information, all obscured by black bars]

Lookout Point Mine

Project Location

The Deer Springs Ranch Fuels Reduction Project (project) is within the Powell Ranger District (PRD) of the Dixie National Forest and within the Grand Staircase Escalante National Monument (GSENM) of the Bureau of Land Management in Kane County, Utah. The legal description for the project area includes all or part of Township (T) 38 South (S), Range (R) 4 West (W), Section 33; T38S, R4.5W, Sections 34 and 35; T39S, R4W, Sections 3, 5 10, and 17 19 (BLM lands are included in Section 9); T39S, R4.5W, Sections 1, 12 14, 23, and 24; Salt Lake Base and Meridian (SLBM). The nearest community is Alton, which lies about 12 miles to the west of the project area. The GSENM lies in the southwestern portion of the project area and comprises 158 acres of the overall project treatments. Deer Springs Ranch, an 8,000 acre private in holding of approximately 300 home sites lies within the Wildland Urban Interface (WUI), directly adjacent to the project area. The fuel loadings in Deer Springs Ranch are high and continuous with those of the project area. Forest Service Road (FSR) 092 roughly bisects the analysis area and Forest Service Road 242 lies within the eastern portion. Several non motorized trails exist throughout the project.

Decision and Rationale

Based upon my review of the EA, comments received from the public and internal input from an interdisciplinary team of Forest Service and BLM Resource Specialists, I have decided to

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- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED] the Proposed Action because it best meets the purpose and need for the project and minimizes the potential for adverse environmental impacts of the planned treatments.

Decision Notice and Finding of No Significant Impact

The Proposed Action reduces the risk of high severity large scale fire in all fuel types within the project area. A high severity fire would have a great negative impact to soils, vegetative diversity, recreation, wildlife and private properties. The Proposed Action also reduces the risk of high severity fire more effectively within the shaded fuel break and provides more options for treatments to reach the purpose and needs of the project. Water source protection and development will also help wildlife and water quality within the project area.

The prescribed rabbitbrush treatment within the Proposed Action would increase plant diversity and forage. Applying the Picloram as proposed will have minimal to no effect on the health and sustainability of the project area or adjacent areas.

Other Alternatives Considered

In addition to the selected alternative, I considered a no action alternative and an additional alternative (b)(5) DPP

alternative (b)(5) DPP [REDACTED]

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

[illegible]

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- [REDACTED]
- [REDACTED]
- [REDACTED]

Public Involvement and Scoping

A Notice of Opportunity to Comment was published in the Dixie National Forest's newspaper of record, *The Spectrum* on Monday, September 21, 2015. The Notice asked for public comment on the proposal within 30 days of the publication date. In addition, the Forest invited public comment and participation by: listing the project in the Schedule of Proposed Actions (SOPA); posting the scoping packet to the Forest Service project website: (<http://www.fs.usda.gov/project/?project=47244>) and emailing letters to 64 potentially interested persons, city, state, and tribal governments, and other Federal agencies. (b)(5) DPP

[REDACTED] (b)(5) DPP
[REDACTED] DP
[REDACTED] P
[REDACTED]

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[REDACTED]
[REDACTED]

The EA was also made available as part of a second scoping period to meet BLM public involvement requirements.

Finding of No Significant Impact

The following is a summary of the project analysis to determine significance, as defined by Forest Service Handbook 1909.15_05. "Significant" as used in the NEPA requires consideration of both context and intensity of the expected project effects.

Context

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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(b)(5) DPP [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Intensity

(b)(5) DPP [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

(b)(5) DPP [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

2. The degree to which the proposed action affects public health or safety.

(b)(5) DPP [Redacted]
[Redacted]
[Redacted]

3. Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

(b)(5) DPP [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

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4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

(b)(5) DPP
[Redacted text block]

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

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[Redacted text block]

6. The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.

(b)(5) DPP
[Redacted text block]

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts

(b)(5) DPP
[Redacted text block]

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

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[Redacted text block]

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9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.

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10. Whether the action threatens a violation of Federal, State or local law or requirements imposed for the protection of the environment.

(b)(5) DPP

Conclusion

(b)(5) DPP

Findings Required by Other Laws and Regulations

National Forest Management Act (NFMA). The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines.

National Environmental Policy Act (NEPA). NEPA directs the Forest Service (and other federal agencies) to conduct environmental analyses to assess the nature and importance of the physical, biological, social, and economic effects of a proposed action and its reasonable alternatives. Public notification and involvement are a key part of environmental analysis. Conclusions are reached about the significance of the effects on the human environment. This analysis is compliant with NEPA.

Clean Water Act. The Clean Water Act requires each state to implement its own water quality standards. The State of Utah's Water Quality Anti degradation Policy requires maintenance of water quality to protect existing in stream Beneficial Uses on streams designated as Category 1 High Quality Waters. All surface waters geographically located within the outer boundaries of the Dixie National Forest, whether on private or public lands, are designated as High Quality Waters (Category 1). This means they will be maintained at existing high quality.

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New point sources will not be allowed, and non point sources will be controlled to the extent feasible through implementation of best management practices (BMPs) or regulatory programs (Utah Administrative Code 2013). 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 the BMPs (USDA Forest Service 1993). The use of SWCPs as the BMPs meets the water quality protection elements of the Utah Nonpoint Source Management Plan. The Proposed Action will not measurably degrade the water quality of waters anywhere within the project area.

Executive Order 11990. This order requires the Forest Service to take action to minimize destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. In compliance with this order, Forest Service direction requires that an analysis be completed to determine whether adverse impacts will result. The Proposed Action will not destroy, degrade, or result in the loss of any wetlands within the project area.

Executive Order 11988. This order requires the Forest Service to provide leadership and to take action to (1) minimize adverse impacts associated with occupancy and modification of floodplains and reduce risks of flood loss, (2) minimize impacts of floods on human safety, health, and welfare, and (3) restore and preserve the natural and beneficial values served by floodplains. In compliance with this order, the Forest Service requires an analysis be completed to determine the significance of proposed actions in terms of impacts to floodplains. There is no proposal to permanently occupy or modify any unmodified floodplains within the project area. Adherence to the above design criteria is expected to be in compliance with Executive Order 11988.

Executive Order 13653. Preparing the United States for the impacts of Climate Change (2013). Executive Order 13653 outlines Federal agency responsibilities in the areas of supporting climate resilient investment; managing lands and waters for climate preparedness and resilience; providing information, data and tools for climate change preparedness and resilience; and planning.

Endangered Species Act. The Endangered Species Act (16 U.S.C. 1531 1544) as amended, directs federal agencies to utilize their authorities in furtherance of the purposes of the Act by carrying out programs for the conservation of listed species. The Act also requires federal agencies to insure that any action authorized, funded, or carried out by them is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat.

Executive Order 13186. Executive Order 13186 directs federal agencies to protect migratory birds by integrating bird conservation principles, measures, and practices into agency activities and by avoiding or minimizing, to the extent practical, adverse impacts on migratory bird resources when conducting agency actions. This order directs agencies to further comply with the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and other

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pertinent statutes. This analysis is compliant with the National Memorandum of Understanding between the USDA Forest Service and the U.S. Fish and Wildlife Service to promote the conservation of migratory birds (USDA 2008). In addition, the Dixie National Forest is compliant with the letter of understanding to the U.S. Fish and Wildlife Service Utah Field Office (USDA 2007) concerning compliance with the Migratory Bird Treaty Act and Executive Order 13186.

Science Used

I am confident that the analysis of this project was conducted using the highest quality information. My conclusion is based on a review of the record that shows my staff conducted a thorough review of relevant scientific information, considered responsible opposing views, and acknowledged incomplete or unavailable information, scientific uncertainty, and risk. Please refer to the specialist reports in the project record for specific discussions of the science and methods used for analysis and for literature reviewed and referenced.

Pre-Decisional Opportunity to Object

This proposed decision is subject to objection pursuant to 36 CFR 218, Subparts A and B. Objections will only be accepted from those who submitted project specific written comments during scoping or other designated comment period for this project. Issues raised in objections must be based on previously submitted comments unless based on new information arising after the designated comment period(s).

Written objections, including any attachments, must be filed (regular mail, fax, email, hand delivery, or express delivery) with the Reviewing Officer at: Objection Reviewing Officer, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or fax to 801 625 5277; or by email to: objections.intermtn.regional.office@fs.fed.us within 45 days following the publication date of this legal notice in *The Spectrum*, newspaper of record. The date of this legal notice is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframes provided by any other source.

The office business hours for those submitting hand delivered objections are 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. Electronic objections must be submitted in a format such as an email message, pdf, plain text (.txt), rich text format (rtf), and Word (.doc or .docx). Please add "Deer Springs Ranch Fuels Reduction Objection" in the Subject line. It is the responsibility of Objectors to ensure their objection is received in a timely manner (§ 218.9).

Objections must include the following content as required by 36 CFR 218.8(d): 1) name, address and telephone; 2) signature or other verification of authorship; 3) identification of a single lead objector when applicable; 4) project name, Responsible Official name and title, and name of affected National Forest(s) and/or Ranger District(s); 5) reasons for, and suggested remedies to resolve, your objections; and 6) description of the connection between

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your objections and your prior comments. Documents should be incorporated by reference only as provided for at 36 CFR 218.8(b).

Implementation/Objection Review and Final Decision

If no objections are filed within the 45 day time period, the Final Decision Notice (DN) will be signed indicating approval of the project, and the project may be implemented 5 business days following the end of the objection filing period. If an objection is filed, then a resolution meeting with the objector(s) will be completed within another 30 day period which follows the objection filing period, which at the option of the objection reviewing officer, may be extended up to another 30 day time period, if needed.

Once responses to the objections are completed and recorded in writing, the Reviewing Officer will make recommendations as to the Environmental Assessment and FONSI, and Final DN for signature/approval. A project which has undergone the objection review process may be implemented immediately after the signing of the Final DN. Implementation is defined as actually performance the mining actions described in this notice.

In either case, according to regulations (36 CFR 218), no legal notice is required once a Final Decision is signed. However, the Forest Service may send out a letter or news release to notify any interested parties of the availability of the final decision document(s).

The BLM also has the option to do a separate decision and appeal process regarding BLM administered lands within the project area.

For further information concerning the Deer Springs Ranch Fuels Reduction Project, contact Leslie Fonger, 435 676 9360, or lesliefonger@fs.fed.us during normal business hours.

Approved by:

Paul Hancock
Powell District Ranger
Dixie National Forest

Date

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Literature Cited

USDA. 1986. Land and Resource Management Plan for the Dixie National Forest. Cedar City, UT: U.S. Department of Agriculture Forest Service, Dixie National Forest.

USDA. 2007. Letter of understanding between the U.S. Forest Service, Dixie National Forest, and the U.S. Fish and Wildlife Service, Utah Field office, regarding the Migratory Bird Treaty Act and Executive Order 13186. Cedar City, UT: USDA Forest Service, Dixie National Forest.

USDA. 2008. Memorandum of understanding between the U.S. Department of Agriculture Forest Service and the U.S. Fish and Wildlife Service to promote the conservation of migratory birds. Washington, DC: USDA Forest Service.

USDI Bureau of Land Management. 2000. Grand Staircase Escalante National Monument Management Plan. Grand Staircase Escalante National Monument, UT.

