Decision Memo

Lackey Basin
Aspen Restoration Project

Manti-La Sal National Forest
Moab/Monticello Ranger District
San Juan County, Utah

Barb Smith
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Moab/Monticello Ranger District

November 2012
On National Forest lands on the La Sal Mountains, there has been a widespread decline in the aspen community type. Loss of aspen has impacts on wildlife habitat quality, forest health, and the potential for landscape-scale catastrophic wildfire.

Current stand conditions in the aspen and aspen/mixed conifer vegetation types on National Forest System lands on the La Sal Mountains do not meet Forest Plan Desired Conditions. The loss of acres of aspen community type is related largely to conifer encroachment and lack of aspen recruitment on a landscape scale. The increasing conifer dominance has occurred because of the lack of disturbance events, primarily because of fire suppression. There is a lack of diversity in the age-class structure of the remaining aspen, which tend to be mature and decadent trees. Competition and shading by conifers, plus browsing of the low-density aspen sprouts has limited the younger age classes. Loss of the aspen component has impacts on wildlife habitat quality, and the increased risk of landscape-scale wildfires could further impact vegetative diversity as well as soil productivity and watershed health in important watershed and Wildland-Urban Interface areas.

The proposed Lackey Basin Aspen Restoration project on the Moab/Monticello District of the Manti-La Sal National Forest would implement a prescribed burn in aspen/mixed conifer and ponderosa pine forest. Areas targeted for direct treatment with fire are those currently dominated by mixed conifer with an aspen component. The prescribed burn would stimulate aspen regeneration in a mosaic pattern within the treatment units in the South Mountain area on the south side of the La Sal Mountain range.

The treatment consists of:

- Prescribed burning – aerial ignition using a helitorch within 3050 acres in aspen and aspen/mixed conifer forest and hand ignition of an understory burn on 200 acres of ponderosa pine
- Mechanical vegetation treatment along road corridors on the south and east boundaries of the project area, for a maximum of 52 acres of shaded fuel break

1. Existing Condition
The Lackey Basin project area on South Mountain has aspen and aspen/mixed conifer, spruce/fir, mountain brush, riparian, ponderosa pine and alpine vegetation types. Within the proposed treatment units, 48% of the area (or 1560 acres) is classified as an aspen/mixed conifer habitat type, 28% is aspen, 8% is spruce/fir and 4% is ponderosa pine. Features of interest in or adjacent to the project area include Medicine Lake, La Sal Creek and several non-motorized trails around South Mountain.

The Deer Creek-La Sal Creek watershed on South Mountain was identified by Manti-La Sal Natural Forest staff as a high priority for vegetation treatment projects during the Region 4 watershed assessment process. These watersheds are classified as Fire Regime III (inflrequent surface/mixed regimes) rated to be in Condition Class 2 (moderate departure from the natural range of variability of vegetation characteristics, fuel composition, fire frequency, severity and pattern and other associated disturbances). The ponderosa pine in the project area would be Fire Regime I (frequent surface/mixed regime) in Condition Class 3 (high departure). There is a
risk of losing key ecosystem components (e.g. native species, large legacy trees, negative impacts to soil) to landscape-scale wildfire.

There are “old” aspen in the project area, but these are seral stands that without disturbance will be replaced by encroaching conifer. Many of the aspen clones are showing signs of decline as evidenced by dead trees, insect attack, rots and cankers, leaf diseases, and other signs of decay/poor health. Although there were differences in mapping methods between vegetation inventories completed in the 1950s and in the 2000s, the proportion of the 8230 acre project area dominated by aspen in the 1950s has decreased by about 1000 acres to-date with a corresponding increase in conifer dominated lands (USDA Forest Service 2012a).

Dispersed camping is very popular along the La Sal Pass road and at Medicine Lake along the project area boundary. The majority of the project area is in the South Mountain Inventoried Roadless Area, and has no designated roads or motorized access. While water is also somewhat limiting across much of the unit, there is a diversity of wildlife species present including mule deer and elk, black bear and Cooper’s hawks.

Soils in the project area are in a satisfactory condition, showing healthy soil microbial activity, no bare soil and deep litter (USDA Forest Service 2012b). The hydrology resource in the area is critical, with the perennial La Sal Creek on the project boundary and 2 developed springs below the project area (Deer Spring and Coyote Spring). Due to the steep and forested topography over the treatment units, cultural resources tend to be restricted to accessible areas.

2. Desired Condition
The primary purpose of the Lackey Basin project is to move aspen forests to a more healthy condition. By ‘healthy’ we mean that all characteristics of an aspen ecosystem, while dynamic, mimic historic conditions and are resilient or able to sustain natural disturbances. A healthy aspen ecosystem has had the natural role of fire restored and provides a diversity of vegetation in both species and age classes. Many of the aspen communities on the La Sal Mountains are approaching late seral stages due to a lack of natural disturbance. Seral means that through succession it will eventually be replaced by more dominant species such as sub-alpine fir. A mixture of seral stages and vegetative communities across the landscape are critical in maintaining biodiversity and sustainability of the forest. Healthy, early seral aspen forests provide habitat for many species of wildlife including big game and migratory birds. In addition, maintaining deciduous trees across the landscape enhances the scenery in the long-term.

- Forest Plan Desired Condition - Aspen - The aspen vegetation type would be managed and maintained in a condition of high productivity. Silvicultural practices treating total clones would generally be utilized resulting in the aspen type appearing as even-aged stands, but with stands in all age classes throughout the Forest (III-8).

Specific desired conditions for aspen regeneration and recruitment, density and height are found in the Forest Vegetation Specialist Report (USDA Forest Service 2012a), but include a stocking level of ≥1000 trees/acre and 6 ft. height at 5 years.

Studies completed on timber harvest and prescribed burn aspen regeneration projects on the north zone of the Manti-La Sal National Forest (with vegetative conditions similar to this project area) show that moderate to high intensity prescribed fire can be used to successfully regenerate aspen (USDA Forest Service 2008).
II. PURPOSE AND NEED

The purpose and need is long-term restoration of the aspen component on forested lands on the La Sal Mountains. The proposed forest restoration and condition class change would lead to improvements to wildlife habitat and watershed health. The prescribed fire treatment would improve the age-class structure and diversity through the mosaic of treatment on a landscape scale, and move towards the historic extent of aspen on the mountain. Treatment at this time will provide the disturbance necessary to regenerate aspen under controlled conditions, thus better protecting soil and water resources and aspen clonal root systems.

The purpose of the proposed project is:

- Restoration of aspen across the project area; slowing the decline of aspen in this portion of the La Sal Mountains.
- Improved wildlife habitat through the creation of 650-1625 acres of younger, productive aspen stands.
- Improved watershed health through restoration of declining aspen clones by reducing the acreage of spruce-fir encroachment, stimulating root suckering of aspen clones, and by reducing the potential for large-scale stand-replacing fire in the project area.
- Implementation of a fire disturbance event to move towards more natural conditions (changing Condition Class change from CC-2 and CC-3 to CC-1) and reduce the risk of unplanned, severe wildfire in the aspen, aspen/mixed conifer, and ponderosa pine stands in the project area.

The treatment would enhance vegetation diversity by regenerating aspen over 20-50% of the treatment unit acres in a mosaic pattern. This would convert areas of decadent and suppressed aspen to an early seral condition in areas where aspen is in decline due to conifer encroachment. Habitat quality and understory forage production for deer and elk would be improved. The reintroduction of fire into the ecosystem would maintain seral aspen forests for future habitat needs of such species of concern as the northern goshawk. Aspen forests without the conifer component are relatively resistant to fire.

Aspen is a high priority habitat for management by the Forest Service and other natural resource agencies. There is support for this project from the Utah Division of Wildlife Resources, and additional funding for implementation would be available from partnerships. The project area is within a Utah Watershed Restoration Initiative CFA (Conservation Focus Area – defined as important habitat where conservation/restoration is necessary to meet long-term goals and objectives).

1. Summary of the Proposed Action

The proposed action on the Moab/Monticello District of the Manti-La Sal National Forest (MLNF) is to implement a prescribed burn on approximately 3250 acres of aspen, aspen/mixed conifer, and ponderosa pine forest. Areas targeted for direct treatment with fire are those dominated by mixed conifer with an aspen component. The prescribed burn would stimulate aspen regeneration in a mosaic pattern across the South Mountain landscape, and change the density and structure of live and dead fuels in the project area. The ponderosa pine stand, which has
not had a natural fire disturbance event in recent history, would be treated only with prescribed fire.

Proposed treatment units are located in the Lackey Basin, Pole Canyon, Doe Canyon and La Sal Creek drainages (Map 1 in Appendix) within the project area of 8230 acres.

No tree felling and no fireline construction is proposed except for a shaded fuel break 33 feet on either side of road #50128 (Deer Springs Road), #54717 (Lackey Basin) and the lower 1.5 miles of road #50073 (La Sal Pass) utilizing mechanized fecon head type equipment (trackhoe or bullhog) or chainsaws. The woody material generated would be masticated or chipped and retained on site.

Treatment would begin in spring 2013, and would be implemented when the prescription conditions are met. A late spring/summer burn is expected in aspen regeneration prescribed burn areas. Permanent photo-points would be established for monitoring purposes. Other monitoring includes reforestation stocking surveys at 3 and 5 years post-treatment and aspen regeneration survey transects.

**DESIGN FEATURES**

**Vegetation**

- The only mechanical treatments (including use of chainsaws) proposed are within authorized road right-of-way clearing limits (33 feet each side of the road prism) where a shaded fuel break is proposed to facilitate safe ingress/egress for firefighters and the public.
- Heavy needle litter will be raked away by hand from the base of old yellow-bark character (legacy) ponderosa pine trees prior to prescribed burning.
- Monitoring will occur the 1st, 3rd, and 5th full seasons following treatment to determine treatment success and to identify any special protection needs that arise
- Stocking guidelines are identified in the Forest Plan, and in the aspen type are 300-600 trees/acre with a minimum of 70% of the area stocked. These guidelines can be modified in specific management prescriptions, and for this project have been identified as a minimum of 500 trees/acre, with a desired density of ≥1000 trees/ac, 6 feet tall at 5 years.
- Fencing or other adaptive management of livestock and big game will be used to protect aspen regeneration where needed.
- Treatment will avoid burning or disturbing clones that are generally free of conifer encroachment. Prescribed burning in aspen/mixed conifer areas that are less than 30% slope could encourage browsing by livestock and wild ungulates. Adaptive management options to provide protection to treated areas until regenerated aspen sprouts reach an average height or diameter that can withstand grazing (about 6 feet height and 2 inches dbh) for livestock are changes in length, timing or season of use, number of livestock, placement of salt and nutritional supplements, temporary electric fence or rest. Management of wildlife involves working with DWR on changes in hunting seasons and units and permit numbers. Slope and location relative to pure aspen stands will be considered when selecting ignition areas and following burning, effectively burned areas that could be susceptible to damage will be reviewed and decisions made for application of appropriate adaptive management strategies.
• Areas in excess of 30% slope may receive some grazing by deer and elk, however the large acreage treated should disperse grazing activity and treatments should be successful without construction of fence to exclude wildlife.

Cultural Resources
• Evaluate, protect, and monitor all National Register eligible sites. These sites will be avoided.
• Discovery of previously unknown sites, surface or subsurface, may occur during project implementation. Project activity in the vicinity of the cultural resource would cease and a USFS representative notified immediately. All cultural resources shall be protected in accordance with Federal Laws.
• All persons associated with this project will be informed that they will be subject to prosecution for knowingly disturbing Native American Indian historic and prehistoric archaeology sites, or for collecting artifacts of any kind, including historic items and/or arrowheads and pottery fragments from Federal lands.

Wildlife
• Prescribed burning activity should be scheduled to avoid the opening of big game (deer and elk) hunts.

Noxious/invasive plants
• Noxious weed free certification will be required for all straw or hay bales used for mulch, and for any seed mixes used for the project. Any seeding would use an approved native seed mix specified for this project.
• Control noxious weeds as appropriate under existing decisions and agreements.

Range Resources
• Protect all range improvements (i.e. fences, spring developments) from project-caused damage.

Watershed/soils
• Implement the Soil and Water Conservation Practices and National Best Management Practices identified in the project hydrologist specialist report.
• Fire ignition will be outside riparian buffers (300 foot buffer for wetlands, wet meadows, perennial streams and springs and a 100 foot buffer for intermittent and ephemeral streams).

Recreation
• Mechanical thinning along the road corridors will avoid straight lines and follow natural contours to mimic natural forest openings.
• Any firelines constructed would be fully reclaimed.
• Temporary road and area (La Sal Pass Road-Medicine Lake) closures may be necessary.
• Prescribed burning operations need to be coordinated with outfitter/guides and the general public. Notices should be put in the newspapers, on radio
and other important points (San Juan Sheriff, Town of La Sal, local landowners) for public information.

- Intense burns should be avoided in stands adjacent to system trails.

The attached Monitoring Plan outlines specific measures.

Applicable Forest-wide and Management Unit direction identified in the Forest Plan is also incorporated into the project design.

**III. DECISION TO BE IMPLEMENTED**

It is my Decision to approve the proposed prescribed fire activities as described above.

**IV. PUBLIC PARTICIPATION**

The Forest sent scoping letters requesting comments on the project to 86 individuals/organizations/agencies and published a Public Notice in the *Times-Independent* newspaper, Moab, Utah on December 2, 2010 and in the *San Juan Record*, Monticello, Utah on December 1, 2010. We received comments from 7 individuals/organizations.

The project was opened for a 30-day comment period on September, 6, 2012 in the *Times-Independent* newspaper and 1 set of comments was received. All comments and recommendations were taken into consideration in making my decision.

See the Comment Analysis included in the Appendix of this document.

**V. REASONS FOR CATEGORICALLY EXCLUDING THIS ACTION**

Approving the proposed action does not have individual or cumulative significant effects on the quality of the human environment. The project falls under 36 CFR 220.6, which states that a proposed action may be categorically excluded from further analysis and documentation in an EIS or EA only if there are no extraordinary circumstances related to the proposed action and if:

1. The proposed action is within one of the categories established by the Secretary at 7 CFR part 1b.3; or
2. The proposed action is within a category listed in § 220.6(d) and (e).

Specifically, this action falls under authority of 36 CFR 220.6(e)(6) – Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction. Examples include but are not limited to: (d) *prescribed burning to reduce natural fuel build up and improve plant vigor.*

The project is proposed to improve wildlife habitat and forest health and fits well within the category. No herbicide use or road construction is proposed.

**VI. DECISION RATIONALE**

This decision was made after careful consideration of the proposal, public comments received during scoping, recommendations from my district staff and the entirety of the supporting record.
No one fact or single piece of information led to this decision. Rather, a combination of factors contributed to it.

Everyone involved wants to see aspen perpetuated on the Forest. Knowledge of past local experiences with similar projects, relevant science and recommendations, including the *Aspen Restoration Guidelines* (2010), indicate that treatment with prescribed fire is the best option to achieve the desired conditions we are striving for. This type of project is relatively new to this district and the local community. I can understand the reservation by a few and their concern with potential effects. However, similar projects on the northern portion of the forest and other national forests in the region have had good success in regenerating aspen.

Some commenters indicated that they wanted to see a robust monitoring component to not only determine the effectiveness of the project, but also to assist in facilitating the adaptive management of aspen in this area. I concur with this approach and have included in this decision a monitoring plan that addresses both implementation and effectiveness monitoring.

The Lackey Basin project area contains some of the best opportunities on the Moab/Monticello Ranger District for quality big-game hunting and wildlife viewing, primarily for deer and elk. This decision would assist in ensuring that the area continues to provide quality big game habitat and hunting opportunities. The diverse mosaic of vegetation expected to be created by this project will ensure that these conditions are met for future generations of hunters and outdoor enthusiasts.

My decision is not unique. Potential impacts associated with prescribed fire activities are understood, and the proposal complies with existing Law, Regulation and Policy. Effects on the environment are minimal individually and collectively. My decision represents actions whose effects are specifically understood and will be minimal. Key factors used in reaching my decision are summarized below.

**Science Used:**
We have reviewed and incorporated regional and local information on the loss of aspen communities and aspen restoration needs in the process of developing the proposed project. Concerns about the reason for aspen decline, the effectiveness of the proposed action, impacts to pure aspen stands, vegetation management and ungulate herbivory have been considered and addressed (see attached Comment Analysis). The overall body of literature supports the use of fire to regenerate aspen, and the project design follows other recommendations on treatment size, monitoring and the use of adaptive management options such as fencing to ensure treatment success.

My conclusion is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views and the acknowledgment of incomplete or unavailable information, scientific uncertainty and risk. The proposed activities involve known aspen regeneration and ponderosa pine prescribed fire treatment activities.

**Consistency with the Forest Plan:**
The proposed action has been reviewed for compliance with the Forest Plan [Manti-La Sal National Forest Land and Resource Management Plan (USDA Forest Service 1986, as amended)]. Proposed activities meet the goals and management direction provided by the Forest Plan. The primary Forest Plan management unit prescription for this area is SPR (emphasis is on providing semi-primitive recreation use) and RNG (emphasis is on management of forage for livestock and wildlife). There is also TBR (emphasis is on wood fiber
production and harvest) and WPE (emphasis is on watershed protection/improvement). The following management direction, as well as others not listed, applies:

WILDLIFE HABITAT IMPROVEMENT AND MAINTENANCE – Manage wildlife and fish habitat to be compatible with the recreation use. Design non-structural improvements to meet visual quality objectives (LRMP p. III-56).

SILVICULTURAL EXAMINATION AND PRESCRIPTION – Manage tree stands using commercial or noncommercial methods to maintain or enhance recreation opportunities, visual quality, visitor safety or control insects and disease. Use burning treatments to alter or perpetuate timber stands and increase herbaceous yield or cover as appropriate in areas where harvest methods are impractical or demand does not exist (LRMP p. III-57).

TIMBER RESOURCE MANAGEMENT - Maintain and manage non-commercial forested inclusions to provide a high level of forage production, wildlife habitat, and diversity. Manage aspen stands or mixed fir habitat types at the appropriate ecological stage that provides high herbaceous yield and cover (LRMP p. III-25 and III-65).

WILDLIFE HABITAT IMPROVEMENT AND MAINTENANCE – Provide big-game forage and habitat needs through manipulation of habitat …providing they do not result in damage to the watershed (LRMP p. III-78).

With the purpose of improving wildlife habitat and increasing forage productivity and ecological diversity, the proposed project is consistent with management area direction. Recreationists may be temporarily displaced, but after the treatment use would return to previous levels. The Visual Quality Objectives for the area are mainly Retention and Partial Retention, and the proposed action is not anticipated to add any lines, color or texture into the project area other than those commonly found in the existing landscape or created by natural processes such as avalanche or fire. Color and texture contrast with the surroundings would be temporary, and the area would meet Visual Quality Objectives in the long run as aspen is re-established in the landscape.

Under Forest-wide Direction, the proposed action would also conform to:

WILDLIFE AND FISH RESOURCE MANAGEMENT – Improve the cover:forage ratio for big game habitat (LRMP p. III-19) and maintain/improve wildlife habitat and habitat diversity (LRMP p. 111-22).

WILDLIFE HABITAT IMPROVEMENT AND MAINTENANCE - Maintain/improve habitat capability through direct treatment of vegetation, soil and/or water, also high priority due to potential for state funding (LRMP p.23).

RANGE IMPROVEMENT AND MAINTENANCE - Provide non-structural range improvements as needed to maintain or improve range conditions (LRMP p. III-24).

Overall Forest management goals for vegetation (LRMP p. III-2) are to manage vegetation communities such that varying successional stages will be present to provide for a high level of vegetative diversity and productivity. The goals for vegetation also stipulate that aspen is to be managed with the goal of maintaining 13% of the Forest in the aspen type or increasing the aspen type toward the 19% it represented in 1915.

Overall goals of the Forest Plan included retention of the aspen type and proposed treatment of 200 acres annually on the Moab district for wildlife habitat improvement.

Management Indicator Species

Management Indicator Species addressed in the Manti-La Sal National Forest are elk, mule deer, Abert's squirrel, macroinvertebrates, northern goshawk and golden eagles. Due to the
limited scope and intensity of the proposed project on National Forest System lands, there would be no measurable effects to populations/trends of any of the management indicator species (see Wildlife Report).

The treatments would move big game habitat conditions towards the cover:forage guidelines and result in increased herbaceous and understory forage availability and habitat diversity in the project area. Deer and elk are not suitable management indicator species for a project on summer range where use is difficult to quantify. Monitoring will focus on aspen regeneration/recruitment and the steps necessary to ensure success.

There are no effects expected to Abert’s squirrels or their habitat, or to golden eagles and their nesting habitat. The proposed action is expected to retain/improve goshawk habitat for the long-term through the restoration of aspen on the landscape. None of these areas have been found to be unsuitable for macroinvertebrates, and the PFC assessments, site visits and fish populations (brook trout) in the perennial reaches of streams on the project boundary or downstream indicate the macroinvertebrate habitat in the project area is functioning within capability.

Extraordinary Circumstances:
Existing resource conditions and potential extraordinary circumstances have been considered in making my decision. I have determined that there are no extraordinary circumstances related to the project.

1. Threatened and endangered species or their critical habitat, species proposed for Federal listing or Forest Service sensitive species. There will be no effect to any federally listed or proposed T&E plant or wildlife species. With regards to R4 sensitive wildlife species, there are no impacts to bighorn sheep or greater sage-grouse as they do not occur in the project area. The project would not directly impact bald eagles or areas where they hunt or roost. For other wildlife species on the sensitive species list, the project may impact individuals, but will not likely contribute to a trend towards Federal listing or a loss of viability to the population or species. The project may impact foraging habitat, but will not likely contribute to a trend towards Federal listing or a loss of viability to the population or species of spotted or western big-eared bats as their critical roosting habitat will not be impacted. The proposed project may impact individual northern goshawks due to project activity in suitable forested habitat, but it will not likely contribute to a trend towards Federal listing or a loss of viability to the population or species of these raptors, as no occupied territories have been identified following protocol surveys in the project area. The standards and guidelines in the Utah Northern Goshawk Project Forest Plan amendment pertaining to goshawk habitat would be followed to mitigate potential impacts to individuals or habitat. The proposed action is expected to retain/improve goshawk habitat for the long-term through the restoration of aspen on the landscape. There would be no direct effects to nesting peregrine falcons, but the proposed action may affect the abundance of prey species and indirectly affect foraging or migrating peregrine falcons that may use the area. The effects would be minor over the home range of individual birds. The proposed project may impact individual flammulated owls, however project design features and proposed mitigation measures would protect habitat components and maintain suitable ponderosa pine habitat in the long-term. Prescribed fire in the La Sal and Coyote Creek drainages may impact potential but currently unoccupied Colorado River cutthroat trout habitat.
Three-toed woodpeckers occur in and around the project area. The prescribed burn would create habitat for this species. Project activity would have beneficial effects to the amount of foraging and nesting habitat available for this species.

For sensitive plants, the proposed project will have no impact to Isely’s milkvetch or Canyonlands lomatium as the species do not occur or have habitat in the project area. Fire is unlikely to impact the rocky alpine turf communities where sweet-flowered rock-jasmine and La Sal daisy grow, and no other project activities would occur in occupied habitat, so there are no effects. There may be project-related effects to one species, Abajo Peak draba. Potential impacts to Abajo Peak draba from the proposed project are restricted to 11% of its habitat on the La Sal Mountains. The project would not contribute to a trend towards Federal listing or a loss of viability to the population or species.

(See the project Biological Assessment/Biological Evaluation for detailed determination rationale).

2. **Floodplains, wetlands, or municipal watersheds.** There are wetlands and floodplains or flood-prone areas in the project area, but no adverse effects are anticipated. No municipal supply watersheds or drinking water source areas were identified in the project area, and no adverse effects are anticipated. (See Soils/Hydrology report in project record). The 0.5 mile distance between the springs (Deer Spring and Coyote Spring) outside the project area and the burn units buffers them from potential impact.

Pre-disturbance monitoring was performed in the Lackey Basin project area during summer 2011. Post-disturbance monitoring will be performed 1-2 years after the prescribed burn.

3. **Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas.** The project area is not within or adjacent to any designated Wilderness, wilderness study areas, or National Recreation Areas.

4. **Inventoried roadless areas (IRA).** The project area is located within the South Mountain Inventoried Roadless Area. The potential effects of the proposed action to soil, air and water resources, the diversity of plant and animal communities and to primitive/semi-primitive recreation would result in stable or improving trends related to roadless characteristics and generally mimic the effects of natural processes. In restoring natural processes and fire regimes, the proposed action would not adversely affect the area’s wilderness qualities and attributes. (See the Visual/Recreation/Special Area Analysis in the project record).

5. **Research Natural Areas (RNA).** The project area is not located within or adjacent to any Research Natural Areas. RNAs will not be affected.

6. **Native American religious or cultural sites, archeological sites, or historic properties or areas.** The project area has been surveyed. The Utah State Historic Preservation office concurred with the determination of No Historic Properties Affected. Recorded archeological or historic sites will be avoided by project design.

There are no conditions associated with this action that were identified during scoping and project analysis as potentially having effects that may significantly affect the environment.
There are no extraordinary circumstances present related to this proposed action as listed in 36 CFR 220.6 (b).

VII. FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

To the best of my knowledge, my decision to approve the proposed Lackey Basin aspen restoration activities would comply with all applicable laws and regulations. My decision in relation to pertinent legal requirements is summarized below.

**National Forest Management Act of 1976:** The Forest Plan (1986) was developed as required by this Act. This long-range land and resource management plan provides guidance for all resource management activities in the Forest. The National Forest Management Act requires all projects and activities to be consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this project. My decision will be consistent with the Forest Plan and this Act.

**Clean Water Act:** My decision complies with this Act. A Hydrology Report was prepared, including analysis and recommendations on the use of Soil and Water Conservation Practices and National Best Management Practices for Water Quality by the Forest Hydrologist.

**Endangered Species Act:** My decision complies with this Act. A review of the project finds there would be no effect on Threatened, Endangered or candidate species or their habitat (See BA/BE).

**National Historic Preservation Act:** My decision complies with this Act. Eligible sites have been located and will be avoided during project implementation.

**Executive Order 12898. Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations:** The decision for this document will not amend or preclude any existing private or treaty rights in the National Forest. A review of potential effects to human health and safety and natural resources in the vicinity of minority and low-income communities did not identify any significant or disproportionately high or adverse effects in these areas because of the lack of residential houses in the vicinity of the project activities.

**Executive Order 13186. Responsibilities of Federal Agencies to Protect Migratory Birds:** There may be priority migratory bird species that would be impacted by this project. Of the species of concern which occur in the project area, short-term negative effects are expected for some species, while others, especially the aerial foragers and cavity nesters, will benefit. In the long-term, restoration of aspen habitat on the landscape will benefit numerous migratory bird species. Burning is expected to take place before most nesting activity by migrants at that elevation, but there may be some overlap and loss of nests/nestlings. Many species will have a second nesting attempt, and with no adverse impacts to mobile adults, no long-term negative effects to populations are expected.

The project would have long-term beneficial impacts to migratory bird habitat, and meets the intent of EO 13186 and the 2008 MOU between the USFWS and USDA Forest Service. (See project Wildlife Report).

**National Environmental Policy Act:** The entirety of documentation for this project supports that the analysis and decision comply with this Act.
VIII. IMPLEMENTATION DATE AND APPEAL OPPORTUNITY

This decision is subject to appeal pursuant to Forest Service regulations 36 CFR 215. Only individuals or organizations who submitted comments or otherwise expressed interest in the project during the official comment period may appeal. Appeals, including attachments, must be in writing, fully consistent with 36 CFR 215.14, and must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of this legal notice in The Times-Independent, Moab, Utah. The publication date is the exclusive means for calculating the time to file an appeal. Timeframe information from other sources should not be relied on.

The Appeal Deciding Officer is the Manti-La Sal National Forest Supervisor. Appeals must be sent to: Appeal Deciding Officer, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: appeals-intermnt-regional-office@fs.fed.us. Emailed appeals must be submitted in pdf, rich text (rtf) or Word (.doc or .docx) and must include the project name in the subject line. Appeals may also be hand delivered to the above address, during regular business hours of 8:00 AM to 4:30 PM Monday through Friday, excluding holidays. The appeal must have an identifiable name attached or verification of identity will be required. Names and addresses of appellants will become part of the public record. A scanned signature may serve as verification on electronic appeals.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

IX. CONTACT PERSON

For additional information concerning my decision, please contact Barb Smith, Moab District Wildlife Biologist at (435) 636-3366, 82 East 100 North, Moab, Utah 84532.

[Signature]

Michael C. Diem
Moab/Monticello District Ranger (Responsible Official)
Manti-La Sal National Forest

[Date]

11/19/2012
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Literature Cited


APPENDIX
Map 1. Lackey Basin Aspen Restoration Project general location.
Map 2. Treatment unit map.
Monitoring Plan  
Lackey Basin Aspen Regeneration Project Prescribed Burn

- implementation monitoring – map acres and vegetation types treated
- effectiveness monitoring
  - project objectives – establish adequate recruitment to replace fully stocked aspen stands (defined in MLNF Forest Plan as >500 stems/acre) on treated acres
    - silvicultural stocking surveys
      - 1, 3 and 5 years post-treatment required
      - collect basic tree data
        - Height, diameter (if over 4.5’), density (trees/ac), disease or damage and damage agent
        - 1/100 ac plots plus a variable plot for large trees
    - aspen regeneration survey
      - follow RMRS Aspen Regeneration Survey techniques
        - Shepperd and Weixelman 2003, found at http://www.fs.fed.us/rm/landscapes/Solutions/AspenCompute
        - measures stems/acre and damage including ungulate browsing
      - reread the established study in La Sal Creek
      - establish and read 2-3 new transects in key treated areas
      - read the transects 1, 3 and 5 years post-treatment and as needed until aspen recruitment is established
    - photo points
      - permanently marked locations in treatment units
        - post-treatment soil assessments
          - conducted 1-2 years post-treatment
        - monitor for noxious weeds annually, especially along roads and trails
          - control noxious weeds as appropriate under existing decisions and agreements

If the number of aspen sprouts without a heavily hedged growth form from repeated ungulate browsing is inadequate to replace the stand (<500/acre) in treated areas, adaptive management actions as specified in the Decision Memo will be enacted and monitoring continued.