I DECISION

A. Description

I have decided to stabilize the headcut, gully, and cutbanks along the South Fork Rock Creek floodplain near the Rock Creek Ranch, a USFS special-use site. This would involve the use of heavy equipment, accessing the site through the pasture at the Rock Creek Ranch. The actively cutting head of the gully would be stabilized with multiple grade control structures made from placement of boulder rock in erosion control fabric. Sheer portions of the cutbank either side of the gully would be laid back to a lower angle of repose, to facilitate revegetation. I have also decided to allow a headgate control to be installed by the Rock Creek Ranch operator at the existing canal diversion following recommendations submitted by the NRCS. The structure shall include a 6” diameter pipe cemented into a gate valve with the top of the pipe at least 6” below the water line.

Locations of work activity are as are as follows:

**SE,SE, Sec 20, T2N, R7W, Uintah Base Meridian:** Construct a headgate control within the existing footprint of a canal diversion on the South Fork Rock Creek near the USFS Rock Creek Administrative Site.

**SW,SW Sec 21, T2N, R7W, Uintah Base Meridian:** Stabilize a headcut, gully, and cutbanks along the South Fork Rock Creek floodplain near the Rock Creek Ranch, a USFS special-use site.

This decision is consistent with the Ashley National Forest Land Management Plan.

**Forest Plan Consistency (National Forest Management Act)** - This Act requires the development of long-range land and resource management plans (Forest Plans). The Act requires that projects and activities are consistent with the Forest Plan. The Plan has been reviewed in consideration of this project. The proposed project area is located within “n1” – “NRA Existing Situation”. Prescriptions for management area n1 are found on pages IV-10 and IV-11. This decision is responsive to guiding direction contained in the Plan and as summarized in this Categorical Exclusion Review. This decision is consistent with the standards and guidelines contained in the Plan (USDA 1986). Applicable Standards and Guidelines in the Ashley National Forest Plan include:

**Soil, Water, and Air Objective #2** – Maintain or improve soil stability, site productivity, and repair or stabilize damaged watersheds. (p. IV-40 and 41)

- Provide soil and water guidance to other resource activities.
- Conduct damage surveys following disasters to determine restoration needs and take corrective action as soon as funds become available.
- Stabilize areas damaged by fire, mining, or other events.
Rehabilitate disturbed areas based on these priority considerations: aquatic ecosystems, riparian ecosystems, riparian areas outside of aquatic and riparian ecosystems.

*Riparian Objective #1* — Maintain or improve riparian areas and riparian dependent resource values including wildlife, fish, vegetation, watershed, and recreation in a stable or upward trend. Manage for species diversity. (p. IV-45 and 46)

- Maintain hiding and thermal cover qualities of forested riparian areas giving priority to the preservation of old growth for cavity dependent species, the preservation of hiding cover adjacent to mineral licks, wallows, and calving or fawning areas, and the preservation of hiding and thermal cover along waterways.
- Maintain capability of riparian areas to act as an effective buffering zone in relation to upslope activities.
- Maintain natural complexity and high relative productivity of riparian areas.
- Riparian areas will be given a high priority for rehabilitation in range improvement, fish and wildlife improvement, watershed restoration, road maintenance, and KV programs.

**Design Features to be included in this decision:**

- Any unknown archaeological artifacts or remains are discovered at any time during the project, all ground disturbing activity within 300 feet (100m) of the discovery will cease and the project supervisor will immediately contact the Forest Archeologist regarding the discovery.
- A headgate control shall be installed by the Rock Creek Ranch operator at the existing canal diversion following recommendations submitted by the NRCS. The structure shall include a 6” diameter pipe cemented into a gate valve with the top of the pipe at least 6” below the water line. The diversion at the head gate should be stabilized with boulder and fine rocks. Total flow capacity of the headgate/pipe shall be 0.6 cfs.
- Prior to installation, specific plans for the headgate will require Forest Service engineer review and approval. Plans to be submitted by the Rock Creek Ranch operator.
- The Rock Creek Ranch Operator also will coordinate with the Utah State Engineer’s office to determine if a stream alteration permit will be required for installation of a headgate control at the canal diversion. It is the ranch operator’s responsibility to obtain all necessary permitting for the headgate repair.
- At the pasture and floodplain boundary the Forest Service will conduct stabilization work. Actions will include:
  - Rock and geotextile placements in the gully adjacent to the S Fk Rock Ck floodplain.
  - Sheer banks along the pasture edge will be pulled back to form a lower slope angle.
  - These slopes and the gully will be roughened and replanted with a Forest Service-approved seed mix.
  - In the fall/spring willow cuttings will be planted along the base of the slopes, within the floodplain of the South Fork Rock Creek to speed recovery of riparian species.
• At the headcut site a 3’ berm may be constructed at the toe of the slope to trap sediment while slopes are revegetating.
• Silt fencing shall be installed between perennial waters and work sites during construction. This includes both the headgate site at the canal and the headcut site where slopes will be reshaped and replanted. This will minimize silt entering the South Fork Rock Creek stream channel during proposed earthwork.
• A spill kit shall be onsite when heavy equipment is operating in proximity to the South Fork Rock Creek floodplain.

B. Purpose of Decision

There is a need to stabilize a headcut and sheer bank bordering the flood plain of the South Fork Rock Creek and the horse pasture of the Rock Creek Ranch. For several years a cutbank 10 to 15 feet in height and ~150’ in length has been actively eroding, in the process delivering sediment to the floodplain and riparian zone of the South Fork of Rock Creek. The high water year of 2011 had accelerated the erosion rate of this cut bank and in the summer of 2013 an overnight flood event delivered over 400 cubic yards of sediment from this headcut to the riparian zone, forming a 60-70 foot long gully in the process.

The cause of the 2013 flood event and gully formation was attributed to the failure of a canal that supplies irrigation water to the Rock Creek Ranch. Actions are needed to stabilize and revegetate sheer slopes present along the South Fork Rock Creek floodplain. An improved headgate control at the canal diversion is also needed to prevent similar flood events from occuring.

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 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 31.11, 31.12, or 31.2 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.

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 project record.

A. Category of Exclusion

The project is within the 36 CFR 220.6(e)(19) category of exclusion that includes: removing and/or relocating debris and sediment following disturbance events (such as floods, hurricanes, tornados, mechanical/ engineering failures, etc.) to restore uplands, wetlands, or riparian systems to pre-disturbance conditions, to the extent practicable, such that site conditions will not impede or negatively alter natural processes. Examples include
but are not limited to: (iii) Stabilizing stream banks and associated stabilization structures to reduce erosion through bioengineering techniques following a flood event, including the use of living and nonliving plant materials in combination with natural and synthetic support materials, such as rocks, riprap, geo-textiles, for slope stabilization, erosion reduction, and vegetative establishment and establishment of appropriate plant communities (bank shaping and planting, brush mattresses, log, root wad, and boulder stabilization methods).

B. Relationship to Extraordinary Circumstances

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species – The proposed actions were reviewed by the Forest botanist, the District fisheries biologist and the District wildlife biologist.

No federally listed, threatened, endangered, or proposed plants are believed to occur within the project area. The nearest Threatened and Endangered plants are a population of *Spiranthes diluvialis* found in the Rock Creek drainage below the Forest boundary. The biological assessment determined no potential habitat for this species exists in the South Fork Rock Creek drainage, thus the project would have **no effect** on Threatened and Endangered plant populations. This report also found no sensitive plant habitat in the project area thus there would be **no impact** to sensitive plant populations.

The terrestrial wildlife biological evaluation of the project determined **no effect** to Federally Endangered, Threatened, Proposed or Candidate species. For regional Forest Service Sensitive Species, the evaluation determined either “**no impact**” or “**limited potential impacts to individuals but actions are not likely to cause a trend to federal listing or loss of viability in the planning area**.” Spotted bat, Townsend’s bigeared bat, Bald Eagle, Boreal owl, Great Gray owl, Flammulated owl, Three-toed woodpecker, and Northern goshawk were the species with potential impacts to individuals. Impacts were associated with temporary noise disturbance/displacement during the short period of construction activity (~7 days).

There are no Threatened or Endangered fish species in the project area so there would be **no effect** on Threatened or Endangered fish species. The Forest Service sensitive fish species, Colorado River cutthroat trout, occurs in lakes and streams within the proposed project area. This project **may impact** individuals but is not likely to cause a trend to federal listing or loss of viability in the planning area. Stabilizing the headcut and diversion canal would be a benefit to Colorado River cutthroat trout habitat. Two amphibian species, Columbia spotted frog and boreal toad, are also Forest Service sensitive aquatic species listed for the Ashley Forest, though no populations are known to exist in or near the project area. **No impact** is expected for these amphibian species as a result of the project.

- Flood plains, wetlands, or municipal watersheds – Replacement of a headgate at the canal diversion would occur within the floodplain and riparian zone of South Fork Rock Creek. Work would occur within the existing footprint of the canal, with nominal bank disturbance either side of the canal (estimated at <10’ in length).
  Disturbed bank not permanently hardened by the headgate would be hardened with rock placements or revegetated with seed mix and willow cuttings. The structure would provide for continued use of a water right, and provide protection from future flood damage to soil and water resources downstream.
Planned stabilization efforts of the headcut, gully, and sheer banks would also occur on the periphery of the floodplain and riparian corridor of the South Fork Rock Creek. Stabilization work on the periphery of this area would have a direct benefit by reducing erosion, sedimentation and re-establishing grasses and willow vegetation.

The project area is located within the municipal watershed for the town of Duchesne Utah, with the source/withdrawal point located over 35 miles downstream. The project area is also located within the municipal watershed for the town of Green River, Utah. This municipality draws its water from the Green River at a source point over 200 miles downstream of the project area. It is estimated the planned actions would likely provide a beneficial effect to local water quality by stabilizing up to 200 yds of sediment and restoring up to .17 acres of riparian habitat at the project site. While implementation could directly benefit water resources locally, it is less likely the benefit could be quantified downstream at the municipal drinking sources, due to the downstream distance and the small size of the project area compared to the drainage area of these municipal watersheds.

- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – The project is not within a designated wilderness area. This decision will not affect wilderness areas.
- Inventoried roadless areas or potential wilderness areas – The project area is not within an inventoried roadless area. This decision will not affect inventoried roadless areas.
- Research natural areas – There are no candidate or designated Research Natural Areas (RNA) in or near the project area.
- American Indians and Alaska Native religious or cultural sites – 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. The Forest consulted with potentially affected tribes in 2013 through scoping with the Ute Tribe Business Committee. Consultation did not result in any tribal concerns or significant cultural resource issues for this project.

Cultural resource survey in the project area determined no cultural sites are present, see Categorical Exclusion Review and the SHPO concurrence (project record document 5020501)
- Archaeological sites, or historic properties or areas – The project area was visited surveyed for potential cultural resources and concurrence from Utah State Historic Preservation Office (SHPO) was received. SHPO indicated that the project will have “No Adverse Effect on Historic Properties” (SHPO concurrence, project record document 5020501).

### III PUBLIC INVOLVEMENT

July 17, 2014 a scoping letter was issued to the public with a description of the proposed project. This scoping letter was announced and issued electronically via the GovDelivery system and through direct mailings to the public and other agencies for comment.
No comments were obtained in response to the project scoping. No additional persons that could be affected were identified. No issues with this decision were raised.

**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.

**Federal Land Policy and Management Act** - This Act allows the granting of easements across National Forest System Lands. The regulations at 36 CFR 251 guide the issuance of permits, leases, and easements under this Act. Permits, leases, and easements are granted across National Forest System lands when the need for such is consistent with planned uses and Forest Service policy and regulations. This decision is consistent with this Act.

**Sensitive Species (Forest Service Manual 2670)** – 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 has been analyzed by the project’s wildlife biologist, fisheries biologist and botanist. It has been determined that this project would have no effect on sensitive plant species.

For sensitive terrestrial wildlife species it was determined the project “may impact individuals” with short term displacement during construction activity. Individuals of the following species: Spotted bat, Townsend’s bigeared bat, Bald Eagle, Boreal owl, Great Gray owl, Flamulated owl, Three-toed woodpecker, and Northern goshawk may be impacted by temporary noise disturbance during the short period of construction activity (~7 days.). Implementation of this project will not cause a trend to federal listing or loss of viability for any species on the RFSS list for the Ashley National Forest.

The Forest Service sensitive fish species, Colorado River cutthroat trout, occurs in lakes and streams within the proposed project area. This project *may impact* individuals but is not likely to cause a trend to federal listing or loss of viability in the planning area. Stabilizing the headcut and diversion canal would be a benefit to Colorado River cutthroat trout habitat.

**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 is designed to restore flood damage and stabilize eroding banks which will directly and indirectly benefit water quality and riparian habitat. It incorporates design features such as: silt fencing, detention berms, surface roughening, seeding and willow plantings to ensure protection of soil and water resources.

**Wetlands (Executive Order 11990)** - 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.” Plans for a rebuilt
headgate control in the existing canal footprint would be consistent with Executive Order 11990. Plans would cause negligible temporary disturbance to riparian bank vegetation (<10’), and would include erosion controls during construction and incorporate both bank hardening and a revegetation plan.

**Floodplains (Executive Order 11988)** - Floodplains are defined by this order as “...the lowland and relatively flat area 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.” Rebuilding the headgate control would provide for proper floodplain function by keeping flows, in excess the existing water right, routed down the natural watercourse of South Fork Rock Creek. Bank and gully stabilization adjacent to the existing floodplain would protect against sedimentation/filling of the natural floodplain, planned actions would also help to stabilize, revegetate, and detain sediments recently deposited during overland flow events. As such, the planned actions would be consistent with Executive Order 11988.

**National Historic Preservation Act** - 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 of Historic Places. 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 on agency undertakings. This decision complies with this Act. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. A “No Effect on Historic Properties” determination was made. Any unknown archaeological artifacts or remains are discovered at any time during the project, all ground disturbing activity within 300 feet (100m) of the discovery will cease and the project supervisor will immediately contact the Forest Archeologist regarding the discovery. No tribal concerns were identified during the scoping process. This decision complies with this Act.

**Archaeological Resources Protection Act** - This Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered on federal lands. It affords protection of archaeological resources and sites that are on public and Indian lands. This decision complies with this Act.

**Native American Graves Protection and Repatriation Act** - This 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. This decision complies with this Act.

**Wild and Scenic Rivers Act** – This act designates selected rivers and their immediate environments, possessing outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values; to be preserved in free-flowing condition and protected for the benefit and enjoyment of present and future generations. There are no congressionally designated wild, scenic, or recreational rivers or streams within the project area.
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

In light of recent legislation (Consolidated Appropriations Act of 2014 and the Agricultural Act of 2014) effective immediately, the Forest Service will no longer offer notice, comment and appeal opportunities for categorically excluded projects pursuant to 36 CFR Part 215. As such, this decision is not appealable. The Forest Service will continue to offer involvement opportunities for categorically excluded projects as provided for in the agency’s NEPA Procedures, see 36 CFR 220.4(d) (SOPA) and 36 CFR 220.4(e) and 220.6(c) (scoping).

VI IMPLEMENTATION DATE

This project may be implemented immediately. The planned implementation of this decision is September/October 2014.

VII CONTACT PERSON

Further information about this decision can be obtained from Chris Plunkett at the Ashley National Forest, 355 N Vernal Ave, Vernal, UT 84078; Phone (435) 781-5140, fax (435) 781-5142, 8:00 a.m. to 4:30 p.m. weekdays; e-mail cplunkett@fs.fed.us.

Additional information about this decision can be found on the Internet at http://www.fs.usda.gov/projects/ashley/landmanagement/projects.

The responsible official for the project is Kristy Groves, Roosevelt-Duchesne District Ranger, Ashley National Forest.

VIII SIGNATURE AND DATE

/s/ Kristy L Groves 9/17/2014
Kristy L. Groves
Roosevelt-Duchesne District Ranger
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