

## **DECISION MEMO**

# **HORSESHOE CANYON CUT-THROUGH RE-DREDGE AND SAFETY PROJECT**

**USDA Forest Service  
Flaming Gorge Ranger District, Ashley National Forest  
Daggett County, Utah**

### ***I. DECISION TO BE IMPLEMENTED***

The project area is located on the Flaming Gorge Ranger District at Section 36, Township 3 North, Range 20 East. Please refer to map of project area. The project area is designated in the Forest Plan as Management Area Conifer Forest Canyon (CFC), Undeveloped Areas Management Unit (CFC-3). Management Direction – Protect and enhance the esthetic and recreational values of the unit. Provide for and encourage undeveloped or remote-type recreational opportunities for the visitor. Management Decisions – (8) Manage the reservoir to avoid boating congestion. Use restrictions in some areas may be required.

Horseshoe Canyon currently provides the only thoroughfare from one side of the reservoir to the other. In May 2002, wakeless restriction for Horseshoe Canyon was lifted to allow for relatively quick passage through the canyon at low use levels and the regulation of maintaining a wakeless speed within 150 feet of another boat was applied. However, on holidays and busy weekends this posed a safety problem as numerous boaters traveled through the canyon at various speeds, creating a dangerous situation as waves bounced and refracted off the vertical wall canyons. Additionally, with the congestion and the blind corners that exist in the canyon, the potential for accidents is high.

I have decided to implement the Horseshoe Canyon Cut-Through Re-dredge and Safety Project. The existing Cut-Through channel is approximately 1400 feet long, 40 feet wide at the base of the channel, and measures at an elevation of 6015 feet. The proposed action will keep the length and width approximately the same while deepening the channel down to an elevation ranging between 6006 feet to 6000 feet by removing up to 50,000 cubic yards of material. Depth will be determined as any rock or substrate materials are encountered. The work will be completed using a combination land-based equipment and dredge equipment to move the required material. The following mitigation measures will be taken to reduce any impacts to the surrounding natural resources:

1. The existing topsoil will be stockpiled adjacent to the fill area prior to placing the majority of the removed material. This will help promote reestablishment of vegetation and decrease erosion.
2. Cover dredge material with available topsoil and reseed with native low elevation species, according to forest ecologist's list of approved species.
3. Use straw mulch and existing small juniper skeletons (less than six feet tall) to create wind and water erosion barriers that promote seed establishment.

4. Limit vehicle traffic to the existing two-track road in project area utilized in initial project.
5. Construction contractor will be required to submit plans to address spill prevention and containment.
6. Gentle slopes will be used to deter removed material from eroding into the reservoir.
7. Dredged material will be pumped to a minimum depth of 60 feet directly to the reservoir bottom.
8. Dredged material will be placed in area where natural sedimentation is suspected to have occurred.

My decision is based on several factors including the contents of this Decision Memo, site-specific resource information, and supporting documentation.

## ***II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION***

Decisions may be categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA) when conditions of one of the categories identified by the U.S. Department of Agriculture are met. These categories can be found in 7 CFR part 1b.3, or as identified by the Chief of the Forest Service in the Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, or within a category established on June 5, 2003 or July 27, 2003. To fit into a categorical exclusion there must not be extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

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

### **A. CATEGORY OF EXCLUSION**

The decision qualifies for the following exclusion under Category 1 [Prohibitions to provide short-term resource protection or to protect public health and safety (FSH 1909.15, Section 31.1b)] and is categorically excluded from documentation in an environmental impact statement or an environmental assessment.

The decision meets requirements for exclusion from an EIS or EA, but does require a Project Record and Decision Memo (FSH 1909.15).

### **B. FINDING OF NO EXTRAORDINARY CIRCUMSTANCES**

Extraordinary circumstances include, but are not limited to, the presence of steep slopes or highly erosive soils; presence of threatened or endangered species or their critical habitat; flood plains, wetlands, or municipal watersheds; congressionally designated areas, such as wilderness,

wilderness study areas, or national recreation areas; inventoried roadless areas; research natural areas; or Native American religious sites, archeological sites, or historic properties or areas. Where these items are present, but are not affected by proposed actions, or potential effects can be mitigated and are thus not significant, then extraordinary circumstances do not exist.

The categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects, which may significantly affect the environment. I have determined this based on the following analysis:

### **1. Threatened and Endangered Species or Their Critical Habitat**

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. In accordance with Section 7(c) of this Act, a list of the listed and proposed, threatened or endangered species that may be present in the project area was requested from the U.S. Fish and Wildlife Service (see project record). The information indicated that there is no effect to critical habitat. As required by this Act, potential effects of this decision on listed species have been analyzed and documented in a Biological Evaluation (see project record).

**Not Present, No Effect** – It was determined that this decision will have ‘no effect’ on listed species or their critical habitats.

### **2. Floodplains, Wetlands, or Municipal Watersheds-**

**Floodplains:** Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, “. . . the lowland and relatively flat areas adjoining inland and coastal waters including floodprone 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.”

**Not Present, No Effect** – The project is not located in or near floodplains. This has been validated by map and site-review (see project record). This decision will not affect floodplains.

The appropriate permits have been obtained for an activity of this nature (see project record). U.S. Army Corps of Engineers have issued a Department of the Army permit 200475070 for this project (see project record).

**Wetlands:** Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, “. . . areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.”

**Not Present, No Effect** – The project is not located in or near wetlands. This has been validated by map and site-review (see project record). This decision will not affect wetlands.

The appropriate permits have been obtained for an activity of this nature (see project record). U.S. Army Corps of Engineers have issued a Department of the Army permit 200475070 for this project (see project record).

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

**Not Present, No Effect** – This decision will not affect municipal watersheds.

### **3. Congressionally Designated Areas**

#### **Wilderness:**

**Not Present, No Effect** – This decision does not affect Wilderness. The project is not in or near Wilderness. Wilderness is identified on the Forest as Management Area I. The project is located in Management Area CFC-3 (Forest Plan, p. A-36). The closest Wilderness, High Uintas Wilderness Area, is 25 miles west of the project. This decision, with impacts limited to the immediate area of activity, will not affect the Wilderness Area.

#### **Wilderness Study Areas:**

**Not Present, No Effect** – There are no Wilderness Study Areas on the Forest. This decision will not affect Wilderness Study Areas.

#### **National Recreation Areas:**

**Present, Not Significant** – This decision includes activity within the Flaming Gorge National Recreation Area (Forest Plan, p. IV-61). The activity within this area is consistent with direction for management of the National Recreation Area (Forest Plan, p. A1 – A47). This decision should not result in significant Wilderness National Recreation Area-related impacts.

### **4. Inventoried Roadless Areas**

**Not Present, No Effect** – There are no inventoried roadless areas (RARE II or Forest Plan) in the decision area (Forest Plan, p.A-37). This decision will not affect inventoried roadless areas.

### **5. Research Natural Areas**

**Not Present, No Effect** – There are no Research Natural Areas on the Forest (Forest Plan, p. II-6). This decision does not affect Research Natural Areas.

### **6. American Indians and Alaska Native religious or cultural sites.**

**Not Present, No effect** - Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are

protected. Consultation with tribes helps insure that these trust responsibilities are met. The Forest consulted with potentially affected tribes (see project record). The intent of this consultation has been to remain informed about Tribal concerns.

No tribal concerns were identified for this project (see project record).

### **7. Archaeological sites, or historic properties or areas.**

**Not Present, No effect** - Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited Acts. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision (see project record). A ‘no properties affected’ determination was made. Consultation on this finding occurred with the State Historic Preservation Office (see project record).

Refer to letter from Utah State Historic Preservation Office dated April 29, 2003 stating that No Historic Properties Affected (see project record).

## ***III. PUBLIC INVOLVEMENT***

A proposal for the Cut-Through Project was listed in the Schedule of Proposed Actions on the Spring and Summer 2003 editions. The original proposal was provided to the public and other agencies for comment during scoping from May 14, 2003 to June 6, 2003. In addition, the agency solicited and received comments throughout the 2003 boating season. Three comments were received and are located in the project record.

A second, refined project proposal was provided to the public and other agencies for comment from March 11, 2004 to April 15, 2004. An additional 14 comments were received and are located in the project record.

## ***IV. FINDINGS REQUIRED BY OTHER LAWS***

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

This decision is consistent with the Ashley National Forest Plan (Forest Plan) as required by the National Forest Management Act. This decision is designed in consideration of the

goals, objectives, standards, and management area direction of the Forest Plan. The project was designed in conformance with Forest Plan standards and incorporates appropriate Forest Plan guidelines for The Ashley National Forest Plan for Land and Resource Management states as it's first goal for recreation, "Provide a broad range of recreation opportunities within the land capabilities and according to recognized public need.(pg. IV-14)" Within the scope of this goal are several objectives, two of which directly correspond to the proposed project. Objective 1 states "Allow public access and manage all travel to protect other resources, provide for public safety, and minimize conflicts with other users." The proposed project to reopen the Cut-through would achieve all aspects of this objective by protecting the scenic and fragile resources within Horseshoe Canyon, increasing public safety by providing an alternate route through a busy area, and minimizing user conflict by reinstating the wakeless restriction, greatly reducing the traffic through Horseshoe Canyon. Objective 6 affirms this by stating, "Provide areas and opportunities for all types of recreation user experience." The proposed project would target Horseshoe Canyon for sightseeing, fishing, swimming, wildlife viewing and other activities consistent with the inherent pristine nature of the canyon (Forest Plan, pages IV14 – IV20).

The Biological Evaluation contained in the project record reveals that the circumstances and potential effects of this proposal are not considered a threat to Threatened, Endangered, or Sensitive animals and plants, or to their habitat. The required consultation process has been conducted with the U.S. Fish and Wildlife Service.

A cultural resources survey report was completed for the project area. No cultural, historical, or archaeological resources have been located in the area. The required legal consultation process has been conducted with the Utah State Historic Preservation Office (SHPO).

## ***V. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES***

Pursuant to 36 CFR 215.8(a)(4) this decision is not subject to appeal or a higher level of review.

## ***VI. IMPLEMENTATION DATE***

This project will be implemented on or after October 1<sup>st</sup>, 2004. The project will be subject to weather conditions and availability of equipment for transportation to and from the project site. Project completion is prior to May 18<sup>th</sup>, 2007.

## ***VII. CONTACT PERSON***

For additional information concerning this decision contact: John Campbell, Recreation Program Manager, Flaming Gorge Ranger District P.O. Box 325 Dutch John, UT 84023 435-781-5246

/s/ Jeff E. Schramm  
Jeff E. Schramm  
District Ranger  
Flaming Gorge Ranger District

08/09/2004  
Date

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