

**DECISION NOTICE  
AND  
FINDING OF NO SIGNIFICANT IMPACT**

**CLAY PHACELIA INTRODUCTION PROJECT**

**USDA Forest Service  
Spanish Fork Ranger District, Uinta National Forest  
Utah County, Utah**

**DECISION AND REASONS FOR THE DECISION**

**Background**

Clay phacelia (*Phacelia argillacea*) is a very rare herbaceous wildflower that is listed as endangered under the Endangered Species Act. It is currently known from only two sites on steep, barren Green River shale hill slopes located on private lands near Highway 6 in Utah County. The two sites are about six miles apart, but apparently identical habitat occurs for hundreds of acres on private and National Forest System lands around the known sites (Harper and Armstrong, 1992). The species was also found in locations in Wasatch County in 1883 and 1894, about seven miles from the nearest current site. Botanical surveys since the 1980s have not found the species at the historic sites or any other locations in either county (Harper and Armstrong, 1992). Surveys of the known sites have rarely found more than 200 plants combined in a year. Often populations have numbered only 10 to 15 plants per year. 2004 is apparently a good year for the species, however, with over 100 observed at one of the sites. Observations since the 1970s have documented loss of plants from construction activities, trampling by sheep and being eaten by rodents (USFWS 1982).

The purpose of the project is to comply with the Endangered Species Act's mandate to federal agencies to assist in actions to recover and de-list threatened and endangered species. The need is based on the contraction of the clay phacelia species' historic range into the current two sites, the availability of relatively protected suitable habitat on the Uinta National Forest, and the request by the U. S. Fish and Wildlife Service for assistance in recovering this species (Maddux, 2004). Forest Plan goals G-2-6, 13 and 14 state the Uinta N. F.'s intention to cooperate with the U. S. Fish and Wildlife Service in recovery of ESA-listed species, and clay phacelia specifically (LMP pages 2-5, 2-6).

**Decision and Rationale**

Based upon my review of all alternatives, I have decided to implement Alternative 2, the Proposed Action, as described in the *Clay Phacelia Introduction Environmental Assessment* (EA). I based my decision on my review of the environmental effects disclosed in the *Clay Phacelia Introduction Environmental Assessment*, and the project record. I decided to approve the proposed action because this alternative meets the purpose and need to establish additional individuals and populations of clay phacelia. This will assist in achieving Recovery Plan objectives for that species, and will address Endangered Species Act requirements for Federal agencies to cooperate in recovering listed species. No significant issues were brought up in public comment or identified by the interdisciplinary team, and only beneficial or very minor

environmental effects were identified. This alternative is consistent with goals and objectives in the 2003 Uinta National Forest Land and Resource Management Plan.

Alternative 2 consists of the following (EA, page 6):

In cooperation with the U. S. Fish and Wildlife Service, establish one or more populations of the clay phacelia on suitable habitat on NFS lands. I am approving introduction of this species on the thirteen possible introduction sites analyzed in the EA. They are located in Sections 7, 11, 17 and 18, Township 10 South, Range 6 East, on the Spanish Fork Ranger District. The 13 sites lie about 23 miles southeast of Spanish Fork, near Highway 6 between the Water Hollow and Tie Fork areas, in Utah County. All the sites are located on steep, rocky, barren slopes derived from Green River shale. For purposes of the analysis each site was considered to be one acre, but the actual planting at any site would cover only a fraction of that area.

I am approving planting of greenhouse-grown and hardened seedlings, and/or seeds of clay phacelia on each selected site, with the goal of establishing permanent, self-sustaining populations of the species. Fifty or more plants may be set out per site, plus 100-200 seeds. The planting would be done by hand. Plants would be young, in the rosette stage, and planted in the fall to avoid drying out. Plants would be watered in, with water carried up to the site. Seeds would be covered with native soil to a depth recommended by species experts. Seeds would be either collected from the wild with landowner permission and under USFWS permit, or produced from plants grown from wild-collected seed. No protection other than possible caging to prevent rodent and other wildlife grazing is being planned for the plants.

### **Required Mitigation**

Several mitigation measures were identified and incorporated into design of the preferred alternative. These are described in the EA (see pages 7-8), and include:

- The proposed planting sites were located out of actively grazed areas and out of the main livestock driveway.
- The proposed planting sites were selected to avoid utility corridors and travel routes, including the U.S. Highway 6 corridor.
- The 13 proposed planting sites were located well away from streams and water developments.

In addition to the above, I have decided to adopt the following additional mitigation measure which was also identified in the EA.

- If monitoring indicates grazing and/or trampling is a problem, then the plantings will be fenced or caged. (EA, pages 6, 8 and 25)

## **OTHER ALTERNATIVES CONSIDERED**

In addition to the selected alternative, I considered one other alternative, a No Action Alternative.

**Alternative 1 - No Action:** Under the No Action alternative, current management would continue to guide management of the project area. On the Uinta National Forest no clay phacelia would be planted, and no associated ground disturbance would occur. Clay phacelia transplants, seed collections and other related activities may continue on The Nature Conservancy and other off-National Forest System land areas, where authorized by those landowners and/or the U.S. Fish and Wildlife Service.

The effects of this alternative are described in the Environmental Consequences section of the EA which starts on page 8. A comparison of the two alternatives can be found on pages 8-9 in the EA. This alternative was not selected because it would not achieve the purpose and need, and because the preferred alternative would achieve this with little or no adverse environmental effects.

## **PUBLIC INVOLVEMENT**

As described in the background, the U. S. Fish and Wildlife Service requested the cooperation of the Uinta National Forest in establishing new clay phacelia populations, first in the form of aid in completing an internal funding proposal dated December 2003, then more formally in a letter dated February 3, 2004 (see project file). In July of 2004, the proposed action was released for scoping input and public comment. A July 6, 2004, letter describing the proposed action was sent to known affected and interested parties. This included adjacent landowners, government representatives, tribes and other agencies. The list of scoping letter recipients is in the project file. On July 11, 2004, a Legal Notice regarding the proposed action was published in the *Provo Daily Herald*. In addition, the proposal was listed in the Spring and Summer (March and July) Editions of the *Uinta National Forest Schedule of Proposed Actions* and the July 6, 2004, letter requesting public input was posted on the Uinta National Forest website. The applicable *Schedule of Proposed Actions* was also posted on the Forest website.

In response to these efforts, the Forest Service received two comment letters. One was from Utah Department of Transportation (UDOT), and the other was from HDR Company, a contractor for UDOT. The two letters supported the proposal to assist clay phacelia, described the proximity of the proposed introduction sites to ongoing and planned U.S. Highway 6 improvement projects, and advised the Forest that they were available to ensure there was no conflict between the proposed action and Highway 6 related work. UDOT Regional Engineer John Higgins met with Ecologist Denise Van Keuren on August 11, 2004, comparing maps. They confirmed that construction had already been completed on the highway stretch concerned, and there was no conflict (documentation of this meeting is in the project file).

## **FINDING OF NO SIGNIFICANT IMPACT**

After considering the environmental effects described in the EA (environmental consequences, including “other considerations”), I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts

(40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. My finding of no significant environmental effects is not biased by the beneficial effects of the action. I base my finding on the following:

**(A) Context**

- (1) The context of the Selected Alternative is limited to the thirteen one-acre project areas located in the Spanish Fork Canyon area and described in the EA. - Actions will be limited to those actions disclosed in the EA. Further, my decision is consistent with 2003 Uinta National Forest Land and Resource Management Plan direction including Forest-wide and management area specific desired future conditions, pertinent goals and objectives, and standards applicable to the Upper Spanish Fork Canyon Management Area.

**(B) Intensity Factors**

- (1) My decision will not result in any significant adverse effects [40 CFR 1508.27 (b) (1)] – The analysis documented in the Environmental Consequences section of the EA (pages 8-29) did not identify any direct, indirect, or cumulatively significant adverse short or long-term impacts resulting from implementation of the Selected Alternative.
- (2) There will be no significant effects on public health and safety [40 CFR 1508.27 (b) (2)] – The Selected Alternative will not adversely affect public health and safety. Management activities will be of short duration and low intensity and pose no risk to the public. (EA, page 29)
- (3) My decision will not result in any significant effects on any unique characteristics of the geographic area, historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. [40 CFR 1508.27 (b) (3)] - There will be no significant effects on unique characteristics of the area, because there are no characteristics of the project sites that are outstanding or unique. Hundreds of acres of the Uinta National Forest share the same topography, soils and vegetation. There are no park lands, prime farmlands, wetlands, wild and scenic rivers, wilderness areas or ecologically critical areas in or near the project sites.(EA, page 29) The sites are in the vicinity of the Tie Ridge Roadless Area (#0418017), but none are located within an inventoried roadless area. (2003 Forest Plan EIS, page C-9 and C-120)
- (4) The Selected Alternative will not result in any effects that are likely to be highly controversial [40 CFR 1508.27 (b) (4)] – Controversy in this context refers to scientific dispute over the effects of the Federal action, and not opposition to its implementation. There is no controversy associated with the clay phacelia introduction project, either as regards human impacts or science. The scientific basis for the analysis is contained in the project record and EA. The effects of the Selected Alternative are very minor (EA, pages 8-29) and are supported by science and information as referenced in the EA.
- (5) The Selected Alternative will not result in any highly uncertain, unique, or unknown risks [40 CFR 1508.27 (b) (5)] - The U. S. Fish and Wildlife Service has extensive

experience with species reintroduction, and the Forest Service (including the Uinta National Forest) has extensive experience with revegetation techniques such as are being planned for this project. The proposed techniques are not new, and no risks are involved to humans, or any other species. (EA, page 29)

- (6) My decision does not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration. [40 CFR 1508.27 (b) (6)] - This project is not likely to establish a precedent for future actions with significant effects. There is not another rare species known near the Uinta National Forest for which the same level of opportunity exists for successful reintroduction. No similar projects for clay phacelia have been proposed, and if they were, these would very likely have similar minimal cumulative effects. Any future proposed projects would be subject to site-specific analysis and implementation would hinge on that analysis.
- (7) The analysis documented in the EA discloses that my decision will not result in any significant cumulative effects [40 CFR 1508.27 (b) (7)] - The Environmental Consequences section of the EA (pages 8-29) discloses that the Selected Alternative will not result in any significant cumulative effects.
- (8) My decision will not adversely affect sites or objects listed or eligible for listing in the National Register of Historic Places, nor will it cause the loss or destruction of significant scientific, cultural, or historic resources. [40 CFR 1508.27 (b) (8)] - The project areas have been surveyed and no cultural or historic sites were found, thus there are no historic properties affected by the project.
- (9) My decision will not adversely affect threatened or endangered species or their habitats. [40 CFR 1508.27 (b) (9)] - The clay phacelia introduction project would have no adverse effect on any species listed under the Endangered Species Act, or any designated critical habitat. (EA, pages 10-13) There should be a beneficial effect on the endangered clay phacelia if new populations are established. (EA, page 10) There is no critical habitat designated for clay phacelia. The project sites are not within designated critical habitat for any other species. A Biological Assessment (BA) was prepared, and this document concluded that the project would have no effect on Federally-listed species or their critical habitats. The U.S. Fish and Wildlife Service reviewed the BA and concurred with its findings of no effect, and stated they believed the project will benefit and further facilitate recovery of clay phacelia. (USFWS letter dated 23 August 2004)
- (10) My decision is consistent with Federal, State, and local laws and requirements imposed for the protection of the environment. [40 CFR 1408.27 (b) (10)] - The clay phacelia introduction project does not involve a violation of any Federal, State or local law or requirements imposed for the protection of the environment. The project complies with the mandate of the Endangered Species Act for federal agencies to cooperate in recovering listed species. The Selected Alternative will have no or only very minor affects on water quality, air quality, migratory birds, eagles, heritage resources, and is consistent with the Clean Water Act, Clean Air Act, Migratory Bird

Treaty Act and other applicable Federal, State and Federal laws for the protection of the environment. (EA, pages 8-29, and page 29)

### **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

This decision to introduce new populations of clay phacelia on the Uinta National Forest is consistent with the intent of the 2003 Uinta National Forest Land and Resources Management Plan's long term goals and objectives listed on pages 2-5 and 2-6. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for noxious weed prevention and revegetation (LMP, pages 3-15 to 3-19).

My decision will have no or only very minor affects on water quality, air quality, migratory birds, eagles, heritage resources, and is consistent with the Clean Water Act, Clean Air Act, Migratory Bird Treaty Act and other applicable Federal, State and Federal laws for the protection of the environment. (EA, pages 8-29, and page 29)

### **IMPLEMENTATION DATE**

Pursuant to 36 CFR 215.9 (c) (1), implementation of this project may begin immediately after publication of a legal notice of this decision in the *Provo Daily Herald*.

### **ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

Pursuant to 36 CFR 215.12 (e) (1), this decision is not subject to a higher level of review or appeal. As noted in the Public Involvement section of this Decision Notice, a Legal Notice of opportunity to comment on the proposed action was published in the Provo Daily Herald and only two comment letters were received. Both of these letters supported the proposal to assist clay phacelia, described the proximity of the proposed introduction sites to ongoing and planned U.S. Highway 6 improvement projects, and advised the Forest that they were available to ensure there was no conflict between the proposed action and Highway 6 related work. UDOT Regional Engineer John Higgins met with Ecologist Denise Van Keuren on August 11, 2004, comparing maps. They confirmed that construction had already been completed on the highway stretch concerned, and there was no conflict (documentation of this meeting is in the project file).

### **CONTACT**

For additional information concerning this decision, contact Denise Van Keuren, Ecologist, Uinta National Forest, P. O. Box 1428, Provo, UT, 84603, (801) 342-5179.

/s/ Loyal F. Clark (for)

9/23/2004

Pete W. Karp  
Forest Supervisor  
Uinta National Forest

Date

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