

Decision Notice and Finding of No Significant Impact

Upper Mill Creek Canyon Road Improvement Project

USDA Forest Service
Salt Lake Ranger District, Uinta-Wasatch-Cache National Forest
Salt Lake County, Utah

1.0 INTRODUCTION

This document details my decision and rationale regarding the *Upper Mill Creek Canyon Road Improvement Project* located on the Salt Lake Ranger District on the Uinta-Wasatch-Cache National Forest. The project would improve user safety, access to recreational opportunities for all users, and water quality degraded by surface erosion and poor drainage infrastructure in Upper Mill Creek Canyon. The project is proposed under the Federal Highway Administration, Federal Lands Access Program (FLAP). The Federal Highway Administration, Central Federal Lands Highway Division (FHWA-CFLHD) is the lead federal agency, and the Forest Service is a cooperating agency.

In accordance with the National Environmental Policy Act (NEPA) and Forest Service regulations on its implementation, potential environmental impacts of this proposal were assessed and documented in an environmental assessment. The environmental assessment was prepared by the FHWA-CFLHD and included analysis of Forest Service decision areas. The *Upper Mill Creek Canyon Road Improvement Project, FHWA Project No. UT FLAP SLA 10(1), Salt Lake County, Utah, Environmental Assessment and Draft Section 4(f) Evaluation* (March 2024; EA), is incorporated herein by reference.

Forest Service decision space on the Upper Mill Creek Canyon Improvements Project is limited to actions proposed outside of the current 1991 Forest Road and Trail Act (FRTA) easement held by Salt Lake County for a non-exclusive 66-foot-wide easement for highway purposes for Mill Creek Canyon Road over National Forest System (NFS) lands in Mill Creek Canyon.

The Upper Mill Creek Canyon Road Improvement Project includes approximately 7.8 acres of NFS lands located adjacent to and outside of the existing 1991 FRTA easement issued to Salt Lake County for Mill Creek Canyon Road. This includes approximately 0.7 acres for road easement adjustments, 4.0 acres for slope stabilization measures, 2.0 acres for relocation and expansion of trailheads, and parking and picnic areas, and roughly 1.1 acres for trail relocations (see Table 1). The project is located within Salt Lake County and falls entirely within a Developed Recreation Area (Management Prescription 4.5) identified in the 2003 Wasatch-Cache Revised Forest Plan, Central Wasatch Management Area, as amended (Forest Plan). The legal location is provided in Table 1. See Figure 1 for Vicinity Map.

Table 1. Legal and general location of proposed activities requiring a Forest Service decision for the Upper Mill Creek Canyon Road Improvement Project

Project Activity	Legal Location (Nearest Quarter-Quarter Sections of Section, Township, and Range)
Termination and Authorization of a New FRTA Easement	
<p>Terminate 1991 FRTA easement and authorization of a new FRTA easement to Salt Lake County for Mill Creek Canyon Road over NFS lands in Mill Creek Canyon, including the realigned roadway and maintenance areas (cuts and fills) between Maple Grove Picnic Area and Upper Big Water Trailhead (existing 1991 FRTA easement encompasses approximately 37.0 acres of NFS land in the project area, new FRTA easement encompasses approximately 37.7 acres of NFS land in the project area; the extents of the easement below Maple Grove will remain unchanged)</p>	<p>S1/2 of S27 T1S R2E, and S26 T1S R2E, and S1/2 of SW1/4 of S25 T1S R2E, and N1/2 and NE1/4 of SE1/4 of S36 T1S R2E, and S1/2 of S31 T1S R3E, Salt Lake Base and Meridian (SLBM)</p>
Temporary Access and Construction on NFS Lands Outside of New FRTA Easement	
<p>Authorize FHWA-CFLHD to enter and construct slope stabilization measures necessary for the Mill Creek Road realignment, including vegetation removal, on NFS lands outside of the new FRTA easement issued to Salt Lake County (approximately 4.0 acres of NFS land)</p>	<p>S1/2 of SE1/4 of S27 T1S R2E, and N1/2 of SW1/4 of S26 T1S R2E, and SE1/4 of NW1/4 of S26 T1S R2E, and SW1/4 of NE1/4 of S26 T1S R2E, and E1/2 of SE1/4 of S26 T1S R2E, and S1/2 of SW1/4 of S25 T1S R2E, and NE1/4 of NW1/4 of S36 T1S R2E, and W1/2 of NE1/4 of S36 T1S R2E, and SE1/4 of NE1/4 of S36 T1S R2E, and NE1/4 of SE1/4 of S36 T1S R2E, and N1/2 of SW1/4 of S31 T1S R3E, and W1/2 of SE1/4 of S31 T1S R3E, and SE1/4 of SE1/4 of S31 T1S R3E, SLBM</p>
Relocation and Expansion of Trailheads, and Parking and Picnic Areas	
<p>Maple Grove Picnic Area Improvements (approximately 0.35 acres of NFS land)</p>	<p>N1/2 of SE1/4 of SW1/4 of S27 T1S R2E, SLBM</p>
<p>White Bridge Picnic Area Improvements (approximately 0.23 acres of NFS land)</p>	<p>N1/2 of SW1/4 of SE1/4 of S27 T1S R2E, SLBM</p>
<p>Elbow Fork Trailhead Relocation (approximately 0.42 acres of NFS land)</p>	<p>E1/2 of SE1/4 of NW1/4, and W1/2 of SW1/4 of NE1/4 of S26 T1S R2E, SLBM</p>
<p>Alexander Basin Trailhead Improvements (approximately 0.36 acres of NFS land)</p>	<p>N1/2 of SW1/4 of NE1/4 of S36 T1S R2E, SLBM</p>
<p>Upper Big Water Trailhead Improvements (approximately 0.56 acres of NFS land)</p>	<p>E1/2 of SE1/4 of SE1/4 of S31 T1S R3E, SLBM</p>
NFS Trail Relocations to Connect Existing Trails to Relocated Improvements¹	

Project Activity	Legal Location (Nearest Quarter-Quarter Sections of Section, Township, and Range)
New Elbow Fork Trailhead to Pipeline Trail (roughly 1270 linear feet or 0.44 acres of trail)	E1/2 of SE1/4 of NW1/4, and W1/2 of SW1/4 of NE1/4 of S26 T1S R2E, SLBM
Great Western Trail – Parleys To Big Water to New Alexander Basin Trailhead (roughly 725 linear feet or 0.25 acres of trail)	N1/2 of SW1/4 of NE1/4 of S36 T1S R2E, SLBM
Alexander Basin Trail to New Alexander Basin Trailhead (roughly 350 linear feet or 0.12 acres of trail)	N1/2 of SW1/4 of NE1/4 of S36 T1S R2E, SLBM
Great Western Trail – Big Water To Guardsman Road to Upper Big Water Trailhead (roughly 200 linear feet or 0.07 acres of trail)	E1/2 of SE1/4 of SE1/4 of S31 T1S R3E, SLBM
Great Western Trail – Parleys To Big Water to Upper Big Water Trailhead (roughly 550 linear feet or 0.19 acres of trail)	E1/2 of SE1/4 of SE1/4 of S31 T1S R3E, SLBM

¹ Trail lengths and affected areas are estimated. Final trail locations will be based on field decisions and standard trail design.

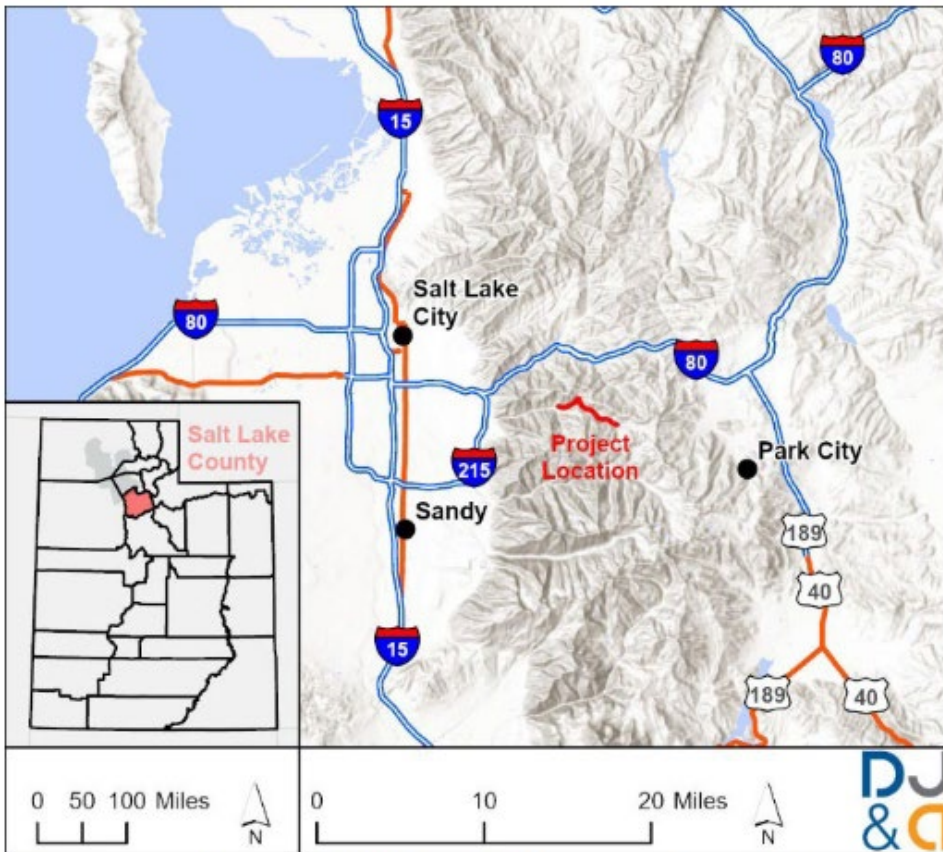


Figure 1. Upper Mill Creek Canyon Road Vicinity

2.0 BACKGROUND AND HISTORY

The Federal Highway Administration, Central Federal Lands Highway Division (FHWA-CFLHD), in cooperation with the Forest Service, Salt Lake County, and the city of Millcreek, is proposing to improve access and safety for visitors to upper Mill Creek Canyon on the Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, under the Federal Lands Access Program. FHWA-CFLHD issued a Finding of No Significant Impact (FONSI) for the proposed project on May 15, 2024.

Mill Creek Canyon Road is maintained and operated by Salt Lake County through an easement over NFS lands. The road provides access to recreation areas and recreation residence cabins on the Uinta-Wasatch-Cache National Forest. Bicycles and motorized vehicles are allowed on the entire length of Mill Creek Canyon Road. Motorized vehicles are limited to the road below the Winter Gate when the gate is closed, typically November thru June. The road is approximately 8.6 miles long, with the lower 4 miles below Winter Gate¹ constituting the lower canyon and the 4.6 miles above Winter Gate constituting the upper canyon. The project area begins 400-feet west of Winter Gate and extends through the end of the road to Upper Big Water Trailhead. The road through the upper canyon is an asphalt-paved road with narrow or no shoulders from Winter Gate to the Upper Big Water Trailhead. Most of the proposed project would occur on NFS lands, with a small portion taking place on land owned by Salt Lake County. The Forest Service decision only applies to select actions on NFS lands.

3.0 DECISION

In accordance with the National Environmental Policy Act (NEPA) and applicable Forest Service regulations, the potential environmental impacts of this project were assessed and documented in the *Upper Mill Creek Canyon Road Improvement Project, FHWA-CFLHD Project No. UT FLAP SLA 10(1), Salt Lake County, Utah, Environmental Assessment and Draft Section 4(f) Evaluation* (March 2024), prepared by FHWA-CFLHD and incorporated herein by reference. After a thorough review of the EA and FHWA-CFLHD decision to implement the Proposed Action (FHWA-CFLHD FONSI, May 15, 2024), I have decided to implement elements of the Proposed Action on NFS lands, as described above. My decision authorizes the specific elements of the Proposed Action, described below, in a manner consistent with the 2003 Wasatch-Cache Revised Forest Plan, Central Wasatch Management Area, as amended (Forest Plan).

My decision includes the following actions:

Terminate the 1991 FRTA easement issued to Salt Lake County for Mill Creek Canyon Road and authorize a new FRTA easement of similar width to the County for Mill Creek Canyon Road over NFS lands. The new FRTA easement will authorize Salt Lake County to operate and maintain the realigned Mill Creek Canyon Road, resulting in a net increase of approximately 0.7 acres of NFS lands included in the new FRTA easement (1991 FRTA easement encompassed approximately 37.0 acres of NFS lands in the project area and the new FRTA easement will encompass approximately 37.7 acres of NFS lands in the project area; the extents of the easement below Maple Grove will remain unchanged). The new FRTA easement shall include the realigned roadway described in the Proposed Action and encompass areas that require frequent maintenance by Salt Lake County for safe and efficient operation of the roadway. The new FRTA easement will also designate the Forest Service sole jurisdiction and control of the winter closure of Mill Creek Canyon Road and management of the winter ski trail above the Winter Gate.

¹ For the purpose of this DN and FONSI, "Winter Gate" is used to define the lower limit of the upper portion of the canyon. As noted, the actual start of the project occurs 400-feet west of Winter Gate and includes the Maple Grove parking area.

- Authorize FHWA-CFLHD to temporarily enter and construct slope stabilization measures adjacent to the realigned roadway, including the necessary clearing of vegetation, on up to 4.0 acres of NFS lands outside of the new FRTA easement as identified in Table 1.
- Authorize FHWA-CFLHD to temporarily enter and construct improvements, including relocation and expansion of trailheads, and parking and picnic areas as identified in the Proposed Action, on approximately 2.0 acres of NFS lands directly adjacent to the new FRTA as identified in Table 1.
- Authorize NFS trail relocations on approximately 1.1 acres of NFS lands (roughly 0.6 miles of relocated trail) that are necessary to connect existing trails to relocated trailhead improvements as identified in Table 1.

My conclusions are based on the scientific analysis in the EA (and supporting project record) that demonstrates a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information. The analysis includes a summary of credible scientific evidence relevant to evaluating reasonably foreseeable impacts and potential cumulative impacts.

As part of my decision, I am requiring all applicable design criteria and mitigation measures listed in *Section 5.3* of the EA to be incorporated in project design and implementation.

4.0 DECISION RATIONALE

In making the decision to support the specified elements of the Proposed Action subject to Forest Service decision (see Table 1), I have reviewed existing environmental conditions and direct, indirect, and cumulative effects for both the action and no action alternatives. The analyses include a summary of the credible evidence relevant to evaluating reasonably foreseeable impacts.

Within that framework, my decision focused on two factors: how well the alternatives (1) met the purpose and need for action and (2) addressed the main environmental issues identified through scoping, comment on the proposed action, and internal, interdisciplinary review.

4.1 Purpose and Need

As indicated by the EA, the purposes to be achieved through the proposed action are:

- Improve user safety, access to recreational opportunities for all users; and,
- Improve water quality degraded by surface erosion and poor drainage infrastructure.

My decision (Proposed Action) best addresses the stated purpose and need because the project elements on NFS lands would:

- **Allow construction of a consistent roadway width and improved pedestrian and bicycle facilities.** The narrow and variable road width makes it difficult and dangerous for vehicles to pass each other. These same conditions inhibit the ability of emergency vehicles to efficiently travel through the canyon. Vehicles often need to pull off the road to let others pass during heavy use times (e.g., weekends and holidays), which worsens traffic congestion. Several creek crossings along the alignment result in constrictions to the already narrow roadway. A more consistent roadway width is needed to safely accommodate users in the upper canyon. Furthermore, the lack of road shoulders, lack of bicycle lanes, limited sight distances, and informal roadside parking create unsafe conditions for cyclists and pedestrians using and crossing the roadway. Authorization of slope stabilization outside of the County roadway easement will

allow the optimal road alignment for safety, including a designated bike lane between the Winter Gate and Elbow Fork while reducing erosion and minimizing the size of the long-term easement necessary for the operation and maintenance of the roadway.

- **Improve substandard parking and trail connectivity.** Informal, undesignated parking areas located on corners with poor sight distance create hazards as vehicles enter and exit these spots. User-created pullouts that are too narrow to fully accommodate vehicles create hazards for motorists and cyclists when parked vehicles encroach on the roadway. Use associated with these informal parking areas and associated trails often results in resource damage and increased erosion resulting from reduced vegetation cover and soil compaction. Existing designated parking areas have unsafe access points, show signs of erosion, and lack capacity to accommodate visitors. Well-designed and designated parking areas are needed to better accommodate the current visitor volume and eliminate informal parking areas and the hazards and resource degradation associated with them. Authorizing improvements to existing trailheads and picnic areas, including relocation and formalization of parking spaces, will move roadside parking capacity into safer, formalized parking areas without increasing the approximate overall parking capacity in the canyon. Existing trails will be relocated to connect to the improved and relocated trailheads. Trail users will be able to park and access trails without having to walk along the roadway. Crosswalks with necessary road markings and signage will be installed at safe locations where trails cross the roadway.
- **Improved drainage and water quality features.** Soil erosion and uncontrolled surface runoff due to poor drainage patterns result in a need for updated drainage infrastructure to reduce erosion and improve water quality of nearby streams. In conjunction with the road improvements, a system of culverts, ditches, and similar infrastructure will be installed to ensure proper drainage off the roadway and formalized parking areas. Informal roadside parking, which promotes erosion and vegetation damage and degrades water quality, will be eliminated, and moved into formal parking areas with appropriate best management practices and infrastructure for proper drainage and sediment control. Authorization of slope stabilization measures outside of the roadway easement and drainage improvements at trailheads and picnic areas will improve the water quality of the runoff from these areas that eventually drains into Mill Creek.
- **New roadway easement.** The existing Salt Lake County roadway easement will be terminated and a new roadway easement for Mill Creek Canyon Road over NFS lands will be issued to Salt Lake County. The easement is necessary to allow Salt Lake County to operate and maintain the roadway over NFS lands. Although the new easement will be the same width as the previous easement (33-feet either side of the road centerline; 66-feet total width), a new easement is necessary due to the realignment of Mill Creek Canyon Road above the Winter Gate. Additionally, the easement width will be expanded in areas where frequent maintenance is necessary, such as around drainage culverts. The new easement will also better-define allowable maintenance activities and will designate Forest Service sole jurisdiction and control of the winter closure of Mill Creek Canyon Road and management of the winter ski trail above the Winter Gate. The extents of the road easement over NFS lands below the Winter Gate will remain unchanged.

4.2 Alternatives Analyzed in Detail

In addition to the selected alternative, the No Action Alternative was developed and analyzed in detail in the EA. The discussion below summarizes my rationale for not selecting the No Action Alternative.

The No Action Alternative is included to meet requirements of the National Environmental Policy Act [40 CFR 1502.14 (d)] which stipulates that “in addition to the proposed action, the no action alternative shall always be fully developed and analyzed in detail”. Under this alternative, none of the activities described in the Proposed Action would occur in the project area. Under the No Action alternative, current management plans would continue to guide management of the project area. Although FHWA-CFLHD has issued a decision to implement the Proposed Action, a separate Forest Service decision is necessary for the authorization of various project elements, as discussed above. Under the No Action Alternative, the Forest Service would not authorize these project elements and FHWA-CFLHD would not be able to implement the Proposed Action. A Forest Service decision to select the No Action Alternative would therefore not meet the purpose and need because no improvements to the road and related infrastructure and ongoing conflicts associated with different user groups and impacts to water resources related to access, informal parking, and trails would continue to be present.

4.3 Alternatives Considered but Eliminated from Detailed Analysis

Council on Environmental Quality regulations for implementing NEPA require that federal agencies explore and objectively evaluate all reasonable alternatives to a proposed action, and to briefly discuss the rationale for eliminating any alternatives that are not considered in detail. Some alternatives may be outside the scope of the project or may not meet the purpose and need.

The Forest Service decision space for the Proposed Action is limited to actions proposed outside of the 1991 FRTA easement. FHWA-CFLHD, in coordination with the Forest Service, considered other alternatives for the overall project that were dismissed from further evaluation (see Section 2.3, EA).

5.0 PUBLIC INVOLVEMENT

Prior to the Final EA, FHWA-CFLHD, the Forest Service, and their partner agencies on the project held three public open houses during the preliminary design phases to share conceptual and preliminary plans with the public and gather information about their priorities, preferences, and concerns related to the project. Each meeting was accompanied by a public comment period of at least 30 days. The first two meetings and associated comment periods were held before initiating preparation of the EA (November 9, 2021, and May 19, 2022), with a goal of soliciting input on the project itself. The third meeting (held virtually on June 13, 2023, and in person on June 14, 2023) and comment period were held to solicit input on issues to consider in the EA, as well as present updated design plans.

In total, over 700 comments were received during the three public comment periods prior to the final EA. Comments were generally oriented toward proposed design elements, such as roadway width, parking, travel speed, and bicycle infrastructure. However, many of them related, directly or indirectly, to environmental resources. The public expressed interest and concerns related to the protection of cultural resources; impacts to aquatic and terrestrial wildlife; impacts to water resources such as Mill Creek, springs, and side streams; erosion and effects on water quality; protection of plants and trees; alterations to the visual landscape and soundscape; and recreational impacts. All public input was considered by the partner agencies and used to help inform the iterative design process.

On March 6, 2024, a legal notice was published in the Salt Lake Tribune announcing a 30-day opportunity to comment on the Proposed Action and EA. The Forest Service released the EA and legal notice on the Forest Service public project-specific information webpage. On the same date and in conjunction with the publication, FHWA-CFLHD released the EA for the Upper Mill Creek Canyon Road Improvement Project and made it available to the public on the FHWA-CFLHD public project-specific website. As the lead federal agency and to reduce public confusion, the FHWA-CFLHD received

comments for both the Forest Service and FHWA-CFLHD. The public comment period ended on April 5, 2024. A total of 417 letters were received during the public comment period. This includes letters received on April 6 and 7, the weekend following the end of the comment period. Comments received after April 7, 2024, were not addressed. Of the 417 letters received, 13 were duplicate submissions, 274 were form letters, and 130 were unique submissions. Some of the letters contained attachments, including photos and formal letter documents. The Forest Service considered comments in a comment analysis matrix and found many of the public's concerns were either outside the scope of the EA, addressed by the EA, or outside Forest Service decision space.

In compliance with Section 106 of the National Historic Preservation Act and other applicable regulations, and as the lead federal agency for the Upper Mill Creek Canyon Road Improvement Project, FHWA-CFLHD sent letters about the project to 12 Native American tribes in April 2022, based on contacts provided by the Forest Service and State of Utah. The Hopi Tribe responded in May 2022 with interest in consulting if prehistoric sites are encountered; however, no prehistoric sites were encountered during the cultural resource investigations and further consultation was not determined necessary. The Paiute Indian Tribe of Utah responded in December 2022 and deferred to other more local tribes. FHWA-CFLHD followed up via email initially in April 2022 and again in December 2022, and no other responses have been received to date. The Tribes have also had opportunities to be involved with the project through public involvement activities and were notified about the availability of the EA for review. In addition, due to clearing of vegetation within Forest Service decision areas, the Forest Service will be sending additional letters to Tribe's informing them of this project component.

6. FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the Council on Environmental Quality Regulations for significance (40 CFR 1508.27) and have determined that this decision is not a major federal action that would significantly affect the quality of the human environment, either individually or cumulatively. Preparation of an environmental impact statement pursuant to Section 102 (2)(c) of the National Environmental Policy Act of 1969 is not required. This determination is based on the following factors as outlined in 40 CFR 1508.27.

6.1 Context

The environmental effects of this project are analyzed at scales as described for each resource in the EA. I have reviewed the cumulative effects of past management, combined with this project and reasonably foreseeable future actions as they are analyzed in the EA, and feel that the context of this decision is limited to the land in and adjacent to the project area. The project's scope and scale limit its effects to the project area and the local vicinity. The project would minimize adverse environmental effects through project design and the use of Design Criteria and Best Management Practices. Given the nature of impacts described in the EA, the Upper Mill Creek Canyon Road Improvement Project would have no measurable effects on the regional or national levels and consideration of significance will focus on the local setting.

This decision, and the EA and supporting documentation on which it is based, applies only to this local area. After a thorough review of the effects analysis contained in the EA, I find that this project does not establish a local, regional, or national precedent, nor does it have any substantial applicability beyond the bounds of the Uinta-Wasatch-Cache National Forest.

6.2 Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the EA and the project record. I have determined that the interdisciplinary team considered the effects of this project appropriately and thoroughly with an analysis that is responsive to concerns and issues raised by the public. The team took a hard look at the environmental effects using relevant scientific information and their knowledge of site-specific conditions. My finding of no significant impact is based on the intensity of effects using the following ten factors identified in 40 CFR 1508.27(b):

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

Both beneficial and adverse effects have been considered (EA, Sections 3 and 5) and neither were found to be significant. My finding of no significant environmental effects is not biased by the beneficial effects of the Proposed Action. The analysis considered not only the direct and indirect effects, but also their contribution to cumulative effects. Past, present, and foreseeable future actions have been included in the analysis. Adverse effects from the Proposed Action have been minimized or eliminated through design features. As such, I find that the Proposed Action is not a significant federal action.

2. *The selected alternative will not result in substantive effects on public health or safety.*

The EA identified no potential adverse effects on public health and safety, as the Proposed Action was analyzed and designed to improve public health and safety through traffic, bicycle, and pedestrian safety improvements, and best management practices to improve water quality. Best Management Practices and closures during implementation would further reduce safety risks.

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.*

Inventoried Roadless Areas

Approximately 1-acre of proposed improvements and associated activities, such as slope stabilization and tree removal, would overlap with the Mount Aire Inventoried Roadless Area (IRA; 0.31-acres) and the Mount Olympus IRA (0.68-acres). Because the proposed road improvements would occur along an existing roadway along the margins of the IRAs, effects of the Proposed Action on roadless characteristics would be minimal. The Proposed Action elements within the IRAs appear to meet the following regulatory exceptions for road construction and timber removal:

- 36 CFR § 294.12(b)(4) Road realignment is needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a classified road and that cannot be mitigated by road maintenance. Road realignment may occur under this paragraph only if the road is deemed essential for public or private access, natural resource management, or public health and safety; and/or,
- 36 CFR § 294.12(b)(5) Road reconstruction is needed to implement a road safety improvement project on a classified road determined to be hazardous based on accident experience or accident potential on that road.

Cultural Resources

FHWA-CFLHD, in consultation with the Forest Service and the Utah State Historic Preservation Officer (SHPO) and pursuant to 36 CFR § 800.4(b) and (c), has determined that fifteen (15) historic properties are in the project area. Thirteen (13) of the fifteen (15) historic properties will be avoided through design of the Proposed Action or will not be adversely affected by the undertaking. It was determined that the Proposed Action will have an adverse effect on the remaining two historic properties: Mill Creek Canyon Road and White Bridge.

FHWA-CFLHD, Forest Service, and the Utah SHPO entered into the *Memorandum of Agreement Among the Federal Highway Administration, The USDA Forest Service (Uinta-Wasatch-Cache National Forest), and the Utah State Historic Preservation Officer, Regarding the Upper Mill Creek Canyon Road Improvements Project, Salt Lake County, Utah*, on February 16, 2024 (MOA). The MOA, along with the Archeology and Historical Architecture Mitigation Measures in the EA (Sections 5.3.3 and 5.3.4, respectively), resolve adverse effects to historic properties to satisfy the Forest Service responsibilities under the National Historic Preservation Act.

Wild and Scenic Rivers, Parklands, and Prime Farmlands

The Proposed Action does not affect any wild and scenic rivers, parklands, or prime farmlands.

Wetlands

During survey efforts, wetlands were found in three isolated areas, two associated with Mill Creek and one associated with Thousand Springs, a complex of springs that serves as a tributary to Mill Creek. The Proposed Action avoids these wetlands. Furthermore, drainage improvements included in the Proposed Action would reduce long-term water quality impacts to the wetlands in the project area.

4. *The selected alternative will not result in any effects that are likely to be highly controversial*

The Proposed Action was initially determined to meet the criteria for a Categorical Exclusion under the FHWA NEPA implementing regulations (23 CFR 771.117[c][26] or 23 CFR 771.117[d]). However, primarily due to high public interest and a desire by the project partners to provide the public with additional opportunities to comment during the NEPA process, FHWA-CFLHD elevated the level of NEPA to an environmental assessment. Consideration of the comments received during the public comment periods described in *Section 5.0* allowed the FHWA-CFLHD and the Forest Service to refine and balance the Proposed Action with the concerns of a wide and diverse range of users, interest groups, and stakeholders in the canyon. Comments were considered in a comment analysis matrix. The Forest Service found many of the public's concerns were either outside the scope of the EA, addressed by the EA, or outside Forest Service decision space. While the Proposed Action may not be considered as *optimal* by all users, interest groups, and stakeholders, it addresses the purpose and need of the project while minimizing impacts, and without unmitigated long-term effects or significant long-term impacts to any specific user group or stakeholder.

5. *The effects associated with the Selected Alternative will not result in any highly uncertain, unique, or unknown risks.*

The environmental analysis, including the EA and reports contained in the project record, determined that the selected alternative will not involve any highly uncertain or unknown risks. The management activities associated with my decision are typical of those successfully implemented in the past on NFS lands.

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.*

Implementing my decision will not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration. Should a formal proposal in the project vicinity be received at some future point, a separate environmental analysis, with comprehensive public involvement will be conducted for that proposal. Each project proposal received by the Uinta-Wasatch-Cache National Forest is analyzed on a project-specific, case-by-case basis would be independently analyzed.

7. *The analysis documented in the EA discloses that my decision will not result in any significant short-term, long-term, or cumulative effects.*

Cumulative effects were analyzed in the EA and disclosed that the project, in combination with other projects, would not have a significant cumulative impact on the environment.

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.*

My decision was made following consideration of known and potential cultural resources. Potential effects to historic or cultural resources and National Historic Preservation Act compliance requirements were determined based on input from the Utah SHPO, Tribes, and the *Memorandum of Agreement Among the Federal Highway Administration, The USDA Forest Service (Uinta-Wasatch-Cache National Forest), and the Utah State Historic Preservation Officer, Regarding the Upper Mill Creek Canyon Road Improvements Project, Salt Lake County, Utah*, dated February 16, 2024. Mitigation measures identified in Sections 5.3.3 and 5.3.4 of the EA will also be implemented to avoid and minimize potential impacts. My decision will not result in any unmitigated adverse effects on cultural or historic resources.

9. *My decision will not adversely affect threatened or endangered species or their habitats*

Potential effects to proposed or listed Endangered Species and Forest Service Sensitive Species were reviewed in the EA. No plant or wildlife species that are threatened, endangered, or candidates for listing under the Endangered Species Act have the potential to occur in or around the project area. This includes the North American wolverine (*Gulo gulo luscus*), which was listed as threatened under the ESA in November 2023.

Although the Proposed Action could affect two Forest Service sensitive plant species, including Wasatch fitweed and Sand fleabane, it would not cause a trend towards federal listing or loss of viability of the plant species. The Vegetation Mitigation Measures, identified in Section 5.3.1 of

the EA, will be implemented to reduce the potential impacts to Forest Service sensitive plant species.

Likewise, suitable habitat is present in or near the project area for six Forest Service sensitive wildlife species, including Boreal toad, Columbia spotted frog, American three-toed woodpecker, Flammulated Owl, Northern goshawk, and Bonneville cutthroat trout. Impacts to Forest Service sensitive wildlife species with potential to occur in the project area may impact individuals or habitat but will not likely contribute to a trend towards federal listing or cause a loss of viability to the population or species. The Wildlife Mitigation Measures, identified in Section 5.3.2 of the EA, will be implemented to reduce the potential impacts to Forest Service sensitive wildlife species.

Overall, there would be no long-term adverse effects to Forest Service Sensitive Species.

10. *My decision is consistent with Federal, State, and local laws and requirements imposed for the protection of the environment*

The decision is consistent with the 2003 Wasatch-Cache Revised Forest Plan, as amended and Environmental Impact Statement, and is consistent with Federal, State, and local laws pertinent to land management. The actions in this project comply fully with the goals of the Forest Plan, the Management Area Direction, and the Forest-wide standards and guidelines. The Upper Mill Creek Canyon Road Improvement Project EA was completed in compliance with NEPA and other relevant Federal and State laws and regulations as applicable.

Findings required by other laws and regulations is further detailed in Section 7.

7. FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

My decision is consistent with the 2003 Wasatch-Cache Revised Forest Plan, as amended, for the Central Wasatch Management Area. My decision complies with all appropriate federal and state laws and regulations including the NEPA, Endangered Species Act (ESA), National Forest Management Act (NFMA), National Historic Preservation Act (NHPA), Federal Water Pollution Control Act (FWPCA), and the Clean Air Act (CAA).

My decision is also consistent with the following key laws, regulations, and requirements:

Executive Order 14072, Strengthening the Nation's Forests, Communities, and Local Economies.

The supporting project record analyzed potential effects to Mature and Old Growth Forests within the project area. Of the 550-acres of potential old growth stands that intersect the project area, up to 2.3-acres will be affected. The 2.3-acres are within the construction limits of the Proposed Action and are spread across 18 stands with impacts ranging from 0.005- to 0.5-acres per stand. The affected stands would continue to meet the Hamilton 1993 definition for Old Growth Stands. An Old Growth assessment was performed by the Forest Service and is was approved by the Forest Service Regional and Washington D.C. Offices on July 17, 2024.

Executive Order 14008, Tackling the Climate Crisis at Home and Abroad. The EA analyzed potential effects to carbon storage and emissions as result of the project. My decision will have no adverse effects to climate change and therefore complies with this executive order.

Executive Order 11988, Floodplain Management. My decision will have no adverse effects to floodplains and therefore complies with this executive order.

Executive Order 11990, Protection of Wetlands. My decision will have no adverse effects to wetlands and therefore complies with this executive order.

Executive Order 12898, Economic Justice. No minorities or low-income populations were identified during public involvement activities that would be affected by this decision. Therefore, my decision complies with this executive order.

Executive Order 13112, Invasive Species. This executive order directs federal agencies not to authorize any activities that will increase the spread of invasive species. My decision includes noxious weed management to effectively reduce the spread of existing and new infestations of noxious weeds and invasive plant species. Therefore, my decision is consistent with this order and will not increase the spread of invasive plant species.

Executive Order 13186, Protection of Migratory Birds. Based on information disclosed in the EA, I have determined that my decision may temporarily affect migratory birds but has mitigations to reduce potential effects. Therefore, my decision complies with this executive order.

National Environmental Policy Act. This act requires public involvement and consideration of potential environmental effects. This decision notice complies with NEPA and the Council on Environmental Quality regulations (40 Code of Federal Regulations 1500 to 1508) for implementing NEPA. The effects of the alternatives were analyzed and disclosed in the EA, which was available for public review.

Clean Water Act of 1977. My decision will not adversely affect water quality. Discharge of fill material into Mill Creek and its tributaries would not result in significant adverse effects. Effects would be minimized through the implementation of Best Management Practices. Necessary permits will be obtained prior to activities potentially impacting waterbodies.

Endangered Species Act of 1973. This act directs that all federal departments and agencies need to conserve endangered and threatened (and proposed) species of fish, wildlife, and plants. This obligation is further clarified in a National Interagency Memorandum of Agreement (dated August 30, 2000) that states our shared mission to “enhance conservation of imperiled species while delivering appropriate goods and services provided by the lands and resources.”

Based on information disclosed in the final EA and in the project record, I have determined that my decision will have no adverse effects to populations of endangered, threatened, and candidate species of fish, wildlife, and plants.

Wild and Scenic Rivers Act. The Wild and Scenic River Suitability Study for National Forest System lands in Utah and forest plan amendments did not recommend any rivers or segments within the analysis area as suitable for inclusion in the national wild and scenic rivers system. Therefore, there will be no effect and my decision is in compliance with the Wild and Scenic Rivers Act.

American Antiquities Act of 1906 and the National Historic Preservation Act of 1966. The FHWA-CFLHD, Forest Service, and the Utah SHPO entered into the *Memorandum of Agreement Among the Federal Highway Administration, The USDA Forest Service (Uinta-Wasatch-Cache National Forest), and the Utah State Historic Preservation Officer, Regarding the Upper Mill Creek Canyon Road Improvements Project, Salt Lake County, Utah*, on February 16, 2024 (MOA). The MOA, along with the Archeology and Historical Architecture Mitigation Measures in the EA (Sections 5.3.3 and 5.3.4, respectively), resolve adverse effects to historic properties to satisfy the Forest Service responsibilities under the National Historic Preservation Act.

Prime Farmland, Rangeland and Forest Land. There is no prime farmland or grazing allotments affected by the project.

Civil Rights Act of 1964. There will be no adverse effects to groups or individuals protected under the federal Civil Rights Act.

My decision does not violate any federal, state or local laws or requirements for the protection of the environment.

8. OPPORTUNITY TO OBJECT

Four objections were received during the 45-day objection period. The Forest Service analyzed these objections in a regional objection review team. Objectors were notified via email on July 22, 2024 which indicated issues raised in the objections received were related to lane width and bicycle lanes in the road design are not within the Forest Service decision space. Therefore, the objections were not part of the project subject to the Forest Service objection procedures at 36 CFR 218. The email also clarified Forest Service and FHWA-CFLHD decision space on the project.

9. IMPLEMENTATION

As per 36 CFR 218.12, no project objections were received within the legal objection period, and this decision may be signed and implemented. Implementation must adhere to design criteria and best management practices as identified in the EA.

10. CONTACT

The Forest Supervisor, David Whittekiend, is the official responsible for approving the type and extent of activities in the Upper Mill Creek Canyon Road Improvement Project. The project contact is Lance Kovel, Special Projects Coordinator, who can be contacted at 801-999-2131 or at lance.kovel@usda.gov.

David Whittekiend
Forest Supervisor
Uinta-Wasatch-Cache National Forest

Date

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