

RECORD OF DECISION

UPPER BLUE STEWARDSHIP PROJECT

May 2004



Photo by D. Graham



**U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
REGION TWO
WHITE RIVER NATIONAL FOREST
DILLON RANGER DISTRICT
SUMMIT COUNTY, COLORADO**

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ENVIRONMENTAL JUSTICE: The Selected Action was assessed to determine whether it would disproportionately impact minority or low-income populations, in accordance with Executive Order 12898. No impacts to minority or low-income populations were identified during scoping or effects assessment.

Compliance with other laws, regulations, and policies are listed in various sections of the EIS, the Record of Decision, the Project File, and the Forest Plan.

RECORD OF DECISION

This Record of Decision (ROD) documents my selection of the management activities for the Upper Blue Stewardship Project area on the White River National Forest in Summit County, CO. This Decision is based on and supported by the Upper Blue Stewardship project Final Environmental Impact Statement (FEIS) completed in June 2004.

BACKGROUND

The Upper Blue Stewardship Project was originally proposed in 1999. It involved extensive public involvement on a local, regional, and national level. The original *Notice of Intent* (NOI) was published on April 5, 1999. The FEIS for the Stewardship Project was completed in December 2000 and the ROD was signed in March 2001. Because the White River Forest Plan revision was nearing completion and conditions had changed, the White River Forest Supervisor decided to withdraw the Decision in May 2001. After the issuance of the Revised White River Land and Resource Management Plan in July 2002, it was deemed timely to readdress the Upper Blue Stewardship Project. The decision was made to revise the EIS. The EIS incorporates the 2000 project file and tiers to the Final EIS for the *White River Land and Resource Management Plan – 2002 Revision* and is consistent with the Goals, Objectives, Standards, and Guidelines of the 2002 Forest Plan.

LOCATION

The proposed Upper Blue Stewardship Project area covers approximately 14,000 acres between Frisco, CO to the north and Breckenridge, CO to the south, Highway 9 to the east and the top of the Tenmile Range to the west, on the Dillon Ranger District, White River National Forest. Access to the area is primarily from the east, using existing roads. The analysis area lies entirely within Summit County, Colorado.

PURPOSE AND NEED

The project area, as well as the remainder of Summit County, was heavily logged during the mining era (1870-1910). Many trees were removed, particularly Douglas-fir and ponderosa pine due to their superior lumber qualities. Other stands of trees were burned for a variety of reasons including carelessness, opening up foraging areas for livestock, or to expose mineral deposits. The result is a dense, relatively even-aged forest between 90-130 years old that is dominated by lodgepole pine, a relatively short-lived, disturbance-dependant species. In addition, the landscape lacks diversity of tree species and forest structure (mixed-size forests, young stands, old growth). This lack of diversity affects both long-term forest health (homogenous forests are more susceptible to insects, disease and uncontrolled fire spread) and habitat for wildlife (the even-age forest has limited understory forage for species such as elk).

These largely unbroken landscapes of single-species forests are nearing the stage in development where they are becoming increasingly at risk for insect, disease and fire disturbances due to their size, age and homogeneity. Add to this the continuous influx of urban growth at the forest interface, and the risk for catastrophic fire events and associated consequences will increase over time. Adding human life and property to the wildland mix requires forest management practices that take human values into consideration.

The project area is just over an hour drive from Denver, Colorado and is the "backyard" for many residents in Summit County. It receives very high recreational pressure. This has resulted in an abundance of dispersed campsites along Miners Creek, numerous non-system user-created roads and trails, and high demand for mountain bike trails and four-wheel drive/off-highway vehicle roads. In addition, there is high demand for additional recreational facilities.

All these increasing demands reduce wildlife habitat effectiveness, increase erosion and impact riparian areas. Under the revised Forest Plan, a large portion of the project area has a management prescription that emphasizes elk, particularly calving habitat. There is a management need to establish levels of motorized travel and non-motorized recreation that are compatible with elk use in the area.

The riparian area in the Miner's Creek drainage has deteriorated over time due to the close proximity of system and non-system roads and trails and the high density of dispersed campsites within the stream corridor. This has resulted in sedimentation of the creek from eroding streambanks and runoff from roads. In addition there are potential sanitation issues from camping in close proximity to the creek.

This Stewardship Project aims to:

- Improve forest health, wildlife habitat capability, and fire resiliency by improving biodiversity within the project area through greater species and structural diversity using vegetation treatments.
- Improve the wildfire defensibility of structures on private land by thinning and pruning trees and ladder fuels in the wildland/urban interface zone when similar treatments are occurring on adjacent private lands.
- Improve watershed health by:
 - Reducing impacts from camping and promoting responsible recreation use.
 - Reducing impacts from roads and trails.

The associated Environmental Impact Statement (EIS) for the Upper Blue Stewardship Project documents the analysis of three alternatives to meet this need as well as the environmental and socioeconomic effects of those alternatives.

I. DECISION

A. The Selected Alternative

Based upon my review of all alternatives and the trade-offs and consequences of each, I have decided to implement Alternative C with modifications (Selected Alternative) as detailed in this section. This Selected Alternative was developed using Alternative C as a base and then making changes to Alternative C based on public and agency comments received during the DEIS comment period. The Selected Alternative responds to those comments with the following modifications:

- There will be no vegetative treatments within the 8.25 Management Area at this time. Forest health and vegetation treatments will be addressed in the ski area permittees' Vegetation Management Plan.
- There will be no toilet built in this alternative due to the large initial cost and the recurring expense of maintenance. Nor will self-contained portable toilet systems be required in the Miners Creek Drainage. To address the sanitation issues in the drainage, the Forest Service will use signage and other visitor information methods in order to inform and encourage the public to practice proper waste disposal.
- In addition, approximately 100 of the proposed acres for treatment in the Iron Springs area (units 400, 406 and 2000) are being proposed to receive a salvage/sanitation cut which will be addressed in a separate decision memo pursuant to FSH 1909.15, Section 31.2, Category 14, Tree Removal to Prevent Spread of Insect/Disease. This foreseeable action has been included in the cumulative effects discussion in the FEIS.
- The mountain pine beetle population significantly increased in this area during the summer of 2003. In order to slow the spread of the beetle, it is necessary to try to remove the infested trees before the insect brood emerge in the early summer and attack more trees in the vicinity. In addition, the infested and dead trees will continue to deteriorate over time, reducing their value as lumber. The purpose of addressing the salvage/sanitation harvest of the 100 acres in a decision memo is to allow for the timely removal of the beetle-killed trees since it is expected that the Upper Blue project will not be implemented until late 2004 or 2005. Consequently the implementation of the salvage/sanitation would precede the implementation of this decision. After the salvage, the units will receive the silvicultural prescription as described in this decision document, which will include additional thinning if needed followed by planting.

The following table compares the DEIS Preferred Alternative B with Alternative C and the Selected Alternative C-Modified.

Table 1. Comparison of DEIS Alternatives B and C and Selected Alternative C - Modified

| | Alternative B | Alternative C | Selected Alternative C-Modified |
|--|---|----------------------|--|
| Acres of planting Ponderosa pine and/or Doug fir in clearcuts or thinnings | 351 | 403 | 403 |
| Acres of stand replacement burn and plant Doug fir | 52 | 0 | 0 |
| Acres of group selection | 398 | 398 | 342* |
| Acres of stand replacement burns | 496 | 0 | 0 |
| Acres of special cuts/burns | 90 | 90 | 0* |
| Total acres of vegetation treatments | 1387 | 891 | 745 |
| Acres of Christmas trees | 340 | 340 | 340 |
| Acres of fuels treatments | Up to 450 | Up to 450 | Up to 450 |
| Number of designated campsites | 19 | 19 | 19 |
| Toilets | 0 (require use of self-contained toilets) | 1 toilet | 0 |
| Designated parking at Rainbow Lake | 10-car | 10-car | 10-car |
| Miles of road to decommission | 11.7 | 11.7 | 11.7 |
| Miles of trail to decommission | 5.8 | 5.8 | 5.8 |

* treatment units within Management Area 8.25 have been deleted

Through this Selected Alternative the Forest intends to:

- 1. Improve forest health, wildlife habitat capability, and fire resiliency by improving biodiversity within the project area through greater species and structural diversity using vegetation treatments.** Approximately **745** acres of vegetation management is proposed. This includes:
 - Planting **403** acres of Douglas-fir, or a mix of ponderosa pine and Douglas-fir. These species will be planted in new clearcuts (up to 58 acres proposed) or underplanted in lodgepole pine stands. The site preparation associated with this planting includes a combination of thinning and/or prescribed burning.
 - Group selection or small patch clearcuts totaling **342** acres. This type of uneven-aged management will occur within 25% of an area totaling 1,368 acres, to promote aspen regeneration, increase spruce/fir, and/or increase age class diversity of lodgepole pine. All openings to regenerate aspen will be broadcast burned or ripped to promote sprouting.
 - Christmas trees to be made available as a by-product of some of the proposed treatments described above. Approximately 10,500 trees will be made available from approximately 340 acres for personal and, to some extent, commercial use.
- 2. Improve the wildfire defensibility of structures on private land by reducing tree crown density and ladder fuels in the wildland/urban interface (WUI) zone.** Allow for private landowners to extend fuel mitigation treatments implemented on private lands onto adjacent public lands (the wildland/urban interface zone). This could include 100 – 300 feet of stand density management (thinning and small openings) on National Forest lands along 12 miles of the national forest/private land boundary on the east and north sides of the project area. This also includes the interior private land boundary around Red Tail Ranch (formerly the Whatley Ranch). This stand density

management may occur on up to 450 acres of National Forest System land adjacent to areas where similar treatments are occurring on private lands.

3. Improve watershed health by:

- **Reducing impacts from camping and promoting responsible recreation use.** The Miners Creek riparian area will be improved by converting the Miners Creek drainage to a “camping in designated sites only” area. Nineteen campsites have been designated in that drainage and up to 12 dispersed sites within 100’ of the creek have been evaluated for closure or rehabilitation, depending on the surrounding terrain. In addition, old logs will be removed from the Iron Springs meadow. One 10 car parking area will be designated west of Rainbow Lake. The current parking area south of Rainbow Lake will remain. Six interpretive sites (approximately 10 signs) will be developed: two historical signs (Masontown, Breckenridge end of the Peaks Trail); five vegetation interpretive signs (the Gold Hill Trailhead, both ends of the Peaks Trail, Miners Creek Road, and Sapphire Point); and three wildlife signs (Masontown, Peaks Trailhead in Breckenridge, and Gold Hill Trailhead).
- **Reducing impacts from roads and trails.** Riparian areas and watershed condition will be improved through closures of mainly non-system roads and trails while maintaining access to designated national forest system roads and trails. Approximately 11.7 miles of roads and 5.8 miles of trails will be decommissioned. Total road and non-motorized trail miles remaining in the project area will be 20.9 and 22.5, respectively. Summer motorized and non-motorized miles available will decrease. Winter use will remain unchanged. Roads will be managed at the minimum level necessary for erosion control.

Alternative C is described in detail in the FEIS in Section 2.3.3. The following table is a summary of the activities included in the Modified Alternative C.

Table 2. Summary of Selected Alternative Activities

| Alternative | Unit | Acres | Treatment or Designation |
|--------------------|-------------|--------------|---|
| C-Modified | 300 | 16 | Clearcut, Site Preparation Burn & Plant Ponderosa Pine and Douglas -fir |
| C-Modified | 307 | 17 | Clearcut, Site Preparation Burn & Plant Ponderosa Pine and Douglas -fir |
| C-Modified | 403 | 25 | Clearcut, Site Preparation Burn & Plant Douglas -fir |
| Subtotal | | 58 | Acres of Plant Ponderosa Pine and Douglas-fir |
| C-Modified | 400 | 95 | Thin & Plant Douglas -fir |
| C-Modified | 401 | 13 | Thin & Plant Douglas -fir |
| C-Modified | 402 | 185 | Thin & Plant Douglas -fir |
| C-Modified | 406 | 52 | Thin & Plant Douglas -fir |
| Subtotal | | 345 | Acres of Thin & Plant Douglas-fir |
| C-Modified | 1000 | 126 | Group Selection Cuts - treating aspen first, then spruce/fir, then lodgepole pine |
| C-Modified | 1003 | 60 | Group Selection Cuts - treating aspen first, then spruce/fir, then lodgepole pine |
| C-Modified | 1004 | 25 | Group Selection Cuts - treating aspen first, then spruce/fir, then lodgepole pine |
| C-Modified | 1005 | 12 | Group Selection Cuts - treating aspen first, then spruce/fir, then lodgepole pine |
| C-Modified | 1008 | 21 | Group Selection Cuts - treating aspen first, then spruce/fir, then lodgepole pine |
| C-Modified | 1012 | 279 | Group Selection Cuts - treating aspen first, then spruce/fir, then lodgepole pine |
| C-Modified | 1013 | 75 | Group Selection Cuts - treating aspen first, then spruce/fir, then lodgepole pine |
| C-Modified | 1014 | 63 | Group Selection Cuts - treating aspen first, then spruce/fir, then lodgepole pine |
| C-Modified | 1016 | 174 | Group Selection Cuts - treating aspen first, then spruce/fir, then lodgepole pine |
| C-Modified | 1020 | 10 | Group Selection Cuts - treating aspen first, then spruce/fir, then lodgepole pine |
| C-Modified | 1022 | 119 | Group Selection Cuts - treating aspen first, then spruce/fir, then lodgepole pine |
| C-Modified | 1023 | 55 | Group Selection Cuts - treating aspen first, then spruce/fir, then lodgepole pine |
| C-Modified | 1024 | 233 | Group Selection Cuts - treating aspen first, then spruce/fir, then lodgepole pine |
| C-Modified | 1025 | 116 | Group Selection Cuts - treating aspen first, then spruce/fir, then lodgepole pine |
| | | 342 | Acres of Group Selection Treatments (25% of 1368 acres to be treated) |
| TOTAL | | 745 | Acres of Treatments in the Selected Alternative |

Figure 1. Selected Alternative C-Modified - Vegetation

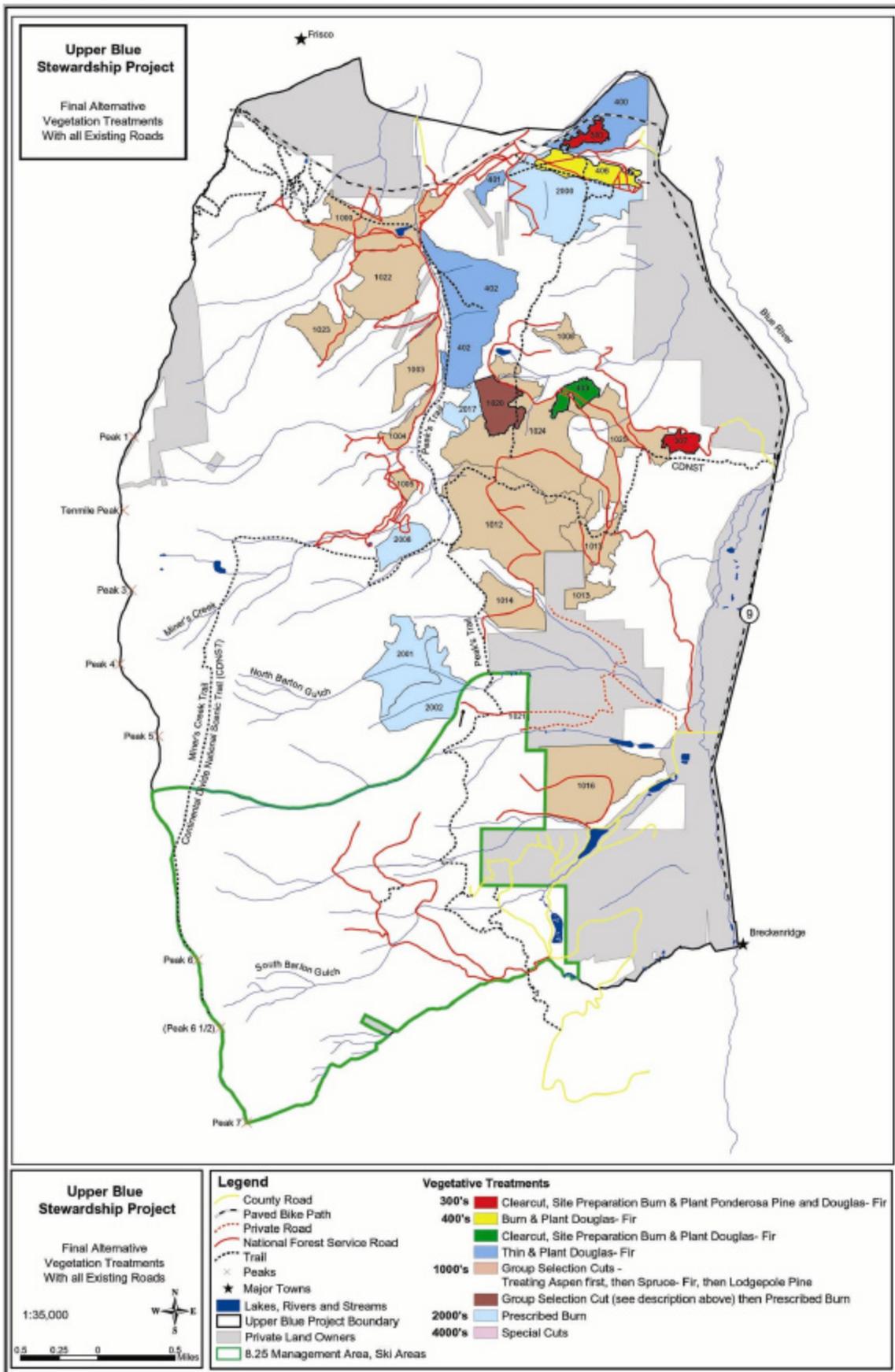
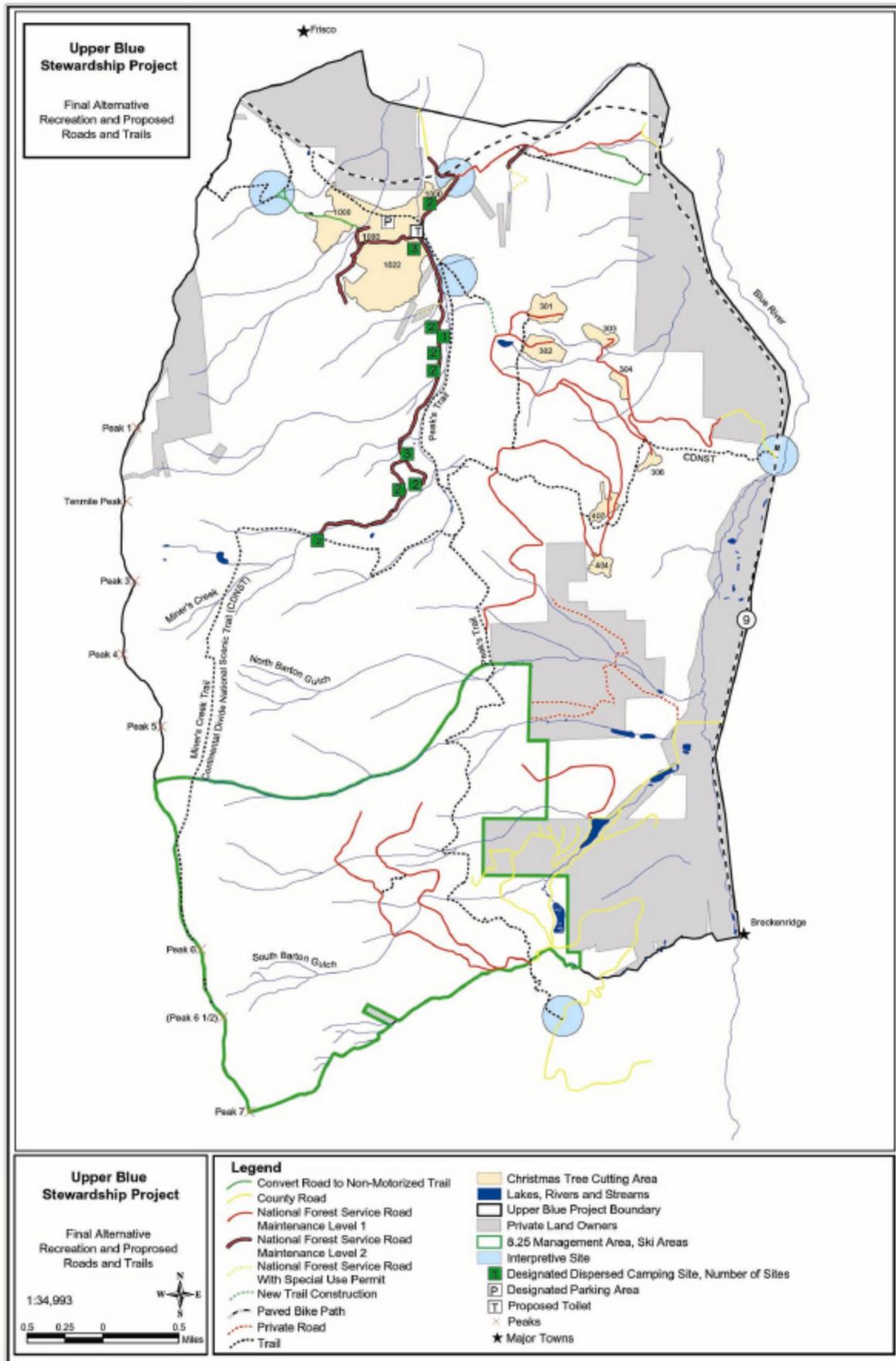


Figure 2. Selected Alternative C-Modified - Recreation



B. Design Criteria

Design criteria are specific project design features that are built into the alternative. They provide specific instructions and become part of the implementation plan. All practical means have been adopted through the development of the design criteria as well as the mitigation measures to avoid or minimize environmental harm from the implementation of the alternatives. Design criteria that were developed for the chosen alternative are described in the Upper Blue FEIS in Section 2.3.4. They are arranged according to the resource management area that is responsible to initiate or perform the action and they describe the resource that benefits from the action.

C. Mitigation Measures

Mitigation measures are actions that are employed to rectify impacts that cannot be avoided or reduced through the design criteria. Mitigation measures that are specific to the chosen alternative can be found in Section 2.3.5 of the FEIS. They are arranged according to the resource management area that is responsible to initiate or perform the action.

D. Monitoring

The Forest will monitor implementation according to the items listed in Section 2.3.6 in the EIS. The Forest will evaluate whether the Standards and Guidelines for each resource are appropriate and indicate whether the resource objectives, management direction and Best Management Practices have been met.

E. Permits, Licenses, And Other Entitlements

All proposed actions are entirely on National Forest System lands. The following table identifies agencies and permits or approvals that may be required to implement the selected alternative. This list is not exhaustive. Other permits and approvals may be required, depending on what specific development is authorized and on the regulatory processes in effect at the time of construction. While the Forest Service assumes no responsibility for enforcing laws, regulations, or ordinances under the jurisdiction of other governmental agencies, Forest Service special use permit conditions require that permittees abide by applicable laws and conditions imposed by other jurisdictions.

Table 3. Permits, Approvals, and Consultations that May Be Required for the Upper Blue Stewardship Project Implementation

| Agency | Type of Action | Description of Permit or Action |
|---------------------------------|--|---|
| FEDERAL | | |
| U.S. Forest Service | Landline Location | Landlines adjacent to proposed action areas are posted. |
| U.S. Army Corps of Engineers | USACE 404 Permit | Permit required for the discharge of dredged or fill materials into waters of the United States, including wetlands. |
| Environmental Protection Agency | Clean Air Act, as amended, 42 U.S.C.A. Section 7410-762 (PL 95-604, PL 95-95) Federal Water Pollution control Act, as amended by the Clean Water Act, 33 U.S.C.A. Section | Under NEPA, the EPA is required to review and comment on major federal actions that have a significant impact on the human environment. The EPA's responsibility and role is to provide |

Table 3. Permits, Approvals, and Consultations that May Be Required for the Upper Blue Stewardship Project Implementation

| Agency | Type of Action | Description of Permit or Action |
|--|--|---|
| | 1251-1376 (PL 92-500, PL 95-217) Safe Drinking Water Act 452 U.S.C.A. Section 300F-300J (PL 93-523) | scoping comments, review EIS's, and provide information and appropriate technical assistance during and following the environmental analysis process. Specific environmental legislation for which the EPA is responsible and that would be applicable to the proposal is shown at left. Administrative and enforcement responsibilities have been delegated to the State of Colorado for all three acts. |
| U.S. Fish and Wildlife Service | Formal and Informal Consultation and Biological Opinion | Consultation under the Fish and Wildlife Coordination Act to protection of threatened and endangered species under the Endangered Species Act. |
| STATE OF COLORADO | | |
| Department of Public Health and Environment - Air Pollution Control Division (CDPHE) | Air Emissions Permit (CRS 24-7-112) | Ensures that air quality standards are not exceeded. Required for stationary pollution sources. Reviews and permits open burning proposals. |
| Department of Natural Resources - Division of Wildlife (CDOW) - Colorado Natural Heritage Program - Water Conservation Board Division of Water Resources | - NEPA Participation - USACE Permit Participation Catalogues and maintains plant information Floodplain and water supply reviews, including minimum streamflow Water supply review | Responsible for protection and management of state wildlife and fish resources. Participation in the Section 404 process and review of the EIS. Provides reviews concerning threatened and endangered plants, including threatened and endangered habitat for plants, animals, aquatic systems, sensitive ecosystems, and other natural features. Responsible for providing floodplain information and analysis of water supply for mitigation of flood hazards. Also responsible for maintenance of minimum streamflow. Responsible for determining adequate water supply and cumulative impacts on water supply. |
| SUMMIT COUNTY | | |
| Road and Bridge Department | Consult on haul road by the County Commons in Frisco | Responsible for assigning weight restrictions on county roads. |

II. SUMMARY OF ALTERNATIVES CONSIDERED

In deciding which management practices to implement in the Selected Alternative, I considered two "action" alternatives and a "No Action" alternative. These three alternatives for the Upper Blue Stewardship Project provide a range of alternatives to consider, which serve to sharply define the issues. All alternatives meet Forest Plan standards and guidelines for all resources.

In addition to the three alternatives analyzed in depth, four other alternatives were considered but not studied in detail (FEIS, Section 2.2). The reasons for eliminating these alternatives from detailed study are stated in the EIS. The following discussion summarizes the alternatives considered in detail. Chapter 2 of the EIS contains a complete description of the alternatives and process used to develop them.

■ ALTERNATIVE A – NO ACTION

CEQ regulations [40 CFR 1502.14(d)] require that agencies consider a No Action (status quo) Alternative in making decisions that affect the environment. This alternative establishes the benchmark against which the potential impacts of action alternatives should be compared. It is also a viable option for the decision maker. In selecting the No Action Alternative in a ROD, the decision maker has the discretion to define conditions or terms of its implementation.

The goal of this alternative is to maintain the status quo, as long as activities occurring are in compliance with the 2002 Forest Plan. The current activities of authorized permittees, motorized and non-motorized users of system roads and trails, and dispersed camping (more than 100 feet from water) will continue. Uses that are occurring that are not in compliance with the Forest Plan could be curtailed (such as camping within 100 feet of water). No new projects are proposed to further implement the Forest Plan in the No Action Alternative.

■ ALTERNATIVE B – PROPOSED ACTION

The goal of this alternative is to implement the 2002 Forest Plan and the Upper Blue Stewardship Project's purpose and need by increasing vegetative diversity on 1387 acres using predominantly uneven-aged management and prescribed fire. Defensibility of the wildland/urban interface would be increased by reducing fuels in up to 450 acres of the interface zone.

Alternative B would promote responsible recreation use by closing some non-system/system roads (11.7 miles) and trails (5.8 miles). A 10-car parking lot would be built to protect the riparian area around Rainbow Lake. Riparian habitat would improve by eliminating 12 dispersed campsites and designating 19 campsites in the Miners Creek drainage. Self-contained portable toilets would be required to protect the Miners Creek watershed. The Iron Springs meadow would be restored by removing old logs. Six interpretive sites would be established.

■ ALTERNATIVE C

The goal of this alternative is to implement the 2002 Forest Plan and the Upper Blue Stewardship Project's purpose and need by increasing vegetative diversity on 891 acres predominantly using uneven-aged management. Defensibility of the wildland/urban interface would be increased by reducing fuels in up to 450 acres of the interface zone.

Alternative C would promote responsible recreation use by closing some non-system/system roads (11.7 miles) and trails (5.8 miles). A 10-car parking lot would be built to protect the riparian area around Rainbow Lake. Riparian habitat would improve by eliminating 12 dispersed campsites and designating 19 campsites in the Miners Creek drainage. A permanent toilet building would be built to protect the Miners Creek watershed. The Iron Springs meadow would be restored by removing old logs. Six interpretive sites would be established.

III. RATIONALE FOR THE DECISION

My decision is based upon three principal criteria:

- Degree to which the alternatives meet the Purpose of and Need for action,
- Degree to which the issues, agency concerns and public comments are addressed, and
- Compatibility with other agency and Native American goals.

A. Degree To Which The Alternatives Meet The Purpose Of And Need For Action

The Purpose of and Need for action was developed to be consistent with the implementation of the Forest Plan goals, objectives and standards. The Forest Planning process represents an understanding with the public on the management and uses of the White River National Forest among a wide variety of individuals, agencies, organizations and Native American tribes. I view the achievement of the desired conditions described by the 2002 Forest Plan for the Upper Blue Project Area as a decision goal.

I did not eliminate any action alternative based solely on its responsiveness to the Purpose of and Need for Action. It is important to note, however, that how *well* the alternatives responded to the Need for Action did play a part in my final decision.

■ **Improve forest health, wildlife habitat capability, and fire resiliency by improving biodiversity within the project area through greater species and structural diversity.**

All alternatives result in some "movement" toward desired conditions described in the Forest Plan. While Alternative A (No Action) would continue custodial management, it does not respond to improving forest health, wildlife habitat, or fire resilience within the project area through greater species and structural diversity. Under Alternative A, no vegetation management will be undertaken at this time. Dwarf mistletoe infection levels in Alternative A will not be reduced and will continue to intensify until some time in the future when a landscape disturbance occurs or vegetation management is implemented. In Alternative A, susceptibility to mountain pine beetle outbreaks will not be reduced.

Alternatives B, and C both meet the needs of restoring health and diversity by creating a mosaic of disturbances similar to pocket insect and disease outbreaks, blowdown events and stand replacement wildland fires. However, Alternative B is more responsive than Alternative C in moving the project area toward the desired condition of greater species and structural diversity because it treats more acres. Both alternatives will reduce the infection levels of dwarf mistletoe. Alternative B will reduce 5624 acres to a rating less than 0.5; Alternative C will reduce 5597 acres to a rating less than 0.5.

Both action alternatives will, to varying degrees, reduce susceptibility to mountain pine beetle outbreaks. Alternative B will increase the acreage in the low risk rating class by 19%. Alternative C will increase the acreage in the low risk rating class by 12%.

Under Alternative A, there will be no vegetative treatments that will change the habitat capability for any species. Alternatives B and C will improve habitat capability over the no-action alternative. Alternative B will improve habitat capability more than Alternative C due to more acres being treated.

Alternative A does not move the Forest towards the desired condition for snags and woody debris. The vegetation treatments under Alternatives B and C will produce snags and woody debris that will meet Forest Plan standards.

■ **Improve the wildfire defensibility of structures on private land in the wildland/urban interface.**

Alternative A does not address the need for improving wildfire defensibility in the wildland/urban interface. Both Alternatives B and C respond equally to the need to reduce fire hazards in the wildland/urban interface by allowing the thinning and pruning of trees within 300' of the private boundary when similar treatments are occurring on adjacent private lands.

■ **Improve watershed health by:**

● **Reducing impacts from camping and promoting responsible recreation use.**

Although Alternative A will close campsites along Miners Creek that are damaging the riparian area, it does not provide designated camping elsewhere, which could lead to a similar campsite watershed/riparian problem in a different area within the drainage. Alternatives B and C respond equally to addressing the need to reduce impacts from camping, including sanitary impacts.

● **Reducing impacts from roads and trails.**

Alternative A would continue custodial management of classified roads and trails but would not elicit the funding needed to close unclassified roads and trails. Alternatives B and C will equally improve riparian areas, watershed condition and wildlife habitat effectiveness through road and trail closures funded through normal appropriations as well as stewardship and K-V funds.

B. Degree To Which The Issues, Agency Concerns And Public Comments Are Addressed

The following is a summary of how well the alternatives addressed the main issues identified during scoping.

■ **Air Quality – fine particulate matter from smoke can impact human respiratory systems and reduce visibility**

- Alternative A addresses this issue best in the short term because it does not involve any prescribed burning. However, because there would be no vegetation treatments to improve fire resiliency, in the long-term air quality could be severely impacted by smoke from wildfires.
- Alternative B has the greatest impact on air quality since it proposes 548 acres of stand replacement burns and 58 acres of site prep burning.

- Alternative C does not propose any stand replacement burns but does include approximately 58 acres of site prep burning. Air quality will be slightly affected by this alternative.

■ **Fuels – the ability to implement the prescribed burns while complying with State air quality standards may be affected**

The Colorado Smoke Management Memorandum of Understanding requires the Forest Service to conduct its prescribed burns under conditions permitted by the State Air Pollution Control Division. Each prescribed burn must have a burn plan that is reviewed by the Division. Burn plans are approved based on model outputs of particulate matter concentrations and visibility values at selected sensitive receptors. Following these criteria results in very small windows of opportunity to initiate prescribed burns.

- Alternative B would have fewer windows of opportunity to implement due to the larger number of acres to be prescribed burned.
- The ability to implement Alternative C will be more likely due to the smaller number of acres to be prescribed burned.

■ **Fuels – the stand replacement burns in the proposed action may be too costly for the benefit received.**

The ground fuels in this area are fairly light and will likely not create enough heat needed for a stand-replacing fire. Trees would need to be felled to add to the fuel load, which would be an additional cost.

- Alternative B would cost over \$68,000 more than Alternative C due to the cost of the stand-replacing prescribed burns.

■ **Lynx Habitat and Threatened, Endangered and Sensitive Species - A permanent loss of winter foraging habitat could result where a fuels reduction treatment is needed within the wildland/urban interface zone more than 200' from a structure.**

- Alternative A would have no effect on lynx foraging habitat in the wildland/urban interface.
- Alternatives B and C would have no net effect on lynx foraging habitat in the wildland/urban interface due to the mitigation measures prescribed in the EIS. All proposed thinning of spruce-fir or lodgepole in the urban/interface more than 200' from a residence that is capable of providing lynx winter foraging habitat will be mitigated 1:1 to replace winter foraging habitat that is permanently lost. (FWS concurrence dated 04/22/04)
- Alternative A will have a “No Effect” determination for all federally listed threatened and endangered species.
- All action alternatives will have a “May affect, but not likely to adversely affect the species or its habitat” determination for all pertinent federally listed threatened and endangered species except for the Penland alpine fen mustard and the Uncompahgre fritillary butterfly, upon which there will be a “No Effect” determination. (FWS concurrence dated 04/22/04)
- Implementation of Alternative A will cause no direct effects to wildlife or plant sensitive species.
- Implementation of the action alternatives will not affect the viability of any of the 25 sensitive species that occur or have potential habitat within the project area. All action alternatives may benefit two sensitive species and may adversely affect 12 species at the individual level without affecting population viability. Of the 12 sensitive species that may be adversely affected, one will likely benefit from the vegetative treatments in the long term.

- **Recreation - Requiring the public to use self-contained toilets in the dispersed recreation areas may not prevent people from “using the woods” as they do now.**
 - Alternative B requires the use of self-contained toilets in the dispersed recreation areas along Miner’s Creek. This type of sanitary waste disposal is frequently used in the rafting industry and, although not convenient, can be effective in the dispersed recreation environment at little cost to the government.
 - Alternative C (as described in the FEIS) would build a toilet. This no doubt would be more convenient for the users, but at a high cost to the government for installation and maintenance. For this reason, I am choosing not to build a toilet in the selected alternative. I am also choosing not to require that the public use self-contained toilets at this time. The district personnel will use educational means (signage, brochures, personal communication) to encourage the public to properly dispose of their waste. In addition, relocating campsites further away from the riparian areas will reduce impacts.

- **Winter Sports – This comment was received on the Draft EIS and is addressed by a modification to Alternative C.**
 - The stewardship activities proposed may not be consistent with the management, operations, and uses authorized by (Breckenridge Ski Resort's and Breckenridge Nordic Center's) respective Special Use Permits.
 - Alternatives B and C prescribe 313 acres of vegetation treatments in the 8.25 Management Area (Ski Areas). The Forest Service agrees that the proposal for vegetation treatments in the 8.25 management area would be more appropriately addressed in the permittees' required vegetation/resource management plan to be approved by the Forest Service. For this reason, all proposed vegetation treatments in the 8.25 management area have been deleted from the selected alternative.

C. Compatibility With Other Agency and Native American Goals

I received comments on the DEIS from Local, State and Federal agencies. Comments received from reviewing agencies are in Appendix K of the FEIS. The letters received are in the *Project File*.

Native Americans from the Northern Ute, Southern Ute, and Ute Mountain Ute Tribes were contacted. Representatives from the Tribes were consulted during the scoping process and included in a field trip to the project area in the summer of 1999. A Native American elder representing the tribes has advised the USFS on the proposed alternatives and has expressed no concerns about the Upper Blue DEIS.

The White River National Forest worked closely with the USFWS throughout the process. The USFWS was informed on the scope of the proposed activities on a regular basis. A Biological Assessment for the Upper Blue Stewardship project was prepared in 2003. The USFWS issued a written concurrence with the findings of the Biological Assessment, which the USFS received on April 22, 2004 (copies of the Biological Assessment and concurrence letter are located in the *Project File*). In summary, the proposed action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973 and has a “may affect, but not likely to adversely affect” determination for four endangered Colorado River fish (bonytail, razorback sucker, Colorado pikeminnow, and humpback chub), bald eagle, and Canada Lynx. No additional conservation measures were added to the project during the consultation process.

The Colorado Division of Wildlife was contacted and informed throughout this environmental process to identify their concerns and incorporate their ideas into management alternatives. They expressed support for the Upper Blue Stewardship project.

The Environmental Protection Agency (EPA) reviewed the DEIS and submitted comments after the official comment period ended. The EPA's concerns are addressed in the Air Quality Section 3.2.1 of the FEIS. After careful consideration of the EPA's concerns, I have determined that the Selected Alternative is responsive to their concerns and no additional analysis or change was needed.

IV. SUMMARY OF DECISION RATIONALE

I did not choose Alternative A – No Action as my Selected Alternative because:

- It will not substantially improve forest health, wildlife habitat or fire resilience within the project area through greater species and structural diversity as no vegetation treatments are proposed.
- Dwarf mistletoe infection levels and susceptibility to mountain pine beetle outbreaks will not be reduced.
- It does not address the fuels problem in the urban interface.
- It does not meet the Forest Plan standards for snags and woody debris.
- Although Alternative A could close campsites along Miners Creek that are damaging the riparian area, it does not provide designated camping elsewhere, which could lead to similar campsite watershed/riparian problems in a different area within the drainage.
- It will not close unclassified roads and trails within the project area. Resource damage will continue, especially in the Miners Creek watershed.

I did not choose Alternative B – Proposed Action as my Selected Alternative because:

- Although it meets the purpose and need, this alternative calls for 548 acres of stand replacement burns. I do not believe that stand replacement burning in this area is a practical method of creating large openings at this time due to the difficulty of implementation, the narrow windows of opportunity to implement the prescribed burns while complying with State air quality standards, the potential to produce the greatest amount of fine particulate matter, and the additional cost of pre-treating the area by felling trees throughout the stands.

I did choose Alternative C Modified as my Selected Alternative because it addresses the issues of air quality and cost containment while meeting the purpose and need:

- It will improve forest health, wildlife habitat and fire resilience within the project area through greater species and structural diversity.
- Dwarf mistletoe infection levels and susceptibility to mountain pine beetle outbreaks will be reduced.
- It addresses the fuels problem in the urban interface by allowing fuels reduction projects to be implemented on National Forest lands when similar treatments are being implemented on the adjacent private land.
- It will obliterate and close campsites that are damaging riparian areas in Miners Creek drainage, and will provide more designated dispersed sites elsewhere in the drainage, which will improve the watershed condition within the drainage.
- It will promote responsible recreation use and improve watershed conditions.
- It will decommission unnecessary or resource damaging travelways, while still retaining adequate access to provide a variety of recreational opportunities.

- With the modification, it will not incorporate the large capital expense of building and the ongoing costs of maintaining a toilet in the designated dispersed area. Instead, the public will be encouraged, through signage, brochures and/or personal communication, to properly dispose of their waste. In addition, relocating campsites further away from the riparian areas will reduce impacts.
- It defers action in Management Area 8.25 until a more comprehensive vegetation management plan can be developed by the ski area permittees with input and approval by the Forest Service.

V. ENVIRONMENTALLY PREFERABLE ALTERNATIVE

National Environmental Policy Act (NEPA) regulations require agencies to specify the alternative or alternatives which were considered to be environmentally preferable [40 CFR 1505.2(b)]. Forest Service policy (FSH 1909.15, Section 05) defines environmentally preferable as:

“An alternative that best meets the goals of Section 101 of NEPA...Ordinarily this is the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historic, cultural and natural resources.”

Although the Act itself does not define the environmentally preferred alternative, it does suggest national environmental policy (42 USC, Section 4331, Sec. 101 (b)). That policy calls for the continuing responsibility of federal government to use all practicable means to improve and coordinate plans, functions, programs, and resources so that the nation may:

1. “Fulfill the responsibilities of each generation as trustees of the environment for succeeding generations.
2. Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings.
3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.
4. Preserve important historic, cultural and natural aspects of our natural heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice.
5. Achieve a balance between population and resources use, which will permit high standards of living and a wide sharing of life’s amenities
6. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.”

Given these criteria, Alternative C has been identified as the environmentally preferred alternative. This Record of Decision has discussed the decision process and the comparisons of the alternatives through a deliberative process. It is my assessment that Alternative C with the modifications best meets the goals and substantive requirements of Section 101 of NEPA.

Alternative C-Modified will ensure the future health of the land by improving forest health, wildlife habitat and fire resilience within the project area through greater species and structural diversity. It addresses the fuels problem in the urban interface by allowing for fuels reduction projects to be implemented on National Forest lands when similar treatments are being implemented on the adjacent private land. It will work towards improving watershed and stream health by closing and obliterating unclassified roads and trails that are contributing to resource damage and by rehabilitating riparian areas.

VI. PUBLIC INVOLVEMENT

Extensive public involvement efforts were made during the original 1999-2000 EIS preparation period. Those efforts were deemed more than sufficient and were not duplicated for this EIS. A *Notice of Intent to Prepare an Environmental Impact Statement in conjunction with planning the Upper Blue Stewardship Project* appeared in the October 15, 2002 edition of the *Federal Register*. The notice invited the public to comment on the scope of the environmental analysis and on potential issue categories. Letters were sent to 285 individuals and organizations informing them of the opportunity to comment. A *Legal Notice* was published in the *Glenwood Springs Post Independent* on October 11, 2002, also inviting people to comment. This official comment period was 30 days. Efforts were made to incorporate comments arriving after the comment period. Twenty-five comments were received through January 22, 2003. The Forest analyzed the comments, combined them with management concerns and public issues from previous planning efforts, and developed a list of issues. On December 9, 2002 a letter clarifying the proposed action was sent to individuals and organizations that received the October 10, 2002 scoping letter.

In addition to the legal notifications, a press release informing the public of the proposed action and the opportunity to participate in the planning process was sent to numerous local newspapers. A version of the press release was printed in the *Summit Daily News* on October 10, 2002.

All comment letters received during the comment periods were used in this analysis and are contained in the Project File located at the Dillon Ranger District Office, 680 Blue River Parkway, Silverthorne, CO.

Upon completion of the draft EIS, a Notice Of Availability (NOA) for the Draft Environmental Impact Statement (DEIS) was published in the *Federal Register* as well as a legal notice in the *Glenwood Springs Post Independent*. The Final Environmental Impact Statement addresses the fifteen public and agency comments received after issuance of the DEIS and during the official comment period. A summary of the comments and the Forest Service's response to the comments are contained in an appendix to the Final Environmental Impact Statement.

Other government agencies were contacted during the various scoping periods including U.S. Fish and Wildlife Service, Environmental Protection Agency, U.S. Army Corps of Engineers, Colorado Division of Wildlife, Colorado State Forest Service, Colorado Division of Water Resources Colorado Department of Transportation, Colorado Natural Heritage Program, Northwest Colorado Council of Governments, Summit County, Town of Breckenridge, Town of Frisco, Town of Dillon, Town of Silverthorne, and Town of Montezuma.

The Forest Service has garnered support for this project from several agencies and the public. The mountain pine beetle outbreak has stirred much public comment and concern. The towns of Frisco and Breckenridge are very supportive of the efforts to contain the MPB outbreak in the county and are pursuing partnerships with the Forest Service to address additional MPB concerns. The county is also very supportive of efforts to provide a means for reducing fuels in the wildland urban interface and has partnered with the Forest Service, local jurisdictions and homeowner associations in other similar projects. The Town of Frisco and local homeowner organizations have been supportive of the efforts to control illegal and resource damaging access in the Miners Creek area.

VII. FINDINGS REQUIRED BY LAW, REGULATION, AND AGENCY POLICY

I have considered all of the relevant laws and regulations in making my decision, and find that we are in compliance with the following:

- Archaeological Resource Protection Act of 1978
- American Indian Religious Freedom Act of 1978
- Clean Air Act of 1955, as amended
- Clean Water Act of 1948, as amended
- Endangered Species Act of 1973, as amended
- Protection of Wetlands Executive Order 11990
- Knutson-Vandenberg Act of 1930, as amended
- Multiple-Use Sustained-Yield Act of 1960
- National Environmental Policy Act of 1969, as amended
- National Forest Management Act of 1976
- National Historic Preservation Act of 1966, as amended
- Organic Administrative Act of 1897, as amended
- Executive Order 11593 Protection and Enhancement of Cultural Environment
- Executive Order 11988 Floodplain Management
- Executive Order 11644/11989 Use of Off-Road Vehicles
- Executive Order 11990 Protection of Wetlands
- Executive Order 13007 Indian Sacred Sites
- Executive Order 12898 Environmental Justice in Minority and Low-Income Populations
- Executive Order 13175 Consultation and Coordination with Indian Tribal Governments

In addition, I considered relevant planning documents such as the 2002 White River Forest Plan, and other documents incorporated by reference in the EIS. Furthermore, I have considered the effects disclosed in the EIS and public and agency comments received during the public involvement process. I find that my decision, with the required design criteria, meets all applicable laws, regulations and policies and is consistent with the purposes for which the White River National Forest was established and is being administered.

VIII. APPEAL PROVISIONS AND IMPLEMENTATION

This decision is subject to appeal pursuant to 36 CFR part 215. A written Notice of Appeal must be submitted within forty-five (45) days, beginning the day after publication of the notice of this decision in the Glenwood Post, which is the newspaper of record. Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

The written Notice of Appeal must be sent to:

Appeal Deciding Officer
Regional Forester
Region 2, Rocky Mountain Region
USDA Forest Service
P.O. Box 25127
Lakewood, Colorado 80225-0127, *or*

740 Simms St.
Golden, CO 80401-4720 or,
Fax 303-275-5156, or
appeals-rocky-mountain-regional-office@fs.fed.us

Business hours are 8:00 am to 5:00 pm for those filing hand-delivered appeals. Electronic appeals must be in Microsoft Word or an .rtf file format.

Appeals arriving late will not be considered responsive. Evidence of timely filing of an appeal will be based on the date of postmark, email, fax or other means of filing pursuant to 36 CFR 215.15 (c).

Appeals must meet content requirements of 36 CFR 215.14. The ability to appeal is based on the timely submission of substantive comments pursuant to 36 CFR 215.13.C. An individual or representative of an organization must either sign the appeal document or provide verification of identity upon request. If no appeal is received, implementation of this decision may occur on, but not before, five (5) business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for fifteen (15) days following the date of the appeal disposition.

For more information, contact:

Peech Keller, Interdisciplinary Team Leader
Dillon Ranger District
P.O. Box 620
680 Blue River Parkway
Silverthorne, CO 80498
970-468-5400

Responsible Official:

Glenda L. Wilson
Acting Forest Supervisor
White River National Forest

Date