

DECISION NOTICE
DRY CREEK/SPRING CREEK VEGETATION TREATMENT
PROPOSALS

Montrose and Ouray Counties
Colorado

JANUARY, 2004

Responsible Official:
Robert L. Storch
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Robert L. Storch,

Date

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Decision Notice
Finding of No Significant Impact
DRY CREEK/SPRING CREEK VEGETATION
TREATMENT

Ouray Ranger District
Grand Mesa, Uncompahgre and Gunnison National Forest
Ouray and Montrose Counties, Colorado

Background

An Environmental Assessment (EA) has been prepared for the proposed “Dry Creek/Spring Creek Vegetation Treatment.” Notice, per 36 CFR 215.5, was published in the Grand Junction Daily Sentinel on November 25, 2003. The 30-day public comment period was made coincident with the scoping period and ended December 26, 2003. Proposals were initially identified through joint efforts of the Forest Service, Bureau of Land Management, and the Public Lands Partnership (Uncompahgre Project). These entities worked together to prepare a joint vegetation management strategy for the Spring Creek and Dry Creek watersheds. This document is available from either the Forest Service in Delta, Colorado, or from the BLM in Montrose, Colorado.

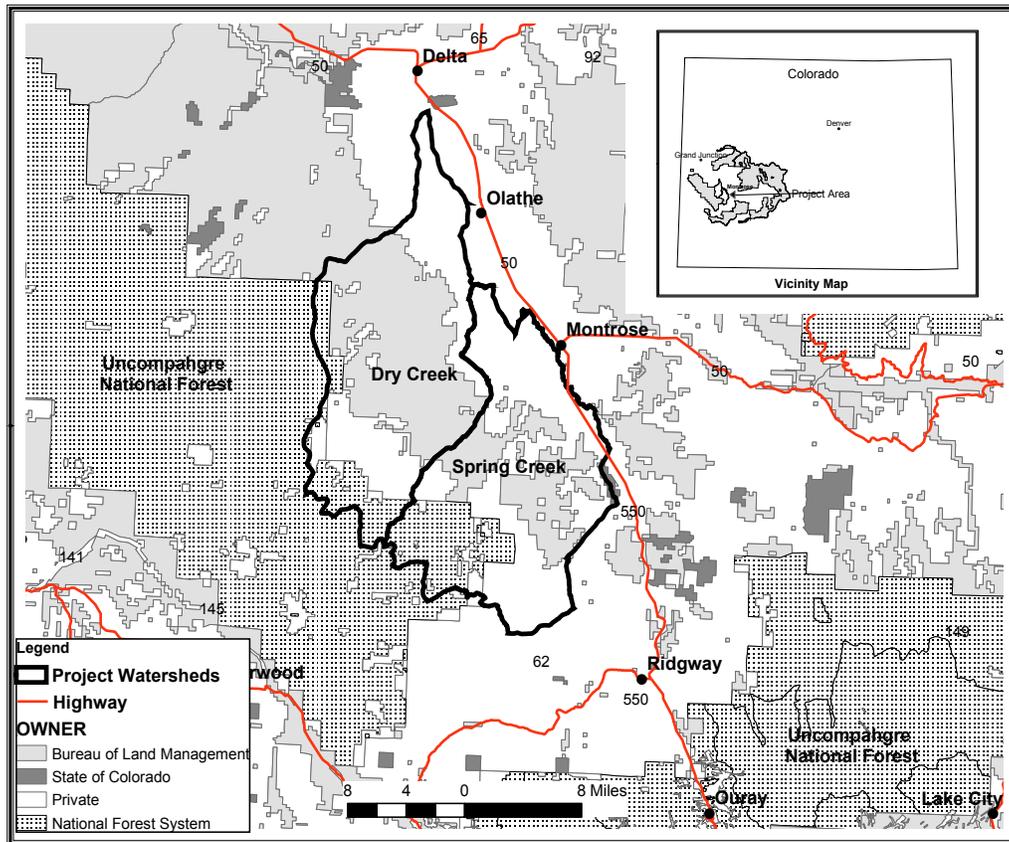
Dry Creek and Spring Creek watersheds were selected for analysis and planning through a collaborative community involvement effort and an interagency interdisciplinary planning approach. Criteria used for selecting these two watersheds included the potential to improve conditions on previous projects within the watersheds, a high density of wintering mule deer combined with a low amount of high quality winter range, an opportunity to improve Gunnison sage grouse habitat, and the high level of Wildland-Urban interface (WUI) areas.

Vegetation issues identified in the vegetation management strategy indicate that the structure, composition and landscape pattern of many current vegetation cover types in these two watersheds are inconsistent with historic conditions. From the vegetation management strategy, selected treatment proposals have been identified to take forward into this NEPA process for consideration for implementation within the next three.

It should be noted that additional treatments of tall forest cover next to the Western Area Power Alliance (Western), and Tri-State Power lines crossing the Forest in these watersheds are being considered in a separate Environmental Assessment. These treatments are stand-alone treatments in the upper elevations of the Forest, propose to treated tree vegetation and to address forest fuels, represent no opportunity of cumulative effects, or connected actions, and are affected by different issues. Hence they are being analyzed separately.

The Dry Creek/Spring Creek Vegetation Treatment area is located on National Forest System lands in Montrose and Ouray Counties. The total affected area is about 6000 acres.

Vicinity Map of Spring Creek and Dry Creek Watersheds



Decision

My decision is represented below in the categories of Approved Treatments, Roads Decommissioning, Mitigation Measures to be Implemented, and Required Monitoring.

Approved Treatments

It is my decision to implement the vegetation and fuels treatments represented in the following Table DN-1. Copies of maps portraying units in the EA are attached to this DN for the convenience of the reader. Unit numbers are the same as those depicted in tables and maps in the EA. In addition the mitigation measures listed following the table are to be implemented.

Treatment Unit Number	Acres	Vegetation Type	Treatment Method(s)
1	41	Mature PP/oak	Thin, Rx burn
2	69	PP plantation	Thin, prune limbs
3	77	Mature PP/oak	Rx burn
4	73	Mature PP/oak	Rx burn
5	111	Mature PP/oak	Rx burn
6	237	Oak, scattered PJ	Roller-chopping
7	101	Aspen/conif.	Rx burn
8 ##	79	PP/mtn shrub	Roller-chopping
9 ##	97	PP plantation	Pruning
10	203	Mature PP/oak	Rx burn
11	295	Mature PP/oak	Rx burn
12	316	Mature PP/oak	Rx burn
13	551	Mature PP/oak	Rx burn
14	68	Mature aspen	Fuelwood harvest Rx burn
16	184	PP/mtn shrub	Rx burn
17	186	PP/mtn shrub	Rx burn
18	636	Oak, scattered PP	Roller-chopping
19	433	Oak, scattered PP	Roller-chopping
20	151	Oak, scattered PP	Roller-chopping
21 ##	50	PP/mtn shrub	Rx burn
22 ##	88	PP/mtn shrub	Commercial Thin, Rx burn
23 ##	38	PP/mtn shrub	Rx burn
24 ##	27	PP/mtn shrub	Rx burn
25 ##	59	PP/mtn shrub	Commercial Thin, Rx burn
26	29	PP/mtn shrub	Hydro-ax / Rx burn
27	22	PP/mtn shrub	Hydro-ax or Roller chopping / Rx burn
28	60	PP/mtn shrub	Hydro-ax or Roller chopping / Rx burn
29	206	Oak, mtn shr, PP	Commercial Thin, Rx burn
30	67	Oak, mtn shr, PP	Commercial Thin, Rx burn
31	157	Oak, mtn shr, PP	Hydro-ax or Roller chopping / Rx burn
32	186	Oak, mtn shr, PP	Hydro-ax or Roller chopping / Rx burn
33	406	Mature PP/oak	Commercial Thin, Rx burn
43	532	Mature PP/oak/PJ	Commercial Thin, Rx burn
Travel Management		All Forest types	Road closures
Vista Points	10	Aspen, S/F	Mechanical

Some units have already had some treatment but will need further treatments.

1 -- Use existing Roads, 2 -- Use existing Roads with Maintenance, 3 -- Gain access from private lands, 4 -- Use Trail access

Units have had previous treatments

Roads Decommissioning

It is my decision to decommission all routes planned for decommissioning under the Uncompahgre Travel Plan decision of March 2002, which fall within treatment units or which are used for access to treatment units.

Mitigation Measures Made A Part Of This Decision

I have considered the mitigation measures recommended in the EA and have selected those I find to be practical and necessary. Measures in my decision here include all of

those measures considered as part of all alternatives, and selected measures from those suggested in the EA as potential mitigation measures.

For Soils And Water Protection

A. Streamside buffer zones are defined as follows. Minor drainages will have a 50-foot buffer. A minor drainage channel is defined as a channel averaging greater than 2' wide and 0.25' deep, but less than a major drainage channel. Major channels will have a 100-foot buffer. These are defined as channels measuring 5' wide or greater in width and 0.5' deep. Any channel regardless of size that supports perennial flow is considered a major channel.

Limit prescribed burn ignition as much as is practicable within streamside buffer zones. No restrictions will be placed on ephemeral channels (swales) or those which measure less than the definition of a minor channel. The intent of this measure is to avoid burning buffer areas to the extent practical. In addition to ignition restrictions, including factors in the ignition plan like topography, wind direction, fuel types and breaks, etc will protect buffers. Fire that moves into buffers from adjacent areas will generally not be suppressed.

B. Natural springs will be provided the same level of protection from prescribed fire as perennial streams.

C. The same protection measures will be provided for streamside zones and springs when conducting mechanical treatments as those applied to prescribed burning, with one difference. All active channels will be protected from physical disturbance. Roller chopping and/or hydroaxing may occur up to the edge of small channels (less than 2 ft wide) but the banks and bed will not be disturbed, except where crossings may be required. No special protection will be provided for ephemeral channels, unless required for other reasons.

D Mechanical treatments would only be conducted when soil moisture is below the plastic limit, or protected by at least 1 foot of packed snow or 2 inches of frozen soil. Soil moisture exceeds the plastic limit if the soil can be rolled into 3 mm threads without breaking or crumbling

E. No mechanical treatments will be prescribed on lands with sustained slopes of more than 20%. Short pitches up to 35% may be allowed but not exceeded.

Mitigation For Management Of Noxious Weeds

A. Require all off road logging and construction equipment to be free of noxious weeds when moving onto the sale area and/or moving between units on the sale area that are known to contain noxious weeds. Specifically for timber sales contracts, Use CT6.35 - Equipment Cleaning (7/01). The contractor/purchaser has to certify that his equipment is weed free. The Forest Service would reserve the right of inspections prior to the equipment's use and to verify that each piece operating in the woods is clean.

For Wildlife Resource Protection

Mechanical Treatments

A. Manage for age class and patch size diversity of Gambel oak and mixed-shrub communities as described in the Dry Creek/Spring Creek Vegetation Management Strategy.

- Create 5 to 20 acre patches of early seral habitat in a mosaic pattern within treatment areas.
- Avoid treating patches of large diameter Gambel oak. Target patches of mid to late seral shrubs with poor growth form and low vigor for treatment.
- Retain 20 to 50 percent of existing shrub cover on treatment sites to provide cover and mid to late seral habitat.
- Manage untreated shrub cover within treatment areas to provide mid to late seral habitat. Stands that are retained will be left untreated to develop in to late seral habitat.

B. Retain large diameter ponderosa pine, pinyon pine, and juniper trees growing in association with Gambel oak and/or mixed shrubs.

C. Retain large diameter (12"+ dbh) ponderosa pine snags within treatment areas.

Thinning and Prescribed Burning Within Ponderosa Pine

A. Provide structural habitat features and diversity within treatment units to maintain habitat capability for wildlife.

- Retain 90-225 snags per 100 acres 10" dbh or greater. Snags can be retained as individual trees or in groups or patches.
- Retain an average length per acre of down-dead logs that are at least 12" diameter of 50 feet per acre.

B. To provide habitat for the Abert's squirrel, nesting habitat will be retained at all existing nest tree sites. This includes the nest tree and all mature trees associated with the nest tree group. In addition, retain a minimum of one group of 3-5 large (12"-20" dbh) mature trees with interlocking crowns per 5 acres within the remaining thinning area for nesting habitat.

C. Maintain existing big game hiding cover on at least 60% of each arterial and collector road left open to public travel.

D. Existing snags over 12" dbh within burning units will be protected through pre-burn site preparation and ignition techniques.

E. Limit spring burning to 50% of the affected treatment area each year to alleviate impacts to ground-nesting birds such as the Merriams turkey.

F. Minimize the use of constructed fire lines where possible. Utilize natural control features or limit line construction to hand lines where feasible.

G. Islands of untreated vegetation will be retained within roller chopping units in order to accelerate the re-colonization of microbiotic soil crust organisms.

H. Mechanically constructed fires lines should be located on the topographic contour to the degree possible and should minimize disturbance to the mineral soil surface. No dozer lines will be permitted within riparian areas or streamside buffer zones.

I. Improvements to travel routes needed for access will be limited to brush and windfall clearing; minor earthwork to correct cut slope or fill slope slough; and installation of proper road drainage. All roads now closed will be re-closed as soon as practical upon

of termination of their use.

Mitigation For Recreation

A. Either design mechanical treatments to avoid recreation travel routes, or following treatments reestablish these routes to the designation level type of use. Avoidance of routes may consist of leaving a buffer of existing vegetation of varying width. These may be combined with the leave areas under other mitigations and design criteria to produce a reasonable visual effect. Selected areas next to sections of routes may be mechanically treated and then reopened to produce diversity and to prevent routes from becoming a “roach” effect through treated areas.

B. Following roller chop, hydroax, or thinning/harvesting treatments, a cat/bulldozer, or other appropriated piece of equipment, with a hand crew, would need to travel summer and winter routes as designated in the Uncompahgre Travel Plan and reopen them for functional use at the designated level.

C. Following roller chop, hydroax, or thinning/harvesting treatments, a cat/bulldozer with a hand crew would need to reopen any prominent dispersed campsites and overlooks/vistas impacted by treatments. .

D. Opportunities to enhance overlooks, vistas and viewsheds should be incorporated into the treatment areas where they exist. Specifically the overlook in Unit 12 and associated viewshed to the west should be enhanced and protected.

E. Coordination with District trails’ coordinators should be accomplished to avoid treating an area after trail maintenance or reconstruction is completed. Specically on the NFST 116, Spring Creek Rim trail where a grant have been applied for reconstruction work in 2004.

F. Coordination with the District special uses coordinator should be accomplished to avoid treating an area during an auhtorized special use service being provided.

G. On heavily used roads, restrict timber hauling and heavy equipment ingress and egress to weekdays and nonholidays, from June 20 through October 1 and during rifle hunting seasons. Signage should be in place along road corridors to infom traveler of uncoming log trucks and heavy equipment.

H. If winter hauling occurs, plowed roads should have at a minimum 6 inches of snow base left on the road and coordination should be made with the District Recreation specialists and Uncompahgre Valley Snowmobile Club concerning grooming concerns.

Mitigation for the protection of heritage resources

A. Beyond the evaluations and determinations being completed to comply with Section 106 of the National Historic Preservation Act (see chapter 3), if unidentified cultural resources are found during the implementation of proposed activities, project activity will stop in the immediate area while a plan to mitigate any effects or protect the site is formulated. Once the recommended work is completed project activity would proceed.

B. Sites identified as potentially significant will be avoided by flagging and avoiding during mechanical treatments and commercial thinning. The sites will then be hand-treated if needed to blend with their surroundings visually.

C. Culturally Scarred Ponderosa Pine Trees (CST's) will be protected during mechanical treatments and to the extent possible, during underburns. Hand removal of fuels under CST's will be conducted to the extent possible, to reduce the risk of killing them during prescribed burning. However, no measures will be taken to create firelines or physically prevent burning around the CST's.

Monitoring

Monitoring will ensure that all mitigation measures are implemented

Project Implementation: General implementation of the project (sale design, contract preparation, contract administration, and implementation of mitigation measures) will be completed by qualified Forest Service personnel and reviewed by the Ouray District Ranger and staff. Contract administration will be conducted on a regular basis and as needed to obtain acceptable contractor performance.

Noxious Weeds: Disturbed areas such as roads, landings and skid trails will be monitored for noxious weeds and any weeds will be eradicated before they become established.

Range recovery will be monitored. **Recreation:** The timber sale administrator will ensure the contract provisions requiring traffic warning signs, etc. will be followed.

Water Quality: Review water influence zones after all logging related activities are completed.

Purpose and Need/Rationale for the Decision

The Purpose and need for these treatments is well articulated in the EA. I have incorporated much of the same language here as my rationale for making this decision.

The purpose for the proposed actions is to change vegetation age classes and vegetation conditions in specific amounts and patterns across National Forest System lands in the Dry Creek and Spring Creek watersheds so that they meet, or will be on track to meet vegetation mosaic objectives. "Vegetation Mosaic" is the term used to describe the pattern and amounts of vegetation age classes across a landscape. There are three vegetation mosaic objectives on FS lands, each specific to a major vegetation or habitat type, and each designed to promote one of the following: 1) habitat for Threatened & Endangered species (Canada Lynx), 2) optimal fuels arrangement to prevent spread of wildfire into areas with residences, and 3) natural ecosystem function. Only one objective applies to each part of the landscape; where each objective applies is determined by the vegetation type, habitat type or presence of wildland-urban interface.

The need for the proposed action is based on an analysis which found the existing vegetation mosaic does not meet the vegetation mosaic objectives on most of the publicly owned lands in the Dry Creek and Spring Creek watersheds (USFS, BLM 2003).

1) Results of analysis of existing vegetation conditions. Existing vegetation age classes were analyzed relative to the vegetation mosaic objectives within each of the two-watersheds. The analysis showed that each of the areas assessed had some problems relative to the objectives: they were either more than 10% away from the age class targets, and/or more than 10% away from the patch size targets. Some were missing

significant amounts of acres of some age classes, and had a substantial number of acres in excess of other age classes. In many areas there was an abundance of mid and early-mid age classes, which is the result of the thinning from the 1960s. Past timber harvest in the ponderosa pine zone has created even aged and dense stands that are susceptible to stand replacement fires and insects and disease. In other areas there was too little early seral, late seral and old growth. The nature of the problems appears to be a combination of past management practices, and the issue or driving force behind the vegetation mosaic objective.

2) Mule deer decline. There is evidence that mule deer have declined on the Uncompahgre Plateau, as they are in much of the West. Data ranging from hunter success, winter aerial counts, and radio collar surveys is indicating that deer numbers have declined substantially in the last 20-30 years, and habitat quality is thought to be the biggest contributing factor (Watkins et al, 2001). Observations of browse conditions in deer winter ranges in the region indicate many stands of shrubs are dominated by older, unproductive plants that have been chronically hedged by browsing, and that the understory vegetation is often depleted. In addition, much of the winter range is currently vegetated by middle-age vegetation--young trees and dying shrubs. This particular seral stage does not produce much forage for deer. Additionally, based on 1998 census quadrat surveys by the CDOW, more than 45% of the mule deer wintering on the Uncompahgre Plateau occurred south of Roubideau Canyon in Unit 62. This area primarily consists of the Dry Creek and Spring Creek watersheds. There are opportunities to "short stop" elk on Forest Service land by improving habitat conditions along the band of upper elevation winter range thus reducing inter-specific competitive pressure on lower elevation mule deer winter range.

3) Hazardous fuels distribution and arrangement. The two-watershed area lies south and west of Montrose, a rapidly growing community. Lower parts of the watershed have a great deal of intermingled private and public land. Many of the private parcels are being subdivided and residential construction within this vegetation zone is considered moderately hazardous for wildfire risk due to hazardous fuels. Fire management specialists have evaluated the distribution of fuels on nearby public lands, and determined that the vegetation is very homogeneous and very continuous. This could result in large, high intensity fires near human development. These fuels, and the potential fire behavior, also reduce the safety of firefighters attempting to control a fire.

4) Perceived problems brought about through fire suppression. Fires have been actively suppressed in the two watersheds since the 1940s, and before that were most likely reduced by heavy livestock grazing of fine fuels. The ability of fires to affect large acreages and transform the vegetation community has been witnessed in the region with other wildfires, and is still evident on parts of the two watersheds where burned snags are still visible. Land managers believe that the suppression of such a powerful mechanism for shaping vegetation has led to a deficit in the amount of younger vegetation in the two watersheds compared with what would be there if fire suppression had not occurred.

Approval of the proposed action will accomplish these purposes. Hazard of catastrophic fire will be substantially reduced. Over the long term, a more diverse pattern of vegetation on the landscape will result from treatments. Wildlife habitat will be enhanced. Setting back natural succession in these areas, with so much of the area

now in late stages of succession, will create a healthier ecosystem over all.

Consideration of Environmental Consequences of the Proposed Action and Alternatives

The EA documents environmental consequences of the proposed treatments in general terms, and then specifically to sites identified, for each of the resource issues identified as significant. I have reviewed the EA and I conclude that no unacceptable environmental effect will occur, and that all reasonable measures have been taken to minimize environmental harm. When weighed in balance against the benefit to the resource in terms of management of a diverse mosaic of vegetation/habitat conditions, and in terms of reduction of risk of damage from catastrophic wildfire, I believe there will be a net beneficial environmental effect. This is directly responsive to the purpose and need described in the EA and above.

Public Involvement

The NEPA process and the associated Forest Service implementing regulations provide for an open public involvement process. The NEPA phase of a proposal begins with public and agency scoping. Scoping is the process used to identify major issues and to determine the extent of environmental analysis necessary for an informed decision to be made concerning a proposed action. Issues are identified, alternatives are developed, and the environmental analysis is conducted and documented.

These proposals were described in a scoping notice/notice of opportunity to comment that was mailed to the public and other agencies for comment on November 20, 2003. This information was also posted on the Forest www site at on the web at <http://www.fs.fed.us/r2/gmug>, under "Projects and Plans".

This notice served as both scoping for these projects under the requirements of NEPA, and the 30 day opportunity to comment required at 36 CFR 215.3. Legal notice of this opportunity to comment was published in the Grand Junction Daily Sentinel, on November 25, 2003.

The proposal was also listed in the Schedule of Proposed Actions published for the following time periods:

January 1 through March 31, 2003,
April 1 through June 30, 2003,
July 1 through September 30, 2003 and
October 1 through December 31, 2003.

Contact regarding the proposals within the salvage area was initiated with Ute Indian Tribes as part of scoping.

Issues Considered in the Analysis

Effects on soils

- Soil loss
- Erosion
- Compaction

Effects on water

- Sediment
- Yield
- Riparian function
- Wetlands

Effects on wildlife

- Threatened/endangered or sensitive species
 - Habitat effectiveness for elk/deer
 - Management indicator species
 - Mule Deer Elk
 - Black Bear
 - Abert's Squirrel
- Effects on vegetation
- Diversity/pattern/mosaic
 - Age/structure/ecological function
 - Insect/disease
 - Noxious weeds
- Exotic species
- Effects on air
- Smoke from Rx burning
- Effects on cultural/heritage resources
- Effects on visual resource
- Effects on recreation
- Dispersed recreation
 - Travel management
- Consistency with Uncompahgre Travel Plan
 - Impact of proposals on existing travel routes within treatment areas
- Hunting
- Effects on grazing management
- Forage production
 - Vegetation composition
 - Displacement of permitted livestock
 - Effects of grazing on vegetation condition
- Effects of fire hazard/fuels
- Hazard (of catastrophic fires, large events)
 - Risk of escaped fire from Rx burning
 - Risk to urban facilities
 - Hazardous fuels distribution/arrangement
 - Cumulative effects
 - Monitoring

Alternatives Considered

Alternative 1 (No Action)

Under the No Action Alternative none of the proposed treatments would be implemented. Vegetation on the Forest and existing travel routes now closed to motorized use would be left to natural succession and recovery, with associated risk for catastrophic wildfire.

Alternative 2 (Proposed Action)

The proposed action is presented in detail in Chapter 1 under the heading Proposed Action.

Alternative 3

Under this alternative all treatments proposed in Alternative 2 (Proposed Action) would be implemented with the exception of those involving commercial harvest/cutting of trees.

Alternative 4

Under this alternative treatments proposed in Alternative 2 (Proposed Action) would be limited to those which fall within the Wildland Urban Interface as defined in the recently passed Healthy Forest Restoration Act. Under this alternative some of the vegetation management objectives described under Purpose and Need above would not be met.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

CONTEXT

The setting within which proposed treatments will occur is broad National Forest. Of an approximate million acres of National Forest on the Uncomphagre Plateau, and an additional several hundred thousand acres of adjoining BLM lands, only 6,000 acres are planned for treatment in this proposal. Effects will be noticeable locally within the immediate area of treatments, but fall into the background of National Forest management when viewed in the context of their location. The look and feel of these treatments is consistent with the management of these lands, and will not even excite a comment from the casual visitor within 3 years.

INTENSITY

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action. While I do believe that there will be beneficial effects as I describe above under "Consideration of Environmental Consequences of the Proposed Action and Alternatives", I do not believe they rise to the level of significance to warrant consideration in an EIS.
2. There will be no significant effects on public health and safety. Opportunity is presented to better protect public safety in the removal of hazard of wildfire. The scale of this action in the context of broader National Forest management, however, is not significant.
3. There will be no significant effects on unique characteristics of the area. There are no significant historic or cultural resources that would be adversely affected; no park lands, no prime farmlands, and no wild and scenic rivers are within or near the project areas. Wetlands within the treatment unit perimeters are very limited and are associated with streams.
4. The effects on the quality of the human environment are not highly controversial. Practices being applied are common in the management of National Forest. Treatments proposed have broad public support. The effects disclosed in the EA are relatively predictable and certain, and are not subject of controversy.
5. As per immediately above, the Forest Service has considerable experience with these types of treatments. Thinning, pruning, prescribed burning, and low vegetation treatments such as hydroax or roller chopping are standard practices/tools in the management of vegetation/habitat to meet management objectives. The effects of what is proposed are not uncertain, and do not involve unique or unknown risk.

6. The action is not likely to establish a precedent for future actions with significant effects. From 5 above, these treatments are routinely applied across the National Forest System each year.
7. Cumulative actions considered in the analysis are listed in the EA. Each resource section of Chapter 3 of the EA addresses those actions which are applicable and discloses cumulative effects (see “cumulative effects” discussions under each resource section of Chapter 3.) In the course of these analyses, the effects of these actions, in terms of the resource of concern, were bounded in terms of time and space, and over-layed with proposed action to determine if there was an effect which might not be significant individually, but is cumulatively. We find that the cumulative impacts of proposed actions, considered together with other past, present, and reasonably foreseeable actions in the area are not significant.
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. With the implementation of the avoidance and mitigation measures, the eligible and unevaluated historic properties in the project area will have no effects. Ongoing consultation with the Colorado State Historic Preservation Office and American Indian Tribes have identified no concerns. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources.
9. The action will have no effect upon any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. As our determination in the Biological Assessment is “No Effect” for any and all listed species, consultation with the US Fish and Wildlife Service is not required under Section 7 of the ESA.
10. A Biological Evaluation was prepared in conformance with Forest Service manual direction and a determination was made that this action will have no impacts upon Forest Service sensitive species or habitat within the project area. Potential adverse impacts to individuals can be mitigated through the specified project design and timing of operations to avoid a trend toward federal listing or loss of population viability.
11. The action will not violate Federal, State, and local laws or requirements for the protection of the environment.

NFMA Findings and Findings Required by Other Laws and Regulations

The action is consistent with the Grand Mesa, Uncompahgre and Gunnison Land and Resource Management Plan. This decision is consistent with the intent of the forest plan's long term goals and objectives listed on pages III-2 – III-5 of the Plan, and with management area direction for the Management Areas within which activities will occur. These are Management Areas 6B and 7A, pages III-145 – III-154 of the Plan. .

No harvest will occur on lands classified as unsuitable for timber production, as defined in 36 CFR 219.14 and 219.27 (c)(1).

Since the early 1970's, there has been increasing concern over disproportionate environmental and human health impacts on minority populations and low-income populations. Executive Order 12898 (February 11, 1994, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) directs each federal agency "to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low income populations."

I have considered these factors and I conclude that no minority or low income population is negatively affected by this Decision (either proportionately or disproportionately), and that any and all people that might fall into these categories were able to fully participate in the public, analysis and decision processes.

Administrative Review

This decision is subject to administrative review pursuant to Federal Regulations at 36 CFR 215.11. Appeals (including attachments) must be in writing and filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the Appeal Deciding Officer (§ 215.8) within 45 days following the date of publication of a legal notice of this decision in the Grand Junction Daily Sentinel. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to file an appeal (§ 215.15 (a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source. Pursuant to 36 CFR 215.13 (b), only those individuals or organizations who submitted substantive comments during the comment period may file an appeal.

Where to File an Appeal

For delivery services to a physical street address	For U S Postal Service delivery
Appeals Deciding Officer U S D A, Forest Service Rocky Mountain Region 740 Simms Golden, Colorado 80401	Appeals Deciding Officer U S D A, Forest Service Rocky Mountain Region P O Box 25127 Lakewood, Colorado 80225
FAX	
303-275-5134 to the attention of Appeals	
Email	
appeals-rocky-mountain-gmug@fs.fed.us	

Appeal Content Requirements

It is an appellant's responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official's decision should be reversed. At a minimum, an appeal must include the following (§215.14):

(1) Appellant's name and address (§ 215.2), with a telephone number, if available;

- (2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- (3) When multiple names are listed on an appeal, identification of the lead appellant (§ 215.2) and verification of the identity of the lead appellant upon request;
- (4) The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- (5) The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251, subpart C (§ 215.11(d));
- (6) Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- (7) Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- (8) Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
- (9) How the appellant believes the decision specifically violates law, regulation, or policy.

Notices of Appeal that do not meet the requirements of 36 CFR 215.14 will be dismissed.

Implementation

Pursuant to 36 CFR 215.9(a), if no appeal is filed, implementation of this decision may occur on, but not before, the fifth day from the close of the appeal filing period.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Jeff Burch, Grand Mesa, Uncompahgre and Gunnison NF Supervisor's Office, at 970-874-6649, or Blake Patton, Ouray Ranger District, at 970-240-5300