

DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT

Environmental Assessment
for
Fall Creek and Woods Lake Colorado River cutthroat trout
reclamation project

U.S.D.A. Forest Service
Grand Mesa, Uncompahgre and Gunnison National Forests
Norwood Ranger District
San Miguel County, Colorado

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Introduction

The Environmental Assessment (EA) for Fall Creek and Woods Lake Colorado River cutthroat trout reclamation project, prepared in July 2008, documents the analysis of a proposal to chemically reclaim five miles of Fall Creek tributaries above Woods Lake using rotenone. This project would occur on the Uncompahgre National Forest, Norwood Ranger District, and San Miguel County, Colorado. Specifically, the Fall Creek and Woods Lake Colorado River cutthroat trout reclamation project occurs in Sections 21-36, T. 42 N., R. 11 W. of the New Mexico Principle Meridian. The purpose of this Decision Notice is to document the management alternative I have selected for the Fall Creek and Woods Lake Colorado River cutthroat trout reclamation project and the rationale for my decision. It is connected to the similar proposal by the Colorado Division of Wildlife (CDOW) for Woods Lake, which is under their jurisdiction.

Purpose and Need

The purpose of the proposed action is to facilitate the restoration of a native Colorado River cutthroat trout (CRCT) population in Woods Lake and its upstream tributaries, including Fall Creek and Muddy Creek. The need for the project is to expand the distribution and abundance of native CRCT within the Fall Creek watershed by eradicating existing non-native trout population above Woods Lake. The existing population of non-native trout has displaced the native population of CRCT from approximately five miles of historic habitat in the headwaters of Fall Creek. Additionally, expansion of the current CRCT distribution in Fall Creek would greatly benefit native CRCT recovery efforts with the species historic range, which included Colorado, Utah, and Wyoming.

The project would also help reduce the likelihood of the species becoming Federally-listed under the Endangered Species Act (ESA). CRCT were petitioned for Federal listing in 1999, but found to be not warranted for listing by the U.S. Fish and Wildlife Service in 2004. It was again reviewed for Federal listing in 2006, but after a 12-month review, was again found to be not warranted for Federal listing under ESA.

To accomplish the purpose and need, the EA describes the analysis of the proposed action by the Colorado Division of Wildlife (CDOW) that would treat all fish-bearing tributaries to Woods Lake to eliminate non-native trout, and prepare the treated waters for future CRCT stocking. These tributaries include Fall Creek, Muddy Creek, and an unnamed tributary of Woods Lake located on the eastern shore. Additionally, approximately 0.75 mile of the Hughes Ditch would also be treated, since non-native fish move from Fall Creek into this ditch throughout the year. A small three acre pond located northwest of Woods Lake would also be treated. Woods Lake is a 17 acre lake located in a State Wildlife Area administered by CDOW. A no action alternative was also considered in the EA.

Decision

I have reviewed the EA and Project Record, including the Response to Comments, the Biological Evaluations, and the Biological Assessment. It is my decision to implement Alternative 2 as described below and depicted on the attached map. Alternative 2 was selected because it best

met the purpose and need of the project by facilitating the restoration of native Colorado River cutthroat trout and would increase the current distribution of this species by five miles of stream in the Fall Creek watershed. The CDOW Woods Lake project would not be effective without this connected action on National Forest System lands.

Design Criteria: The primary source of design criteria for this project is standards and guidelines in the Forest Plan (pages III-9a through III-188), Forest Service Manual Direction for Wilderness (FSM 2320), Forest Service Manual for Pesticide Use (FSM 2150), and the Watershed Conservation Practices Handbook for Best Management Practices (FSH 2509.25 Chapter 10). Additional design criteria from Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and from Environmental Protection Agency approved use labels for rotenone. The following design criteria come from both sources.

Cultural Resources

- Locations of known cultural resource sites needing protection would be shown on internal working maps not subject to disclosure and/or identified on the ground so that these areas are avoided and protected during all phases of project implementation. If any new cultural resource sites are discovered during implementation, project activities would stop and the archeologist would be contacted immediately. The archeologist would evaluate the site and determine how the site would be protected.

Noxious Weeds

- Design Features for the invasive species would include prohibiting the use equipment in and around where invasive species occur and/or wash equipment at a staging location as to not prevent the spread of seed to new locations.

Soil and Water

- At least one applicator licensed by the Colorado Department of Agriculture must be on site to supervise or administer the project. Non-licensed applicators may assist with the project under the direct technical supervision of the licensed applicator. The project supervisor must be well versed in the state regulatory requirements regarding safe and legal use of the rotenone product and applicator safety. All personnel involved with the rotenone application must receive safety training specific to the formulated rotenone product to be used.

Wilderness

- Use of motorized equipment for the transport of material and equipment or to access the rotenone application sites within the Lizard Head Wilderness area is prohibited.
- Pesticide application devices and project material used in the application of rotenone shall be removed following the completion of each application period.

Proposed Action

The Forest Service will evaluate the proposal from the CDOW to chemically treat all fish-bearing tributaries to Woods Lake to eliminate non-native trout, and prepare the treated waters for future CRCT stocking. These tributaries include Fall Creek, Muddy Creek, and an unnamed tributary of Woods Lake located on the eastern shore. Additionally, approximately 0.75 mile of

the Hughes Ditch would also be treated, since non-native fish move from Fall Creek into this ditch throughout the year. A small 3 acre pond located northwest of Woods Lake would also be treated. Woods Lake is a 17 acre lake located in a State Wildlife Area administered by CDOW. The small 3-acre pond is partially located on the State Wildlife Area. The Forest Service does not have jurisdiction on activities occurring within the Woods Lake State Wildlife Area. However, all tributaries feeding Woods Lake are located on National Forest Lands administered by the Norwood Ranger District. Chemical treatment of Woods Lake, and not its tributaries would not meet the goals of CRCT restoration in upper Fall Creek, and therefore, would not be consistent with the Purposed and Need. Additionally, the proposed action does not address future fishing regulations in the project area since the Forest Service has no authority to regulate this activity. Fishing regulations are set and administered by the CDOW.

A registered Environmental Protection Agency (EPA) pesticide (piscicide) called rotenone, would be administered by certified pesticide applicators from the Colorado Division of Wildlife in approximately 5 miles of stream on National Forest lands, and in Woods Lake. Application of these chemicals consistent with their EPA approved product labels and for the objective of their intended use is consistent with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and therefore, would be consistent with Clean Water Act standards. Additionally, application of potassium permanganate would be administered by drip station on a 1-mile section of Fall Creek below Woods Lake, to neutralize the effects of rotenone.

Approximately 3.4 miles of stream would be treated within the congressionally designated Lizard Head Wilderness area. Use of motorized equipment including ATV's, chainsaws, explosives, etc, would not occur within the Lizard Head Wilderness area. In the wilderness area, rotenone would be delivered by horse and foot, and administered by drip station and backpack sprayer. A temporary closure of Woods Lake State Wildlife Area is proposed by the Colorado Division of Wildlife. The Forest Service has proposed to close trails within the treatment area to minimize human contact during the preparation and implementation of the project. These trails include Woods Lake trail, Woods Lake Shoreline Trail, and Lone Cone trial. Signs stipulating the time and area of the closure would be posted during the project implementation. A Closure order for Woods Lake campground would not be proposed by the Forest Service.

Other Alternatives Considered

In addition to the selected alternative, I considered one other alternative. A comparison of alternatives can be found in the EA on pages 7-24.

Alternative 1 *No Action*

Under the No Action alternative, current Forest Service management plans for the area and for the Lizard Head Wilderness area would continue to guide management of the project area. Recovery of native Colorado River cutthroat trout would not occur in the project area, and goals and objectives of the CRCT Recovery plan would not be realized. Brook trout and other non-native trout would persist in the project area. Mortality to macro-invertebrate and amphibian populations within the project area would not occur since rotenone would not be used. Short-term impacts to riparian areas associated with the removal of beaver dams would not occur. Short-term impacts to recreational users in the Woods Lake SWA and Lizard Head Wilderness area would not occur.

Public Involvement

The CDOW proposal was listed in the Schedule of Proposed Actions on January 1, 2008. KOTO Radio and the Telluride Watch newspaper ran news articles and radio spots about the project during February 2008. The proposed action was provided to the public and other agencies for comment during scoping between March 24 and April 23, 2008. The Forest Service mailed 40 letters to local individuals and agencies soliciting public input into the project. In addition, as part of the public involvement process, the Colorado Division of Wildlife held a public meeting at the Wilkinson Public Library in Telluride on April 10, 2008. Press releases for the project and the meeting were distributed by the Forest Service and CDOW to several newspapers and websites throughout Colorado during the week of March 24, 2008. Additionally, the CDOW has posted the press release on their CDOW website. Furthermore, the Forest Service added a copy of the project scoping/public comment letter to their Grand Mesa, Uncompahgre and Gunnison National Forest website.

A summary of public comments and responses to these comments is attached to this decision document (Attachment A). All public comment letters are located in the project record. Based upon public comment and internal discussions there were no significant issues raised during the public involvement process. Therefore, no additional alternatives were developed. However, several concerns over the project were raised and included the containment of rotenone within the project area; effects to amphibians and other aquatic invertebrates; and long-term success of the project.

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:

1. Both beneficial and adverse effects have been taken into consideration when making this determination of significance. Beneficial effects have not, however, been used to offset or compensate for potential adverse effects. Benefits from the project are expected to improve the distribution of Colorado River cutthroat trout on the GMUG NF. Adverse impacts are expected to be short in duration.
2. There will be no significant effects on public health and safety, because Alternative 2 would apply rotenone in a manner consistent with its registered use. Rotenone products are classified as Restricted Use Pesticides due to acute inhalation, acute oral, and aquatic toxicity (fish and other aquatic species). EPA approved product labels allow rotenone to be applied to achieve treatment concentrations up to 50 parts per billion (ppb) in streams/rivers and up to 250 ppb in lakes/reservoirs/ponds. Potassium permanganate would be also be used to prevent residual rotenone from impacting non-target fisheries downstream of Woods Lake. Application of these chemicals consistent with their EPA approved product labels and for the objective of their intended use is consistent with the

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and therefore, would be consistent with Clean Water Act standards.

3. There are no prime farmlands, parklands, wild and scenic rivers, or other ecologically critical areas within the analysis area. State and Federal standards for water quality and soil protection will be met with the implementation of the Watershed Conservation Practices for Best Management Practices. No adverse effects on floodplains or wetlands are anticipated.
4. A reasonable dispute over the nature or extent of the effects presented in the EA has not been raised during public scoping or the public comment period (Response to Comments). Disagreement with proposed actions on a National Forest does not constitute the controversy envisioned by the framers of 40 CFR 1500. Therefore, I find that implementing Alternative 2 is not highly controversial.
5. The effects of the application of rotenone and its use in fisheries management as described in Alternative 2 are understood and well documented in research literature and in monitoring of similar projects. The interdisciplinary team has used the best available science in analyzing the potential effects (EA pages 7-24) of the Fall Creek and Woods Lake Colorado River cutthroat trout reclamation project. I find that the implementation of Alternative 2, will not involve unique or unknown risks.
6. I find that Alternative 2 is not precedent setting. Alternative 2 would be connected to state actions in the Woods Lake State Wildlife Area. However, this connected action was disclosed in the purpose and need. Furthermore, the treatment of Forest Service lands above Woods Lake and State lands surrounding Woods Lake would need to occur concurrently to meet the intent of the CRCT reclamation project.
7. The cumulative impacts are not significant.
8. Adequate cultural resource surveys have been performed in accordance with the National Historical Preservation Act. I find no significant impact to heritage resources will occur because eligible sites will be avoided, protected, or excavated and additional heritage resources discovered during harvest activities will be protected. The Colorado State Historical Preservation Office concurred with these findings on April 1, 2008.
9. A Biological Assessment (April 2008) has been prepared for the EA in accordance with the Endangered Species Act of 1973 (P.L. 93-205). Alternative 2 was determined to have "no effect" on listed species under the Endangered Species Act. U.S. Fish and Wildlife Service (USFWS) has concluded that this action would not jeopardize the continued existence of listed, proposed, or candidate species listed under the Endangered Species Act.
10. I find Alternative 2 complies with Federal, State, and local laws or requirements for the protection of the environment. The action is consistent with the Grand Mesa, Uncompahgre, and Gunnison National Forests Amended Land and Resource Management Plan.

Findings Required by Other Laws and Regulations

Forest Plan Consistency: Alternatives 2 is consistent with the overall management direction provided within the 1991 Forest Plan, as amended. Factors that were considered in determining whether this project is consistent with the Forest Plan are as follows:

1. The selected alternative responds directly to Forest Plan goals listed in Chapter III, pages 2 to 4. The planned activities will not detract from or jeopardize any of the Forest Plan goals.
2. Forest Plan direction for Wildlife and Fisheries Threatened, Endangered and Sensitive species states that the Forest Service should be “managing and providing habitat for threatened, endangered, and sensitive species as specified by the Regional Forester’s sensitive species list.” The proposed action would implement Forest Plan direction by contributing a new, self sustaining population of pure-strain Colorado River cutthroat trout.
3. The selected alternative is consistent with Forest Plan Management Direction, Standards and Guidelines, and with the following Management Area Prescriptions:

4B: Wildlife Habitat Management. The project would not affect wildlife habitat management in this area. No permanent modification of habitat would occur.

8B: Primitive Wilderness Setting. 3.4 miles of the project is proposed within the Lizard Head Wilderness area. The Forest Service uses a Minimum Requirements Decision Guide process to assist managers in minimizing the effects of federal actions within wilderness areas. This process concluded the following key points: 1) the project is necessary to preserve an important quality of wilderness character (naturalness) by restoring native fish to the area, and 2) no motorized or mechanized equipment would be used; instead all chemical treatment and monitoring would be delivered by horse and foot and administered by drip stations and backpack sprayers. There would be no permanent structures installed in the Wilderness. This is consistent with law, regulation, and Forest Service policy.

9A: Riparian Area Management Emphasis. The majority of the project is proposed in this management area. The project would be consistent with this management area.

4. The scope of analysis for management indicator species is determined by forest plan management direction, specifically, its standards and guidelines (Chapter II) and monitoring direction (Chapter IV). The GMUG National Forest’s Forest Plan (Forest Plan) establishes monitoring and evaluation requirements that employ both habitat capability relationships and, at the appropriate scale, population data. The analysis completed for this project examined how the project directly, indirectly and cumulatively affects selected MIS habitat and populations and how these local effects could influence Forest-wide habitat and population trends (EA pages 18-20). Further, the analysis indicates that the project contributes to meeting Forest Plan direction as it relates to MIS.

Appeal Rights

This decision is subject to appeal by parties who have expressed interest during the analysis process.

A notice of appeal must be in writing and clearly state that is a Notice of Appeal being filed pursuant to 36 CFR 215.7, and must meet all requirements of 36 CFR 215. Appeals must be filed within 45 days of the date of legal notice of this decision in the Denver Post.

The publication date of the legal notice in the Denver Post is the exclusive means for calculating the time to file an appeal (36 CFR 215.15 (a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

Notices of Appeal may be sent to the following addresses:

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| U.S. Postal Service Address: USDA Forest Service Attn: EMC Appeals Mail Stop 1104 1400 Independence Avenue, SW Washington, D.C. 20250-1104 (202) 205-0895 |
| Physical Street Address for delivery services or hand delivery (Office hours are 8:00 to 4:30) USDA Forest Service Ecosystem Management Coordination Attn: Appeals Yates Bldg., 3CEN 201 14th Street, SW Washington, DC 20250 |
| E-mail delivery To: appeals-chief@fs.fed.us (Electronic appeals must be in Microsoft Word, Word Perfect or plain text file format.) |
| Facsimile delivery Fax: (202) 205-1012 |

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, five business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Chris James, Fisheries Biologist, 2505 S. Townsend Ave., Montrose, Colorado 81401 or by phone at 970-240-5521.

Authorized Officer



Greg Griffith
Deputy Regional Forester, Operations
Rocky Mountain Region

8/29/2008
Date