



File Code: 1950/2600

Date: March 24, 2008

Greetings:

The Forest Service is considering a proposal from the Colorado Division of Wildlife to eradicate non-native fish from Fall Creek and its tributaries upstream of Woods Lake by means of chemical treatment, and to re-establish native Colorado River cutthroat trout (CRCT) to these waters. The Colorado Division of Wildlife (CDOW) has the responsibility and authority to administer protection and management of fish and wildlife population on National Forest System lands. However, the Forest Service has the jurisdiction and responsibility for occupancy, use, and management on National Forest lands. The proposal, if approved, would be authorized through a special use permit.

The Forest Service is inviting public comment on this proposal. The specific proposal is described in the Proposed Action below. This opportunity to comment will serve as both scoping for this project under the requirements of the National Environmental Policy Act, and the comment period required at 36 CFR 215.3. Comments concerning this proposal must be received by the Forest Service on or before Wednesday, April 23, 2008. Please refer to the "Public Involvement" section for additional information about submitting comments.

In addition to the opportunity to comment, the Colorado Division of Wildlife will be hosting an Open House for the Fall Creek and Woods Lake CRCT reclamation project. The Open House will be held in Telluride Colorado, at the Wilkinson Public Library on April 10, 2008. The meeting will begin at 6:00 p.m. and last until 8:00 p.m. CDOW and other Forest Service resource management specialists will be available to discuss and answer questions the public may have about the proposal described below.

The project known as the "**Fall Creek and Woods Lake Colorado River cutthroat trout reclamation project**" is located on the Norwood Ranger District, on the Uncompahgre National Forest, in San Miguel County, Colorado. The analysis area is located to the south of Woods Lake State Wildlife Area, and includes portions of the Lizard Head Wilderness area. The map below shows the vicinity of this treatment proposal (Figure 1).

Background: The Colorado River cutthroat trout (*Oncorhynchus clarki pleuriticus*) is an indigenous species that historically occupied portions of the Colorado River drainage in Wyoming, Colorado, Utah, Arizona, and New Mexico (Behnke 1992). CRCT historically occupied about 21,319 miles of habitat in the western U.S. Currently CRCT occupy just 14% of their historical habitats (Hirsch et al 2005). Conservation populations of pure-strain CRCT (populations showing genetic introgression rates of less than 10% with rainbow and other non-native cutthroat trout) are known to occur in 22 watersheds on the GMUG NF (James and Speas



2005). Distribution is restricted to 96 miles of stream, representing just 3% of the historic distribution on the GMUG NF. The majority of these populations are threatened by non-native trout invasions. Other populations of CRCT show high levels of introgression with non-native rainbow and other non-native cutthroat trout, and represent an additional 7% of the current CRCT distribution. Stocking efforts to restore native CRCT populations have been unsuccessful, requiring fisheries managers to look at more aggressive non-native fish removal methods. Fall Creek headwaters has been identified as a primary CRCT expansion area since 1999 (CDOW pers. comm.), and was identified in James and Speas (2005) as a high quality site for several biological and resource management reasons.

Purpose and Need for Project: The purpose of the Proposed Action is to facilitate the restoration of a native 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 5 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 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.

Proposed Action: The Forest Service will evaluate the proposal from the CDOW to chemically treat Woods Lake, and all other 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 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. Rotenone is a

natural product isolated from certain subtropical and tropical members of the pea family found in South America and Southeast Asia. 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 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.

The application and use of rotenone is intended to target the removal of non-native trout. Rotenone is not species specific, and is expected to have effects to other non-target aquatic species such as amphibians and aquatic insects that are currently present in the analysis area. However, these impacts are expected to be short-term and affect only those species within the area treated. Impacts would not affect terrestrial species such as mammals and birds that may feed on fish. Additionally, some mortality of fish immediately downstream of Woods Lake could occur since the effects of rotenone are not immediately neutralized by potassium permanganate. However, there are no aquatic threatened or endangered species in the project area. Effects to all threatened, endangered, sensitive, Management Indicator Species, and other affected species would be addressed consistent with Endangered Species Act, National Environmental Policy Act, National Forest Management Act, and other Forest Service Manual Direction.

Delivery of project materials and equipment to and within the project area would be transported by motorized vehicles, horse, and/or foot to selected stream treatment sites. Motorized access routes to the site include FSR 621 (Woods Lake Road) and the Hughes Ditch. Trail access includes Woods Lake trail, Woods Lake Shoreline trail, and Lone Cone trail.

Woods Lake would be chemically treated by boat and back-pack sprayer. Fall Creek and other tributaries to Woods Lake would be treated manually, using drip stations and back-pack sprayer units. Drip stations, used to administer rotenone at selected locations, would be located prior to the treatment, and removed from site following the treatment. Potassium permanganate would be used to neutralize the piscicides immediately downstream of Woods Lake to prevent additional fish mortality below Woods Lake. Removal of existing beaver dams between Woods Lake and the Hughes Ditch would need to occur to maximize the efficiency and effectiveness of the chemical treatment. This would be accomplished by explosives, chain saw, and/or hand tools. The project would require two treatment periods that would occur during the late summer of 2008-2010. One treatment period would occur between August and September to take advantage of low stream flow to maximize the effectiveness of the chemicals used. A second treatment period would occur the following August to September and is needed ensure the complete removal of non-native fish species. Treatment periods would last 1-2 weeks.

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. FSM for Wilderness Management states that “Chemical treatment may be used to prepare waters for reestablishment of indigenous, threatened or endangered, or native species, or to correct undesirable conditions caused by human influence.” (FSM 2323.34f).

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 trail. 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.

Forest Plan Direction: The proposed action is consistent with Forest Plan direction and standards and guidelines for management of sensitive trout species (LRMP Revision 1991, III-33-34). Additionally, FSM direction for Wilderness Management states that “Chemical treatment may be used to prepare waters for reestablishment of indigenous, threatened or endangered, or native species, or to correct undesirable conditions caused by human influence.” (FSM 2323.34f).

This project is also consistent with the recovery goals and strategies outlined in the *Conservation Agreement for Colorado River Cutthroat Trout in the States of Colorado, Utah, and Wyoming* (June 2006). The U.S. Forest Service, Rocky Mountain Region, is a signatory partner in this agreement.

Decision Framework: The analysis documented in the EA will be tiered to the Forest Plan. It will not reanalyze management area allocations already specified in the Forest Plan nor will it seek to reexamine federal regulations or Forest Service policy regarding wilderness management on National Forest lands.

The Regional Forester will be the Responsible Official. His decision will be detailed in a Decision Notice. Given the purpose and need, the Responsible Official will review the proposed action, other alternatives and mitigation measures in order to make the following decisions:

1. Whether or not to issue a special use permit to the CDOW to eradicate non-native fish from Fall Creek and its tributaries upstream of Woods Lake by means of chemical treatment, and to re-establish native CRCT to these waters.
2. If an action alternative is selected, what under what conditions and by which methods would the activities be conducted.

Public Involvement: This opportunity to comment serves several purposes: 1) as scoping for this project under the requirements of the National Environmental Policy Act; 2) as the comment period required at 36 CFR 215.3; 3) as the notification period required under Region 2 Supplement 2400-2003-1 of FSM 2471.1. The Responsible Official for this project will be Regional Forester of the Rocky Mountain Region. Forest Service Manual Direction (FSM) for Wilderness Management states that the “Regional Forester approves all proposed uses of

chemicals in the wilderness (FSM 2323.34f). Given the purpose and need, the Responsible Official will review the proposed action, other alternatives and mitigation measures in order to make the following decision:

- Whether or not to authorize the CDOW proposal to meet the stated purpose;
- If an action alternative is selected, under what conditions the activity would be conducted.
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Legal notice of this opportunity to comment will be published in the Denver Post, the paper of record. News releases for the scoping and public comment period will also be submitted to local media in the Telluride and Norwood areas. Only those who submit timely comments will be accepted as appellants of the final decision. Also, for appeal eligibility, each individual or representative from each organization submitting comments must either sign the comments or verify their identity upon request.

A public meeting will occur at the Wilkinson Public Library in Telluride, Colorado on April 10, 2008 from 6-8 pm. Participants may also comment at the public meetings. A news release will be provided to by the Colorado Division of Wildlife informing the public of the meeting location, time, and date.

Submitting Comments: The opportunity to comment ends 30 days following the date of publication of the legal notice (of opportunity to comment) in the Denver Post. Comments may be submitted in hard copy through the mail, email, fax, or delivered by hand to the address listed below. Comments may also be received at the public meeting at the Wilkinson Public Library in Telluride, Colorado on April 10, 2008 from 6:00-8:00 pm.

Mail comments to:

Fall Creek and Woods Lake Colorado River cutthroat trout Reclamation Project

Attn: Chris James

2505 South Townsend Ave.

Montrose, Colorado 81401

Fax comments to: 970-240-5367

Email comments to: comments-rocky-mountain-gmug-norwood@fs.fed.us

In accordance with 36 CFR 215.6(a)(3), individuals or organizations wishing to be eligible to appeal must comment during this 60-day comment period and provide the following information: submitter's name and address, title of the Proposed Action, specific substantive comments on the Proposed Action, along with supporting reasons that the Responsible Official should consider in reaching a decision, and signature or other verification of identity. Those submitting electronic comments (fax or e-mail) may submit a scanned signature. Oral comments must be provided at the Responsible Official's office during normal business hours via telephone or in person, or if during non-business hours, must be at an official agency function, which is designed to elicit public comment.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this Proposed Action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decisions under 36CFR Part 215. Additionally, pursuant to 7 CFR 1.27 (d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requestor of the agency's decision regarding the request for confidentiality, and where the request is denied; the agency will return the submission and notify the requestor that the comments may be re-submitted with or without name and address within 15 days.

Office hours for hand delivery are 8:00 am to 5:00 pm weekdays in the Norwood Ranger District office. Those people responding to this scoping letter will be included on the mailing list for future information related to this project.

At this time, the Forest Service plans to document the effects of this proposal in an environmental assessment. A Decision Notice documenting the Responsible Official's decision will be issued after the EA is completed. A Legal Notice of Decision will be published at the time in the Denver Post newspaper.

Further Information: For more information regarding this project please contact Christopher James (Forest Service) at (970) 240-5421 or Dan Kowalski (CDOW) at (970) 252-6017.

Sincerely,

/s/ Judy Schutz
JUDY SCHUTZA
District Ranger

cc: Carmine Lockwood
Lee Ann Loupe
David Winter
Christopher J James

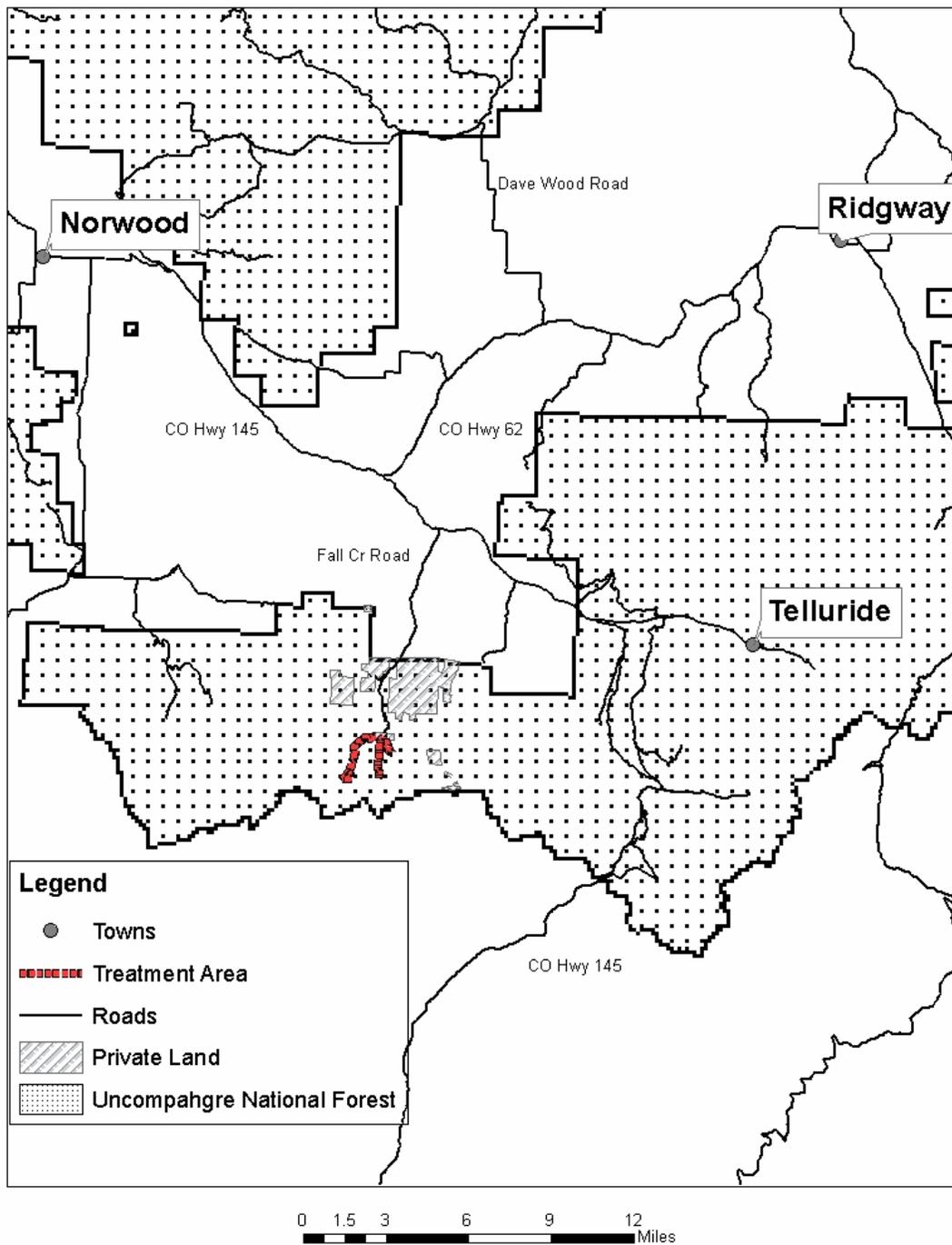


Figure 1 Map depicting Fall Creek and Woods Lake Colorado River cutthroat trout reclamation project in relation to local towns and the Uncompahgre National Forest. The Treatment Area is shown near the bottom of the figure.