

**Decision Notice
& Finding of No Significant Impact**

GRAND MESA TRAVEL MANAGEMENT

December 1, 2003

DELTA AND MESA COUNTIES, COLORADO

LEAD AGENCY: U.S.D.A., Forest Service
RESPONSIBLE OFFICIAL: Robert L. Storch, Forest Supervisor,
Grand Mesa, Uncompahgre and Gunnison National Forest

FOR FURTHER INFORMATION CONTACT
Jeff Burch, NEPA Coordinator
Forest Supervisor's Office
2250 Hwy 50
Delta, Colorado 81416
970-874-6600

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INTRODUCTION

In December 1994, the Forest Supervisor of the Grand Mesa, Uncompahgre, and Gunnison National Forest signed a Decision Notice which changed travel management on the Grand Mesa National Forest (GMNF) from “travel anywhere” to “travel on designated routes only” and identified the routes that were to be open to motorized travel. Some routes were closed to motorized travel as a result of that decision. The 1994 decision was appealed by several individuals and groups, including the Colorado Off Highway Vehicle Coalition (COHVCO).

As required by regulation, informal disposition meetings were held to seek to resolve the appeals. A Settlement Agreement was reached between the Forest Supervisor and COHVCO. The Forest committed to “evaluate re-opening to motorized recreation use: a) 100 miles of the 299 miles of non-system trails closed in the 1994 decision, and b) those water user access roads and trails in the GMNF necessary to access their water facilities.” See Appendix A of the Environmental Assessment for a copy of the Settlement Agreement.

The Forest Service began the analysis in late 1995. An Environmental Assessment was published in December 1996 which analyzed reopening 101.7 miles of routes. The EA was distributed for the 30-day comment period for public review. Upon review of over 600 comments, Forest Supervisor Robert Storch directed the District to complete a comprehensive route-by-route study in 1997.

In late 1999 after two years of working with local motorized groups, water users and citizens, a proposed action that met the spirit of the settlement agreement was sent out for public comment.

Over 100 comment letters were received. The interdisciplinary team then identified key issues and developed additional alternatives to be analyzed. During this time, the team was confronted with several new challenges and policy direction which required new and additional analysis to support a decision. These included the listing of the Canada Lynx in early 2000, FS receipt of appeal and subsequent decision remands¹ in 2001 regarding ‘species viability’ and ‘management indicator species’, lengthening the analysis process.

An Environmental Assessment was issued in August of 2002 and sent out for public comment (until October 20, 2002). Since November, the Forest Service has been completing the final analysis and responses to the twenty-six comment letters received.

As part of the final legal requirements before issuing a decision, the Forest Service must determine the effects of its decision on threatened and endangered species under the Endangered Species Act.

In late December 2002, as we were preparing our final determinations, a 9th Circuit Court issued a decision against the United States Fish and Wildlife Service (FWS) regarding the listing of the Canada Lynx. This decision directly stalled many pending Forest Service decisions, including the Grand Mesa Travel decision. The FWS consultation process was stalled for several months; as a result, the concurrence process was delayed nearly 11 months.

¹ These were separate decisions within Region Two that affected analysis processes for species viability and management indicator species.

Current Situation

Currently there are approximately 400 miles of system routes available for the Off Highway Vehicle (OHV) traveler on the GMNF and approximately 129 miles of system routes not open to motorized travel. Non-motorized travel is allowed anywhere, however, users are encouraged to remain on established system routes. System routes are those routes the Forest Service identifies, numbers, establishes a maintenance level, and signs as a designated route, thereby encouraging use by the public.

The 1994 travel management decision included a provision for 25 lakes and reservoirs to focus on 'walk-in' fishing opportunities. The associated trails were specifically closed to public motorized access. These routes remain as restricted use and were not reconsidered. See Appendix C of the EA for a list of these lakes and reservoirs. It continues to be my objective to provide trails and areas that focus on non-motorized experiences as well. These areas include Griffith/Bull Creek/West Bench; Scales Lake; Kannah Creek; core portions of the Flattops; Leon Peak.

The existing travel direction is contained within the current Land and Resource Management Plan for the Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests and the 1994 Grand Mesa Travel Decision. This document records my decision. This Decision is concerned only with OHV travel on National Forest System, and does not extend to other agency jurisdictions or to private land. It was not my intent to consider or analyze 4WD opportunities or other modes of travel.

This Decision modifies that 1994 Decision for summer OHV motorized use only.

DECISION AND REASONS FOR THE DECISION

Based upon my review of all alternatives, I have decided to re-open to the public OHV motorized use on the routes listed in Table 1. Rationale for my selection or non-selection of each route is presented in the table. My decision is also reflected in a travel map (referred to as 'Grand Mesa Travel Decision, December 2003), made a part of this Decision. In the event of any conflict in these representations of my decision, Table 1, then the map, then the narrative language of this Decision Notice, and then the representations in the EA, in that order of precedence represent my decision.

My decision as documented here is a modification of Alternative 2 based on my consideration of public comment and the analysis. This will add a total of approximately 25 miles of motorized OHV opportunities on the Grand Mesa National Forest analyzed in this EA. In addition, I am opening approximately 5 miles of existing Forest Service system roads for OHV travel.² This results in a total of approximately 30 miles of routes available for OHV motorized use.

² Up until this time OHV use was prohibited on portions of these routes, however, as indicated in Table 1, they are useful in terms of connectors to other loop routes and will facilitate improved ability for law enforcement. These connections provide for a much fuller recreation experience for users. Introduction of OHV traffic on these roads has no additional environmental effect and is an administrative decision not subject to additional NEPA. I have included it here to reflect a complete travel management decision package.

This decision allows for the decommissioning of those routes not needed for the administration of or for access by special use permit or easement holders in the operation and maintenance of water user facilities. These holders will be assured a level of access to maintain and operate their facilities; however that the access will be authorized by the Forest Service and it will be the responsibility of the holder to provide resource protection, maintenance (waterbars, etc) and/or gates if deemed necessary to restrict access to only those authorized (ie., special use / easement holders).

I have chosen the modified alternative for the following reasons:

1. It provides the opportunity for improved recreation experience including loop-rides, scenic trails and connecting routes from east to west and north to south.
2. It ensures resource protection for soil, water, and wildlife habitat while allowing improved access and key connector routes.
3. It provides the best multiple-use mix and provides additional opportunities to develop non-motorized trail experiences in certain areas of the district including the Scales Lake area; Flowing Park and Indian Point area; the Flattops; Kannah Creek area; Griffiths/Bull Creek/West Bench area.
4. It has no impact to roadless values of Inventoried Roadless Areas (IRA). A total of .48 miles of routes pass through the Salt Creek IRA. The inclusion of this mileage in my decision has insignificant effect on the true roadless character of the area. See pages 3-12 through 3-17 of the EA.

TABLE 1. DECISION BY INDIVIDUAL ROUTE AND RATIONALE

Route Number and Name	Decision	~Miles Reopened	Rationale
# 03 Crane Lake	NO		Access 109.1C for area
# 04 Alkali Creek (Point Creek)	YES	1.0	Re-route through Alakali Cr to join BLM route. Add mitigation for big game winter range.
# 05 Doughspoon	NO		Parallel route
# 10 Clear Lake Overlook	NO		Easy walk
#12 Basin	NO		Granby & Scotland provide adequate access
# 14 Nick Mt.	NO		Wildlife security area
# 16 Ward Creek Reservoir	NO		Great connector via 122 to Scotland
# 18 Womack	NO		Impacts to resource
# 22 Kiser Reservoir	NO		Wet meadows/riparian
# 25 Trout Lake	YES	.26	Popular fishery
# 26 Grove Creek	NO		Dead ends on private land; encourages trespass
# 27 Carpenter	YES	.68	Popular fishery
# 28 Labbe	NO		Bisects a large area, nice loop currently exists all the way around it
# 30 Bonita	YES	.64	Open part way to & below dam not past; close section NE along reservoir
# 31 Young's Ditch	YES	1.25	Along ditch; may need hardening or pipe in portions
#32 Cole	NO		Impacts to resource
# 34 Wilson	NO		Resource impacts, Flattops
#36 Lost Hunter Loop	NO		Wildlife security area
# 37 Lucky Find Res.	NO		Parallels main road; resource impacts
# 38 Monument	NO		Bisects a large previously un-trailed area
# 40 Buzzard Cutoff	NO		Unstable soils; smaller loops (see #49 & #50) Prefer to maintain larger loop route
# 43 Owens Creek	NO		Parallels road
#44 No Good Park	NO		Conflicts w/ Gunnison NF travel mgmt decision
# 45 Cox Springs	NO		Limited recreation benefit
# 47 East Hawxhurst	NO		Parallel route; landlocked
#49 Old Stock Trail 266.1D	NO		Wildlife security area
#50 Gas Line Access 261.1E	NO		See #40 & #49; very steep
#52 Buzzard Powerline	NO		Adequate access exists
#54 Deep Creek	NO		Walk in access; connector with a system hiker/ horse
# 55 Long Slough	NO		Resource issues; protect wildlife values

# 56 Waterbug	NO		Bisects an area; access intermittent lake
# 61 Big Creek Pipeline	NO		Trickle Park road provides access.
# 62 W. Kimball Creek	NO		Steep, narrow, dangerous; resource impact
# 63 Granby	YES	1.60	Change location on northern portion to be in w/ Greenwood Trail rather than Granby 7; Add mitigation for elk calving.
# 64 Salt Creek	NO		Resource impact; steep
# 65 Porter Cutoff	NO		Riparian & wetland impacts
# 66 Scales Lake	NO		Better suited for short hiker loops; Currently receives extensive non-motorized use. Great area for easy hiking, away from motorized trails
# 67 Scales Lake Loop	NO		See #66; Municipal WS
# 68 Anderson Res.	NO		Ride along ditch; parallels 105 less ¼ mile away; portions don't exist; Municipal WS
# 69 Hollenbeck	NO		Marshy; good walk-in access
# 70 Lower Burn	YES	3.60	Trade #44 & 265.3A1 to coincide with Gunnison Travel decision & Stevens Gulch ROD.
#71 South Scales	NO		See #66 & #67
#100 Lands End Rd.	NO		Primary Highway. Maintain seasonal closure sign; proposed for paving 2004; Municipal WS
101.2A Reservoir #8	NO		Good , short walk in access
105.1D Reservoir #6	NO		See 101.2A
108.1A Reservoir #1	NO		Old gravel pit access already allowed
109.1D Flowing Park Rd.	NO		Bisects a currently non motorized area; dead end
110 Dirty George	YES	1.14	63 w/b so110 w/b. Add mitigation for elk calving.
115.1B Granby Res.	YES	.46	Access to #1 part of Scotland Trail
115.1C Basin Res.	NO		Short walk in access off Granby
121 Trickle Park Rd	YES	12.30	Important connector for east to west accesses
121.1D2 Ward Lake	NO		Very wet and marshy
122.2A1 Womack Res. #5	NO		See #18
123.3A Kiser Slough	NO		Marshy; wet; easy walk in access
123.3A1 Lily Pad Res.	NO		Easy walk in access;
124.1A2 Prebble Res.	NO		Easy walk in access ~100 yards
126 Leon Lake	NO		Bisects non-motorized area; dead-ends at non-motorized trail. Would encourage illegal use
127.1A Leon Lake Cutoff	NO		717 Non motorized; no connector
128.1 Gray Res.	NO		Sandwiched between 2 roads; easy walk-in access

128.1C3 Dogfish Res.	NO		See # 128.1
128.1K Sheep Drive Res.	NO		Reservoir is breeched; no recreation value
129 Haypark Road (Lily Pad)	YES	2.24	ATV access on main road
129.4B Blanchard Res.	NO		Easy access for walk in; no connector route
129.A Young's Creek Res.	NO		Connects w/ #22 goes over dam
129.B Pine Res.	NO		Easy walk in access
129.C Kaiser Res.	NO		See #22
132.1A2 Keimeier Res	NO		Very marshy, riparian impact would create other illegal trail use.
254.1A.1 West Griffith Lake	NO		25 Lake Area; closed as a walk in fishery.
254.1A1 Long Slough Res.	NO		Short walk-in access
279.1B1 Labbe Res.	NO		See #28
717 Leon Lake Trail	NO		Foot trail; retain as such.
719.1 Owens Res.	NO		Resource impacts
755 Willow Res.	NO		Foot trail; retain as such.
256 Forty Acre Road	YES	.80	Access to fisheries (see footnote 2 on pg 3)
257 Cottonwood Road	YES	3.5	Important connector route (see #256)
268 Owens Creek Road	YES	.25	Important connector route (see #257)

The following mitigation measures will be required as described in the EA:

1. Designated routes will be depicted on a new, updated travel map and will include available travel systems and regulations. Interim maps will be made available to the public to amend the 1995 map until a new Visitor map is produced.
2. On-the-ground signing will be used to clearly identify travel routes and the allowed modes of travel.
3. Partnerships and volunteer opportunities for constructing, reconstructing, re-routing, maintain routes, user education and monitoring will be emphasized.
4. Redesigning, reconstruction and/or relocation of a route will be completed to the standards in the Watershed Conservation Practices handbook and Forest Plan for protection of the soil, water and vegetative resources prior to opening for motorized travel.
5. When mixing OHVs with full-sized vehicle traffic, consideration will be given to ensure adequate shoulder widths, appropriately placed turnouts, posting of speed limits, clearing sight distances and utilizing parallel route construction, when possible.
6. Routes 110 and 63 will be opened to motorized traffic after July 1 each year to avoid impacts to elk during peak calving season.

7. Route 31 (The Young's ditch) may require culverts in places if freeboard can not be maintained along length of ditch.
8. Route 04 (Alkali Creek) will be closed to motorized travel (except snowmobiles) from December to May to reduce stress to big game during the winter months.

FOREST PLAN AMENDMENT

No Forest Plan Amendment is needed to implement this decision.

The EA, pages 3-23 through 3-52, describes in detail the effects of alternatives in terms of wildlife habitat. The applicable standard of elk is habitat effectiveness, and is worded in the Forest Plan as an objective level, rather than an absolute standard. Hence, no standard is violated.

The reduction in habitat effectiveness in watersheds at or below objective levels is small. These slight reductions have little effect on elk populations. This slight reduction in objective levels of calculated habitat effectiveness is counter-balanced by the recreation management objectives described elsewhere in this Decision Notice.

OTHER ALTERNATIVES CONSIDERED

In addition to the selected alternative, I considered three other alternatives. Alternatives are described in detail on pages 2-7 through 2-14 of the EA. The route-by-route comparison of these alternatives is presented on pages 2-13 through 2-14.

The following table compares alternatives in terms of over all miles which would be opened for motorized travel under each.

**COMPARISON OF ALTERNATIVES
MILES OF ROUTE OPENED FOR MOTORIZED USE**

	MILES OF THE "100 MILES" RE- OPENED	MILES OF WATER-USER ROUTES OPENED	TOTAL MILES OPENED
No Action	0	0	0
Proposed Action	95.7	56.3	152.0
Alternative 2 (Preferred Alternative) *	7.1	21.5	27.6
Alternative 3	20.3	28.6	48.9
Alternative 4	44.4	52.5	96.9

** the selected alternative was a slight variation of Alternative 2*

PUBLIC INVOLVEMENT

Extensive public involvement has been conducted throughout this process. Prior to the publication of the 1996 EA, notices were published in newspapers, and 2,500 post cards were mailed to individuals, clubs, associations, and public agencies describing the proposal and asking for comments. Three open houses were held, and the comment period after publication of the 1996 EA was extended to allow for additional public input. Over 600 comments were received from this scoping effort. As a result of the extensive interest generated through scoping, a decision was made to conduct a more in-depth analysis. Forest Service personnel attended OHV club meetings, met with water users and water commissioners, and many individuals to discuss their concerns, visions and desires. These additional efforts meet the terms of the Settlement Agreement which states “The Forest Service will, in consultation with COHVCO, its members and member clubs, identify and proposed the 100 miles to be evaluated. The Forest Service will, in consultation with Water Commissioners and water users, identify and propose the water user routes to be evaluated.”

The Proposed Action was published in several newspapers and over 1000 letters were mailed to clubs, associations, and people who indicated an interest in this proposal. Over 100 responses were received.

The final EA was published in August of 2002. The formal comment period was from August 18, 2002 to October 20, 2002. Twenty-six letters, some very detailed, were received as public comment. These comments have been summarized and responded to in separate document appended to this Decision Notice. This information was considered along with the EA in coming to this Decision.

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:

There will be no significant effects on public health and safety. Routes being opened are characteristic of dispersed motorized routes across the Forest. All have been used by motorized users in the past and none represents any specific hazard to users beyond the ordinary risks associated with this type of activity. See discussion so motorized recreation at pages 3-2 through 3-6 of the EA.

There are no unique characteristics of the area which might be affected by this Decision. The portions of the Forest which are affected by the opening of these routes are widely distributed over the Forest and are not untypical of the Grand Mesa. No ecologically critical areas such as park lands, prime farmlands, or wild and scenic rivers are found in the areas affected by the Decision. No direct effects to historic or cultural resource will result from opening these routes (see page 3-55 of the EA). There are no significant effects on wetlands (see discussion of water crossings and riparian areas in the EA at pages 3-18 through 3-23).

The effects on the quality of the human environment are not likely to be highly controversial. While there is some public disagreement regarding the reopening of routes on the Grand Mesa, there is no scientific controversy over the impacts of doing so.

We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk.

This Decision establishes no precedent for future actions with significant effects. It is limited to routes addressed. It essentially restores former use to those routes that are reopened. These are a very small percentage of the total number of miles of routes on the Grand Mesa.

The cumulative impacts are not significant. They are discussed at the end of each resource section of chapter 3 of the EA.

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. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources. Specific protocols for ensuring this are described on page 3-55 of the EA.

As discussed in detail, pages 3-38 through 3-53 of the EA, this decision 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. Refer to “Other Laws and Regulations” below.

This Decision will not violate Federal, State, and local laws or requirements for the protection of the environment.

Following specific amendment of the Forest Plan addressed above under “Plan Amendment”, the Decision documented here is consistent with the Grand Mesa Uncompahgre and Gunnison Land and Resource Management Plan as amended in 1991. If the amendment of the Plan were significant as defined at FSH 1909.12.5, an EIS would automatically be required. As is discussed above, under “Plan Amendment” it is not.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

Canada Lynx (*Lynx canadensis*) was listed as a Threatened Species under the Endangered Species Act (ESA) in March 2000. One of the distinct population segments (DPS) identified for protection under ESA is the southern Rocky Mountain DPS, which includes suitable habitat on the GMUG. On December 26, 2002, the District Court for the District Court of Columbia issued an order that enjoins the Fish and Wildlife Service from issuing any ‘written concurrence(s) for actions proposed by federal agencies that ‘may affect, but are not likely to adversely affect’ Canada lynx. Specifically, any actions subject to consultation that may affect Canada lynx require formal consultation as described in 50 CFR 402.14 and preparation of a biological opinion in order to complete procedural requirements of Section 7 of the Act.

The proposed action was determined to result in a ‘may affect, not likely to adversely affect’ determination to Canada lynx. This determination was based upon the following:

- There are 5 routes identified for opening that are within lynx habitat -#25 Trout Lake (0.26 miles, #27 Carpenter Lake (0.68 miles), #30 Bonita Lake (0.64 miles), #63 Granby

(.62 miles), and #115.1B Granby Reservoir (0.46 miles). These routes will affect less than 1% of the total lynx habitat and approximately 3% of the denning habitat within the affected Lynx Analysis Units (LAU).

- These routes are intended for summer use and will not be designated as over the snow routes or designated snowmobile play areas in accordance with the Lynx Conservation Strategy (LCAS, 2000) under this decision. The LCAS Standard for snow compaction states that there should be “no net increase in designed or groomed over-the-snow routes” (LCAS as amended, pg.7-9).

The Fish and Wildlife Service issued a Biological Opinion for projects submitted for batched consultation by Region 2 of the Forest Service in October 2003. The Grand Mesa Travel Management Plan decision (2003) was included in this batch. Fish and Wildlife Service concluded that the opening of the five routes in Lynx habitat will not jeopardize the continued existence of the Canada lynx, and the effects are insignificant and discountable. Critical Habitat has not been designated for this species therefore none will be affected.

There is no issue with regard to compliance with either the Clean Water Act, or the Clean Air Act.

The State Historic Preservation Officer (SHPO) has concurred with the procedure for compliance with Section 106 of the National Historic Preservation Act. Heritage resources suffer no harm.

There is no new road construction or reconstruction proposed, hence requirements of both the Roads Analysis Rule, and the Roadless Rule are met, with no further analysis beyond that documented in the EA.

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."

Our conclusion is 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 OR APPEAL OPPORTUNITIES

The appeal regulation which is applicable to this decision is the version of 36 CFR 215 promulgated in 1993 and amended in 1998. These regulations may be viewed at <http://www.fs.fed.us/emc/applit/includes/93appregs.pdf>. The new Forest Service appeal regulations at 36 CFR 215 published on June 4, 2003 will apply to decisions for which the Notice of Opportunity to Comment (30 day comment period) is published after June 4, 2003.

The Notice of Opportunity to Comment on this analysis occurred in August 2002. Hence, this decision is subject to appeal in accordance with 36 CFR 215.7 of the 1993 rule. A written Notice of Appeal must be submitted within 45 days after publication of the notice of this Decision in the Grand Junction Daily Sentinel. Appeal Notice must be sent to:

USDA, Forest Service, Rocky Mountain Region
Attn: Appeals Deciding Officer
P.O. Box 25127
Lakewood, Colorado 80225

Appeals must meet content requirements of 36 CFR 215.14.

IMPLEMENTATION DATE

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.

CONTACT PERSONS

For further information from the Forest Service on this decision, contact, Connie Clementson, District Ranger, Grand Valley Ranger District, 2777 Crossroads Blvd., Unit A, Grand Junction, Colorado 81506. Telephone (970) 242-8211, or Jeff Burch, 2250 Hwy 50, Delta, Colorado 81416, Telephone (970) 874-6649.

ROBERT L. STORCH
Forest Supervisor
Grand Mesa, Uncompahgre and Gunnison National Forests

Date