

DECISION MEMO
MODIFICATION OF UNCOMPAHGRE TRAVEL PLAN TO
ALLOW FOR VARIABLE SEASONAL CLOSURE OF
SELECTED FOREST DEVELOPMENT ROADS

Delta, Mesa, Montrose, Ouray and San Miguel Counties
Colorado

MAY, 2006

Responsible Official:

Charles S. Richmond, Forest Supervisor
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CHARLES S. RICHMOND
Forest Supervisor

Date

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BACKGROUND

The table below lists Forest Development Roads which are shown in the March 2002 Uncompahgre National Forest Travel Plan Record of Decision as “RST (restricted) – No motorized vehicles over 50“ wide 11/15 – 5/30 to protect soft roadbed from damage” (see Table ROD-1 of the Record of Decision). This is a road maintenance issue.

<i>ROAD #</i>	<i>Name</i>	<i>Length</i>
90	Old Highway 90	18.4
402	Divide Road	74.6
402.8E	Pool Cr West	.8
404	Uranium	10.7
408	Dominguez	12.1
409	Brushy Ridge	14.7
503	Delta Nucla	25.5
510	Dave Wood	8.7
515	Deadhorse	6
526	Sanborn Work Center	1.9
530	Sanborn Park	13.1
537	Horsefly	8.6
537.1F	Horsefly Local F	.7
537.1G	Dobler Spring	1.2
548.1	Pool Creek	1.7
608	McKee Draw	5.5
609	Naturita	9
611	Beaver Park	13.3
612	Galloway Creek	8.4
618	Fall Creek	14.1
621	Woods Lake	1.4
626	Trestle	4.4
627	Hidden Lake	3.4
628	Priest Lake	1.7
632	Boomerang	3.7
632.2A	Alta Lakes	.7
637	Big Creek Cutoff	1.1
638	Last Dollar	11.7
867	Alpine Plateau	7.1
868	Alpine	10.1
869	Imogene Pass	11.1

The Forest Service has been approached by several counties, as well as other Forest users, with the request to provide more flexibility with regard to the dates of closure of these full sized roads. These roads exist at differing elevations and aspect, and become useable on different dates, or are useable on different dates different years due to variable snow conditions. At this time, these roads must remain closed according to the fixed dates in the existing Travel Plan. The current restriction provides very little management flexibility.

DECISION

I have decided to remove the restriction on the roads listed above, and to replace it with language reflecting more flexible seasonal closures for all roads listed in the table above. We reasonably can open these roads to full use on an individual basis as conditions allow. There is sufficient demand for the use of the roads, and there is sufficient presence of Forest Service personnel to make the determination as to when they should be opened with out harming the resource.

With regard to the concern for impact to big game (see “Public Involvement” below), I will rely on the good judgment of District Rangers as they determine when roads may be opened for public use. In years where big game has been stressed by harsh conditions, or when affected winter range is occupied, Ranger will take these factors into account. In some cases roads may be left closed longer in spring or closed earlier in fall, depending on conditions at the time. This will be a matter of discretion on the part of the Ranger and his/her staff.

Current restriction language, applicable to the roads, of the Uncompahgre Travel Plan ROD-1 is “RST (restricted) – No motorized vehicles over 50” wide 11/15 – 5/30 to protect soft roadbed from damage”. For all of these roads, this language will be replaced by the following:

RST (restricted) – Roads seasonally closed to motorized travel using vehicles over 50” wide, to protect roadbeds from damage during snowy or wet conditions. Approximate dates of closure will be November 15 – May 30, however these roads may be closed earlier in the fall or left open later in fall, or opened earlier in spring or kept closed later in the spring, by the District Ranger on an individual basis, as roadbed and weather conditions, or other factors allow. This restriction does not prevent administrative access or access for the purpose of maintenance.

Currently existing Forest Supervisor’s closure orders will be revised.

CATEGORY OF ACTIONS UNDER WHICH THIS FALLS

These are full sized roads which are regularly maintained. Opening them for use when Forest Service personnel have determined they are ready for use will result in no environmental impact beyond the ordinary maintenance and use of National Forest System Roads.

A categorical exclusion is appropriate in this situation as there are no extraordinary circumstances potentially having effects which may significantly affect the environment, and action taken falls well within the list categories at Forest Service Handbook 1909.15, Chapter 30.

This action falls within two categories of actions established in the Forest Service Handbook 1909.15 and for which a case file and a Decision Memo is not required, but may be prepared:

31.12 - Categories Established by the Chief

The following categories of routine administrative, maintenance, and other actions normally do not individually or cumulatively have a significant effect on the quality of the human environment (sec. 05) and, therefore, may be categorically excluded from documentation in an EIS or an EA unless scoping indicates extraordinary circumstances (sec. 30.3) exist:

1. Orders issued pursuant to 36 CFR Part 261 - Prohibitions to provide short-term resource protection or to protect public health and safety.
and
4. Repair and maintenance of roads, trails, and landline boundaries.

EARTH ISLAND COMPLIANCE

These actions do not fall within the listing of categories for which notice/opportunity to comment and opportunity to appeal are to be offered under the recent Earth Island Institute v. Ruthenbeck ruling by the Federal District Court for the Eastern District of California. I have considered the even more recent case of Wilderness Society v. Rey, from the District Court of Montana, and I find that this decision is unaffected by the findings of the Court in that case.

PUBLIC INVOLVEMENT

The proposal was provided to the public and other agencies for comment during scoping January 21 through February 10, 2006. Individual contacts were made with interested parties and with local county commissioners, as many of these roads are maintained jointly with local counties.

Comments received from counties, and users were, in all but one comment, supportive of the proposed change.

Comments received during scoping did point out that although the rationale for some of these date restrictions is stated as to protect soft road bed, actually certain routes do pass through important big game winter range, and are not primary access roads to the Forest. Concern was raised that opening these roads earlier in the spring may impact big game at a critical time for them. I have accounted for this concern the language of the new restriction and in my decision above.

FINDINGS REQUIRED BY OTHER LAWS

This decision is consistent with the Grand Mesa Uncompahgre and Gunnison Land and Resource Management Plan as required by the National Forest Management Act.

The Biological Evaluation and Biological Assessment prepared originally for the Uncompahgre Travel Plan (dated 11/30/99) was reviewed and sufficiently covers this decision. There is no effect to any Threatened or Endangered, or Sensitive species from this decision.

IMPLEMENTATION DATE

This Decision may be implemented on or after the date of signature of this Decision Memo.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

In accordance with 36 CFR 215.12(f), this decision is not subject to administrative appeal.

CONTACT PERSON

For additional information concerning this decision, contact:

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