

# **DECISION NOTICE & FINDING OF NO SIGNIFICANT IMPACT**

## **Cherokee Park Project**

USDA Forest Service  
Arapaho and Roosevelt National Forests and Pawnee National Grassland  
Canyon Lakes Ranger District  
Larimer County, Colorado

### **Background and Need**

The Canyon Lakes Ranger District of the Arapaho and Roosevelt National Forests has analyzed the effects of implementing hazardous fuels reduction, meadow and aspen enhancement treatments and road system modifications within an approximately 33,547 acre area known as Cherokee Park. Of this total, an estimated 13,977 acres are National Forest System (NFS) lands intermixed with private and state ownership. County Roads 59 and 80C intersect the middle of the project area. The subdivisions of Mill Creek, Poudre River Ranch and Diamond Creek, as well as other private parcels are located within the project area. As required by the National Environmental Policy Act (NEPA), an Environmental Assessment (EA) was prepared disclosing the expected environmental impacts of the proposed action.

Many of the ponderosa pine and mixed conifer stands in the project area do not exhibit characteristics typical of the fire regimes and condition classes expected at this elevation and location, and are considered outside the historic range of variation due to fire suppression activities. The combination of current fuels conditions and trees killed by mountain pine beetle (MPB) could produce uncharacteristically severe wildfire behavior that would threaten improvements on private property and affect natural resources on National Forest system lands. Action is needed within the Cherokee Park project area to minimize the probability of crown fires that threaten values-at-risk, including homes, structures, wildlife habitat, watersheds and to restore the ecosystems to a more natural fire regime.

As a means of reducing the threat from wildfire created by these conditions, many property owners have completed, or are in the process of creating, defensible space around their structures. To meet the project's purpose and need of increasing the effectiveness of fuel reduction efforts on private lands and reducing the potential for destructive wildfires, the U.S. Forest Service proposes to reduce the amount of hazardous flammable fuels on portions of National Forest system lands within the Cherokee Park project area.

In addition, there is a need to enhance aspen stands and montane meadows within the project area. Conifers have encroached into both of these ecosystems. In meadows, fire suppression in recent decades is partially responsible for this conifer encroachment. Aspen stands and meadows provide defensible areas for firefighters and slow fire's spread.

Unmanaged travel within the project area has resulted in the creation of unauthorized roads on NFS lands that are not engineered to minimize erosion, nor planned with the larger travel system of the area in mind. These roads threaten forest resources, soil and water specifically. Escalating maintenance costs for forest roads and the aforementioned road network impacts to forest resources have prompted a need to determine which forest roads are necessary. By combining road system modifications with

hazardous fuels reduction and other vegetation management in the Cherokee Park area, significant costs savings are afforded: planning efforts are more efficient, administrative costs are reduced and heavy equipment mobilized for vegetation treatments are available to improve, modify or decommission roads while in the area.

### **Decision**

After a thorough review of the Environmental Analysis and consideration of public input, I have decided to implement the proposed action with the project design features listed in the EA on pages 27-34. These features were prescribed by the interdisciplinary team of resource specialists and were based on evaluation of site-specific conditions within the project area as well as scoping comments received by the public. The effectiveness of these measures in keeping resource impacts to a minimum is based on professional and agency experience and monitoring of projects similar to the Cherokee Park Project.

This alternative fully meets the purpose and need for action for the project as described above and detailed in the EA. The proposed action is summarized below (See EA Ch. 2 for a detailed description of the proposed action. Note some changes were made to the proposed action following the scoping period based on public input):

- Reduce hazardous fuels and restore the historic forest structure in the vicinity of Cherokee Park, Colo. on approximately 3,124 acres of NFS land through a variety of vegetation treatments including thinning, clearcutting and removal of dead trees.
- Remove conifers from up to 299 acres of aspen stands and 1,705 acres of grassland and meadow habitat.
- Modify the Cherokee Park road system as follows:
  - Maintain most forest system roads in the project area, totaling 26.29 miles.
  - Decommission 4.56 miles of forest system roads that have been identified as not necessary for forest management nor used to access private lands.
  - Convert 5.72 miles of unauthorized routes to system roads with administrative access only. These are road segments that are utilized by grazing and utility permittees and these routes will be identified in individual permits.
  - Consider conversion of 3.51 miles of unauthorized routes used to access private land to system roads, pending application from landowners for road authorization and if determined there is no alternative access across private land.
  - Decommission remaining unauthorized routes in the project area totaling 18.57 miles that are considered not needed for forest management or private land access.
  - Decommission newly identified or currently unknown unauthorized or user-created routes.

For this project, an adaptive management approach will be used to ensure that forest resources are adequately protected and project objectives are met. Monitoring would be carried out during and following project implementation for this purpose. If monitoring demonstrates objectives are not being met, resources are not being protected adequately or if conditions within the project area have changed since time of project planning (e.g. adjustments in restoration prescriptions in ponderosa pine stands, innovative approaches to forest management in light of climate change, land ownership changes), treatment approaches could be modified to better meet the project purpose and need.

Forest Service lands in this area are intermingled with private and state lands in a checkerboard pattern. To gain access to many of the Forest Service parcels in the Cherokee Park project area, travel through private land would be required in most cases by Forest Service personnel or private contractors in order to complete the project. These locations would be identified prior to beginning the vegetation

treatment activities and the conditions for access would be established with the private landowner on a case-by-case basis.

### **Public Involvement**

The Cherokee Park project was first published to the Schedule of Proposed Actions (SOPA) on April 1, 2013. A letter about the project proposal and upcoming meeting was sent to a mailing list of two hundred individuals and organizations. A legal notice announcing the public scoping and comment period was published in the Coloradoan on May 1, 2014 as well as on the project website. A press release and twitter feed also announced the scoping/comment period and meeting. An open house style public meeting was held on May 15 and twenty-one members of the public attended. A total of eighteen comments were received in reference to the project proposal.

Issues identified by the public included public notification before project implementation, access to private land and proposed treatment units, proposed road system changes, recreation access and vegetation management prescriptions. The majority of comments were from private landowners concerned about proposed changes to roads in the area and potential changes to private land access. These issues were tracked through the analysis and considered in the proposed action and project design criteria and an addendum to the travel analysis was drafted to address travel issues. No other unresolved conflicts were identified through scoping that would indicate a need for additional alternatives.

### **Other Alternatives Considered**

This section describes the proposed action alternative. When there are no unresolved conflicts concerning alternative uses of available resources (NEPA, section 102(2)(E)), the EA need only analyze the proposed action and proceed without consideration of additional alternatives (36 CFR 220.7(b)(2)(i)). The effect of taking no action is considered in the effects analysis by contrasting the impacts of the proposed action alternative with the current condition and expected future condition if the proposed action alternative were not implemented (36 CFR 220.7(b)(2)(ii)).

### **Finding of No Significant Impact**

After considering the environmental effects described in the EA, review of public input, and the use of project design features, I have determined that the actions described in the proposed action will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Therefore, an Environmental Impact Statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action. The effects to all resources of implementing the proposed action were disclosed in the EA and were determined to be local in context and short term in duration. In addition, implementation of project design features as described in the EA on pages 27-34 will further reduce project impacts.
2. There will be no significant effects on public health and safety. The principal purpose of this project is to reduce hazardous fuels that could contribute to wildfire behavior that threatens private property. Treating these fuels minimizes the threat from wildfire to the safety of the public and to firefighters. Slash created from these fuel reduction treatments will be piled and burned when moisture conditions are adequate to prevent spread. Short term impacts to air quality may result from slash pile burning; however, all burning operations will be conducted in

compliance with standards prescribed by the Colorado Air Pollution Control Division (EA, p. 33-34).

3. There will be no effect to unique characteristics within the project area that would be significantly affected by treatment activities. The EA did not identify the presence of any park lands, prime farmlands, or ecologically critical areas within the project area.
4. The effects on the quality of the human environment are not likely to be highly controversial. Controversy, in this context, refers to opposing scientific opinions, not public opposition to a project. It is generally accepted that reducing the amount and arrangement of these hazardous fuel lowers the risk of catastrophic wildfire. In addition, many studies have shown that effective structure protection from wildfire requires creation of defensible space around the building in combination with fuel reduction treatments on a landscape scale.
5. The Forest Service has considerable experience with the types of activities to be implemented. The analysis of the expected effects on all affected resources is disclosed in the EA. No unknown or unique risks were identified in the EA. The environmental effects and associated risks of the types of treatments analyzed in the EA have been documented in many studies and post-treatment monitoring has not disclosed adverse effects.
6. The implementation of this project would not establish a precedent for future actions or represent a decision in principle about a future consideration. The proposed action and other alternatives would not be a major departure from the types of activities common to the Arapaho and Roosevelt National Forests. Additionally, decisions made in regards to activities within this project area would not commit the Forest Service to actions on lands outside this project area.
7. From analysis completed by all resource specialists, the effects of implementing the proposed action do not individually, nor when considered with other past, present or reasonably foreseeable future actions near the project area, reach a level of significance (EA, Chapter 3). Treatments will only occur where appropriate, and their impacts will be reduced by project design features. For these reasons, I have determined the cumulative impacts of the project will not have a significant effect.
8. Reviews were completed of previous cultural resource surveys in the project area. Sixteen previous cultural resource inventories were completed in the vicinity (inside of or within ½ mile of the project area). Eight cultural resources were found in this area, and three of those are located within the project area. None of the resources documented are eligible for the National Register of Historic Places. A sample cultural resource inventory of the analysis area found no new significant (NRHP eligible) cultural resources within the proposed treatment units. In addition, the Northern Arapaho, Northern Cheyenne, Northern Ute, Southern Arapaho, Southern Cheyenne, and Southern Ute Tribes were consulted to determine whether any culturally significant places or locations of concern to these Tribes were located within the analysis area. No concerns about culturally significant sites within the analysis area were identified by Tribal representatives. Additionally, Class II sample surveys will be conducted when exact treatment unit boundaries have been determined (EA, p. 27). If previously undiscovered sites are found during implementation, project activities will cease until the site can be evaluated by an archeologist and appropriate site protection measures applied. Based on this information, I have determined 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.

9. As required by the Endangered Species Act (ESA), analysis of the project area was completed to determine whether the proposed action would affect any listed species. Suitable habitat for Preble's mouse is present within the analysis area, and specifically within treatment units 12 and 24 along Trail Creek and Willow Creeks. Specific conservation measures were designed to avoid and minimize impacts to Preble's habitat: only chainsaw thinning is allowed within 100 meters of each side of the stream and tracked or wheeled machinery would not be allowed within this 100-meter buffer; treatments will not remove riparian vegetation; existing dead and down woody material 5" or greater will be retained within stream buffers; and burn piles will not be located within this 100-meter buffer. The Forest Service Wildlife Biologist made a determination that this project "may affect, but is not likely to adversely affect" Preble's meadow jumping mouse and its suitable habitat. The US Fish and Wildlife Service (FWS) was consulted with prior to this decision. On September 22, 2014, the FWS concurred with the Forest Service determination.
10. The activities of this project will not violate applicable federal, state, or local laws enacted for the protection of the environment. The decision to implement the proposed action is consistent with the goals and objectives as stated in the 1997 Revision of the Land and Resource Management Plan for the Arapaho and Roosevelt National Forests and Pawnee National Grassland (Forest Plan). In addition, the proposed action meets the requirements of the Clean Air Act (1990), the Clean Water Act (1972), the National Forest Management Act (1976), the Multiple Use-Sustained Yield Act of 1960, the National Environmental Policy Act (1969), and the National Historic Preservation Act of 1966 as amended.

#### **Findings Required by Other Laws and Regulations**

*Irreversible Resource Commitments and Irrecoverable Losses (General)* - The physical and biological effects are limited to the project area and/or immediate adjacent areas. There are no known significantly irreversible resource commitments or any significant irretrievable losses of vegetation resources, wildlife habitats, soil productivity, water quality, or other renewable resources.

*Environmental Justice* - In accordance with Executive Order 12898, I have determined this project will not have a disproportionately adverse health or environmental effect on low income or minority populations.

*Effects on Floodplains and Wetlands* - There are floodplains and wetlands within the project area. These areas will not experience any significant adverse effects from management activities (EA, p. 45-49). The floodplains within the project area will not receive measurable impact by upstream influences. Management activities designed to protect these resources conform to the federal regulations for floodplains (Executive Order 11988) and wetlands (Executive Order 11990).

*Invasive Species Executive Order 13112 of February 3, 1999* - Land actions that disturb the ground have the potential to contribute to the spread of noxious weeds and other non-native plants. The project will incorporate integrated weed management measures under the Forest's Noxious Weed Management Plan. The analysis conducted in the Environmental Assessment for the Noxious Weed Management Plan determined noxious weed control actions are consistent with laws and regulations applicable to the management of National Forest System lands and resources. Part of the purpose and need of this project is to lower existing fuel loads to reduce the risk of catastrophic wildfire. With the risk of wildfire

comes the potential of large-scale spread of invasive species over a greater area. Compared with this potential, the benefits of the project outweigh the potential harm of invasive species (EA, p. 52).

**Implementation Date**

The Objection Period for this project ended on March 30, 2015. Four objections were received and assigned to the Regional Objection Review Team (RORT). The deciding officer, Forest Supervisor, Glenn Cassamassa determined the Cherokee Park project and the objection points did not violate law, regulation or policy. One objection was withdrawn. Objection Response letters were sent to objectors on May 8, 2015. The Objection Resolution Period ended on May 14, 2015. Implementation of this project can occur immediately following finalization of this decision.

**Appeal Opportunities**

This decision is not subject to appeal in accordance with Title 36 CFR, Part 215.12(i).

**Contact**

For additional information concerning this decision, contact: Nehalem Clark, Environmental Planner, Canyon Lakes Ranger District, 2150 Centre Ave. Bldg E, Fort Collins, CO 80526, (970) 295-6617, or [ncclark@fs.fed.us](mailto:ncclark@fs.fed.us).

*/s/ Kevin W. Atchley*

**May 26, 2015**

Kevin W. Atchley  
District Ranger  
Responsible Official  
Canyon Lakes Ranger District

Date

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