

**DECISION NOTICE**  
**and**  
**Finding of No Significant Impact (FONSI)**

**Colorado Department of Transportation**

**Colorado State Highway 133**

**Horseshoe Bend Fill-Site &**

**Placita Restoration**

**USDA Forest Service**

**Aspen-Sopris Ranger District, White River National Forest**  
**SW¼Sec.7, NW¼ Sec.18, T.11 S., R.88 W, 6th PM**  
**Gunnison County, Colorado**

*Scott G. Fitzwilliams, Forest Supervisor*



*Roadside debris on Highway 133 near McClure Pass*

**For More Information Contact:**

**Responsible Official:**  
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**Further Information:**  
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## **Decision and Reasons for the Decision**

Based upon my review of all alternatives, I have decided to implement Alternative A, the proposed action. This alternative is for the authorization of a 9.17-acre site located within the “Horseshoe Bend” switchback directly east of McClure pass on Colorado State Highway 133 (CSH133), at the legal description shown above. The site will be used for the permanent disposal of rocks and soil that fall onto CSH 133. This location is attractive because it is within a man-made loop in the highway, and will have minimum negative effects. This includes a generous buffer of trees along most of the outside perimeters of the site. A detailed plan for the restoration of this area is outlined in the Plan of Development (POD) and the Environmental Assessment (EA) for this project. Disturbances will generally be limited to one-acre areas at a time. Access routes will be developed as necessary to enter the site, and reclaimed when no longer needed for a given phase. Landscaped berms will play a key role in maintaining scenic values along this scenic byway.

This alternative also allows the restoration of previous fill sites in the Placita area to be restored to a natural condition. Much of this work has already been done. The present boulder storage area will be phased out and rehabilitated. Useable rocks will be stored on the one-acre sites within the Horseshoe Bend.

### **Background**

Each year, tens of thousands of tons of rocks fall onto CSH 133. The Colorado Department of Transportation (CDOT) needs a location to permanently incorporate roadside debris into the landscape. This was done in the past at the Placita sites. Continued use of these areas was found to be undesirable due to visual impacts along the highway, and the sedimentation that was making its way into the Crystal River. The Horseshoe Bend site is desirable because the loop in the highway has formed a sediment basin to keep deposits from reaching the Crystal River. With proper landscaping, re-vegetation, and the construction of berms the visual impacts can be adequately mitigated. This also leaves a future alternative for the construction of a scenic overlook once the site has been permanently filled. This purpose will be fulfilled with a long-term special use permit.

This action is needed because the geology of Highway 133 is composed of unstable mudstones and sandstones creating a safety hazard. At least one fatality and a number of accidents have occurred along this section of road from falling debris or collisions with rocks. A close, safe, economic, and efficient disposal area is necessary to keep the highway open and eliminate hazards for the public.

Although there is no longer fill being deposited in the Placita sites, a boulder storage area remains. These are useful for doing emergency road repairs in the vicinity of Redstone and Marble, which experience severe mudflows. Scoping indicated the public was in favor of retaining an area for storing these boulders. As the Horseshoe site is developed, useable rocks will be stored at the one-acre sites, and the boulders at Placita will be used up and the site reclaimed. No new storage of boulders will be allowed at Placita.

The environmental assessment (EA) documents the analysis of two alternatives to meet this need, the preferred alternative (A) and the no action alternative (B).

### **The Selected Action -Alternative A**

When compared to the other alternatives, Alternative A best meets the purpose and need because it will: 1) Contain the material in a settling basin made by the highway loop and keep sediments from reaching the Crystal River, 2) Reduce the safety risks from CDOT hauling debris long distances by reducing the traffic of dump trucks and other heavy equipment, 3) Reduce the time necessary to clean the highway up after a geologic event, 4) Produce a location suitable for a scenic overlook in the long-term future, and 5) Save the State of Colorado, the USFS, and taxpayers money by more efficiently managing this ongoing problem.

This alternative meets requirements under the *2002 Land and Resource Management Plan* for the White River National Forest, The Federal Land Policy and Management Act of 1976, and the policies of the State of Colorado's Department of Transportation. Best Management practices will be utilized.

### **Alternative B –No Action**

In addition to the selected alternative, I considered Alternative B the “No Action” alternative, in detailed study. Under this alternative, current management plans would guide management of the project area. Rocks and debris would need to be hauled long distances to disposal sites. It would take CDOT a long time over considerable distances to haul potentially dangerous materials to a safe place. Dump trucks and heavy equipment would create unneeded highway traffic. Rocks falling from dump trucks can cause accidents and break windshields.

The additional activity would use more fossil fuels, and add diesel smoke to the atmosphere, No boulders would be stored for emergency road work. Fees would be charged to the State of Colorado for the waste materials removed from the National Forest System Lands. The administrative costs of doing these permits are more expensive than the fees, which are ultimately paid for by the taxpayer.

### **Other Alternatives Considered**

Three other alternatives were considered but eliminated from detailed study. A description of these alternatives can be found in the EA on page 7.

## **PROJECT DESIGN CRITERIA**

The EA presents the PDCs which have been incorporated into the Selected Alternative. My decision includes the following PDCs:

**Table 1:  
Project Design Criteria Incorporated into the Selected Alternative**

<b>MONITORING FOR WILDLIFE, PLANTS, AND EROSION:</b>
The staff of the Aspen-Sopris Ranger District will conduct yearly inspections on both the Horseshoe Bend Fill-site and the restored area at Placita to ensure that the prescribed vegetation is adequately growing to reduce erosion and provide scenic screening from the highway
Special attention will be given to the only drainage from this area to ensure the 100' border on each side of the drainage does not get developed, and the integrity of the water influence zone is maintained.
<b>CONSTRUCTION OF SCENIC SCREENING AND REVEGETATION</b>
Berms of an appropriate size will be constructed around the perimeter of the Horseshoe Bend site where practical and re-vegetated with a selection of plants that will not attract an excessive number of deer and elk which could cause a safety issue from collisions with vehicles.
The shape of the reclaimed area should be designed and shaped to blend with existing topography. Design the re-contouring in a scale which is characteristic of the surrounding landscape, borrowing directional emphasis of form and line from natural features
Blend soil disturbance into natural topography to achieve a natural appearance, reduce erosion and rehabilitate ground cover.
The proposed fillsite should be designed so there are enough of the adjacent trees on the hillside above to ensure adequate screening for the highway users to minimize the visual impact. Avoid straight edges where removing trees. The edges, where the vegetation is removed, should be designed using a variable density cutting (feathering) technique applied to create a more natural edge that blends into the existing vegetative. Edges should be non-linear, and changes in tree heights along the edges of openings should be gradual rather than abrupt. Soften hard edges by selective removal of trees of different ages and heights to produce irregular corridor edges where possible.
Activity on steep slopes should be avoided to prevent erosion problems and reduce potential for visual impact to the scenery. Stumps immediately adjacent to highway should be flush cut or cut as low as possible to the ground to reduce visual impact.
Filling should be done in phases, so there is only a small area impacted at any time. This will lessen the overall visibility and impact to the scenery on this corridor.

The Aspen-Sopris Ranger District and the appropriate resource specialists will be responsible for monitoring CDOT's compliance with the required PDCs. Failure to comply with the required PDCs will constitute a breach of the project approval and could temporarily suspend construction and/or operations on the area approved by this decision.

## **Public Involvement**

This proposal has been listed in the Schedule of Proposed Actions since February 2009. A scoping opportunity for comment on this proposed activity was distributed to the west zone mailing list and local landowners on February 27, 2009. Eleven comments were received in response. In addition, as part of the public involvement process, the agency attended various public meetings primarily with the West Elk Scenic Byway Committee, and interacted with the local landowners, the Crystal River Caucus, Pitkin County Open Space, the Crystal Valley Environmental Protection Association, the Wilderness Workshop, and the Aspen Center for Environmental Studies.

A legal ad with a link to a *Notice of Proposed Action* was published in the newspaper of record, the *Glenwood Springs Post Independent* on November 5, 2014.

In analyzing public comments, the interdisciplinary team identified 8 key issues regarding the effects of the proposed action: 1) Maintaining scenic integrity – how to “hide” rock piles and reclaim them into a natural appearance, 2) Public safety to prevent automobile-rock accidents, 3) Pedestrian safety- keeping people from sliding down the steep slope, 3) Maintaining water quality on the Crystal River, 4) Efficiency of removing material from the roads 5) Costs of disposing of the material 6) Maintaining a storage area to keep useable rocks suitable for emergency projects, 7) Effects on recreation, including the possibility of a future scenic overlook, 8) Effects on wildlife being attracted to grass and causing vehicular-animal collisions.

To address these concerns, the USFS created the alternatives described above, modified the proposed action, and added design features as described in the Project Design Criteria and Plan of Operations for this proposal.

## **Consistency with Other Laws and Regulations**

This decision is consistent with the White River National Forest Land and Resource Management Plan (Forest Plan) as required by the National Forest Management Act and all other laws, regulations and policies that govern Forest Service actions. Forest Plan standards and guidelines will be applied as appropriate to meet Forest Plan goals and desired conditions.

## **Opportunity to Object the Proposed Project**

This proposed project is subject to the objection process pursuant to 36 CFR 218, subparts A and B. Objections will only be accepted from those who have previously submitted specific written comments regarding the proposed project during scoping or other designated opportunity for public comment in accordance with §218.5(a). Issues raised in objections must be based on previously submitted, timely and specific written comments regarding the proposed project unless based on new information arising after the designated comment opportunities.

Incorporation of documents by reference is not allowed, except for the following items that may be referenced by including date, page, and section of the cited document, along with a description of its content and applicability to the objection: 1) All or any part of a Federal law or regulation; 2) Forest Service directives and land management plans; 3) Documents referenced by the Forest Service in the proposed project environmental analysis document that is subject to objection. All other documents must be included with the objection.

At a minimum, an objection must include the following: objector’s name and physical mailing address; signature or other verification of authorship upon request; identification of the lead objector when multiple names are listed; name of the proposed project; name and title of responsible official; and name of national forest unit(s) on which the project will be implemented (§218.8(d)).

Objections, including attachments, must be filed via mail, fax, email, hand-delivery, express delivery, or messenger service (Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding

holidays) to: Reviewing Officer, Dan Jirón, Regional Forester, USDA Forest Service, Rocky Mountain Region, 740 Simms, Golden, CO 80401; FAX: (303) 275-5134, or email to: r02f15admin\_review@fs.fed.us Please put “CDOT Fillsite” in the subject line.

Objections must be submitted within 45 calendar days following the publication of a legal notice in the *Glenwood Springs Post Independent*, the official newspaper of record. The publication date in the newspaper of record is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframe information provided by any other source. The regulations prohibit extending the time to file an objection.

It is the objector’s responsibility to ensure timely filing of a written objection with the reviewing officer pursuant to §218.9, which includes: date of U.S. Postal Service postmark or shipping date for delivery by private carrier for an objection received before the close of the fifth business day after the objection filing period; agency’s electronically generated date and time for email and facsimiles; or official agency date stamp showing receipt of hand delivery. All objections are available for public inspection during and after the objection process.

## FINDING OF NO SIGNIFICANT IMPACT

As the responsible official, I am responsible for evaluating the effects of the project relative to the definition of significance established by the CEQ Regulations (40 CFR 1508.13). I have reviewed and considered the EA and documentation included in the project record, and I have determined that Alternative A, implementation of the CDOT Fillsite proposal at Horseshoe Bend and the Placita restorations will not have a significant effect on the quality of the human environment. As a result, no environmental impact statement will be prepared. My rationale for this finding is as follows, organized by sub-section of the CEQ definition of significance cited above.

### Context

The significance of an action must be analyzed in several contexts and varies with the setting. In the case of site-specific actions, significance depends more on the effects in the locale rather than the world as a whole. Both short- and long-term effects are relevant.

The proposed Horseshoe Bend Fillsite and Placita Restoration Projects meet the criteria in the 2002 Revision of the Land and Resource Management Plan for the White River National Forest.

The majority of this project area lies within the 4.4: “Recreation Rivers, Designated and Eligible Management Area” in accordance with the Forest Plan (pp. 3-47 to 3-48). Though not a designated river, the Crystal River is eligible for inclusion in the national system and, therefore, is managed as a wild and scenic river. Recreational rivers are managed to protect and perpetuate eligible and designated recreation river segments (Forest Plan, p. 3-353). According to the Forest Plan, the “outstandingly remarkable values that will be recognized in managing the Crystal River are scenery, historic, and recreational values” (p. F-9). Therefore, the WRNF desires to emphasize the health and appearance of vegetation communities in these areas.

The western project boundary is located partially in Management Area 4.23: Scenic Byway areas – vistas, travel corridors. The Highway itself is a portion of the West Elk Scenic Byway. These types of areas are managed to protect or preserve the scenic values and recreation uses of designated scenic byways, scenic areas, vistas, and other heavily used scenic travel corridors.

**Table 2 – Forest Plan Consistency with Selected Alternative**

<b>Forest Plan Management Direction</b>	<b>Horseshoe Bend Fillsite</b>
Goal 2: Multiple Benefits to People Provide a variety of uses, products, and services for present and future generations by managing within the capability of sustainable ecosystems.	Providing safe transportation corridors helps achieve this goal by providing access to NFSL. This project will not harm a sustainable ecosystem
Goal 4: Effective Public Service	Safe transportation corridors improve the safety and economy of roads, facilities, and operations.
Goal 5: Public Collaboration	Cooperation with the State of Colorado promotes ecological, economic, social health and sustainability across landscapes.
2a.6 Through the active promotion of partnerships with state and local governments, private parties, and organizations, encourage, establish, and sustain a diverse and well-balanced range of recreational services and facilities on the forest	The long-term future addition of a scenic overlook addresses this goal. The restored area with landscaped berms will look nicer and be safer than the present conditions.
2a.8 Foster quality opportunities for alpine and Nordic skiing and snowboarding through partnerships. Work collaboratively with local governments and permit holders to establish long-term planning objectives and management plans for sites where future development may occur on National Forest System lands	The McClure Pass area is a popular area for skiers and snowboarders to experience backcountry skiing and snowboarding. Although the Horseshoe site is not a staging area for skiing, it can relieve the use at the top of the pass and give non-skiers an opportunity to sightsee and have adequate parking.
2b.14 Over the life of the plan, manage communities of special concern (caves, riparian habitats, alpine tundra, etc.) that are characteristic of research natural areas, wild, scenic, and recreational rivers, and special interest areas on the forest for their natural conditions or values.	This proposal will help protect the Crystal River from unnecessary sedimentation by providing a location to sequester roadside debris. This will expedite the removal of materials from natural mud slides in a safe efficient manner, and help prevent the mud from damaging the aquatic life of the Crystal River.
2c Improve the capability of national forests and rangelands to sustain desired uses, values, products, and services.	Safe transportation is a key to meeting these objectives.
2c.4 Over the life of the plan, take advantage of opportunities to develop model projects that demonstrate new environmental protection technology and landscape compatible design of oil and gas production facilities.	Although this is not a model or unusual proposal, incorporating an existing design that takes care of a large public problem, such as sedimentation in rivers, is a good demonstration model of these principles.

## **Intensity**

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this EA and the references in the Project Record. Findings of no significant impact is based on the intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial.

*The benefits of having a rapid and safe rockfall storage site have not overlooked the potential adverse effects of this project, primarily being the disruption to the scenic integrity of the area. Safety is a huge factor in this decision. Hauling large amounts of rock and mud long distances is dangerous. Rocks need to be removed from roadways immediately. The present condition of the site is not natural. In the short term, there will be visual disruptions. In the long term, it will be unlikely anyone will ever know this site was present. Landscaping is a common tool to mitigate the negative effects of projects such as this.*

2. The degree to which the proposed action affects public health or safety.

*This project affects public safety because it can directly affect the amount of time it takes to clear roadside debris from the road surfaces, and minimizes the hauling distances to other disposal sites.*

3. Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas.

*There are no historic, cultural resources, parklands, prime farmlands, wetlands, or ecologically critical areas present. The Crystal River is eligible for a wild and scenic river designation. This project will help protect the pristine nature of the river by keeping sediment away from the river. Reclaiming the old Placita sites will further achieve the goal of protecting the river corridor.*

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

*This project is not highly controversial. Thousands of similar projects have occurred nationwide. It is not unique in nature and has had gone through considerable public and internal scoping. The plan of development has addressed many of the issues brought forth from comments to mitigate the effects of this proposal.*

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

*There are no highly uncertain or unique risks associated with this proposal. The highway loop has been in place since the early 1960's, and is very stable. Similar fill sites have been used nationwide. Although surprises can always occur with "unknown risks," an extensive environmental assessment and plan of operations has been done on this site and no unusual situations have been identified.*

6. The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.

*This project is unique in that it is completely contained within a man-made loop of road that has limited drainage to the Crystal River. It can be a model for future projects that present similar needs. There are no known future considerations or decisions in principle pertaining to this project.*

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

*The Rockfall Netting project completed by CDOT is further up the road from Horseshoe bend, and is not in the immediate view shed of the fillsite. If a powerline goes up to the ridge from the west side of the fillsite, it will be placed underground where possible, or it could be a shallow or a surface installation. If overhead, it will be noticeable from a specific angle from the pullout on the south side of the fillsite.*

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

*This project is located within the West Elk Scenic Byway. The byway committee has been very involved in the NEPA and design criteria processes, and their input has been incorporated into the plan of development. A cultural resource inventory report was conducted on October 29, 2008 with a finding of "... no historic properties affected, and that the project be allowed to proceed without further Section 106 actions."*

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

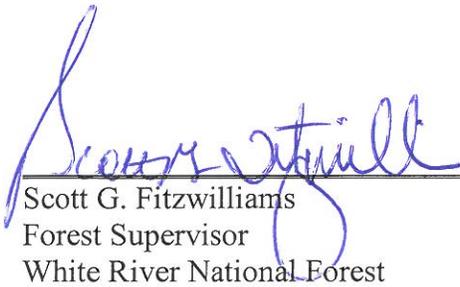
*A Biological Assessment, Biological Evaluation, Management Indicator Species, and Forest Plan Consistency Evaluation were completed by Forest Wildlife Biologist Phil Nyland on April 3, 2009. The results of the evaluations were that there were no major wildlife concerns with this proposal. No portion of the analysis area has been designated as critical habitat by the Secretary of the Interior (PL-93-205, Sec. 4, 1978.)*

10. Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

*No violations of federal, state, or local laws or requirements have been identified with this proposal. Procedures, policies, and guidelines as pertaining to the National Environmental Policy Act of 1969 were closely followed, as well as USFS policies. Scoping was conducted at the state, county, and local levels. No potential violations were noted.*

**Contact Information:**

For additional information concerning this decision or the Forest Service objection process, contact Jim Kirschvink, Realty Specialist, (970) 404-3153, c/o Aspen-Sopris Ranger District, 620 Main Street, Carbondale, CO 81623, [jkirschvink@fs.fed.us](mailto:jkirschvink@fs.fed.us) or Fax: (970) 963-1012.

  
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Scott G. Fitzwilliams  
Forest Supervisor  
White River National Forest

SEPT 29, 2015  
Date

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