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Record of Decision

Final Environmental Impact Statement for the Chimney Rock National Monument Management Plan

Archuleta County, Colorado

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San Juan National Forest, Colorado

Final Environmental Impact Statement for the Chimney Rock National Monument Management Plan

RECORD OF DECISION

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Chimney Rock National Monument Management Plan and Record of Decision Online:
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1 INTRODUCTION

This Record of Decision (ROD) presents my decision to approve a management plan for the Chimney Rock National Monument (the Monument). The Management Plan is a non-significant amendment to the 2013 San Juan National Forest Land and Resource Management Plan (LRMP) for the portion of the national forest that is in the Monument. It summarizes my reasons for choosing the Selected Alternative, as presented in the Chimney Rock National Monument final Environmental Impact Statement (FEIS), as the basis for the Chimney Rock National Monument Management Plan. The long-term environmental consequences contained in the final Environmental Impact Statement are considered in this decision.

1.1 Background

On September 21, 2012, Chimney Rock National Monument was established by Presidential Proclamation Number 8868. The Chimney Rock National Monument is recognized as an important archaeological resource dating to the Pueblo II era (roughly 900 -1150 A.D.). In addition to being the northeastern-most Chacoan outlier, the site is recognized as one of North America's foremost archaeoastronomical resources. The Proclamation requires that a management plan be prepared for the Monument.

The lands within the Monument are currently managed under the 2013 San Juan National Forest Land and Resource Management Plan (LRMP). In December 2013, the USFS published a Notice of Intent to prepare an environmental impact statement to establish management direction for the land and resources within the Monument. The draft Chimney Rock Management Plan (the Management Plan) and Environmental Impact Statement (EIS) were released for public review in January 2015. The EIS included an analysis of the Management Plan for the Monument, as well as an analysis of specific projects. The selection of specific projects for the Chimney Rock National Monument is not part of this decision, and is covered by a separate ROD.

The Chimney Rock Management Plan establishes a framework for future decision-making within the Monument by outlining a broad, interdisciplinary program for achieving the desired goals, objectives, and future conditions for the Monument for the next 10 to 15 years. The Management Plan does not make a commitment to the selection of any specific project and does not dictate day-to-day administrative activities needed to implement either agency's internal operations within the Monument. Specific projects are analyzed separately, and by applying Monument-wide management direction, the Management Plan is implemented through the design, execution, and monitoring of these site-specific projects and activities.

1.2 Location

The Chimney Rock National Monument is located in Archuleta County in southwestern Colorado. The Monument encompasses approximately 4,726 acres of land administered by the San Juan National Forest in two distinct areas: the Chimney Rock area, and the Peterson Ridge area.

1.3 Purpose and Need

The need for the Management Plan is to provide direction and guidance for the management of the 4,726 acres of National Forest System (NFS) lands within the Chimney Rock National Monument. There is also a need to address the inadequate visitor facilities currently provided at the Monument and a need to implement specific prohibitions and restrictions for the protection of the resources and objects of the Monument. Decisions regarding visitor facilities and prohibitions and restrictions are being documented in a separate ROD being prepared concurrently with this ROD.

The purpose of developing the Management Plan and proposing specific projects, prohibitions and restrictions is to ensure that public lands, resources, and objects of the Monument are managed in accordance with the intent of the Presidential Proclamation that established the Monument, as well as all applicable laws, policies, and regulations.

2 MY DECISION

2.1 Overview of My Decision

This draft ROD presents my decision to select Alternative B as presented in the FEIS to serve as the basis for a management plan for the Chimney Rock National Monument. In making this decision, I reviewed the range of alternatives, read the public comments, and considered the evaluation of the alternatives in the FEIS.

The Selected Alternative adopts a management plan for the Monument which describes in detail the strategic vision, strategies, objectives, standards and guidelines, and suitable uses for the Monument. The Management Plan incorporates direction provided by the Proclamation and is a non-significant amendment to the 2013 San Juan National Forest LRMP. This Management Plan replaces the existing management area direction for the Monument found in Section 3.17 of the LRMP. All other resource direction found in Chapter 2 of the LRMP will continue to apply within the Monument unless specifically noted.

The Selected Alternative includes a combination of management strategies and objectives that will be used for the protection and management of the scientific and historic objects identified in the Proclamation. These objects are the focus of the Management Plan and include:

- **Cultural Resources** – The Chimney Rock site contains nationally significant archaeological sites, with a total of 167 known prehistoric sites and structures within eight major site groups, or communities, including the highest Chacoan "great house" in the Southwest occurring at an elevation of 7,600 feet. The Chimney Rock site is also one of the best recognized archaeoastronomy resources in North America, with virtually all building clusters having views of Chimney Rock and Companion Rock which frame multiple astronomical alignments and illustrate the Ancestral Pueblo People's knowledge of astronomy.
- **Cultural Values** – The Chimney Rock area holds deep spiritual significance for modern pueblo and tribal communities. Descendants of the Ancestral Puebloans return to this important place of cultural continuity for ceremonial and traditional purposes. The area also contributes to our knowledge about the Ancestral Pueblo People and their understanding and command of their environment, and affords opportunities to understand how geology, ecology, and archaeology interrelate. The features of the Monument also provide recreation opportunities to visitors from near and far.
- **Visual and Landscape Characteristics** – The two soaring rock pinnacles, Chimney Rock and Companion Rock, dominate the dramatic landscape of the Monument, rising hundreds of feet from the valley floor to an elevation of 7,900 feet. The ridgeline leading to the rock pinnacles and the Peterson Ridge area both offer spectacular views of the Monument and surrounding landscape.
- **Biological Features** – Biological features are also significant landscape characteristics and include wildlife species such as peregrine falcons that nest on Companion Rock, mule deer and elk that migrate through the area each fall and spring and live there during the critical winter months, as well as the many other wildlife species and habitats present in the Monument. The

diversity of vegetation within the Monument, ranging from ponderosa pine and mixed conifer forests to desert grasslands and rare cactus species, are also important objects of the Monument.

- **Economic Opportunities** – The lands within the Monument are part of a larger area that helps support a growing travel and tourism sector that is a source of economic opportunity for surrounding communities, especially businesses in the region. This helps attract new residents, retirees, and businesses that will further diversify the local economy.

Standards and guidelines within the Management Plan ensure that the objects of the Monument and other resources within the Monument are managed in a sustainable manner. Needed course corrections or adjustments will be identified through monitoring and evaluation, and amendments to the Management Plan will be made as needed. This decision will remain in effect until the Management Plan is revised or amended.

My decision is being made pursuant to the 1982 USFS planning regulations, as allowed by the transition language of the current regulations, 36 Code of Federal Regulations (CFR) 219.17(b)(3).

2.2 Components of My Decision

There are 3 main components of my decision.

1. Adoption of a Management Plan for the Chimney Rock National Monument

I am adopting a management plan that specifically applies to the Chimney Rock National Monument. The Management Plan provides direction and guidance for the protection and interpretation of the scientific and historic objects of the Monument, as well as continued public access to those objects consistent with their protection. It includes the establishment of plan components that will guide future project and activity decision making. This includes desired conditions, objectives, standards, and guidelines for each resource and resource area. The transportation plan for the Monument, as required by the Proclamation, is also integrated into the Management Plan.

2. Determination of lands suitable for various uses

I have determined that the area is not suitable for livestock grazing or dispersed camping. **Suitability** is defined by the capability of an area to accommodate specific uses and activities in a sustainable manner based on the area's inherent biophysical characteristics, public input, and balancing desired conditions for multiple resources. My decision also includes a reevaluation of the suitability of other various uses within the Monument. Most of the suitability determinations that were previously adopted under the LRMP will continue to apply within the Monument (see allowable use table at the end of Chapter 2 of the Management Plan).

Closing the area that has been determined to be unsuitable for livestock grazing will be accomplished through a project level ROD being released concurrently with this ROD. Closing the Monument to dispersed camping will be implemented through the issuance of special orders.

3. Adoption of a Monument-specific monitoring plan

I am establishing monitoring and evaluation requirements as described in Chapter 3 of the Monument Management Plan. The monitoring plan provides a framework for adaptive management by establishing priorities and timelines for the evaluation of ecological and social conditions and trends to ensure the protection of the scientific and historic objects of the Monument. As part of the monitoring plan, we have identified potential data sources so we can readily use information provided by partners and other reliable sources. In establishing this monitoring plan, I recognize the limitations that may be placed on our ability to monitor and collect additional data, due to funding and other resource constraints. The monitoring plan included in the LRMP also continues to apply within the Monument.

3 RATIONALE FOR MY DECISION

My decision to select Alternative B is based on a careful and reasoned comparison of the environmental consequences of and responses to the issues and concerns identified for each alternative.

I selected Alternative B because it best supports our ability to protect the scientific and historic objects of the Monument while providing a sustainable level of improvements to help support a quality recreation and tourism experience for the American people. Specifically, Alternative B adopts a management plan which provides for the protection and interpretation of the objects of the Monument as well as continued public access to those objects. It ensures continued access to tribal members for traditional cultural, spiritual, and food- and medicine gathering purposes and provides direction for the protection of archaeological and cultural resources. Alternative B also provides consideration of tribal concerns and interests related to access and interpretation, addresses important protections for the scenery of the area, and adopts important winter range and peregrine falcon habitat protection measures. The San Juan National Forest conducted extensive public outreach from the initiation of this process in 2013 to the present, involving numerous Tribes, individuals, organizations, agencies, and local governments.

Project level decisions being made as part of Alternative B, including construction of visitor facilities and additional parking, construction of interpretive trails, changes to the operating season, and adoption of specific prohibitions and requirements designed for resource protection, are discussed in the Project Implementation ROD being prepared concurrently with this Management Plan ROD. Through the use of a single environmental analysis presented in the FEIS, and the preparation of the Chimney Rock Management Plan in conjunction with the Chimney Rock National Monument Project Implementation ROD, we have ensured that both planning level and project level decisions are compatible with desired conditions for the Monument. Overall, when considering both the planning level and project level aspects of Alternative B, I believe that it provides for the best mix and balance of management strategies that are responsive to the issues, concerns, and opportunities expressed by Tribes, local governments, and the general public.

3.1 Other alternatives considered in detail

Three alternatives were considered in detail, including Alternative B. The description of each of the alternatives not selected is provided below, along with my reasoning for not selecting each of them.

Alternative A represents the continuation of management direction found in the 2013 LRMP. Alternative A meets the NEPA requirements that a No Action Alternative be considered (40 CFR 1502.14). "No Action" means that the alternative reflects the implementation of existing management goals, objectives, and management practices based on the existing land use plans. Alternative A also serves as the baseline for comparing and contrasting the impacts of the other alternatives. Alternative A is based on reasonably foreseeable actions, existing planning decisions and policies, and existing land use allocations and programs.

I did not choose Alternative A as the Selected Alternative because it does not provide a management plan for the Monument as required by the Proclamation. The current forest plan does contain desired conditions, objectives, standards, and guidelines for the Monument, but they do not adequately address the need to protect and interpret the scientific and historic objects of the Monument as required under the Proclamation. The potential for impacts to cultural resources, scenery, and important wildlife habitat under Alternative A is greater than under Alternatives B and C, because the specific standards and guidelines developed under the Chimney Rock Management Plan to protect these resources would not apply to Alternative A (EIS, Chapter 3).

Alternative C provides for balanced protection of the objects of the Monument while increasing visitor and interpretive services across a much larger area of the Monument than the other alternatives. When combined with the project-level actions analyzed as part of the EIS, Alternative C would allow for development of visitor and interpretive services on the Peterson Ridge area, as well as a larger portion of the main Chimney Rock area. While some members of the public are very interested in expanding visitor and interpretive services across the Monument, especially the Peterson Ridge area, others, including many of the tribes consulted with, would prefer that visitor and interpretive services stay confined to the area already being impacted by these uses, and would prefer that the Peterson Ridge area remain relatively undisturbed at this time. There is also a considerable expense and commitment of limited resources associated with expanding visitor and interpretive services that would be greater than that associated with Alternative B. In addition, potentially providing visitor and interpretive services in the Peterson Ridge area would open this currently remote and difficult to access area up to impacts from visitation, which could increase the risk of adverse direct impacts to cultural resources from visitation (EIS, pg. 30).

Alternative C also leaves the area open to livestock grazing and dispersed camping. Leaving the area open to livestock grazing and dispersed camping under this alternative would require additional monitoring and enforcement to prevent damage to the objects of the Monument from these activities. Currently, livestock are permitted to graze on a relatively small number of acres within the Monument (approximately 826 acres) and very little dispersed camping occurs within the Monument. The amount of time and money that would be required to monitor the impacts of grazing and dispersed camping is disproportionate to the relatively small amount of use that occurs within the Monument. This excessive commitment of resources would not be required under Alternative B.

3.2 Alternatives Considered but Eliminated from Detailed Study

Several alternatives were considered during the planning process, but were eliminated from further detailed analysis. These alternatives are discussed in Section 2.5 of the FEIS, including the reasons why they were eliminated from detailed study.

3.3 Rationale for Selection of Alternative B

All three of the alternatives described above are feasible and could be implemented by the USFS; however, I find that Alternative B best aligns with the direction found in the Proclamation because it provides the most protection to the objects of the Monument while still providing access to the public and Tribal members, and is responsive to the issues that surfaced during Tribal consultation and public outreach held during the management planning process. Comments received during the formal review periods since that time, as well as the feedback and input we continue to receive from Tribal consultation, have confirmed that these issues persist as the major concerns of those with a stake in the management of the Chimney Rock National Monument. Below I explain how my decision responds to each of these issues.

Issue 1: Recreation Opportunities

This issue reflects an interest in providing improved facilities at the Monument, a desire to enhance and expand the trail system within the Monument, and an interest in improved parking, traffic management and road conditions. How additional improvements can be made at the Monument while retaining the rustic, quiet nature of the site thus preserving a quality visitor experience at the Monument, and concerns about the impacts of increased use was also raised as a concern.

This Management Plan ROD does not include decisions pertaining to specific project activities such as the construction of visitor facilities, parking areas, and trails, where these facilities may be located, or the extent of these facilities. Those decisions are being made through the Chimney Rock National Monument Project Implementation ROD, based on the combined analysis presented in the FEIS. This Management Plan ROD does, however, approve a management plan that provides direction and guidance that will be

applied during the construction of future visitor facilities, parking areas, and trails approved under the Chimney Rock National Monument Project Implementation ROD. The application of this direction and guidance will help preserve a quality visitor experience and help maintain visitor impacts at an acceptable level. For example, Guideline 3.17.20 under Cultural Resources states that new facilities should be located in areas that blend with cultural landscapes and should be designed and located in a manner that does not negatively impact ethnographic resources. Another example is Guideline 3.17.45 under Recreation which states that persons at one time (PAOT's) should be limited if visitation results in negative impacts to the objects of the Monument, safety concerns, or recurrent perceptions of crowding that cannot otherwise be mitigated. Standard 3.17.51 also requires that new facilities and associated development be designed to be consistent with the character of the site.

Also under Alternative B, approximately 91% of the Monument is identified as an area where the cultural and natural environment will be emphasized (referred to as Zone 1 in the EIS), as opposed to only 9% of the Monument where visitor use and interpretive services will be emphasized (Zone 2).

Issue 2: Research

This issue addresses the interest expressed by both archaeologists and biologists that research should be allowed to continue within the Monument. The Forest Service recognizes that past archaeological research has played an important role in preserving, interpreting, and better understanding the archaeological resources within the Chimney Rock National Monument. Partnerships with tribes, the National Trust for Historic Preservation, the Chaco Interagency Management Group, the University of Colorado, History Colorado, and other research and preservation organizations have been, and will continue to be, essential to this effort (MP, pg. 9). Research related to deer and elk migration and movement also provides valuable behavior and trend information to wildlife managers within the FS, the Southern Ute Indian Tribe, and Colorado Parks and Wildlife, and helps inform management decisions related to wildlife across several jurisdictions.

My decision does not specifically authorize or prohibit research, but the Management Plan does contain several desired conditions and objectives that encourage archaeological research (MP pg. 9 & 11). The decision to allow research is made on a case-by-case basis and could be considered either an administrative action (MP, pg. 5), or could be authorized under a land use authorization such as a special use permit (EIS, pgs. 14 and 29). Any research that is authorized within the Monument must abide by the direction and guidance provided in the Chimney Rock Management Plan designed to protect the objects of the Monument.

Issue 3: Management of Resources

General concerns were raised that development of new facilities and increased use of the area may cause damage or create environmental degradation. There were also many specific comments focused on general management of archeological resources, scenic and auditory resources, and biological resources within the Monument.

New Facilities and Increased Use: The Chimney Rock Management Plan provides direction and guidance for the protection of the scientific and historic objects of the Monument. This includes specific consideration of cultural resources, tribal interests, recreation, scenery and the auditory environment, terrestrial and riparian ecosystems, and terrestrial wildlife and fisheries. Many of the plan components addressing these resources focus on avoiding or minimizing adverse impacts to these resources during project activities. Some of the specific direction related to the development of new facilities states that wherever possible, facilities within the Monument should be located in previously disturbed or existing developed areas to help limit impacts to cultural and ethnographic resources (MP, pg. 10, Guideline 3.17.19). There is also direction which requires all new facilities and associated development to be located in areas where they will not detract from views of Chimney Rock, Companion Rock, or other

significant cultural features or viewsheds within the Monument, and requires that they be designed to be consistent with the character of the site (MP, pg. 15).

I believe that the direction found in the Chimney Rock Management Plan, combined with existing LRMP direction, and requirements from other laws, regulations, and policies, will be sufficient to protect the area from damage and environmental degradation.

Archeological Resources: The protection and management of the Monument's cultural and archaeological resources on a landscape scale was raised as a concern, along with the need to stabilize specific archeological sites within the Monument and increase interpretive opportunities. The Forest Service recognizes the significance of the archaeological resources at the Monument and the Management Plan addresses these valuable resources by focusing on the conservation and proper treatment of cultural and ethnographic resources of the monument, and conserving the viewsheds, night sky, and auditory environments that contribute to cultural values and archaeoastronomy resources of the Monument. Other plan components seek to prioritize stabilization needs (MP, pg. 9) and conduct site hardening along interpretive trails (MP, pg. 10). The plan also includes desired conditions and objectives that encourage Tribal involvement, ethnographic research, partnerships, and other activities that aid in interpretation at the Monument. The Project Implementation ROD also documents my decision to prohibit horses and dogs on interpretive trails and the archeological sites accessed by these trails, in order to protect the archaeological resource.

Scenic and Auditory Resources: Interest in preserving the scenic resource, protecting the sound landscape, and protecting the night sky environment, thus preserving a quality visitor experience at the Monument, were raised as concerns. The Management Plan addresses scenic and auditory resources by requiring that the entire Monument be managed for a scenic integrity objective (SIO) of high (MP, pg. 14). It also contains standards which require all new facilities and associated development to be located in areas where they will not detract from views of Chimney Rock, Companion Rock, or other significant cultural features or viewsheds within the Monument (MP, pg. 15, Standard 3.17.51), and require that permanent lighting be minimized to only that needed for safe site operations (MP, pg. Standard 3.17.52).

Biological Resources: Concerns regarding how management activities will impact peregrine falcons, deer and elk winter range and winter concentration areas, deer and elk calving grounds, and other native flora and fauna were raised.

The Management Plan addresses these resources by focusing on protecting wildlife habitat within the Monument, with emphasis on mule deer and elk migration corridors, winter concentration areas, severe winter range, and breeding habitat for peregrine falcons (MP, pgs. 18 & 19). My decision includes prohibiting entry to the 400 acres surrounding Chimney Rock and Companion Rock to public entry from March 15 to July 31 (with the exception of use along the Great House Trail), and a prohibition on rock climbing on Chimney Rock and Companion Rock. These two prohibitions will help minimize disturbance to peregrine falcons during breeding season, and a prohibition on over-snow vehicle use within the Monument will help minimize impacts to wintering big game. My decision also includes the adoption of a monitoring plan which involves monitoring elk use on winter range through coordination with the Southern Ute Indian Tribe and Colorado Parks and Wildlife. Adaptive management strategies used to address potential impacts may include limiting public use in winter range from December 1 – April 30 if monitoring shows this is necessary (EIS, pg. 89; MP, pg. 29).

There are also plan components which focus on managing vegetation in a manner that helps protect the cultural, historic, educational, and aesthetic values of the Monument, with emphasis placed on protecting traditional cultural materials within the Monument, and prioritizing restoration, fuels reduction, and habitat improvement projects (MP, pgs. 16 & 17).

Issue 4: Management of Valid Existing Rights and Other Existing Uses

How valid existing oil and gas leases, private minerals under Forest surface, and the other existing uses such as utility lines, and private roads and ditches within the Monument will be managed, while still protecting the objects of the Monument, was brought up as a concern. This Management Plan ROD does not include decisions pertaining to management of valid existing oil and gas leases or existing special use authorizations, but the Management Plan does contain direction that will be applied to any future oil and gas development activities and new special use authorizations. Existing special use authorizations may also be amended to prevent adverse impacts to objects of the Monument if necessary (EIS, pg. 97).

How livestock grazing will be managed was also brought up as an issue. Specifically, concerns about potential negative impacts to resources within the Monument from livestock grazing, and conversely, concerns about the area being closed to grazing, were raised. My review of this issue involved a thorough review of the EIS, conversations with local Forest Service rangeland management specialists and range permittee, as well as discussions with the Colorado Stockman's Association and the Southwest Colorado Stockman's Association.

As documented in the EIS, the 826 acres of the Monument permitted for livestock grazing currently receives very little use due to difficult access and lack of water (EIS, pg. 100), and therefore impacts from permitted grazing within the Monument have been minimal (EIS, pg. 74). However, grazing can have potentially negative impacts to cultural resources, terrestrial and riparian ecosystems, water resources and soils, and terrestrial wildlife and fisheries (EIS, pgs. 29, 31, 74, 77, 78, 91, 93, & 94). These potentially negative impacts can be minimized by using an adaptive management system that relies on monitoring to determine if management changes are needed, and if so, what changes and to what degree (EIS, pgs. 29, 31, 74, & 88). Local Forest Service rangeland management specialists, archaeologists, and other resource specialists acknowledge that this monitoring can often be extensive, and there would be a high cost and time commitment needed to adequately monitor grazing and the impacts of grazing within the Monument, in part because of the difficult access. The limited amount of funding and time available for monitoring, and the time commitment needed to monitor grazing within the Monument, could mean that prioritizing the Monument for monitoring would reduce the ability to conduct monitoring on other allotments or for other resources. I feel that the amount of time and funding that would be required to monitor the impacts of grazing is disproportionate to the relatively small amount of use that occurs within the Monument. Because of the potential for resource conflicts, the lack of water, and difficult access for both livestock and the agency personnel that would be required to monitor the area, I have determined that the portion of the Turkey Allotment within the Monument is not suitable for livestock grazing. A determination regarding closing the area to livestock grazing has been made under the Project Implementation ROD being prepared concurrently with this Management Plan ROD.

Whether or not dispersed camping is suitable within the Monument was also considered. As documented in the EIS, closure of the Monument to dispersed camping would greatly reduce the potential for direct and indirect impacts to cultural resources by protecting them from potential ground disturbance, loss of vegetation, erosion, and vandalism that could be associated with dispersed camping activities (EIS, pg. 30). The nationally significant archaeological resources and objects of cultural and educational value are among the primary reasons that the Chimney Rock area was designated as a National Monument. In order to provide for the protection to these valuable resources, I have decided to close the Monument to dispersed camping. As stated in the EIS on page 37, closing the Monument to dispersed recreation will have little effect on recreation use and experiences in the monument because it does not eliminate an activity that is presently engaged in by many visitors. I feel the public access offered during tours, through dispersed recreation at the site, and the camping opportunities offered on both public and private land adjacent to the Monument provide ample opportunities for access to the public so they may continue to appreciate the Monument and the objects that make this area worthy of protection.

Issue 5: Cultural and Tribal Concerns

Cultural and tribal concerns included a desire for continued access to the Monument for traditional, cultural and ceremonial uses, and for food and medicine gathering. Tribes also requested that the Forest Service consult with them regarding the management of the Monument and development of interpretation of the Monument. They expressed a strong interest in ensuring that interpretive information provides visitors and tribal members with an understanding and appreciation of the importance of the Chimney Rock landscape and its ancestral sites to native people, and that their tribal perspectives are included in the interpretation. Tribes also expressed concern that visitation and interpretation of the site be balanced with proper respect for the site.

The Management Plan contains components designed specifically to address tribal interests within the Monument. These plan components focus on consulting with tribes, protecting resources important to tribes, and providing access to these resources. Examples include Standard 3.17.29 which requires that projects must be designed or modified so that negative impacts to areas with high value for traditional/ ceremonial uses, and food and medicine gathering uses are avoided or mitigated. Desired Condition 3.17.25 states that, "Tribal consultation regarding management, interpretation, traditional uses and other issues of tribal concern within the Monument is an on-going process and is fostered to maintain open communication with tribes." In addition to these plan components, the SJNF will continue to ensure that the hunting rights of the Southern Ute Indian Tribe within the exterior boundaries of the Southern Ute Indian Reservation, including lands within the Monument, are upheld. The SJNF will also continue to ensure that the Southern Ute Indian Tribe's and the Ute Mountain Ute Indian Tribe's hunting and fishing rights of the 1873 Brunot Agreement are upheld on public lands under their management jurisdiction, including those lands within the Monument.

Many of the tribes consulted with would also prefer that visitor and interpretive services stay confined to the area already being impacted by these uses, and would prefer that the Peterson Ridge area remain relatively undisturbed. Under Alternative B, visitor use and interpretive services will be confined to areas where this use already occurs (approximately 9% of the Monument area, referred to as Zone 2 in the EIS). The remaining 91% of the Monument is identified as an area where the cultural and natural environment will be emphasized (referred to as Zone 1 in the EIS).

4 CHANGES FROM DRAFT TO FINAL

The Management Plan and FEIS contain changes that have occurred since the publication of the draft Management Plan and draft EIS resulting from public comments or other information. The key changes are described below.

Management Plan Direction and Guidance: Chimney Rock Management Plan components were revised to some degree within the Cultural Resources, Tribal Interests, Recreation, and Scenery and Auditory Environment sections of the Management Plan based upon public comments and internal review. Plan components that have been changed are listed below, with the changed text in italics:

> **Objective 3.17.12** (Cultural Resources section) – All new ground-disturbing activity within 300 feet of an eligible, *contributing,* or unevaluated site must be reviewed and/or monitored by a qualified archaeologist
>
> **Objective 3.17.26** (Tribal Interests section) – Within *two* years, produce a*n ethnographic study and* tribal oral history of the Chimney Rock area
>
> **Objective 3.17.41** (Recreation section) – Within one year of plan approval, issue closure orders prohibiting the following:

- Prohibit rock climbing on Chimney Rock and Companion Rock by prohibiting public entry into the 3 acre area surrounding Chimney Rock and Companion Rock
- Prohibit over-snow vehicle use within the Monument
- Prohibit horses and dogs *(with the exception of service dogs)* on the Great Kiva Trail (Trail #669) and the Great House Trail (Trail #632) *and the archaeological sites accessed by these trails.*

Standard 3.17.50 (Scenery and Auditory Environment section) – The Monument must be managed for a scenic integrity objective (SIO) of high, *unless a decision (with supporting rationale) is made to deviate from the management guidance in a site-specific NEPA decision.* (Similar to LRMP standard 2.15.13, but changes the SIO on Peterson Ridge from low to high)

Prohibitions: The prohibition on horses and dogs on interpretive trails has been clarified to include not just the trails, but the archaeological sites accessed by these trails. It now reads as follows (new text in italics): "Prohibit horses and dogs (with the exception of service dogs) on interpretive trails, including the Great Kiva Trail (NFST 699) and the Great House Trail (NFST 632) *and the archeological sites accessed by these trails.*"

Wildlife: Additional details about what adaptive management actions may be taken were added to the monitoring section for wildlife.

5 PUBLIC INVOLVEMENT AND TRIBAL CONSULTATION

5.1 Public Involvement

The original proposal to amend the LRMP was listed in the Notice of Intent that was published in the *Federal Register* on December 2, 2013. The proposed action was provided to the public and other agencies for comment during the scoping period conducted from December 11, 2013 to January 16, 2014. During the scoping period for this project, the Forest Service solicited public involvement on the development of the Chimney Rock Management Plan from a broad range of participants, including public agencies, tribes, and private organizations and individuals. The USFS met and consulted with various federal, state, tribal, and local agencies throughout the scoping process. The USFS also conducted one public open house during scoping, released public notices in local and regional newspapers, and solicited comments through direct mailings to interested individuals, all in an effort to keep interested parties informed and to solicit opinions and input germane to management of the Monument. Discussions were also held with the Chimney Rock Interpretive Association (CRIA), members of the Archuleta County Board of County Commissioners, representatives of the Town of Pagosa Springs, and the Pagosa Springs Chamber of Commerce.

The initial draft Environmental Impact Statement (DEIS) was released for public comment in January 2015, with the comment period running from January 16, 2015 to March 2, 2015. The Forest Service held one public open house during the comment period in February 2015 to review, discuss, and receive comments on the DEIS. During the comment period, the Forest Service also met with the Archuleta County Commissioners, the Chimney Rock Interpretive Association, range permittees, and both the Colorado and the Southwest Colorado Cattlemen's Association to solicit input and answer questions regarding the Management Plan.

5.2 Tribal Consultation

Tribal consultation started in August of 2013 and has been ongoing since the initiation of the management planning effort. All 26 pueblos and tribes culturally affiliated and traditionally associated with the SJNF were informed of the process and were offered a visit from agency officials to gather input and provide further information about the creation of a management plan for the Monument. The 26 pueblos and tribes affiliated with lands managed by the SJNF are:

Jicarilla Apache Nation	Pueblo of Nambe	Pueblo of Tesuque
Kewa Pueblo	Pueblo of Picuris	Pueblo of Zia
Navajo Nation	Pueblo of Pojoaque	Southern Ute Indian Tribe
Ohkay Owingeh	Pueblo of San Felipe	The Hopi Tribe
Pueblo of Acoma	Pueblo of San Ildefonso	Uintah and Ouray Ute Indian Tribe
Pueblo of Cochiti	Pueblo of Sandia	Ute Mountain Ute Tribe
Pueblo of Isleta	Pueblo of Santa Ana	Ysleta del Sur Pueblo
Pueblo of Jemez	Pueblo of Santa Clara	Zuni Tribe
Pueblo of Laguna	Pueblo of Taos	

During the course of the planning process, the Forest Service met face-to-face with 7 of the above listed tribes and pueblos, including the Hopi, Zia, Zuni, Santa Clara, Southern Ute, Ute Mountain Ute, and Jicarilla Apache. In addition, letters were sent out to all 26 pueblos and tribes at various points in the process updating them on the progress of the Management Plan and inviting them to consult. As presented in the FEIS, issues of most concern to the Tribes included a desire for continued access for traditional, cultural, and ceremonial uses, continued access for food and medicine gathering, and requests that tribes and pueblos continue to be consulted with during project development and interpretation at the Monument.

6 OTHER FINDINGS

6.1 Determination of Non-Significant Amendment

The National Forest Management Act (NFMA) implementing regulations require me to determine whether a proposed forest plan amendment would result in a significant change in the forest plan. Criteria for determining if a plan amendment is non-significant come from FSM 1926.51. Changes to land management plans that are not significant can result from several factors. These are listed below, along with my determination of how each of these factors applies to this amendment.

1. **Actions that do not significantly alter the multiple-use goals and objectives for long-term land and resource management.**
   This amendment does not significantly alter the multiple-use goals and objectives for long-term land and resource management. The Chimney Rock National Monument Management Plan contains plan components designed specifically to address the protection of the scientific and historic objects within the Monument. This new resource direction is in addition to the resource direction already contained in Chapter 2 of the LRMP, which will continue to apply within the Monument with only a few minor exceptions. These exceptions are highlighted in the Management Plan and were implemented to better address requirements within the Proclamation, and site-specific conditions within the Monument. This includes changing the scenic integrity objectives on Peterson Ridge from low to high, Monument-specific requirements related to peregrine falcon and big game habitat, Monument-specific requirements for the location of non-recreation special use authorizations, and changing certain LRMP guidelines to standards within the Monument. In addition, most of the suitability

determinations that were previously adopted under the LRMP will continue to apply within the Monument, with the exception of livestock grazing and dispersed camping. The amount of area closed to livestock grazing is approximately 826 acres, which accounts for approximately one tenth of one percent of SJNF lands considered suitable for cattle grazing. The amount of area closed to dispersed camping is 4,726 acres, which accounts for two tenths of one percent of the entire land base of the SJNF. Since the changes proposed apply only within the Monument, and the amount of area impacted by these changes is so small, I find these changes to be insignificant in context of the entire land base of the San Juan National Forest and do not feel that these actions significantly alter the multiple-use goals and objectives for long-term land and resource management on the SJNF.

2. **Adjustments of management area boundaries or management prescriptions resulting from further on-site analysis when the adjustments do not cause significant changes in the multiple-use goals and objectives for long-term land and resource management.**
   This amendment does not involve adjustments of management area boundaries or management prescriptions.

3. **Minor changes in standards and guidelines.**
   This amendment makes only minor changes to the standards and guidelines as part of the Management Plan (see response to Item 1 above), and these changes impact only those lands within the Monument.

4. **Opportunities for additional projects or activities that will contribute to achievement of the management prescription.**
   The Management Plan and the associated amendment provide strategic direction and guidance for future management of the Monument and guides resource management, practices, uses, and projects, and will therefore contribute to achievement of the management prescription.

I also find that the changes proposed would not significantly alter the long-term relationship between levels of multiple-use goods and services originally projected, nor would the changes have an important effect on the entire land management plan or affect land and resources throughout a large portion of the planning area during the planning period. Therefore, this amendment does not meet the circumstances that may cause a significant change to a land management plan, as described in FSH 1926.52.

The above documents the evaluation of this amendment in context to the significance factors as described in FSH 1926.51 and 1926.52. Based on these considerations, I find that this will not constitute a significant amendment to the 2013 Land and Resource Management Plan for the San Juan National Forest.

6.2 Identification of the Environmentally Preferred Alternative

National Environmental Policy Act (NEPA) regulations require agencies to specify the alternative or alternatives which were considered to be environmentally preferable [40 CFR 1505.2(b)]. USFS policy (FSH 1909.15, Section 05) defines environmentally preferable as:

> *"An alternative that best meets the goals of Section 101 of NEPA. Ordinarily this is the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources."*

Based on my review of the alternatives, it is my assessment that Alternative B is the environmentally preferable alternative. This alternative provides protection to the scientific and historic objects of the Monument through the adoption of a Monument-specific management plan. The Management Plan includes plan components that address the recreation environment, focus on the conservation and proper treatment of cultural and ethnographic resources in the Monument, and the conservation of viewsheds, the night sky, and the auditory environment. The Management Plan also includes plan components that

address tribal access to important resources within the Monument, and plan components that address the importance of the traditional cultural materials within the Monument, as well as interpretation and conservation education opportunities provided by the Monument. The Management Plan also contains plan components that focus on protecting wildlife habitat within the Monument, with specific emphasis on mule deer and elk migration corridors, winter concentration areas, and severe winter range, as well as breeding habitat for peregrine falcon. In addition, Alternative B includes the closure of the Monument to livestock grazing and dispersed camping to help protect and preserve the historic, cultural, and natural resources within the Monument.

It is my assessment that Alternative B best meets the goals and the substantive requirements of Section 101 of NEPA. Alternative B will ensure the future health of the land by providing appropriate strategies, objectives, standards and guidelines, and management tools to protect the objects of the Monument. Alternative B was also identified by the U.S. Environmental Protection Agency's as their environmentally preferred alternative.

6.3 Findings Required by Other Laws

I have considered the statutes governing management of the Chimney Rock National Monument, and I find that this decision represents the appropriate approach to meeting the current statutory duties of the USFS. Some of the most important are discussed below.

Presidential Proclamation

The Proclamation requires that the Management Plan provide for the protection and interpretation of the scientific and historic objects on the Monument, and continued public access to those objects, consistent with their protection. The Management Plan is also required to protect and preserve access by tribal members for traditional cultural, spiritual, and food and medicine gathering purposes, consistent with the purposes of the Monument, to the maximum extent permitted by law. After my review of the Management Plan, I am comfortable that the plan addresses these requirements, and does not violate any other specific direction in the Proclamation related to the rights of Indian Tribes, fish and wildlife management, motorized and mechanized vehicle use, livestock grazing permits and leases, vegetation management treatments, or existing withdrawals, reservations, or appropriations.

National Historic Preservation Laws

Consultation for the draft Chimney Rock National Monument Management Plan and EIS was conducted with the Colorado SHPO in February 2015 under Section 110 of the National Historic Preservation Act. In this consultation, it was stated that the FS would do Section 106 consultations prior to authorization of specific ground disturbing or other potentially impacting projects. The SHPO concurred with this approach on March 16, 2015. Project specific Section 106 consultations will be conducted as necessary for any projects undertaken in response to direction in the Management Plan. These projects will fully comply with the Chimney Rock Management Plan and LRMP standards and guidelines as well as the laws and regulations that require consideration of cultural resources. It is my determination that the Management Plan complies with the National Historic Preservation Act, the Archaeological Resources Protection Act and other statutes that pertain to the protection of cultural resources.

The Brunot Agreement

Under all alternatives, the reasonable exercise of reserved or outstanding rights for access, occupancy, and use of NFS lands within the Monument would not be affected. The rights include those that exist by law, treaty, or other authority, including land uses protected by Native American treaty rights such as the Brunot Agreement (18 Stat., 36). The Brunot Agreement, ratified by Congress in 1874, withdrew over 5,000 square miles in the mountains of southwest Colorado from the 1868 Ute Reservation. Article II of the Bruno Agreement specified "the United States shall permit the Ute Indians to hunt upon said lands so

long as the game lasts and the Indians are at peace with the white people." The Ute Mountain Ute Tribe's hunting rights were acknowledged when the tribe sued the State of Colorado for their historical hunting rights in 1978. The rights were granted to the tribe under a consent decree that gave enrolled members of the Ute Mountain Ute Tribe the right to hunt deer and elk in the Brunot area for subsistence, religious, or ceremonial purposes. In 2008, the Southern Ute Indian Tribe signed an agreement with the State of Colorado which reinstated their hunting and fishing rights within the Brunot area. The SJNF will continue to ensure that the hunting and fishing rights of the 1874 Brunot Agreement are upheld on public lands under their management jurisdictions, including those lands within the reservation exterior boundary such as the Chimney Rock National Monument. In exercising their Brunot hunting rights, the Ute Mountain Ute and Southern Ute tribal members are required to adhere to federal policy and regulations designed to protect natural and cultural resources, including direction from the Chimney Rock Management Plan designed to protect the objects of the Monument.

Other Laws and Executive Orders

I find that the selected alternative, Alternative B, is in compliance with the following laws and Executive Orders, as documented in the FEIS:

Clean Air Act of 1963
The Endangered Species Act of 1973
Federal Land Policy Management Act of 1976
Multiple-Use and Sustained-Yield Act of 1960
Mineral Leasing Act of 1920, as amended
Energy Policy Act of 2005
National Forest Management Act of 1976
Executive Order for Environmental Justice
Federal Onshore Oil and Gas Leasing Reform Act of 1987
Clean Water Act of 1972
National Forest Management Act of 1976
National Environmental Policy Act of 1969
The Migratory Bird Treaty Act of 1966
Mining and Minerals Policy Act of 1970
Energy Security Act of 1970

7 IMPLEMENTATION

No objections were received for this project, so implementation of this decision may begin on, but not before, the fifth business day following the close of the objection filing period (36 CFR 219.58(c)). The objection period for this project ended on October 19, 2015, so implementation may begin no sooner than October 27, 2015.

7.1 Project and Activity Consistency with the Monument Management Plan

Pre-Existing Decisions

In developing the Monument Management Plan, implementing pre-existing decisions within the boundaries of the Monument and the associated effects of that implementation were considered part of the baseline against which the alternatives were evaluated. Because we considered these earlier decisions in our effect analysis, their implementation is not in conflict with the Monument Management Plan.

Concurrent and Future Activities

For projects within the boundaries of the Monument with decisions made on or after the implementation date described above, direction from the Monument Management Plan will apply. These projects will be undertaken to implement the LRMP and Monument Management Plan. Most of these activities will be

site-specific and require analysis and disclosure of effects under NEPA. Site-specific analysis of proposed activities will determine what can be accomplished. The outcomes specified in the FEIS and Management Plan are estimates and projections based on available information, inventory data, and assumptions.

Existing Authorizations

Under the National Forest Management Act, "permits, contracts, and other instruments for the use and occupancy" of National Forest System lands are required to be "consistent" with the current Land and Resource Management Plan. However, this requirement is not absolute. In the plan revision context, the National Forest Management Act specifically qualifies the requirement in three ways: 1) these documents must be revised only "when necessary", 2) these documents must be revised "as soon as practicable", and 3) any revisions are "subject to valid existing rights". Currently, there are several authorized uses of NFS lands within the Monument that occur in conjunction with rights-of-ways for SH 151, CR 917, private roads, telephone lines, power lines, and gas pipelines. Other uses currently allowed on NFS lands within the Monument include oil and gas monitoring wells, ditches, water pipelines, and ponds. These activities are authorized under special use authorizations and are typically permitted for a 10-30 year term. These "use and occupancy" agreements will be reviewed to determine whether or when the Forest Supervisor should exercise his/her discretion to bring them into compliance with the revised LRMP.

I am making this plan decision in accordance with the transition provisions of the current planning regulations which permit use of the 1982 regulations for the purpose of revising the plan. However, in accordance with the current regulations at 36 CFR 219.17(c), no obligations remain for project planning from the 1982 regulations.

8 CONTACT PERSON

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Forest Supervisor
San Juan National Forest

10/28/2015
Date